

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

**REPORT 5/04**

**APRIL 2004**

# CPS KENT



## **AREA OFFICE**

Maidstone

## **OTHER OFFICES**

Canterbury, Folkestone, Gravesend, Medway

## **MAGISTRATES' COURTS**

Ashford, Canterbury, Dartford, Folkestone  
Maidstone, Medway, Sevenoaks, Thanet

## **CROWN COURTS**

Canterbury, Maidstone

# CONTENTS

## PAGE

### PREFACE

<b>1</b>	<b>INTRODUCTION</b>	<b>1</b>
	Methodology and nature of the inspection	3
<b>2</b>	<b>SUMMARY OF INSPECTION FINDINGS AND RECOMMENDATIONS</b>	<b>5</b>
	Bringing offenders to justice	5
	Reducing ineffective trials	6
	Improving public confidence	6
	Value for money	6
	Equality and diversity issues	7
	Recommendations	7
	Good practice	8
<b>3</b>	<b>KEY PERFORMANCE RESULTS</b>	<b>9</b>
	Commentary	12
	<i>Advice to police</i>	12
	<i>Quality of decision-making</i>	12
	<i>Continuing review</i>	12
	<i>Discontinuance</i>	13
	<i>Discharged committals</i>	13
	<i>Level of charge</i>	13
	<i>Ineffective trials</i>	13
	<i>Persistent young offenders</i>	14
	<i>Persistent offenders</i>	14
	<i>Sensitive cases</i>	14
	<i>Adverse outcomes</i>	14
	<i>Disclosure</i>	15
<b>4</b>	<b>CASEWORK</b>	<b>16</b>
	Overview	16
	Advice to police	16
	Cases ready to proceed at first date of hearing	18
	Discontinuances in magistrates' courts	18
	Summary trial preparation	19
	Committal and Crown Court case preparation	21
	Disclosure of unused material	23
	Sensitive cases	24
	File/message handling	25
	<i>The file system</i>	25
	<i>Pulling cases for court</i>	26
	<i>Linking correspondence</i>	27
	Custody time limits	27
	Joint action to improve casework	28
	National Probation Service and Youth Offending Teams	29
	Appeal and committal for sentence processes	29
	Recording of case outcomes	29
	Learning points	30

<b>5</b>	<b>ADVOCACY AND QUALITY OF SERVICE DELIVERY</b>	<b>31</b>
	Overview	31
	Advocacy standards and monitoring	31
	Court endorsements	32
	Court preparation	32
	Attendance at court	33
	Accommodation	33
<b>6</b>	<b>VICTIMS AND WITNESSES</b>	<b>34</b>
	Overview	34
	Witnesses at court	34
	Direct Communication with Victims	35
	Meetings with victims and relatives of victims	35
<b>7</b>	<b>PERFORMANCE MANAGEMENT</b>	<b>36</b>
	Overview	36
	Performance monitoring	36
	Joint performance management	37
	Continuous improvement	38
	Accounting for performance	38
<b>8</b>	<b>PEOPLE MANAGEMENT AND RESULTS</b>	<b>39</b>
	Overview	39
	Human resource planning	39
	Staff structure	40
	Staff development	41
	Performance review	41
	Management involvement	42
	Equality and diversity	42
	Health and safety	43
<b>9</b>	<b>MANAGEMENT OF FINANCIAL RESOURCES</b>	<b>44</b>
	Overview	44
	Adherence to financial guidelines	44
	Budgetary controls	45
	Management of prosecution costs	45
	Value for money approach	45
<b>10</b>	<b>PARTNERSHIPS AND RESOURCES</b>	<b>46</b>
	Overview	46
	CJS partnerships	46
	CJS agencies	46
	Information technology	48
	Buildings, equipment and security	48
<b>11</b>	<b>POLICY AND STRATEGY</b>	<b>49</b>
	Overview	49
	Stakeholders	49
	Performance measurement	49
	Review	49
	Communication and implementation	50

<b>12</b>	<b>PUBLIC CONFIDENCE</b>	<b>51</b>
	Overview	51
	Complaints	51
	Minority ethnic communities	51
	Safeguarding children	52
	Community engagement	52
	Media engagement	52
	Public confidence	52
<b>13</b>	<b>LEADERSHIP AND GOVERNANCE</b>	<b>53</b>
	Overview	53
	Vision and values	53
	Staff recognition	54
	Management structure	54
	Organisational structure	54
	Action plans	55
	Criminal justice system co-operation	55
<b>ANNEX 1</b>	Business Excellence Model Inspection Map	
<b>ANNEX 2</b>	Area organisational chart to show structure and staff numbers	
<b>ANNEX 3</b>	Area caseload figures	
<b>ANNEX 4</b>	Resources and caseloads	
<b>ANNEX 5</b>	Implementation of recommendations and suggestions from report published February 2001	
<b>ANNEX 6</b>	Files examined for CPS Kent	
<b>ANNEX 7</b>	List of local representatives who assisted in the inspection	
<b>ANNEX 8</b>	HMCPSI Vision, Mission and Values	
<b>ANNEX 9</b>	Glossary	

## **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. 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 has two Groups which undertake inspections in the Midlands and Wales, and in Southern England. The Group based in York carries out inspections in Northern England. Both offices 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 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 first six inspections. 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 Kent. CPS Kent serves the area covered by the Kent Constabulary. It has two offices, at Canterbury and Maidstone. The Area Headquarters (Secretariat) is based at the Maidstone office.
- 1.2 Area business is divided on functional lines between magistrates' courts and Crown Court work. The Criminal Justice Unit (CJU) is responsible for the conduct of all cases dealt with in the magistrates' courts. The CJU has bases at Canterbury, Folkestone, Gravesend, Maidstone and Medway Police Stations. The Trials Unit reviews and handles cases dealt with in the Crown Court and has bases at Canterbury and Maidstone. CPS Kent and the Kent Constabulary have implemented the recommendations of the Glidewell Review so that CPS lawyers work in conjunction with operational police officers and alongside police administrative staff, with police managers, in the CJUs. The police administrative staff conduct some of the functions previously carried out by CPS staff. However some functions are still carried out by CPS administrative staff who are also based at the CJUs.
- 1.3 The Review of the Criminal Courts in England and Wales (2001) by Sir Robin Auld (the Auld review) recommended that the CPS should assume responsibility for charging. The necessary legislation is now before Parliament. However, in order to evaluate the initiative, some CPS Areas were designated pilot sites, with pilot charging centres. Kent was one of the Areas selected and the scheme was piloted at Medway CJU. Subsequently, following evaluation of the pilot schemes, the Area has introduced, on a non-statutory basis, the shadow charging scheme during office hours at each CJU, and on a part-time basis at the non co-located police charging centres.
- 1.4 The Senior Management Team (SMT) comprises the Chief Crown Prosecutor (CCP), the Area Business Manager (ABM) and the Heads of the CJU and TU. Other Area managers sit on the SMT on a rotational basis. The Area Managers' Group (AMG) comprises all Area managers, including the local managers of each CJU and TU site.
- 1.5 At the time of the inspection at the end of November and the beginning of December 2003, the Area employed the equivalent of 145.8 full-time staff. The Area Secretariat comprises the CCP, ABM, three Level B managers, and the full-time equivalent of 6.6 other staff. One of the Level D unit leaders spends two days a week on project work. Details of staffing of the units is set out below:



Grade	West Kent TU	East Kent TU	Organised Crime Unit
Level E	1 over-arching (included in East Kent TU)		
Level D	1	2	
Level D SCL	1 over-arching (included in West Kent TU)		
Level C lawyers	6.4	2.6	2
Level B3/B2 caseworkers	2	1	
Level B1 caseworkers	16.2	11.8	0.8
Level A caseworkers	14	12	
<b>TOTAL</b>	<b>40.6</b>	<b>30.4</b>	<b>2.8</b>

Grade	Medway CJU	Canterbury CJU	Gravesend CJU	Maidstone CJU	Folkestone CJU
Level E	1 over-arching (included in Maidstone CJU)				
Level D	1	0.8	1	1	1
Level C lawyers	6.2	5.6	7.6	5.8	5.6
Level B3/B2 caseworkers	1	1	1	1	1
Level A caseworkers	2.2	2	2	1.8	2
<b>TOTAL</b>	<b>10.4</b>	<b>9.4</b>	<b>11.6</b>	<b>10.6</b>	<b>9.6</b>

Additionally there are staff based in Canterbury and Maidstone who undertake work for more than one unit: one Level B2 manager, two Level B1 managers and five level A staff.

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

1.6 Details of the Area's caseload in the year to September 2003 are as follows:

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	1,591	4.1	6.1
Summary motoring	12,934	33	32.4
Other summary	9,191	23.5	20.4
Either way and indictable only	14,786	37.8	40.3
Other proceedings	632	1.6	0.8
<b>TOTAL</b>	<b>39,134</b>	<b>100%</b>	<b>100%</b>

1.7 Details of the Area's Crown Court finalised cases in the year to September 2003 are:

<b>Crown Court finalised cases</b>	<b>Area numbers</b>	<b>Area % of total caseload</b>	<b>National % of total caseload</b>
Indictable only	694	24.9	31.7
Either way offences	1,123	40.4	44.1
Appeals against conviction or sentence	333	12	8.9
Committals for sentence	634	22.7	15.3
<b>TOTAL</b>	<b>2,784</b>	<b>100%</b>	<b>100%</b>

1.8 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 Kent (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. We recognise that a significant number of these appointments have been to fill posts with management responsibility, which were vacant at the time of our last inspection. We accept that these managers will not carry as heavy a personal caseload as other prosecutors, and it is therefore necessary to consider Annex 4 in this context.

**Methodology and nature of the inspection**

1.9 The inspection process is based on the inspection framework summarised at Annex 1. There are two types of inspection. A full inspection considers each aspect of Area performance within the framework. An intermediate inspection 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.

1.10 The scope of the inspection is also influenced by the length of time since performance was previously inspected. The assessment in respect of CPS Kent also drew on findings from the previous inspection of the Area, a report of which was published in February 2001. As a result of this risk assessment, it was determined that the inspection of CPS Kent should be a full one.

1.11 Our previous report made a total of 28 recommendations and six suggestions, as well as identifying one aspect of good practice. 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.

1.12 Our methodology combined examination of 180 cases finalised between June and August 2003 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. 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' courts and the Crown Court.

- 1.13 Inspectors visited the Area between 24 November and 5 December 2003. The lay inspector for this inspection was Sue Holroyd, who was nominated by NACRO. The role of the lay inspector is described in the Preface. The lay inspector examined files that had been the subject of complaints from members of the public and also considered letters written by CPS staff to victims following the reduction or discontinuance of a charge. She also visited some courts and had the opportunity to speak to some of the witnesses after they had given evidence. This was a valuable contribution to the inspection process. The views and findings of the lay inspector have been included in the report as a whole, rather than separately reported. She gave her time on a purely voluntary basis, and the Chief Inspector is grateful for her effort and assistance.
- 1.14 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 The Area has made significant progress in respect of a number of aspects of performance since the time of our last inspection. In particular, it has developed an effective management structure, implemented effectively the recommendations of the Glidewell review and initiated a successful programme of community engagement. Senior management has a high profile with the other local criminal justice agencies, which is illustrated by the CCP who is chair of the Kent LCJB.
- 2.2 The progress of the Area is also illustrated by its achievement of most of the recommendations made in our last inspection report.
- 2.3 As one of the Government's 13 priority criminal justice areas, CPS Kent is committed to implementing the shadow charging scheme on a non-statutory basis. By the time of our inspection the scheme was operating during normal office hours at each CJU. This was undoubtedly putting a strain on the Area's CJU resources and leading to slippage in some aspects of casework.
- 2.4 Additionally, there were clear tensions between the CJU and TU over some aspects of casework decision-making. Despite these difficulties, we found that staff were committed to making things work.
- 2.5 In the TU instructions to counsel need to be improved significantly. Lawyers need to add value to the process by providing a detailed evaluation of the strengths and weaknesses of the prosecution case.
- 2.6 We had concerns that the Area had yet to feel the full benefit of its restructuring in accordance with the Glidewell review. CPS staff were still carrying out many magistrates' court administrative tasks, and there were concerns about the quality and prioritisation of some of the tasks carried out by the police. The operation of the single file system at non co-located charging centres was impacting on some aspects of casework, including the timeliness of responses to defence correspondence and the operation of the Direct Communication with Victims Scheme (DCV).

### **Bringing offenders to justice**

- 2.7 Area performance in narrowing the justice gap is encouraging. The most recently produced data by the Home Office, for the 12 months ending October 2003, shows that the number of offences brought to justice has increased by 15.8%, and the quarter ending September 2003 shows an increase of 21.5%. If the current rate of improvement is maintained the Area is projected to meet and exceed significantly its overall target of 5%. The Area attributes its performance to an increase in the number of convictions and, to a lesser extent, the number of cautions. For a number of reasons, for example the inclusion of cautions in the Home Office data, there is no correlation between this data and that in Annex 3, which shows Area caseload.
- 2.8 It looks unlikely, in common with most Areas, that the target to increase the number of offences brought to justice committed by core persistent offenders will be met. However, the Area's performance in identifying and tracking offences committed by core persistent offenders is one of the best in the country.

- 2.9 In the first quarter of 2003 the Area met its magistrates' courts target to reduce unsuccessful outcomes (17%), but fell short in the Crown Court (24.6% against a target of 20%).
- 2.10 Although decisions to discontinue cases were generally correct, timeliness was poor. This was contributing significantly to the Area's cracked trial rate in magistrates' courts cases.
- 2.11 The quality of the review of unused material needed to be improved, particularly at the primary disclosure stage.

### **Reducing ineffective trials**

- 2.12 The magistrates' courts ineffective trial rate for the quarter ending June 2003, at 27.7%, is better than the national average (29.4%). Although there has been recent improvement, it is short of the Area target (23%). In some parts of the county, the over listing of trials, and the consequent lack of time to hear cases, was contributing to the ineffective trial rate. We also found that, at the time of our inspection, the resource requirements of the shadow charging scheme were impacting on the time available for prosecutors to undertake summary trial preparation.
- 2.13 The Crown Court effective trial rate is good (49.9% against a national average of 39.2%). A low cracked trial rate (22.9% against a national average of 37.7%) is contributing significantly to this aspect of performance. The ineffective trial rate is 27.2%, compared with the national average of 23.1%. The Crown Court had recently introduced a Certificate of Readiness scheme to assist in reducing the rate.

### **Improving public confidence**

- 2.14 The Area undertakes a substantial amount of work in the community, particularly in respect of minority ethnic groups. In addition, the Kent LCJB is taking forward work to develop a more joined-up approach, in order improve public confidence in the criminal justice system in Kent.
- 2.15 Sensitive cases involving road traffic fatalities and racist incidents were handled well. In respect of cases involving domestic violence, the Area has undertaken joint work with the police to improve the quality of evidence gathering, but there needs to be a more consistent application of the national CPS policy.
- 2.16 Identification of cases where the victim was vulnerable or intimidated was good. Applications for special measures for these witnesses when they gave evidence were made appropriately.

### **Value for money**

- 2.17 Overall, Area managers display sound financial judgement, and have sound financial controls. Some cases were being recorded incorrectly as part of the Area's caseload, which was resulting in over funding under the CPS activity based cost arrangements.

## **Equality and diversity issues**

- 2.18 The Area meets its targets for employing female and minority ethnic staff. It is undertaking work with local organisations to increase awareness of disability rights issues.

## **Recommendations**

- 2.19 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.

- 2.20 We have made six recommendations to help improve the Area's performance:

1. The Head of the TU take action to:
  - \* Increase the quality of management information on the number and spread of discharged committals;
  - \* Improve the effectiveness of the system for chasing the full file in committal cases;
  - \* Work with the police to improve the timeliness of the submission of full files; and
  - \* Improve the timelines of the decision whether to reinstate cases which are discharged (paragraph 4.32).
2. The Head of the TU take action to improve the quality of instructions to counsel by ensuring prosecutors include:
  - \* a qualitative case analysis; and
  - \* their view on the acceptability of pleas (paragraph 4.40).
3. Local unit managers, in conjunction with their counterparts in the other criminal justice agencies, develop an effective joint performance management regime for the criminal justice process (paragraph 7.10).
4. The Area stops including specified offences in its PIs (paragraph 9.6)
5. The ABM and Level E Unit Heads, in conjunction with their police counterparts, review and implement changes where necessary, to improve the effectiveness of joint CPS/police working arrangements in respect of:
  - \* the shadow charging scheme;
  - \* administrative arrangements under Glidewell; and
  - \* the single file system (paragraph 10.10).

6. The SMT develop and implement strategies to improve the corporate vision of staff across all grades and units (paragraph 13.6).

**Good practice**

2.21 We have identified two aspects of good practice, which might warrant adoption nationally:

1. The use of a bail stamp on Crown Court files, to signify that the defendant is not in custody (paragraph 4.67).
2. The provision of instructions to counsel where instructed to prosecute complex cases in the magistrates' courts (paragraph 9.5).

### 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.**

<b>CPS PERFORMANCE</b>	<b>National Target 2002-2003</b>	<b>National Performance Cycle to date*</b>	<b>Area Target 2002-2003</b>	<b>Area Performance</b>
<b>MAGISTRATES' AND YOUTH COURT CASEWORK</b>				
<b>Advice</b>				
Decisions complying with evidential test in the Code <sup>1</sup>	-	98.3%	-	100%
Decisions complying with public interest test in the Code <sup>1</sup>	-	96%	-	100%
<b>First Review</b>				
Decisions to proceed at first review complying with the evidential test <sup>1</sup>	-	98.2%	-	96.2%
Decisions to proceed at first review complying with public interest test <sup>1</sup>	-	99.8%	-	100%
Requests for additional evidence/information made appropriately at first review <sup>1</sup>	-	78.2%	-	78.1%
<b>Discontinuance</b>				
Discontinuance rate of completed cases (CPS figure)	-	12.6%	-	12.4%
Discontinued cases with timely discontinuances <sup>1</sup>	-	73.7%	-	64.9%
Decisions to discontinue complying with the evidential test <sup>1</sup>	-	92%	-	100%
Decisions to discontinue complying with the public interest test <sup>1</sup>	-	98.4%	-	96.4%
Discontinued cases where all reasonable steps had been taken to request additional evidence/information <sup>1</sup>	-	87.1%	-	94.6%
<b>Level of charge</b>				
Charges that required amendment and were amended in a timely manner <sup>1</sup>	-	72.7%	-	80%
Cases that proceeded to trial or guilty plea on the correct level of charge <sup>1</sup>	-	96.8%	-	96.9%
<b>Cracked and ineffective summary trials</b>				
Cracked trials as recorded by CPS and magistrates' courts JPM	-	(Apr – Jun 03) 37.9%	-	(Apr - Jun 03) 31.4%
Cracked trials in file sample that could have been avoided by CPS action <sup>1</sup>	-	22.4%	-	30%
Ineffective trials as recorded by CPS and magistrates' courts JPM	-	(Apr – Jun 03) 29.4%	-	(Apr – Jun 03) 27.7%
Ineffective trials in the file sample that could have been avoided by CPS action	-	- <sup>4</sup>	-	0%
<b>Summary trial</b>				
Acquittal rate in magistrates' courts (% of finalisations) – CPS figure	-	1.8%	-	1.4%
Decisions to proceed to trial complying with the evidential test <sup>1</sup>	-	94.8%	-	96.2%
Decisions to proceed to summary trial complying with the public interest test <sup>1</sup>	-	99.5%	-	100%
Cases with timely summary trial review <sup>1</sup>	-	77.3%	-	58.3%
Requests for additional evidence/information made appropriately at summary trial review <sup>1</sup>	-	72.5%	-	80%
No case to answers where outcome was foreseeable, and CPS could have done more to avoid outcome <sup>1</sup>	-	51.3%	-	20%



<b>CPS PERFORMANCE</b>	<b>National Target 2002-2003</b>	<b>National Performance Cycle to date*</b>	<b>Area Target 2002-2003</b>	<b>Area Performance</b>
<b>CROWN COURT CASEWORK</b>				
<b>Committal and service of prosecution papers</b>				
Cases with timely review before committal, or service of prosecution case in "sent" cases <sup>1</sup>	-	80.3%	-	100%
Decisions to proceed at committal/service of prosecution papers stage complying with evidential test in the Code for Crown Prosecutors <sup>1</sup>	-	96.3%	-	93.2%
Decisions to proceed at committal/service of prosecution papers stage complying with public interest test in the Code for Crown Prosecutors <sup>1</sup>	-	99.8%	-	100%
Requests for additional evidence/information made appropriately at committal/service of prosecution case review <sup>1</sup>	-	87.9%	-	86.7%
Timely and correct continuing review after committal	-	83.4%	-	63.6%
Cases with timely service of committal papers on defence	80%	79.2% 86.8% <sup>3</sup>	-	87.2% <sup>1</sup> 92.7% <sup>2</sup>
Cases with timely delivery of instructions to counsel	84%	84.3% 85.9% <sup>3</sup>	-	84.6% <sup>1</sup> 91.2% <sup>2</sup>
Instructions to counsel that were satisfactory <sup>1</sup>	-	62.7%	-	44.7%
<b>Cracked and ineffective trials</b>				
Cracked trials as recorded by CPS and Crown Court JPM	-	(Apr – Oct 03) 38%	-	(Apr – Oct 03) 23%
Cracked trials that could have been avoided by CPS action <sup>1</sup>	-	23.4%	-	33% 2 out of 6 cases
Ineffective trials as recorded by CPS and Crown Court JPM	-	(Apr – Oct 03) 22.2%	-	(Apr – Oct 03) 25%
Ineffective trials where action by CPS could have avoided an adjournment <sup>1</sup>	-	- <sup>4</sup>	-	0%
<b>Level of charge</b>				
Charges that required amendment and were amended in a timely manner <sup>1</sup>		85.6%		66.7%
Indictments that required amendment <sup>1</sup>		27.9%		33.3%
Cases that proceeded to trial or guilty plea on the correct level of charge <sup>1</sup>		97.9%		100%
<b>Judge ordered and judge directed acquittals</b>				
JOA/JDAs where outcome was foreseeable, and CPS could have done more to avoid outcome <sup>1</sup>	-	20.7%	-	28.6%
<b>Trials</b>				
Acquittal rate in Crown Court (% of all finalisations excluding JOA, appeals/committals for sentence and warrant write-offs) <sup>2</sup>	-	10.1%	-	12.6%

<b>NARROWING THE JUSTICE GAP</b>				
Percentage brought to justice against the baseline for 01/2002 as recorded by JPIT		+4.5% (as of June 03)		15.8% (as of Oct 03)

<sup>1</sup> as assessed by HMCPSI from examination of the file sample during inspection

<sup>2</sup> self-assessment by Area

<sup>3</sup> nationally collated figure based on Area self-assessment returns

<sup>4</sup> 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 September 2003

**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.**

<b>CPS PERFORMANCE</b>	<b>National Target 2002-2003</b>	<b>National Performance Cycle to date*</b>	<b>Area Target 2002-2003</b>	<b>Area Performance</b>
<b>MAGISTRATES' AND YOUTH COURT CASEWORK</b>				
<b>Disclosure</b>				
Cases where primary disclosure properly handled <sup>1</sup>		72.8%		64%
Cases where secondary disclosure properly handled <sup>1</sup>		60%		0 out of 1
<b>Witness care</b>				
Trials where appropriate use made of S9 CJA 1967 <sup>1</sup>		97.7%		100%
Trials where appropriate use made of the witness care measures <sup>1</sup>		83.3%		100%
<b>CROWN COURT CASEWORK</b>				
<b>Disclosure</b>				
Cases where primary disclosure properly handled <sup>1</sup>		85.9%		73%
Cases where secondary disclosure properly handled <sup>1</sup>		59.8%		60%
<b>Witness care</b>				
Trials where appropriate use made of witness phasing/standby <sup>1</sup>		85%		100%
Trials where appropriate use made of the witness care measures <sup>1</sup>		91%		100%
<b>MAGISTRATES' COURTS AND CROWN COURT</b>				
<b>Custody time limits</b>				
Cases in sample where expiry dates accurately calculated	-	92.5%	-	95%
<b>OTHER ISSUES</b>				
<b>Payment of witness expenses</b>				
Payment of witness expenses within 10 days of receipt of claim <sup>2</sup>	100%	99.3%	%	97.3%
<b>Handling of complaints</b>				
Complaints replied to within 10 days <sup>2</sup>	94%	85.4%	%	73.3%
<b>Citizens charter commitment</b>				
MPs correspondence replied to within 15 days <sup>2</sup>	100%	91.8%	N/A	100%
<b>Improving productivity</b>				
Reduce sick absence rate per member of staff	10.6 days (2001)	8.5 days (2001)	No data available	No data available
<b>OTHER ASPECTS OF CPS PERFORMANCE</b>				
<b>CJS Youth Justice Performance Measures (shared between Home Office, Department of Constitutional Affairs (formerly LCD) and CPS)</b>				
To halve time from arrest to sentence for persistent young offenders from 142 to 71 days by 31 March 2002	71 days	66 days (Jul-Sep 03)	71 days	76 days (Jul-Sep 03)

<sup>1</sup> as assessed by HMCPSI from examination of the file sample during inspection

<sup>2</sup> self-assessment by Area

\* average performance of Areas inspected in inspection cycle 2002-2004 based on a sample of cases examined and observations at court up to 30 September 2003

## **Commentary**

- 3.1 The resource requirements of the non-statutory shadow charging scheme were, at the time of our inspection, impacting adversely on other aspects of casework performance, primarily because of the additional burden on prosecutors. The handling of the primary disclosure of unused material and the timeliness of discontinuance are aspects of performance that need to be monitored closely
- 3.2 Cases involving a road traffic fatality were well handled, as were child abuse cases (although there was a need for prosecutors to improve their recording of their assessment of the children's video recorded evidence). The quality of instructions to counsel needed to be improved significantly.

### ***Advice to police***

- 3.3 We examined ten pre-charge advice cases (all of which pre-dated the shadow charging scheme). All decisions were taken properly in accordance with the principles of the Code evidential and public interest tests. The corresponding figures in our inspection cycle to date are 98.3% and 96%. A full explanation of the advice was given in each case.

### ***Quality of decision-making***

- 3.4 There is room for improvement in the quality of decision-making in respect of some aspects of casework performance. The Code evidential test was not applied properly at initial review in four out of 100 relevant cases in our file sample. However, the Code tests were applied properly at summary trial review in all relevant cases in our magistrates' court file sample. At committal review, in three judge directed acquittals and two judge ordered acquittals, the Code evidential test was not applied properly.
- 3.5 In some judge ordered and judge directed acquittals, the CPS could have done more, either by strengthening the case evidentially, or by taking the decision to drop the case earlier.

### ***Continuing review***

- 3.6 Overall, prosecutors identified when additional information was required at initial review and summary trial review. Performance in respect of requesting additional information at committal review needs to be improved slightly.
- 3.7 Appropriate requests were made in 78.1% of cases at initial review, compared with 78.2% in our inspection cycle to date. The request was made appropriately in 80% of cases at summary trial review, which was better than our findings in our inspection cycle to date (72.5%). Whilst more appropriate requests were made at committal review (86.7%), this is slightly lower than our findings to date (87.9%).

### ***Discontinuance***

- 3.8 The Area's discontinuance rate, at 12.4%, is slightly lower than the national average (12.6%). Performance has improved since our last inspection, when the Area rate stood at 14.3%. Perversely, the local discontinuance rate for Medway CJU (the pilot charging advice centre) was the highest in the Area. However, the police take-up rate for advice under the pilot charging scheme was low when compared with initial take-up under the non-statutory shadow charging scheme. Therefore, few discontinued cases at Medway would have been subject to pre-charge advice under the pilot scheme.
- 3.9 The principles of the Code evidential test were applied correctly in all relevant cases and the Code public interest test in 27 of the 28 relevant cases. The timeliness of discontinuance could be improved. In 13 of the 37 cases, discontinuance was not timely. Addressing this issue will help to reduce the cracked trial rate.

### ***Discharged committals***

- 3.10 The Area has a number of committals discharged because the prosecution are not ready and the court refuses an adjournment. All the cases in our file sample were discharged because the submission of the full file by the police was not timely, or the file lacked essential evidence.
- 3.11 Whilst the Area has agreed processes for determining whether discharged cases will be re-instated, which include consideration of the case at a senior management level, these were not always followed. In addition, there was considerable delay in advising the police on the proposed course of action.

### ***Level of charge***

- 3.12 In our magistrates' courts file sample, 96.9% of cases proceeded on the correct charge. This rose to 100% in our Crown Court file sample. Our finding in respect of the magistrates' courts file sample is similar to that in our inspection cycle to date (96.8%), but the Crown Court finding is better (97.9% to date). However, one of the nine cases in our judge directed acquittal file sample did not proceed on the correct charge.

### ***Ineffective trials***

- 3.13 There were five ineffective trial cases in our file sample. None of the trials could have been avoided by CPS action. The magistrates' courts approach, in some parts of the county, to the multiple listing of trials is leading to there being a lack of court time to hear cases which are ready to proceed to trial. This is now the principal reason for ineffective trials.

### ***Persistent young offenders***

- 3.14 The Area's persistent young offender performance has slipped recently. In the year ending March 2002, the overall performance figure was 64 days, which was better than the national target of 71 days and the national average of 68 days. However, by the quarter ending September 2003, the Area's overall three-month rolling figure had risen to 76 days, against the national target of 71 days. The national average for the same period was 66 days. In the magistrates' courts, the figure was 69 days against a national average of 59 days.
- 3.15 The Area was alert to this downward trend and the factors influencing the dip in performance. The lack of sufficient TV-link facilities to hear special measures cases in the youth courts, and poor warrant execution performance by adjoining police forces, were both identified as causes. The issue was raised at a national level, which contributed to additional equipment being installed.

### ***Persistent offenders***

- 3.16 Locally produced data indicates that performance in identifying and tracking persistent offenders who are charged with offences is good. Cases involving persistent offenders are being flagged, and at the time of our inspection, 650 offences committed by persistent offenders were in the system.

### ***Sensitive cases***

- 3.17 The handling of cases involving road traffic fatalities is good. The Area considers these cases carefully, particularly when giving pre-charge advice. Generally, child abuse cases are handled well, although there is a need for lawyers to evidence that they have reviewed and evaluated the video recorded evidence of the of the child.
- 3.18 In our file sample, the national CPS domestic violence policy was applied correctly in 12 of the 22 relevant cases. The Area has recently signed a protocol with the police to help improve the quality of evidence gathering and case handling. They are also planning joint training with the police to support improvement in the quality of evidence gathering.
- 3.19 Racist incident cases are handled well, with prosecutors being particularly alert to requesting further information about racist hostility or motivation in relevant cases.

### ***Adverse outcomes***

- 3.20 In 16 of the 35 judge directed and judge ordered acquittals, the outcome was foreseeable. In ten of those cases we considered that the CPS should have done more to avoid the outcome or discontinued the case earlier. Cases involving the facilitation of illegal entrants are particularly problematic, for example the failure of the Immigration Service to retain original exhibits together with a lack of appropriate interviewing.
- 3.21 In three of the five cases dismissed in the magistrates' court on a submission of no case to answer, the result was foreseeable and the CPS should have done more in one.

### *Disclosure*

- 3.22 There is a need to improve a number of aspects of performance relating to the primary disclosure of unused material. We identified a number of factors which resulted in disclosure not being dealt with correctly at the primary stage, including no evidence of primary disclosure taking place and the late disclosure of undermining material.
- 3.23 In the magistrates' courts primary disclosure was dealt with correctly in 64% of cases. This compares with 72.8% in our inspection cycle to date. In the Crown Court the respective figures were 73% and 85.9%. In contrast, secondary disclosure is handled to the same standard we have found to date.

## 4 CASEWORK

---

**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**

---

### Overview

- 4.1 Summary trial review and committal review is effective, but there is a need to improve the quality of initial review. There is also a need to improve the disclosure of unused material at the primary stage, the timeliness of discontinuance and the quality of instructions to counsel.
- 4.2 Sensitive cases involving road traffic fatalities and racist incidents are handled well. Prosecutors need to improve their recording of their views on the quality of the victim's video recorded evidence in child abuse cases, and the CPS policy on domestic violence needs to be applied consistently.
- 4.3 The Area has introduced the shadow charging scheme across the county, but the police take-up rate needs to be improved. The resources required to operate the scheme are impacting on the effectiveness of other aspects of casework preparation, particularly summary trial review.
- 4.4 Some aspects of the magistrates' courts listing practices are affecting the efficiency of the summary trial process. The Area has worked to resolve these issues, but with limited success. In addition, the late discontinuance of cases is impacting adversely on the cracked trial rate.
- 4.5 Effective committal preparation is hindered by the late submission of police files, leading to committals being discharged. There is a need for managers to assess urgently the extent of the problem and work with the police in resolving this issue. The single file system is also impacting on the effectiveness of other casework processes, including the speed at which prosecutors can respond to defence correspondence.
- 4.6 In too many cases instructions to counsel did not add value to the case. There is a need to ensure that prosecutors outline fully to counsel their view of the case, including acceptability of pleas, any evidential weaknesses and likely defences.

### Advice to police

**STANDARD: REQUESTS FOR ADVICE ARE APPROPRIATE, AND DEALT WITH IN A TIMELY WAY IN ACCORDANCE WITH CODE TESTS AND CPS POLICY, AND ADVICE IS FREE FROM BIAS AND DISCRIMINATION**

- 4.7 The principles of the Code evidential and public interest tests were applied correctly in each of the ten cases in our file sample. Advices were well written and contained sufficient detail. The advice provided in cases involving a road traffic fatality was of a particularly high standard. The advice was provided within the 14 day standard in six of the nine cases. In one case we were unable to determine when the request for advice was received from the police.

- 4.8 The willingness on the part of the police to involve the CPS formally at an early stage of the investigation in the more serious cases, represents an encouraging improvement. In response to concerns about the handling of some types of the more complex and serious casework, the Area had set up a dedicated organised crime unit (DU). The DU focuses on cases with an international dimension and has a good relationship with its police counterpart.
- 4.9 There was a low take-up rate by the police of CPS advice under the charging pilot at Medway CJU. Although the subsequently introduced non-statutory shadow charging schemes are in their infancy, data produced by the Area indicates that the take-up rate is now much higher. Whilst this is encouraging, we noted that the operational effectiveness of the scheme was hindered by a number of factors including:
- \* a lack of awareness by the police of the ambit of the scheme (particularly within Canterbury CJU);
  - \* delaying charging defendants until out of office hours;
  - \* officers seeking advice from more than one lawyer when they are unhappy with the initial advice; and
  - \* cases being inappropriately identified as likely to be dealt with in an early first hearing (EFH) court and therefore not liable to be submitted for advice.
- 4.10 Where cases are bypassing the scheme, the risk persists of proceedings being commenced inappropriately or at the wrong level of charge. We make a recommendation in respect of this aspect of performance at paragraph 10.10.
- 4.11 Our file sample pre-dated the start of the shadow charging scheme and therefore did not include any cases within that scheme. However, while on-site we looked generally at the quality of this type of advice. In one case of alleged child abuse we considered that the advice not to commence proceedings was questionable, and in another that the charge advised was wrong. We drew the attention of the Unit Head to the former case, and in the latter case we observed an agent amending the charge in court.
- 4.12 The success of the scheme rests on prosecutors giving sound advice at an early stage. It is particularly important that managers satisfy themselves that the quality of advice given is to the required standard.

**Strengths**

- \* The good quality of advice in cases involving road traffic fatalities.



### **Cases ready to proceed at first date of hearing**

**STANDARD: JOINT CPS/POLICE PROCESSES ENSURE CASES READY TO PROCEED AT FIRST DATE OF HEARING AND THAT CASEWORK DECISIONS REFLECT THE GENERAL DUTY UNDER THE RACE EQUALITY SCHEME (I.E. TO ELIMINATE UNLAWFUL DISCRIMINATION, PROMOTE EQUALITY OF OPPORTUNITY AND PROMOTE GOOD RELATIONS BETWEEN PERSONS OF DIFFERENT RACIAL GROUPS)**

- 4.13 The quality of initial review endorsements needs improvement. The prosecutor's view on the strength of the evidence was endorsed appropriately on the file in 67% of cases. An appropriate endorsement on the public interest criteria was made in 63.6% of cases. It is essential that prosecutors record effectively their reasoning when applying the principles of the Code. There is also a need to improve the quality of the recording of the prosecutor's view on mode of trial. We recognise that the operation of the shadow charging scheme should improve the quality of initial file review, but in the light of our findings, managers will wish to pay particular attention to this aspect of performance when undertaking casework quality assurance.
- 4.14 The charge was amended appropriately and in a timely manner in four of the five relevant cases in our magistrates' court file sample, but in only six of the nine relevant cases in our Crown Court file sample. It is important that decisions on the appropriate level of charge are taken as soon as practicable, and that consideration of this aspect of the case is not delayed until proceedings have reached the committal stage.
- 4.15 Overall prosecutors are alert, at the initial review stage, to when it is necessary to request further information or evidence. An appropriate request was made in 78.1% of relevant cases.

### **Discontinuances in magistrates' courts**

**STANDARD: AREA PROCESSES ENSURE DISCONTINUANCES IN MAGISTRATES' COURTS OR CROWN COURT ARE BASED ON ALL AVAILABLE MATERIAL AND ARE TIMELY**

- 4.16 The Area's discontinuance rate has improved since our last inspection. It now stands at 12.4% compared with 14.3%. The rate is comparable with the national average, which stands at 12.6%. Within the overall discontinuance figure there are large variations across the CJUs. In particular, the rate is high in Medway CJU, which was the site of the charging pilot. A police reluctance to use the pilot, coupled with how current internal police performance targets were set, contributed to this situation.
- 4.17 The quality of decision-making is good and almost always based on all the available information or evidence. The decision to discontinue on evidential grounds was made correctly in all cases in our file sample and in all but one of the decisions to discontinue on public interest grounds. The exception was a decision to discontinue on the grounds that the defendant would receive a custodial sentence in the Crown Court, which was at the least premature. We considered that the case should have proceeded regardless of the outcome of the Crown Court case.

- 4.18 The decision to discontinue was timely in 24 of the 37 relevant cases (64.9%). This is substantially below that in our inspection cycle to date (73.7%). In 11 of the 13 cases, where the decision was not timely, the case was dropped on the day of trial thereby adding to the Area's cracked trial rate. It is important that prosecutors grasp the issues in the case at an early stage and that matters are not allowed to drift until the very last stage of the process.

**Aspects for improvement**

- \* The timeliness of decision-making in cases which are discontinued.

**Summary trial preparation**

**STANDARD: AREA SUMMARY TRIAL PROCESS ENSURES THAT THE PTR (IF THERE IS ONE) AND THE TRIAL DATE ARE EFFECTIVE HEARINGS, AND ANY DECISIONS ON ACCEPTABILITY OF PLEAS OR ALTERNATIVE CHARGES ARE MADE IN ACCORDANCE WITH CODE TESTS AND CPS POLICY, AND ARE FREE FROM BIAS AND DISCRIMINATION**

- 4.19 The quality of decision-making in summary trial cases is good. The Code evidential test was applied correctly in 25 of the 26 relevant cases (96.2%). The public interest test was applied correctly in all relevant cases. Both these findings are slightly better than in our inspection cycle to date. We also noted that the request for the full file was timely in all the cases in our file sample. However, we saw evidence during our on-site phase, which indicates that performance in some parts of the county may have slipped. As the late submission of full files from the police is impacting on performance, managers will wish to review unit systems to make sure they are effective.
- 4.20 Prosecutors were alert to when it was necessary to request further information or evidence at summary trial review. An appropriate request was made in four of the five relevant cases (80%), which is better than found in our inspection cycle to date (72.5%).
- 4.21 Whilst the quality of decision-making is good, timeliness could be improved. We recognise that the late receipt of the full file from the police is impacting on the ability of prosecutors to undertake timely reviews and that the shadow charging scheme should alleviate this problem. However, at the moment it is contributing to the ineffectiveness of the pre-trial review (PTR) system.
- 4.22 Other factors contributing to the ineffectiveness of the PTR system are the infrequency of such courts and, in some cases, the absence of the defendant. In some parts of the county, PTR courts are held only once a fortnight, and even those held once a week have a large number of cases listed. At one court centre we observed that the weight of cases was such that two prosecutors were required in the one court. This, coupled with the late receipt of files, is affecting prosecutors' ability to prepare properly for these courts.

- 4.23 The practice in the county is to hold the PTR court in the absence of the defendant. If the defendant wishes to change their plea, or the prosecutor wants to put an alternative charge, to which the defendant may plead guilty, the onus is on the defence representative to tell the defendant to attend. Should the defendant choose not to attend, an unnecessary adjournment is created, possibly leading to an avoidable cracked trial.
- 4.24 Prosecutors' endorsements of the decisions taken at the PTR could be improved. A full record of the decisions taken at the PTR was recorded in 13 of the 23 relevant cases.
- 4.25 The approach to the listing of not guilty trials varies across the county. In the courts covered by Gravesend CJU the double listing of trials is the accepted practice. This can be an effective form of case management as it provides a back up should a trial crack or be ineffective. However, in other parts of the county the practice of the court is to multiple list trials, with sometimes as many as five potentially effective trials listed in an afternoon's court.
- 4.26 We were told, and noted from our own examination of cracked and ineffective trial monitoring forms, that trials listed in the afternoon follow on from busy morning remand courts. This can lead to there being a lack of court time to hear any of the trials because the court's morning work extends to take up the whole afternoon. We noted an extreme example where the decision to adjourn all the afternoon trials was taken at the start of the morning court, including one where the witness was travelling from a distance.
- 4.27 This approach is impacting adversely on the Area's ineffective trial rate, and the confidence of victims and witnesses in the criminal justice system. Additionally, the Area is now instructing agents to conduct the afternoon trial courts, because the weight of work in the morning courts makes it impracticable for an in-house prosecutor to prepare effectively up to five potential trials.
- 4.28 The Kent CJB has recognised that these issues need to be addressed, and in November 2003 commissioned an Ineffective Trials Project, chaired by one of the Magistrates' Courts Service Area Legal Directors. At the time of our inspection the project group was developing an action plan to increase the level of effective trials. In the light of our findings, we would expect this exercise to examine as a priority the effectiveness of the PTR system and court listing practices. If that is not the case, the Kent CJB should be invited to extend its scope. A common approach needs to be agreed by all the criminal justice agencies.

## **Committal and Crown Court case preparation**

**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/PDH;**
- B) PROSECUTION HAS TAKEN ALL NECESSARY STEPS TO MAKE THE PDH AND TRIAL DATE EFFECTIVE; AND**
- C) PROSECUTOR IS FULLY INSTRUCTED**

- 4.29 Committals are discharged because the prosecution is not ready and the court refuses an adjournment, however the extent of the problem is not clear. In August 2003, the Area identified 13 discharged committals, seven of which had come from one police basic command unit. Whilst we have not seen any other data on the extent of the problem, nor any on the number of cases reinstated, this figure would, if extrapolated, be 156 cases per year, representing approximately 8.7% of cases committed for trial. It is clear that the problem centres on cases dealt with by Maidstone TU.
- 4.30 Whilst the Area had systems for considering the re-instatement of discharged committals, there was no assessment of the overall extent of the problem. There was also a need to work with the police to remedy the late submission of files, which was the overriding cause of discharged committals.
- 4.31 We examined five discharged committals and, in each case, the failure of the police to deliver a full file caused the case to be discharged. In each case the court had granted the prosecution at least one adjournment beyond the anticipated committal date. Whilst the initial request for the full file was prompt in every case, there was no effective system to chase the file once the first request had been sent. It was left to the allocated lawyer to chase any late files. It was clear that their other commitments were impacting on their ability to perform this task. There was a police case progression officer in Maidstone TU, and we understand that since our inspection there is now a similar post at Canterbury TU. One of their tasks is to chase full files.
- 4.32 The Head of the TU decides whether to re-instate a case discharged by the court, after consultation with the police. Whilst this review took place in four of the five cases in our file sample, we noted that there could be extensive delay, running into many weeks, before the decision was communicated to the police. The longer the delay in making the decision, the less likely it is to be practicable to reinstate the proceedings.

## RECOMMENDATION

### The Head of the TU take action to:

- \* **Increase the quality of management information on the number and spread of discharged committals;**
- \* **Improve the effectiveness of the system for chasing the full file in committal cases;**
- \* **Work with the police to improve the timeliness of the submission of full files; and**
- \* **Improve the timelines of the decision whether to reinstate cases which are discharged.**

- 4.33 Once the full file is received, committal review is timely. The level of decision-making in our Crown Court file sample was good, with the principles of the Code being properly applied in each case. However, in five of the 30 judge ordered and judge directed acquittals, the decision to proceed at the committal review stage was not taken correctly in accordance with the Code.
- 4.34 Prosecutors made appropriate requests for further evidence or information in 86.7% of cases, which is slightly worse than in our inspection cycle to date (87.9%). The indictment required amendment in 33.3% of cases, which is worse than that found in our inspection cycle to date (27.9%). Managers will wish to consider this aspect of performance as part of their casework quality assurance.
- 4.35 The Area complied with the directions given at the plea and directions hearing (PDH) in all the relevant cases in our Crown Court file sample. Compliance was timely in 75% of cases.
- 4.36 The Crown Court has recently introduced a certificate of readiness scheme to assist in reducing the level of ineffective trials. Whilst the Area had initial concerns about the scheme, it has worked to ensure its implementation and application. The parties to the proceedings are expected to sign the certificate to indicate that they are ready for trial. If a party to the proceedings has not signed the certificate by the due date, or stated that they are not trial ready, the case will be listed for mention.
- 4.37 Caseworkers are responsible for signing the certificate, but will refer it to a prosecutor if they have any concerns. Although the scheme had only been running for two months, it appeared to be working effectively as a mechanism for ensuring trial readiness checks were carried out.
- 4.38 The quality of instructions to counsel is poor and needs to be improved substantially, although some relating to allegations of child abuse were good. There was a summary that adequately addressed the issues in the case in only 28 of the 39 relevant cases in our file sample. In addition, the appropriateness of acceptable pleas was addressed in only seven of the 24 relevant cases. Overall, instructions to counsel were of an acceptable standard in only 17 of the 38 relevant cases (44.7%). This is substantially below the standard found in our inspection cycle to date (62.7%).

- 4.39 Internal self-assessment work undertaken by the Area indicated that the quality of briefs to counsel was good. However, this was looking at some mechanical aspects of the process, and not what value the prosecutor adds to the process. In order to double-check our findings in the light of the Area's own assessment and perception of quality, we looked at more cases while on-site. These confirmed our earlier findings.
- 4.40 It is important that prosecutors add value to the preparation of cases. Providing counsel with a qualitative analysis of the issues in the case, together with how the reviewing lawyer sees the case being presented, is an essential part of the process.

**RECOMMENDATION**

**The Head of the TU take action to improve the quality of instructions to counsel by ensuring prosecutors include:**

- \* **a qualitative case analysis; and**
- \* **their view on the acceptability of pleas.**

**Disclosure of unused material**

**STANDARD: AREA PROCESSES FOR DISCLOSURE ENSURE FULL AND TIMELY COMPLIANCE WITH CPIA AND CPS POLICY/OPERATIONAL INSTRUCTIONS IN BOTH MAGISTRATES' COURTS AND CROWN COURT**

- 4.41 Whilst the quality of the police unused material schedules in our file sample was good, the handling of some aspects of disclosure need to be improved, particularly at the primary disclosure stage. Prosecutors have had training on the new Joint Operational Practice Instructions, which was well received. However, the new style disclosure logs are not being completed in all cases.
- 4.42 Primary disclosure was dealt with properly in 16 of the 25 relevant cases (64%) in the magistrates' courts and 27 of the 36 cases (75%) in the Crown Court. This aspect of performance is below that found in our inspection cycle to date. There was no consistent failing that was leading to this poor performance. In some magistrates' courts cases we could find no evidence that primary disclosure had taken place, in other cases undermining material had only been disclosed after prompting by the defence, or the prosecutor's endorsement on the schedule indicated a lack of understanding about how the CPIA provisions applied. We observed a case during our visit where there had been very late disclosure of potentially undermining evidence relating to an identification parade.
- 4.43 We are concerned that the poor performance, particularly in the magistrates' courts, is a consequence of the impact of the current requirement for CJU lawyers to resource the shadow charging schemes. It is apparent that the time available to lawyers to undertake summary trial preparation (of which disclosure is an important part) has reduced substantially. Whilst the shadow charging scheme should ensure that the reviewing lawyer receives the full file at a much earlier stage in the court process, issues relating to unused material will still have to be addressed as part of the summary trial preparation.

- 4.44 The position in respect of secondary disclosure is similar to that found in other inspections to date. Secondary disclosure was dealt with properly in 12 of the 20 relevant Crown Court cases (60%). There was only one case in the magistrates' courts file sample where the defence served a defence statement. Some defence statements are of a poor quality and prosecutors do challenge those that are not of an acceptable standard. However, the court often orders material to be disclosed which does not fall within either the primary or secondary disclosure tests. We recognise that this approach is a disincentive to prosecutors to deal correctly with this aspect, in the knowledge that the court will order them to disclose any material which is not sensitive. It also increases the amount of time that has to be spent in case preparation. The Area has agreed a protocol with the police and the Magistrates' Courts Service, which clarifies when the prosecution is under a duty to disclose video recorded evidence, either as part of the advance information package or as unused material.

**Aspects for improvement**

- \* Undertaking primary disclosure effectively.

**Sensitive cases**

**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**

- 4.45 We have noted in chapter 3, in our commentary on the Area's key performance results, that PYO performance has slipped. The Area was alert to this issue and has identified those issues which are adversely affecting progress. The lack of availability of sufficient video/television link facilities for cases which attract special measures and warrant execution have been highlighted. The latter is particularly problematic in North Kent, where many offenders reside in the Metropolitan Police area. That police force has less incentive to execute warrants in respect of defendants appearing before courts in other counties.
- 4.46 Overall, the Area has good mechanisms to progress youth cases, including youth case progression groups, but management will want to address the issue of long-running cases to bring performance back to an acceptable level.
- 4.47 Generally, child abuse and child witness cases are handled well. The CPS policy on child abuse cases was applied in all the relevant cases in our file sample. We also noted examples of good, sensitive letters written to the victims of child abuse under the Direct Communication with Victims (DCV) scheme.
- 4.48 There is a need for lawyers to evidence better their viewing of the video recorded evidence of child witnesses. The file was endorsed with the lawyer's views on the quality of the child's video recorded evidence in only two of the 13 relevant cases. It is important that the reviewing lawyer makes and records their qualitative assessment of this important part of the evidence.

### **Aspects for improvement**

- \* The endorsement on the file of the reviewing lawyer's assessment of the quality of the child's video recorded evidence.

- 4.49 The Area has recently signed a domestic violence protocol with the police. This should increase the effectiveness of evidence gathering and the quality of information passed to the CPS. The introduction of the protocol is a welcome development, as our findings indicate that there is need to improve this aspect of casework. The Area will also wish to use this opportunity to strengthen its links with the police's vulnerable victims unit and also to increase further magistrates' awareness of the CPS policy.
- 4.50 The CPS policy on domestic violence was applied correctly in 12 of the 22 relevant cases. Issues of concern were a lack of background information about the victim's wish to withdraw proceedings and a failure to consider other options before cases were dropped. We noted, however, a good exchange of information between a domestic violence officer and a prosecutor, which enabled a robust application to be made to remand the defendant in custody, which is a relatively unusual step in a case of this nature.
- 4.51 Racist incident cases were examined for a dual purpose, as part of this inspection and also for the follow up review to the HMCPSI Thematic Review of Casework having a Minority Ethnic Dimension (April 2002). The principles of the Code were applied correctly in each of the 20 cases examined, but there is a need to improve the flagging of such cases. In five of the 20 cases (25%) the file was not flagged. In the overall sample, drawn from a number of CPS Areas, 84.8% of cases were flagged correctly.
- 4.52 Prosecutors sought further evidence to establish racial hostility or motivation in every relevant case, which is a much better performance than found in the overall sample (65.2%). Two of the 20 cases were discontinued, both in accordance with the principles of the Code. The findings from the case examination support the importance the Area gives to cases of this nature.

### **File/message handling**

#### **STANDARD: FILE/MESSAGE HANDLING PROCEDURES SUPPORT TIMELY CASEWORK DECISIONS AND ACTIONS IN BOTH MAGISTRATES' COURTS AND CROWN COURT**

- 4.53 We draw together in this section of our report a number of concerns we have over file and message handling procedures, which arise out of the move to co-located units in accordance with the Glidewell review.

### ***The file system***

- 4.54 At the time of our last inspection, the Area was operating a single file system with the police until a case was adjourned for either summary trial or committal. Following joint reviews, both agencies agreed to revert to a dual file, except for EFH cases where the defendant pleaded guilty at the first date of hearing. However, with the establishment of the co-located CJUs, the single file system has been re-introduced.



- 4.55 One of the aims of the move to co-located units was to reduce the duplication of administrative tasks and the burden on the police of having to produce a copy file for the CPS in every case. We found that the use of the single file system was impacting significantly on performance in respect of those cases dealt with by non co-located police charging centres, which we refer to as satellites.
- 4.56 Files generated by the satellites were kept at that location until the need for a dual file arose, although a CPS jacket was created in every case. Until that stage, if a prosecutor needed to access the file, for example to consider defence correspondence, or undertake further work, they had to request it from the satellite. This was taking a considerable amount of time, and could result in the file being in transit when it was needed in court. To avoid this, prosecutors were waiting to deal with correspondence until they returned to the satellite to conduct Narey reviews. Additionally, because the single files were stored at the satellite, prosecutors were unable to prepare these cases until the morning of court. This also led to them being unaware until the last minute how many cases they had in their list.
- 4.57 The single file system at the satellites was also affecting the operation of the DCV scheme. If a charge was altered or a case dropped before the need for a dual file arose, the prosecutor had to make a specific request to the police to forward the file to the co-located CJU to enable the DCV letter to be written. At the time of our inspection, there was no system to reconcile the number of requests for files to be returned with the number received. The Area recognised, and our file examination confirmed, that cases were slipping through the net as a result of the current system.
- 4.58 We understand that the Area intends to undertake a DCV audit to assess the extent of the problem. Whilst this is a positive move, it remains part of the much wider issue of the single file system, in respect of which we make a recommendation at paragraph 10.10.

#### ***Pulling cases for court***

- 4.59 Putting together the cases required for court is, under the Kent Glidewell agreement, a police administrative task. Police staff worked from court lists which, due to delays in the court updating cases on their computer system, were not always accurate. In addition, at some CJUs the police staff did not use the CPS case management system, which therefore prevented them from crosschecking the accuracy of the court lists. The result of this was that files were missing from court bundles and had to be either faxed or taken by courier. Understandably, prosecutors looked to their own administrative staff to undertake the necessary remedial action, and in at least one CJU, CPS administrative staff checked the accuracy of the court bundles to ensure that all files were present. The Area said they had raised these issues with the police on a number of occasions, but this had not resulted in any permanent improvement. We make a recommendation in chapter 10 which addresses this and other joint working arrangements.
- 4.60 There was also clear evidence of a perception that the task was not regarded as a high priority and that police staff were not fully aware of the possible consequences of files not being at court or were employed temporarily without sufficient guidance.

- 4.61 A further difficulty arose in respect of cases that had been adjourned for committal. The CPS file would be transferred to the relevant TU for the committal to be prepared. Although the case would appear on the court list, there would be no file at the co-located CJU. CJU lawyers were therefore dependent on their TU colleagues to ensure the file was either sent over to the CJU, or, as often happened, sent direct to court at the last minute. We can understand the reluctance of TU lawyers to despatch files, on which urgent work is outstanding, two or three days before the court hearing. However, it reduces the time which the CJU lawyer has to familiarise themselves with the case, particularly if an adjournment has to be requested. In an effort to overcome this problem, TU lawyers should now fill in a form telling the CJU lawyer why an adjournment is needed.
- 4.62 The solution to this problem may lie with the shadow charging scheme, where a full file should be available at the first hearing, enabling the committal to be prepared quickly. However, until the benefits of the scheme start to flow, we reiterate our comments at paragraph 4.31 about the need for there to be an effective system to chase files.

### ***Linking correspondence***

- 4.63 In the TUs, systems for dealing with work when individuals were absent from the office were not effective. This issue was the subject of a recommendation in our previous report. Reviewing lawyers should be able to deal with urgent matters in the caseworker's absence and managers should ensure that work is re-allocated during periods of long-term absence. Whilst most correspondence was linked to the file and passed to the relevant person in a timely manner, there were no formal systems to action urgent items of post or to deal with post that could not be linked to files. An initial 'sift' of the post by unit managers may help some of the less experienced administrators deal with urgent items more efficiently.

### **Custody time limits**

#### **STANDARD: SYSTEMS ARE IN PLACE TO ENSURE COMPLIANCE WITH TIME LIMITS/TARGETS IN BOTH MAGISTRATES' COURT AND CROWN COURT**

- 4.64 We examined 20 cases while on site, ten CJU and ten TU files (including the magistrates' courts file where appropriate). The expiry date was calculated correctly in all but one of the cases examined. In the one case, a new charge had been added after the initial remand in custody and should have attracted new time limits, the original charge having been withdrawn. This error led to an unnecessary application to extend the custody time limit (CTL). In addition, the application was to be listed on the day the CTL expired, leaving no room for error and did not include a chronology demonstrating the prosecution had acted with all due diligence and expedition. Managers will want to ensure that all staff are aware of the necessary content of applications to extend CTLs and the availability of templates on the CPS intranet.
- 4.65 The Area has had two CTL failures in the last twelve months, which they have reported properly to CPS Headquarters. One was due to human error in wrongly calculating an expiry date rather than any failure in the CTL systems. We were concerned that the error had not been picked up. All staff are responsible for monitoring CTLs, not just those operating the over-arching systems.

- 4.66 The CJUs use a combination of diaries and spreadsheets to monitor CTLs. These systems were being operated effectively and included sufficient management checks. Level D Unit Heads are involved in checking the accuracy of the expiry dates and deciding whether applications to extend CTLs are necessary.
- 4.67 The TUs also use central diaries to monitor CTLs, but lawyers and caseworkers have individual responsibilities and should keep records of the expiry dates of their own cases. The B2 managers see all cases that pass through their unit and, in addition to checking the expiry date on the CTL files, all those cases without a custody stamp are checked and given a bail stamp to confirm the defendant is on bail. This alerts staff to any cases that have slipped through the system, as all files should have either a bail or custody stamp. We consider this to be **good practice**.
- 4.68 There is some confusion over the operation of the CTL system in pre-committal cases. Expiry dates in these cases are recorded in the CTL diaries in the CJU, TU and for those cases handled by Maidstone TU, a further diary is kept in the CJU business support section. The Area needs to clarify the system for identifying and monitoring these cases to ensure that everyone is aware of their responsibilities.
- 4.69 When the national CPS computerised case management scheme (ICMS) was introduced, managers were reluctant to rely on the electronic reports generated by that system, as they were not confident that the calculations were correct. A new version of ICMS has addressed their concerns relating to CTLs, however manual records should continue to be used in line with the Headquarters good practice guide.

**Aspects for improvement**

- \* Rationalisation of the system for recording and monitoring CTLs in pre-committal cases.

**Joint action to improve casework**

**STANDARD: AREA HAS EFFECTIVE PROCESSES AND PARTNERSHIPS WITH OTHER AGENCIES TO IMPROVE TIMELINESS AND QUALITY OF CASEWORK REVIEW AND PREPARATION FOR BOTH MAGISTRATES' COURT AND CROWN COURT AND THAT PARTNERSHIP DECISIONS REFLECT THE GENERAL DUTY UNDER THE RACE EQUALITY SCHEME**

- 4.70 At the time of our inspection, the Deputy Chief Constable and the CCP were undertaking joint visits to the CJUs to talk to staff on a number of aspects of performance, including the new charging arrangements and increased opportunities to improve joint working. There was an effective partnership between the police Port Organised Crime Unit and the CPS DU. The Area had also undertaken joint reviews with the police in respect of some aspects of casework.
- 4.71 In our chapter on performance management we discuss issues relating to joint performance management between the agencies.

## **National Probation Service and Youth Offending Teams**

**STANDARD: AREA HAS SYSTEMS TO ENSURE COMPLIANCE WITH PROVISION OF INFORMATION TO PROBATION SERVICE TO ENABLE THE PRODUCTION OF ACCURATE REPORTS FREE FROM DISCRIMINATION AND BIAS**

- 4.72 The police prepare the pre-sentence report (PSR) package for the Probation Service or Youth Offending Team. This enables it to be handed over by the prosecutor as soon as the court orders a PSR. This system works effectively.

### **Appeal and committal for sentence processes**

**STANDARD: APPEAL AND COMMITTAL FOR SENTENCE PROCESSES ENSURE APPEAL/ SENTENCE HEARINGS ARE FULLY PREPARED AND PRESENTED**

- 4.73 Instructions to counsel and the brief package are prepared by Level A2 caseworkers and checked by a Level B1.
- 4.74 Once an appeal is lodged or a case committed for sentence, the file has to be transferred from the CJU to the TU. In some instances the TU receives late notification of these cases. Managers will wish to satisfy themselves that the process in the CJUs for identifying these cases and passing them to the appropriate TU is effective.

### **Recording of case outcomes**

**STANDARD: RECORDING OF CASE OUTCOMES AND ARCHIVING SYSTEMS ARE EFFICIENT AND ACCURATE**

- 4.75 Prior to the introduction of ICMS, case outcomes in the CJUs were recorded on the CATs computerised case tracking system. Exception reports produced under the old system indicated backlogs in updating in some units. We were informed that these had been addressed in advance of the CATs system being 'turned off' at the end of December 2003. However, recent outstanding hearing reports produced by ICMS indicate some variations in performance. Managers will want to check these reports on a regular basis, as this will help to ensure the accuracy of the performance indicators (PIs) and prevent a failure to generate essential tasks if future hearing dates are not entered.
- 4.76 There had been some problems in recording cases on the new ICMS system, particularly those finalised on the first date of hearing under the 'quick register' system. This system only requires the administrator to input a minimal amount of information. It appeared that many of these cases were not being picked up by the Management Information System and were therefore not being included in Area PIs. The Area was not clear whether this was a data inputting problem or a system failure. The Area had also encountered problems in recording bind-overs and withdrawn cases under the quick register system. The Area will want to continue to work with the national implementation team to resolve these issues.

- 4.77 Prior to the introduction of ICMS, the TUs recorded case results on a manual card system. PI results sheets were completed by caseworkers and removed from finalised files by administrators, then passed to managers to check alongside adverse case forms. Manual checks are still being carried out and managers did not seem confident in relying solely on ICMS. We accept that while there are still live cases that have not been registered on ICMS the manual system will have to continue. However, as long as the information is being entered into the system correctly the PIs produced by ICMS will be more accurate and more efficiently generated.
- 4.78 The Area is recording specified offences. These are comparatively minor offences, the prosecution of which should normally remain with the police, unless the defendant pleads not guilty or the case has to be proved in their absence. We were told that designated caseworkers (DCWs) deal with all traffic cases and all finalised cases are returned to units to register on ICMS. We saw several examples where specified offences had been included in the PIs. We make a recommendation in chapter 9.

### **Learning points**

#### **STANDARD: AREA HAS EFFECTIVE SYSTEMS IN PLACE TO IDENTIFY LEARNING POINTS FROM CASEWORK AND IMPLEMENT IMPROVEMENTS**

- 4.79 The Level D TU leaders produce spreadsheets on which they analyse the reason for unsuccessful outcomes. Specific work is also undertaken to analyse s51 cases that have been discontinued. Issues identified are shared between unit managers, but not amongst other prosecutors.
- 4.80 The quality of the case analysis is good, and managers will want prosecutors generally to benefit from this work. It should, however, be done in a way that is not perceived as a naming and shaming exercise. This is particularly important having regard to the sensitivities that exist between the units, which we discuss in detail in chapter 13.

## 5 ADVOCACY AND QUALITY OF SERVICE DELIVERY

---

**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**

---

### Overview

- 5.1 Overall the quality of advocacy is good. The Area deploys its DCWs and Higher Court Advocates (HCAs) effectively.
- 5.2 There is limited advocacy monitoring, but that which does take place is targeted effectively.

### Advocacy standards and monitoring

**STANDARD: SELECTION AND MONITORING OF ADVOCATES IN MAGISTRATES' COURTS AND THE 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**

- 5.3 We observed a total of 12 advocates in the magistrates' courts including Area lawyers, a designated caseworker and agents. All except one were at least competent in all respects, and some were better. Whilst we had concerns about the lack of time agents had to prepare their cases, all were competent.
- 5.4 DCWs cover the full range of work permitted under the scheme. Court scheduling arrangements allow the Area to make full use of its DCW resources, thereby freeing up crown prosecutors to undertake other work.
- 5.5 In the Crown Court we observed ten advocates comprising Area lawyers - including HCAs - and counsel. All of the advocates were at least competent and some of the Area lawyers were better.
- 5.6 The Area's HCAs cover a wide range of Crown Court work including PDHs and sentence hearings. For the year ending April 2003, the Area set itself a demanding target of undertaking 250 HCA sessions. The Area fell just short of this target which, having regard to other resource requirements, was a very creditable performance. The Area has expressed concerns that the requirement to resource the statutory charging scheme from April 2004 will reduce their ability to maintain this level of Crown Court coverage. Lawyers in the TU who are not HCAs undertake preliminary hearings and contested bail applications
- 5.7 Since our last inspection the Area had commissioned external advocacy monitoring. Whilst it does not intend to repeat this exercise, we noted that Level D unit leaders were undertaking targeted advocacy monitoring of less experienced prosecutors. This is a sensible risk based approach, which in the light of our findings is appropriate.

- 5.8 Crown Court monitoring is undertaken by caseworkers on an exception basis. Information on counsel specialisms and comments on performance are kept in a detailed spreadsheet, however, caseworkers could make more use of the information recorded when selecting counsel.

**Strengths**

- \* A very effective use of DCWs.
- \* The high number of HCA court sessions.

**Court endorsements**

**STANDARD: COURT ENDORSEMENTS ARE ACCURATE AND THOROUGH AND TIMELY ACTIONS ARE TAKEN AS A RESULT**

- 5.9 In our magistrates' court file sample, appropriate court endorsements were made in 21 of the 27 relevant cases (77.8%). In the Crown Court sample, the endorsement was appropriate in 35 of the 39 relevant cases (89.7%). In some magistrates' court cases, it was clear that some hearings were missing from the file. We were also concerned to note that, on two files, the prosecutor had made inappropriate comments, which would have caused embarrassment to the Area if the file had to be disclosed.

**Aspects for improvement**

- \* The accuracy and appropriateness of court endorsements.

**Court preparation**

**STANDARD: PREPARATION FOR COURT IS EFFICIENT AND ENABLES BUSINESS TO PROCEED AND PROGRESS**

- 5.10 We have already commented in detail about the issues surrounding the preparation of court bundles. This can impact particularly on agents who may not know until the morning of court how many cases they have, or as we observed in one court, whether it is a trial or general business court.
- 5.11 The Area has had to increase its agent usage generally to cover for the resources it has had to commit to the shadow charging scheme. It is therefore increasingly important that there are robust systems to ensure that agents' files are identified effectively and sent out in time for them to prepare properly.

### **Aspects for improvement**

- \* The timeliness of the provision of agents' files.

### **Attendance at court**

**STANDARD: STAFF ATTENDANCE AT COURT IS TIMELY AND PROFESSIONAL, AND THE CORRECT LEVELS OF SUPPORT ARE PROVIDED**

- 5.12 The Area tries to ensure one to one coverage by Level B1 caseworkers in the Crown Court, although it is not always possible to achieve this target.
- 5.13 We also noted that caseworkers from Maidstone TU were working in the CPS Crown Court office while courts were sitting. Whilst we accept that tasks such as the editing of interviews do require caseworkers to be out of court, we observed an occasion when there was no caseworker in court and counsel, when dealing with the provision of exhibits to the jury, had to seek the help of the police officer in charge of the case. Management will wish to be satisfied that counsel have the necessary support in the courtroom.

### **Accommodation**

**STANDARD: THE CPS HAS ADEQUATE ACCOMMODATION AT COURT AND THERE ARE SUFFICIENT FACILITIES TO ENABLE BUSINESS TO BE CONDUCTED EFFICIENTLY**

- 5.14 Facilities at the Crown Court centres are to an acceptable standard, with some IT provision. However, the lack of some equipment restricts the tasks that caseworkers can perform.
- 5.15 In common with many Areas, the facilities at the magistrates' court centres are generally poor, although we were told that there is a programme, where possible, to make improvements.



## 6 VICTIMS AND WITNESSES

---

### 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
- 

### Overview

- 6.1 The Area enjoys very good working relationships with the Witness Service, and is building on this by the provision of Witness Service facilities in the Maidstone TU.
- 6.2 Witness care is good in both the magistrates' courts and the Crown Court. Victims and witnesses who require the extra protection afforded by special measures are identified, although late notification by the police can affect timeliness.
- 6.3 The standard and timeliness of DCV letters is acceptable, but a number of relevant cases are slipping through the net.

### Witnesses at court

#### STANDARD: WITNESSES ARE TREATED WITH CONSIDERATION AT COURT AND RECEIVE APPROPRIATE SUPPORT AND INFORMATION

- 6.4 Witness care is good in both the magistrates' courts and the Crown Court. In the Crown Court, vulnerable witnesses are given a good level of support, and caseworkers have direct contact with most witnesses. Where there is not direct contact, there is liaison with the Witness Service to ensure that the victim or witness is aware of what is happening.
- 6.5 At the time of our inspection, the Area was about to set up a witness information desk in the Maidstone TU. This will be run by Witness Service volunteers and should assist in speeding up the flow of information on witness issues. Unfortunately, the Witness Service did not have sufficient resources to extend this initiative to the Canterbury TU.
- 6.6 Cases where the victim or witnesses require the protection of special measures are identified correctly in almost all cases. In our file sample, special measures were applied correctly in six of the seven relevant cases. Until recently the lack of appropriate facilities in the magistrates' courts had led to delays in hearing this type of case.

## Direct Communication with Victims

### STANDARD: VICTIMS ARE INFORMED OF DECISIONS TO DISCONTINUE OR CHANGE CHARGES IN ACCORDANCE WITH CPS POLICY ON DIRECT COMMUNICATION TO VICTIMS

- 6.7 Overall, the standard of letters written to victims under the DCV scheme was acceptable. In some cases, however, the tone was perfunctory, particularly where the victim had withdrawn their complaint. Insufficient thought had been given to the recipient of the letter, for example a letter written to a child, in which the language used did not make allowance for their age. However, we also saw some very good letters, which explained sensitive decisions in a way that indicated that the author had given a lot of consideration to the wording.
- 6.8 We found that in 19 of the 35 relevant cases in our file sample, the appropriate standard under the DCV scheme had been met. Our main concern was the absence of any communication in cases where a letter should have been sent. The Area is aware of this failing, which we accept is principally a shortcoming of the single file scheme. If a DCV letter is required on a file kept at a satellite, the prosecutor has to request specifically that the file is sent to the co-located CJU for the letter to be drafted. There was no system to reconcile the number of requests with the number of files received.
- 6.9 We discuss at paragraph 4.57 the steps taken by the Area to address this issue.

#### Strengths

- \* The Area's constructive relationship with the Witness Service.

#### Aspects for improvement

- \* Ensuring a DCV letter is sent in all appropriate cases.

## Meetings with victims and relatives of victims

### STANDARD: MEETINGS ARE OFFERED TO VICTIMS AND RELATIVES OF VICTIMS IN APPROPRIATE CIRCUMSTANCES, STAFF ARE ADEQUATELY PREPARED AND FULL NOTES ARE TAKEN

- 6.10 Staff could only recall one case where there had been a meeting with a victim as a result of a DCV letter. However, the Area continues to hold meetings with victims which do not fall within the ambit of the scheme. There is no designated meeting room at the Canterbury office, necessitating use of the conference room.

## 7 PERFORMANCE MANAGEMENT

---

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

---

### Overview

- 7.1 The Area collects a wide range of performance data and produces detailed performance reports. A significant amount of management time is devoted to this activity, but not all managers reaped commensurate benefit.
- 7.2 Whilst performance management has improved, there is a need to reassess the benefit obtained from some data gathering exercises. Better targeting and analysis of performance management would increase the benefits that the Area undoubtedly gets from this work.

### Performance monitoring

**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**

- 7.3 The systems used by the Area for performance monitoring have clearly improved since our last inspection. A wide range of data, including some related to non-casework outcomes, is collected. There was a need to develop the monitoring of the quality of advice given under the shadow charging scheme. The Area performance is also informed by regular Kent CJB data. Managers have undertaken some good work in analysing adverse cases, but the findings need to be shared constructively amongst all lawyers.
- 7.4 There is also a need, highlighted by the introduction of the shadow charging scheme, to analyse and share findings on cases sent under s51, or adjourned for committal, which are subsequently discontinued, together with cases adjourned for committal where TU lawyers reduce the charge. At Maidstone TU, data suggests that up to 30% of cases fall into these categories. This is undoubtedly causing friction between the CJUs and the TUs. A collegiate approach, using this management data, is needed to resolve these issues.
- 7.5 The Area operates the CPS Casework Quality Assurance scheme, but at the time of our inspection the undertaking of this work had slipped in a few units. This was due to the recent arrival of new managers and other resource pressures associated with the introduction of the shadow charging scheme. In addition, the Area had experienced technical difficulties in the recording of information. For the scheme to be effective there needs to be consistent and robust analysis of casework quality. There was a significant difference between some of the Area's assessments, particularly in respect of the disclosure of unused material, and the findings from our file examination.

### **Aspects for improvement**

- \* Consistent application of the CPS Casework Quality Assurance scheme across all units.

- 7.6 The Area has set up a joint unit performance management structure for the CJUs and the TUs. Level D TU managers attend alternate CJU management meetings. These fora (called JUMPS and TRUMPS) could be effective vehicles to address cross-unit performance issues and restore Area cohesion. However, at the time of our inspection these groups had yet to develop a structured outcome focussed approach, and their remit and level of empowerment was unclear. The Area Communications Officer had been asked to evaluate and make recommendations to improve the effectiveness of these bodies.

### **Aspects for improvement**

- \* A more focussed approach to the collection and analysis of data.

## **Joint performance management**

### **STANDARD: SYSTEMS ARE IN PLACE FOR THE MANAGEMENT OF PERFORMANCE JOINTLY WITH CJS PARTNERS**

- 7.7 Joint performance monitoring (JPM) between the CPS and the police has had a chequered history in Kent. The police did not consider it the best method of driving up joint performance and disengaged from the process. A limited form of JPM has been re-introduced, but much store is being put on the shadow charging scheme to drive up police file quality. The findings from the Medway CJU pilot do not suggest that this is happening, but caution is needed because the low volume of cases may not be a reliable indicator. It is an aspect of the casework process that Level D managers will wish to monitor closely.
- 7.8 Whilst co-location has improved the operational interface between lawyers and the police, there remains a need to develop administrative management arrangements. At various parts of this report we have highlighted where inefficient processes are impacting on the Area's ability to deliver its core business. It is essential that local CPS and police managers work together to resolve matters.
- 7.9 At the time of our inspection the Kent CJB was in the process of developing "mini" LCJBs centred on the CPS co-located CJUs. It was envisaged that the CPS Level D managers would chair these, and they would involve representatives of all the agencies. The thinking behind this move was to build on the work that had been carried out up to that point under a tri-partite structure chaired by the magistrates' courts Assistant Directors of Legal Services.

- 7.10 Within the CPS there was some confusion about what was expected from this revised structure, which was not helped by a different view taken by the Magistrates' Courts Service about what had actually been agreed at Board level. Since our inspection ended, we understand that this issue has been resolved. It is important that joint performance is taken forward constructively, as a number of issues need to be addressed, not least of which are court listing policy and the causes of ineffective trials.

**RECOMMENDATION**

**Local unit managers, in conjunction with their counterparts in the other criminal justice agencies, develop an effective joint performance management regime for the criminal justice process.**

**Continuous improvement**

**STANDARD: THE AREA HAS DEVELOPED A CULTURE OF CONTINUOUS IMPROVEMENT**

- 7.11 There is a clear desire amongst senior managers to drive up performance, and a commitment by staff to make things work. It is, however, important that the SMT decide as soon as practicable the future organisational structure of the Area, so as to maintain the existing levels of goodwill. We discuss this further at paragraph 8.5.

**Accounting for performance**

**STANDARD: THE AREA IS ABLE TO ACCOUNT FOR PERFORMANCE**

- 7.12 Generally, the Area produces more performance information than most, and is therefore better placed in this respect. We had concerns about the accuracy of some of the cracked and ineffective trial monitoring data. On some forms different signatories gave different reasons for the need for the case to be adjourned. The Area does receive from the court their copy of the form and undertakes some analysis.
- 7.13 At the time of our inspection, the Area was not able to produce accurate PIs. There were concerns that cases had been "lost" on the ICMS system. It was not clear whether this was a data inputting error or a problem within the system itself. The Area was addressing the issue, and managers will want to work with CPS Headquarters to obtain an early resolution of these difficulties

## 8 PEOPLE MANAGEMENT AND RESULTS

---

### 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
- 

### Overview

- 8.1 Managers have worked hard to address the recommendations made in the last report, particularly those relating to communication, management structure and training. There are still some issues that need to be addressed, including the effectiveness of the dissemination of some key messages and the raising of morale, which remains low in some parts of the area.
- 8.2 The move to co-location led to significant staffing challenges. Whilst there are clearly tensions, which have been exacerbated by the introduction of ICMS and the shadow charging scheme, most staff were committed to the changes and had a genuine desire to make things work. The Area is now considering how best to organise its staffing structure to deliver these changes.

### Human resource planning

#### STANDARD: HUMAN RESOURCE NEEDS ARE SYSTEMATICALLY AND CONTINUOUSLY PLANNED

- 8.3 The shadow charging scheme has had a significant impact on the Area's human resource planning. Funding has been received for new lawyers, and it is anticipated that three new prosecutors will join the Area in the New Year. The Area hopes to be able to recruit additional lawyers and DCWs, but in the short term resourcing the scheme will be challenging.
- 8.4 Although almost all shadow charging scheme advice was being given by CJU lawyers at the time of our inspection, there are plans to increase TU lawyer involvement which may create pressures elsewhere. Senior managers will need to work closely together to ensure the most effective deployment of staff in the short term. At present, the B2 CJU manager evaluates the capacity of each of the CJUs in terms of case preparation, court coverage and other work commitments. This contributes towards the decisions taken in placing new staff, but it may need to be reviewed to incorporate issues such as variance in case types, court throughput and the impact of the charging scheme.

- 8.5 Shortly after our inspection an Area focus group was held to look at the implementation of the charging initiative in the long term, including the deployment of the new staff and the future organisation structure of the Area. We welcome this inclusive approach and would encourage the Area's senior managers to communicate its findings and drive the results forward as early as practicable to avoid unnecessary speculation and concern.
- 8.6 Area data indicates that most movements between units have been between CJUs. In the last 12 months, only one of eighteen lawyer moves has been from CJU to TU. No TU lawyer moved to the CJU, although the Area does have six-week secondments from the CJU to the TU. Whilst this gives CJU lawyers experience of TU work, it is unlikely in this comparatively short period that they would be able to see much of their casework through to completion. Since 2001, a total of six CJU lawyers moved to the TU.
- 8.7 It is important that lawyers in the CJU do not become de-skilled in the preparation of serious casework. Similarly, it is important that TU lawyers do not lose the advocacy skills required to conduct contested cases. We recognise that the Area is considering how its structure can best fit the charging scheme requirements, but whatever option is selected, managers will want to satisfy themselves that it incorporates a structured and transparent rotation policy.

### **Staff structure**

#### **STANDARD: STAFF STRUCTURE AND NUMBERS ENABLE WORK TO BE CARRIED OUT COST EFFECTIVELY**

- 8.8 The creation of five CJUs has led to issues, which many CPS Areas face, in maintaining work flows during periods of absence. The Area has tried to keep agent usage to a minimum, although it has begun to rise in recent months.
- 8.9 We discuss in chapter 4 the need for CPS managers to discuss with the police the effectiveness of the work undertaken by their civilian staff in the CJUs. An analysis of the tasks undertaken by CPS staff indicates that there is some duplication of duties and out-of-grade working. Area proposals under consideration include additional Level A staff. The use by the Area of administrative 'floaters' to cover absences is a good idea, however, too much reliance should not be put on them to reduce backlogs.
- 8.10 Lawyers still continue to prepare most committals whilst caseworkers appear to be spending a significant amount of time dealing with administrative functions. Administrative grades have been put under more pressure since the introduction of ICMS.
- 8.11 The Area has, in addition to its DU, a Special Casework Lawyer (SCL). Managers will want to consider, as part of the review of its overall structure, the most effective working arrangements for the DU and SCL in terms of caseworker and administrative support.

## Staff development

### STANDARD: STAFF CAPABILITIES ARE IDENTIFIED, SUSTAINED AND DEVELOPED

- 8.12 The provision of training is good. The Area Training Plan effectively draws together national initiatives and individual training needs identified in Personal Development Plans. Records are kept detailing training required and undertaken. Some staff felt more training could be done in-house to assist those who found travelling difficult. The Area recognised that some training for administrators, for example CTLs, telephone skills, job swaps, and court visits had been postponed due to the introduction of ICMS. The Area's approach to sponsorship training is positive and there are a number of staff undertaking COTS.
- 8.13 The Area training events were well received. In addition to training opportunities, they provide a valuable opportunity for staff to come together as an Area and for all staff to have access to senior management.
- 8.14 There is also a structured induction programme, which includes milestones, mentoring, reviews and feedback. New CJU lawyers undertake a short period of secondment in the TU to ensure they get a full understanding of the Area's processes, and more established CJU lawyers have six-week secondments in the TUs, which should help broaden peoples experience and understanding.

#### Strengths

- \* The extensive provision of good training.

## Performance review

### STANDARD: STAFF PERFORMANCE AND DEVELOPMENT IS CONTINUOUSLY REVIEWED AND TARGETS AGREED

- 8.15 The timeliness of performance appraisals, and the mid-year review process had improved since our last inspection. Following the recommendations of the last report, a number of the Area's managers attended national performance management workshops. Managers will wish, however, to satisfy themselves that individual objectives are designed as part of career development and do not focus rigidly on the understandable desire to achieve casework targets.
- 8.16 Managers use a variety of tools to monitor staff performance including the Casework Quality Assurance (CQA) system, and dip sampling. We have commented at paragraph 7.5 about the need to improve the use of the CQA scheme. The move to co-location can make it difficult for senior managers to have a full understanding of the work that is being undertaken and the issues that affect staff. It is important that senior managers maintain contact and dialogue with staff to ensure they appreciate the significance of problems faced and recognise positive performances. The joint visits planned by the senior Unit Heads should assist in this respect.



## **Management involvement**

### **STANDARD: MANAGEMENT HAS AN EFFECTIVE DIALOGUE WITH STAFF AND FOSTERS A CLIMATE OF INVOLVEMENT**

- 8.17 A significant amount of work has been undertaken by the Area to address the concerns raised in our last inspection report and highlighted in the 2000 Staff Survey. Senior management worked with external consultants in order to improve their interaction and communications with staff. There is now a more structured approach to team meetings, the CCP and ABM make scheduled visits to all units and the Level E managers have recently embarked on a programme of unit visits.
- 8.18 Whilst there had clearly been overall improvement there was still evidence of poor morale and feelings of de-motivation. During this period of substantial change, staff are under significant pressure and it is important that their efforts are appreciated and visibly recognised. There is a perception amongst some staff that a blame culture still exists, particularly in respect of casework decision-making. Managers will want to address these perceptions and ensure that development needs and errors are dealt with sensitively and effectively.
- 8.19 The Area communicates a lot of information to staff, but we found that it was not always targeted and sometimes bottlenecks could occur in the effective flow of information, particularly from unit leaders to unit staff. It is important that staff are informed effectively about significant changes that may affect their core work. The Area Communications Manager is currently evaluating the internal communications system, which should go some way to addressing this. The current system of cascading information does not consistently get the right message to the right people. More could also be done to keep staff in units informed of what is going on in other parts of the Area.

#### **Aspects for improvement**

- \* Seeking greater effectiveness in the communication of key information.

## **Equality and diversity**

### **STANDARD: ACTION HAS BEEN TAKEN TO IMPLEMENT CPS EQUALITY AND DIVERSITY INITIATIVES AND ALL STAFF ARE TREATED EQUALLY AND FAIRLY**

- 8.20 The Area has adopted a family friendly approach to part time working and compressed hours. Managers have a difficult task to ensure business needs are not put at risk by meeting individual requests. Some staff who are already working part-time have changed working patterns to try and assist.
- 8.21 Female, minority ethnic and disabled staff are well represented. The Area has responded positively to some recent equality and diversity issues, including Deaf Awareness training. The Equality and Diversity Plan outlines the targeting of schools and conventions in areas with high ethnic minority populations to assist with recruitment and retention. There are also links with the Royal British Legion Work Placement Scheme to assist with organising work placements for disabled staff.

## **Health and safety**

### **STANDARD: MECHANISMS ARE IN PLACE TO ADDRESS REQUIREMENTS UNDER HEALTH AND SAFETY LEGISLATION**

- 8.22 The Area is aware of its responsibilities with regard to health and safety issues. Some work has been undertaken to reduce risks, for example consideration of a lift at the Canterbury office. Some health and safety issues persist in the archiving unit in respect of training in the movement and storage of heavy boxes. Managers will need to address this. Managers are aware of the need to conduct full health and safety checks in the CJUs and will need to work with the police to remedy problems identified.

## 9 MANAGEMENT OF FINANCIAL RESOURCES

---

**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**

---

### Overview

- 9.1 The Area is conscious of its responsibility in financial management and appropriate controls of the budget are in place. There is assistance available within the Secretariat to support the ABM with financial management. The Area endeavours to ensure that they obtain good value for money from suppliers for services provided.
- 9.2 We were disappointed to find that the Area is recording a significant number of specified offences in the PIs, which results in over funding under the activity based costing arrangements.

### Adherence to financial guidelines

**STANDARD: THE AREA COMPLIES WITH CPS RULES AND GUIDELINES FOR FINANCIAL MANAGEMENT**

- 9.3 Following the relocation of staff to co-located units within police stations, the Area agreed terms and time limits with staff over additional allowances.
- 9.4 We examined the records for ‘special’ cases handled by counsel in the magistrates’ court (charged to prosecution costs account 3010), and were pleased to note that almost all were, on the face of the requisition form, appropriate for the account. There were a few requisition forms in East Kent that did not appear to substantiate the need to use the account code. Unit leaders authorise such expenditure using their own judgement as to suitability of cases.
- 9.5 The Area has developed a system of sending a ‘mini-brief’ to counsel in such cases. Bearing in mind these cases are by their very nature identified as having a degree of complexity we consider this to be **good practice**.
- 9.6 The Area has processed a significant number of minor traffic cases dealt with under the specified proceedings procedure, and has included them in the PIs contrary to CPS rules. The Area will therefore have claimed funding to which it is not entitled. Whilst we recognise that the single file system and the court listing processes can contribute to this problem, it is the Area’s responsibility to ensure that inappropriate files are filtered out and not included in the PIs.

**RECOMMENDATION**

**The Area stops including specified offences in its PIs.**

## **Budgetary controls**

**STANDARD: THE AREA HAS EFFECTIVE CONTROLS TO FACILITATE AN ACCURATE APPRECIATION OF ITS BUDGETARY POSITION FOR RUNNING COSTS**

- 9.7 The ABM monitors spend carefully and provides frequent updates as to the budget position at SMT and in the quarterly business performance reports. Additionally, the Level B2 CJU manager produces budget reports for the Level D CJU leaders.
- 9.8 The Area had just received notification of additional funding for the next stage of implementing the shadow charging scheme, together with a final appreciation of the pay settlement. The ABM was in the process of re-evaluating the Area's position. With known recruitment activity, the Area should have no difficulty remaining within budget this year.

## **Management of prosecution costs**

**STANDARD: PROSECUTION COSTS ARE EFFECTIVELY MANAGED AND REPRESENT VALUE FOR MONEY**

- 9.9 Prosecution costs are generally handled well in Kent. Controls are in place to ensure that the appropriate paperwork has been completed by the caseworkers. Data on performance is included in monthly unit reports. Negotiations in non-standard fee cases are managed by the Level B2 and B3 managers, supported by a recently developed high cost cases manual.

## **Value for money approach**

**STANDARD: THE AREA DEMONSTRATES A VALUE FOR MONEY APPROACH IN ITS FINANCIAL DECISION-MAKING**

- 9.10 Whilst we had no major concerns with regard to financial decision-making, we were disappointed that, from a CPS perspective, the significant funding and additional technology provided for the Visual Interviewing of Suspects pilot delivered little benefit. Some of the funding was returned to Headquarters last year. We recognise that there have been problems with the project generally and not confined to Kent, including incompatible technology, but the fact remains that the Area has received £73,000 this year, very little of which has been actually devoted to the pilot.
- 9.11 We were satisfied that the Area makes a genuine effort to ensure that contracts with suppliers represent good value for money. We accept the Area's decision to discontinue monitoring of advocates by an external agency as a sensible approach based on risk assessment.

## 10 PARTNERSHIPS AND RESOURCES

---

**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**

---

### Overview

- 10.1 The Area engages well with a wide range of agencies who come directly or indirectly into contact with the criminal justice process. Communication between the police and prosecutors in the co-located CJUs is good.
- 10.2 The Area has undertaken joint review work with the police and the courts. It also contributes to a number of joint training initiatives including the training of probationer constables.

### CJS partnerships

**STANDARD: PARTNERSHIPS WITH OTHER CJS AGENCIES ARE DEVELOPED AND MANAGED**

- 10.3 Area managers attend an extensive range of meetings, including those involving the Area Child Protection Committee, court user groups and the Local Authority Drug Action Team. At a senior level these partnerships are effective, but some at an operational level could be improved.
- 10.4 Relationships with the Magistrates' Courts Service had improved since our last inspection, although there were sensitivities over the restructuring of the joint performance meetings, to which we have referred earlier.
- 10.5 The Area, in conjunction with the other criminal justice agencies, had undertaken a successful review of PYO processes, producing a report that highlighted good practices. These were subsequently adopted across the county.
- 10.6 The Area contributes to a number of joint training initiatives, including advanced detective training and Community Support Officer training. Its commitment to the training of probationer constables (who form the majority of operational police officers in some parts of the county) is clearly worthwhile, although resource intensive. In addition to CPS classroom input, probationers spend two days with lawyers and caseworkers at the Crown Court.

### CJS agencies

**STANDARD: PARTNERSHIPS WITH OTHER CJS AGENCIES ARE IMPROVING QUALITY AND TIMELINESS OF CASEWORK AND ENSURE THAT DECISIONS ARE FREE FROM BIAS**

- 10.7 Co-location with the police in the five CJUs has clearly improved the partnership at an operational level between lawyers and police officers. The position in respect of administrative functions is less positive, and the introduction of ICMS has created uncertainty about whether the police are to continue to undertake some tasks. We understand that PA Consulting have been commissioned to review the single file system, but at the time of our inspection this had not started.

- 10.8 There are concerns across the county over the quality of the work done by the police in getting cases together for court. There is a perception that the police do not regard the task as a priority and do not appreciate the consequences if a file is not at court. This lack of confidence has led to CPS staff double checking the police work and finding missing files. Unsurprisingly CPS lawyers look to their own administrative staff to sort out problems.
- 10.9 When the recommendations of the Glidewell review were implemented the police took on a number of tasks including the typing of discontinuance notices, s9 notices and some disclosure letters. However, since the introduction of ICMS different practices have developed in the CJUs. This has had two effects; first the ICMS system is not being used to its full potential. The system was designed to deal with summary trial preparation as a whole and the use of police staff to produce s9 and discontinuance notices will discourage staff from entering sufficient information to complete the rest of the process electronically. Secondly, it has led to a level of uncertainty between police and CPS staff about who is responsible for which tasks.
- 10.10 There is a need for the police and the CPS jointly to review where they are in respect of their working arrangements under Glidewell. Such a review should include the operation of the shadow charging scheme and the single file system, which we have discussed in chapter 4. We make here a composite recommendation designed to address all these issues.

**RECOMMENDATION**

**The ABM and Level E Unit Heads, in conjunction with their police counterparts, review and implement changes where necessary, to improve the effectiveness of joint CPS/police working arrangements in respect of:**

- \* **the shadow charging scheme;**
- \* **administrative arrangements under Glidewell; and**
- \* **the single file system.**

- 10.11 There is a very limited police presence in the TUs. A police case progression officer (CPO) has recently been sited in the Maidstone TU, and it is anticipated that Canterbury TU will shortly have a similar post.
- 10.12 The role of the CPO is being developed, and managers will wish to make sure that his role does not become just a post box between caseworkers or lawyers and the police file building teams. The Area does not have any immediate plans to increase further the police presence in the TUs.

## **Information technology**

### **STANDARD: INFORMATION TECHNOLOGY IS DEPLOYED AND USED EFFECTIVELY**

- 10.13 The Local Implementation Team (LIT) produced a comprehensive plan for the use of ICMS, which was praised by the national implementation team. The initial training for its introduction was well received, but the gap between this and the system going live reduced its effectiveness.
- 10.14 There was a reluctance among some staff to use the full functionality of the system. Many staff were concerned about the amount of time it took to enter information into the system and were continuing with old working practices. It was viewed as slowing down some aspects of casework, particularly the initial review process. Additionally, at the time of our inspection, the satellites did not have ICMS terminals, which clearly restricted the use that could be made of the system and caused practical difficulties when ICMS indicated that an action was outstanding which had been completed manually.
- 10.15 We have already referred to the uncertainty ICMS has created amongst CPS and police staff over responsibility for some functions. This, coupled with a generally held view that ICMS is not delivering the anticipated benefits, should be reviewed by the LIT.
- 10.16 The Area is developing a secure e-mail pilot with the police and is looking to improve the interface between the police and CPS case management systems.

#### **Aspects for improvement**

- \* The LIT should review progress against the implementation plan and, where appropriate, make recommendations to improve performance.

## **Buildings, equipment and security**

### **STANDARD: THE AREA MANAGES ITS BUILDINGS, EQUIPMENT AND SECURITY EFFECTIVELY**

- 10.17 The Area has identified a number of security issues in respect of its own premises, and a bid has been made to secure the necessary funding for improvements. We drew the Area's attention to some localised concerns we had over the secure storage of the video recorded evidence of child witnesses.
- 10.18 The quality of CPS accommodation in the co-located CJUs is variable, and is particularly poor at the Medway CJU. However, a new police station is being built which should provide improved accommodation.

## 11 POLICY AND STRATEGY

---

**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**

---

### Overview

- 11.1 The CCP, as Chair of the Kent CJB, is well placed to put into perspective the role of the Area in delivering national objectives.
- 11.2 Overall, planning of major initiatives is good. The implementation of the recommendations of the Glidewell review was well planned and reviewed. The Area is also developing its long term strategy to adapt to the requirements of the shadow charging scheme.

### Stakeholders

**STANDARD: POLICY AND STRATEGY ARE BASED ON THE PRESENT AND FUTURE NEEDS AND EXPECTATIONS OF STAKEHOLDERS**

- 11.3 The Area recognises the need to improve inter-agency liaison and planning to increase the effectiveness of the criminal justice process. The corporate decision making of the Kent CJB should assist to deliver more structured planning and better performance.
- 11.4 The Area has been willing to take on new initiatives and pilots, such as the video interviewing of suspects, but at the moment considers it has reached saturation point. Having regard to the extent of the Area's existing commitments, we endorse this view.

### Performance measurement

**STANDARD: POLICY AND STRATEGY ARE BASED ON INFORMATION FROM PERFORMANCE MEASUREMENT, RESEARCH AND RELATED ACTIVITIES**

- 11.5 As we have mentioned previously, the Area collects a lot of performance data. It is not always clear that it is used to full effect.
- 11.6 There is a need to set up effective performance management of the shadow charging scheme, to ensure that the Area is able to demonstrate that they have delivered the expected benefits.

### Review

**STANDARD: POLICY AND STRATEGY ARE DEVELOPED, REVIEWED AND UPDATED**

- 11.7 The Area undertakes some review work both internally, and in the past jointly with the police. Joint review work had ceased at the time of our inspection, primarily because of police resource issues. The Area hopes that this aspect of joint performance will be reinstated.



- 11.8 We considered that more work could have been done on assessing the benefit of the Medway CJU charging pilot. We accept that, in terms of outcomes, the volume of cases under the pilot was less than the Area anticipated, and any analysis would have been based on fewer cases than desirable. However it would have helped the Area identify where the systems could be improved and whether charging pilot cases were contributing to a reduction in unsuccessful outcomes. In particular, a review should have shed some light on the high rate of discontinuance in that CJU. We recognise that the Area will, along with others, be able shortly to use ICMS to provide management data on charging advice case outcomes.
- 11.9 The Area operated an effective matrix system with the police to implement successfully the recommendations of the Glidewell review. This ensured that neither agency moved on until the other was ready. A similar approach would have assisted the introduction of the shadow charging scheme, but the nationally imposed timetable did not allow for this (particularly as Kent is a priority Area).

### **Communication and implementation**

#### **STANDARD: POLICY AND STRATEGY ARE COMMUNICATED AND IMPLEMENTED**

- 11.10 Area plans are disseminated widely and staff do know the Area's vision. Shortly after our inspection the Area held a focus day for staff to discuss the possible structure of the Area to accommodate the requirements of the statutory charging scheme.
- 11.11 The planning for major initiatives is generally good, for example DCV and Glidewell, however there is a need to subject some initiatives to a more rigorous post-implementation review process, and implement necessary changes in a more effective and timely manner.

#### **Aspects for improvement**

- \* Post-implementation review and evaluation of major initiatives.

## 12 PUBLIC CONFIDENCE

---

### KEY REQUIREMENTS:

- \* THE AREA IS PROACTIVELY 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
- 

### Overview

- 12.1 The Area has done much work since our last inspection to improve its profile, particularly in the minority ethnic community. It is very well respected and is viewed as an open and receptive organisation.
- 12.2 Complaints are handled well, although the Area could make more use of the work done in answering them to enable staff to learn from experience

### Complaints

#### STANDARD: COMPLAINTS ARE EFFECTIVELY MANAGED TO INCREASE SATISFACTION AND CONFIDENCE

- 12.3 In the year ending March 2003, the Area dealt with 92.8% of complaints received within the target time of ten days. We looked at the quality of complaint letters while on-site and found them to be satisfactory. The Area shares its complaints response with the police to assist in a co-ordinated approach.
- 12.4 Internal training has been given on complaints handling. The Area is intending to develop this by including input from the representatives of community groups. More analysis of complaints could be undertaken to discern any patterns or other issues, as outlined in the revised guidance on complaints handling issued by the HMCPSI/CPS Joint Standing Committee on Good Practice.

### Minority ethnic communities

#### 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

- 12.5 The Area takes an active role in community liaison meetings, which should assist in raising confidence in the criminal justice system. The Area has also played an active role in the Folkestone Asylum Seekers Forum, and has plans to develop its links further with that community.
- 12.6 Relationships with the local Racial Equality Councils are very good, and this is leading to increased confidence in the quality of casework decision-making.

## **Safeguarding children**

**STANDARD: THE AREA SAFEGUARDS CHILDREN THROUGH ITS CASEWORK PERFORMANCE AND WORK WITH OTHER AGENCIES, INCLUDING THE AREA CHILD PROTECTION COMMITTEE(S)**

- 12.7 We have already commented on the fact that casework quality in respect of child abuse cases is satisfactory. Additionally, the Area plays an active part in the Kent Child Protection Committee and the Medway Unitary Child Protection Committee.

## **Community engagement**

**STANDARD: THE AREA HAS APPROPRIATE LEVELS OF ENGAGEMENT WITH THE COMMUNITY**

- 12.8 The Area maintains a community events log, which details the extensive nature of its engagement in the county. Some examples are representation at school careers fairs, police organised community days, cultural events, the local lesbian and gay help line, and the Kent County Show. Staff have been set personal objectives to increase further their community involvement, including a greater role for administrative staff.
- 12.9 The Area is working to align its internal plans with those of the Kent CJB, which should assist in focussing resources where they can make the most impact.

### **Strengths**

- \* The Area's high level of effective commitment to community engagement.

## **Media engagement**

**STANDARD: THE AREA ENGAGES WITH THE MEDIA**

- 12.10 The Area has historically enjoyed a high media profile, although the recent focus has been more towards community engagement. There has been some joint media work with the police, and where possible there is a co-ordinated approach to issues raised by the local media, for example the impact of the recent change in legislation on the use of mobile telephones in vehicles.

## **Public confidence**

**STANDARD: PUBLIC CONFIDENCE IN THE CJS IS MEASURED, EVALUATED AND ACTION TAKEN AS A RESULT**

- 12.11 Public confidence overall, as measured by the British Crime Survey, is lower in Kent than the national average. The Kent LCJB is developing an action plan to address this, to which the Area will align its resources.

## 13 LEADERSHIP AND GOVERNANCE

---

**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**

---

### Overview

- 13.1 The Area has put a lot of effort into developing its vision and values since the time of our last inspection. The success in this aspect of work is tempered by the fragmentation of the Area which has taken place as part of the implementation of the Glidewell review.

### Vision and values

**STANDARD: VISION AND VALUES ARE DEVELOPED AND SUPPORT A CULTURE OF CONTINUOUS IMPROVEMENT**

- 13.2 Since our last inspection report, the Area has undertaken a lot of work in improving its vision and values. This included drawing on the expertise available at CPS Headquarters.
- 13.3 It was clear however, at the time of our inspection, that fragmenting the Area's resources into five co-located CJUs and two TUs was impacting on the Area's overall cohesiveness. Staff in the CJUs were becoming parochial, and for some CPS Kent did not extend beyond the boundaries of the police station in which they worked.
- 13.4 This culture, of which senior managers were aware, was leading to the lack of a holistic approach to the Area's performance. Some steps have been taken to address these issues, however, there is a need to develop more effective action. Relationships between the CJUs and the TUs were not good, and these were not helped by TU concerns over some aspects of the casework which they received from the CJUs. Conversely, staff in the CJUs felt that they were bearing the brunt of the shadow charging scheme, with no recognition or support from the TUs.
- 13.5 Whilst not as pronounced, relationships between the two TUs were not good. Each unit guarded its resources, and there was resentment if one unit had to help out the other.
- 13.6 Senior management are taking steps to address these concerns. The recent focus day on the future structure of the Area is one example. Additionally, the Level E Unit Heads are undertaking a round of joint visits to the units to emphasis the corporacy of senior management. At the highest level, the CCP and Deputy Chief Constable are undertaking joint visits to CJUs, to enable staff to communicate their concerns. These are all opportunities for senior mangers to take stock of the current position in an open and constructive way. It is clear that the issue needs to be addressed urgently if the planned restructuring of the Area is to be carried out successfully.

**RECOMMENDATION**

**The SMT develop and implement strategies to improve the corporate vision of staff across all grades and units.**

**Staff recognition**

**STANDARD: MANAGERS ACTIVELY MOTIVATE, RECOGNISE AND SUPPORT THEIR STAFF**

- 13.7 Overall, morale had improved since our last inspection, although the impact of the shadow charging scheme and ICMS was putting a strain on staff at all levels. Senior managers were regarded as becoming more visible, for example through their round of unit visits.
- 13.8 Within the units there was a very good team spirit, with staff willing to help each other out, and a determination to make their unit work. It was unfortunate that often one of the barriers to success was perceived as a lack of support from colleagues in other units.

**Management structure**

**STANDARD: THE AREA HAS DEVELOPED AN EFFECTIVE MANAGEMENT STRUCTURE TO DELIVER AREA STRATEGY AND OBJECTIVES**

- 13.9 The Area has, since our last inspection, developed a sound management structure, with local Level D managers in each unit, supported by Level B managers. Over-arching the local units are two Level E managers.
- 13.10 To address specific casework concerns, the Area has set up the DU and also created a Special Casework Lawyer post. Whilst this is helping to deliver high quality casework, we have some concerns over the operational effectiveness of the casework and administrative support given to the Special Casework Lawyer.
- 13.11 Unit managers sit on the SMT on a rotational basis, which strengthens Area corporacy. In addition there is an Area Managers' Group, which includes all Area managers and the JUMPS and TRUMPS, which we have discussed earlier in this report.

**Organisational structure**

**STANDARD: THE AREA HAS DEVELOPED AN EFFECTIVE ORGANISATIONAL STRUCTURE TO DELIVER AREA STRATEGY AND OBJECTIVES**

- 13.12 The Area is in the process of reviewing its structure. In particular, it is considering the structure, resource requirements and operational tasks of the CJU and TU, in light of the imminent introduction of the statutory charging scheme.

## **Action plans**

**STANDARD: EFFECTIVE PLANS OF ACTION, WHICH IDENTIFY KEY ISSUES, AND WHICH REFLECT CPS AND CJS STRATEGIC PRIORITIES, AND LOCAL NEEDS, ARE IN PLACE**

- 13.13 Overall, Area action plans are good and, where appropriate, cross-referenced with other relevant documents. In addition to reviewing internal action plans, the Area also undertakes structured reviews of HMCPSI thematic reports and identifies what action needs to be taken to adopt report recommendations.

## **Criminal justice system co-operation**

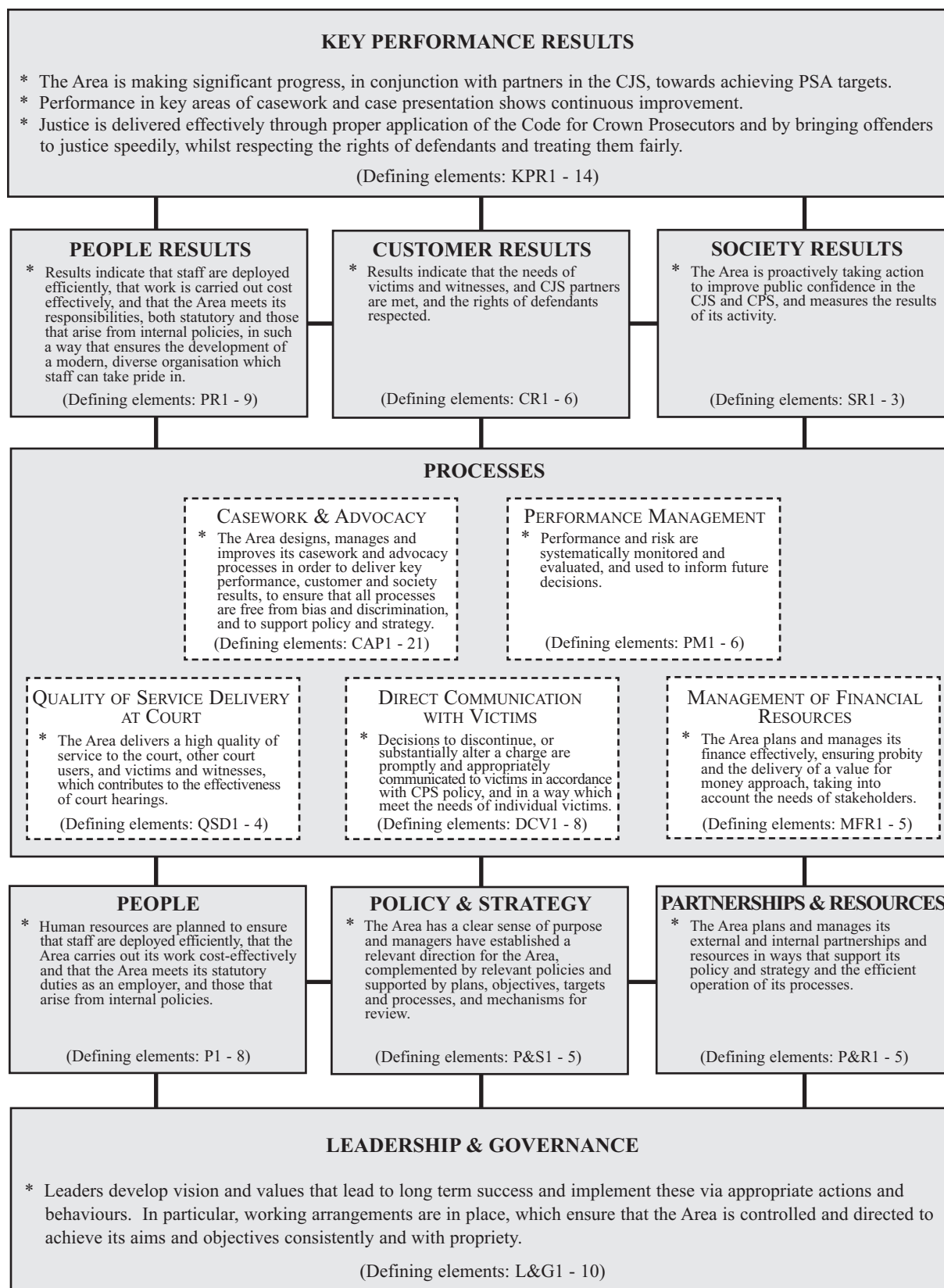
**STANDARD: THE AREA CO-OPERATES WITH OTHERS IN ACHIEVING AIMS SET FOR THE CRIMINAL JUSTICE SYSTEM**

- 13.14 The implementation of the recommendations of the Glidewell review was well managed, using sound project management techniques. There was a collaborative approach with the police and neither party moved forward until the other was ready. A similar technique was adopted in respect of the introduction of the shadow charging scheme, although external time constraints reduced the Area's ability to ensure that the police were aware fully of the requirements of the scheme before it went live.
- 13.15 Other examples, which we have discussed in detail elsewhere in this report, include the introduction of police CPOs in the TUs and a Witness Service desk at Maidstone TU.

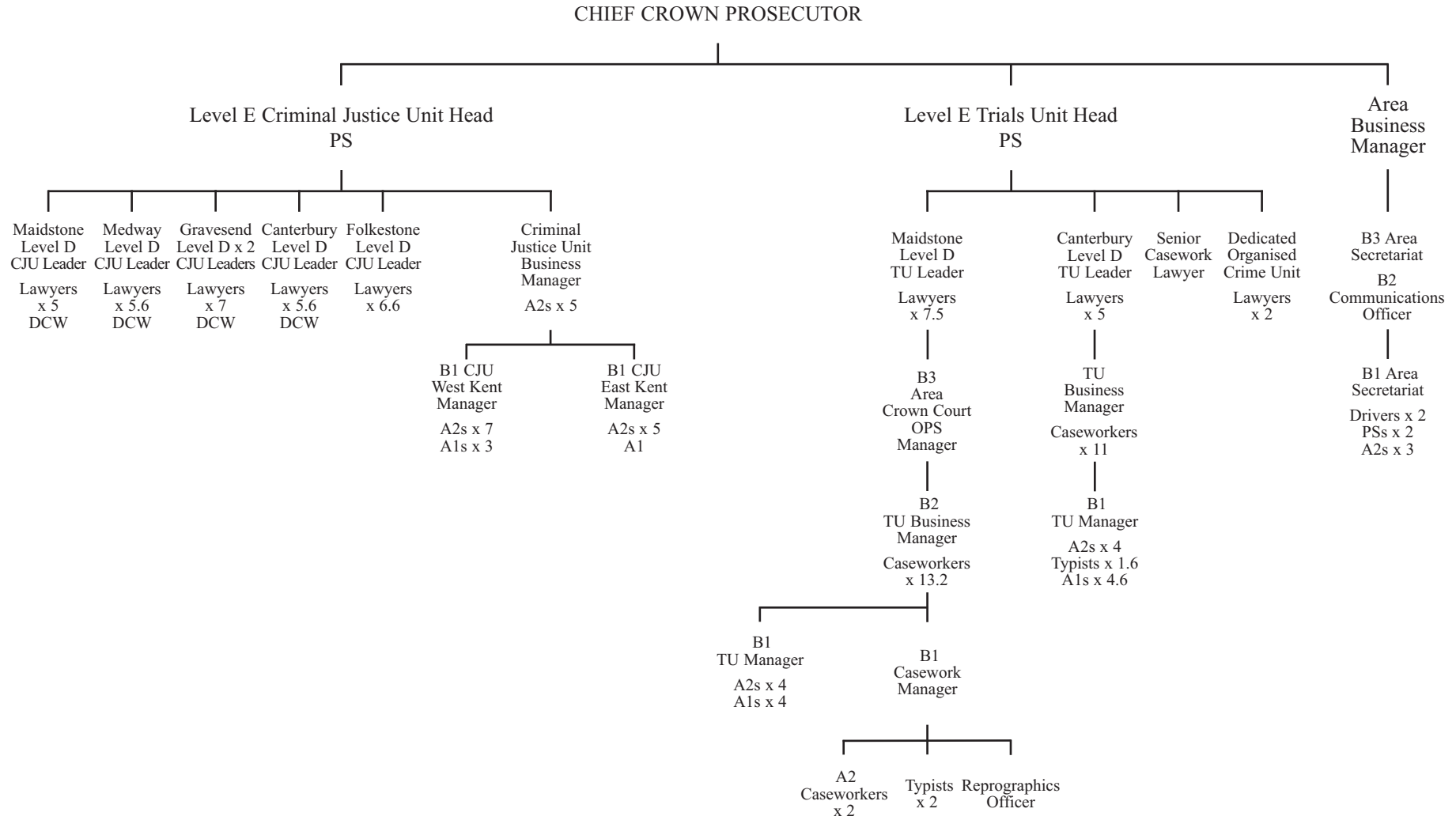
### **Strengths**

- \* The effective planning, preparation and staged implementation of the recommendations of the Glidewell review.

**BUSINESS EXCELLENCE MODEL INSPECTION MAP**



# CPS KENT STAFF STRUCTURE





## AREA CASELOAD FOR YEAR TO SEPTEMBER 2003

1. Magistrates' Court - Types of case	Kent		National	
	Number	Percentage	Number	Percentage
Advice	1,591	4.1	87,092	6.1
Summary motoring	12,934	33	465,493	32.4
Summary non-motoring	9,191	23.5	292,956	20.4
Either way & indictable	14,786	37.8	579,971	40.3
Other proceedings	632	1.6	11,903	.8
<b>Total</b>	<b>39,134</b>	<b>100</b>	<b>1,437,415</b>	<b>100</b>

2. Magistrates' Court - Completed cases	Kent		National	
	Number	Percentage	Number	Percentage
Hearings	29,193	79.1	986,319	73.7
Discontinuances	4,112	11.1	165,840	12.4
Committals	1,984	5.4	91,444	6.8
Other disposals	1,622	4.4	94,816	7.1
<b>Total</b>	<b>36,911</b>	<b>100</b>	<b>1,338,419</b>	<b>100</b>

3. Magistrates' Court - Case results	Kent		National	
	Number	Percentage	Number	Percentage
Guilty pleas	24,825	84.5	797,071	80.2
Proofs in absence	3,356	11.4	135,381	13.6
Convictions after trial	818	2.8	43,248	4.4
Acquittals: after trial	325	1.1	15,611	1.6
Acquittals: no case to answer	56	0.2	2,088	0.2
<b>Total</b>	<b>29,380</b>	<b>100</b>	<b>993,399</b>	<b>100</b>

4. Crown Court - Types of case	Kent		National	
	Number	Percentage	Number	Percentage
Indictable only	694	24.9	39,406	31.7
Either way: defence election	394	14.1	14,414	11.6
Either way: magistrates' direction	729	26.2	40,334	32.5
Summary: appeals; committals for sentence	967	34.8	29,942	24.2
<b>Total</b>	<b>2,784</b>	<b>100</b>	<b>124,096</b>	<b>100</b>

5. Crown Court - Completed cases	Kent		National	
	Number	Percentage	Number	Percentage
Trials (including guilty pleas)	1,553	85.5	78,006	82.8
Cases not proceeded with	218	12	13,175	14
Bind overs	22	1.2	1,199	1.3
Other disposals	24	1.3	1,772	1.9
<b>Total</b>	<b>1,797</b>	<b>100</b>	<b>94,152</b>	<b>100</b>

6. Crown Court - Case results	Kent		National	
	Number	Percentage	Number	Percentage
Guilty pleas	1,042	65.4	58,471	73.2
Convictions after trial	353	22.1	13,055	16.4
Jury acquittals	166	10.4	6,791	8.5
Judge directed acquittals	34	2.1	1,512	1.9
<b>Total</b>	<b>1,595</b>	<b>100</b>	<b>79,829</b>	<b>100</b>

## TABLE OF RESOURCES AND CASELOADS

<b>AREA CASELOAD/STAFFING CPS KENT</b>		
	<b>November 2003</b>	<b>June 2000</b>
Lawyers in post (excluding CCP)	53.8	40.4
Cases per lawyer (excluding CCP) per year	727.4	872.3
Magistrates' courts contested trials per lawyer (excluding CCP)	22.3	32.3
Committals for trial and "sent" cases per lawyer (excluding CCP)	36.9	51.5
Crown Court contested trials per lawyer (excluding CCP)	10.3	14
Level B1, B2, B3 caseworkers in post (excluding ABM)	42.8	32.4
Committals for trial and "sent" cases per caseworker (B1, B2)	46.35	64.2
Crown Court contested trials per caseworker (B1, B2)	12.9	17.5
Running costs (non ring fenced)	£6,571,900	£4,237,750

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

**IMPLEMENTATION OF RECOMMENDATIONS/SUGGESTIONS FROM REPORT  
PUBLISHED IN FEBRUARY 2001**

	<b>RECOMMENDATIONS</b>	<b>POSITION IN NOVEMBER/DECEMBER 2003</b>
<b>R1</b>	<p>The CCP, Unit Heads and PTLs ensure that:</p> <ul style="list-style-type: none"> <li>* the quality of advice is monitored to ensure a consistently high standard;</li> <li>* advice is provided to police within 14 days (in all save the most substantial cases); and</li> </ul> <p>prosecutors ensure that:</p> <ul style="list-style-type: none"> <li>* oral advice is appropriately recorded and confirmed in writing to police.</li> </ul>	<p>Partially achieved – the Area has made good progress in most aspects of this recommendation. Advice is of a good quality and oral advice dealt with appropriately. Some improvement needs to be made in timeliness.</p>
<b>R2</b>	<p>The CCP discusses and agrees with police a protocol for the interface between the CPS lawyers and the Kent police lawyers.</p>	<p>Achieved – the tensions that were present during our last inspection have been dealt with.</p>
<b>R3</b>	<p>The CCP and Senior Management Team ensure that timely and effective review is undertaken with particular reference to continuing review, and that cases proceed expeditiously.</p>	<p>Achieved – review is timely, although prosecutors are under pressure to carry out summary trial review in a timely manner.</p>
<b>R4</b>	<p>The CCP ensures that youth cases are reviewed and presented in court by experienced prosecutors and where, exceptionally, agents are instructed to prosecute in youth courts they have appropriate experience and expertise.</p>	<p>Achieved – suitably experienced prosecutors are conducting youth courts – although the Area needs to be alert to the experience of agents instructed to prosecute youth courts in 3010 cases.</p>

	<b>RECOMMENDATIONS</b>	<b>POSITION IN NOVEMBER/DECEMBER 2003</b>
<b>R5</b>	<p>Prosecutors:</p> <ul style="list-style-type: none"> <li>* fully endorse their initial and continuing review decisions on the case file;</li> <li>* identify any outstanding action and record when that has been completed or otherwise dealt with; and</li> <li>* ensure that the quality and timeliness of their review decisions are of an appropriate standard.</li> </ul>	<p>Partially achieved – initial review endorsements still need to be improved – but prosecutors are alert to identifying outstanding actions.</p>
<b>R6</b>	<p>The CCP takes effective steps to ensure that any file system provided for the retention of prosecutors’ review decisions and other endorsements on shred or upgrade files.</p>	<p>Achieved – CPS file jackets are created in all cases on which appropriate endorsements can be made.</p>
<b>R7</b>	<p>The CCP implements an effective system to ensure that prosecutors and caseworkers are given appropriate information about the results of cases, both successful and otherwise, in the magistrates’ courts and the Crown Court, and that attention is drawn to points of general application.</p>	<p>Partially achieved – whilst good work has been done on analysing unsuccessful outcomes, this needs to be shared more widely amongst Area lawyers.</p>
<b>R8</b>	<p>Prosecutors and caseworkers carry out their duties of disclosure scrupulously, in the light of the Attorney General’s Guidelines on disclosure.</p>	<p>Not achieved – there are outstanding concerns over important aspects of disclosure – particularly at the primary stage.</p>
<b>R9</b>	<p>The CCP and Senior Management Team ensure, as a matter of urgency, the timely review and preparation of cases for summary trial.</p>	<p>Partially achieved – performance has improved since our last inspection – but the resource requirements of the shadow charging scheme and the late delivery of police full files is impacting on the Area.</p>

	<b>RECOMMENDATIONS</b>	<b>POSITION IN NOVEMBER/DECEMBER 2003</b>
<b>R10</b>	The CCP and Senior Management Team identify and implement means of reducing CPS delays in reviewing and serving committal papers.	Achieved – whilst there is a major issue over police timeliness, once the file is received preparation is timely.
<b>R11</b>	The CCP ensures more effective deployment of caseworkers in the Crown Court, and that caseworkers cover their own cases at contested trials, where feasible.	Achieved – wherever possible the Area maintains a 1:1 level of court coverage.
<b>R12</b>	The CCP ensures that adequate instructions to counsel are prepared in all committals for sentence and appeals to the Crown Court not presented by HCAs.	Achieved – we had no concerns about this type of instruction to counsel.
<b>R13</b>	The CCP introduces a common system throughout the Area to ensure that cases involving racially motivated, child abuse and domestic violence offences are properly identified, appropriately prioritised, dealt with by lawyers and caseworkers with the relevant expertise, and actively supervised.	Partially achieved – some cases in our file sample were not reviewed by lawyers designated as appropriate to handle domestic violence cases.
<b>R14</b>	The ABM, as a matter of urgency, reviews staff training needs and implements a common system to ensure the accurate calculation and effective monitoring of CTLs.	Achieved – although the Area has had CTL failures, we were satisfied that overall the system was effective.
<b>R15</b>	The CCP works with the Chief Probation Officer to ensure that packages are supplied to the Probation Service and YOTs to enable pre-sentence reports to be prepared on time.	Achieved.
<b>R16</b>	The Area's managers, who are lawyers, undertake regular advocacy.	Achieved – all managers including the CCP undertake advocacy.

	<b>RECOMMENDATIONS</b>	<b>POSITION IN NOVEMBER/DECEMBER 2003</b>
<b>R17</b>	The CCP, as a matter of urgency, ensures that at least one CPS lawyer is present at every magistrates' court with a remand list and that the making of inappropriate review decisions by agent ceases.	Achieved – we did not observe any court centres where only agents were present.
<b>R18</b>	The CCP and ABM develop a clearly defined action plan, supporting the Area Business Plan, which outlines the key priorities for the next six months including finance, service delivery and personnel issues. The plan should detail time scales and responsibilities for delivery and should be shared with staff.	Achieved – the Area has planned effectively for most initiatives, particularly the implementation of co-located units under Glidewell.
<b>R19</b>	The CCP completes the selection process for the revised structure as soon as possible, so that a stable and cohesive management team may develop.	Achieved – the Area now has a sound management structure.
<b>R20</b>	The ABM evaluates current workload distribution, with a view to the equitable division of tasks and responsibilities.	Achieved – in addition, unit profile reports are collated which include some analysis of caseload.
<b>R21</b>	The CCP and ABM ensure that aspects of identified poor performance are dealt with both effectively and sensitively.	Achieved.
<b>R22</b>	The ABM ensures that all outstanding FJPs and PDPs are completed as a matter of urgency.	Achieved – there were no outstanding FJPs or PDPs at the time of our inspection.
<b>R23</b>	The Senior Management Team ensures that team meetings are re-instated as a regular feature to encourage open two-way communication.	Achieved – team meetings are held, although their frequency could be improved in some of the units.
<b>R24</b>	The Area's managers adopt a more positive approach when liaising with CJS partners.	Achieved – managers have a positive approach, although relationships with some parts of the Area's Magistrates' Courts Service could be more productive.

	<b>RECOMMENDATIONS</b>	<b>POSITION IN NOVEMBER/DECEMBER 2003</b>
<b>R25</b>	The ABM reviews the current use of the archive centre in Canterbury, so that files are stored in such a way as to ensure the health and safety of staff.	Partially achieved – there are still some outstanding health and safety issues.
<b>R26</b>	The ABM ensures that the performance indicators are accurate and complete.	Achieved – subject to a caveat – the recent introduction of ICMS has raised issues about the accuracy of the PIs produced under that system – the Area is addressing these issues.
<b>R27</b>	The ABM ensures that any backlog of files in the West Kent Branch remaining at the time of publication of this report is dealt with and finalised on the CATS system as a matter of urgency.	Achieved – CATS has now been superseded by ICMS.
<b>R28</b>	The CCP ensures that: <ul style="list-style-type: none"> <li>* complaints are properly dealt with by appropriately trained staff;</li> <li>* the substantive reply is timely, avoids legal jargon and accepts corporate responsibility;</li> <li>* appropriate action is taken to resolve issues and avoid recurrence; and</li> <li>* the register is comprehensive to help lessons be learnt.</li> </ul>	Partially achieved – the complaints process could be used more effectively to learn from experience.
	<b>SUGGESTIONS</b>	<b>POSITION IN NOVEMBER 2003</b>
<b>S1</b>	Prosecutors properly endorse files with all appropriate information relating to applications for remands in custody or the attaching of conditions to bail.	Achieved.
<b>S2</b>	Prosecutors and DCWs ensure that a record is kept of advance information provided and the date of service.	Not achieved – there were a number of cases in our file sample where there was no record.

	<b>SUGGESTIONS</b>	<b>POSITION IN NOVEMBER 2003</b>
<b>S3</b>	The Unit Heads establish a daily duty lawyer roster for the Crown Court.	Not achieved – although the Area has a regular lawyer presence at the Crown Court – this is not by way of a daily roster.
<b>S4</b>	The Senior Management Team ensure that a system is in place to check that all necessary work has been done and instructions given on agents' files, and that effective delivery arrangements and attendance times at court are agreed.	Not achieved – the single file system was preventing the Area from fulfilling this suggestion.
<b>S5</b>	The CCP ensures there is effective monitoring of the performance of all prosecuting advocated in both the magistrates' courts and the Crown Court.	Achieved – the Area commissioned external monitoring and now has a risk based approach to advocacy monitoring.
<b>S6</b>	The Unit Heads implement an effective system to ensure that when a member of staff is absent through sickness or leave, their existing and incoming workload receives attention.	Not achieved – there are still concerns, particularly in the TU, about how work is handled in the absence of the allocated lawyer or caseworker.



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

	<b>Number of files examined</b>
<b>Magistrates' courts cases/CJUs:</b>	
Advice	5
No case to answer	5
Trials	27
Discontinued cases	38
Race crime	0
Domestic violence cases	(23)
Youth trials	(23)
Cracked trials	10
Ineffective trials	2
Cases subject to custody time limits	10
<b>Crown Court cases/TU:</b>	
Advice	5
Committals discharged after evidence tendered/sent cases dismissed after consideration of case	5
Judge ordered acquittals	26
Judge directed acquittals	9
Trials	39
Child abuse cases	(26)
Race crime	0
Cracked trials	6
Ineffective trials	3
Rape cases	(5)
Street crime cases	Na
Cases subject to custody time limits	10
<b>TOTAL</b>	<b>200</b>

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

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

**Crown Court**

His Honour Judge Patience QC  
His Honour Judge Webb  
Mrs J Cave, Court Service Group Manager  
Mr G Channon, Court Manager  
Mrs R Davies, Court Manager

**Magistrates' Courts**

Mr F Davies JP, Chair of Kent Magistrates' Court Committee  
Mrs M Davis JP, Chair of the Maidstone Bench  
Mrs A West JP, Chair of the Medway Bench  
Mrs G Young JP, Chair of the Sevenoaks Bench  
Mr J Fassensfelt, Chairman of Kent Magistrates' Association  
Mr S Savage, Justices' Chief Executive  
Mr M Dodds, Area Director of Legal Services  
Mrs H Savage, Magistrates' Clerk  
Mr A Walden, Area Director of Legal Services  
Mr P Coatsworth, Director of Legal Administration

**Police**

Mr J Barker-McCardle, Acting Deputy Chief Constable  
Detective Superintendent D Stevens  
Superintendent S Corbishley  
Superintendent S Harris  
Superintendent D Kimber  
Detective Chief Inspector S Bungay  
Detective Chief Inspector C Croucher  
Detective Chief Inspector D Doe  
Detective Chief Inspector C Hogben  
Detective Chief Inspector M Judge  
Detective Chief Inspector T Smith  
Head of Operational Support, National Crime Squad  
Detective Inspector J Adamson, Ministry of Defence Police  
Detective Inspector N Gossett  
Ms D Kemp

**Defence Solicitors**

Mr R Murray  
Mr D Nelson  
Mr K Waitt

**Counsel**

Mr A Haycroft QC  
Mr S Hockman QC  
Mr C Kinch QC  
Mr M Griffith  
Mr M O'Sullivan

**Probation Service**

Miss C Lawrie, Chief Probation Officer

**Witness Service**

Ms S McDonald  
Ms M Utting

**Victim Support**

Ms J Blackwood, Chairman of Trustees  
Mr P Jennings, Victim Support Manager

**Local Crime and Disorder Reduction Partnerships**

Mr M Pitt

**Community Groups**

Mr A Mahmood, Medway Racial Equality Council  
Mr B Sangha, Asian Welfare Society  
Mr D Sharma, Director of North West Kent Racial Equality Council  
Professor S Uglow, Director of Kent Criminal Justice Centre

## 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:

- |                        |   |
|------------------------|---|
| <b>consistency</b>     | Adopting the same principles and core procedures for each inspection, and apply the same standards and criteria to the evidence we collect.           |
| <b>thoroughness</b>    | Ensuring that our decisions and findings are based on information that has been thoroughly researched and verified, with an appropriate audit trail.  |
| <b>integrity</b>       | Demonstrating integrity in all that we do through the application of our other values.  |
| <b>professionalism</b> | Demonstrating the highest standards of professional competence, courtesy and consideration in all our behaviours.                                     |
| <b>objectivity</b>     | 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

<b>ADVERSE CASE</b>	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
<b>AGENT</b>	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
<b>AREA BUSINESS MANAGER (ABM)</b>	Senior business manager, not legally qualified, but responsible for finance, personnel, business planning and other operational matters
<b>AREA MANAGEMENT TEAM (AMT)</b>	The senior legal and non-legal managers of an Area
<b>ASPECT FOR IMPROVEMENT</b>	A significant weakness relevant to an important aspect of performance (sometimes including the steps necessary to address this)
<b>CATS - COMPASS, SCOPE, SYSTEM 36</b>	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
<b>CASEWORKER</b>	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
<b>CHIEF CROWN PROSECUTOR (CCP)</b>	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
<b>CODE FOR CROWN PROSECUTORS (THE CODE)</b>	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
<b>CO-LOCATION</b>	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
<b>COMMITTAL</b>	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

<b>COURT SESSION</b>	There are two sessions each day in the magistrates' court, morning and afternoon
<b>CRACKED TRIAL</b>	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
<b>CRIMINAL JUSTICE UNIT (CJU)</b>	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)
<b>CUSTODY TIME LIMITS (CTLs)</b>	The statutory time limit for keeping a defendant in custody awaiting trial. May be extended by the court in certain circumstances
<b>DESIGNATED CASEWORKER (DCW)</b>	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
<b>DIRECT COMMUNICATION WITH VICTIMS (DCV)</b>	A new procedure whereby CPS consults directly with victims of crime and provides them with information about the progress of their case
<b>DISCLOSURE, Primary and Secondary</b>	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
<b>DISCONTINUANCE</b>	The dropping of a case by the CPS in the magistrates' court, whether by written notice, withdrawal, or offer of no evidence at court
<b>EARLY ADMINISTRATIVE HEARING (EAH)</b>	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
<b>EARLY FIRST HEARING (EFH)</b>	Under <i>Narey</i> one of the two classes into which all summary and <i>either way</i> cases are divided. EFHs are for straightforward cases where a guilty plea is anticipated
<b>EITHER WAY OFFENCES</b>	Those triable in either the magistrates' court or the Crown Court, e.g. theft
<b>EUROPEAN FOUNDATION FOR QUALITY MODEL (EFQM)</b>	A framework for continuous self-assessment and self-improvement against whose criteria HMCSI conducts its inspections

<b>EVIDENTIAL TEST</b>	The initial test under <i>the Code</i> – is there sufficient evidence to provide a realistic prospect of conviction on the evidence?
<b>GLIDEWELL</b>	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>
<b>GOOD PRACTICE</b>	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
<b>HIGHER COURT ADVOCATE (HCA)</b>	In this context, a lawyer employed by the CPS who has a right of audience in the Crown Court
<b>JOINT PERFORMANCE MONITORING (JPM)</b>	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
<b>INDICTABLE ONLY OFFENCES</b>	Offences triable only in the Crown Court, e.g. murder, rape, robbery
<b>INEFFECTIVE TRIAL</b>	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
<b>JUDGE DIRECTED ACQUITTAL (JDA)</b>	Where the judge directs a jury to find a defendant not guilty after the trial has started
<b>JUDGE ORDERED ACQUITTAL (JOA)</b>	Where the judge dismisses a case as a result of the prosecution offering no evidence before a jury is empanelled
<b>LEVEL A, B, C, D, E STAFF</b>	CPS grades below the Senior Civil Service, from A (administrative staff) to E (senior lawyers or administrators)
<b>LOCAL CRIMINAL JUSTICE BOARD</b>	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
<b>MG6C, MG6D ETC</b>	Forms completed by police relating to unused material
<b>NAREY COURTS, REVIEWS ETC</b>	A reformed procedure for handling cases in the magistrates' court, designed to produce greater speed and efficiency
<b>NO CASE TO ANSWER (NCTA)</b>	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
<b>PERSISTENT YOUNG OFFENDER</b>	A youth previously sentenced on at least three occasions
<b>PRE-TRIAL REVIEW</b>	A hearing in the magistrates' court designed to define the issues for trial and deal with any other outstanding pre-trial issues

<b>PUBLIC INTEREST TEST</b>	The second test under <i>the Code</i> - is it in the public interest to prosecute this defendant on this charge?
<b>PUBLIC SERVICE AGREEMENT (PSA) TARGETS</b>	Targets set by the Government for the criminal justice system (CJS), relating to bringing offenders to justice and raising public confidence in the CJS
<b>RECOMMENDATION</b>	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
<b>REVIEW, initial, continuing, summary trial etc</b>	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
<b>SECTION 9 CRIMINAL JUSTICE ACT 1967</b>	A procedure for serving statements of witnesses so that the evidence can be read, rather than the witness attend in person
<b>SECTION 51 CRIME AND DISORDER ACT 1998</b>	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
<b>SENSITIVE MATERIAL</b>	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
<b>SPECIFIED PROCEEDINGS</b>	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
<b>STRENGTHS</b>	Work undertaken properly to appropriate professional standards ie consistently good work
<b>SUMMARY OFFENCES</b>	Those triable only in the magistrates' courts, e.g. most motoring offences
<b>TQ1</b>	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>
<b>TRIAL UNIT (TU)</b>	Operational unit of the CPS which prepares cases for the Crown Court