



**THE INSPECTORATE'S REPORT
ON
CPS HERTFORDSHIRE**

REPORT 4/05

MARCH 2005

Promoting Improvement in Criminal Justice

CPS HERTFORDSHIRE



AREA OFFICE

St Albans

OTHER OFFICES

Hertford, Watford

MAGISTRATES' COURTS

Cheshunt, Dacorum, Hertford, St Albans, Stevenage, Watford

CROWN COURT

Cheshunt, Luton, St Albans

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PREFACE

Her Majesty's Crown Prosecution Service Inspectorate (HMCPsi) 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.

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. 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 HMCPsi work programme is the inspection of business units within the CPS – the 42 Areas and Headquarters Directorates. In 2002 it completed its first cycle of inspections during which it visited and published reports on each of the 42 CPS Areas as well as the Casework and Policy Directorates within CPS Headquarters. A limited amount of re-inspection was also undertaken. In this second cycle of inspections some significant changes have been made in methodology in order to enhance the efficiency of HMCPsi itself and adapt its processes to developments both within the CPS and the wider criminal justice system. The four main changes are: the adoption of a four-year cycle with each Area now receiving two visits during that period, one of which may be an intermediate (as opposed to full) inspection; a risk assessment technique has been developed to determine the appropriate type of inspection and the issues which should be covered; an inspection framework has been developed founded on the EFQM (Business Excellence Model); and we have incorporated requirements to ensure that our inspection process covers all matters contained in the inspection template promulgated by the Commission for Racial Equality. HMCPsi will also be using a wider range of techniques for gathering evidence.

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. The framework within which the system is managed nationally has been substantially revised and that is reflected by the establishment in each of the 42 criminal justice areas of a Local Criminal Justice Board. During the second cycle of inspection, HMCPsi will place even greater emphasis on the effectiveness of CPS relationships with other criminal justice agencies and its contribution to the work of these new Boards. For this purpose, HMCPsi will also work closely with other criminal justice Inspectorates.

Although the inspection process will continue to focus heavily on the quality of casework decision-making and casework handling, 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. Although reports in our first cycle tended to address management and operational issues separately from casework, that fundamental linkage will now be reflected more fully through the EFQM-based inspection framework. Inspection teams comprise legal inspectors, business management inspectors and casework 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 external communication and liaison, 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 part of the Northern and Wales Group. The remainder of the Northern and Wales Group are based at the office 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 six geographically-based or Directorate inspections and two thematic reviews, as well as joint inspections.

The inspection framework we have developed from the Business Excellence Model can be found summarised at Annex 1. The chapter headings in this report relate to the key requirements and the sub-headings relate to the defining elements or standards against which we measure CPS Areas. These are set out in full in Annex 1A and are cross-referenced to the sub-headings in the text.

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 9.

During the second cycle of inspections, a database will be built up enabling comparisons to be drawn between performances of CPS Areas. The table of key performance indicators within this report makes such comparison with the aggregate data gathered from the second cycle inspection of all 42 Areas. HMCPSI points out the care which must still be undertaken if readers are minded to compare performance described in this report with the overall CPS performance in the *first* cycle. Although many of the key requirements remain and are tested by the same standard, the composition of the file sample has altered and this may make such comparisons unreliable. For that reason, no comparisons are made in this report with the first cycle.

1 INTRODUCTION

- 1.1 This is Her Majesty's Crown Prosecution Service Inspectorate's report about CPS Hertfordshire (the Area), which serves the area covered by the Hertfordshire Constabulary. It has three offices, at St Albans, Hertford and Watford. The Area Headquarters (Secretariat) is based at the St Albans office.
- 1.2 Area business is divided on functional lines between magistrates' courts and Crown Court work. The three Criminal Justice Units (CJUs) are responsible for the conduct of all cases dealt with in the magistrates' courts. CJU Central is based at St Albans and covers the magistrates' courts cases there; CJU East is based at Hertford and covers cases at Hertford, Stevenage and Cheshunt Magistrates' Courts; and CJU West, based at Watford, covers the Watford and Dacorum Magistrates' Courts. The Crown Court Unit (CCU) reviews and handles cases dealt with in the Crown Court and is based at St Albans.
- 1.3 At the time of the inspection in September 2004, the Area employed the equivalent of 88.6 full-time staff. The Area Secretariat comprises the Chief Crown Prosecutor (CCP), Area Business Manager (ABM) and the full-time equivalent of 9.4 other staff. Details of staffing of the units is set out below:

Grade	CCU	CJU Central	CJU East	CJU West
Level E	2	-	-	-
Level D	-	1	1	1
Level C lawyers	6.4	7	9.2	7.6
Level B2 caseworkers	1	2	2	1
Level B1 caseworkers	11.8	1	1	1
Level A caseworkers	7.7	9.7	1.8	2
TOTAL	28.9	20.7	15	12.6

A detailed breakdown of staffing and structure can be found at Annex 2.

- 1.4 Details of the Area's caseload in the year to 30 June 2004 are as follows:

Category	Area numbers	Area % of total caseload	National % of total caseload
Advice	2,636	10.4	13.1
Pre-charge decisions	828	3.3	2.6
(Total pre-charge advice to police)	(3,464)	(13.7)	(15.7)
Summary offences	14,226	56.3	51.8
Either way and indictable only	7,067	28	31.4
Other proceedings	502	2	1.1
TOTAL	25,259	100%	100%

1.5 The Area's Crown Court finalised cases in the year to 30 June 2004 were:

Crown Court finalised cases	Area numbers	Area % of total caseload	National % of total caseload
Indictable only	460	29.7	31
Either way offences	716	46.1	43.6
Appeals against conviction or sentence and committals for sentence	375	24.2	25.4
TOTAL	1,551	100%	100%

1.6 A more detailed table of caseload and case outcomes compared with the national average is attached at Annex 3 and a table of caseload in relation to Area resources at Annex 4. CPS Hertfordshire (in common with other CPS Areas) has benefited from a significant increase in its budget since our last inspection in order to drive up performance. As a result, the Area has been able to recruit more staff and reduce the average numbers of cases dealt with per lawyer and caseworker.

The report, methodology and nature of the inspection

1.7 The inspection process is based on the inspection framework summarised at Annex 1. The chapter headings in this report relate to the key requirements and the sub-headings relate to the defining elements or standards against which we measure CPS Areas. These are set out in full in Annex 1A and are cross-referenced to the sub-headings in the text.

1.8 There are two types of inspection. A full inspection considers each aspect of Area performance within the framework. An intermediate one considers only those aspects which a risk assessment against the key elements of the inspection framework, and in particular the key performance results, indicates require attention. These key results are drawn from the Area's own performance data, and other performance data gathered within the local criminal justice area.

1.9 The scope of the inspection is also influenced by the length of time since performance was previously inspected. The assessment in respect of CPS Hertfordshire also drew on findings from the previous inspection of the Area, a report of which was published in May 2002. As a result of this risk assessment, it was determined that the inspection of CPS Hertfordshire should be a full one.

1.10 Our previous report made a total of 27 recommendations and five suggestions, as well as commending nine aspects of good performance. In the course of this inspection, we have assessed the extent to which the recommendations and suggestions have been implemented, and a synopsis is included at Annex 5.

1.11 Our methodology combined examination of 115 cases finalised between 1 May - 31 July 2004 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 magistrates' courts and Crown Court trials (whether acquittals or convictions), cracked and ineffective trials and some specific types of cases. While visiting the Area,

we examined a further 12 cases subject to custody time limits. A detailed breakdown of our file sample is shown at Annex 6. A list of individuals from whom we received comments is at Annex 7. The team carried out observations of the performance of advocates and the delivery of service at court in both the magistrates' and the Crown Court.

- 1.12 Inspectors visited the Area between 27 September - 1 October 2004. The lay inspector for this inspection was Shirley Ford, who was nominated by Victim Support. The role of the lay inspector is described in the Preface. She examined files that had been the subject of complaints from members of the public and considered letters written by CPS staff to victims following the reduction or discontinuance of a charge. She also visited some courts. 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. She gave her time on a purely voluntary basis, and the Chief Inspector is grateful for her effort and assistance.
- 1.13 The purpose and aims of the Inspectorate are set out in Annex 8. A glossary of the terms used in this report is contained in Annex 9.

2 SUMMARY OF INSPECTION FINDINGS AND RECOMMENDATIONS

- 2.1 This summary provides an overview of the inspection findings as a whole. It is broken down into sub-headings that mirror the chapters in the report, which are based upon our inspection framework developed from the EFQM Business Excellence Model (see Annex 1). Other sub-headings deal specifically with Public Service Agreement (PSA) targets and equality and diversity issues.

Overview

- 2.2 The Area has made progress since the last inspection; a number of strengths and positive aspects of performance are apparent, but some recommendations have not been achieved.
- 2.3 Casework outcome in the Area is satisfactory. The results for the Public Service Agreement targets are good and public confidence in the criminal justice system as a whole in Hertfordshire is relatively high. The Area is implementing all three major initiatives to which the CPS is committed nationally (the shadow charging scheme, Effective Trial Management Programme (ETMP) and No Witness No Justice) and has co-located with the police throughout the Area. CPS Hertfordshire is also one of the two national pilots for the enhancement of the role of Higher Court Advocates (CPS lawyers who, after specific training, are authorised to appear in the Crown Court).
- 2.4 While the overall annual caseload (to the end of June 2004) has increased since the last inspection, from 19,594 to 25,259 cases, the Area has received extra funding which has enabled it to increase its lawyer compliment by 40%. The number of cases per lawyer has therefore fallen, and the 2004 statistics include a much higher proportion of pre-charge advice. On the other hand, newly recruited lawyers tend to have less experience, and the established prosecutors are deployed to implement the new initiatives, which has put strain on Area operations.
- 2.5 The quality of CPS Hertfordshire's decision-making and advocacy remains sound despite the increase in pressure. However, the timeliness of case preparation has suffered. The Area will need to ensure that outstanding work is commenced early and completed in time for the next hearing. The handling of unused material and the Area's performance under the Direct Communications with Victims (DCV) scheme need to improve significantly.
- 2.6 Further work is required to engage criminal justice partners more effectively, particularly in the way the agencies work together to tackle the lengthy delay between listing and summary trials.
- 2.7 More work is also needed to improve communications with staff, and performance management, and engagement with the local community can also be strengthened.

Key performance results

- 2.8 Area casework outcomes are better than the CPS national averages in several respects including the acquittal rates in both Crown and magistrates' courts. The quality of decision-making about whether to proceed with cases is good. The review of cases from first appearance to trial in the magistrates' courts and the Crown Court was satisfactory.

- 2.9 With the notable exception of persistent young offender (PYO) cases, timeliness of preparation is an issue. The timeliness and quality of police files play a part, but a more pro-active approach at review to help the police build a case should help reduce the need to do remedial work later.

Casework

- 2.10 The quality of pre-charge advice to the police was good, but the timeliness of advices outside the shadow pre-charge advice scheme could be better.
- 2.11 Decision-making at various stages of the review process is sound, but prosecutors need to make timely requests for further evidence or information from the police.
- 2.12 Discontinuances are generally timely and well handled.
- 2.13 There are occasions when the prosecution is not ready for trial in the magistrates' courts and the trial becomes ineffective. The Area needs to improve its timeliness in the service of prosecution papers in Crown Court cases and the progression of these cases can also be better. The timeliness and quality of police files have a negative impact, but the Area should try to minimise the effect by being more pro-active at case-building at all review stages.
- 2.14 Instructions to counsel are timely and of a satisfactory quality, but the Area needs to ensure that instructions on acceptable pleas are routinely included.
- 2.15 Although CPS Hertfordshire has carried out training on the revised Joint Operational Instructions (JOPI) on the disclosure of unused material, weaknesses remain in the disclosure process.
- 2.16 Decision-making in sensitive cases (e.g. those involving child abuse, domestic violence, rape and racially aggravated offences, or from road traffic fatalities) is usually sound, but compliance with CPS policies on these cases needs to be strengthened.
- 2.17 Prosecutors need to be more objective and enquire in greater frequency and detail the reasons for adverse case outcomes to enable the Area to reap the benefits from the adverse case reporting procedure.

Advocacy and quality of service delivery

- 2.18 The standard of advocacy is satisfactory. The Area does not have a high agent usage, although it is on the increase. There is a need to monitor the standard of its advocates to ensure that it maintains a sound level of service delivery.
- 2.19 The delivery of files to court is satisfactory. Court preparation is timely, although readiness for court is sometimes let down by not ensuring that all necessary actions are taken. Court endorsements are good.
- 2.20 The Area should avoid, as far as practicable, the use of court briefs (these are where instructions to counsel are delivered at court on the day).

Victims and witnesses

- 2.21 There has been an improvement to witness care at court. Appropriate use is made of Special Measures for giving evidence; full use is made of procedures to avoid witness attendance; and the Area tries to ensure phasing of witness attendance at the Crown Court.
- 2.22 Relationships with the Witness Service are satisfactory, although the CPS should try to provide them with better information about changes to witness attendance.
- 2.23 The Area has implemented Direct Communications with Victims to explain reasons for dropping or reducing charges. The quality of letters is generally good, but more work is needed to ensure that cases falling within the scheme are identified and action taken.

Performance management

- 2.24 The performance management system focuses on the individual units rather than the Area as a whole. Action is needed to develop a unified system to provide a common format for all reports and an overall assessment of Hertfordshire's performance.
- 2.25 Joint performance management (JPM) with the police and the courts is well established and generally effective.

People management and results

- 2.26 Staff deployment between the units is decided by the ABM in consultation with Unit Heads, and endorsed by the Area Management Team (AMT), with the units then assigning their own staff to meet operational needs. The AMT will need to ensure that resource allocation between the units is flexible enough to allow for re-deployment to meet short-term business needs.
- 2.27 There are limited opportunities for staff to influence and participate in the running of the Area. There is a need to develop and implement a communications strategy which fully engages staff.
- 2.28 There is a high level of satisfaction amongst staff with access and support for training and development. Of particular note was the Area's commitment to developing staff, including providing support to obtain external qualifications.

Management of financial resources

- 2.29 The Area has sound systems for projecting and controlling expenditure and financial guidelines are being adhered to.

Partnerships and resources

- 2.30 Partnerships within the local criminal justice system (CJS) are generally strong at the operational level, but the failure to resolve some long-standing issues between agencies hinders improvements across the county. Despite the Area's commitment to improving performance, its perceived inability to assist in the delivery of effective case management in the magistrate's courts is undermining its credibility with its CJS partners.

- 2.31 Progress has been made towards co-location and shadow charging has been good at the CJUs at Hertford and Watford. Further work is needed at CJU Central and the CCU to realise the benefits of co-location.
- 2.32 The Area has yet to fully embrace the use of Compass (the CPS's computer case management system) and secure e-mail.

Policy and strategy

- 2.33 The planning for, and implementation of, policy and the various change initiatives is generally unit-based and is sound, but can be hampered by poor working relationships.

Public confidence

- 2.34 The Area would benefit from developing a complaints logging system that provides an analysis of the nature of complaints.
- 2.35 CPS Hertfordshire does not have a high profile in the local community; there needs to be more engagement with local communities and the media.

Leadership and governance

- 2.36 The Area Management Team is a cohesive group and supportive of each other. It has a clear vision for the Area and provides strong leadership.
- 2.37 The separate locations and the lack of day-to-day interaction between the units has led to some staff being unaware of the wider Area perspective, with their focus being at unit level.

Bringing offenders to justice

- 2.38 The Hertfordshire Criminal Justice Board (HCJB) is exceeding its target for bringing offenders to justice. The CPS contributes to this by providing pre-charge advice, and by its low discontinuance and acquittal rates.

Reducing ineffective trials

- 2.39 The ineffective trial rate in the magistrates' courts is better than the national average, but this does not take into account the number of trials vacated before the trial date. The number of trials that do not go ahead on the appointed date contributes to the overall delay in bringing a case to trial in the Area, which is working with the magistrates' courts to agree a protocol on listing.
- 2.40 The ineffective trial rate in the Crown Court is 18.8%, slightly worse than the national average of 17.3%, and the CPS is responsible for just over a quarter of ineffective trials.

Improving public confidence

- 2.41 The British Crime Survey 2003–04 shows that residents in Hertfordshire had higher levels of confidence than the national average in many aspects of work of the local criminal justice agencies. The HCJB has an Action Plan to raise public confidence, and the Area has played a full part in it.

Value for money

- 2.42 The AMT decides on the deployment resources to ensure that best value is obtained. The current financial and performance management regimes allow them to accurately monitor resources and assess future liabilities.

Equality and diversity issues

- 2.43 The Area has a diverse workforce and equality and diversity policies are embedded into its Business Plans.

Recommendations

- 2.44 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.
- 2.45 We have made five recommendations to help improve the Area's performance:
1. The AMT should ensure that each unit complies with the Joint Operational Instructions on handling unused material and, in particular, ensures that:
 - * disclosure decisions and actions are properly recorded;
 - * previous convictions for prosecution witnesses are obtained and considered for disclosure (paragraph 4.29).
 2. The Unit Heads should ensure that Direct Communication with Victims letters explaining the reason for the decision are sent in all cases within the scheme in a timely manner, and this should be extended to include discharged committals (paragraph 6.7).
 3. The AMT standardise and enhance its performance management regime (paragraph 7.6).
 4. The Area should develop and implement a strategic framework to enable it to effectively engage with staff (paragraph 8.24).
 5. The AMT should take action to improve effective engagement with CJS partners at a strategic level (paragraph 10.6).

Good practice

- 2.46 We have also identified one aspect of good practice by the Area that might warrant adoption nationally.
1. The Area uses a spreadsheet to monitor the progress of cases and to assess police performance under the shadow charging scheme (paragraph 4.41).

3 KEY PERFORMANCE RESULTS

Target 1: To improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.2 million by 2005-06; with an improvement in all CJS areas, a greater increase in the worst performing areas, and a reduction in the proportion of ineffective trials.

CPS PERFORMANCE	National Target 2003-2004	National Performance Cycle to date*	Area Target 2003-2004	Area Performance
MAGISTRATES' AND YOUTH COURT CASEWORK				
Advice				
Decisions complying with evidential test in the Code ¹	-	96.1%	-	100%
Decisions complying with public interest test in the Code ¹	-	97.3%	-	100%
First Review				
Decisions to proceed at first review complying with the evidential test ¹	-	98.6%	-	100%
Decisions to proceed at first review complying with public interest test ¹	-	99.9%	-	100%
Requests for additional evidence/information made appropriately at first review ¹	-	76.7%	-	28.6%
Discontinuance				
Discontinuance rate of completed cases (CPS figure)	-	13.1%	-	12.6%
Discontinued cases with timely discontinuances ¹	-	76.9%	-	90%
Decisions to discontinue complying with the evidential test ¹	-	93.2%	-	92.3%
Decisions to discontinue complying with the public interest test ¹	-	92.7%	-	87.5%
Discontinued cases where all reasonable steps had been taken to request additional evidence/information ¹	-	88.2%	-	80%
Level of charge				
Charges that required amendment and were amended in a timely manner ¹	-	75.1%	-	75%
Cases that proceeded to trial or guilty plea on the correct level of charge ¹	-	95.5%	-	100%
Cracked and ineffective summary trials				
Cracked trials as recorded by CPS and magistrates' courts JPM	-	(Jul - Sept 04) 36.9%	-	(Oct – Dec 03) 32.2%
Cracked trials in file sample that could have been avoided by CPS action ¹	-	20.8%	-	9%
Ineffective trials as recorded by CPS and magistrates' courts JPM	-	(Jul – Sept 04) 25.4%	-	(Jan – Mar 04) 26.0%
Ineffective trials in the file sample that could have been avoided by CPS action	-	27.4%	-	_ 4
Summary trial				
Acquittal rate in magistrates' courts (% of finalisations) – CPS figure	-	2.1%	-	2.1%
Decisions to proceed to trial complying with the evidential test ¹	-	96.3%	-	91.3%
Decisions to proceed to summary trial complying with the public interest test ¹	-	99.7%	-	87.5%
Cases with timely summary trial review ¹	-	78.6%	-	100%
Requests for additional evidence/information made appropriately at summary trial review ¹	-	73.2%	-	33.3%
No case to answers where outcome was foreseeable, and CPS could have done more to avoid outcome ¹	-	38.4%	-	2 out of 2

CPS PERFORMANCE	National Target 2003-2004	National Performance Cycle to date*	Area Target 2003-2004	Area Performance
CROWN COURT CASEWORK				
Committal and service of prosecution papers				
Cases with timely review before committal, or service of prosecution case in "sent" cases ¹	-	84%	-	95.5%
Decisions to proceed at committal/service of prosecution papers stage complying with evidential test in the Code for Crown Prosecutors ¹	-	96.1%	-	90%
Decisions to proceed at committal/service of prosecution papers stage complying with public interest test in the Code for Crown Prosecutors ¹	-	99.8%	-	100%
Requests for additional evidence/information made appropriately at committal/service of prosecution case review ¹	-	83.9%	-	85.7%
Timely and correct continuing review after committal	-	85%	-	85.7%
Cases with timely service of committal papers on defence	80.09%	81% 78.2% ³	-	85.7% ¹ N/A ²
Cases with timely delivery of instructions to counsel	84%	86.5% 85.5% ³	-	100% ¹ 67.4% ²
Instructions to counsel that were satisfactory ¹	-	64.3%	-	81.8%
Cracked and ineffective trials				
Cracked trials as recorded by CPS and Crown Court JPM	-	(Apr – Sept 04) 39.2%	-	(May – Jul 04) 31.3%
Cracked trials that could have been avoided by CPS action ¹	-	20.6%	-	11.1%
Ineffective trials as recorded by CPS and Crown Court JPM	-	(May - July 04) 16.7%	-	(May – Jul 04) 18.8%
Ineffective trials where action by CPS could have avoided an adjournment ¹	-	10.5%	-	- ⁴
Level of charge				
Charges that required amendment and were amended in a timely manner ¹	-	80%	-	40%
Indictments that required amendment ¹	-	26.1%	-	23.3%
Cases that proceeded to trial or guilty plea on the correct level of charge ¹	-	95.8%	-	95.7%
Judge ordered and judge directed acquittals				
JOA/JDAs where outcome was foreseeable, and CPS could have done more to avoid outcome ¹	-	23.3%	-	23.5%
Trials				
Acquittal rate in Crown Court (% of all finalisations excluding JOA, appeals/committals for sentence and warrant write-offs) ²	-	9.8%	-	14.1%
NARROWING THE JUSTICE GAP				
Percentage brought to justice against the baseline for 2001-02 as recorded by JPIT	Target +5%	+8.2% (as at June 04)		33.7% (as at Mar 04)

¹ as assessed by HMCPSI from examination of the file sample during inspection

² self-assessment by Area

³ nationally collated figure based on Area self-assessment returns

⁴ insufficient numbers of files to provide reliable data

* average performance of Areas inspected in inspection cycle 2002-2004 based on a sample of cases examined and observations at court up to 30 June 2004

Target 2: To improve the level of public confidence in the criminal justice system, including increasing that of ethnic minority communities, and increasing year on year, the satisfaction of victims and witnesses, whilst respecting the rights of defendants.

CPS PERFORMANCE	National Target 2003-2004	National Performance Cycle to date*	Area Target 2003-2004	Area Performance
MAGISTRATES' AND YOUTH COURT CASEWORK				
Disclosure				
Cases where primary disclosure properly handled ¹		71.6%		72.4%
Cases where secondary disclosure properly handled ¹		59.5%		-
Witness care				
Trials where appropriate use made of S9 CJA 1967 ¹		96.8%		93.4%
Trials where appropriate use made of the witness care measures ¹		85.4%		100%
CROWN COURT CASEWORK				
Disclosure				
Cases where primary disclosure properly handled ¹		79.9%		50%
Cases where secondary disclosure properly handled ¹		59.4%		37.5%
Witness care				
Trials where appropriate use made of witness phasing/standby ¹		80.1%		55.6%
Trials where appropriate use made of the witness care measures ¹		93.4%		100%
MAGISTRATES' COURTS AND CROWN COURT				
Custody time limits				
Cases in sample where expiry dates accurately calculated	-	93.7%	-	83.3%
OTHER ISSUES				
Payment of witness expenses				
Payment of witness expenses within 10 days of receipt of claim ²	100%	Apr – Sept 04 92.9%	100%	91.7%
Handling of complaints				
Complaints replied to within 10 days ²	94%	Apr – Sept 04 89.4%	96%	100%
Citizens charter commitment				
MPs correspondence replied to within 15 days ²	100%	Apr - Sept 04 98.3%	N/A	100%
Improving productivity				
Reduce sick absence rate per member of staff	8.5 days (2004)	9.2 days (2003)		4.9 days (2003)
OTHER ASPECTS OF CPS PERFORMANCE				
CJS Youth Justice Performance Measures (shared between Home Office, Department of Constitutional Affairs (formerly LCD) and CPS)				
To halve time from arrest to sentence for persistent young offenders from 142 to 71 days by 31 March 2002	71 days	64 days (June - Aug 04)	71 days	60 days (June - Aug 04)

¹ as assessed by HMCPSI from examination of the file sample during inspection

² self-assessment by Area, first quarter 2004-05

* average performance of Areas inspected in inspection cycle 2002-2004 based on a sample of cases examined and observations at court up to 30 June 2004

Commentary

Overview

- 3.1 The quality of decision-making on whether to proceed with cases is good. The review of cases from first appearance to trial in both the magistrates' courts and the Crown Court was satisfactory.
- 3.2 Timeliness of preparation is an issue, with the notable exception of persistent young offenders cases. The timeliness and quality of police files plays a part, but a more pro-active approach at review to help the police build a case should assist in reducing the need to do remedial work later.
- 3.3 Prosecutors need to improve their approach to the disclosure of unused material, by keeping a better record of their decisions and actions, and by paying greater attention to sensitive material and antecedents of prosecution witnesses.

Pre-charge advice to police

- 3.4 The quality of the advices within the sample was good. In particular, the Crown Court Unit's advice on cases involving serious sexual offences was of a very high standard indeed.

Quality of decision-making

- 3.5 The quality of decision-making at initial review was also good. The application of the Code for Crown Prosecutors (the Code) at subsequent reviews was not as sound, and was below the national average in the inspection cycle-to-date.
- 3.6 Prosecutors need to be more pro-active at the review stage and make appropriate requests for further information in cases where not guilty pleas are anticipated.

Continuing review

- 3.7 The preparation for summary trials was timely in all cases in the file sample. However, there is again a need at this stage for prosecutors to request any information that can strengthen the case.
- 3.8 The timeliness of service of committal papers is above the national average. However, this measurement reflects only the time taken by the Area to prepare papers after it has received a file of sufficient quality from the police. Late or incomplete police files have meant that committal papers were served on the defence shortly before, or sometimes on, the committal date.
- 3.9 The service of prosecution papers in "sent" cases was in a similar position. While the Area is often able to prepare papers in the time notionally allowed to them, late or incomplete police files have meant that it was frequently necessary to apply to the Crown Court for extensions to serve papers.

Discontinuance

- 3.10 The discontinuance rate of 12.6% is below the national average (13.1%), but slightly higher than the last inspection (11.8%). The timeliness of discontinuance was better than the national average in the inspection cycle-to-date.
- 3.11 The application of the Code tests was applied correctly in 13 out of 15 cases (86.7%) which is slightly below the national average for the cycle (92.4%).

Discharged committals

- 3.12 The Area does not record the number of committals discharged because the prosecution was not ready. The impression of Area staff and criminal justice partners is that the numbers of such discharges are low. However, Area performance indicators recorded a significant number of committals apparently discharged due to lack of evidence, which Area staff felt was due to errors in finalisation coding. This situation will need to be investigated further by the Area.

Level of charge

- 3.13 All the magistrates' and youth courts cases in the file sample proceeded to trial or guilty plea at an appropriate level of charge. The percentage of Crown Court cases where there has been an appropriate selection of charge was close to the national average. The timeliness of amending charges, particularly in Crown Court cases, requires improvement.
- 3.14 Indictments drafted by the Area required amendment in 23.3% of relevant cases, which was better than the national average.

Ineffective trials

- 3.15 The ineffective trial rate in the magistrates' courts for the quarter ending March 2004 was better than the national average. However, this figure did not take into account the number of trials that were vacated before the trial date. In Chapter 4, we discuss in greater depth issues surrounding ineffective summary trials.
- 3.16 The ineffective trial rate in the Crown Court was higher (poorer) than the national average. However, HCJB data indicates that only 20.8% of ineffective trials in the quarter ending July 2004 was attributable to the prosecution, against a national average in the same period of 41.6%.

Persistent young offenders

- 3.17 The timeliness with which persistent young offenders are dealt with has improved since the last inspection. In the quarter ending 30 June 2004, PYO cases were dealt with in an average of 55 days from arrest to sentence, compared to a national average of 56 days and a Government-set target of 71 days.

Sensitive cases

- 3.18 The handling of child abuse cases by the Area is generally sound. We examined five cases handled by the CCU. CPS policy was followed in all cases, although in one - which resulted in a judge directed acquittal - there was no clear indication that either the reviewing lawyer or prosecuting counsel had viewed the child's video interview.
- 3.19 We examined eight racist incidents cases, none of which were discontinued. In five of these cases, the Area accepted a guilty plea to a lesser charge or to an offence that did not contain a racially aggravating element. We found that the handling of two of these cases did not conform to CPS policy on racist crime.
- 3.20 While some of our external interviewees consider that the Area take an unduly strong stance in favour of prosecuting domestic violence cases, we concluded that all the 20 domestic violence cases we saw were properly brought. Only three of these cases were discontinued subsequently, and the prosecution offered no evidence in two other cases in the Crown Court. Five defendants pleaded guilty on the day of the trial.

Adverse outcomes

- 3.21 Adverse cases comprise no case to answer (NCTAs) in the magistrates' courts and judge ordered/directed acquittals (JOA/JDAs) in the Crown Court.
- 3.22 At 0.2%, the NCTA rate is better than the national average of 0.3%, but it represents a fall in performance from the last inspection, when the rate was 0.1%. We examined six NCTA cases; in two of them, the result was foreseeable and the Area could have done more to avoid the outcome.
- 3.23 The JOA rate is 12.6%, which is better than both the current national average and the Area's performance at the last inspection. The JDA rate is 2%, which is slightly below the national average and similar to the Area's performance in the last inspection. We examined 17 JOA/JDA cases. We found that the adverse outcome was foreseeable in seven of these cases, and the CPS could have taken action to avoid the outcome or dropped the case earlier in four cases.

Narrowing the justice gap

- 3.24 The HCJB is exceeding its target for bringing offences to justice. In 2003-04, 18,548 offences were brought to justice, against a target of 14,289.

Disclosure

- 3.25 Although the Area has carried out training on the revised Joint Operational Instructions for handling unused material, its performance in relation to the disclosure of unused material remains a weakness.

4 CASEWORK

Pre-charge advice to police (CAP1)

- 4.1 The Area operates a shadow pre-charge advice scheme. In the twelve months ending June 2004, pre-charge decisions accounted for 3.3% of the Area's caseload. There is still some confusion among police officers about the exact nature of the scheme. Many see duty prosecutors (crown prosecutors deployed in the pre-charge advice scheme) as providing a general advice surgery and often seek advice at an early stage of investigations. Duty prosecutors are not normally able to say whether investigations should come to an end at an early stage, but their assistance on legal issues in investigations into complicated matters is to be encouraged. On the other hand, early consultation in straightforward investigations adds little value to the process. Area managers should discuss with police colleagues criterion for the use of duty lawyers to ensure that Area resources are used effectively.
- 4.2 We examined nine cases (four from the CJUs, five from the CCU) where the police had submitted a full file for advice outside the shadow scheme. All the decisions were taken in accordance with the appropriate Code tests. We were particularly impressed with the advice given in several cases that involved serious sexual offences. All the issues in the case were covered, and a full explanation was given to the police in each case.
- 4.3 We were able to ascertain the timeliness with which advice was provided in six out of nine cases; there is a need for the date of receipt of advice files to be clearly recorded. Of the six files, four advices were provided within CPS time guidelines.

Strengths

- * The high quality of advice in serious sexual offences.

Cases ready to proceed at first date of hearing (CAP2)

- 4.4 Files for early administrative hearings (EAHs) and early first hearings (EFHs) are reviewed by CJU lawyers and designated caseworkers (DCWs). The decision-making at first review is good and we agreed with the application of the Code tests at that stage in all cases examined.
- 4.5 While making a correct decision on whether a case should proceed is the main purpose of an initial review, it is equally important that prosecutors consider at the earliest opportunity whether further additional evidence or information is needed to strengthen the evidence. This is particularly important when summary trial preparation does not take place until some months after the first review. An appropriate request was made in only three of the 11 (27.3%) relevant cases that were dealt with in the magistrates' courts.

- 4.6 The procedure for the provision of advance information is not uniform across the Area. It ranges from a full record of what is disclosed and when, to no record at all of any disclosure having taken place. There were also instances when cases were adjourned because the CPS acceded to defence request for further information before a plea was entered or indicated. We think that prosecutors should conduct themselves in a manner which avoids this occurring. If the defence is entitled to the material, then efforts should be made to obtain and serve it by the first hearing. If the defence is not entitled to it, the prosecutor should ask for the case to progress to the next stage.

Bail/custody applications (CAP3)

- 4.7 Appropriate applications are being made in relation to bail or custody and relevant information is given to the court to enable it properly to consider the issues.

Discontinuances in magistrates' courts (CAP4)

- 4.8 The Area has a discontinuance rate that is below the national average. We examined 15 relevant cases; 13 of the 15 (86.7%) decisions to discontinue complied with the Code tests. Of the remaining two that did not comply, one was an evidential failure and one a public interest failure.
- 4.9 While the timeliness of discontinuance is better than the national average, the prosecutor should have asked for further information before discontinuing in three cases. The police were fully consulted in eight out of 12 relevant cases.

Summary trial preparation (CAP5)

- 4.10 The decision to proceed to trial complied with the evidential Code test in 21 out of 23 cases and the public interest test was correctly applied in all cases.
- 4.11 We concluded that the identification evidence in two cases was too weak to afford a realistic prospect of conviction. One of them should have been discontinued earlier, and the other might have achieved a different result had the difficulty been identified sooner and further evidence obtained. In our file sample, prosecutors had made an appropriate request for further evidence or information to strengthen the prosecution case in only three of nine cases. As with requests for further information at initial review, the position needs to be addressed.
- 4.12 The ineffective trial rate is better than the national average, but this does not take into account the number of trials vacated before the trial date. While vacating trials before the trial date avoids the unnecessary attendance of witnesses, the cases will nevertheless have to be re-listed and added to the number of pending trials, with the result that, currently, the interval between listing and trial is five to eight months. Re-listing is also wasteful of preparation time, and is a cause of some witnesses withdrawing their co-operation, thereby further increasing the number of ineffective trials.

- 4.13 The Area and its criminal justice partners are not agreed as to how ineffective trials can be tackled. While some agencies feel that the CPS could do more, it is by no means responsible for the majority of ineffective trials according to HCJB data. The Area feels that over-listing of trials is a major factor, but HCJB data indicates that for the financial year ending March 2004, over-listing accounts for only a small fraction of ineffective trials.
- 4.14 We have been given various other reasons why cases have not gone ahead on the trial date, or been vacated beforehand. These reasons are no doubt all valid, and no one criminal justice agency holds the key to improvement. Nevertheless, the long delay in getting a case to trial is unsatisfactory, and there is a real need for the Area to work constructively with its criminal justice partners to resolve the situation.
- 4.15 We are pleased to note that the Area has worked with the Courts Service to develop a Listing Protocol for the magistrates' courts, which is to be implemented soon. We think that further work should be done in conjunction with the Case Progression Officers at the magistrates' courts. Presently, DCWs carry out case progression tasks on behalf of the Area, but their responsibilities do not extend beyond a check on what needs to be done, and asking those responsible to do it. They provide the courts' Case Progression Officers with the details of the reviewing lawyers, but with lawyers only having one day out of five in the office, not much can be achieved. There needs to be a system whereby the parties and the court can have more confidence that cases are going to be tried on the given date. This should help alleviate a concern that courts will be under-utilised unless the trials are double booked.
- 4.16 Another way to reduce delays in summary trials is to increase the number of court sittings. The CJS agencies have different views as to what prevents this, but the number of prosecutors is a factor. The Area is already in discussion with the magistrates' courts to see if prosecutors' time can be better utilised by excluding non-CPS matters - such as guilty pleas in minor road traffic cases - from courts covered by the CPS. We encourage this approach.

Aspects for improvement

- * Prosecutors must make appropriate requests for further evidence or information at the earliest opportunity to assist in timely trial preparation.
- * The Area should work with the Magistrates' Courts Service to reduce the number of trials being re-listed.

Committal and Crown Court case preparation (CAP6)

- 4.17 We found that 95.9% of the Area's preparation of committed and sent cases were timely. This measurement is based on the time it takes the CPS to conduct the review after the receipt of a satisfactory police file. Case progression in real terms is not as good because of police file timeliness and quality issues. Defence solicitors receive committal papers in accordance with nationally agreed time guidelines in only 85.7% of cases, and applications to the Crown Court to extend the time for service of papers in sent cases occur frequently.

- 4.18 The quality of decision-making at committal, or prior to service of prosecution papers in sent cases, could be improved. The decision to proceed accorded with the evidential Code test in 36 out of 40 cases (90%), and all the decisions complied with the public interest Code test. Requests for additional information were made in 18 out of 21 relevant cases (85.7%), against the national performance in the inspection cycle-to-date of 83.9%.
- 4.19 Instructions to counsel were satisfactory or better in 18 out of 22 cases (81.8%), against the national average of 64.3%. However, the Area needs to pay more attention to including instructions on acceptable pleas. In this regard, its performance was only adequate in six of the 15 relevant cases. This is an issue for management attention.
- 4.20 In the more serious cases, conferences with counsel were common. In less serious cases, we think that the Area ought to emphasize to counsel their obligation to inform the CPS of their preliminary assessment of the case, so that any further work can be commenced as early as possible. This includes a timely response to the Area's instructions to provide an order of witnesses to be called. This is an issue for management attention.
- 4.21 Case progression after the service of papers was patchy. We did not find an unduly high number of cases that had to be listed for mention because of prosecution failure to comply with orders, but we were shown examples of the Area not responding to the court's directions, resulting in trials being stood down. We note that the majority of complaints received by the CCU in the last twelve months came from the Crown Court, and that they were mainly to do with case progression and case management issues. On many occasions, the Area concluded that its failure to complete a court direction was due to a failure by the police to respond to their request for action. We appreciate the difficult situation in which the Area finds itself, but if the failure was caused by another party, such as the police, the Area must consider whether it should have prevented the failure. We found an example where the Area pointed to the failure by the police to deliver an edited transcript of interview as the reason why the trial had to be stood down. We could not understand why the Area did not feel a responsibility to ensure that it received the transcript in good time, if only to satisfy itself that the editing conformed with the parties' agreement.
- 4.22 Two or three A2 staff undertook case progression in the CCU until July, when two level B1s took over, with the A2 staff in support. There is lack of clarity about their respective roles in the process.
- 4.23 The Area does not monitor the number of discharged committals. We understand the number to be small, but this can be explained in part by magistrates normally allowing one adjournment, and the defence agreeing to commit despite receiving papers later than they should. It is important to institute a system to monitor the number of discharged committals and police/CPS actions after discharge in each case. This is an issue for management attention.
- 4.24 The Area has not reached its target for applications under the Proceeds of Crime Act 2002. The CCP is working with the police to make fuller use of the Act.

Aspect for improvement

- * The Area needs to review case progression processes in the CCU, so that roles and responsibilities are better understood, and that outstanding actions by the police are chased up.

Disclosure of unused material (CAP7)

- 4.25 The Area has carried out training on the revised Joint Operational Instructions (JOPI).
- 4.26 Primary disclosure had been correctly handled in only ten out of 16 cases (62.5%) in our CJU sample. One of the key requirements in the revised JOPI is that prosecutors must indicate against each item on the unused material schedule whether it is disclosable. In many of the schedules we saw, there were no endorsements against a number of the items, and in other cases the prosecutors had not properly applied their minds to the sensitive material schedule. The failure to check for previous convictions of prosecution witnesses also featured in a small number of cases.
- 4.27 Disclosure in the CCU showed similar weaknesses. Primary disclosure was handled properly in only 11 out of 22 cases (50%) while secondary disclosure was satisfactory in only six out of 16 cases. The omissions in primary disclosure in summary trials occur in Crown Court trials, and there was little evidence that secondary disclosure had been effected in many cases.
- 4.28 In the majority of Crown Court files we saw, there was a sticker on the flap of the file jacket that should record whether key stages of disclosure had taken place, but they were not always completed. The Area should now use, either in addition or instead, the disclosure record form as provided by the JOPI.
- 4.29 There are arrangements for putting documents relevant to the disclosure process into a separate bundle, in both CJU and CCU cases. In CCU cases, we found that the disclosure schedules are kept with the copy brief as opposed to the unused material bundle. We suggest that all relevant documents relating to disclosure, including correspondence, schedules and memos, as well as the unused material itself, be kept together for ease of reference.

RECOMMENDATION

The AMT should ensure that each unit complies with the Joint Operational Instructions on handling unused material and, in particular, ensures that:

- * **disclosure decisions and actions are properly recorded;**
- * **previous convictions for prosecution witnesses are obtained and considered for disclosure.**

Sensitive cases (CAP8)

- 4.30 Child abuse cases tend to be prepared well and CPS policy was mainly followed; the exception being prosecutors watching videotapes of the child's interview so that the child's reliability can be assessed. In two of the cases, we could not find any evidence that the reviewing lawyer and/or prosecuting counsel had done so. In one of them, the vague and unusual answers recorded in the interview transcript would have alerted the prosecutor to difficulties in proceeding on the evidence of the child alone.
- 4.31 We examined 20 domestic violence cases that were proceeded with, and two where pre-charge advice had been given. We concluded that the decisions were correct in all cases, but found that CPS policy on domestic violence was not followed in eight of them. Five of these cases had not been properly identified as domestic violence cases, and in two others, the reason behind the indication by the complainants that they wished to withdraw had not been examined properly.
- 4.32 We examined eight racist incident cases. The decisions to proceed with these cases were sound, but in two cases we could find no explanation as to why the Area decided to accept guilty pleas to lesser offences that did not contain a racially aggravating element. In the first case, the Area had correctly identified a robbery as a racist incident, but neither the review notes nor instructions to counsel referred to this aspect of the case. The prosecution eventually accepted pleas to theft and assault occasioning actual bodily harm, but there was no evidence as to why the aggravated form of the assault was not preferred. In the second case, we concluded that the lawyer was incorrect when deciding that there was no evidence of the racially aggravating element in a public order offence.
- 4.33 CPS Areas are required to monitor racist incident cases and submit monthly returns to CPS Headquarters. This occurs in Hertfordshire, but we found no evidence that the monitoring forms are being examined locally by Unit Heads. We think that this should take place to ensure compliance with CPS policy. The analysis of cases where racially aggravating elements of the offending have been dropped requires management attention.

Youth cases (CAP13)

- 4.34 The persistent young offender (PYO) timeliness is good, and represents an improvement since the last inspection. In the quarter ending 31 August 2004, PYO cases were dealt with in an average of 60 days from arrest to sentence, compared to a national average of 64 days and a Government target of 71 days. Of greater significance is the consistency with which the target is bettered. In any three-month period since November 2003, the Area has performed better than the national average.
- 4.35 We examined 12 youth cases including trials at the youth court and Crown Court, cracked trials, and discontinued cases. They were all handled satisfactorily, save that our general comments about disclosure apply to youth cases equally. We agreed with all the decisions taken in those cases.
- 4.36 The handling of cases in court varies. Prosecutors who appear regularly in the youth court are well regarded, but the use of agents in some youth courts is less effective.

Strengths

- * The Area's consistently sound performance in dealing with persistent young offenders significantly inside the national target.

File/message handling (CAP9)

- 4.37 File and message handling processes vary between the units, depending on the level of integration with police units. The systems in the East and West CJUs resulted in smooth functioning with no backlogs and good communications, and we are pleased to note that managers from both agencies are working together to seek further streamlining of processes.
- 4.38 In the Central CJU and the CCU, most administrative tasks are still carried out by CPS staff, who have also taken on some duties previously dealt with by the police. There is a lower degree of integration in these units than the West and East CJUs. The clarity of management of staff and processes at CJU Central and the CCU are issues for management attention.
- 4.39 We found only a small number of files awaiting administrative action, although the Compass CMS task list suggests that the West and Central CJUs had over a hundred cases not updated since the last hearing and the CCU had nearly 200. Local managers are conducting investigations and the ABM has requested a stocktake be carried out. We think that the hearing outcome task list should be used more regularly to check that cases are being updated.
- 4.40 There were no backlogs of unallocated post on any section. The appointment of a post clerk, who divided the post correctly between the units, was seen as an improvement.
- 4.41 CJU West developed a spreadsheet to monitor the return of cases that had been approved for prosecution at the pre-charge advice stage. The spreadsheet has now been adopted by all three CJUs. This is a useful tool to monitor the effectiveness of the pre-charge advice scheme. In CJU East, the spreadsheet is analysed and non-compliance with CPS advice is drawn to the attention of police managers. We consider the introduction of the spreadsheet, and the use of it to address police performance, to be **good practice**. We are therefore pleased to note that the spreadsheet has been made available to other CPS Areas.

Strengths

- * The integration of CPS/police administrative processes in the East and West CJUs.

Custody time limits (CAP10)

- 4.42 All the units operate a monitoring and checking system, but their approaches differ. CJU East operates a system whereby there is cross-checking between manual diary entries and CMS, whereas the other units rely on the manual system for checking only, even though the custody time limits (CTL) facility in Compass is used.
- 4.43 We examined 12 CTL files. The action and expiry dates were entered correctly onto the file and into the diary in all but two linked cases, where a court endorsement did not make clear that the defendant had re-entered custody for one day. There was clear evidence in all the files examined that court endorsements had been actioned and the entries in the diaries had been checked. Applications for extensions were all made appropriately and in good time. We also noted that there was a clear note on the file to instruct the advocate in court to make the application, giving the reason, and asking the advocate to make a specific note of the application and to pass it back to administrative staff to update the CTL.
- 4.44 The Area had one CTL failure in January 2004. This arose when a new member of staff failed to record a defendant re-entering custody. Training was given to staff throughout the Area, including police CJU staff, to address this problem. The recording failure, noted above, is a similar situation. In all other aspects it was apparent that care was being taken to record and monitor CTL dates.

National Probation Service and Youth Offending Teams (CAP12)

- 4.45 The service of pre-sentence information to the Probation Service and Youth Offending Teams is satisfactory. In CCU cases the information tends to be sent when committal bundles are prepared, and there is usually a record of service. In the CJUs, the issues fall to be dealt with at court when the request for a pre-sentence report is made. In those cases, file endorsements can be improved.

Appeal and committal for sentence processes (CAP14)

- 4.46 Higher Court Advocates (HCAs) usually deal with appeals and committals for sentence. Briefs for the appeals are usually prepared in sufficient time, but they often do not include a report from the trial advocates.

References to the Court of Appeal in relation to unduly lenient sentences (CAP15)

- 4.47 The Area is fully aware of the need to refer unduly lenient sentence cases to CPS Headquarters, and of its duty to notify the victim or their family of the right to appeal direct to the Attorney General if a decision not to refer is taken by the CPS.

Recording of case outcomes (CAP16)

- 4.48 The Area had significant backlogs of updating according to the hearing tasks list on CMS. We did not observe any physical evidence of backlogs, although staff felt that some backlogs had occurred during periods of leave. The Area is aware of this, and has asked central CMS support to check the accuracy of CMS data. Furthermore, we noted that in both the Crown Court and the magistrates' courts, finalisation falls

behind receipt; in the Crown Court, the finalisation rate is the lowest in the country. It is unclear at this stage whether there is genuine delay in the system or whether this is a picture caused by backlogs in finalisation. This is an issue for continuing management attention.

- 4.49 The Area is trying to ensure that the CPS does not deal with specified proceedings and detailed instructions have been issued to staff.

Information on operational and legal issues (CAP17)

- 4.50 Staff noted good examples such as the ABM's presentation at the staff conference, and the CCU Head's guidance on new sexual offences legislation. Otherwise, information on operational and legal issues is often cascaded via e-mail and discussed at team meetings. Staff felt that guidance sometimes arrives after the implementation of new legislation or initiative. The Area recognises this as an issue, but feel that this was mainly due to the late delivery of guidance from CPS Headquarters. Interim solutions should be looked for. Inspectors recognise the difficulty with appointing heavily committed lawyers to undertake regular updating work, but the Area may wish to consider a "font of wisdom" approach to spread the work to a larger number of staff and to give them time to provide guidance or up-date on issues of interest.

Readiness for court (CAP18)

- 4.51 Files, including those for first appearance cases, are usually brought to court on time by lawyers or agents. We noted the occurrence of a "court brief" at the Crown Court, where the brief is brought to court for counsel to pick up on the day of the hearing. The Area accepts that court briefs occur at other times, for example, during holiday weeks when the number of available advocates is reduced. We appreciate that from time-to-time, late notification of new business or a change of listing may leave the CPS with no time to brief counsel before the day of the hearing. We think that a court brief should be restricted to these cases only, and when that happens counsel must be given reasonable time to acquaint themselves with their instructions. The Area operates a preferred chambers policy to enable it to have a higher level of service from the Bar, but this should not result in having an inadequate number of suitable advocates during busy periods. This is an issue for management attention.

Learning points (CAP21)

- 4.52 The Area has implemented the Casework Quality Assurance (CQA) scheme in all units. We are unable to find a clearly defined approach to the selection of cases for the scheme, and not all staff understood the purpose of this initiative.
- 4.53 The analysis of adverse cases (JOAs/JDAs in the Crown Court, committals discharged after an examination of the evidence, and NCTAs in the magistrates' courts) is another important tool for learning from experience. In the Crown Court adverse cases in our sample, we found adverse case reports in both JDA cases but only in two of the thirteen JOAs. The quality of the reports was unsatisfactory. Of the four reports, we found that only one had clearly identified whether any action on the part of the CPS could have prevented the outcome or shortened the proceedings. In one of the other three, the Area concluded that the victim's non-attendance was unexpected, despite a substantial amount of information that pointed towards it, including the victim's steadfast refusal to sign his statement.

- 4.54 The position in the CJUs is slightly better. We found only three reports in seven relevant cases, although two of the three addressed the issues in the case properly.
- 4.55 Completing a report correctly is only the beginning of the learning process. The conclusions have to be shared with those who need to know including, where appropriate, police officers who investigated or prepared the case. We do not have evidence that this is the case.

Aspects for improvement

Unit Heads must ensure that:

- * adverse case reports are completed for all relevant cases;
- * adverse case reports contain a realistic appraisal of what, if anything, the CPS or the police could have done to avoid the outcome or to bring the proceedings to a close earlier; and
- * learning points from CQA and adverse case reporting are disseminated.

5 ADVOCACY AND QUALITY OF SERVICE DELIVERY

Advocacy standards and monitoring (CAP19)

- 5.1 We observed a total of 12 advocates in the magistrates' and Crown Court. Of the nine CPS advocates we saw eight were competent, with one being above average in many respects. However, we considered that one needed to improve, predominantly in regard to case presentation skills. The five designated caseworkers within the Area are well-prepared, helpful and present cases competently. The opinion of other agencies confirmed these views.
- 5.2 Of the three counsel in the Crown Court, two were competent; however, one needed to improve, again in relation to case presentation. The Crown Court Unit has a clear system of allocation of work to counsel, which ensures that those of sufficient experience and expertise are instructed, particularly in sensitive cases. Efforts are made to ensure parity of allocation of work amongst the preferred sets of chambers instructed, and relationships with counsel are cultivated, thereby ensuring the provision of a quality service from them.
- 5.3 In the magistrates' courts, junior counsel are frequently instructed to undertake trials. Evidence from many other sources indicated that agents provide a poor service and many undermine the reputation of the CPS. The Area provides an agents' package and has undertaken some presentations and visits to chambers. However, this positive work may be less effective by using different preferred sets for magistrates' courts work than those instructed by the CCU. Little work shadowing is offered or taken up.
- 5.4 Feedback is provided by caseworkers and HCAs on the performance of counsel in the Crown Court. Monitoring of advocacy of in-house lawyers, and of performance in the magistrates' courts is less structured; managers tend to rely on feedback from court staff and caseworkers. We consider that the monitoring of all prosecutors, particularly in-house advocates and agents in the magistrates' courts, should be more structured and more frequent.

Aspects for improvement

- * There should be systematic and formal advocacy monitoring of all prosecutors.

Court endorsements (CAP20)

- 5.5 The quality of endorsement of files both in the magistrates' and the Crown Court was good. Our examination of files found clear and accurate endorsement of the progress of cases in all 23 Crown Court cases and in 18 of the 23 (85.7%) magistrates' courts cases.
- 5.6 The Area recently undertook a review of casework across the four units and the findings in relation to court endorsements were similar. In the Crown Court, minute sheets are kept to a high standard and, overall, the endorsements of court appearances in the magistrates' courts were generally complete, although improvements still could be made. A number of recommendations were made and managers will want to ensure these are implemented to improve the quality of endorsements further.

Court preparation (QSD1)

- 5.7 There are occasions where files are missing from court due to the variances between the lists held by the Area and the court, and there are instances where papers have not been served. The lateness and unsatisfactory quality of many police files also hamper preparation.
- 5.8 The Area's designated caseworkers are not fully deployed in the courts and are therefore available to assist with aspects of case progression and writing letters under the Direct Communication with Victims scheme.

Attendance at court (QSD2)

- 5.9 Prosecutors attend court in good time to ensure smooth running of the court list and deal with queries raised by the defence. They use the retirement of magistrates during the proceedings effectively by reviewing new cases. Level A staff also attend the magistrates' courts enabling support to be provided to prosecutors and additional assistance to witnesses.
- 5.10 Caseworker coverage in the Crown Court is not normally on a 1:1 ratio; however, good levels of support are usually provided to prosecuting counsel and witnesses. There is a duty lawyer scheme whereby a lawyer is available at the office to advise on pleas and undertake urgent preparatory work. Lawyers covering preliminary hearings and other advocacy at the Crown Court make decisions on files where necessary.

Accommodation (QSD4)

- 5.11 The designated room at most of the magistrates' courts is small, the exception being at Watford where prosecutors are based at the police station, which is adjacent to the court. All the rooms are equipped with a telephone and fax machine, and some have a computer, although the latter are not linked to the CPS office or the police.
- 5.12 The CPS room at St Albans Crown Court is adequate but small. It is fully equipped and has a computer loaded with Compass CMS.

6 VICTIMS AND WITNESSES

Witnesses at court (QSD3)

- 6.1 The Area has become more aware of witness needs and there has been improvement in the support given by lawyers in the magistrates' courts and caseworkers in the Crown Court. At times the level of support provided is variable dependent upon the personality of the CPS representative involved, and other agencies raised concerns about the service provided by agents. In the Crown Court, caseworkers tend to rely on the Witness Service for provision of support once copy statements and information about witness expenses have been provided.
- 6.2 The Area notifies the court and the Witness Service of the witnesses who will attend court, but is less efficient at notifying any changes. An change in the number of witnesses can effect the listing arrangements and the number of Witness Service volunteers needed. Managers should ensure that this further notification is given.

Direct Communication with Victims (CAP13)

- 6.3 In the CJUs the lawyers and designated caseworkers draft the letters under the Direct Communication with Victims (DCV) Scheme, whereas in the CCU, the lawyers and DCV Co-ordinator share the task. Inspectors examined a number of DCV letters whilst on-site and found them to be mainly of good quality; they covered the relevant facts in sensible order. Letters generally followed standard format, and while some standard paragraphs were adapted to fit the situation, there was still a slightly formal tone to some of them. The greater use of plain English should be encouraged, and we found that all letters had a typing error of some sort, which could be eliminated if they were proofread by someone else before sending.
- 6.4 We were pleased to see information about Women's Aid and Victim Support in the letters in domestic violence cases where the victims had withdrawn their complaints. The inclusion of leaflets of these organisations and/or local telephone numbers would be beneficial.
- 6.5 Timeliness of DCV letters is monitored. The national CPS target provides that 70% of letters should be sent within five working days of the decision to discontinue or alter the charge. The Area has consistently performed under this standard, although performance is variable across the four units.
- 6.6 Files requiring a letter are not always identified; in our file sample a number of DCV letters were not sent in circumstances where they should have been. The Area tends to rely on a post-court sift and a further administrative check at finalisation to ensure relevant files are identified. Correct identification of files requiring DCV letters is the responsibility of lawyers and the post-court sifts should be merely a safety net. It was particularly disappointing to note that lapses in identification occurred even in cases where the decisions were taken in the office, when lawyers should have caused DCV letters to be written before the files were returned for court purposes. The Area is not achieving the national target of 100% compliance and steps need to be taken to improve current performance.
- 6.7 In common with other CPS Areas, Hertfordshire does not advise the victim in the event of a discharged committal. Inspectors consider that it is important that victims are appropriately informed when cases are discharged and advised of what future action will be taken on the case.

RECOMMENDATION

The Unit Heads should ensure that Direct Communication with Victims letters explaining the reason for the decision are sent in all cases within the scheme in a timely manner, and this should be extended to include discharged committals.

Meetings with victims and relatives of victims (DCV5)

- 6.8 Meetings with victims and their relatives are appropriately offered and a number have been held, with the CCP conducting some of these. There is no dedicated victim suite available, therefore meetings have to be accommodated in the available conference rooms.

Victims' Charter (CR2)

- 6.9 The Area contributes effectively to the care and consideration given to witnesses. The notification to the police (and the Witness Service) of witnesses to attend court was sent in good time in all 33 cases that we examined and they contained all the necessary details. Appropriate use was made of statements served under section 9, Criminal Justice Act 1967, in order to prevent the unnecessary attendance of both police and civilian witnesses, in 15 of the 16 relevant cases.
- 6.10 Appropriate consideration is given to the use of, and application for, witness summonses. However, there was little evidence in the files that the police are providing Victim Personal Statements and the Area could be far more pro-active in requesting them. This is an issue for management attention.
- 6.11 Applications for Special Measures to protect witnesses at court were considered and dealt with well, and normally in good time. Court familiarisation visits are usually offered in advance.
- 6.12 Phasing of witnesses is normally considered in Crown Court cases and more complex cases in the magistrates' courts. Specific instructions are sent to counsel highlighting the importance of phasing and the need for barring orders of witnesses; caseworkers ensure counsel adhere to these instructions.
- 6.13 The internal casework review highlighted a number of aspects of witness care where further improvements could be made; the Area needs to ensure the recommendations made are progressed across all units.
- 6.14 The Area is currently planning for the implementation in January 2005 of the No Witness No Justice scheme. Multi-agency teams have been set up and CPS presence is well established. Work is progressing with the police towards achieving a single point of contact and training is proposed. This preparatory work links into the Victim and Witness Delivery Plan of the Hertfordshire Criminal Justice Board, which has already held a victim and witness consultation event.

7 PERFORMANCE MANAGEMENT

Performance standards (PM1)

- 7.1 The Area Business Plan includes targets and objectives which are linked to the achievement of Public Service Agreement (PSA) targets. The Area Management Team (AMT) sets casework standards, although they have not been codified or published.
- 7.2 Responsibility for communicating the Business Plan rests with the ABM, who has delegated this to the Unit Heads who, in turn, are also responsible for communicating casework standards. We found that staff had a limited understanding of the wider key Area targets, with the focus being on those of their own unit.

Performance monitoring (PM2)

- 7.3 The Area monitors its casework performance through a range of mechanisms including:
- * Casework Quality Assurance (CQA);
 - * adverse case reports in all no case to answer, judge ordered and directed acquittals, and Crown Court acquittals;
 - * joint performance management meetings with the police and courts.
- 7.4 The Area does not operate a unified system of file sampling for the purposes of CQA. Furthermore, although lawyers are aware that the Unit Heads review a sample of files, they were not fully aware that this was part of the national Casework Quality Assurance scheme. Feedback to individual lawyers also varied between units.
- 7.5 The Area Secretariat obtains basic performance information from Compass MIS and sends each Unit Head performance data for their unit. Unit Heads produce a quarterly report for discussion with the CCP and ABM, but this is part of their performance appraisal process, rather than a systematic review of performance across the Area.
- 7.6 There is a lack of depth and cohesion in the performance reports provided by the Unit Heads. The Area needs to adopt a hierarchical approach, with unit reports having the same format and linking back to the objectives and targets in the Business Plan, including headline indicators of performance and narrative to support this. These should be made available to all staff, to enable them to derive benefits from a better awareness of Area performance.

RECOMMENDATION

The AMT standardise and enhance its performance management regime.

Joint performance management (PM3)

- 7.7 Joint Performance Management (JPM) is discussed at the meetings of the HCJB local delivery groups, which includes all members of the CJS agencies. The process is seen as useful in some of the groups, where there is full participation and engagement of all agencies.
- 7.8 The return rate of JPM monitoring forms (TQ1s) and the timeliness of the returns remain a concern. Given the Area's perception that issues surrounding police files adversely affect aspects of its casework performance, the return rate needs to be improved so that accurate performance figures can be produced and performance assessed more accurately. This is an issue for management attention.

Risk management (PM4)

- 7.9 The Area has completed a detailed Risk Register in accordance with CPS Headquarters guidance on the delivery of business objectives and targets. This includes proposed counter-measures with actions and review dates.

Continuous improvement (PM5)

- 7.10 The Area is committed to producing high quality casework and advocacy. Monitoring is via the adverse case analysis and Casework Quality Assurance.
- 7.11 Feedback to staff from the casework monitoring varies between the units and no formal mechanisms are in place to share this data across the Area and with CJS partners. Systems and processes are discussed by Unit Heads and there is evidence of good practice developed in one unit being adopted by others. While this is to be commended, greater benefits would be derived from a more structured and widely based approach to sharing good practice and information from casework monitoring.

Aspects for improvement

- * The Area develops and implements a unified system for continuous improvement.

Accounting for performance (PM6)

- 7.12 The Area is able to some extent to account for individual case outcomes and, to a lesser extent, Area and unit performance (see paragraph 7.6).

8 PEOPLE MANAGEMENT AND RESULTS

Human resource planning (P1)

- 8.1 The deployment of human resources is based on the Area's own assessment of each unit's needs, based on caseloads and court commitments. Decisions are made by the ABM in consultation with the Unit Heads, and endorsed by the AMT. Overall, the resources available govern staffing levels.
- 8.2 The Area has a successful rotation policy for lawyers between the TU and the three CJUs.

Staff structure (P2)

- 8.3 The Area comprises two co-located CJUs on police premises at Watford and Hertford, and a CJU (Central) and a Crown Court Unit on CPS premises in St Albans, which also houses a small Area Secretariat.
- 8.4 The Area has five designated caseworkers who, in addition to presenting courts, assist with case progression, magistrates' courts casework and draft the DCV letters. As remits for DCWs will be extended so that they can take on a wider range of cases, the Area is negotiating with the magistrates' courts to achieve effective deployment.
- 8.5 The Area had been very pro-active in deploying Higher Court Advocates and from June 2004 onwards, was involved in the Higher Court Advocacy Project.
- 8.6 One of the key challenges facing the Area is an increased CJU caseload resulting from the success of bringing more offenders to justice and the shadow charging scheme. There was a significant increase in the number of cases received in the year following the last inspection. The increase in the number of cases going to court halted around the second half of 2003, and has begun to drop recently. However, the overall number of cases received from the police remains higher than that at the time of the last inspection because of the number of pre-charge decisions taken by Area lawyers. While the Area has increased its total number of lawyers to enable a reduction in their individual caseloads, the introduction of shadow charging and the HCA pilot have taken up some of the extra resources. Experienced CJU lawyers have been deployed to the pre-charge advice scheme. Although lawyers in the HCA pilot are funded centrally, they are recruited from the existing pool of experienced Area lawyers, and new recruits to the Area tend to be deployed to the CJUs - the balance of experience and skills therefore shifts towards the CCU. The Area has also allowed several experienced lawyers to be seconded to CPS Direct (the national telephone advice service for the police). Service delivery in the magistrates' courts must therefore be monitored carefully to ensure that standards are maintained.

Staff development (P3)

- 8.7 The Area was re-accredited as an Investor in People (IiP) in June 2003. Amongst other strengths, it was found to have been innovative in applying methods of learning and development other than off-the-job training courses. These include project work, visits to different courts and mentoring schemes.

- 8.8 For 2004-05, training needs were analysed from individual Personal Development Plans (PDPs), but at the time of the inspection this work had not been documented, nor had an Area Training Plan been produced. There is general satisfaction with access to, and support for, training and development. For example, staff pointed to the Area's commitment to developing staff by providing support to obtain external qualifications. However, there is no structured and documented evaluation of training to ensure that it is linked to business needs and so represents value for money. The Area Training Committee was established to help inform the direction of the Area Training Strategy. The role of the Committee needs further development so that it provides a conduit for identifying and resolving training issues, is more pro-active in evaluating the success of the current training strategy, and contributes to the identification of training needs and the production of the annual Training Plan. This is an issue for management attention.
- 8.9 There is a full induction pack for new members of staff and an induction programme, although the delivery of induction training is variable.
- 8.10 An annual Training Day is held for all staff. This provides a valuable opportunity to communicate to staff key corporate priorities, seek their views and opinions, and build an Area identity, as well as providing training and development. We were pleased to note that CJS partners are also invited to attend.

Strengths

- * The Area's strong commitment to support staff who wish to obtain external qualifications.

Performance review (P4)

- 8.11 Performance appraisal reports are completed for all staff, but we were unable to ascertain the timeliness of the reporting. All staff consulted had a Forward Job Plan, which consists of a mixture of job-specific, local target-related, and personal development objectives. The number of interim reviews was being held during the year was variable.
- 8.12 While in some units good performance was recognised and commented on by both managers and colleagues, no feedback was provided in others. Concerns were expressed that poor performance was not always being tackled through the appraisal system. These views are borne out by the 2004 Staff Survey, where only 14% of the staff surveyed felt that there was an effective system of recognising staff that perform effectively. We accept that management must deal with inefficiency issues on a confidential basis, but we think that it can be made clear to staff that management is committed to tackling inefficiencies without the need to refer to individual cases. Managers assure us that they have dealt with poor performance where necessary, even though other staff may not be aware of it.

Management involvement (P5)

- 8.13 There is contact between management and staff in a variety of ways with team or unit meetings, Whitley Council meetings and the Area newsletter.
- 8.14 The frequency of team or unit meetings varied considerably, which had led to a reliance on e-mail to disseminate key information, with the corresponding limited opportunity to ascertain the level of understanding and acceptance. We found that staff were generally aware of what is happening in their own unit or section, but they did not always have an Area-wide perspective.
- 8.15 Whitley meetings are held only when requested by management or the Trade Union side, and the Area does not have a Sounding Board. This means that there is no structured channel of communication outside the management chain to gauge staff opinion and involve them in the running of the Area.
- 8.16 The CCP and ABM visit the units from time-to-time, but staff would welcome the opportunity for more opportunities to engage with management.
- 8.17 The Area newsletter is of a high standard and contains a mixture of Area and staff related items, focusing both on work and social issues. Unfortunately, its publication is infrequent owing to the lack of resources available to produce it.
- 8.18 Communication with staff is particularly important as the Area is spread over three sites. There is an increasing risk of isolation across the Area, with staff identifying with their unit, but not the Area as a whole, and the poor mechanisms in place for communication have exacerbated this situation

Good employment practice (P6)

- 8.19 Hertfordshire is committed to implementing the CPS's corporate employment policies. Staff are aware of the various family-friendly policies and are generally confident that they can discuss such issues with their line managers. They feel that, normally, their personal circumstances and working preferences are given proper consideration.
- 8.20 In the quarter ending June 2004, the Area's sickness rate per member of staff was one day, or the equivalent of four days per year. Managers have received training on, and are prepared to deal with, absence management. Sickness rates are monitored and managed in accordance with Departmental policies.
- 8.21 The results of the 2004 Staff Survey show that the Area has made great strides in improving the opinion of its staff on working for the Area. It has become more attractive as an employer in a number of regards, and the percentage of staff who are satisfied with the Area as a place to work has improved by 14% since the last Survey in 2002. However, there is still work to be done - one of the main findings in the Survey is the degree of confidence staff have in Area management responding positively to their concerns. The 2004 Survey showed that just 20% of staff were aware of actions the Area has taken in response to the 2002 Survey, and only 24% of them felt that action would be taken on the 2004 Survey. We do not think that the Area ignores staff concerns, but there are weaknesses in communications and engagement that inhibits confidence. We have already referred to some aspects of communications in paragraphs 8.14 - 8.17. Another example of a lack of understanding is the new system for lawyers' leave.

- 8.22 In the last report, we pointed out that the absence of a leave booking system created unfairness in leave allocation during school holiday periods. Accordingly, the ABM implemented a system whereby preferences were invited, so that the number of lawyers who can take leave during these periods could be maximised. The system has worked quite well, but the reasons for excluding the Unit Heads from the scheme had not been articulated widely, which resulted in accusations of unfairness.
- 8.23 During the course of the inspection it came to our notice that some staff were not happy with the way they were treated by colleagues. There was an acknowledgement that these problems can sometimes occur at times of stress, but the frequency of these occurrences - which were in clear contradiction to the standards laid down in the CPS *Dignity at Work* booklet - should be of concern to management.
- 8.24 We do not investigate individual complaints, but we were interested in how managers deal with these issues. We found a level of scepticism among Area managers. They pointed out that any complaints would be dealt with appropriately. However, in the 2004 Staff Survey, just 26% of staff who considered that they have been bullied/harassed/discriminated against raised the issue formally. A related finding was that Area staff appeared less confident than CPS staff overall in how to report such treatment. There is therefore a gap between the perceptions of staff and managers as to how successful managers are in dealing with staff concerns. This gap needs to be bridged by better communications and engagement with staff.

RECOMMENDATION

The Area should develop and implement a strategic framework to enable it to effectively engage with staff.

Equality and diversity (P7)

- 8.25 The Area has a diverse work force – 8.24% from minority ethnic communities (benchmark within local working community of 6.5%) and 80.41% women (benchmark 48.58%). The position on disability is improving, with 5.15% of the work force having declared themselves to have a disability (benchmark 8.31%).
- 8.26 Under the Race Relations (Amendment) Act 2000, the CPS is under an obligation positively to promote race relations. The CPS has sought to embed its equality and diversity policy within its Area Business Plan and decision-making, and its diverse work force is an indication of its commitment to racial equality. However, no Equality and Diversity Plan or Committee exists to provide a focal point and take the lead in developing the strategies and policies to underpin this aspiration. We think that more work needs to be done to develop a local framework to deliver the CPS’s national Race Equality Scheme.

Aspects for improvement

- * The AMT should enhance its Equality and Diversity strategies to ensure that they effectively promote race relations.

Health and safety (P8)

- 8.27 The Area is pro-active in addressing concerns about accommodation at the various offices. Periodic health and safety checks are carried out and appropriate action taken to address the issues identified.

9 MANAGEMENT OF FINANCIAL RESOURCES

Staff financial skills (MFR1)

- 9.1 The ABM is responsible for the management of the budget and reports to the CCP and AMT. Unit Heads can identify the need for expenditure, such as the level of agent usage, but the actual authorisation of expenditure is controlled by the Secretariat.

Adherence to financial guidelines (MFR2)

- 9.2 Written financial delegations have been issued to all appropriate staff, and are adhered to. All decisions on the allocation of resources between the units is approved by the AMT, who receive monthly budget updates so that members are aware of the budgetary position.
- 9.3 All transactions are carried out in accordance with current financial guidelines.

Budgetary controls (MFR3)

- 9.4 The Area has sound systems for projecting and controlling expenditure. Even so, in the financial year 2003-04 it overspent by 0.8% or £31,108 on its budget of £3,703,400.
- 9.5 The budget allocation for the financial year 2004-05 has been made on an activity cost basis (ABC) and the initial budget predictions indicated a possible overspend. However, through prudent financial management the Area is now confident it can remain within budget.
- 9.6 This assessment is supported by CPS Headquarters' Internal Resources and Performance Branch's outturn report for non ring fenced administration costs against budget in quarter 1 of 2004-05, which indicated that current spend was running at 98.9% of budget.

Management of prosecution costs (MFR4)

- 9.7 The Area has put in place systems to ensure that the use of counsel agents, including those under code 3010 in the magistrates' courts, are covered under the appropriate heads of the budget.
- 9.8 The payment of counsel through the graduated fee scheme is operating satisfactorily, with no significant backlogs, and case management plans are being completed for high cost cases.

Value for money approach (MFR5)

- 9.9 The AMT makes the key financial decisions for the Area. Where there are competing demands for resources, it considers which represent best value for money.
- 9.10 The Area uses its in-house resources effectively. In the quarter ending 30 June 2004, it operated 57 Higher Court Advocate sessions, which represents a saving on counsels' costs of £11,934. In the magistrates' courts, CPS lawyers covered 69% and 66% of court sessions in May and June 2004 respectively.

10 PARTNERSHIPS AND RESOURCES

CJS partnerships (P&R1)

- 10.1 There is a framework of inter-agency protocols in place governing operational issues and joint participation in various CJS initiatives. Liaison at operational level is generally good, but when problems cannot be resolved at this level, escalation to the strategic level does not always bring about their resolution. The Area actively participates in the Hertfordshire Criminal Justice Board and the various sub groups reporting to it.
- 10.2 The Narey arrangement with the police and the courts is generally effective and an agreement exists over the number of designated caseworker courts.
- 10.3 The Area has undertaken two major initiatives with the police: co-location and shadow pre-charge advice. Progress towards co-location and the development of joint working has been very good at the Hertford and Watford CJUs. Both these units are situated at police stations, together with their corresponding police File Preparation Units (FPUs). Most of the administrative functions and court preparation are being carried out by the police, and both units operate a single file system.
- 10.4 CJU Central is situated at CPS premises in St Albans. CPS staff prepare files and work with police on the witness warning team and Narey court preparation. The FPU is also located on CPS premises. They originally operated a single file system, but owing to operational problems, have reverted to a dual file system. Joint working has not been fully developed at this unit, and apart from proximity, the other anticipated benefits envisaged by co-location are still to be realised.
- 10.5 Shadow charging advice schemes were established in 2003 at Watford CJU (July), Hertford CJU (December) and St Albans Central Police Station (November). The provision of this service has stretched Area resources, but it believes that the benefits the scheme should bring, together with the continuing development of good relationships with the police, more than compensate for this.

Improving local CJS performance (CR4)

- 10.6 The Area is represented at all levels of the HCJB, and it plays a key role. However, there is a feeling among some CJS partners that the Area is reluctant to engage constructively on issues such as case readiness at the Crown Court (see paragraph 4.21) and listing at the magistrates' courts (see paragraph 4.13 - 4.16). They feel that the Area is unduly defensive and does not share ownership of problems belonging to the whole of the CJS. Many of the issues that were drawn to our attention did not have simple, single agency-based origins, and their solutions require a co-operative approach. There is therefore a genuine need for the Area, particularly at a strategic level, to work within the HCJB to better the understanding of the issues and agree strategies to find solutions.

RECOMMENDATION

The AMT should take action to improve effective engagement with CJS partners at a strategic level.

Information technology (P&R2)

- 10.7 Compass has been fully installed in the Area and has replaced the previous case tracking system. Administrative staff are using it, but owing to the workload pressures on lawyers, and a perception that the use of Compass may slow them down, Area management has not demanded a push on take up of Compass by lawyers. This limits Hertfordshire's potential to maximise the benefits from the introduction of the electronic transfer of information, and management should now seek a greater degree of compliance from lawyers.
- 10.8 A secure e-mail system is in use across the CJS.

Aspects for improvement

- * Action should be taken to encourage the use of Compass by all staff.

Buildings, equipment and security (P&R3)

- 10.9 The accommodation solely occupied by the Area is generally satisfactory, but there is pressure at the co-located police premises. The Area is adopting a pragmatic approach to resolve any local difficulties.
- 10.10 The security and safety of staff is protected by access controls at Area offices. Adequate accommodation and facilities exist at all courts.
- 10.11 Assessments to confirm compliance with BS7799, a Code of Practice for Information Security Management Systems which has become the de facto industry standard for security, have been carried out and the findings and recommendations made to bring locations up to the baseline standard.

Partnership with Headquarters and the Service Centre (P&R4)

- 10.12 Good working relationships exist with the Service Centre and the CCP and ABM both contribute at CPS Headquarters level.

11 POLICY AND STRATEGY

Stakeholders (P&S1)

- 11.1 The HCJB is an effective forum for discussing the policies and strategies of all the CJS partners. As mentioned previously, the Area is working successfully with other agencies at the operational level on a range of policies to improve performance, but has not engaged so successfully at the strategic level.

Performance measurement (P&S2)

- 11.2 Data on case outcomes and Area targets is collected in a standard national format. As already mentioned in paragraph 7.6, management focuses at unit level and it needs to do more in terms of analysing Area performance as a whole.

Review (P&S3)

- 11.3 The Area keeps its policies under review through the AMT. Unit Heads are fully involved in the operational business, and are aware of problems as they manifest themselves at local level.

Framework of key processes (P&S4)

- 11.4 Area policy and strategy is set out in the Area Business Plan, which is underpinned by Unit Plans, but they are not of a common format. We appreciate that, as CJUs are co-located with police their Plans must reflect local business priorities, however there remains a need to ensure that individual Unit Plans have a clear alignment with the Area Business Plan.

Communication and implementation (P&S5)

- 11.5 Progress on the implementation of the Plan is reviewed by the AMT throughout the year.
- 11.6 As mentioned earlier, information is cascaded through the management chain and the use of e-mail. We have indicated our concerns over communications within the Area at paragraph 8.14.

12 PUBLIC CONFIDENCE

Complaints (CR1)

- 12.1 The Area has a system for dealing with complaints. For the year ending March 2004, it replied to 91.7% of complaints received within ten days, against a target of 97%. There is a need to ensure that timeliness is improved to reach and maintain the target set.
- 12.2 The CCP and Unit Heads all maintain a complaints log, although there are variations in the types of information recorded within them. In one unit, the log did not contain an index of the complaints, which could be used to identify the nature of the complaint, chart its progress, and record whether it has been upheld, with any follow-up actions required. This is an issue for management attention.
- 12.3 A significant proportion of complaints in the CCU log came from the Crown Court and mostly referred to case management and progression issues. On many occasions, failure by the prosecution to attend to these issues in a timely fashion was not directly within the control of the CPS. While the Area provides fulsome explanations as to why they occurred, its references to responsibilities of other agencies can be seen as being over defensive. We discuss this in greater detail at paragraph 10.6.

Minority ethnic communities (CR5)

- 12.4 There has been an increase in the number of racially and religiously aggravated cases identified by the Area, which would suggest that there is a greater awareness of the issues. Despite this, the Area's decision-making in racist incident cases is inconsistent and CPS policy is not always applied; in only six of the nine relevant cases were all aspects of policy applied.
- 12.5 Racist incident monitoring data is collated and forwarded to CPS Headquarters, but not shared with local community groups. Nor are experiences and lessons from casework shared to improve performance and understanding within the black and other minority ethnic communities.
- 12.6 The Area has disseminated policy on hate crime at two community engagement events. It had also provided interviews at local radio stations to promote the launch of the CPS hate crime policy. We deal with improvements to community engagement at paragraph 12.9 below.

Safeguarding children (CR7)

- 12.7 Child abuse cases are dealt with in a satisfactory manner. There are specialists whose expertise is apparent, although there was not always clear evidence on the files that an assessment of the video evidence of the child witness had been made.
- 12.8 The CCP receives minutes and papers from Area Child Protection Committee (ACPC) meetings. Area representatives will attend ACPC meetings as and when any perspective concerning prosecution is required. It is important that this reactive approach does not cause the Area to lose sight of the wider issues raised in the joint *Chief Inspectors' Report on Arrangements to Safeguard Children* (October 2002).

Community engagement (CR6 and SR1)

- 12.9 The Area has engaged the local community in a number of ways, including participation at criminal justice agencies' Open Days and events at local colleges, and takes on local students seeking work experience. Due to resource constraints, the Area places great reliance on joint community engagement through the HCJB. Much is achieved at these events, but there remains a need to raise the profile of the CPS within the local community. Furthermore, the attendees at some of these events are mostly connected to the local criminal justice system. The Area should therefore consider a wider strategy to engagement with the local community.
- 12.10 Staff at all levels need to be encouraged to participate in community engagement, allowing for a more systematic and planned approach to be developed by key personnel. The Area needs to ensure that any resources available for community involvement are prioritised, thereby ensuring effective coverage which links in with, and supports, the Area Business Plan and takes account of resource constraints.

Aspect for improvement

- * The approach to community engagement, including liaison with local minority ethnic communities.

Media engagement (SR2)

- 12.11 The Communication Officer to the HCJB has progressed the profile of all the local criminal justice agencies, but CPS Hertfordshire has not cultivated the press to raise its own profile. The Area has a part-time Secretariat Manager who undertakes some communications duties, concerned mainly with internal communications, including IT. Through the CCP, the Area has developed a joint Media Protocol with the police to ensure that the CPS's role in high profile cases in the Crown Court is acknowledged. At present, the Area does not believe that there are sufficient resources to extend this to the CJUs.

Aspects for improvement

- * Pro-active engagement and liaison with the local media.

Public confidence (SR3)

- 12.12 The British Crime Survey 2003–04 shows that public confidence in the effectiveness of bringing criminals to justice is above the national average (48% compared with 40%), which represents an increase of 3% from the previous year's Survey. The HCJB has set a target of increasing public confidence in the CJS by 2% during the current year and the Area has set milestones in the Business Plan to achieve this, including greater participation in consultation and community events.

13 LEADERSHIP AND GOVERNANCE

Vision and values (L&G1)

- 13.1 A clear sense of purpose has been provided by the AMT, centring on the vision of the Area as being a pre-eminent prosecuting body that deals with most magistrates' courts work, and a significant section of all work in the Crown Court, in-house.
- 13.2 Fulfilment of this vision has resulted in senior managers making a large contribution to casework in the Crown Court, which can be to the detriment of other casework and the effective performance of managerial duties. Comments made in other sections of the report illustrate how this has had a negative impact on the Area.

Staff recognition (L&G2)

- 13.3 We have already highlighted at paragraph 8.21 that there is no structured approach to involving staff in the running of the Area. Formal feedback on the performance of individual members of staff is provided in annual appraisal reports.
- 13.4 The majority of staff feel that managers are supportive, but the degree of motivation and recognition of achievements varied between units and functions. Lawyers are deemed as being given greater recognition than other staff.

Management structure (L&G3)

- 13.5 The AMT meets monthly and acts as the key decision-making body for the Area for both operational and strategic decisions. It comprises the CCP, ABM, Unit Heads and all other managers. Its members regard it as a cohesive and supportive group.

Organisational structure (L&G4)

- 13.6 The current organisational structure of CJUs and the TU has evolved in response to the Glidewell Review of the CPS (published in 1998) in order to bring a greater focus to Crown Court casework.
- 13.7 When plans are made for the migration from shadow charging to the statutory scheme, together with enhanced powers for the designated caseworkers, consideration will need to be given to whether the present locations and spilt of work between the units is best suited to meet business needs

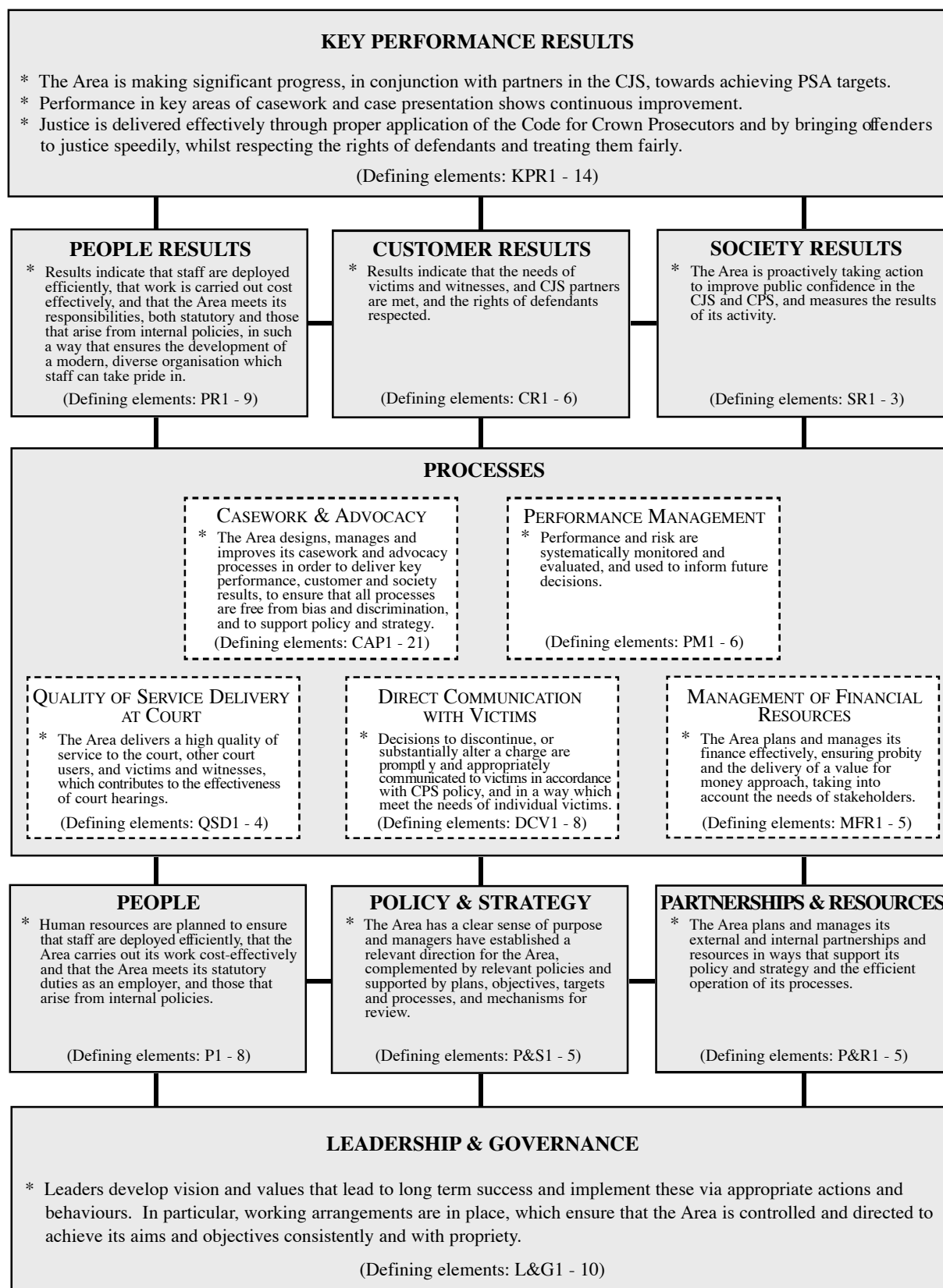
Action plans (L&G5)

- 13.8 The Area Business Plan includes a detailed Action Plan for meeting business objectives. It identifies key issues and strategic priorities for both the Area as a whole and the individual units.

Criminal justice system co-operation (L&G6)

- 13.9 The Area is actively involved in inter-agency work, with most partnerships being strong and effective at the operational level. The CPS is an integral member of the HCJB, with the CCP chairing the Delivery Group, which oversees the three local criminal justice delivery groups.

BUSINESS EXCELLENCE MODEL INSPECTION MAP



KEY REQUIREMENTS AND INSPECTION STANDARDS

CASEWORK (Chapter 4)

KEY REQUIREMENT: THE AREA DESIGNS, MANAGES AND IMPROVES ITS CASEWORK PROCESSES IN ORDER TO DELIVER KEY PERFORMANCE, CUSTOMER AND SOCIETY RESULTS, TO ENSURE THAT ALL PROCESSES ARE FREE FROM BIAS AND DISCRIMINATION, AND TO SUPPORT POLICY AND STRATEGY

Advice to police (CAP1)

Standard: early consultation, and charging advice are dealt with appropriately in a timely way, and in accordance with Code tests, CPS policy and local protocols, and advice is free from bias and discrimination.

Cases ready to proceed at first date of hearing (CAP2)

Standard: joint CPS/police processes ensure cases ready to proceed at first date of hearing and that casework decisions are free from bias and discrimination.

Bail/custody applications (CAP3)

Standard: joint CPS/police processes ensure appropriately informed bail/custody applications are made and decisions are free from bias and discrimination.

Discontinuances in magistrates' courts (CAP4)

Standard: discontinuances in magistrates' courts or Crown Court are based on all available material and are timely.

Summary trial preparation (CAP5)

Standard: summary trial processes ensure that the pre-trial review (if there is one) and trial dates are effective hearings.

Committal and Crown Court case preparation (CAP6)

Standard: Area processes for cases "sent" or committed for trial to the Crown Court ensure that:

- a) service of the prosecution case on the defence takes place within agreed time periods before committal/plea and directions hearing (PDH);
- b) prosecution has taken all necessary steps to make the PDH and trial date effective; and
- c) prosecutor is fully instructed.

Disclosure of unused material (CAP7)

Standard: disclosure is full and timely and complies with CPIA and CPS policy and operational instructions in both the magistrates' courts and Crown Court.

Sensitive cases (CAP8)

Standard: sensitive cases (race crime, domestic violence, child abuse/child witness, rape, fatal road traffic offences, homophobic attacks) are dealt with in a timely way in accordance with CPS policy and in a manner which is free from bias and discrimination.

File/message handling (CAP9)

Standard: file/message handling procedures support timely casework decisions and actions in both the magistrates' courts and Crown Court.

Custody time limits (CAP10)

Standard: systems are in place to ensure compliance with statutory and custody time limits in both the magistrates' court and Crown Court.

Joint action to improve casework (CAP11)

Standard: Area has effective processes and partnerships with other agencies to improve timeliness and quality of casework review and preparation for both the magistrates' court and Crown Court and that partnership decisions reflect the general duty under the Race Equality Scheme.

National Probation Service and Youth Offending Teams (CAP12)

Standard: the provision of information to the Probation Service is timely and enables the production of accurate reports free from discrimination and bias.

Youth cases (CAP13)

Standard: youth cases are dealt with in a timely way (in particular persistent young offenders) and in accordance with CPS policy and in a manner which is free from bias and discrimination.

Appeal and committal for sentence processes (CAP14)

Standard: appeal and committal for sentence processes ensure appeal/sentence hearings are fully prepared and presented.

Appeals against unduly lenient sentences (CAP15)

Standard: submissions to the Attorney General of potential references to the Court of Appeal against unduly lenient sentences are made in accordance with CPS policy and current sentencing guidelines, and are free from bias and discrimination.

Recording of case outcomes (CAP16)

Standard: recording of case outcomes and archiving systems are efficient and accurate.

Information on operational and legal issues (CAP17)

Standard: information on operational and legal issues is efficiently and effectively disseminated.

Readiness for court (CAP18)

Standard: joint CPS, police and court systems ensure files are delivered to the correct court in a timely manner and are ready to proceed.

Learning points (CAP21)

Standard: learning points from casework are identified and improvements implemented.

ADVOCACY AND QUALITY OF SERVICE DELIVERY (Chapter 5)

KEY REQUIREMENT: THE AREA DELIVERS A HIGH QUALITY OF SERVICE, INCLUDING ADVOCACY, TO THE COURT, OTHER COURT USERS, AND VICTIMS AND WITNESSES, WHICH CONTRIBUTES TO THE EFFECTIVENESS OF COURT HEARINGS

Advocacy standards and monitoring (CAP19)

Standard: selection and monitoring of advocates in the magistrates' courts and Crown Court ensures cases are presented to a high standard and in a manner which is free from bias and discrimination, and that selection of advocates complies with CPS general duty under the Race Relations (Amendment) Act 2000.

Court endorsements (CAP20)

Standard: court endorsements are accurate and thorough and timely actions are taken as a result.

Court preparation (QSD1)

Standard: preparation for court is efficient and enables business to proceed and progress.

Attendance at court (QSD2)

Standard: staff attendance at court is timely and professional, and the correct levels of support are provided.

Accommodation (QSD4)

Standard: the CPS has adequate accommodation at court and there are sufficient facilities to enable business to be conducted efficiently.

VICTIMS AND WITNESSES (Chapter 6)

KEY REQUIREMENTS:

- * **THE NEEDS OF VICTIMS AND WITNESSES ARE MET**
 - * **DECISIONS TO DISCONTINUE, OR SUBSTANTIALLY ALTER A CHARGE ARE PROMPTLY AND APPROPRIATELY COMMUNICATED TO VICTIMS IN ACCORDANCE WITH CPS POLICY, AND IN WAY WHICH MEETS THE NEEDS OF INDIVIDUAL VICTIMS**
-

Witnesses at court (QSD3)

Standard: witnesses are treated with consideration at court and receive appropriate support and information.

Direct Communication with Victims (CAP13)

Standard: victims are informed of decisions to discontinue or change charges in accordance with CPS policy on Direct Communication with Victims.

Meetings with victims and relatives of victims (DCV5)

Standard: meetings are offered to victims and relatives of victims in appropriate circumstances, staff are adequately prepared and full notes are taken.

Victims' Charter (CR2)

Standard: results indicate that the needs of victims and witnesses are consistently met in accordance with the Victims' Charter.

PERFORMANCE MANAGEMENT (Chapter 7)

KEY REQUIREMENT: PERFORMANCE AND RISK ARE SYSTEMATICALLY MONITORED AND EVALUATED, AND USED TO INFORM FUTURE DECISIONS

Performance standards (PM1)

Standard: performance standards are set for key aspects of work and communicated to staff.

Performance monitoring (PM2)

Standard: performance is regularly monitored by senior and middle management against plans and objectives, targets and standards are evaluated, and action taken as a result.

Joint performance management (PM3)

Standard: systems are in place for the management of performance jointly with CJS partners.

Risk management (PM4)

Standard: risk is kept under review and appropriately managed.

Continuous improvement (PM5)

Standard: the Area has developed a culture of continuous improvement.

Accounting for performance (PM6)

Standard: the Area is able to account for performance.

PEOPLE MANAGEMENT AND RESULTS (Chapter 8)

KEY REQUIREMENTS:

- * **HUMAN RESOURCES ARE PLANNED TO ENSURE THAT STAFF ARE DEPLOYED EFFICIENTLY, THAT THE AREA CARRIES OUT ITS WORK COST-EFFECTIVELY AND THAT THE AREA MEETS ITS STATUTORY DUTIES AS AN EMPLOYER, AND THOSE THAT ARISE FROM INTERNAL POLICIES**
 - * **RESULTS INDICATE THAT STAFF ARE DEPLOYED EFFICIENTLY, THAT WORK IS CARRIED OUT COST-EFFECTIVELY, AND THAT THE AREA MEETS ITS RESPONSIBILITIES, BOTH STATUTORY AND THOSE THAT ARISE FROM INTERNAL POLICIES, IN SUCH A WAY THAT ENSURES THE DEVELOPMENT OF A MODERN, DIVERSE ORGANISATION WHICH STAFF CAN TAKE PRIDE IN**
-

Human resource planning (P1)

Standard: human resource needs are systematically and continuously planned.

Staff structure (P2)

Standard: staff structure and numbers enable work to be carried out cost effectively.

Staff development (P3)

Standard: staff capabilities are identified, sustained and developed.

Performance review (P4)

Standard: staff performance and development is continuously reviewed and targets agreed.

Management involvement (P5)

Standard: management has an effective dialogue with staff and fosters a climate of involvement.

Good employment practice (P6)

Standard: management meets its statutory obligation as an employer and demonstrates good employment practice.

Equality and diversity (P7)

Standard: action has been taken to implement CPS equality and diversity initiatives and all staff are treated equally and fairly.

Health and safety (P8)

Standard: mechanisms are in place to address requirements under health and safety legislation.

MANAGEMENT OF FINANCIAL RESOURCES (Chapter 9)

KEY REQUIREMENT: THE AREA PLANS AND MANAGES ITS FINANCES EFFECTIVELY, ENSURING PROBITY AND THE DELIVERY OF A VALUE FOR MONEY APPROACH TAKING INTO ACCOUNT THE NEEDS OF STAKEHOLDERS

Staff financial skills (MFR1)

Standard: the Area has the appropriate structure and staff with the necessary skills to plan and manage finance.

Adherence to financial guidelines (MFR2)

Standard: the Area complies with CPS rules and guidelines for financial management.

Budgetary controls (MFR3)

Standard: the Area has effective controls to facilitate an accurate appreciation of its budgetary position for running costs.

Management of prosecution costs (MFR4)

Standard: prosecution costs are effectively managed and represent value for money.

Value for money approach (MFR5)

Standard: the Area demonstrates a value for money approach in its financial decision-making.

PARTNERSHIPS AND RESOURCES (Chapter 10)

KEY REQUIREMENT: THE AREA PLANS AND MANAGES ITS EXTERNAL AND INTERNAL PARTNERSHIPS AND RESOURCES IN WAYS THAT SUPPORT ITS POLICY AND STRATEGY AND THE EFFICIENT OPERATION OF ITS PROCESSES

CJS partnerships (P&R1)

Standard: partnerships with other CJS agencies are developed and managed.

CJS agencies (KPR8)

Standard: partnerships with other CJS agencies are improving quality and timeliness of casework and ensure that decisions are free from bias.

Improving local CJS performance (CR4)

Standard: CJS partners are satisfied with the contribution the CPS makes to improving local Area performance.

Information technology (P&R2)

Standard: information technology is deployed and used effectively.

Buildings, equipment and security (P&R3)

Standard: the Area manages its buildings, equipment and security effectively.

Partnership with Headquarters and the Service Centre (P&R4)

Standard: the Area has a good working partnership with Headquarters Departments and the Service Centre.

POLICY AND STRATEGY (Chapter 11)

KEY REQUIREMENT: THE AREA HAS A CLEAR SENSE OF PURPOSE AND MANAGERS HAVE ESTABLISHED A RELEVANT DIRECTION FOR THE AREA, COMPLEMENTED BY RELEVANT POLICIES AND SUPPORTED BY PLANS, OBJECTIVES, TARGETS AND PROCESSES, AND MECHANISMS FOR REVIEW

Stakeholders (P&S1)

Standard: policy and strategy are based on the present and future needs and expectations of stakeholders.

Performance measurement (P&S2)

Standard: policy and strategy are based on information from performance measurement, research and related activities.

Review (P&S3)

Standard: policy and strategy are developed, reviewed and updated.

Framework of key processes (P&S4)

Standard: policy and strategy are developed through a framework of key processes.

Communication and implementation (P&S5)

Standard: policy and strategy are communicated and implemented.

PUBLIC CONFIDENCE (Chapter 12)

KEY REQUIREMENTS:

- * THE AREA IS PRO-ACTIVELY TAKING ACTION TO IMPROVE PUBLIC CONFIDENCE IN THE CJS AND CPS, AND MEASURES THE RESULTS OF ITS ACTIVITY
 - * RESULTS INDICATE THAT THE NEEDS OF VICTIMS AND WITNESSES, AND CJS PARTNERS, ARE MET, AND THE RIGHTS OF DEFENDANTS RESPECTED
-

Complaints (CR1)

Standard: complaints are effectively managed to increase satisfaction and confidence.

Minority ethnic communities (CR5)

Standard: the Area ensures that high casework standards are maintained in cases with a minority ethnic dimension in order to increase the level of confidence felt by minority ethnic communities in the CJS.

Safeguarding children (CR7)

Standard: the Area safeguards children through its casework performance and compliance with CPS policy in relation to cases involving child abuse and work through with other agencies, including the Area Child Protection Committee(s).

Community engagement (CR6)

Standard: the Area has appropriate levels of engagement with the community.

Media engagement (SR2)

Standard: the Area engages with the media.

Public confidence (SR3)

Standard: public confidence in the CJS is measured, evaluated and action taken as a result.

LEADERSHIP AND GOVERNANCE (Chapter 13)

KEY REQUIREMENT: LEADERS DEVELOP VISION AND VALUES THAT LEAD TO LONG TERM SUCCESS AND IMPLEMENT THESE VIA APPROPRIATE ACTIONS AND BEHAVIOURS. IN PARTICULAR, WORKING ARRANGEMENTS ARE IN PLACE, WHICH ENSURE THAT THE AREA IS CONTROLLED AND DIRECTED TO ACHIEVE ITS AIMS AND OBJECTIVES CONSISTENTLY AND WITH PROPRIETY

Vision and values (L&G1)

Standard: vision and values are developed and support a culture of continuous improvement.

Staff recognition (L&G2)

Standard: managers actively motivate, recognise and support their staff.

Management structure (L&G3)

Standard: the Area has developed an effective management structure to deliver Area strategy and objectives.

Organisational structure (L&G4)

Standard: the Area has developed an effective organisational structure to deliver Area strategy and objectives.

Action plans (L&G5)

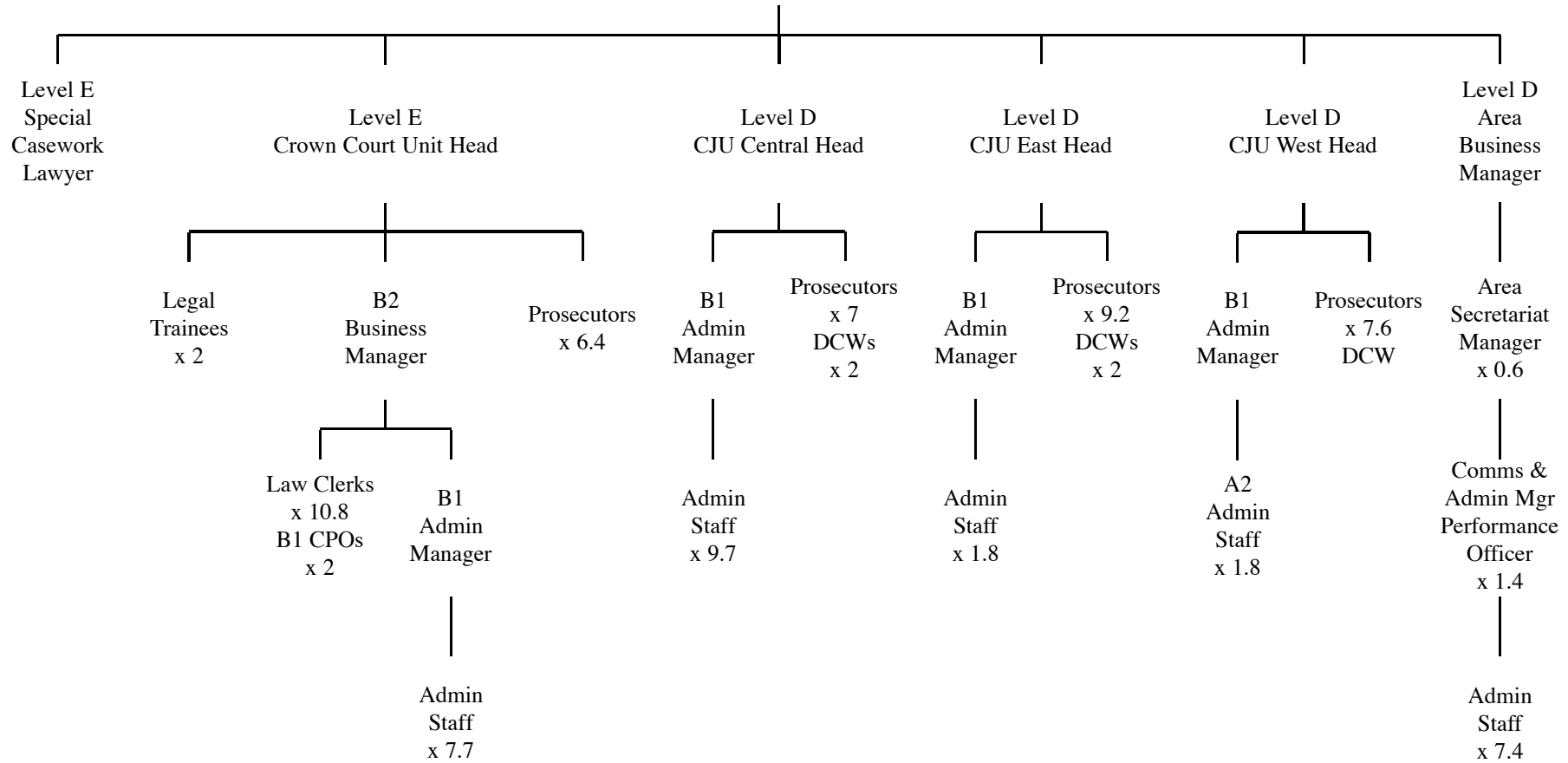
Standard: effective plans of action, which identify key issues, and which reflect CPS and CJS strategic priorities, and local needs, are in place.

Criminal justice system co-operation (L&G6)

Standard: the Area co-operates with others in achieving aims set for the criminal justice system.

CPS HERTFORDSHIRE STAFF STRUCTURE

CHIEF CROWN PROSECUTOR



AREA CASELOAD FOR YEAR TO 30 JUNE 2004

Types of case - Magistrates' Court	CPS Hertfordshire		National	
	Number	Percentage	Number	Percentage
Pre-charge decision	828	3.3	42,682	2.6
Advice	2,636	10.4	213,334	13.1
Summary	14,226	56.3	843,668	51.8
Either way and indictable	7,067	28.0	511,636	31.4
Other proceedings	502	2.0	17,305	1.1
Total	25,259	100	1,628,625	100
Completed cases - Magistrates' Court	CPS Hertfordshire		National	
	Number	Percentage	Number	Percentage
Discontinuances and Bind-overs	2,535	12.6	169,561	13.4
Warrants	707	3.5	69,785	5.5
Dismissed no case to answer	47	0.2	3,672	0.3
Acquittals after trial	306	1.5	16,248	1.3
Discharged	65	0.3	2,979	0.2
Total Unsuccessful Outcomes	3,660	18.2	262,245	20.7
Convictions	16,398	81.8	1,005,379	79.3
Total	20,058	100	1,267,624	100
Committed for Trial In the Crown Court	1,353		102,133	
Case results - Magistrates' Court	CPS Hertfordshire		National	
	Number	Percentage	Number	Percentage
Guilty pleas	12,356	73.8	788,881	76.9
Proofs in absence	3,344	20.0	160,943	15.7
Convictions after trial	698	4.2	55,555	5.4
Acquittals after trial	306	1.8	16,248	1.6
Acquittals: no case to answer	47	0.3	3,672	0.4
Total	16,751	100	1,025,299	100
Types of case - Crown Court	CPS Hertfordshire		National	
	Number	Percentage	Number	Percentage
Indictable only	460	29.7	39,284	31.0
Either way: defence election	123	7.9	10,972	8.6
Either way: magistrates' direction	593	38.2	44,386	35.0
Summary: appeals; committals for sentence	375	24.2	32,241	25.4
Total	1,551	100	126,883	100
Completed cases - Crown Court	CPS Hertfordshire		National	
	Number	Percentage	Number	Percentage
Judge ordered acquittals and Bind-overs	151	12.6	14,281	14.7
Warrants	29	2.4	2,104	2.2
Judge directed acquittals	24	2.0	1,670	1.7
Acquittals after trial	121	10.1	6,435	6.6
Total Unsuccessful Outcomes	325	27.0	24,490	25.2
Convictions	877	73.0	72,763	74.8
Total	1,202	100	97,253	100
Case results - Crown Court	CPS Hertfordshire		National	
	Number	Percentage	Number	Percentage
Guilty pleas	648	63.4	59,371	73.4
Convictions after trial	229	22.4	13,392	16.6
Acquittals after trial	121	11.8	6,435	8.0
Judge directed acquittals	24	2.3	1,670	2.1
Total	1,022	100	80,868	100

TABLE OF RESOURCES AND CASELOADS

AREA CASELOAD/STAFFING CPS HERTFORDSHIRE		
	September 2004	November 2001
Lawyers in post (excluding CCP)	35.2	25.1
Cases per lawyer (excluding CCP) per year	717.6	780.6
Magistrates' courts contested trials per lawyer	29.9	33.3
Committals for trial and "sent" cases per lawyer	38.4	45.9
Crown Court contested trials per lawyer	10.6	19.3
Level B1, B2, B3 caseworkers in post	22.8	18
Committals for trial and "sent" cases per caseworker	59.3	64
Crown Court contested trials per caseworker	16.4	26.9
Running costs (non ring fenced)	£4,055,850	£2,714,720 (December 2001)

NB: Caseload data represents an annual figure for each relevant member of staff.

**IMPLEMENTATION OF RECOMMENDATIONS/SUGGESTIONS FROM REPORT
PUBLISHED IN MAY 2002**

	RECOMMENDATIONS	POSITION IN SEPTEMBER 2004
R1	Unit Heads establish and monitor standards for written advice and actively review both quality and timeliness.	Achieved. Monitored as part of Casework Quality Assurance.
R2	The CCP agrees with the police standards for advice files in relation to both the content and type of case sent for advice.	In the main superseded by shadow pre-charge advice scheme.
R3	<ul style="list-style-type: none"> * Prosecutors conduct adequate and meaningful initial and continuing reviews, addressing the Code criteria and issues in the case; and * Unit Heads adopt rigorous systems to monitor the quality and timeliness of review and review endorsements. 	Partially achieved. Continuing reviews occur, and are timely; however, prosecutors need to be more pro-active towards case-building.
R4	Unit Heads ensure that timeliness and quality of decision-making in discontinued cases is improved and consultation with police is undertaken.	Partially achieved. Timeliness is better than the national average and consultation has improved.
R5	The CCP ensures that adverse case reports contain sufficient information to identify the issues in a case and that lessons to be learned are shared across all units.	Not achieved. See body of report.
R6	The CCP agrees with the police standards of timeliness and quality in relation to the handling of unused material.	Partially achieved. There has been joint training of the revised Joint Operational Instructions. The CPS now receives most unused material, but quality and timeliness of police revelation can be improved.

	RECOMMENDATIONS	POSITION IN SEPTEMBER 2004
R7	<ul style="list-style-type: none"> * The CCP develops an effective system for undertaking the duties of disclosure in all appropriate cases; and * Prosecutors and caseworkers use the standardised systems for recording decisions relating to unused material. 	Not achieved. See body of report.
R8	The file allocation and ownership systems are reviewed to reduce and hasten file movement and optimise lawyer input.	Achieved. We did not find many files held up in transit.
R9	Prosecutors actively instigate further lines of enquiry in all cases where additional evidence is desirable to enhance the prospect of conviction.	Partially achieved. See Recommendation 3 and body of report. Prosecutors need to be more pro-active in case-building.
R10	The CCP seeks with the police and responsible medical authorities a Service Level Agreement for the provision of medical evidence in prosecutions.	Not achieved. No such protocol exists.
R11	<ul style="list-style-type: none"> * The ABM works with the police to secure robust witness warning and response systems; and * Prosecutors give early consideration to those witnesses whom it is appropriate to warn for the prosecution, those to be tendered, and those to be served under the appropriate provisions. 	Achieved. Prosecutors do give consideration to whether witnesses should be warned/agreed. There is ongoing work on witness warning as part of the No Witness No Justice initiative.
R12	The CCP works with the JPMG to address the cracked and ineffective trial rate in both the magistrates' courts and the Crown Court.	Not achieved. Capacity and other reasons have meant that many cases are not tried on their first listed date.

	RECOMMENDATIONS	POSITION IN SEPTEMBER 2004
R13	The CCU Head sets target dates for the appropriate involvement of caseworkers in committal preparation.	Achieved. Caseworkers now engaged appropriately on committal preparation.
R14	The CCP in conjunction with police: <ul style="list-style-type: none"> * Re-energizes an agreed system of JPM with the appropriate return of TQ1s; and * Re-instates regular JPM meetings to discuss file quality and timeliness, and avoidable adverse cases. 	Partially achieved. File quality and timeliness issues are now part of the discussions of local delivery groups, and there is evidence of effectiveness. However, the TQ1 return rate remains a concern.
R15	The CCU Head ensures that all instructions to counsel contain an adequate summary that deals with all the issues in a case and the acceptability of pleas where relevant.	Partially achieved. Summaries are mostly adequate, but many cases do not contain instructions on acceptable pleas.
R16	<ul style="list-style-type: none"> * CTL refresher training is delivered, including instructions for dealing with multi-defendant cases, further charges and youth defendants; and * The CJU Heads adopt a uniform system with written desktop instructions to assist staff, and checks on the initial entries made by staff, as recommended by MAS. 	Achieved. Training and instructions have been given. Units adopt different approaches to CTL monitoring, but this is in line with the re-alignment of tasks after co-location.
R17	The CCP agrees with the police a standard for the provision of records of interview addressing both timeliness and content.	Not achieved. This remains a source of frustration for the court and other court users.
R18	The CCP introduces appropriate systems of induction or training for all external lawyers to be completed before they are deployed as CPS agents, particularly in youth courts.	Partially achieved. Some work has been done to improve the performance of agents in magistrates' courts, but little work shadowing is offered or taken up.

	RECOMMENDATIONS	POSITION IN SEPTEMBER 2004
R19	The CCP and Unit Heads monitor all prosecution advocates regularly to ensure consistently good standards of advocacy.	Partially achieved. Some monitoring occurs, but this is not structured, and this remains an aspect for improvement.
R20	The CCP actively pursues development of a more connected strategic programme with other CJS agencies.	No longer relevant. Multi-agency work programme is now under the Hertfordshire Criminal Justice Board, in which the CCP and Area play an active role.
R21	The ABM and Unit Heads review their commitments to prioritise which meetings need to be attended and by whom.	Achieved. The meeting strategy is now more rationalised.
R22	The ABM encourages the JPMG to agree: <ul style="list-style-type: none"> * what key performance data is needed; * how this will be collected; * who will collate the information; and * how it is shared with partners in the CJS. 	No longer relevant. JPMG no longer exists and the HCJB considers relevant targets in national framework.
R23	The ABM reviews the policy on agent spend to: <ul style="list-style-type: none"> * minimise the risk of overspend; and * identify the performance improvements/added value achieved if high spending continues. 	Achieved. The level of use of agents is reasonable.
R24	The three Unit Heads engage the police Area Commanders in structured regular liaison to include JPM.	Now overtaken by the establishment of local delivery groups and co-location, whereby links with operational police managers are strengthened.

	RECOMMENDATIONS	POSITION IN SEPTEMBER 2004
R25	The Unit Heads establish structured liaison with the Witness Service and agree systems to ensure effective flows of information with them.	Not achieved. There remains a need to improve communications with the Witness Service. For example, the court and not the CPS normally notify Special Measures. There is no specific point of contact with the CPS, it varies by unit.
R26	The CCP agrees with the Justices' Chief Executive appropriate procedures for dealing with specified offences and ensures that the erroneous recording of specified offences in the Area's performance indicators ceases.	Not achieved. The CPS is still pursuing the issue on the use of road traffic courts.
R27	The CCP reviews the system for handling complaints to ensure that: <ul style="list-style-type: none"> * replies deal with all issues raised; * replies are appropriate in style and content; * all relevant correspondence is contained on the compliant file; * a comprehensive register is kept facilitating a managerial overview; and * there is learning from experience. 	Partially achieved. Responses are timely and satisfactory, but the format of the register needs to improve.
	SUGGESTIONS	POSITION IN SEPTEMBER 2004
S1	The committals log is extended so that a continuing record is kept indicating whether cases have been committed, discharged or adjourned.	Not achieved. Case tracking is now done by Compass, but we are not satisfied that the discharged committal category is used appropriately.
S2	The CCU Head establishes a consistent form of housekeeping of Crown Court files including a standard log of court hearings/use of file cover.	Achieved. Minute sheets are now used throughout.

	SUGGESTIONS	POSITION IN SEPTEMBER 2004
S3	Unit Heads ensure that correspondence and further evidence is linked with files and dealt with timeously.	Achieved. No backlog observed.
S4	<p>The CCP reviews the training programme in particular regarding:</p> <ul style="list-style-type: none"> * local induction; * further training in the effective use of IT; * wider management training; * better evaluation of training; * overview; and * there is learning from experience. 	<p>Partially achieved. Training needs have altered since the last inspection. Analysis of training needs is now carried out based on PDPs, but the training programme for 2004-05 has only just been published. Evaluation of some training courses did take place, but this was not part of a structured evaluation process.</p>
S5	The ABM ensures that all absence data is consolidated into the central diary system to manage staff levels.	Achieved. Details of sick absence are maintained centrally.

**TOTAL NUMBER OF FILES EXAMINED FOR
CPS HERTFORDSHIRE**

	Number of files examined
Magistrates' courts cases/CJUs:	
Advice	4
No case to answer	6
Trials	21
Discontinued cases	15
Race crime	(6)
Domestic violence cases	(13)
Youth trials	(5)
Cracked trials	12
Ineffective trials	2
Cases subject to custody time limits	7
Crown Court cases/TU:	
Advice	5
Committals discharged after evidence tendered/sent cases dismissed after consideration of case	1
Judge ordered acquittals	15
Judge directed acquittals	2
Trials	23
Child abuse cases	(5)
Race crime	(3)
Cracked trials	9
Ineffective trials	0
Rape cases	(4)
Street crime cases	(4)
Cases subject to custody time limits	5
TOTAL	127

When figures are in brackets, this indicates that the cases have been counted within their generic category eg trials.

LIST OF LOCAL REPRESENTATIVES OF CRIMINAL JUSTICE AGENCIES AND ORGANISATIONS WHO ASSISTED IN OUR INSPECTION

Crown Court

His Honour Judge Findlay Baker QC
His Honour Judge Moss
Ms J Burfitt, Crown Court Manager, St Albans
Ms K Bray, Crown Court Manager, Luton

Magistrates' Courts

Mrs S Garbutt JP, Chairman of Magistrates' Courts' Committee
Mrs S Gordon JP
Mr N Moss JP
Mr P Palfry JP
Mrs J Parker JP
Mr D Phillips JP
Mr R Stephens JP
Dr J Lane, Area Director for Hertfordshire & Deputy Justices' Chief Executive
Mr P Fellingham, Justices Clerk for North & East Hertfordshire
Mr D Gibbs, Justices Clerk for Central & West Hertfordshire

Police

Assistant Chief Constable S Parr
Chief Superintendent A Roome-Gifford
Chief Superintendent C Taylor
Mr C Kraina
Ms P Bowman
Ms D Fox
Mr D Trollope
Mr C Partridge
Mr F Pick
Mrs C Ward

Defence Solicitors

Mr G White

Counsel

Ms L Blackband
Ms A Evans

National Probation Service

Mr J Hughes

Victim Support

Mr D Padgett

Witness Service

Mrs F de Pencier

Ms J Edwards

Mrs S Glasgow

Mrs L Wilding

Youth Offending Team

Mr T Rees

Hertfordshire Criminal Justice Board

Ms L Gulfetto, Performance Officer

Community Groups

Mrs S Baker, Stevenage & North Hertfordshire Domestic Violence Forum

Ms C Dillon, Welwyn & Hatfield Council for Voluntary Service

Mrs A McLean OBE, Watford Council Voluntary Service & BME

Members of Parliament

Mr M Prisk MP

Other Members of Parliament with constituencies in Hertfordshire were invited to contribute.

HMCPST VISION, MISSION AND VALUES

Vision

HMCPST'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

HMCPST 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.

GLOSSARY

ADVERSE CASE	A <i>NCTA</i> , <i>JOA</i> , <i>JDA</i> (see separate definitions) or one where magistrates decide there is insufficient evidence for an <i>either way</i> 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, not legally qualified, but 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)
CATS - COMPASS, SCOPE, SYSTEM 36	IT systems for case tracking used by the CPS. Compass is the new comprehensive system in the course of being rolled out to 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 are in place in Areas; and the statutory scheme will have a phased roll out across priority Areas and subsequently all 42 Areas
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 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
CO-LOCATION	CPS and police staff working together in a single operational unit (<i>TU</i> or <i>CJU</i>), whether in CPS or police premises – one of the recommendations of the <i>Glidewell</i> report

COMMITTAL	Procedure whereby a defendant in an <i>either way</i> 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' court, 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 presently available to priority Areas and the intention is to expand the scheme to cover 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' court prosecutions. The <i>Glidewell</i> 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 <i>caseworker</i> who is trained to present straightforward cases on pleas of guilty, or to prove them where the defendant does not attend the magistrates' court
DIRECT COMMUNICATION WITH VICTIMS (DCV)	A new procedure whereby CPS consults directly with victims of crime and provides them with information about the progress of their case
DISCLOSURE, Primary and Secondary	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. Primary disclosure is given where an item may undermine the prosecution case; secondary is given where, after service of a defence statement, any item may assist that defence
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 <i>Narey</i> procedures, one of the two classes into which all summary and <i>either way</i> cases are divided. EAHs are for cases where a not guilty plea is anticipated

EARLY FIRST HEARING (EFH)	Under <i>Narey</i> 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
EUROPEAN FOUNDATION FOR QUALITY MODEL (EFQM)	A framework for continuous self-assessment and self-improvement against whose criteria HMCPSI conducts its inspections
EVIDENTIAL TEST	The initial test under <i>the Code</i> – 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 - <i>CJUs</i> and <i>TUs</i>
GOOD PRACTICE	An aspect of performance upon which the Inspectorate not only comments favourably, but considers that it reflects in 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/or the CPS, aimed at securing improvements in performance
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, the CPS and the Youth Offending Team in each criminal justice area who are accountable to the National Criminal Justice Board for the delivery of <i>PSA</i> targets
MG6C, MG6D ETC	Forms completed by police relating to unused material
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 (NJG)	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. 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 and also involves Victim Support and the Witness Service. Jointly staffed Witness Care Units will be introduced into all 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
PUBLIC INTEREST TEST	The second test under <i>the Code</i> - 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 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 <i>indictable only</i> 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 <i>disclosure</i> of which may not be in the public interest
SPECIFIED PROCEEDINGS	Minor offences which are dealt with by the police and the magistrates' court 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
TQ1	A monitoring form on which both the police and the CPS assess the timeliness and quality of the police file as part of <i>joint performance monitoring</i>
TRIAL UNIT (TU)	Operational unit of the CPS which prepares cases for the Crown Court