

CPS GLOUCESTERSHIRE

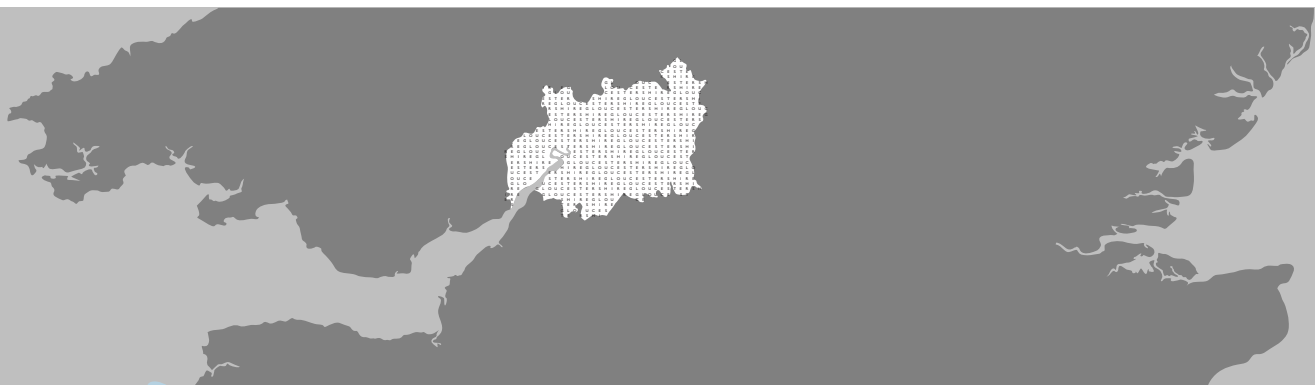
THE INSPECTORATE'S REPORT ON
CPS GLOUCESTERSHIRE

MAY 2007

*Promoting Improvement
in Criminal Justice*

HMcp*si*
HM Crown Prosecution Service Inspectorate





CPS GLOUCESTERSHIRE

THE INSPECTORATE'S REPORT ON
CPS GLOUCESTERSHIRE

MAY 2007

*Promoting Improvement
in Criminal Justice*

*HMcp*si**
HM Crown Prosecution Service Inspectorate

Area Office

Gloucester

Magistrates' Courts

Cheltenham, Gloucester; Stroud (Coleford and Cirencester infrequently used)

Crown Court

Gloucester, Bristol

CONTENTS

Preface

1	Introduction	1
	The report, methodology and nature of the inspection	2
2	Summary of inspection findings and recommendations	5
	Overview	5
	Pre-charge advice and decisions	6
	Casework in the magistrates' courts	6
	Casework in the Crown Court	6
	Presenting and progressing cases at court	7
	Sensitive cases and hate crime	7
	Disclosure of unused material	7
	Custody time limits	7
	The service to victims and witnesses	7
	Delivering change	8
	Managing resources	8
	Managing performance to improve	8
	Leadership	8
	Community confidence	9
	Added value of the CPS locally	9
	Equality and diversity issues	9
	Follow-up from previous report	9
	Recommendations and aspects for improvement	9
	Strengths	12
3	Pre-charge advice and decisions	13
	Quality of advice and decisions	13
	Bail/custody decisions	15
	Operation of the charging scheme	15
	Realising the benefits of pre-charge decision-making	17
4	Casework in the magistrates' courts	19
	Quality of case decisions and continuing review	19
	Successful outcomes	20
	Offences brought to justice	20
	Youth cases and persistent young offenders	21
	Case preparation and progression	21
	Effective, ineffective and cracked trials	21
5	Casework in the Crown Court	23

6	Presenting and progressing cases at court	27
	Advocates ensure cases progress and hearings are effective	27
	The standard of advocacy	29
7	Sensitive cases and hate crimes	31
8	Disclosure of unused material	33
9	Custody time limits	35
10	The service to victims and witnesses	37
11	Delivering change	39
	Purpose and planning	39
	Change management	40
	Staff skills and training	42
12	Managing resources	43
	Use of resources and budget control	43
	Value for money principles	45
	Staff deployment	45
13	Managing performance to improve	49
	Accountability for performance	49
	Joint performance management with CJS partners	51
	Performance information and analysis	51
	Casework Quality Assurance and improvement	53
14	Leadership	55
	Vision and management	55
	Governance	57
	Ethics, behaviours and the approach to equality and diversity	57
15	Securing community confidence	59
 Annexes		
A	Area Effectiveness Inspection Framework	61
B	Organisation chart	64
C	Casework performance data	65
D	Resources and caseloads	66
E	Implementation of aspects for improvement from report published in December 2005	67

F	Total number of files examined for CPS Gloucestershire	72
G	Local representatives of criminal justice agencies and organisations	73
	who assisted in our inspection	
H	HMCPSI Vision, Mission and Values	75
I	Glossary	76

PREFACE

Her Majesty's Crown Prosecution Service Inspectorate (HMCPISI) was established by the Crown Prosecution Service Inspectorate Act 2000 as an independent statutory body. The Chief Inspector is appointed by, and reports to, the Attorney General.

HMCPISI's purpose is to promote continuous improvement in the efficiency, effectiveness and fairness of the prosecution services within a joined-up criminal justice system, through a process of inspection and evaluation; the provision of advice; and the identification of good practice. It works in partnership with other criminal justice inspectorates and agencies, including the Crown Prosecution Service (CPS) itself, but without compromising its robust independence.

The main focus of the HMCPISI work programme is the inspection of business units within the CPS – the 42 Areas and Headquarters Directorates. HMCPISI has now undertaken two cycles of inspection, and an overall performance assessment of CPS Areas. We are now undertaking a programme of risk-based Area effectiveness inspections during 2006-07. The Areas to be inspected include the four assessed as "Poor" in the overall performance assessments and those which had Poor aspects of performance within their assessment. A risk model has been developed and updated performance information has been used to identify the Areas to be the subject of inspection. Our new Area Effectiveness Inspection Framework is designed primarily to stimulate improvement in performance; and also enable assurance to be provided as to whether performance has improved since Areas were last assessed. We have incorporated requirements to ensure that our inspection process covers matters contained in the inspection template promulgated by the Commission for Racial Equality.

In 2005-06 we undertook the overall performance assessment (OPA) of all 42 CPS Areas and published a summative report examining the performance across the CPS as a whole. In those reports we assessed the individual CPS Areas as "Excellent", "Good", "Fair" or "Poor". We will seek to assess improvement in performance achieved by them. However, as our evidence base will be wider than in those assessments, and as our risk-based inspections will not cover the whole range of performance in those Areas, we will not draw direct comparisons or rate Areas in these terms. We propose to undertake a second programme of overall performance assessments in 2007-08 which will include transparent ratings.

This series of inspections will not cover all CPS Areas, in particular we will not be inspecting those assessed as Good or Excellent in our OPAs. Those Areas may nevertheless be visited in the course of a rolling programme of casework quality assessment or as part of thematic reviews.

The Government has initiated a range of measures to develop cohesion and better co-ordinated working arrangements amongst the criminal justice agencies so that the system overall can operate in a more holistic manner. Public Service Agreements between HM Treasury and the relevant Departments set out the expectations which the Government has of the criminal justice system at national level. However, it is our experience that the targets can frequently be achieved notwithstanding significant inefficiencies in the processes and without work necessarily being of a suitable standard. HMCPISI does not therefore necessarily accept that simply meeting the targets is indicative of satisfactory performance and we have made clear in our Framework the standards which we consider are applicable. The point also needs to be made that comparisons with the national average do not necessarily mean that the national average is considered an acceptable standard. If a particular aspect of performance represents a weakness across CPS Areas generally, it would be possible for an Area to meet or exceed the national average without attaining the appropriate standard.

The framework within which the criminal justice system (CJS) is managed nationally is reflected in each of the 42 criminal justice areas by a Local Criminal Justice Board. HMCPsi places great emphasis on the effectiveness of CPS relationships with other criminal justice agencies and its contribution to the work of these Boards. For this purpose, HMCPsi will work closely with other criminal justice inspectorates and conducts a number of joint inspections of CJS areas during each year.

The inspection process will focus heavily on the quality of casework decision-making and casework handling that leads to successful outcomes in individual cases. It will continue to extend to overall CPS performance. Consistently good casework is invariably underpinned by sound systems, good management and structured monitoring of performance. Inspection teams comprise legal and business management inspectors working closely together. HMCPsi also invites suitably informed members of the public, nominated by national organisations, to join the process as lay inspectors. These inspectors are unpaid volunteers who examine the way in which the CPS relates to the public, through its dealings with witnesses and victims, its engagement with the community including minority groups, its handling of complaints and the application of the public interest test contained in the *Code for Crown Prosecutors*.

HMCPsi has offices in London and York. The London office houses the Southern Group and the Northern and Wales Group is based in York. Both Groups undertake thematic reviews and joint inspections with other criminal justice inspectorates. At any given time, HMCPsi is likely to be conducting up to six geographically-based or Directorate inspections and two thematic reviews, as well as joint inspections.

The Inspection Framework we have developed can be found summarised at Annex A. The chapter headings in this report relate to the standards and the sub-headings relate to the criteria against which we measure CPS Areas.

The Inspectorate's reports identify strengths and aspects for improvement, draw attention to good practice, and make recommendations in respect of those aspects of the performance which most need to be improved. The definitions of these terms may be found in the glossary at Annex I.

I INTRODUCTION

- I.1 This is Her Majesty's Crown Prosecution Service Inspectorate's (HMCPIS) report about CPS Gloucestershire (the Area) which serves the area covered by the Gloucestershire Constabulary. It has one centralised office at Gloucester and the Area Headquarters (Secretariat) is also based here.
- I.2 Area business is divided on functional lines between magistrates' courts and Crown Court work. The Criminal Justice Unit (CJU) is responsible for the conduct of all cases dealt with in the magistrates' courts, while the Trials Unit (TU) reviews and handles cases dealt with in the Crown Court.
- I.3 At the time of the inspection in February 2007, the Area employed the equivalent of 51 full-time staff. The Area Secretariat comprises the Chief Crown Prosecutor (CCP), Area Business Manager (ABM) and the full-time equivalent of 5.1 other staff. Staffing of the other units is set out in the table below. The Senior Management Team (SMT) comprises the CCP, ABM and the two Unit Heads, and the Area Management Team (AMT) comprises SMT members, plus Unit Business Managers and the Area Secretariat Manager. The AMT meets on a regular basis and the SMT as and when necessary.

Grade	Trials Unit	Criminal Justice Unit	Witness Care Unit
Level D	1	1	-
Level C lawyers	7.5	8.4	-
Designated caseworkers	-	4	-
Level B3 and B2 caseworkers	1	-	-
Level B1 caseworkers	5.5	0.8	-
Level A caseworkers	4.4	8.6	1.7
TOTAL	19.4	22.8	1.7

I.4 A detailed breakdown of staffing and structure can be found at Annex B.

I.5 Details of the Area's caseload in the year to 31 December 2006 are as follows:

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge decisions	5,097	36.6	34.3
Advice	104	0.7	0.1
Summary	5,398	38.7	40.6
Either way and indictable only	3,337	23.9	24.8
Other proceedings	7	0.1	0.2
TOTAL	13,943	100%	100%

1.6 These figures include the cases set out in the next table, as all Crown Court cases commence in the magistrates' courts. In 2,101 of the 5,097 Gloucestershire pre-charge decisions (41.2%), the decision was that there should be no prosecution. Overall decisions not to prosecute account for 15.1% of the Area's caseload, compared to 13.3% nationally. Once proceedings are instituted, the case will also be counted under the relevant category of summary or either way/indictable in the caseload numbers.

1.7 The Area's Crown Court caseload in the year to 31 December 2006 was:

Crown Court cases	Area numbers	Area % of total caseload	National % of total caseload
Indictable only	245	26.8	28.6
Either way offences	371	40.6	43.1
Appeals against conviction or sentence	67	7.3	10.8
Committals for sentence	230	25.2	17.5
TOTAL	913	100%	100%

1.8 A more detailed table of caseloads and case outcomes compared to the national average is attached at Annex C and a table of caseload in relation to Area resources at Annex D. Gloucestershire has benefited from an increase of 14.3% in its budget since our last inspection (September 2003) from £1,909,800 to £2,183,609, an average of just under 5% annually. Full-time equivalent staff numbers have increased from 45.2 to 51, and the number of lawyers in post has increased from 16.6 to 17.9. Over the same period there was a substantial fall in the number of cases that proceeded in the magistrates' courts (i.e. excluding pre-charge decisions and advices) from 12,808 to 8,742. This has resulted in a significant decrease in the number of magistrates' courts' cases per lawyer and designated caseworker from 689 to 399, although the number of contested magistrates' courts' trials per lawyer has increased from 20 to 29 and the number of committals or "sent" cases from 34 to 36.

The report, methodology and nature of the inspection

- 1.9 The inspection process is based on the Inspection Framework summarised at Annex A. The chapter headings in this report relate to the standards and the section-headings relate to the criteria against which we measure CPS Areas. The italicised sub-headings identify particular issues within those criteria.
- 1.10 There are two types of inspection. A full one considers each aspect of Area performance within the Framework, while a risk-based inspection considers in detail only those aspects assessed as requiring scrutiny. This is based on our overall performance assessment (OPA) and other key data.
- 1.11 The OPA of CPS Gloucestershire, undertaken in June 2005, assessed the Area as "Fair", and as a result of this and recent performance data it was determined that the inspection should be a tailored one. In the light of that, the inspection did not include detailed consideration of managing magistrates' courts and Crown Court cases, handling sensitive cases and hate crimes, custody time limits, disclosure, service to victims and witnesses and securing community confidence.

- I.12 Our OPA report identified a total of 38 aspects for improvement. In the course of this inspection, we have assessed the extent to which these have been addressed, and a synopsis is included at Annex E.
- I.13 Our methodology combined examination of 114 cases finalised between August-November 2006 and interviews with members of CPS staff at all levels, criminal law practitioners and local representatives of criminal justice agencies. Our file sample was made up of pre-charge decision cases, magistrates' courts and Crown Court trials (whether acquittals or convictions), and some specific types of cases. We also examined five files for the purpose of assessing the Area's performance in relation to custody time limits. A detailed breakdown of our file sample is shown at Annex F.
- I.14 We make a number of assessments about the quality of decision-making and case handling in the course of the file examination. Key assessments are shown in tables at the start of Chapters 3, 4 and 5. Gloucestershire's performance is compared to the findings across the inspections we have carried out in the programme to date. A list of individuals we met or from whom we received comments is at Annex G. The team carried out observations of the performance of advocates and the delivery of service at court in each of the magistrates' courts and the Crown Court. We also carried out observations at the three charging centres.
- I.15 Inspectors visited the Area between 29 January-9 February 2007. The lay inspector for this inspection was Roy Ham, who was nominated by Victim Support. The role of the lay inspector is described in the Preface. He examined files that had been the subject of particular public interest considerations or complaints from members of the public and also visited some courts and had the opportunity to speak to some of the witnesses after they had given evidence. This was a valuable contribution to the inspection process. The views and findings of the lay inspector have been included in the report as a whole, rather than separately reported. He gave his time on a purely voluntary basis, and the Chief Inspector is grateful for his effort and assistance.
- I.16 The purpose and aims of the Inspectorate are set out in Annex H and a glossary of the terms used in this report is contained in Annex I.

2 SUMMARY OF INSPECTION FINDINGS AND RECOMMENDATIONS

- 2.1 This summary provides an overview of the inspection findings as a whole. It includes sub-headings that mirror the chapters in the report which are based upon our Inspection Framework, developed taking into account key issues across the criminal justice system and Crown Prosecution Service (CPS) initiatives (see Annex A). Other sub-headings deal with the extent to which the CPS adds value within the local criminal justice system and equality and diversity issues.

Overview

- 2.2 Gloucestershire is a relatively small CPS Area. It comprises a mix of both urban and rural communities with a population of approximately 566,000. Whilst the county as a whole is relatively affluent, the urban centres of Gloucester and Cheltenham as well as the smaller towns experience continuing problems with crime. There are five magistrates' courts, although two of these are infrequently used for criminal matters, and one Crown Court centre. The most serious cases are sent to the Crown Court at Bristol.
- 2.3 Taking account of the findings of the overall performance assessment (OPA) in June 2005, which assessed CPS Gloucestershire's performance as "Fair", and more recent performance data, it was decided that this inspection would focus on six of the 13 criteria in the Area Effectiveness Inspection Framework. The other seven have been assessed with a lighter touch. It should be borne in mind when reading this report that the subjects covered in greater detail are those aspects of work that were considered weakest through our risk assessment process.
- 2.4 There have been significant changes in the Senior Management Team since our OPA. In January 2006 a new Crown Chief Prosecutor (CCP) and Area Business Manager (ABM) from within the Area, were appointed on a temporary basis. Then in mid-2006, a new Trials Unit Head was appointed (from outside the Area) on a temporary basis to fill the position vacated by the new CCP.
- 2.5 The temporary nature of three of the four senior management appointments, and of those backfilling positions vacated, is affecting longer term planning. These, and future uncertainties about the long term structure of the Area, will hopefully be resolved in the new financial year when CPS national plans are implemented.
- 2.6 The further promulgation of the overall CPS vision, to ensure that all staff understand its implications for Gloucestershire, would assist senior managers in addressing some of the challenging issues faced. Central to these are the effective deployment of lawyers and associated casework issues such as case 'ownership'. Between the last inspection in September 2003 and the OPA in June 2005 annual caseload fell substantially (by 29.1%) because of proper recording procedures (not including specified proceedings of mainly minor traffic offences) and the tendency of police to use measures other than prosecution to bring offenders to justice. Since the OPA annual prosecution caseload has fallen by 3.8%. Whilst casework in the magistrates' courts and Crown Court were not fully inspected, the issue of case ownership and case preparation and progression emerged as important issues that need to be addressed. We also found some weaknesses in relation to disclosure, another aspect that was not inspected in full, which require attention.

- 2.7 The Area has made good progress in relation to the charging initiative since our OPA, having moved to statutory charging in October 2005, with improved benefits realisation now apparent. This also provides a good example of effective joint working with partners, with whom high level relationships are generally positive and constructive. However, some joint projects have been less successful. The Witness Care Unit has not fulfilled its early promise and needs attention, and the Effective Trial Management Programme (ETMP) is not fully embedded, with less than optimal case progression arrangements and a high level of ineffective trials.
- 2.8 Senior managers have demonstrated good progress in relation to managing resources. While overall staff deployment is not yet optimal, Higher Court Advocate (HCA) deployment is set to exceed targets and that of designated caseworkers (DCWs) is showing recent signs of improvement. Planned improvements in relation to managing performance need to be taken forward.

Pre-charge advice and decisions

- 2.9 Since moving to the statutory charging scheme good progress has been made. The scheme attracts a high level of priority with the more experienced lawyers being deployed and advice mainly provided face-to-face. Benefits can be measured in terms of improved guilty plea and attrition rates which are now all significantly better than the national targets. However, there is scope for improvement in relation to the rate of magistrates' courts and Crown Court discontinuances which, although slightly better than the national average, are not meeting targets. The relatively high level of pre-charge decisions to take no further action in cases merits more effective monitoring, and the quality of recording decisions and setting action plans needs improvement.

Casework in the magistrates' courts

- 2.10 This aspect was not fully examined, but we assessed performance as part of our analysis of a sample of Area files, and identified issues which we then explored on-site in our interviews. The standard of decision-making is generally high, but the recording of reasons for those decisions is weak. Unsuccessful outcomes are improving, although the analysis of adverse cases could be improved. Case progression and preparation for trial are matters of concern and the absence of case ownership and effective case progression procedures are hampering performance. The rate of ineffective trials is high at 25.4%, compared to 19.4% nationally, and analysis of ineffective hearings needs to be more robust. The level of vacated trials is very high at 44.9% in the year to 31 December 2006, compared with 29.4% in 2005-06. Much of this increase is as a result of an initiative to reduce trial backlogs which included vacating trials that, on review, were not expected to lead to a conviction. There are high levels of offences brought to justice in Gloucestershire, although the proportion of these that are convictions is only 35%, the lowest in the country.

Casework in the Crown Court

- 2.11 This aspect was not fully examined, but again we assessed performance as part of our analysis of the file sample. The standard of decision-making was reasonable, but the recording of reviews and decisions was poor. The conviction rate is better than nationally, and case progression and preparation are more effective than in the magistrates' courts, although a dedicated case progression officer would improve joint work with criminal justice system partners. The ineffective trial rate was almost as good as nationally last year, but has worsened since to 18.4% in the year to 31 December 2006, compared to 12.5% nationally. There needs to be more systematic and robust analysis of ineffective trials and adverse outcomes.

Presenting and progressing cases at court

- 2.12 Weaknesses in case progression mean that matters are not always ready for court and concerns were expressed about advocates' preparedness, particularly that of agents. The standard of some endorsements is poor and there is little monitoring of advocacy.
- 2.13 The standard of advocacy generally is satisfactory, but there is insufficient pro-activity by lawyers. DCWs enjoy the confidence of the courts. Good joint work has been done to reduce significantly the waiting times for trials, but at the expense of a high number of vacated and ineffective trials. There was a period of 27 weeks between a case being listed for trial and the trial in the magistrates' courts. This has been reduced to about 11 weeks, but further joint work is needed to further reduce this if summary justice is to be speedy.

Sensitive cases and hate crime

- 2.14 This was not assessed as a specific topic, but some information was gathered during interviews, observations and examination of the file sample. The decision-making in sensitive cases was sound and the Area's performance in unsuccessful outcomes for hate crime is strong. The specialist domestic violence court has overcome initial difficulties, and is now working well. Champions and specialists need to be empowered to take more positive roles in relation to disseminating information and actively contributing to performance improvement.

Disclosure of unused material

- 2.15 This aspect was not fully examined, but we assessed performance as part of our analysis of the file sample, and explored issues on-site in our interviews. Performance appears to have declined. Initial disclosure, both in the magistrates' courts and the Crown Court, was poor, largely due to the lack of proper endorsements on unused material schedules. Performance on continuing disclosure and sensitive material also suffered from poor recording of decisions. However, the handling of third party material is much better, and the rate of ineffective trials due to a disclosure issue is better than the national average.

Custody time limits

- 2.16 This aspect was not fully examined, but we assessed performance as part of our analysis of the file sample. The Area's documented systems largely comply with national guidance, although Crown Court cases in which a custody time limit is due to expire should be referred to the reviewing lawyer or Unit Head for a decision whether to seek an extension. There has been one custody time limit failure, in October 2006.

The service to victims and witnesses

- 2.17 This aspect was not fully examined but we found that the Witness Care Unit has not fulfilled its early promise, as a result of which all Crown Court cases have been removed from its remit. The Unit relies on police staff, with two CPS witness care staff working separately.
- 2.18 Efforts have been made to improve the number of letters sent under the Direct Communication with Victims (DCV) scheme and recent improvement has been achieved. Multiple listing of trials has had an adverse impact on the service to witnesses at court.

Delivering change

- 2.19 Senior managers have a clear sense of purpose for the short term and the Area Business Plan for 2006-07 is much improved. Systems for reviewing progress against the Plan need to be developed, as do risk assessment and management procedures.
- 2.20 There is some evidence of success in implementing nationally-driven change, but some joint change projects have been less successful and senior managers need to ensure that change programmes are regularly monitored and reviews acted on promptly. Staff are generally satisfied with training provided, but further work is needed to address individual development needs and prepare staff to meet future demands.
- 2.21 Looking to the future, the envisaged Area re-structure has been delayed, but the business case for any change has yet to be made. This is causing uncertainties for staff and needs to be resolved.

Managing resources

- 2.22 Since our OPA in 2005, significant improvements have been made in systems and processes used to account for and manage resources, and action has been taken to secure economies and better value for money. The budget overspend in 2005-06 was reduced, although at 2.3% was still significant. Further reduction is forecast for 2006-07. Work is being undertaken to manage and control the prosecution budget more effectively.
- 2.23 Staff deployment, however, is not yet optimal and work is needed to manage lawyers' work allocation more effectively and, as part of this, to ensure greater case ownership to reduce duplication of effort and gain consistency of approach to cases. Sickness absence levels are high, although showing signs of improvement which should help reduce agent usage, which until very recently has been high. HCA deployment is set to exceed targets in 2006-07 and DCW deployment is recently showing positive signs of improvement.

Managing performance to improve

- 2.24 Senior managers' plans for an improved performance reporting and management system have yet to be implemented in full and current arrangements are lacking in robustness. In particular there is limited systematic identification and follow through of action to deliver improvement. Performance appraisal and Casework Quality Assurance are not being used effectively as performance tools and a culture of continuous performance improvement has yet to be developed. Nevertheless, there has been some performance improvement in key aspects, including some as a result of joint work with partner agencies.

Leadership

- 2.25 Senior managers are visible and generally seen to be approachable. Communication, though improving, is not yet fully effective. The overall CPS vision needs to be further promulgated to ensure that all staff understand fully its implications for Gloucestershire. The morale of caseworkers and administrative staff is generally good, but that of lawyers is more mixed and there are some long term issues that need to be addressed. Some lawyers have admirable concern for individual cases, but do not appreciate fully the need to secure improvement to criminal justice as a whole in Gloucestershire within existing resources. The new leadership is promoting an open and constructive approach to partnership working and high level relationships are generally positive. Leadership needs to build on its strengths to address and resolve some of the challenging issues faced.

Community confidence

- 2.26 This aspect was not fully examined. The Area maintains a community log and staff at all levels participate in a wide range of events including court open days and a programme of visits to educational institutions. The officer who led the work on community engagement transferred to another post in late-2006 and a decision on the future of the role is awaiting the outcome of new CPS regional structures, but any further delay may stall previous good work.

Added value of the CPS locally

- 2.27 Senior managers have developed CPS Gloucestershire's profile amongst partner agencies and the CCP is set to chair the Gloucestershire Criminal Justice Board in 2007-08. The Area adds value to the local criminal justice system through the statutory charging scheme which is embedding well with improving benefits realisation apparent. The standard of casework decisions by prosecutors is generally good, although they could be more pro-active in ensuring cases proceed promptly. This would be enabled by more effective case preparation and case progression arrangements.

Equality and diversity issues

- 2.28 A generally positive approach is taken to equality and diversity issues and the Area demonstrates strong performance in hate crimes comprising racially aggravated and homophobic offences. Some equality and diversity considerations have been incorporated within the Area Business Plan. There is also a separate Area Workforce Representation Plan and Race Equality Scheme. Senior managers have recognised that there is scope for improved equality and diversity planning and are working with the CPS Regional Projects and Performance Officer with a view to strengthening planning for 2007-08. However, the Area is currently working without an Equality and Diversity Champion and we are concerned that this may stall further progress.

Follow-up from previous report

- 2.29 Of the 38 aspects for improvement identified in our OPA, only 12 have been achieved or had substantial progress made. Limited progress has been made in a further 18 aspects and no progress in seven. (One aspect is no longer relevant as it related to the previous leadership.) Not all of these have been repeated within this report and Area managers will need to ensure that action is taken to address outstanding aspects.

Recommendations and aspects for improvement

- 2.30 We make recommendations about the steps necessary to address significant weaknesses relevant to important aspects of performance, which we consider to merit the highest priority.
- 2.31 We have made seven recommendations to help improve the Area's performance.

1 Senior managers should improve the effectiveness of the Area's case progression systems, and consider introducing dedicated case progression officers (paragraph 6.9).

2 Senior managers should, as soon as feasible, set out and communicate a clear rationale and timetable for any changes in structures considered necessary, in order to resolve the uncertainty in relation to the longer term structure of the Area (paragraph 11.7).

-
- 3 Senior managers should ensure that all major change programmes are regularly monitored and reviews acted on promptly (paragraph 11.14).
-
- 4 Senior managers should improve the deployment of staff and allocation of work to ensure greater accountability and case ownership including:
- further work with courts on listing patterns and list sizes; and
 - analysis of underlying issues that potentially contribute to budget pressures, for instance case backlogs, case throughput rates and lengths of sittings in the magistrates' courts (paragraph 12.20).
-
- 5 Senior managers should implement the planned performance reporting regime to:
- address weaknesses identified in the previous system;
 - provide managers with a sound basis for improvement planning;
 - engage staff more effectively in performance improvement; and
 - promote a culture of continuous performance improvement (paragraph 13.8).
-
- 6 Senior managers need to ensure the Casework Quality Assurance scheme is fully complied with including:
- ensuring that assessments made are robust; and
 - putting in place clear feedback and review mechanisms to ensure that Casework Quality Assurance properly supports casework improvement (paragraph 13.23).
-
- 7 Senior managers should:
- improve communication, including action to promote the Service's national vision and its implications for the Area; and
 - engage with and secure the commitment of lawyers to working towards the national vision and to make an active contribution to improving the effectiveness of the criminal justice system in Gloucestershire (paragraph 14.7).
-

2.32 We additionally identified 18 aspects for improvement within the Area's performance.

- 1 The quality of MG3s and action plans (paragraph 3.11).
-
- 2 Systematic monitoring of cases resulting in no further action (paragraph 3.11).
-
- 3 Development of a stronger prosecution team ethos. There is scope for police officers to seek early advice more frequently prior to the charging decision stage, and for prosecutors to deliver consistently high quality action plans (paragraph 3.21).
-

-
- 4 Quality of instructions to counsel, particularly regarding pleas (paragraph 6.9).
-
- 5 The standard of endorsements on files, particularly by agents (paragraph 6.9).
-
- 6 Monitoring of the standards of advocacy should be more structured and systematic (paragraph 6.15).
-
- 7 The number and timeliness of Direct Communication with Victims letters (paragraph 10.4).
-
- 8 Development of the Area Business Plan review process to provide a fuller and more robust account of progress (paragraph 11.7).
-
- 9 Further development of the Area's risk management procedures including training for managers on the purpose and function of risk management (paragraph 11.14).
-
- 10 Further development of the Area Training Plan to reflect individual needs and prepare staff to meet the future requirements of the Service (paragraph 11.19).
-
- 11 Development of training and development evaluation processes (paragraph 11.19).
-
- 12 Continued control and management of the administration budget to eliminate overspend (paragraph 12.9).
-
- 13 Continued action to control and manage prosecution costs more effectively and to improve the timeliness of graduated fees scheme payments (paragraph 12.9).
-
- 14 Continued action to manage sickness absence effectively (paragraph 12.20).
-
- 15 Full implementation of the performance development review system to ensure all staff have clear objectives for 2007-08 and receive regular performance reviews (paragraph 13.8).
-
- 16 Timely prosecution team performance management data to be provided to partners with supporting analysis and narrative to add value to joint performance meetings. Agreement also needs to be reached on how best to monitor file quality (paragraph 13.13).
-
- 17 Review allocation of Management Information System (MIS) licences and provide appropriate support training to ensure MIS and the Compass case management system (CMS) are fully used to support performance improvement (paragraph 13.20).
-

- 18 Responsibilities and objectives for managers need to be set out clearly in Forward Job Plans, including those for specific change projects, in order that managers are properly accountable (paragraph 14.10).
-

Strengths

2.33 We identified two strengths within the Area's performance.

- 1 The pre-charge decision system is well embedded with a high proportion of face-to-face interviews (paragraph 3.21).
-
- 2 Reduced waiting times for trials in the magistrates' courts (paragraph 6.9).
-

3 PRE-CHARGE ADVICE AND DECISIONS

Since moving to the statutory charging scheme in October 2005 good progress has been made. The scheme attracts a high level of priority with more experienced lawyers being deployed and advice mainly provided face-to-face. Benefits can be measured in terms of improved guilty plea and attrition rates, which are now all significantly better than national targets. However, there is scope for improvement in relation to the rate of magistrates' courts and Crown Court discontinuances which, although slightly better than the national average, are not meeting targets. The relatively high level of pre-charge decisions to take no further action in cases merits more effective monitoring and the quality of recording decisions and setting action plans needs improvement.

Quality of advice and decisions

- 3.1 We examined a sample of case files from the Area and our findings on the quality of charging or initial review decisions are set out in the table below.

Pre-charge and initial review	Performance in the inspection programme to date	Area performance
Advice and decisions complying with evidential test in the Code	96.2%	97.4%
Advice and decisions complying with public interest test in the Code	98.3%	100%
Appropriate alternative disposals and ancillary orders were considered and acted upon	65.9%	33.3%
Prosecutor was active in identifying and remedying evidential defects	74.5%	84.0%

- 3.2 The standard of decision-making in our file sample was generally good. We considered that the advice or initial review did not fully comply with the *Code for Crown Prosecutors'* (Code) evidential test in three cases. Two of these cases fell into sensitive casework categories (rape and child abuse) so were of particular concern.
- 3.3 The choice of charge in our file sample reflected the seriousness of the offence in 107 out of 109 cases (98.2%). In one case, a charge contrary to section 9 of the Sexual Offences Act 2003 did not reflect the seriousness of the offence. The charge was subsequently amended by a second reviewing lawyer who also provided a more detailed advice including reference to the quality of the victim's video interview.
- 3.4 Whilst CPS policy was not always referred to specifically by the duty prosecutor, the advice complied with policy in 71 out of 82 cases examined (86.6%).

- 3.5 Records of decisions on the MG3 form were of variable quality with the best including a detailed analysis of the evidence and consideration of special measures, bad character and hearsay provisions, where relevant. The poorest contained little more than the alleged facts and omitted any reasons for the decision.
- 3.6 Duty prosecutors were pro-active in advising on steps necessary to remedy evidential weaknesses in 42 out of 50 cases (84%). Action plans varied in quality with the best listing detailed requirements in the appropriate section of the MG3 form. Others included such requests in the main body of the report and some omitted them altogether. Failure to identify and remedy evidential deficiencies at the charging stage resulted in requests for information being sent to the police at the full file stage. This contributed to delay in serving the prosecution's case.
- 3.7 The question of unused material was rarely addressed at the charging stage and lawyers should be encouraged to remedy this. We examined one case in which a charge of sexual touching was dropped at the plea and case management hearing due to undermining material which impacted on the credibility of the victim. An early request for and review of unused material could have prevented the bringing of unnecessary proceedings.
- 3.8 A decision about what would constitute an acceptable alternative plea, or conversely what would not be acceptable, is sometimes included by duty prosecutors on the MG3. This is a useful practice and can save unnecessary delay caused by adjournments for inquiries to be made when pleas are offered at court. It should be more widely adopted.
- 3.9 Some monitoring of pre-charge decisions is carried out by the Unit Heads, but this could be improved. Frequency is variable because Unit Heads do not always have the information they require to carry out monitoring and, when they identify failures or good practice, the results are not always used constructively to ensure that lessons are learned and benefits realised. A more systematic approach would make such monitoring more effective.
- 3.10 There is some monitoring of cases where no further action (NFAs) is advised. This is informal, based on examination of a daily log produced by duty prosecutors and some file examination. As with the monitoring of pre-charge decisions generally, it could be placed on a more formal footing to ensure that monitoring is targeted and the resulting information used effectively. This is particularly so, given that the NFA rate in the 12 months to 31 December 2006 was 37%, which is higher than the national average of 32.9%.
- 3.11 Some cases are referred to the charging lawyer for a decision to take no action when the custody sergeant and the criminal investigation supervisor are reluctant to make a decision. Duty prosecutors expressed no problem with this and considered it sometimes reflected a lack of confidence or experience on the part of the police. A consequence of this practice is that lawyers spend time reviewing cases that clearly do not pass the *Code* evidential test. Concentrating on cases that have the potential to be successfully prosecuted would provide a better use of resources.

ASPECTS FOR IMPROVEMENT

The quality of MG3s and action plans.

Systematic monitoring of cases resulting in no further action.

Bail/custody decisions

- 3.12 In the file sample decisions about custody by charging lawyers were sound. Criminal justice partners raised no concerns in this respect.

Operation of the charging scheme

- 3.13 In the year to December 2006 the Area had made pre-charge decisions in 5,097 cases. The split of work between the three charging centres is illustrated in the following table:

Charging centre	Prosecutor coverage	Caseload coverage
Gloucester	1 prosecutor daily	2,304 (45.2%)
Cheltenham	1 prosecutor on Mondays, Wednesdays and Fridays	1,606 (31.5%)
Stroud	1 prosecutor on Tuesdays and Thursdays	1,094 (21.5%)
Other cases	-	93 (1.8%)
TOTAL	10 prosecutor days	5,097 (100%)

- 3.14 Workloads across the three centres have been kept under review by the Chief Crown Prosecutor (CCP), which led to a reduction from four to three days per week in the Cheltenham charging centre and an increase from four to five days at Gloucester. On the days when Cheltenham charging centre is closed, requests for advice are faxed to Stroud and dealt with over the telephone and by email. When Stroud charging centre is closed, requests for advice are submitted to Cheltenham. A duty prosecutor at the CPS office is also available if advice is unavailable elsewhere. Levels of deployment are generally considered satisfactory, although the police would prefer more comprehensive coverage at Cheltenham.
- 3.15 All three charging centres have their own appointment systems and criminal investigation supervisors who act as 'gatekeepers', checking the quality of police file submissions and ensuring that urgent cases are given priority. Although the arrangements differ the system is working well and, in general, good working relationships have been established.
- 3.16 In most cases, the advice is given by the duty prosecutor at a face-to-face interview in the charging centre. More complex cases and those that require the lawyer to watch complainants' video interviews are sent to the CPS office and allocated to specific prosecutors.

- 3.17 There is little continuing case ownership by lawyers in charging. Sometimes the original duty prosecutor sees a case re-submitted following a request for further information. However, this is not the norm and in many instances resources are wasted whilst a second prosecutor re-reviews the case.
- 3.18 Many files are submitted for a charging decision only when officers perceive their enquiries are complete. By this time the direction of the investigation has been established and important decisions about issues such as forensic submissions have been taken. Early involvement of the reviewing lawyer should be encouraged in appropriate cases to develop the 'prosecution team' ethos and increase CPS input into the building of cases. This practice has been adopted in major cases, when senior managers have provided advice in the evening and at weekends.
- 3.19 We saw a good example in the file sample of counsel being instructed at the pre-charge stage to advise on charges in a difficult rape case. This demonstrated the prosecution team ethos in practice, but was not commonplace.
- 3.20 Procedures for handling disagreements between the police and duty prosecutors are in place but rarely need to be instigated. Differences of opinion have been swiftly resolved on the few occasions that they have occurred.
- 3.21 The use of the Compass case management system (CMS) for the recording of advice and decisions has improved markedly. The percentage of MG3s recorded on CMS has risen from 37% in April 2006 to 92% by that December.

STRENGTHS

The pre-charge decision system is well embedded with a high proportion of face-to-face interviews.

ASPECTS FOR IMPROVEMENT

Development of a stronger prosecution team ethos. There is scope for police officers to seek early advice more frequently prior to the charging decision stage, and for prosecutors to deliver consistently high quality action plans.

Realising the benefits of pre-charge decision-making

3.22 Most of the benefits of the charging scheme are being realised. Recent key outcomes against which the CPS measures performance are shown below.

	<i>Magistrates' courts' cases</i>				<i>Crown Court cases</i>			
	National target	National performance	Area target	Area performance	National target	National performance	Area target	Area performance
	March 07	Feb 06-Jan 07	06-07	Feb 06-Jan 07	March 07	Feb 06-Jan 07	06-07	Feb 06-Jan 07
Discontinuance rate	11%	15.8%	11%	15.7%	11%	13.2%	11%	12.3%
Guilty plea rate	52%	68.9%	75%	72.5%	68%	66.2%	72%	72.2%
Attrition rate	31%	22.3%	31%	20.9%	23%	22.4%	23%	19.4%

3.23 The discontinuance rates of pre-charge decision cases in the magistrates' courts and Crown Court are slightly better than the national averages, but do not meet national targets. The other four targets are being met; guilty plea rates in the magistrates' and Crown Court have improved and are higher than the national averages and targets. Attrition rates are also better than national averages and targets.

3.24 Whilst the number of CPS Direct cases finalised so far is comparatively low, the most recent data (for the first two quarters of 2006-07) shows that their results are encouraging. The rate of discontinuance for all CPS Direct cases originating from Gloucestershire was 14.0%, guilty pleas were 79.5% and attrition 16.6%.

3.25 The Prosecution Team Performance Management (PTPM) process has stalled, due in part to police dependence on the CPS for data and the current lack of an Area Performance Officer. This is identified as an aspect for improvement in Chapter 13 which covers managing performance (paragraph 13.13).

4 CASEWORK IN THE MAGISTRATES' COURTS

Casework in the magistrates' courts was not fully inspected as part of this inspection, performance in this aspect having been assessed as "Good" in the OPA.

The standard of decision-making is generally high, but the recording of reasons for decisions is weak. Unsuccessful outcomes are improving, although the analysis of adverse cases could be improved. Case progression and preparation for trial are matters for concern. The rates of ineffective and vacated trials are high, and the analysis of ineffective trials needs to be more robust. There are high levels of offences brought to justice in Gloucestershire, although the proportion of these that are convictions is the lowest in the country.

Quality of case decisions and continuing review

- 4.1 We examined 57 magistrates' courts' case files from the Area and our findings are set out in the following table.

Magistrates' courts and youth court casework

	Performance in the inspection programme to date	Area performance
Case preparation		
Cases ready for PTR/CMH	79.1%	81.6%
Court orders complied with on time, or application made to court	86.0%	85.7%
Correspondence from the defence dealt with appropriately	78.5%	71.4%
Instructions to agents were satisfactory	77.8%	N/A (0 cases)
Level of charge		
Charges that were determined by the prosecutor and proceeded without amendment	89.0%	89.4%
Cases that proceeded to trial or guilty plea on the correct level of charge	98.2%	98.1%
Discontinuance		
Discontinuance was timely	78.6%	44.4%
Decisions to discontinue complying with Code test	94.1%	100%
Discontinued cases where the prosecutor properly sought additional evidence/information before discontinuing the case	77.3%	100% (4 cases)

Cracked and ineffective summary trials

Cracked or ineffective trials that were foreseeable and the CPS took action to avoid the outcome	68.8%	N/A (0 cases)
--	-------	------------------

Summary trial

Decisions to proceed to trial complying with the evidential test	95.2%	97.6%
Decisions to proceed to trial complying with the public interest test	100%	100%
Cases with timely summary trial review and properly recorded	61.5%	78.1%
No case to answers that were foreseeable, and the CPS took action to avoid the outcome	42.9%	0% (0 of 1 cases)

- 4.2 The standard of decision-making was generally good. The recorded reasoning behind those decisions is less satisfactory and at summary trial review stage, nearly 22% of cases had an inadequate review or none at all. Decisions to discontinue were sound, but the timeliness was poor.

Successful outcomes

- 4.3 The Area's overall conviction rate in the magistrates' courts in the 12 months to 31 December 2006 was 83%, which was close to the national average. Key outcomes are shown below.

Case outcomes in the magistrates' courts

	National performance year to Dec 2006	Area performance year to Dec 2006
Discontinuance and bindovers	11.0%	11.8%
No case to answer	0.3%	0.2%
Dismissed after trial	1.9%	2.1%
Discharged committals	0.2%	0.1%
Overall conviction rate	83.9%	83.0%

Offences brought to justice

- 4.4 The target for increasing the number of offences brought to justice is shared with criminal justice partners. Performance is largely driven by police, although there is scope for the CPS to influence it. Gloucestershire is performing very well in this measure with performance to date in 2006-07 being well ahead of target. However, the proportion of convictions, at 35%, was the lowest in the country and much lower than the national average (49%), whilst at the same time the proportion of offences brought to justice through offences taken into consideration, at 21%, was the highest in the country and much higher than the national average (10%).

Offences brought to justice

	CJS area performance rolling annual Sep 2006	
Against 2001-02 baseline	+ 25.7%	
Number	16,637	
Offences Brought to Justice made up of	National average year to Sep 2006	Area figure year to Sep 2006
Convictions	49%	34.5%
Taken into consideration	10%	20.7%
Cautions	26%	26.3%
Fixed penalty notice	9%	15.7%
Formal warnings for drugs	6%	2.8%

Youth cases and persistent young offenders

- 4.5 The Government target for dealing with cases involving persistent young offenders is 71 days from arrest to sentence. There was in Gloucestershire for the three months to October 2006 a drop in performance to 75 days.

Case preparation and progression

- 4.6 Case preparation and progression are matters for concern. Our file sample showed that in 18.4% of cases, the Area was not ready for the pre-trial review or its equivalent; that correspondence from the defence was not dealt with properly in 28.6% of cases; and that additional evidence or information from the police was not dealt with in 15% of cases. Lack of case ownership was found to militate against effective case preparation. There are two trial review lawyers who prepare cases for trial, but the Area itself recognises that the system is not effective or efficient and it is to be revisited when the Area revises its structures.

Effective, ineffective and cracked trials**Trial rates in the magistrates' courts**

	National target 2006-07	National performance year to date to Dec 2006	Area target 2006-07	Area performance year to date to Dec 2006
Effective	No target	43.7%	No target	41.1%
Ineffective	19.4%	19.4%	19.5%	25.4%
Cracked	No target	37%	No target	33.5%

- 4.7 The cracked trial rate is improving and remains better than the national performance, but the ineffective trial rate is worsening. It was 23.0% (as against a national rate of 21.2%) in 2005-06, but has increased to 25.4% (national 19.4%) for the year to 31 December 2006. The level of vacated trials is very high at 44.9% in the year to 31 December 2006, compared with 29.4% in 2005-06. Much of this increase is as a result of an initiative to reduce trial backlogs which included vacating trials that, on review, were not expected to lead to a conviction (see paragraph 6.4).
- 4.8 There is little analysis of trends or performance issues, or dissemination of lessons to be learned. The prosecution is responsible for a slightly smaller proportion of ineffective trials than the national average (33.7% as against 37.0%) but the rate for prosecution witness absence is worse than nationally (5.7% compared to 5.2%). In one report we examined where this was identified, witness issues appeared to be viewed as something that the Area could not influence.

5 CASEWORK IN THE CROWN COURT

Casework in the Crown Court was not fully inspected as part of this inspection, performance in this aspect having been assessed as “Good” in the OPA.

The standard of decision-making was reasonable, but the recording of reviews and decisions was poor. The conviction rate is better than nationally, and case progression and preparation are more effective than in the magistrates’ courts, although a dedicated case progression officer would improve joint work with partners. The ineffective trial rate was almost as good as nationally last year, but has worsened since. There needs to be more systematic and robust analysis of ineffective trials and adverse outcomes.

5.1 We examined 57 Crown Court cases from the file sample and our findings are set out in the following table.

Crown Court casework

	Performance in the inspection programme to date	Area performance
Committal and service of prosecution papers		
Decisions to proceed at committal or service of prosecution case stage complying with evidential test	97.5%	96.2%
Decisions to proceed at committal or service of prosecution case stage complying with public interest test	99.0%	100%
Cases with timely review before committal, or service of prosecution case	82.5%	48.1%
Instructions to counsel that contained case summary and adequately dealt with issues	71.1%	88.9%
Instructions to counsel that contained satisfactory guidance on pleas	50.4%	23.7%
Case preparation		
Cases ready for PCMH	92.5%	90.0%
Court orders complied with on time, or application made to court	88.6%	76.9%
Correspondence from defence dealt with appropriately	90.4%	82.5%
Cracked and ineffective trials		
Cracked or ineffective trials that were foreseeable and the CPS took action to avoid the outcome	70.0%	0% (0 of 2 cases)

Level of charge		
Indictments that were appropriate and did not require amendment	80.8%	77.8%
Cases that proceeded to trial or guilty plea on the correct level of charge	97.4%	98.2%
Judge ordered and judge directed acquittals		
JOA/JDAs that were foreseeable and the CPS took action to avoid the outcome	50.0%	33.3% (1 of 3 cases)
Trials		
Acquittals that were foreseeable and the CPS took action to strengthen the case (or drop it sooner)	35.0%	N/A (0 cases)

5.2 Decision-making was reasonable. The recording of reviews and other crucial decisions was poor, with under half of all cases having a committed/sent case review fully noted. In one case in which the defendant pleaded guilty to the main charge, an ancillary charge of threat to kill was not proceeded with as not being in the public interest. Both HMCPSI Inspectors and the lay inspector considered this to be inappropriate, the impact on the vulnerable victim not having been given sufficient weight.

5.3 The overall conviction rate in the Crown Court was 81.5% in the 12 months to 31 December 2006, which was higher than the national average of 77.3%.

Case outcomes in the Crown Court

	National performance year to 31 Dec 2006	Area performance year to 31 Dec 2006
Judge ordered acquittals and bind overs	13.2%	11.8%
Warrants	1.4%	1.1%
Judge directed acquittals	1.5%	0.5%
Acquittals after trial	6.5%	5.0%
Overall conviction rate	77.3%	81.5%

5.4 Case progression and case preparation are more effective in the Crown Court, although the lack of a dedicated case progression officer is hampering joint work with partners. However, the ineffective rate to 31 December 2006 is 18.4% (nationally it is 12.5%). The cracked trial rate remains significantly better than nationally, which contributes to an effective trial rate that is slightly better than the national one.

Trial rates in the Crown Court

	National target 2006–07	National performance year to 31 Dec 2006	Area target 2006–07	Area performance year to 31 Dec 2006
Effective	N/A	48.3%	N/A	51.4%
Ineffective	14.2%	12.5%	14.0%	18.4%
Cracked	N/A	39.2%	N/A	30.3%

6 PRESENTING AND PROGRESSING CASES AT COURT

Weaknesses in case progression mean that cases are not always ready for court, and concerns were expressed about advocates' preparedness, particularly that of agents. The standard of some endorsements is poor and there is little monitoring of advocacy. The standard of advocacy generally is satisfactory, but there is insufficient pro-activity by lawyers. Designated caseworkers enjoy the confidence of the courts. Good joint work has been done to reduce significantly the waiting times for trials, but at the expense of a high number of vacated and ineffective trials.

- 6.1 The CPS has set standards for its advocates, internal or external. These National Standards of Advocacy were updated in August 2003 and contain standards, guidance and prompts. Paramount is that prosecution advocates act, and are seen to act, in the public interest, independently of all other interests, fairly, fearlessly, and in a manner that supports a transparent system that brings offenders to justice, respects the rights of the defendant and protects the innocent. We assess advocates against these standards, bearing in mind that the court sessions will vary from trials to bail applications to pleas of guilty and remand courts.

Advocates ensure cases progress and hearings are effective

- 6.2 Advocates' attendance at court is timely, but there were concerns expressed about the preparedness of in-house prosecutors and particularly agents.
- 6.3 Gloucestershire has been working with the local court managers to ensure the most effective use of CPS resources, and there have been improvements in the listing for designated caseworkers (DCWs). However, more remains to be done to ensure that lists are appropriate and make efficient use of advocates' time.
- 6.4 The waiting time for trials was considerable, and has been reduced by determined efforts on the part of senior CPS and court staff. The average time between set-down and trial has reduced from 27 weeks to about 11, which is significantly better, but still leaves room for further improvement. This has been achieved by a form of trial 'blitz', involving multiple listing of cases for trial. Backlogs have been reduced, but at some cost to victims and witnesses through lack of court time, and to the standard of preparation feasible by advocates. The initiative has not been fully understood or supported by some CPS lawyers, who have not appreciated the interests of justice in reducing delay in trial hearings.
- 6.5 Case progression processes within the CPS are not working efficiently enough to ensure that, when trials do reach court, they are all ready. We have commented on this earlier at paragraph 4.6. In particular, the trial review lawyer role is not working as well as anticipated and is to be reconsidered.

- 6.6 There is limited evidence of effective case progression at court. The new pre-trial review system introduced in the magistrates' courts has yet to run sufficiently long enough for a meaningful assessment to be made, but the lack of defence representatives at case management meetings reduces the opportunity to clarify issues, and backlogs in the trial reviews and the lack of a dedicated case progression officer mean that issues may not have been identified and resolved. The tendency to hold the police responsible for failings in the file supplied is giving the impression to court users that there is no joined-up approach or prosecution team ethos.
- 6.7 In the Crown Court, the lack of a designated case progression officer hampers effective case progression. The standard of instructions to counsel is also an issue. In our file sample, instructions to counsel contained an adequate summary of the evidence in 88.9% of cases, but only 23.7% addressed acceptable pleas where it was appropriate.
- 6.8 Concerns were expressed about the difficulty of finding a lawyer to give instructions to agents and counsel at court when needed. Since the files themselves may have no full review or no clear instructions in the briefs as to acceptable pleas, there is a risk that cases have to be adjourned for review by a lawyer. We were told that there is a dedicated phone line in the Criminal Justice Unit's (CJU) administration section to enable contact with a trial review lawyer on magistrates' courts' cases and that a duty lawyer is available in the Trials Unit, but awareness of these measures both within and outside the CPS appeared very low.
- 6.9 The quality of endorsements of hearings was the subject of an aspect for improvement in the OPA in 2005. In our file sample, we noted a number of instances where the endorsements were missing, confusing, or illegible. Files are monitored by Unit Heads, but clearly there is still room for improvement. The recent practice of inviting junior counsel, newly employed as agents, to spend half a day with CJU staff who explain the need for accurate and clear endorsements is expected to lead to improvements in agents' endorsements.

STRENGTHS

Reduced waiting times for trials in the magistrates' courts.

ASPECTS FOR IMPROVEMENT

Quality of instructions to counsel, particularly regarding pleas.

The standard of endorsements on files, particularly by agents.

RECOMMENDATION

Senior managers should improve the effectiveness of the Area's case progression systems, and consider introducing dedicated case progression officers.

The standard of advocacy

6.10 We observed a number of advocates in different courts. Our findings are set out in the table below.

		CPS advocates/ designated caseworkers in the magistrates' courts	Counsel/ solicitor agents in the magistrates' courts	Higher Court Advocates and other CPS advocates in the Crown Court	Counsel in the Crown Court
Advocacy standards	Level	Number	Number	Number	Number
Assessed as above	1	-	-	-	-
normal requirements	2	-	-	-	-
Against CPS	3+	3	-	1	-
National Standards	3	4	1	1	2
of Advocacy	3-	1	-	1	-
And those assessed as	4	-	-	-	-
less than competent	5	-	-	-	-

Assessment:

1 = Outstanding; 2 = Very good, above average in many respects

3+ = Above average in some respects; 3 = Competent in all respects

3- = Technically competent, but lacking in presence or lacklustre

4 = Less than competent in many respects; 5 = Very poor indeed, entirely unacceptable

6.11 The Area has recently increased its number of DCWs and several are very new to advocacy and court work. They appear to be settling into their roles well, come to court prepared and ready to progress their cases, and have the confidence of the court.

6.12 Views of other advocates are more mixed, which was borne out by our own observations. Agents in particular (although not exclusively) were viewed to be of a variable standard, although the one we observed was competent in all respects. We did, however, see instances where advocates were not as well-prepared as they might have been, and lawyers who were re-active rather than pro-active.

6.13 Monitoring of advocates, both in-house and agents, is ad hoc and largely dependent on other agencies or court users reporting specific instances. In one such case, immediate action was taken. However, systematic monitoring would enable more general concerns about the standards of advocacy to be identified by the Area.

- 6.14 There has been real progress in increasing deployment of Higher Court Advocates (HCAs), which is reported on more fully at paragraph 12.19. This had been done without a structured plan to ensure that they were tackling the appropriate range of cases and being developed in a systematic way, although such a plan has very recently been introduced.
- 6.15 Whilst facilities at magistrates' courts to support lawyers have improved in recent times, rooms provided for the CPS in two courthouses are not easily accessible and there is no access to the CPS IT services, which is a matter that would need to be addressed by CPS Headquarters. This prevents lawyers from making the fullest use of downtime and times when a court finishes early.

ASPECTS FOR IMPROVEMENT

Monitoring of the standards of advocacy should be more structured and systematic.

7 SENSITIVE CASES AND HATE CRIMES

The handling of sensitive cases was not fully inspected as part of this inspection, performance in this aspect having been assessed as “Fair” in the OPA.

The decision-making in sensitive cases was sound and performance in unsuccessful outcomes for hate crime is strong. The specialist domestic violence court has overcome initial difficulties and is now working well. Champions and specialists need to be empowered to take more positive roles in relation to disseminating information and actively contributing to performance improvement.

- 7.1 Sensitive cases include offences of homicide, rape, child abuse and domestic violence; hate crime includes racially aggravated and homophobic offences. Our file sample included 32 such cases. Of these, the decisions on sufficiency of evidence and public interest were sound in all but one instance; an alleged rape where we disagreed with the decision that there was enough evidence to go to trial. The Area gains successful outcomes in hate crimes. In the first three quarters to 31 December 2006, unsuccessful outcomes amounted to 28.3%, better than the national target (33.2%) and ahead of the Area’s target.
- 7.2 The specialist domestic violence court has overcome initial difficulties, and is now working well, assisted significantly by the regular attendance of an experienced prosecutor and an officer from the police Domestic Violence Unit. Cases are progressing more quickly through the system, but trials are still being listed some eight weeks hence, and this could contribute to changes of mind by victims.
- 7.3 The flagging and monitoring of sensitive cases and analysis of outcomes remain an aspect where more work is needed. Cases are examined, but there is limited analysis or identification of trends emerging over time, and lessons to be learned.
- 7.4 Champions and specialists could do more to disseminate information, train and guide colleagues and liaise formally with their police counterparts. Some information has been circulated on anti-social behaviour orders, but the position remains largely unchanged since the OPA. Guidance needs to be provided to Champions as to what is expected of them by way of monitoring, case outcomes and performance management.

8 DISCLOSURE OF UNUSED MATERIAL

Disclosure was not fully inspected as part of this inspection, performance in this aspect having been assessed as “Good” in the OPA.

Performance appears to have declined. Initial disclosure, both in the magistrates’ courts and the Crown Court, was poor, largely due to the lack of proper endorsements on unused material schedules. Performance on continuing disclosure and sensitive material also suffered from poor recording of decisions. However, the handling of third party material is much better, and the rate of ineffective trials due to disclosure issues is better than the national average.

- 8.1 Initial disclosure was properly completed in just under 60% of our file sample of 114 cases (50% in magistrates’ courts and 66% in the Crown Court). This is worse than earlier assessments by the Inspectorate, and worse than the Area’s Casework Quality Assurance (CQA) system indicates. A significant cause of failures was the lack of proper endorsements on the unused material schedules; despite most of the lawyers having received training on new provisions, endorsements were often not in accordance with the new regime. Instances were also noted of failure to make the correct disclosure to the defence, such as not serving an additional unused material schedule.
- 8.2 Despite being identified as an aspect for improvement in the OPA, performance on continuing disclosure has deteriorated. Overall, in our file sample continuing disclosure was made properly in only 20% of relevant cases. Failings included a lack of challenge to inadequate defence case statements, a failure to chase the police for a response to the defence statement, and lack of formal disclosure being made.
- 8.3 The Area has a well-established procedure for dealing with sensitive material and we were not told of any concerns. However, in our file sample, sensitive material was dealt with properly in less than half of all relevant cases (ten out of 22). In most instances where it was not properly handled, the failure was in the lack of a record of a decision rather than in how the material itself was dealt with. Lawyers’ handling of third party material is a great deal better; in all five cases where it applied, it was dealt with properly.
- 8.4 The rationale for disclosure decisions, or when disclosure was made, was sometimes unclear and there were no disclosure record sheets on any of the files in the sample.
- 8.5 Disclosure issues did not loom large in Gloucestershire and there were no instances in our file sample where a disclosure failing led to the termination of a case. During the three quarters to 31 December 2006, the percentage of trials that were ineffective due to disclosure issues was better than the national average (0.5% compared with 1.2%).

9 CUSTODY TIME LIMITS

The operation of custody time limits was not fully inspected, performance in this aspect having been assessed as “Fair” in the OPA.

The Area’s documented systems largely comply with national guidance, although Crown Court cases in which a custody time limit is due to expire should be referred to the reviewing lawyer or Unit Head for a decision. There has been one custody time limit failure, in October 2006.

- 9.1 There was one custody time limit (CTL) failure in 2005-06, the result of a lawyer and magistrates’ court failing to consider the CTL implications of an adjournment. Despite this, there has been no drive for improvement between the Area and the magistrates’ courts and limited progress has been made in relation to a protocol for prosecutors to agree CTLs with the court, which was identified as an aspect for improvement in 2005.
- 9.2 The Area’s documented systems largely comply with national guidance, although the requirement for all cases in which the CTL is due to expire to be put before the reviewing lawyer or Unit Head for a decision is not followed in the Trials Unit, where applications are prepared by caseworkers. The Crown Court plays a pro-active role in the management of CTLs, sending out reminders of impending expiry dates.
- 9.3 An examination of five files revealed the expiry date was correctly calculated and prominently displayed on each one. Remand hearing endorsements clearly stated the custody or bail status of each defendant.

10 THE SERVICE TO VICTIMS AND WITNESSES

The service to victims and witnesses was not inspected fully as part this inspection, this aspect having been assessed as “Good” in the OPA.

The Area’s Witness Care Unit has not fulfilled its early promise, as a result of which all Crown Court cases have been removed from its remit. The unit relies on police staff, with two CPS witness care staff working separately. Efforts have been made to improve the number of letters sent under the Direct Communication with Victims scheme and recent improvement has been achieved. Multiple listing of trials has had an adverse impact on the service to witnesses at court.

- 10.1 Gloucestershire has one Witness Care Unit (WCU) based in Gloucester Police Station and this covers the whole county. The unit contains only police staff, and the 1.7 CPS witness care staff are based in the CPS office. The WCU appeared to get off to a good start, but the introduction of the *Victims’ Code* in April 2006 placed it under increased pressure and the No Witness No Justice report in July 2006 revealed that only two of 16 aspects examined were fully achieved. Issues included the lack of early identification and prioritisation of vulnerable and intimidated witnesses and inefficient cross-agency information flows. Responsibility for Crown Court witnesses has reverted to the police criminal justice department who liaise directly with caseworkers.
- 10.2 The non-attendance of witnesses contributes to the high level of ineffective trials. More could be done to analyse and learn from witnesses’ failure to attend. Whilst the failure of some witnesses to attend is not predictable (when for instance they have acknowledged their court warning), not enough is done to analyse and learn from witnesses’ failure to attend.
- 10.3 Compliance with the Direct Communication with Victims (DCV) scheme, under which the CPS writes to victims explaining why a charge has been dropped or substantially reduced, was identified as inconsistent in the OPA. In our file sample DCV letters were sent in 19 out of 35 relevant cases (54.3%). Those in which they were missed included a rape case in which pleas were accepted to some counts but not others and a case of causing death by dangerous driving that was dropped. Data for November 2006 shows the Area to have sent letters in 102.9% of the Headquarters’ proxy target number of cases. However, the proxy target was reduced from 58 to 44 in October 2006 which will have contributed to the improvement in performance since.
- 10.4 Timeliness of DCV letters continues to be an issue. Rolling quarter performance at December 2006 shows that 57% of letters were sent within five days compared with 72% nationally.

ASPECTS FOR IMPROVEMENT

The number and timeliness of Direct Communication with Victims letters.

11 DELIVERING CHANGE

Senior managers have a clear sense of purpose for the short term and the Area Business Plan for 2006-07 is much improved. Systems for reviewing progress against the Plan need to be developed as do risk-assessment and management procedures.

There has been some success in implementing nationally-driven change, but some joint change projects have been less successful and senior managers need to ensure that change programmes are regularly monitored and reviews acted on promptly. Staff are generally satisfied with training provided and work is underway to improve the planning of training. Further work is needed to address individual development needs and prepare staff to meet future demands. Looking to the future, the envisaged Area re-structure has been delayed, but the business case for any change has yet to be made. This is causing uncertainties for staff and needs to be resolved.

Purpose and planning

- 11.1 The new Senior Management Team (SMT) has been clear about its immediate priorities and the Area has a clear sense of purpose for the short term. Good efforts have been made to involve staff in planning with nearly half the Area's staff attending a planning day in January 2007. Feedback from staff about this was positive.
- 11.2 At the time of the OPA in 2005, a review of structures and working practices was underway. While this work was subsequently deferred pending the outcome of police reform and anticipated re-structuring as a result of this, the current Area Business Plan (ABP) for 2006-07 envisaged a revised structure being in place by the start of 2007-08. The rationale for change is not yet clear and any re-structuring awaits the outcome of the national CPS re-structuring that will result in new regional groups. This is causing uncertainties for staff and in certain instances putting additional pressure on managers. For example, a decision on the replacement of the Area Performance Officer (APO) post has been deferred until it is clear what role the anticipated regional performance post will play.
- 11.3 This, and the fact that three of the four senior managers are in temporary positions, is far from ideal and is hindering progress in performance management and effective longer term planning. Both aspects need to be resolved.
- 11.4 The ABP for 2006-07 is much improved. This is now structured around HMCP's OPA aspects and as a result is more wide-ranging. It sets out milestones, targets and accountabilities which in the most part are clear. Good links are made with the 15 national CPS targets and Public Service Agreement (PSA) targets.
- 11.5 Quarterly reviews of the ABP commenced in November 2006. While this is a positive development, the review process at present appears insufficiently detailed and we would question the accuracy of some of the 'green' assessments (i.e. positive progress assessments) given against many milestones. It would be helpful if assessments were supported by some narrative indicating to what extent an activity has been achieved and what work is outstanding.

- 11.6 There are no separate unit plans, which is reasonable given the small size of the Area. However, there is scope for making the ABP more accessible to individual teams and developing greater ownership at team level. Adding to this, at the time of the inspection many staff did not have a Forward Job Plan for the year, which meant that appropriate links between the ABP and individual job objectives were not being made. For 2007-08, senior managers are planning to extract sections and actions relevant to individual teams and reformat them as a team plans which will go some way to help in this respect. Additionally, senior managers should ensure that all individuals have job objectives that link to team and Area plans (see also paragraph 13.8).
- 11.7 There is evidence of joint planning with criminal justice partners to meet medium and long term objectives for the Area, the effectiveness of which have been variable. Statutory charging has been a major joint project, as has No Witness No Justice (NWNJ), the Effective Trial Management Programme (ETMP) and more recently the establishment of a dedicated domestic violence court. Joint planning is well advanced on the conditional cautioning project due to start shortly.

ASPECTS FOR IMPROVEMENT

Development of the Area Business Plan review process to provide a fuller and more robust account of progress.

RECOMMENDATION

Senior managers should, as soon as feasible, set out and communicate a clear rationale and timetable for any changes in structures considered necessary, in order to resolve the uncertainty in relation to the longer term structure of the Area.

Change management

- 11.8 There is evidence of some success in implementing nationally driven change. The implementation of statutory charging has proved an example of successful joint planning with good evidence of improved benefits realisation, and the more recent establishment of a domestic violence court, despite some initial teething problems, now appears to be working well.
- 11.9 However, some joint projects have proved less successful. The Witness Care Unit is still not working as well as it should and needs urgent attention whilst the ETMP is not fully embedded, with less than optimal case progression arrangements and high rates of vacated and ineffective trials. However, as part of ETMP, the joint initiative in mid-2006 to reduce the backlog of trials and delays was effective in contributing to a reduction in delays to trial from 27 weeks at the time to 11 weeks at the time of our inspection.

- 11.10 Nationally-driven change programmes implemented locally are generally subject to review. A post-inspection review was conducted of statutory charging in June 2006 which was positive overall about how the project had been implemented and the benefits as a result. An action plan addressing the few aspects for improvement identified was put in place and at the time of the inspection was due to be signed off as completed by the Gloucestershire Criminal Justice Board the following week.
- 11.11 However, not all major change projects are formally monitored as frequently as they should be, for instance the ETMP, and reviews are not always acted on promptly and effectively. The NWNJ project was studied as part of a sign-over review in July 2006. This raised a number of issues, some of which had been identified in previous reviews, and had still to be resolved. There is a sense that senior managers rely too heavily on formal high level reviews initiated nationally when ideally they should supplement formal monitoring arrangements at CPS Area level.
- 11.12 Senior managers are allocated responsibilities for individual change projects and the Area Management Team (AMT) acts as the overall change team responsible for reviewing progress, which is a reasonable arrangement in a small Area. Senior managers confirmed they were clear as to their responsibilities for joint change projects, but the lack of formally agreed project management accountabilities with clear aims and objectives at senior management level is a potential weakness in this approach and needs to be addressed.
- 11.13 There is some evidence of links between key projects and training. For instance all prosecutors and managers have attended the Pro-active Prosecutor Programme as part of the statutory charging project and the CPS has provided file building training for the police to support the setting up of file building teams in support of improved file quality.
- 11.14 The OPA in 2005 identified weaknesses in Gloucestershire's risk management processes. Although work has been done to develop the Risk Register and respond to earlier criticisms, risk analysis and management procedures - including review procedures - are not yet fully integrated within the change management processes and remain a weakness.

ASPECTS FOR IMPROVEMENT

Further development of the Area's risk management procedures including training for managers on the purpose and function of risk management.

RECOMMENDATION

Senior managers should ensure that all major change programmes are regularly monitored and reviews acted on promptly.

Staff skills and training

- 11.15 At the time of our inspection, work was underway to improve the planning of training and a Training Plan had recently been produced. However, this needs to be developed further; for example, as many staff do not have a Personal Development Plan for 2006-07, a weakness in the Training Plan is that this does not fully address all individual development needs.
- 11.16 Activities identified in the Training Plan generally reflect and support developments in the Area Business Plan, although more work is needed to prepare staff to be more flexible and meet the future demands of the Service. The Training Plan incorporates training for both legal and administration grades and staff were generally satisfied with the level of training provided to support them in current roles.
- 11.17 Most mandatory training has been undertaken. All lawyers have attended the Pro-active Prosecutor Programme and DCWs have received training in their extended powers. However, domestic violence and disclosure training is yet to be completed.
- 11.18 New staff undertake the Prosecution College equality and training module. There has been no dedicated equality and diversity training for existing staff for some time and the AMT should consider reviewing the needs of staff in this respect, with a view to arranging appropriate refresher training.
- 11.19 No issues were raised in relation to equality of access to training. The training records system has been improved and most training activities are now captured. However, the evaluation processes still need to be developed.

ASPECTS FOR IMPROVEMENT

Further development of the Area Training Plan to reflect individual needs and prepare staff to meet the future requirements of the Service.

Development of training and development evaluation processes.

12 MANAGING RESOURCES

Since our OPA in 2005, significant improvements have been made in systems and processes used to account for and manage resources, and action has been taken to secure economies and better value for money. The budget overspend in 2005-06 was reduced, although at 2.3% was still significant. Further reduction is forecast for 2006-07. Work is being undertaken to manage and control the prosecution budget more effectively.

Staff deployment, however, is not yet optimal and work is needed to manage lawyers work allocation more effectively and, as part of this, to ensure greater case ownership to reduce duplication of effort and gain consistency of approach to cases. Sickness absence levels are high, although showing signs of improvement. This should impact on agent usage, which until very recently has been high. Higher Court Advocate deployment is set to exceed targets in 2006-07 and designated caseworker deployment is recently showing positive signs of improvement.

Use of resources and budget control

- 12.1 The new Chief Crown Prosecutor and Area Business Manager inherited a history of significant overspends and poor financial management controls and have taken a pro-active approach to resource planning and control. Early advice was taken from CPS Headquarters and regular review meetings are held between the CCP and ABM. The Area budget is a standing item on the AMT agenda and at each meeting a written or verbal report is provided. While these quite rightly focus on staffing costs, there is scope for them to be refined and developed further to provide more information on other administration costs and also prosecution costs.
- 12.2 Our OPA in 2005 found that financial controls were basic and in need of improvement. The budget is now properly profiled and systems are in place to ensure timely monitoring and control. Key developments include the adoption of the resource accounting budget (RAB) management package, which was used on a trial basis in the last quarter of 2005-06, and has since been implemented in stages. Another development is improved use of the Finance and Accounting Records Managed Service (FARMS) as a management tool as staff develop their knowledge and understanding of this system.
- 12.3 The CCP and ABM recognise that there is still scope for improvement in the development of systems and processes. Implementing the changes has involved a good deal of learning on the part of personnel involved who have not come from a financial management background. A positive aspect is senior managers' willingness to seek help and advice from others. For instance some Secretariat staff have visited CPS Dorset to see how the RAB package was being used in practice and a member of the national FARMS team has visited Gloucestershire to provide training support.
- 12.4 There is limited devolution of budget which is appropriate given the Area's relative small size. In early 2006, a review of financial delegation was undertaken to ensure that all expenditure is properly authorised. This exercise was designed to tighten financial controls and was effective in ensuring that each officer with delegated responsibility is clear as to the extent of their authority.

- 12.5 In 2004-05, the overspend was 3.9% of budget. Despite improvements in financial management since November 2005, in 2005-06 the overspend - although reduced - was still significant at 2.3% of budget (£50,542). At the time of our inspection in February 2007, the projected overspend was forecast at 1.8% of budget (£39,701) which would just bring the Area into the "Fair" performance category. However, there is little contingency in these figures and the final outturn will be very dependent on the Area's continued ability to manage sickness absence and related agent usage levels.
- 12.6 Work has been undertaken to manage and control the prosecution budget more effectively. For example, appropriate arrangements have been put in place for managing Very High Cost Cases (VHCCs) and Trials Unit staff recently received training in the new systems. The Area has not recently had any VHCCs, although at the time of inspection one was coming into this category, the first for which a full case management plan will be in place. There have been a number of High Cost Cases in the last year and while senior managers acknowledge that these have not been managed as well as they should have been, there are now systems in place to ensure that future cases are managed properly. It will be important for these arrangements to be monitored and kept under review with a view to further improvement and refinement.
- 12.7 Other action to ensure better control of the prosecution costs budget includes revision of the financial delegation schedule so staff are clear as to their authority in relation to prosecution costs and regular review of the fees log by the ABM.
- 12.8 A new system for payment of graduated fees scheme (GFS) payments was introduced in 2005 whereby responsibility for fees payment was passed from caseworkers to a dedicated fees clerk. This has enabled the clearing of a previous backlogs in fees payments and there has been some improvement in timeliness, although rates for this still lag behind the national average and need to be improved.
- 12.9 Gloucestershire Criminal Justice Board (GCJB) provided additional funds of £8,300 to enable the Area to fund advocates to cover additional magistrates' courts in July and August 2006 to tackle a significant backlog of trials. These funds were used to good effect. Additional case progression funds were also received and used to employ a case progression officer. However, when the funding ended this position was not continued. We have concerns about the current case progression arrangements (see paragraphs 6.5 - 6.7).

ASPECTS FOR IMPROVEMENT

Continued control and management of the administration budget to eliminate overspend.

Continued action to control and manage prosecution costs more effectively and to improve the timeliness of graduated fees scheme payments.

Value for money principles

- 12.10 There is a high level of awareness of the need to achieve value for money within the organisation to secure economies. HM Courts Service's decision to reduce from five to three magistrates' court centres in 2006 (the magistrates' courts at Coleford and Cirencester are still in use but do not list crime matters regularly) has enabled efficiencies, albeit there still remains a trials backlog.
- 12.11 The Area has also taken action to control courier costs and travel and subsistence costs generally. Some action has involved unpopular management decisions such as cancelling the half day Christmas shopping leave (long ago dispensed with elsewhere in the CPS) which was allowed to staff in the past. There has also been more effective use of HCAs and, more recently, of DCWs.

Staff deployment

- 12.12 Current staffing levels are closely monitored and reviewed from a budgetary perspective. However, the senior managers acknowledge that the Area's deployment of staff and allocation of work is not optimal. Many lawyers expressed concerns about workload, both in the CJU and TU, where HCAs considered they needed more progressive development to cover the full range of Crown Court work, including trials. Lawyers also complained of regular and very late court finishes, although the extent of this was not supported by our observations or other agencies. Many lawyers have worked in the Area for some years, and while our analysis (see Annex D) shows that the number of magistrates' courts' contested trials and committals and 'sent' cases per lawyer has increased, which clearly contributes to this perception, the total number of magistrates' courts' cases per lawyer has fallen significantly. Overall, workloads in Gloucestershire do not appear excessive when compared with other CPS Areas.
- 12.13 We consider that more can be done to utilise and manage lawyers' time more effectively. For instance, the arrangement whereby two members of staff are employed primarily as trial review lawyers puts greater pressure on other lawyers in terms of court coverage. In practice this was also seen to result in some duplication of effort in respect of trial preparation, and to cut across case ownership, which we consider is an important issue for the Area to address.
- 12.14 Whilst there has been some increase in effective joint working with HM Courts Service, more needs to be done on listing patterns and list sizes to ensure the most effective use of lawyers. This, and lawyers' expectation that single trial listing should be the norm, needs to be addressed by senior managers.
- 12.15 In terms of assessing the efficiency and fairness of current staffing levels and workload allocation the Area should monitor lawyer court coverage on a regular basis. It has not recently undertaken any activity based costing analyses that would help it ensure that staff and cases are appropriately distributed between units. Benchmarking with other CPS Areas of similar size may also help. Such analyses would also provide a sound basis on which to plan for the future.

Sickness absence (per employee per year)

National target 2006	National performance 12 months to Sep 2006	Area performance 12 months to Sep 2006
7.5 days	8.6 days	11.3 days

12.16 Sickness absence levels remain high and worse than target. In 2004 it amounted to 9.3 days per employee and in 2005 had risen to 12.1 days, worse than the national average of 8.5. Based on data to the end of January 2007, that the Area produces itself, the total sickness absence for 2006-07 is expected to be 12.6 days per employee. Over three-quarters of sickness absence in Gloucestershire comprises long term absence, with four major absences within the current financial year, mainly of lawyer staff. Senior managers are taking a more effective approach to managing sickness absence, including developing systems to more accurately record sickness absence and working closely with the Area's HR Adviser to ensure prompt referrals are made to occupational health and returns to work are managed appropriately. It is positive that at the time of the inspection, no members of staff were absent on long term sickness. Managers were optimistic that performance in this aspect is now set to improve.

12.17 There has continued to be a high use of agents, although performance in this respect has recently improved. The percentage of magistrates' courts' sessions covered by agents fell slightly from 28.2% in 2004-05 to 27.8% in 2005-06, but it has since risen. In 2006-07, agent usage in the second quarter increased to 38.9% of magistrates' courts' sessions, well above the national average of 22.1%. Consequently, spend on agents is well above budget. The high level of agent use was primarily due to the need to cover sickness absence amongst lawyer and DCW staff and to cover for the loss of two experienced DCWs in the early part of 2006-07. Agent usage in the third quarter fell back to 29.4% and at the time of our inspection, with no long term absences and replacement DCWs in place, agent use was minimal.

Designated caseworker deployment (as % of magistrates' courts' sessions)			Higher Court Advocate savings (per session)	
National target 2006-07	National performance Apr-Dec 2006	Area performance Apr-Dec 2006	National performance Apr-Dec 2006	Area performance Apr-Dec 2006
17.2%	13.7%	12.2%	£332	£234

12.18 DCWs were deployed in 5.8% of magistrates' courts' sessions in 2005-06, falling well short of the national average of 10.7%. However, usage in 2006-07 is showing positive signs of improvement and is set to rise further. At the start of 2006-07 there were three DCWs, but two of these left to take up legal trainee posts in other Areas. These have been replaced but, due to delays in the availability of national training, have only more recently been deployed. A fourth DCW has recently been appointed. These changes have prevented the Area making as much progress as it would have wished this year, but it is now in a strong position to maximise its DCW usage. Cumulative performance to the end of the third quarter was 12.2%, not far from the national average of 13.7%, although still behind the Area target of 16%.

12.19 There are now six HCAs including the CCP. The increase, together with better allocation of work, has put the Area on course to meet its targets for 2006-07. As at the end of the third quarter, the number of sessions was up (177 compared with a total of 155 for 2005-06) and savings of £41,438 had been achieved ahead of the target trajectory point of £36,911. Senior managers are aware that the level of savings per session needs to be improved and there are plans to address this through coverage of trials starting shortly.

12.20 The application of flexible working does not appear to be causing any operational difficulties, but it is not clear if lawyer flexi time is always taken on an office day as is supposed to be the case. Managing back to work occupational health demands has contributed to resource pressures.

ASPECTS FOR IMPROVEMENT

Continued action to manage sickness absence effectively.

RECOMMENDATION

Senior managers should improve the deployment of staff and allocation of work to ensure greater accountability and case ownership including;

- further work with courts on listing patterns and list sizes; and
 - analysis of underlying issues that potentially contribute to budget pressures, for instance case backlogs, case throughput rates and lengths of sittings in the magistrates' courts.
-

13 MANAGING PERFORMANCE TO IMPROVE

Senior managers' plans for an improved performance reporting and management system have yet to be implemented in full and current arrangements are lacking in robustness. In particular there is limited systematic identification and follow through of action to deliver improvement. Performance appraisal and Casework Quality Assurance are not being used effectively as performance tools and a culture of continuous performance improvement has yet to be developed. Nevertheless, there has been some performance improvement in key aspects including some as a result of joint work with partner agencies.

Accountability for performance

- 13.1 Managing performance is about practical ways to improve how things are done in order to deliver better quality services and to improve accountability. Managing performance is not just about information systems, targets, indicators and plans; it is also about getting the right focus, leadership and culture in place. There are some key issues in developing effective performance management arrangements:
- focus and strategy;
 - defining and measuring achievement;
 - reviewing and learning to sustain improvement; and
 - managing activities and resources.
- 13.2 Senior and middle managers were generally clear about their responsibilities for operational effectiveness and performance improvement. These are clearly set out in the recently revised Area Governance paper which identifies the role of AMT as being to "manage and report on Area performance against national and local CPS and Local Criminal Justice Board (LCJB) performance targets with the aim of developing and maintaining a culture of continuous improvement". However, in practice, effective performance management is hindered by a lack of performance data analysis and a culture of continuous improvement has yet to be fully developed and all staff engaged within this. Many staff do not have Forward Job Plans or objectives linked to Area initiatives.
- 13.3 At the time of the OPA in 2005, a monthly performance report (MPR) had been developed which provided a brief overview of performance in respect of the 15 national CPS priorities and was supported by a range of performance data. This continued to be produced until the Area Performance Officer (APO) unexpectedly left the Area in August 2006. Prior to this, the new CCP and ABM had identified a number of weaknesses in this approach, key amongst these being that the report focused on headline figures and failed to provide any useful analyses based on trends and benchmarking with others for managers to use as a basis for improvement planning.

- I3.4 A new monthly performance reporting regime was designed which envisaged supplementing high level data analysis with a series of monthly monitoring reports being produced by each Unit Head which were then to be analysed jointly by the APO, ABM and CCP, with trends and issues taken to the AMT for resolution and improvement planning. In theory this would appear an effective system providing a sound basis for performance planning. However, with the departure of the APO this system was never implemented in full, although some of the envisaged monthly reports are being produced in a more ad hoc manner.
- I3.5 The main forum for consideration of performance is AMT meetings at which performance is a standing item. Key aspects are discussed and some improvement action points as a result are agreed and taken forward. However, in the absence of regular performance reports and appropriate analysis improvement planning is not as systematic and comprehensive as it might be.
- I3.6 There is some consideration of performance at unit level although the level of feedback and discussion is variable. Staff were generally not as aware of Area performance as they might be and perhaps, as a consequence, did not all share a common sense of ownership for performance issues. The fact that until more recently team meetings have not always been held regularly and the absence of many lawyers at these meetings has not helped.
- I3.7 Within this context though, managers at all levels are taking action to correct and improve performance against standards and targets. For instance there has been marked improvement in the level of MG3s recorded on CMS as a result of concerted efforts of managers. There is also some evidence that systems are reviewed and action taken to improve, for instance financial management systems have been much improved during the last year.
- I3.8 Performance appraisal is not currently being fully utilised as a tool to assist improve personal and operational performance. Many staff did not have a performance review for 2005-06 and have not been set objectives for 2006-07. This has been added to by delays in the roll-out of the new national Invest programme (the Service's new grading, reward and performance review systems). Managers have only more recently received training in the operation of the system and staff been briefed.

ASPECTS FOR IMPROVEMENT

Full implementation of the performance development review system to ensure all staff have clear objectives for 2007-08 and receive regular performance reviews.

RECOMMENDATION

Senior managers should implement the planned performance reporting regime to:

- address weaknesses identified in the previous system;
 - provide managers with a sound basis for improvement planning;
 - engage staff more effectively in performance improvement; and
 - promote a culture of continuous performance improvement.
-

Joint performance management with CJS partners

- 13.9 CPS managers participate actively in LCJB subgroups and in work with individual partners, although some managers are seen by partners as more effective than others.
- 13.10 Regular prosecution team performance management (PTPM) meetings were held after the implementation of statutory charging. However, they are no longer being held regularly and it is some time since the last meeting. Because CPS data provided to these meetings was not always up-to-date nor supported by any narrative or analysis, it was not seen by partners to support constructive discussion. Data was not always provided sufficiently in advance which added to difficulties. The Statutory Charging Steering Group has recently agreed to recommence PTPM meetings and widen the scope of these to include performance more generally and file quality issues. Joint performance management (JPM) is still being used to monitor file quality across the Area, but this does not appear to be working as effectively as it might.
- 13.11 Aside from PTPM data, the CPS shares relevant data with partner agencies and receives from partners the information it needs.
- 13.12 There is some evidence that the implementation of joint improvement strategies has resulted in improved performance. For example, joint work with HM Courts Service to tackle a backlog of trials has served to reduce delays from the time a trial is listed to trial from 27 to 11 weeks at the time of our inspection, which is commendable.
- 13.13 Senior managers are generally viewed as working well as part of the Gloucestershire Criminal Justice Board (GCJB) in support of the county's headline targets. GCJB's performance across key measures is variable. Gloucestershire is performing very well in relation to offences brought to justice, exceeding its target in 2005-06 and with performance improving further in 2006-07, but the proportion that are convictions is the lowest in the country. Performance in relation to public confidence remains below target and, although the Area is on target to meet its Proceeds of Crime Act orders for 2006-07, it is well behind its value target. Persistent young offender performance was variable in 2005-06, although it is showing signs of improvement in 2006-07.

ASPECTS FOR IMPROVEMENT

Timely prosecution team performance management data to be provided to partners with supporting analysis and narrative to add value to joint performance meetings. Agreement also needs to be reached on how best to monitor file quality.

Performance information and analysis

- 13.14 Although a number of monthly monitoring reports are produced by Unit Heads, covering pre-charge decision (PCD) discontinuances, adverse cases and cracked and ineffective trials, these are not all produced regularly and in a timely manner. The reports reviewed by inspectors were generally not as thorough in identifying potential learning points and improvement action and would benefit from adopting a standard format that captures these aspects. Whilst these reports are prepared for AMT meetings, there appears limited discussion and action agreed as a result and feedback is provided to staff either individually or collectively.

- 13.15 As part of the recommendation above (paragraph 13.8), senior managers should review and improve the coverage and format of its monthly case monitoring reports and put systems in place to ensure that any necessary improvement action identified is followed through.
- 13.16 The CCP and ABM are currently the only Management Information System (MIS) licence holders. Since the departure of the Area Performance Officer, whose role was being developed to encompass greater interrogation and analysis of MIS generated data, it is used primarily to generate case lists for the purposes of review and quality assurance. While other ad hoc reports may be generated in response to a particular issue or concern arising, MIS licence holders acknowledge that their current roles allow them insufficient time to make full use of the system.
- 13.17 Managers have been placing increasing focus on Compass case management system (CMS) usage and the use of CMS reports, and we found some good use of certain reports. For instance, one Business Manager reviews custody time limit reports on a weekly basis and a number of task list reports are regularly used to check and update case records. However, there is still scope for improvement.
- 13.18 Files reviewed for the purposes of monthly case reporting, including PCD discontinuances and adverse cases, are also used to quality assure data entry of administrative staff. In the CJU, if these do not cover all the administrative staff further files are requested to ensure the work of all staff is included. Beyond this there is no routine dip-sampling, for instance to check the accuracy of finalisations across all case outcome types. Inspectors found that in nine of the 114 cases they reviewed, the finalisation was incorrectly recorded on CMS. The Area needs to put in place a more robust means of checking finalisations across all case outcome types.
- 13.19 There is scope for more regular and systematic feedback of performance information to staff. The one page summary of performance against target produced by the Area is a useful and concise document to give to staff and a short accompanying narrative highlighting key results, trends and issues would help convey key messages. More reliance needs to be put on face-to-face feedback as opposed to relying on staff to access performance data on the shared drive.
- 13.20 In implementing the recommendation at paragraph 13.8 above, senior managers need to provide more regular and systematic feedback of performance information to staff and ensure they are more actively engaged in performance improvement.

ASPECT FOR IMPROVEMENT

Review allocation of Management Information System (MIS) licences and provide appropriate support training to ensure MIS and the Compass case management system (CMS) are fully used to support performance improvement.

Casework Quality Assurance and improvement

- 13.21 Although the Casework Quality Assurance (CQS) system has been used continuously, overall compliance is generally poor. The lack of a permanent Unit Head for the first six months of 2006 resulted in limited CQA within the TU during this period. In 2005-06 the overall level of compliance was 72%. This fell to 40% in the first quarter of 2006-07, well below the national average of 71% and, although compliance rose to 71% in the second quarter, the national average rose to 83%.
- 13.22 Operation of the CQA system is insufficiently robust. Area results of CQA indicate a very high level of performance against most of the standards set out. For example, in the last four quarters for which figures are available, performance against the Code, policy, charging standards, case preparation and disclosure are all in excess of 95%. This conflicts with our findings from 114 files. The most marked difference was in disclosure scores. For instance, the CQA score in both units in relation to initial primary disclosure was 100%, while inspectors' assessment was 66% and 50% respectively. Similar differences were found in relation to continuing disclosure and disclosure of sensitive material.
- 13.23 Interviews with staff suggested limited feedback to staff individually or collectively in relation to CQA and there was no evidence of review at AMT level. Overall, it appears that the value of CQA is not fully recognised and it is not being used as an improvement tool. Worryingly, two of the three actions about CQA in the Area Business Plan relating to compliance and monthly reporting on issues arising from CQA were given a green (i.e. positive) rating when the Plan was reviewed in November 2006.

RECOMMENDATION

Senior managers need to ensure the Casework Quality Assurance scheme is fully complied with including:

- ensuring that assessments made are robust; and
 - putting in place clear feedback and review mechanisms to ensure that Casework Quality Assurance properly supports casework improvement.
-

14 LEADERSHIP

Senior managers are visible and generally approachable. Communication, though improving, is not yet fully effective. The overall CPS vision needs to be further promulgated to ensure that all staff understand fully its implications for the Area. The morale of caseworkers and administrative staff is generally good, but that of lawyers is more mixed and there are some long term issues that need to be addressed. Some have admirable concern for individual cases, but do not appreciate fully the need to secure improvements to criminal justice as a whole in Gloucestershire within existing resources. A generally positive approach is taken to equality and diversity issues. The new leadership is promoting an open and constructive approach to partnership working and high level relationships are positive. Leadership needs to build on its strengths to address and resolve some of the challenging issues faced.

Vision and management

- 14.1 The new Senior Management Team has set out a vision for the Area which reflects that of the CPS nationally, together with more locally-focused values. There have been good efforts to disseminate and promote the Area's vision, for instance through a recent planning day attended by over 20 members of staff, but it is not clear if all staff are fully aware of and committed to the overall vision for the national Service as a whole and the changes in practice this involves.
- 14.2 In the 2006 staff survey, only 48% of respondents indicated that they were aware of the Director of Public Prosecution's Building a World Class Prosecution Service document, compared with a score of 80% for all CPS Areas, and, of those who were aware of the document, only 19% said they had had a chance to discuss it compared with a national score of 59%. Although this reflects the views of only the 54% of staff who responded to the survey, and this was some time ago, we also found that many staff interviewed did not appear to have a clear sense of the bigger picture. Whilst it is natural for staff to focus on their role and work within their Area, it is important that they also have a clear understanding of the national vision and how the Area contributes to this. Senior managers should do more to ensure the national vision is promulgated and the implications of this understood. As part of this it should incorporate its stated vision within its Area Business Plan and team plans when these are developed.
- 14.3 Action has been taken to improve communication more generally, but it is still not fully effective. Since the latter part of 2006, team meetings have generally been held on a regular basis across all teams. These tend to be well attended by administrative staff, who were generally satisfied with the level of communication, but in practice many lawyers do not attend team meetings. Best practice for meetings, as set out in the Area's Communications Strategy, was still not evident in all the meeting minutes examined. There was a sense, primarily from lawyers, that communication was too often one way and meetings were predominantly about disseminating information as opposed to hearing and responding to staff views. There was also too heavy a reliance on email as a means of communication.

- 14.4 We found that the morale of administration staff was generally good, but that of lawyers was more mixed and there was some disaffection that needs to be addressed. Managers are visible and generally seen as approachable, but lawyers expressed a number of concerns that they considered were not being tackled effectively by managers. These centred on workloads and court listing arrangements, in particular the trend towards multiple trial listing. There were also natural concerns about future structural uncertainties given proposed regional structures. On the other hand, lawyers did not appear fully conversant with the wider Area picture and actions managers were taking to resolve some of the issues raised. For example, they did not appear to appreciate the need to address the growing delays to trial in the county which resulted in the CPS agreeing a major initiative with the courts last year to tackle backlogs, that led to multiple listing of trials. Some appeared unaware that this was a joint initiative, others were just not supportive of it and the steps necessary to improve criminal justice. This lack of common understanding on such issues is contributing to a largely unjustified perception that leaders are avoiding tackling staff concerns and are being insufficiently robust with partners.
- 14.5 While arrangements are in place for the Whitley Council to meet quarterly, in practice it appears that meetings have not been held sufficiently regularly to effectively address staff concerns. This is contributing to the communication issues described above and senior managers need to ensure that meetings take place regularly and that these are effective.
- 14.6 The Staff Forum, initiated by the previous CCP, has been continued. Views on the value of the Forum on the part of staff were mixed, with some seeing as more useful than others, and a number suggesting that they heard little about it. If the Forum is to serve its purpose of enabling staff to voice concerns and ideas for improvements, the SMT needs to promote the Forum so all staff are aware of its role and are encouraged to contribute.
- 14.7 There was a clear view from criminal justice agencies that the new leadership was serving to promote an open and constructive approach to partnership working and that high level relationships were positive and constructive. There was a perception that budgetary constraints are putting considerable pressures on senior CPS staff and, while partners were sympathetic, they were concerned that any further pressure may impact adversely on joint work. It is positive that the Gloucestershire Criminal Justice Board has recently asked the CCP to Chair the Board in 2007-08. However, good relationships at a high level were not always seen to be replicated at operational level and this is considered by some partners as hindering progress.

RECOMMENDATION

Senior managers should:

- improve communication, including action to promote the Service's national vision and its implications for the Area; and
 - engage with and secure the commitment of lawyers to working towards the national vision and to make an active contribution to improving the effectiveness of the criminal justice system in Gloucestershire.
-

Governance

- 14.8 The need for all managers to support decisions made, once agreed by AMT, has been an issue in the past and there are signs that a greater sense of corporacy is developing. For example, a corporate approach is being taken to managing resources and a recent re-allocation of resources and workload between teams was handled in a corporate manner. Externally, however, the new SMT is not seen as fully corporate by partners and senior managers need to ensure they present a positive corporate front in all their dealings with partners.
- 14.9 The Area recently agreed revised governance arrangements (January 2007) which sets out a clear role for the AMT including to “provide the Area with open, honest and visible leadership giving a clear and consistent picture of what is to be achieved, by whom and when”. As part of its drive to ensure greater corporacy, the AMT should consider reviewing progress against the aims and objectives set out for it.
- 14.10 Overall roles and responsibilities of senior managers, including those for major change projects, are agreed verbally and senior managers confirmed that they are clear as to their responsibilities. However, these have yet to be set out in job descriptions and Forward Job Plans agreed.

ASPECTS FOR IMPROVEMENT

Responsibilities and objectives for managers need to be set out clearly in Forward Job Plans, including those for specific change projects, in order that managers are properly accountable.

Ethics, behaviours and the approach to equality and diversity

- 14.11 The Area’s vision is supported by locally-focused values about working practices that include treating others with respect and being sensitive to their feelings. In the 2006 staff survey, 59% of respondents considered they were treated with respect, slightly below the national average of 63%. We found managers and staff generally treated each other with respect, but were told of a number of instances where this was not the case. Managers have tackled some inappropriate behaviour, in at least one instance seeking assistance from the Area HR Adviser, but they need to ensure that all instances are addressed firmly. There have been no substantiated complaints by staff about their treatment by managers.
- 14.12 In the staff survey, only 18% of staff considered the CPS to value its staff, below the national average of 26%. Senior managers have since taken action to address this issue and greater effort is now made to ensure good performance by staff is acknowledged.
- 14.13 Some equality and diversity considerations are incorporated within the Area Business Plan. There is also a separate Area Workforce Representation Plan and Race Equality Scheme. The Area has recognised that there is scope for improved equality and diversity planning and is working with its Regional Project and Performance Officer with a view to strengthening its planning for 2007-08.

- 14.14 Since the transfer of the Area Communications and Equality Officer (who was also the Equality and Diversity Champion) to another role in late 2006, the Area has operated without an Equality and Diversity Champion. A decision as to whether to replace this position has been deferred until the new regional structures become clear. We are concerned that this situation should not be allowed to drift any longer than absolutely necessary as it risks stalling some previous good work. For example, by the time of our inspection Area progress against both the Workforce Representation Plan and Race Equality Scheme should ideally have been underway as a basis for action planning in 2007-08. In the meantime, it may be helpful for the AMT to consider appointing a senior manager as Equality and Diversity Champion to ensure these issues are not neglected.
- 14.15 The composition of staff reflects the ethnicity of the community served. As at 30 September 2006, CPS Gloucestershire employed 6.8% Black and minority ethnic (BME) staff compared with a county-wide population of working age of 3.5%. It should be added that the Area's one office is based in Gloucester, which has the highest BME population within the county. The level of female staff, at 69.5%, is higher than the local benchmark, although there is an absence of women at the highest grades. The proportion of people with disabilities, at 3.4%, is lower than within the local population and lower than the CPS average (4.2%). The Area's plans to develop representation are contained in the separate plan referred to above.
- 14.16 In the 2006 staff survey, 73% of respondents considered the CPS to be an inclusive employer, above the national average of 66%. There have been no complaints brought under the equality and diversity complaints procedure since the OPA in 2005.

15 SECURING COMMUNITY CONFIDENCE

Securing community confidence was not fully inspected as part of this inspection, this aspect having been assessed as “Good” in the OPA.

The Area maintains a community log and staff at all levels participate in a wide range of events including court open days and a programme of visits to educational institutions. The officer who led the Area’s work on community engagement transferred to another post in late 2006 and a decision on the future of the role is awaiting the outcome of new CPS regional structures, but any further delay may stall previous good work.

- 15.1 Managers and staff at all levels demonstrate their commitment to securing community confidence by contributing their time and expertise to a wide range of organisations and events, as detailed in the community log. The Area is especially effective in its contribution on domestic violence and hate crime. There is a high level of commitment against racism; the Area is represented on the local Strategic Hate Crime Group and enjoys close links with the local Racial Equality Council. The Area Business Plan contains specific actions relating to community engagement, although progress has not been made in all target areas.
- 15.2 The Area produces an information leaflet which explains the role of the CPS and the services it offers. It also produces an annual report setting out progress against its objectives.
- 15.3 There is no measure of public confidence specific to the CPS, but it contributes to the public’s confidence in the criminal justice system through undertaking its prosecution functions and by engaging with the public directly and through the media. During most of 2006 the Area benefited from an Equality and Communications Manager, who was both visible and pro-active in community engagement. She has now left the post, which is being overseen by another member of staff pending a decision on the future of the role. This should be treated as a priority to ensure that community confidence remains at the forefront of the Area’s agenda.

ANNEX A: AREA EFFECTIVENESS INSPECTION FRAMEWORK

STANDARDS AND CRITERIA

1 Pre-charge advice and decisions

Standard: *Pre-charge advice and decisions are of high quality; an effective pre-charge decision scheme has been fully implemented and resourced within the Area; and benefits are being realised.*

Criteria 1A: Pre-charge advice and decisions are of high quality, in accordance with the Director's Guidance, the Code, charging standards and policy guidelines.

Criteria 1B: Pre-charge decision-making operates effectively at police charging centres and is accurately documented and recorded.

Criteria 1C: The Area is realising the benefits of the charging scheme.

2 Case decision-making and handling to ensure successful outcomes in the magistrates' courts

Standard: *Magistrates' courts' cases are reviewed, prepared and managed to high standards so that the proportion of successful outcomes increases, and hearings are effective.*

Criteria 2A: Case decisions are of high quality and successful outcomes are increasing.

Criteria 2B: Cases progress at each court appearance.

Criteria 2C: The Area contributes effectively to reducing cracked and ineffective trials and increasing the proportion of effective trials.

Criteria 2D: The Area uses CMS to contribute to the effective management of cases.

3 Case decision-making and handling to ensure successful outcomes in the crown court

Standard: *Crown Court cases are continuously reviewed, prepared and managed to high standards, so that the proportion of successful outcomes increases, and hearings are effective.*

Criteria 3A: Case decisions are of high quality and successful outcomes are increasing.

Criteria 3B: Cases progress at each court appearance.

Criteria 3C: The Area contributes effectively to reducing cracked and ineffective trials, and increasing the proportion of effective trials.

Criteria 3D: The Area uses CMS to contribute to the effective management of cases.

4 Presenting and progressing cases at court

Standard: *Prosecution advocates ensure that every hearing is effective, and that cases are presented fairly, thoroughly and firmly, and defence cases are rigorously tested.*

Criteria 4A: Advocates are active at court in ensuring cases progress and hearings are effective.

Criteria 4B: The standard of advocacy is of high quality and in accordance with national standards.

5 Sensitive cases and hate crimes

Standard: *The Area makes high quality decisions and deals with specialised and sensitive cases, and hate crimes effectively.*

Criteria 5A: Area advice and decisions in specialised and sensitive cases, and hate crimes are of high quality, in accordance with the *Code* and policy guidance.

Criteria 5B: The Area identifies and manages sensitive cases effectively.

6 Disclosure

Standard: *The Area complies with the prosecution's duties of disclosure of unused material and disclosure is handled scrupulously.*

Criteria 6A: The Area's decision-making and handling of unused material complies with the prosecution's duties of disclosure.

7 Custody time limits

Standard: *In all cases, custody time limits are adhered to.*

Criteria 7A: Custody time limits are adhered to in all relevant cases.

Criteria 7B: Area custody time limit systems comply with current CPS guidance and case law.

8 The service to victims and witnesses

Standard: *The Area considers victims' and witnesses' needs throughout the entirety of the prosecution process and appropriate liaison, information and support is provided at the right time.*

Criteria 8A: The Area ensures timely and effective consideration and progression of victim and witness needs.

Criteria 8B: The Area, with its criminal justice partners, has implemented the "No Witness No Justice" scheme effectively.

9 Delivering change

Standard: *The Area plans effectively, and manages change, to ensure business is well delivered to meet CPS and CJS priorities.*

Criteria 9A: The Area has a clear sense of purpose supported by relevant plans.

Criteria 9B: A coherent and co-ordinated change management strategy exists.

Criteria 9C: Area staff have the skills, knowledge and competences to meet the business need.

10 Managing resources

Standard: *The Area allocates and manages resources to deliver effective performance and provide value for money.*

Criteria 10A: The Area seeks to achieve value for money, and operates within budget.

Criteria 10B: All Area staff are deployed efficiently.

11 Managing performance to improve

Standard: *The Area systematically monitors, analyses and reports on performance, and uses performance information to promote continuous improvement and inform future decisions.*

Criteria 11A: Managers are held accountable for performance.

Criteria 11B: The Area is committed to managing performance jointly with CJS partners.

Criteria 11C: Performance management arrangements enable a complete assessment of Area performance, and information is accurate, timely, concise and user-friendly.

Criteria 11D: Internal systems for improving/raising the quality of casework are robust and founded on reliable and accurate analysis.

12 Leadership

Standard: *The behaviour and actions of senior managers promote and inspire CPS staff and CJS partners to achieve Area and national objectives.*

Criteria 12A: The management team communicates the vision, values and direction of the Area well.

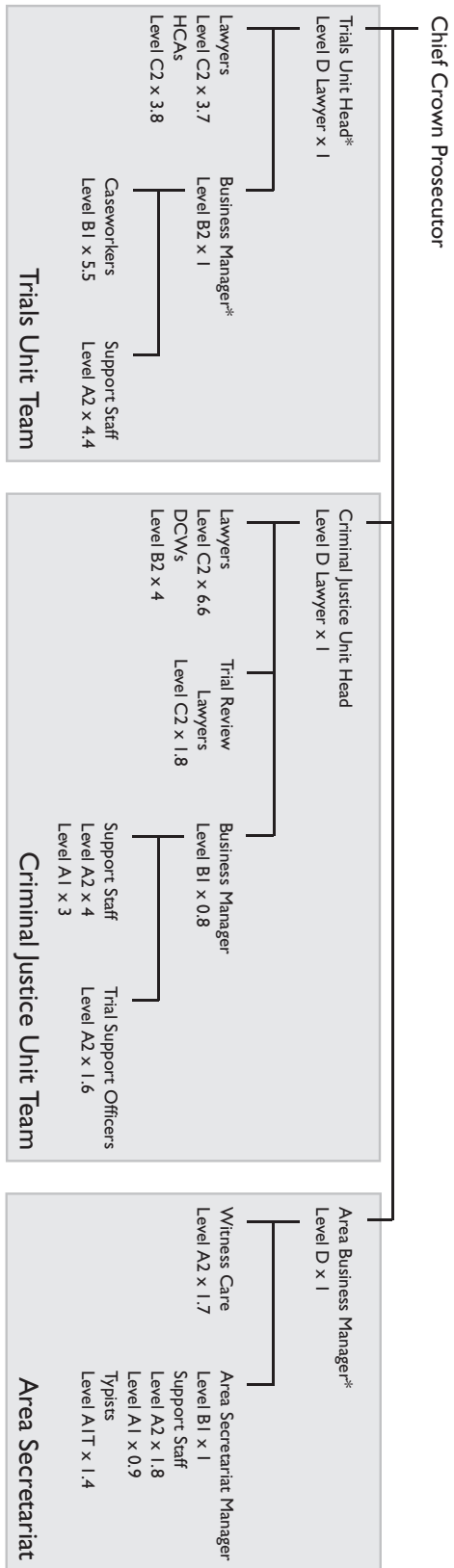
Criteria 12B: Senior managers act as role models for the ethics, values and aims of the Area and the CPS, and demonstrate a commitment to equality and diversity policies.

13 Securing community confidence

Standard: *The CPS is engaging positively and effectively with the communities it serves, and public confidence in the criminal justice system is improving.*

Criteria 13A: The Area is working pro-actively to secure the confidence of the community.

ANNEX B: ORGANISATION CHART



* Temporary

ANNEX C: CASEWORK PERFORMANCE DATA

Caseloads and outcomes for 12 months ending 31 December 2006

	GLOUCESTERSHIRE		NATIONAL	
	Number	Percentage	Number	Percentage
1. Magistrates' Courts - Types of case				
Pre-charge decision	5,097	36.6	577,254	34.3
Advice	104	0.7	1,795	0.1
Summary	5,398	38.7	683,435	40.6
Either way and indictable	3,337	23.9	417,113	24.8
Other proceedings	7	0.1	4,019	0.2
Total	13,943	100.0	1,683,616	100.0
2. Magistrates' Courts - Completed cases				
Discontinuances and bind overs	968	11.8	112,571	11.0
Warrants	225	2.8	28,031	2.7
Dismissed no case to answer	17	0.2	2,568	0.3
Acquittals after trial	171	2.1	18,972	1.9
Discharged	9	0.1	2,400	0.2
Total Unsuccessful Outcomes	1,390	17.0	164,542	16.1
Convictions	6,789	83.0	856,739	83.9
Total	8,179	100.0	1,021,281	100.0
Committed for Trial in the Crown Court	641		91,329	
3. Magistrates' Courts - Case results				
Guilty pleas	5,891	84.4	654,026	74.5
Proofs in absence	559	8.0	155,473	17.7
Convictions after trial	339	4.9	47,240	5.4
Acquittals after trial	17	0.2	2,568	0.3
Acquittals no case to answer	171	2.5	18,972	2.2
Total	6,977	100.0	878,279	100.0
4. Crown Court -Types of case				
Indictable only	245	26.8	35,696	28.6
Either way defence election	24	2.6	5,291	4.2
Either way magistrates' direction	347	38.0	48,629	38.9
Appeals; committals for sentence	297	32.5	35,277	28.3
Total	913	100.0	124,893	100.0
5. Crown Court - Completed cases				
Judge ordered acquittals and bind overs	75	11.8	12,288	13.2
Warrants	7	1.1	1,290	1.4
Judge directed acquittals	3	0.5	1,366	1.5
Acquittals after trial	32	5.0	6,066	6.5
Total unsuccessful outcomes	117	18.5	21,010	22.7
Convictions	517	81.5	71,749	77.3
Total	634	100.0	92,759	100.0
6. Crown Court – Case results				
Guilty pleas	461	83.5	60,558	76.5
Convictions after trial	56	10.1	11,191	14.1
Acquittals after trial	32	5.8	6,066	7.7
Judge directed acquittals	3	0.5	1,366	1.7
Total	552	100.0	79,181	100.0

ANNEX D: TABLE OF RESOURCES AND CASELOADS

<i>Area caseload/staffing CPS Gloucestershire</i>		
	February 2007	June 2003
Prosecution cases	8,742*	12,808
Staff in post	49.3**	45.2
Lawyers in post (excluding CCP)	17.9	16.6
Pre-charge decisions/advices per lawyer (excluding CCP)	291	26.9
DCWs in post	4	1.8
Magistrates' courts' cases per lawyer and DCW (excluding CCP)	399.2	696.1
Magistrates' courts' contested trials per lawyer (excluding CCP)	29.4	20.1
Committals for trial and "sent" cases per lawyer (excluding CCP)	35.8	33.6
Crown Court contested trials per lawyer (excluding CCP)	5.1	5.1
Level B1, B2, B3 caseworkers in post (excluding DCWs)	8.3	8.6
Committals for trial and "sent" cases per level B caseworker	77.2	65.0
Crown Court contested trials per level B caseworker	11.0	9.9
Level A1 and A2 staff in post	17.1**	18.2
Cases per level A staff	511.2**	703.7
Running costs (non-ring fenced)	£2,183,609	£1,909,800

* In addition the Area provided pre-charge advice in 2,101 cases which did not lead to proceedings

** Excludes 1.7 dedicated Witness Care Unit staff

NB: Caseload data represents an annual figure for each relevant member of staff. Crown Court cases are counted within the magistrates' courts' cases total. Where the advice is that proceedings should be instituted, that case will also be included as a summary/either way/indictable case in the statistics relating to the magistrates' courts or the Crown Court as appropriate.

Cases = magistrates' courts' cases excluding pre-charge decisions and advices.

ANNEX E: IMPLEMENTATION OF ASPECTS FOR IMPROVEMENT FROM REPORT PUBLISHED IN DECEMBER 2005

Aspects for improvement

Position in February 2007

- | | | |
|---|--|--|
| 1 | Lack of police unique reference numbers hampers the recording and counting of some PCD cases and the use of CMS for immediate recording of advice does not occur in all cases. | Substantial progress – the police routinely supply a URN when submitting a file for pre-charge advice and the level of recording of MG3s on CMS shows considerable improvement, with handwritten MG3s now the exception. |
| 2 | No Area system for ensuring that police officers charge defendants following a duty prosecutor's decision. | No progress – the Area continues to rely on police supervision by file authorisers and criminal investigation supervisors. |
| 3 | Limited realisation of benefits as a result in relation to the Pre-Charge Decisions initiative. | Substantial progress – data for 12 months to December 06 shows benefits being realised in each of the six key performance indicators. |
| 4 | No formal system for monitoring cases which result in no further action (NFA). | Limited progress – while there is some monitoring, this lacks robustness and needs to be put on a more formal footing to ensure lessons are learnt in support of improved performance. |
| 5 | Relatively high rates of cracked and ineffective trials in the magistrates' courts. | Limited progress – while the rate of cracked trials has improved, the overall rate of ineffective trials remains high at 25.4% for the year to 31 December 2006. |
| 6 | Although the case management system is being used to manage cases in the Criminal Justice Unit, the approach to usage is haphazard and it is not being used as effectively as it might. | Limited progress – but still scope for better use of the task list function if it is to be fully utilised as a management tool. |
| 7 | The Trials Unit uses CMS to manage cases and managers monitor usage, but levels of individual usage vary and not all staff are recording key events in cases. There is little monitoring of outstanding tasks. | Limited progress – while CMS usage for indictments has improved significantly, the timeliness of updating hearings is poor and there is little evidence of management checks. |
| 8 | While the ability of the CPS to influence the County's Offences Brought to Justice (OBTJ) performance is limited, Area OBTJ targets have not been met by a distance. | Achieved – the Area is now performing very well in this measure with performance to November 2006 well ahead of target. However, the proportion of convictions, at 34%, was the lowest in the country. |

Aspects for improvement

Position in February 2007

- | | | |
|----|--|---|
| 9 | The understanding of data on unsuccessful outcomes can be improved and there is limited dissemination of information on unsuccessful outcomes, or of examples of learning lessons that lead to improvement. | Limited progress – while there is some monitoring of unsuccessful outcomes the system needs to be more consistent and robust in identifying and disseminating potential improvement actions. |
| 10 | Limited dissemination by Area Champions and specialists for sensitive cases of relevant case information and the law and of any training, guidance or mentoring. No formal liaison with police counterparts. | Limited progress – the position remains largely unchanged, which may in part be attributable to the absence of guidance to Champions on what is expected of them. |
| 11 | CPS policies and HMCPSI thematic reviews in relation to sensitive cases are generally implemented, but not always the driving principles, when devising Area practice. | No progress. While CPS policies and the findings of thematic reviews are generally implemented, no evidence was provided of these driving Area practice. |
| 12 | Sensitive cases are not always flagged up on CMS and although there is some evidence of their review and handling being monitored and assessed, the extent to which this occurs varies according to the type of case and is not always systematic. | Limited progress – the flagging and monitoring of sensitive cases remain an aspect where more work is needed. |
| 13 | There is no formal agreement, and limited evidence, of prosecutors agreeing custody time limits with the magistrates' courts. | Limited progress – while there has been some discussion with the courts, a formal agreement has yet to be reached and there was limited evidence of confirmation of custody time limits with the magistrates' courts. |
| 14 | Inconsistent approach to monitoring of CTLs. | Substantial progress – our file sample revealed a consistent approach to monitoring custody time limits. |
| 15 | Limited evidence of senior management involvement in assuring themselves of the effectiveness of the CTL system. | Limited progress – there is limited management involvement in one unit. |
| 16 | HMCPSI data shows performance in respect of secondary disclosure as well below national performance (50% against 89.4%). | No progress – performance has deteriorated. In our file sample continuing disclosure was made properly in only 20% of relevant cases. |

Aspects for improvement

- 17 No joint training with the police on new disclosure procedures. Training is, however, being planned but is likely to be restricted to police disclosure specialists and trainers.
- 18 Compliance with the Direct Communication with Victims scheme is not consistent throughout the Area. The quality of letters to victims is good, but there are still instances where letters are not sent in appropriate cases.
- 19 Monitoring of counsel tends to be by exception if there is an issue of concern. Agents are monitored following their initial appointment and also if a specific problem arises.
- 20 Some court endorsements are difficult to read and interpret.
- 21 Some plans have some elements missing, and there is scope for better alignment between various documents and prioritisation or timetabling of activity. Success criteria for some initiatives/objectives should be better defined.
- 22 The risk management process needs strengthening and some of the risks and counter-measures need to be more specific and focused.
- 23 There is scope to improve the recording and evaluation of training. The training plan is in need of update to reflect individuals' needs as identified by Forward Job Plans and Personal Development Plans.
- 24 The Area has overspent its budget in each of the last two years. The 3.9% overspend in 2004-05 was higher than the Area had anticipated. We could not be confident that the budget position will be turned around.

Position in February 2007

- No progress – a date has yet to be set for delivery of this training.
- Substantial progress – national performance data shows significant improvement in performance from the latter part of 2006. However, performance in our file sample (based on cases from August-November) was poor and the Area should identify the reason for this discrepancy.
- No progress – formal monitoring arrangements are yet to be implemented.
- Limited progress – in our file sample we found some instances of missing, confusing or illegible endorsements and there scope for further improvement.
- Substantial progress - the Area Business Plan is much improved and sets out milestones, targets and accountabilities which in the most part are clear.
- Limited progress - although some work has been done, risk analysis and management procedures, including review procedures, remain a weakness.
- Limited progress - good work has been undertaken to develop training records, but evaluation processes are still in need of development and the training plan has yet to reflect individuals' development needs.
- Limited progress - the Area overspent its budget by 2.3% in 2005-06, although at the time of our inspection the overspend in 2006-07 was forecast to be lower at 1.8%.

Aspects for improvement

- 25 Resource planning could be more systematic enabling accurate and up-to-date information to be made available to senior managers.
- 26 High use of agents in 2004-05 representing 29.2% of magistrates' courts' sessions.
- 27 HCA deployment has been historically low.
- 28 Performance against targets for DCW deployment is well below the national level and the target for 2005-06 of 4% is un-ambitious.
- 29 Average sick absence is slightly above the national average at 9.3 days per member of staff over the year 2004.
- 30 The level of performance analysis is variable; learning points when identified are not always translated into improvements and there is insufficient focus on trends and sustained performance levels.
- 31 Scope to improve the sharing of CPS data (that does not form part of LCJB reports) with other agencies.

Position in February 2007

- Achieved - the Area budget is now properly profiled and systems in place to ensure timely monitoring and control.
- Limited progress - although agent use in 2005-06 fell slightly to 27.8% in 2005-06, in the first three quarters of 2006-07 it increased to 32.7%. However, at the time of our visit it was showing signs of improvement with minimal agent usage.
- Achieved - the Area was on course to meet its targets for 2006-07, although senior managers are aware that the savings per session needs to be improved and there are plans to address this through coverage of trials.
- Substantial progress - the Area is now in a good position to maximise its DCW usage. DCW sessions as a percentage of total magistrates' courts' sessions in performance to the end of the third quarter in 2006-07 was 12.2%.
- Substantial progress - while sickness absence levels to date in 2006-07 are high and worse than target, senior managers are taking a more robust approach to managing sickness absence and working closely with the Area's HR Adviser in this respect. At the time of our inspection no members of staff were absent on long term sickness.
- Limited progress - senior managers' plans for an improved performance reporting and management system has yet to be implemented in full and current arrangements were found to be lacking in robustness.
- Substantial progress - partner agencies confirmed that relevant data is shared, but there is scope for Prosecution Team Performance Management data to be provided in a more timely manner and be supported by narrative and analysis.

Aspects for improvement

Position in February 2007

- | | | |
|----|--|---|
| 32 | Further work needed on the format and completion of the monthly performance report to engage and motivate staff in performance management. | Limited progress - while some performance information is made available to staff, there is still scope for more systematic feedback and greater staff engagement in performance issues. |
| 33 | The operation of the Casework Quality Assurance (CQA) scheme is insufficiently robust and managers were not convinced of its value. | No progress - Area results of CQA which indicate a very high level of performance against most of the standards conflicted with the findings of inspectors. Overall, the value of CQA is not recognised and used effectively. |
| 34 | The Area needs to formulate further actions to respond to the recent 360 degree feedback exercise that raised a few concerns relating to leadership. | No longer relevant - senior managers confirmed that the actions arising from the exercise had been signed off by the previous SMT. |
| 35 | Outputs from team meetings can be improved, with records provided indicating that not all meetings comply with the definitions of 'effective meetings' as described in the Area Communications Strategy. | Limited progress - since the latter part of 2006, team meetings have been held regularly, but many lawyers do not attend these and best practice as set out in the Communications Strategy was still not evident in all the minutes reviewed. |
| 36 | Further work required to develop a more positive, effective and dynamic communication style. | Limited progress - action has been taken to improve communication more generally but it is still not fully effective, with some long term issues that need to be addressed. |
| 37 | Plans and objectives for securing greater community confidence could be improved to reflect the commitment better. | Substantial progress – but we are concerned that the current absence of a communications and equality officer may stall previous good work. |
| 38 | The level of public confidence in the county is, at 41%, slightly below the national average. | No progress – Gloucestershire remains one of the poorest performers in this measure. The level of public confidence for the year to June 2006 fell 38% against a national average of 44%. |

Some aspects for improvement have been merged where they deal with linked aspects of performance.

ANNEX F: TOTAL NUMBER OF FILES EXAMINED FOR CPS GLOUCESTERSHIRE

	Number of files examined
Magistrates' courts cases	
Pre-charge advice/decision	4
No case to answer	3
Trials	20
Youth trials	4
Discontinued cases	8
Discharged committals	3
Race crime	5
Domestic violence cases	5
Fatal road traffic offences	5
Cases subject to custody time limits	3
Crown Court cases	
Discontinued (sent cases dropped before service of care)	5
Judge ordered acquittals	10
Judge directed acquittals	2
Trials	23
Child abuse cases	4
Race crime	3
Homicide	5
Rape cases	5
Cases subject to custody time limits	2
TOTAL	119

ANNEX G: LOCAL REPRESENTATIVES OF CRIMINAL JUSTICE AGENCIES AND ORGANISATIONS WHO ASSISTED IN OUR INSPECTION

Crown Court

His Honour Judge Tabor QC

Magistrates' Courts

District Judge Qureshi

Mr C Evans JP, Chair of Gloucestershire Bench

Ms K Holmes JP, Chair of Youth Panel

Mr R Phillips JP, Chair of Youth Panel

Mr M Speller, Area Director

Mr M Seath, Chief Clerk to the Justices

Mr A Champness, Senior Legal Adviser

Police

Mr M Matthews, Assistant Chief Constable

Inspector A Stone

Mr D Smith, Witness Care Unit Manager

Defence Solicitors

Mr J Holmes

Mr G Daniel

Probation Service

Ms Y Ball, Probation Chief Officer

Witness Service

Ms M Cummings, Co-ordinator

Ms S Hunter, Co-ordinator

Victim Support

Mr B Farmer, Area Manager, Victim Support

Local Community Justice Board

Mr R Marshall, Performance Officer

Community Groups

Ms K Prince, Race Equality Legal Adviser, GLOSREC

Members of Parliament

Mr G Clifton Brown, MP (Cotswold)

Mr D Drew, MP (Stroud)

Four other Members of Parliament with constituencies in Gloucester, Cheltenham, Forest and Tewkesbury were invited to contribute.

ANNEX H: HMCPSI VISION, MISSION AND VALUES

Vision

HMCPSI's purpose is to promote continuous improvement in the efficiency, effectiveness and fairness of the prosecution services within a joined-up criminal justice system through a process of inspection and evaluation; the provision of advice; and the identification of good practice. In order to achieve this we want to be an organisation which:

- performs to the highest possible standards;
- inspires pride;
- commands respect;
- works in partnership with other criminal justice inspectorates and agencies but without compromising its robust independence;
- values all its staff; and
- seeks continuous improvement.

Mission

HMCPSI strives to achieve excellence in all aspects of its activities and in particular to provide customers and stakeholders with consistent and professional inspection and evaluation processes together with advice and guidance, all measured against recognised quality standards and defined performance levels.

Values

We endeavour to be true to our values, as defined below, in all that we do:

consistency	Adopting the same principles and core procedures for each inspection, and apply the same standards and criteria to the evidence we collect.
thoroughness	Ensuring that our decisions and findings are based on information that has been thoroughly researched and verified, with an appropriate audit trail.
integrity	Demonstrating integrity in all that we do through the application of our other values.
professionalism	Demonstrating the highest standards of professional competence, courtesy and consideration in all our behaviours.
objectivity	Approaching every inspection with an open mind. We will not allow personal opinions to influence our findings. We will report things as we find them.

Taken together, these mean:

We demonstrate integrity, objectivity and professionalism at all times and in all aspects of our work and that our findings are based on information that has been thoroughly researched, verified and evaluated according to consistent standards and criteria.

ANNEX I: GLOSSARY

Adverse Case

A NCTA, JOA, JDA (see separate definitions) or one where magistrates decide there is insufficient evidence for an either way case to be committed to the Crown Court.

Agent

Solicitor or barrister not directly employed by the CPS who is instructed by them, usually on a sessional basis, to represent the prosecution in the magistrates' court.

Area Business Manager (ABM)

Senior business manager responsible for finance, personnel, business planning and other operational matters.

Area Management Team (AMT)

The senior legal and non-legal managers of an Area.

Aspect for improvement

A significant weakness relevant to an important aspect of performance (sometimes including the steps necessary to address this).

Compass CMS

IT system for case tracking and case management used by the CPS. Compass is the new comprehensive system used in all Areas.

Caseworker

A member of CPS staff who deals with, or manages, day-to-day conduct of a prosecution case under the supervision of a Crown Prosecutor and, in the Crown Court, attends court to assist the advocate.

Charging Scheme

The Criminal Justice Act 2003 took forward the recommendations of Lord Justice Auld in his Review of the Criminal Courts, so that the CPS will determine the decision to charge offenders in the more serious cases. Shadow charging arrangements were put in place in Areas; and the statutory scheme had a phased roll-out across priority Areas and subsequently all 42 Areas, the last being in April 2006.

Chief Crown Prosecutor (CCP)

One of 42 chief officers heading the local CPS in each Area, is a barrister or solicitor. Has a degree of autonomy but is accountable to the Director of Public Prosecutions for the performance of the Area.

Code for Crown Prosecutors (the Code)

The public document that sets out the framework for prosecution decision-making. Crown Prosecutors have the DPP's power to determine cases delegated, but must exercise them in accordance with the Code and its two tests – the evidential test and the public interest test. Cases should only proceed if, firstly, there is sufficient evidence to provide a realistic prospect of conviction and, secondly, if the prosecution is required in the public interest (see also "Threshold test").

Co-location

CPS and police staff working together in a single operational unit (*TU* or *CJU*), whether in CPS or police premises – one of the recommendations of the *Glidewell* report.

Committal

Procedure whereby a defendant in an either way case is moved from the magistrates' court to the Crown Court for trial, usually upon service of the prosecution evidence on the defence, but occasionally after consideration of the evidence by the magistrates.

Court Session

There are two sessions each day in the magistrates' courts, morning and afternoon.

CPS Direct

This is a scheme to supplement the advice given in Areas to the police and the decision-making as to charge under the charging scheme. Lawyers are available on a single national telephone number out of normal office hours so that advice can be obtained at any time. It is available to all Areas.

Cracked trial

A case listed for a contested trial which does not proceed, either because the defendant changes his plea to guilty, or pleads to an alternative charge, or the prosecution offer no evidence.

Criminal Case Management Framework

The Framework provides practitioners with a consistent guide to their own, and their partners' roles and responsibilities, together with operational guidance on case management.

Criminal Justice Unit (CJU)

Operational unit of the CPS that handles the preparation and presentation of magistrates' courts' prosecutions. The *Glidewell* report recommended that police and CPS staff should be located together and work closely to gain efficiency and higher standards of communication and case preparation. (In some Areas the police administration support unit is called a CJU.)

Custody time limits (CTLs)

The statutory time limit for keeping a defendant in custody awaiting trial. May be extended by the court in certain circumstances.

Designated caseworker (DCW)

A senior caseworker who is trained to present straightforward cases on pleas of guilty, or to prove them where the defendant does not attend the magistrates' court. Their remit is being expanded.

Direct Communication with Victims (DCV)

The CPS writes directly to a victim of crime if a case is dropped or the charges reduced in all seriousness. In some instances a meeting will be offered to explain this.

Disclosure, Initial and continuing

The prosecution has a duty to disclose to the defence material gathered during the investigation of a criminal offence, which is not intended to be used as evidence against the defendant, but which may be relevant to an issue in the case. Initial disclosure is given where an item may undermine the prosecution case or assist the defence case. In the magistrates' courts the defence may serve a defence statement and

this must be done in the Crown Court. The prosecution has a continuing duty of disclosure in the light of this and developments in the trials. (Duties of primary and secondary disclosure apply to cases investigated before 4 April 2005.)

Discontinuance

The dropping of a case by the CPS in the magistrates' court, whether by written notice, withdrawal, or offer of no evidence at court.

Early Administrative Hearing (EAH)

Under *Narey* procedures, one of the two classes into which all *summary* and *either way* cases are divided. EAHs are for cases where a not guilty plea is anticipated.

Early First Hearing (EFH)

Under *Narey* one of the two classes into which all *summary* and *either way* cases are divided. EFHs are for straightforward cases where a guilty plea is anticipated.

Effective Trial Management Programme (ETMP)

This initiative, involving all criminal justice agencies working together, aims to reduce the number of ineffective trials by improving case preparation and progression from the point of charge through to the conclusion of a case.

Either way offences

Those triable in either the magistrates' court or the Crown Court, e.g. theft.

Evidential test

The initial test under *the Code* – is there sufficient evidence to provide a realistic prospect of conviction on the evidence?

Glidewell

A far-reaching review of CPS operations and policy dating from 1998 which made important restructuring recommendations e.g. the split into 42 local Areas and the further split into functional units - *CJUs* and *TUs*.

Good practice

An aspect of performance upon which the Inspectorate not only comments favourably, but considers that it reflects a manner of handling work developed by an Area which, with appropriate adaptations to local needs, might warrant being commended as national practice.

Higher Court Advocate (HCA)

In this context, a lawyer employed by the CPS who has a right of audience in the Crown Court.

Joint performance monitoring (JPM)

A management system which collects and analyses information about aspects of activity undertaken by the police and the CPS, aimed at securing improvements in performance. Now used more often generically to relate to wider aspects of performance involving two or more criminal justice agencies.

Indictable only offences

Offences triable only in the Crown Court, e.g. murder, rape, robbery.

Ineffective trial

A case listed for a contested trial that is unable to proceed when it was scheduled to start, for a variety of possible reasons, and is adjourned to a later date.

Judge directed acquittal (JDA)

Where the judge directs a jury to find a defendant not guilty after the trial has started.

Judge ordered acquittal (JOA)

Where the judge dismisses a case as a result of the prosecution offering no evidence before a jury is empanelled.

Level A, B, C, D, E staff

CPS grades below the Senior Civil Service, from A (administrative staff) to E (senior lawyers or administrators).

Local Criminal Justice Board

The Chief Officers of police, probation, the courts, and the CPS, a local prison governor and the Youth Offending Team manager in each criminal justice area who are accountable to the National Criminal Justice Board for the delivery of PSA targets.

MG6C, MG6D etc

Forms completed by police relating to unused material. MG is the national Manual of Guidance used by police and the CPS.

Narey courts, reviews etc

A reformed procedure for handling cases in the magistrates' court, designed to produce greater speed and efficiency.

Narrowing the Justice Gap (NTJG)

It is a Government Criminal Justice Public Service Agreement target to increase the number of offences for which an offender is brought to justice; that is offences which result in a conviction, a caution or which are taken into consideration when an offender is sentenced for another matter; a fixed penalty notice, or a formal warning for possession of drugs. The difference between these offences and the overall number of recorded offences is known as the justice gap.

No Case to Answer (NCTA)

Where magistrates dismiss a case at the close of the prosecution evidence because they do not consider that the prosecution have made out a case for the defendant to answer.

“No Witness no Justice” (NWNJ): Victim and Witness care project

This is a project to improve witness care: to give them support and the information that they need from the inception of an incident through to the conclusion of a criminal prosecution. It is a partnership of the CPS and the Association of Chief Police Officers (ACPO) and also involves Victim Support and the Witness Service. Jointly staffed Witness Care Units were introduced into all CPS Areas by December 2005.

Persistent young offender

A youth previously sentenced on at least three occasions.

Pre-trial review

A hearing in the magistrates' court designed to define the issues for trial and deal with any other outstanding pre-trial issues.

Proceeds of Crime Act 2002 (POCA)

This Act contains forfeiture and confiscation provisions and money laundering offences, which facilitate the recovery of assets from criminals.

Prosecution Team Performance Management

Joint analysis of performance by the CPS and police that has largely replaced the system of *JPM*.

Public Interest test

The second test under *the Code* - is it in the public interest to prosecute this defendant on this charge?

Public Service Agreement (PSA) targets

Targets set by the Government for the criminal justice system (CJS), relating to bringing offenders to justice, reducing ineffective trials and raising public confidence in the CJS.

Recommendation

This is normally directed towards an individual or body and sets out steps necessary to address a significant weakness relevant to an important aspect of performance (i.e. an aspect for improvement) that, in the view of the Inspectorate, should attract highest priority.

Review: initial, continuing, summary trial etc

The process whereby a Crown Prosecutor determines that a case received from the police satisfies and continues to satisfy the legal tests for prosecution in *the Code*. One of the most important functions of the CPS.

Section 9 Criminal Justice Act 1967

A procedure for serving statements of witnesses so that the evidence can be read, rather than the witness attend in person.

Section 51 Crime and Disorder Act 1998

A procedure for fast-tracking *indictable only* cases to the Crown Court, which now deals with such cases from a very early stage – the defendant is sent to the Crown Court by the magistrates.

Sensitive material

Any relevant material in a police investigative file not forming part of the case against the defendant, the disclosure of which may not be in the public interest.

Specified proceedings

Minor offences which are dealt with by the police and the magistrates' courts and do not require review or prosecution by the CPS, unless a not guilty plea is entered.

Strengths

Work undertaken properly to appropriate professional standards i.e. consistently good work.

Summary offences

Those triable only in the magistrates' courts, e.g. most motoring offences, common assault etc.

Threshold test

The Code for Crown Prosecutors provides that where it is not appropriate to release a defendant on bail after charge, but the evidence to apply the full *Code* test is not yet available, the Threshold Test should be applied. There must be at least a reasonable suspicion that the suspect has committed an offence, and it is in the public interest to charge the suspect, to meet the test. A number of factors, including the likelihood and nature of further evidence to be obtained must be considered.

TQI

A monitoring form on which both the police and the CPS assess the timeliness and quality of the police file as part of *joint performance monitoring* (largely superseded by *PTPM*).

Trial Unit (TU)

Operational unit of the CPS which prepares cases for the Crown Court.