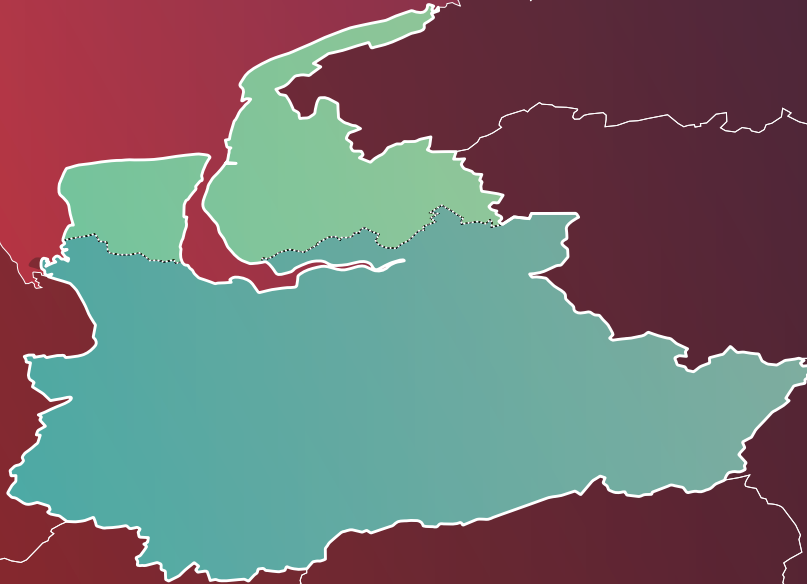




HM Crown Prosecution
Service Inspectorate

CPS Mersey-Cheshire inspection report

March 2011



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Chief Inspector's foreword

This is the first inspection report in which inspectors have specifically looked at the performance of a CPS Group, and the contrasting performance of Areas within it. This inspection is also the first to give an assessment of performance against the CPS's own core quality standards.

The overall aim of inspection is to provide independent assurance to the Attorney General, and the public, about the service provided by the CPS, but also to help bring about improvement. The new inspection framework sought to examine the work of those CPS Areas contained within the same Group, in order to enable the inspectorate to highlight differences in service quality and outcomes and identify good practice where this could be shared.

I am conscious that the timing of this inspection was challenging to the Group and the Areas involved. This was because both had very recently completed significant structural changes, the benefits of which have yet to be fully realised in performance outcomes.

Merseyside in particular has a reputation for innovation, as seen in the many initiatives in which it is involved to try to improve the performance and efficiency of the criminal justice system as a whole. The Area has piloted a number of initiatives which are highlighted in the report, including development of a Community Justice Centre, the early guilty plea scheme, an electronic file pilot and innovative approaches to rape investigation and prosecution, through specialist lawyers posted to Merseyside Police's Unity team. However, this report also shows that there is a need to get the fundamentals of case decision-making and managing casework right.

The inspection has found that in Merseyside and Cheshire there is room for significant improvement in the quality of casework. The Group and the Area management teams need to focus attention on the standard of legal decision-making, improving quality assurance systems and improving performance outcomes. I acknowledge that the structural changes undertaken in both Areas will address some of the issues that this inspection has identified. The creation of larger units will increase resilience, use resources more effectively and produce economies. But there is the challenge of further restructure ahead. Achieving consistently good standards of casework across the new enhanced Area must be a priority in any new arrangements, along with winning the hearts and minds of staff.

Whilst the inspection findings have rated Merseyside as falling short of a number of quality standards, I am confident that the recent structural changes have provided a solid foundation for the new Area to build on and improve performance outcomes.

Michael Fuller
Her Majesty's Chief Inspector
March 2011



Inspection context

Contextual factors and background

The inspection of both Areas was undertaken after a period of significant change.

CPS Merseyside has recently centralised all its staff and functions to one office. The move to the Liver Building and into single units for magistrates' court and Crown Court casework were becoming business as usual when we were on-site in November 2010.

CPS Cheshire had earlier in the 2010 financial year closed one of its offices, and changed its structures from multifunctional combined units (dealing with a full range of magistrates and Crown court work) to two offices, one dealing with magistrates work and the other Crown Court cases. This had caused some difficulties but the Area was beginning to see the benefits of this realignment. The change had resulted in much more resilience across the Area to deal with case progression and there was evidence that processes and systems had generally improved as a result of the change.

There are a number of initiatives that are being trialled and tested in CPS Merseyside. Some of these are quite innovative in design, and focus on trying to improve the outcomes for users of the service and also deliver efficiencies within the criminal justice system (CJS).

Early guilty plea scheme

The Crown Court at Liverpool runs an early guilty plea scheme (EGPS) with the aim of improving the timeliness of pleas. The CPS identifies cases which appear likely to result in a guilty plea, and these are then listed for an EGPS hearing, unless the defence notifies the court and prosecution that the case is not suitable. The defence in appropriate cases liaises with the Probation Service to arrange pre-sentence assessments and reports. The intention is to maximise the number of cases in which pleas are taken and defendants sentenced at the first hearing, so as to avoid delay and unnecessary work to build cases, and to provide just outcomes for defendants and victims as expeditiously as possible.

Community Justice Centre

Based on a New York scheme, and the first of its kind in England and Wales, the Community Justice Centre (CJC) in North Liverpool combines criminal justice and community services. Its courtroom deals with any crimes which affect quality of life for local people, such as acquisitive crime, anti-social behaviour, domestic violence and drugs offences. The centre offers victim and witness support and probation services alongside other assistance for anyone in the community, including housing and debt advice, mentoring, and help with addiction. It has a range of community-based penalties and programmes available to it. The CPS contribution to the multi-agency approach consists of two prosecutors and a full-time administrator based at the CJC, and supported by managers at the Area's office a few miles away. Separate funding has been made available in the past, but discussions for future funding are taking place.

Electronic file pilot

Merseyside Area is working with the other CJS agencies on introducing the concept of an electronic file. This is at the early stage and is currently being developed under a local implementation plan. The fundamental concept is the reduction of paper and the use of electronic data transfer to speed up and make the criminal justice process more efficient.

Unity team

Merseyside Police's Unity team, set up in January 2010, deals with all allegations of rape or other penetrative sexual assaults, except where there are domestic violence or child protection issues. These are handled by the force's five family crime units. CPS Merseyside provides a dedicated prosecution service for Unity, made up of three specialist lawyers from the Crown Court unit, one of whom manages the team, and two paralegal officers. They are co-located with the police Unity team, but also take allegations of rape and penetrative assaults from the family crime units.

The structure

At the time of the inspection in November 2010, CPS Merseyside employed 194.6 staff comprising 61.8 lawyers, 15 crown advocates, 13 associate prosecutors and 104.8 paralegal officers and administrative staff. CPS Cheshire employed 98.7 staff comprising 34.3 lawyers, 4.6 crown advocates, 8.5 associate prosecutors and 51.3 paralegal officers and administrative staff. The Group operations centre employed 11.7 staff including one lawyer and the Group complex casework unit (CCU) employed 17.7 staff, comprising nine lawyers and nine paralegal officers and administrative staff. All staffing figures are full-time equivalent posts.

In 2009-10 the Group budget was £20,941,594. Merseyside has operated within budget for the last two years and CPS Cheshire has done so for the last three years. Details are shown at annex B.

Caseload

The following tables show the caseload for CPS Merseyside, CPS Cheshire and the national picture.

Caseload	2008-09	2009-10	Year to Sept 2010
CPS Merseyside	36,619	34,614	32,966
CPS Cheshire	21,223	20,630	18,241
National	928,695	872,567	854,941

The following table shows successful outcomes for cases handled by CPS Merseyside and CPS Cheshire against the national picture.

Successful outcomes	2008-09	2009-10	Year to Sept 2010
Crown Court			
CPS Merseyside	80.1%	81.1%	80.1%
CPS Cheshire	82.1%	82.2%	83.8%
National	80.8%	80.6%	80%
Magistrates' courts			
CPS Merseyside	85.6%	85.4%	84.1%
CPS Cheshire	88.9%	88.7%	88.3%
National	87.3%	86.8%	86.5%

The balance of case type in Merseyside is in some instances more complex than that found nationally.

- Drugs offences in Liverpool (15.3%) are more than double the national figure (7%) and second only behind London in volume.
- Public order offences are high in Merseyside 15.6% compared to 9.2% nationally.
- Hate crime in Merseyside is quite high at 4% of national total; sixth highest in country.

- Homicide in Merseyside is sixth highest nationally (this is in line with its status as a metropolitan Area).
- Motoring accounts for only 21.3% of caseload (nearly 10% less than the national average).

Cheshire's caseload is very similar to the national balance across all casework types, except that it is somewhat inflated by motoring. Motoring accounts for 42% of Cheshire's cases – 12% more than the national average.

The methodology and nature of the inspection

The Mersey-Cheshire CPS Group was identified for inspection using a risk based approach. The performance outcomes and results for CPS Merseyside were mainly worse than the national averages and placed the Area in the lowest quartile. Outcomes and results in CPS Cheshire, were generally better than the national average. The inspection process was adapted in each Area to take account of these differences.

Functions undertaken at Group level, pre-charge decision-making, the complex casework unit and the Group operations centre were inspected in line with the inspection methodology, a summary of which can be found at www.hmcpsi.gov.uk.

Fifty files were called for and examined in CPS Cheshire. In CPS Merseyside, an initial inspection sample of 70 files was examined. The sample was increased in line with concerns about performance in sensitive cases and unsuccessful outcomes. We also examined 20 out-of-court disposals and an additional 25 files which had been subject to a recent pre-charge decision.

The risks identified also allowed the inspection to focus interviews with external stakeholders. As part of the initial evidence-gathering stage we spoke to a small range of key stakeholders, mainly the police and judiciary.

The inspection team were on-site in early November. A range of Area staff were interviewed and systems and processes were tested. External stakeholders were also interviewed and some observations were undertaken in the courts served by each Area.

The inspection team would like to extend their thanks to all staff and stakeholders in the Group and Areas who contributed to the inspection.

Executive summary

CPS Merseyside and CPS Cheshire were brought together as a Group in 2007 as part of a national restructure designed to streamline the management of the Service, bring together key functions, create economies of scale and provide the Service with greater resilience for the future. The inspection found that some of the structures and functions expected of a Group were in place, for example a Group operations centre and the complex casework unit, and were working relatively well. In particular at Group and Area level financial systems were sound and both Areas have worked well to ensure that they have been able to reduce spend to live within budget. Nevertheless opportunities across the Group to deliver more effective and efficient joined up work were often being missed.

Changes to the structures of both Areas were made in 2010. Now, however, further changes to the structure of the CPS across the country are imminent, and the two Areas that form the Group will become a single CPS Area known as CPS Mersey-Cheshire in April 2011. The restructuring work that was undertaken in 2010 will stand managers in good stead. But the amalgamation into a single Area will also present further challenges.

The inspection found that despite the Group arrangements having been in place for several years, there was no real Group ethos. The senior team will need to work to articulate a clear vision. Staff need to be convinced that any coming together of the two Areas will be a partnership of equals who both have positive aspects to bring to the partnership, and fears will need to be allayed that one Area is not being subsumed by the other. There is some good work in both Areas that can be harnessed to ensure that outcomes are improved.

An immediate priority for the Group will be defining and implementing the most appropriate structure, ensuring that there is a firm foundation for both Areas to move ahead following significant change. The inspection has highlighted significant weaknesses in both Areas in the standard of casework and decision-making, confirming the importance of ensuring that any future structure offers enough assurance at the management level to tackle casework quality.

The complex casework unit delivers a high quality service in complex cases, and some sensitive and high profile cases have been well handled. By contrast, in the generality of cases handled under the daytime direct scheme, the standard of decision-making at the pre-charge stage needs to be improved. In addition, there were inconsistent standards of casework with significant variations in the quality of decision-making, some of which was poor across both Areas.

Whilst performance outcomes in CPS Cheshire were more often better than the national average, the standard and quality of casework showed that there was significant room for improvement, in particular in the handling of unused material. In the past the inspectorate has highlighted that there is a tendency towards complacency; there is a view in the Area that because outcomes and performance results are generally positive there is nothing more that needs to be done. This inspection shows that with some directed management attention, outcomes and the quality of casework in Cheshire could be further improved.

Overall CPS Merseyside’s performance has been assessed as below the expected standard. Whilst we recognise that the Area’s recent centralisation and structural change was in part the result of a recognition by senior managers that there needed to be improved accountability, stronger performance management and resilience for the future, our findings indicate that there are some basic fundamentals that need to be tackled. The Area must focus on improving the quality of decision-making. This will require more effective management of people, performance and processes. There is evidence that the recent structural changes in both Areas, if managed effectively, will provide a firm foundation for improvement.

In both Areas the shortcomings in the quality of decision-making and case handling is partially due to the lack of proactive performance management. The performance management regime across the Group needs to be tailored to produce information that highlights specific weaknesses. Whilst the core quality standards monitoring within the Group is offering some insight into the extent and range of aspects that need attention, monitoring is too narrow to be fully effective. The Group needs to develop a performance management regime whereby standards and expectations are set and applied consistently. This needs to be accompanied by structural arrangements in which managers are given clear accountability for improving casework standards.

We have assessed the Group and Areas performance against the standards that the CPS has developed and set itself. These standards outline the quality of service that the public are entitled to expect from those who prosecute on their behalf. In appropriate sections of the report we have outlined our view of whether standards have been met. Our overall assessment is that in a number of casework standards the Group has not met the level expected.

Overall inspection scores

Section 1: Group based functions		
Governance		Fair
Pre-charge decision-making		Poor
Section 2: Area functions		
	Merseyside	Cheshire
Casework quality	Poor	Fair
Efficiency	Fair	Good

Section 1: Group based functions

1 Group governance

Fair

Background

1.1.1 In late 2007 the CPS brigaded its 42 local CPS Areas into 14¹ Groups in order to streamline the management of the Service, bring together key functions and create economies of scale which would provide the Service with greater resilience for the future. CPS Merseyside and CPS Cheshire were brought together as a Group, although each Area was to retain its independence and senior management structures. In October 2009 the responsibilities of the Group chair (the chief crown prosecutor (CCP) for Merseyside) were extended to include line management of the CCP for Cheshire and in 2010-11 budgets were allocated on a Group level rather than to each Area separately.

1.1.2 The formation of the Group structure was accompanied by national requirements, and specific key functions and responsibilities that Groups should adopt were set out. The Mersey-Cheshire Group has, over the intervening period, established a number of those Group functions including the establishment of a Group complex casework unit. In the interim the CPS has also amended the arrangements for the provision of pre-charge decisions to the police. The majority is now provided by a telephone service on a Group basis. Separate assessments of the Group charging function and the complex casework unit are contained within the report.

1.1.3 Both Areas have recently been subject to a period of significant change. Most of this change has been undertaken to place both Areas in a stronger position to be able to face the challenges of the future. Change has brought structures that offer the potential to provide more resilience, and closer structural alignment between the two Areas; however there is still work to do to find the optimum operational structure across the two Areas.

Overall judgement

1.1.4 Some elements necessary for the effective governance of a CPS Group are in place in Merseyside and Cheshire. In particular the Group has correctly focused on ensuring it can operate within its budget and there has been a growing focus on economies of scale, structures and efficient staff deployment in order to achieve this. A fully functioning, and largely effective Group operations centre is in place. However, two other Group based units, the complex casework unit and the arrangements to deliver pre-charge advice to the police need further work before they can be said to be functioning truly on a Group basis. What has not yet been achieved is a sufficient or common focus on performance and casework quality. Some key cultural elements are also, as yet, missing.

¹ 13 geographical Groups and London.

1.1.5 There has yet to be a real coming together of the Areas in a way that means managers in both are working to common goals. In part this may be a result of recent changes of senior managers and the significant restructuring. Nevertheless it was apparent in both CPS Merseyside and CPS Cheshire that most staff and some senior managers thought that the Group structure was an artificial creation that had no direct impact on their day to day work. It is understandable that separate CPS Areas with differing identities, independent management arrangements and territorial relationships with their own CJS partners are not immediately able to assume a joint identity simply because they have been put together to form a Group. However, there needs to be a concerted effort to bring about a change of culture within the management cadre to accept Group structures and improve corporacy. This lack of corporate awareness or desire means that the Group, as yet, has not been able make the most of the possible efficiencies.

1.1.6 While there are examples of good quality casework in both Areas, in particular in the handling of some serious cases, and in the development of new approaches to criminal justice systems, this inspection has found that, in both Areas, decision-making and the efficiency with which cases progress needs to be improved. This needs to be recognised by managers across the Group as a key element in Group governance, and given appropriate attention at a Group level through better analysis of performance and casework quality, accompanied by an appropriate strategic focus on improvement.

Leadership and planning

1.1.7 The Group strategic team has yet to communicate a vision and values for the Group. While some steps have been taken, particularly recently, overall progress has been slow.

1.1.8 The Group business plan outlines priorities and objectives which are linked to the national aims of the Service. The Group has focused its efforts to ensure that it meets the needs of reducing budgets and the objective in both Areas within the Group has been to make efficiencies to ensure that the Group operated within budget. Staff in each Area were aware of local priorities and recent changes were seen as part of an overall strategy to save money. However, there was less understanding of the Group priorities as stated by managers. In particular there was no real cognisance that the changes were also intended by managers to create a structure that allowed resilience and improved some aspects of performance. Strategic purpose needs to be better communicated and negativity amongst some managers addressed. The failure to tackle this sooner has meant that the Group has not been able to make the best of some potential efficiencies, particularly in respect of the establishment of a Group based advocacy unit, and the sharing of good practice.

1.1.9 Nationally there are challenges for all CPS Groups in planning effectively with criminal justice partners as each is geographically and culturally separate. What may best suit one partner in one Area may not fit the structures and processes carried out elsewhere in the Group. Overall, there was evidence of sound working relationships with CJS partners in both Areas; however, some of the benefits of differing

ways of working, as well as good practice that has developed separately in each Area should be evaluated to see if they could be used to drive improvement across the Group. This needs to be recognised in the planning process.

1.1.10 Some of the benefits of Group working are being realised within the Group operations centre. Whilst there were mixed views among Area staff as to the effectiveness of support provided by individual functions in the Group operations centre (in some instances this was influenced by a lack of understanding or knowledge of work being undertaken) the Group operations centre has brought about some real benefits. The finance function is providing helpful and timely information to inform decision-making by the Group strategy board and controls of the administrative costs budgets are strong. Benefits such as these need to be used to communicate to managers and staff across the Areas what can be delivered by a Group approach.

Stronger points

- a There is a Group strategy board which allows for the discussion at a strategic level of Group issues, but this needs to be more directive in setting a vision and communicating a Group strategy.
- b A conscious decision was taken to ensure that organisational changes in both Areas reflected a similar structure; this is part of a strategy to allow for closer alignment in the future.

- c The Group has set up a number of corporate roles within a Group operations centre. These are effective in ensuring that most key tasks at Group level are consistently carried out. There is a more joined up approach to media coverage, particularly with Merseyside Police. The specialist fees unit is performing well in assuring the accuracy of payments to counsel and in providing guidance to Area staff on fees related issues.
- d An overall Group approach to training has been delivered through a Group wide training committee.
- e There is a fully functioning Group complex casework unit, although more could be done to ensure that this is managed as a Group resource. Greater clarity is required in terms of the volume and type of work to be undertaken.

Aspects requiring improvement

- f The Group strategy board has not been fully effective in communicating a Group strategy or vision. Group priorities and how they will be achieved need to be effectively communicated. The Group needs to persuade staff that the balance between efficiency and quality is a key aim. Many staff perceived that quality was being sacrificed at the cost of seeking economies. Greater involvement of operational staff in planning would have benefits.
- g There was a tangible desire by the majority of staff in each Area to remain independent of each other. This was very evident in inspectors' discussions with staff. Without a significant change of culture across both Areas any future Group change will be difficult to achieve as there is little likelihood of staff engagement at the working level.

- h The Group needs to develop a communication strategy that allows staff in both Areas to see some of the benefits of Group working.
- i Plans seen were very limited in analysis and lacked substance. Strategic planning at the Group level needs to be strengthened. There needs to be greater clarity about what action should be taken to achieve high level objectives and anticipated benefit of change needs to be more clearly defined. There is a need for more effective controls that plans and actions are delivering expected outcomes.
- j There is limited understanding among most Area staff as to the work of the Group operations centre, with the result that the value of some roles can be under estimated.

Resource management

1.1.11 There are effective systems and processes in place to manage Group finance. Controls of non-ring fenced administration costs including committed expenditure are good enabling accurate forecasting, particularly for payroll costs. The Group has been effective in negotiating additional funding including £200,000 for prosecution costs at the mid-year point. There is still work for the Group to do to raise the profile of the impact of prosecution costs.

1.1.12 Appropriate attention has been paid to the management of assets and resources, particularly through centralisation where savings in accommodation and utilities costs are among the expected benefits. Work is also underway to rationalise the IT equipment deployed in the Group in line with national policy. Any changes are likely to be linked to the implementation

of the national T3 IT² project to which there is a proactive approach in the Group. There are satisfactory sustainability arrangements in place with policies to minimise usage of power and, in conjunction with the landlords, for recycling.

1.1.13 Group systems do not allow for changes to be effectively costed or evaluated. Baselines are not set when changes to structures have been made and it is difficult for the Group to demonstrate the value for money or efficiencies that structural change has brought. The creation of the Group operations centre may have resulted in some economies, but it was not clear to managers to what degree. Group managers could not articulate the benefit that the Group operations centre had brought in terms of cashable savings or improvement to systems and processes.

Stronger points

- a Non-ring fenced budgetary controls are sound. Budget allocation is transparent. Areas understand how budgets are allocated and divided. Budget adjustments and mid-year review processes are sound.
- b The formation of a Group based fees unit in March 2010 has improved compliance with the graduated fee scheme. Fee notes from chambers are subject to greater scrutiny (and challenge where appropriate) leading to some reduction in outlay by the CPS. The unit is providing some feedback and guidance to relevant staff with a view to improving performance.

² A programme of change to technology within the CPS – Transforming Through Technology – with the objective of making case and file management more efficient.

-
- c Group savings have been made in accommodation costs and related utility charges. The Group has made positive progress towards the national targets for accommodation space and is well positioned to move forward in achieving the target levels for IT deployment.
 - d Advocacy deployment in each Area ensures that the Group meets saving targets, although there is scope to develop better value for money, both locally and at Group level.

Aspects requiring improvement

- e More effective management structures are needed. The management structures in the Group whilst having a large number of relatively senior lawyer managers are not delivering the level of supervision that is required to improve quality outcomes.
- f There is scope for improved deployment of lawyer and some administrative staff across the Group and opportunities for cost saving.
- g There was no real clarity as to a future staffing strategy.
- h Systems to cost and baseline structural change need to be established.
- i The Group needs to ensure staff understand how prosecution costs impact the overall financial performance of the Group.

Performance management within the Group

1.1.14 The Group performance officer produces an extensive range of data and performance reports for each Area. The analysis of data is often under developed or in some instances is not provided. The Group focus is very much on quantitative measures and the Area performance framework does not give a sound basis for fully understanding performance outcomes or where attention should be focused to improve.

1.1.15 There was a view within the Group that there were cases of poor performance by individuals within teams and that the quality of decisions in some cases was poor. However, managers could not articulate what action they were taking to improve the situation and often expressed the view that the problem did not lie in their own team. Within Merseyside performance outcomes have been weak in a number of respects for some time and as yet there has been little improvement.

1.1.16 The performance regime was suspended in Merseyside during the centralisation; this needs to be reinvigorated. There needs to be greater clarity about unit heads' responsibilities for performance, and about the role of the performance and operations post.

1.1.17 Despite the volume of data provided by the Group performance officer there was a lack of understanding among most staff and managers about performance outcomes and how this compared to other CPS Areas. This was more pronounced in CPS Merseyside.

Stronger points

- a Group core quality standards monitoring (CQSM) checks identified disclosure weaknesses and the Group have made plans to focus training to improve performance.

Aspects requiring improvement

- b Performance management processes need to be strengthened. Clear requirements need to be established for the data to be produced and how it will be analysed. Managers should be required to respond to performance reports which indicate that improvement to casework and outcomes are required. Too often reports produced by the Group performance officer were not being used.
- c Performance data should be aligned with the recently issued national validation measures. A greater emphasis on the performance of the Group and Areas relative to others would be of benefit.
- d The identification and sharing of good practice is not yet embedded.
- e Performance management and oversight of casework quality needs to be improved. The performance management regime across the Group is insufficiently robust to assess individual performance or to be used to improve outcomes. More qualitative measures are needed to support quantitative data. Any system must hold teams and Areas to account in a constructive way. Feedback needs to be seen as positive. There is scope to use the core quality standards monitoring systems to develop a Group wide approach to personal performance improvement.

- f The certificate of assurance³ process needs to be improved. This Group needs to develop more robust controls on processes to assure that quality outputs are achieved.
- g No specific performance information about the complex casework unit is received within the Group. The unit falls outside of the revised performance framework and oversight could be strengthened.

Recommendation

Senior managers need to articulate a clear vision and strategy which includes quality as core to all it delivers. This vision needs to be supported by an effective quality management regime and regular reporting to the Group strategy board.

Senior managers need to take action to improve the standards of casework and decision-making in both Areas, including:

- Decision-making at the charging stage.
- Decision-making at file review.
- The handling of disclosure.

³ An annual self-assessment by CPS Areas submitted to CPS Headquarters setting out an assessment of compliance with key functions and tasks.

2 The Group complex casework unit

Background

1.2.1 A complex casework unit (CCU) is a Group function established to deliver quality standards in complex casework across a CPS Group. The CPS anticipated that a number of benefits would flow from the creation of CCUs at Group level: enabling the CPS to deal with existing complex casework more effectively, maximising skills in a viable, dedicated, secure, self sufficient unit; enabling the CPS to deliver a much more consistent service; positioning the CPS to respond to police developments on protective services and the expected increase in police activity on serious and complex crime; and improving the ability to guide investigations of serious crime and to better deliver a cradle to grave approach to those cases. The Mersey-Cheshire CCU has evolved from the Merseyside serious and complex casework unit; CPS Cheshire previously dealt with any complex casework within their own trials unit.

1.2.2 The blueprint for CCUs, which was drafted in 2007, was designed to assist Group chairs to plan for and establish a CCU within their Group. The blueprint is prescriptive in some respects defining what is a complex case, the expected gateway arrangements, operating models, financial arrangements, staff deployment, case management and communication issues. The blueprint was put in place to ensure consistency across the Service whilst leaving some scope for flexibility to meet local needs.

1.2.3 The complex casework framework (CCF), also produced in 2007, is a mandatory framework for any case handled in a CCU, and also for cases estimated to last more than 40 days or any case where three trial counsel are instructed. The framework was designed as a practical tool to address legal, financial and strategic risks associated with large, complex and serious cases, and aims to ensure a consistent approach is taken. The framework defines the key steps in managing complex cases.

Overall judgement

1.2.4 The CCU overall delivers a high quality service in complex casework. The unit has achieved a large proportion of successful outcomes (82.4%) based on sound decision-making and casework handling.

1.2.5 Whilst the unit delivers good quality outcomes, supporting performance management and case monitoring processes need to be strengthened. Attention is needed to make sure that the unit has effective control of its casework. Control systems and management oversight by the Group chair needs to be improved and strengthened. This would provide assurance and also have benefits in delivering casework more efficiently. The unit has adopted little of the nationally proposed model for a CCU (the blueprint), and does not adhere to the CCF. Staff were unaware of the guidance and proposals contained in these documents.

1.2.6 The unit should take relevant cases from both Cheshire and Merseyside but in fact few Cheshire cases are handled by the CCU. The lack of a formal protocol with CPS Cheshire means that it is likely that not all suitable cases are being identified. The Group needs to ensure that a formal written protocol is developed to clarify the position and relevant cases are referred to the unit. The amalgamation of the two Areas into a single Area in April 2010 will allow remit of the CCU to be addressed fully. The CCU unit head, although invited to attend the Cheshire Area strategy board meetings, has only attended more recently.

Case review, preparation and management

Stronger points

- a Early investigative advice is available to the police on all relevant cases and arrangements are in place to provide out-of-hours advice when necessary. Lawyers are involved at a very early stage in high profile cases, and their accountability and advice was commended by the police. A number of high profile cases of national and local public concern have been prosecuted successfully.
- b The quality of decision-making in individual cases is sound and there were many examples of high quality decisions at the charging stage and thereafter, which were captured in detailed and reasoned review notes. The advice was well considered and supported by detailed research of the relevant law. The proactivity of case management is also good and in the majority of cases the work of the CCU clearly adds value.

- c The cases benefit from the effective paralegal support within the unit. In the most serious or complex cases a paralegal officer is allocated at an early stage and is fully involved throughout the life of the case.
- d The prosecution duties in relation to the handling of unused material are undertaken robustly; however, disclosure record sheets are rarely used which means that evidencing the audit trail is challenging. The quality of endorsement on the files is good and the support provided by paralegal officers to the advocate at court is of a very high standard.
- e Much of the work undertaken by the unit is referred by the specialist police squads in Merseyside who are able to provide appropriate victim and witness care throughout the life of the case and are supported in this by the paralegal officer at court. Victim and witness issues are considered from the outset and continually reviewed as the case progresses.
- f The majority of cases requiring a letter of request⁴ that are handled by the unit are generally of a high standard. The lead paralegal officer for international work has amassed an extensive range of templates and source material, and acts as a point of contact for matters involving mutual legal assistance.

⁴ A tool to obtain evidence from overseas whereby co-operation is sought from authorities in other countries.

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- g There is a discrete proceeds of crime (POCA) team within the CCU. The unit houses the lead lawyer dealing with POCA enforcement cases emanating from the Group who is also available to advise or draft restraint orders for cases within the unit. A paralegal officer provides support on enforcement cases and is also responsible for timetabling all POCA cases from Merseyside (but not Cheshire). The work is carried out to a high standard and the team is available to provide advice and guidance throughout the Group and has provided training within the Group.
- j Staff in the CCU were not familiar with the CCF or the blueprint documents. The unit did not use the system effectively to monitor cases that did not meet the blueprint criteria and there was clearly a lack of awareness about how and why cases should be monitored.
- k Recording of decision-making on cases needs to be more consistent. The inconsistency of approach is in part due to a lack of confidence by lawyers using the electronic case management system. This should be rectified by a programme of training. The unit also needs to ensure that lawyers use the appropriate systems to capture and share case documents, rather than keeping them on their own computer. Although there is a specific folder on the shared drive which could be utilised, lawyers need to be convinced of the value of such an approach.

Aspects requiring improvement

- h The CCF regime is not operated in the unit; the system that operates is ad hoc. Whilst the CCP has some oversight and personal involvement in a number of high profile cases handled within the unit, the absence of case activity logs prevents effective regular monitoring and supervision of the most cases within the Group. The unit does not use the time recording system or identify cases that are non-blueprint⁵, this means there is an absence of sound resource planning.
- i There is limited oversight of casework within the unit. The unit's outcomes and results are not included separately in the revised performance framework for the Group. Other than the limited casework quality standards monitoring files and ad hoc discussions, there is very little oversight of the cases. There is little understanding of performance results and outcomes within the unit.
- l Adverse case reports are produced by the unit head and these are on occasions shared with the relevant police team which was involved in the case. There needs to be a more systematic approach to learning lessons and disseminating what has been learned to the unit and the police, thereby ensuring trends and good practice are identified.
- m The handling of the media is ad hoc; some of the lawyers have been trained and have addressed the media on some very high profile cases. This needs to be extended.

⁵ Cases taken on by the CCU to meet local arrangements but which fall outside the blueprint definition of a complex case.

- n There is only one lawyer within the unit authorised to draft European arrest warrants, although a lawyer in CPS Cheshire is also authorised to draft them. There was a lack of awareness within the unit of Group responsibilities and contingency arrangements. There needs to be greater clarity of the responsibilities across the Group.
- o There were limited occasions where the unit provided quality assurance on letters of request drafted by CPS Cheshire.

Governance arrangements

Stronger points

- a There are good relationships between the lawyers and paralegal officers and the operational officers from the specialist police teams. Feedback from the specialist police units was positive, as was feedback about individual cases from the Crown Court and the magistrates' courts.
- b There are appropriate arrangements for the handling of sensitive material and the security of information within the unit.
- c There are excellent relationships between all staff in the unit and a team spirit was readily apparent. There is much daily interaction between those in the office and discussions on case specific points.

Aspects requiring improvement

- d The protocol with CPS Merseyside which identifies the case types that will be accepted by the CCU, is very broad and all-encompassing. Therefore the unit is handling many cases that should properly remain to be dealt within the Merseyside Area. A protocol of which cases should be sent to the unit from CPS Cheshire has yet to be drafted.
- e There is no specific plan for the further development of the CCU and the Group plan is silent about its role and future expectations. There are no communications strategies that embrace the CCU and there is very limited effective liaison with staff from the two Areas within the Group. The unit is in a very isolated position.
- f There is no longer anyone within the unit who has undergone developed vetting. This might leave the unit exposed if advice is sought on certain aspects of casework. A clear desk policy is not in operation but many of the cabinets available are not secure and some do not lock.
- g There was limited provision for training.

Achieving the optimum benefit and value for money

Aspects requiring improvement

- a The unit has a greater number of cases than comparable CCUs in other Groups; this is probably due to the breadth of the protocol with Merseyside. Only limited analysis of caseload and staffing levels has taken place. Such analysis is limited in its effectiveness due to the difficulty in establishing reliable information as neither the time recording system nor the non-blueprint monitoring flag are used.
- b The allocation of casework is based on staff availability and the balance of cases already allocated but this approach is not systematic, it is not recorded and risks are not highlighted with appropriate countermeasures.
- c A failure to use the national time recording system and ineffective monitoring and performance management arrangements does not allow the unit to assess whether it is using its resources effectively and delivering value for money.

Recommendation

The Group needs to establish formal performance management arrangements for the CCU that offer the relevant levels of assurance on the handling of the complex casework. More effective systems and processes need to be introduced to ensure that the CCU is dealing with the correct level of cases from across the Group.



3 Pre-charge decision-making

Poor

Background

1.3.1 Charging advice to the police should be delivered during working hours by prosecutors working across the Group. Merseyside and Cheshire rolled out the Group based daytime direct service in June 2010.

1.3.2 Due to the timing of the inspection all but one of the 120 files examined had been subject to pre-charge decision-making charging advice delivered under the old Area based arrangements. To consider if the changes to processes and systems were delivering the anticipated benefits we also undertook an additional examination of 25 files which had been subject to decision-making under the revised arrangements.

Overall judgement

1.3.3 The standard of decision-making at the charging stage across the Group was poor and was worse in respect of Crown Court cases. One in eight cases failed the Code for Crown Prosecutors (the Code) test at charging (the decision made was incorrect). In all cases that failed there was insufficient evidence to charge. The quality of decision-making in the additional sample was found to be similar with three cases out of 25 failing the Code test.

1.3.4 In terms of outcomes, performance is mixed. Whilst, attrition, guilty plea and discontinuance rates in Crown Court cases were better than the national average and showed some improvement across 2010, performance remains below that of a number of other CPS Groups. Outcomes in magistrates' courts cases were below national levels and had declined across the same period.

1.3.5 In the initial file examination two thirds of the MG3s⁶ were rated as fair or poor, with the standard of action plans and the quality of analysis of the evidence and future case strategy being weak and therefore rated not better than fair. The additional sample under new structures showed little improvement with six in ten MG3s being rated as fair or poor. However, the service delivered at the pre-charge stage was generally better in sensitive or complex cases.

1.3.6 The performance management regime for charging needs to be strengthened. The implementation of the daytime direct scheme has brought together two very different Areas and working practices. There is a lack of clarity about management responsibilities, it has yet to become a wholly co-ordinated Group scheme. The Group are aware of this and have recently made some changes to address this inconsistency. However, the poor standard of decision-making highlights a need to ensure that regular quality assurance checks are performed across all charging lawyers and that consistent expectations and standards are set and monitored regularly.

1.3.7 The CPS has set itself core quality standards which set out the quality of service that the public are entitled to expect. The standards reflect legal and professional obligations. Standards 2, 3 and 4 (see annex A) directly relate to charging. The number of poor decisions and the high degree of sub-standard action plans, along with the poor consideration of ancillary measures in many cases indicates that the Group is failing to meet standard 2.

⁶ The form used to record the written advice from the lawyer to the investigating officer, which is also used by the prosecutor at court and other CPS staff dealing with the case.

1.3.8 However, the examination of out-of-court disposals (OOC⁷) showed a much better standard of decision-making with most cases complying with the standard. Standard 3 is therefore rated as achieved. The file examination also indicated that in the majority of cases bail was opposed properly and victims and the public were protected. Therefore standard 4 is rated as being met in so far as proper opposition to bail is being addressed when charging decisions are made.

Stronger points

- a The handling of out-of-court disposals indicated better standards than that seen in the overall file examination. All cases complied with the Code test, and there was only one case (a youth diversion) where the out-of-court disposal chosen was the not the most appropriate. The overall standard of the analysis and advice was also better, with over three-quarters of the MG3s being scored as excellent or good, and none found to be poor.
- b Decisions about when to apply the threshold test⁸ in the file examination were sound in the majority of cases, and the reasoning for applying the threshold test was recorded in nearly all relevant cases.
- c In cases where the decision to charge was correct, the level of charge was correct in nearly all cases.

- d The Group uses the call management system (Solidus) effectively to monitor calls received, call durations and waiting times. However a more robust performance regime looking at the standard of decision-making and consistency is necessary.

Aspects requiring improvement

- e One in eight of the cases advised by the Group failed the Code test at charging. In all instances, there was insufficient evidence to charge. The file examination highlighted a trend of cases where identification and self defence were the issues. There were also problems in some cases of the weighing of evidential strengths and weaknesses; this often resulted in poor decisions.
- f The quality of the MG3s was variable, with only two assessed as excellent, and just under a third as good. A quarter of MG3s in each Area were rated as poor. There were weaknesses in the standard of action plans with nearly half of the action plans in Cheshire failing to meet the required standard. There were insufficient instructions to the court prosecutor in a fifth of cases, and insufficient consideration of victim and witness issues, including special measures, in about a third of cases. Other ancillary applications, such as hearsay, bad character, or issues like proceeds of crime were missed or inadequately covered in a third of cases.

7 Cautions, conditional cautions, youth diversions (reprimands and final warnings) and decisions not to charge on evidential or public interest grounds.

8 This enables a charging decision to be made, where the defendant is likely to be held in custody, before all the evidence is available.

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- g The examination of more recent cases showed that there are still serious issues with the standard of decision-making. There were three Code test failures, all evidential, and all indicating a failure to weigh the evidence properly. The standard of action plans and consideration of special measures and other ancillary applications also showed no significant improvement. Our observations of charging in charging centres also indicated that consideration of special measures and other ancillary matters remained an issue.
- h The management arrangements for daytime direct are unclear. Lawyers and managers do not fully understand the span of control of the manager. It is not clear who is responsible for quality assurance. There was evidence that the manager dip-samples MG3s, and there were one-off pieces of work which provide guidance to charging lawyers on, for example, the level of assault charges. However, lawyers do not consistently receive one-to-one feedback on their decisions.
- i Adverse case reports, which might highlight poor charging decisions, have not been completed consistently or robustly. The Group needs to change its focus from measuring quantitative performance, such as call duration to assessing the quality of service delivered.

Recommendation

The Group needs to strengthen its charging performance management regime to ensure there is significant improvement in decision-making.



Section 2: Area based functions

CPS Merseyside Area casework

Poor

Area decision-making

Poor

Reviews and decision standards

2.1.1 In June 2010 the way that pre-charge decisions were delivered was changed. Pre-charge decision-making is now largely delivered at Group level under the new daytime direct scheme.

2.1.2 The Area retains responsibility for charging decisions in very serious, sensitive or complex cases, and for initial review of the straightforward cases that the police charge. In general, decisions made in complex or serious cases were of a higher standard, and these cases receive more careful attention, especially the rape cases handled by the specialist Unity team.

2.1.3 The level of Code test failures at the pre-charge stage is very high in comparison to other Areas. The fact that all continued to proceed after full file review was concerning as the Area missed all opportunities to correct the poor charging decisions. This highlights further problems with the standard of decision-making in the Area.

2.1.4 The standard of file review could be improved. In only half of the files examined did the review meet the standard. There is considerable scope to improve the standard and recording of prosecutorial decisions. The move away from case ownership and the move towards electronic files (which the Area is spearheading) make it even more important that decisions made and work carried out are clearly documented and readily ascertainable, so as to avoid inconsistency, re-work and waste.

2.1.5 Core quality standards 4 and 5 cover the majority of case decisions taken by prosecutors after charges have been preferred. As indicated above under Group charging delivery, the opposition to bail in appropriate cases and compliance with the custody time limits monitoring arrangements in almost all cases suggest that standard 4 is being adhered to.

2.1.6 However, the failure to correct poor charging decisions at post-charge review and the relatively low incidence of properly recorded case reviews mean that, overall, standard 5 is not being met.

Stronger points

- a Merseyside Police has a specialist squad of officers, called Unity, dealing predominantly with rape cases. From February 2010, there has been a team of specialist prosecutors co-located with the police team. Unity prosecutors deliver a premium service to the police teams, including attending morning case briefings and staying late to give advice where needed. The commitment and expertise are appreciated by the police, and there is a better service to victims and witnesses as a result of the combined efforts of police and CPS. However, many of the cases charged by the Unity prosecutors are only now reaching conclusion, so it is too soon to establish whether their good work will lead to an increase in successful outcomes.
- b In the Crown Court, the successful outcome rate matches the national average, and has improved over the last four years.

Aspects requiring improvement

- c The ten cases that failed the Code test at the pre-charge stage continued to proceed at full file review, although there was still insufficient evidence. Poor decisions were not being addressed as the case progressed and there was a lack of grip on prosecution. A further case which had been properly charged, but where there was insufficient evidence on the file to commit it to the Crown Court, was not identified at the first opportunity. This gave a failure rate of almost 17% at full file review, which is markedly higher than that found in most inspections.
- d Of the 24 discontinued cases we examined, we disagreed with the Code test decision to discontinue in three (12.5%); in two of these cases, the discontinuance was on evidential grounds and one was on public interest grounds.
- e Full file reviews were recorded on the file or case management system (CMS) in only about three-quarters of cases, and there were ad hoc reviews in under half of relevant cases. Where there was a review, it reached the required standard in half of the relevant cases. Reviews in Crown Court cases were markedly worse than magistrates' court cases in this regard.
- f The Area is auditing some aspects of file endorsement, and appears to be doing so robustly, but the work does not cover the standard of reviews and other legal decisions, or out-of-court endorsements. Our findings indicate weaknesses in this respect and it would therefore be appropriate for the audit activity to be extended to cover such matters as review decisions and basis of plea.
- g Successful outcome rates in magistrates' court cases are worse than the national average and deteriorating. This is largely due to higher rates for discontinued and discharged cases.
- h In the file sample, there were six cases (in addition to those where the unsuccessful outcome resulted from a wrong charging decision) where steps could have been taken to try to save a case, but the opportunities were not taken in half. This lack of proactivity is leading to adverse results and has a direct impact on performance outcomes.
- i Stronger performance management is needed to analyse and address weaknesses that are contributing to these results. There were very few reports or other indications that lessons had been identified on the unsuccessful outcome cases in the file sample.
- j Adverse cases reports were carried out during the early part of 2010, but they were sporadic, and there is little evidence that prosecutors received useful feedback from them. They ceased altogether during the restructure of the Area, although they are now being reinstated.

Area case progression**Poor****Effective case progression and case management**

2.2.1 An extensive restructure has taken place in the Area over the last few months, bringing together a number of units into two centralised teams, one for Crown Court work and the other to cover magistrates' courts cases. The Service's optimum business model has been implemented in both units, and includes case progression teams; in the Crown Court unit, there are two progression teams, one dealing with pre-plea and case management hearings (PCMH) work, and one thereafter. A lack of resilience in the latter that was apparent at the time of our inspection has since been recognised and addressed.

2.2.2 The file sample included some cases that had been through the new Area case progression systems, but their introduction was too recent to have had a significant impact on the overall casework handling in the files examined. In the file sample, there were weaknesses in the effectiveness of case progression, particularly the timeliness of compliance with directions, and the disclosure of unused material. On-site checks indicated that processes were running more smoothly than the file sample showed, but there are still concerns amongst the Area's criminal justice partners about the standard of case preparation and progression, particularly in the magistrates' courts.

2.2.3 Crown Court performance shows that ineffective trial rates have improved significantly, but there are still a high number of cracked trials. Better and more timely decision-making, improved case progression, and work with the police on the standard of files would all help drive up the effective trial rate.

2.2.4 Core quality standard 5 is concerned both with case preparation and the active management of cases until they are heard at trial or other significant court hearing. There is inconsistent use of CMS and file endorsements to log the progress of cases. Although performance with regard to indictment quality and custody time limit monitoring is acceptable, there are too many other weaknesses in case preparation such as the handling of unused material and the compliance levels with court directions. Thus overall the Area is not meeting standard 5.

Stronger points

- a In the Crown Court, the early guilty plea scheme is enabling cases to be finalised at an early stage, by identifying cases where a guilty plea is likely, and having all parties play their part in ensuring the case can be dealt with at the first hearing. It is clearly reducing the file building work required of the prosecution team in some cases, and brings benefits for defendants, victims and witnesses in having cases dealt with expeditiously. The Area needs to address with the police their delivery of sufficient papers to enable appropriate cases to be included in the initiative.
- b There has been effective analysis and focused work with partners to reduce the Area's ineffective trial rates, which are now much better than the national average in magistrates and Crown Court cases.
- c Indictments were drafted properly in most cases and amended properly in all but one case, although the timeliness of amendments could be improved. Most cases proceeded to trial on the right charge.

Aspects requiring improvement

- d Of the 11 cases which failed the Code test at full file review, five were discontinued very late, resulting in cracked trials. In over half of the cases examined, discontinuance was also not timely, and often not all appropriate actions were taken to save the case.
- e In the files examined, compliance with directions was timely in about two-thirds of magistrates' courts cases.
- f In the Crown Court, compliance with directions was timely in nearly three-quarters of cases before plea and case management hearing, but under half thereafter.
- g There were no cases where case progression was rated as excellent, and in over half the cases it was rated as fair or poor. There was also insufficient information on files about out-of-court work in nearly one in five of the cases examined. Checks undertaken on-site of the case progression systems showed improved timeliness in preparing for trial, with magistrates' courts cases listed for trial in two weeks' time being marked as ready. However, there were instances seen of outstanding work remaining on files which the Area considered to be ready for trial.
- h There were 38 ineffective hearings in the cases examined, of which over 60% could have been avoided by better decisions or case progression. These were a mix of magistrates and Crown Court cases. The prosecution could also have avoided nearly half of the 12 ineffective trials, all of which were in the magistrates' courts.
- i Merseyside has higher than national rates for cracked trials in magistrates and Crown Court cases; issues include late ending of cases, witness issues (especially absent or unavailable police witnesses in magistrates' courts cases), and late guilty pleas. The connection between poor case progression and late guilty pleas has yet to be fully acknowledged or addressed by Area managers. There appears to be a lack of awareness of the causes and themes, and actions to address them therefore lack focus.
- j There is significant room for improvement in the handling of unused material, an aspect that the Area has already identified from monitoring compliance with the CPS core quality standards. More recently managers are using additional dip-samples to identify weaknesses and themes, and to feed back to individuals. In our file sample, the rates of compliance with initial and continuing disclosure duties were both around 70%, including ten cases involving failure to disclose potentially undermining or assisting material. Sensitive material was dealt with properly in only a third of cases. A significant factor in the poor rates was inadequate recording of decisions or the reason for decisions.
- k Custody time limits (CTLs) were calculated properly in nearly all cases. Checks of review and expiry dates in CTL diaries were satisfactory, and applications to extend custody time limits in the file sample were timely and of good quality. However, the Area had a CTL failure in 2009-10 and one during the current year; the latter was an error which ought to have been identified prior to the expiry of the CTL by robust monitoring.

Area delivery at court**Fair****Preparation before court and the prosecution's performance at court**

2.3.1 Some partners in the magistrates' courts are concerned that poor case progression and lack of preparation for court is impacting on their efficiency, and do not feel that their concerns are being addressed.

2.3.2 The lack of adequate recording of decisions, reasoning or outcomes at court creates problems and has an impact on the ability of the Area to progress its cases effectively.

2.3.3 Agents are rarely used, but the need for them and associate prosecutors to take instructions is a source of frustration for court users as this slows down the court. The Area needs to ensure that it has processes in place to ensure that delays are kept to a minimum with agents and associate prosecutors having ready access to a CPS lawyer or decision-maker.

2.3.4 Core quality standard 6 demands that cases be presented firmly and fairly. All but one of the Area's advocates met or exceeded the standards required. In some cases there was reluctance by some advocates to make decisions on cases at court and whilst in all the cases we observed there was a readiness to progress cases as far as possible at first hearing, there were examples in the file examination and raised by stakeholders to indicate that this was not always the case. There was evidence of pleas being appropriately accepted at court with some cases having high levels of victim and witness care. Overall we rate this standard as partially being met.

2.3.5 Stakeholders' comments on advocates were generally positive. The Group advocacy assessor has carried out a significant number of advocacy assessments, although there are still some outstanding. The Group has committed resources to training all advocates through a series of advocacy master classes; this programme has been well received across the Group.

Stronger points

- a The level of agent usage is low, and associate prosecutors deployment is effective.
- b Advocacy standards are good or better, and advocates are generally respected by partners and the judiciary, with some being described as excellent. Of the six in-house advocates assessed during observations at magistrates' courts and the Crown Court, one met the expected standard, four exceeded it, and only one did not meet the required standard.
- c The standard of prosecutors' witness care at court is acknowledged and valued.

Aspects requiring improvement

- d There are significant concerns amongst stakeholders in the magistrates' courts concerning lack of case progression and preparation for court. Advocates in the magistrates' courts are not given specific time to prepare court lists, unless they have a trial lasting longer than a day and a half, and are often covering courts back-to-back. If one day finishes earlier than planned, they are often expected to return to the office to assist with other work rather than prepare their cases for the next day. The impact of this is felt by defence practitioners and the

court. Prosecutors are often at court in good time, but not always available to other court users, as they will be preparing their cases for the day.

- e In the cases examined, the instructions to advocates were rated as fair or poor in nearly two-thirds of cases, with a lack of proper case analysis and strategy or instructions on pleas being significant contributors to the low scores.
- f In the files examined, cases progressed at court most, but not all of the time, especially in the magistrates' courts cases. Our file examination indicated that there appeared to be reluctance amongst prosecutors when invited to take decisions on cases at court. Even though most cases no longer have an allocated reviewing lawyer, there should be no reason why another prosecutor cannot make casework decisions in straightforward cases and progress the case at court. Some court users reported such reluctance by a few prosecutors that cases had to be adjourned for review. Nearly all stakeholders surveyed rated the effectiveness of the prosecution at avoiding ineffective hearings as only fair or poor.
- g Court endorsements were good in just over half of cases, with the rest being only fair or poor. The lack of proper endorsement made it harder in some cases to ascertain and evaluate reasoning for key casework decisions, such as to drop a case or accept a basis of plea. Poor endorsements also impacted the standard of the communication victims receive advising them of the decision. A recent audit by the Area has already identified the standard of court endorsements as an aspect for improvement.

Area outcomes for users

Fair

Delivering fair and just outcomes

2.4.1 The service to victims and witnesses is inconsistent. The Area is meeting some of its obligations. It keeps victims and witnesses updated on progress and there was also evidence that there was appropriate use of bail and remand applications to protect them. However, consulting victims where cases are dropped, or making timely special measures applications need improvement.

2.4.2 Problems with decision-making and case progression impact on witnesses at court, particularly when cases are dropped late and trials crack. Victims are not consulted or kept as well informed as they should be when this happens. The lack of adequate recording of reasons for decisions and outcomes also impacts on the standard of information provided to victims after an adverse outcome. Increased efficiency in case progression, more consistent performance management and quality assurance should help address these defects.

2.4.3 There was a more joined-up and consistent service in cases dealt with by the Unity team and in the Community Justice Centre in North Liverpool. Victim Support and the Witness Service were positive about the service to victims of sensitive cases, and the standard of care given by the CPS generally at court. Outcomes in sensitive cases are improving but are still worse than national averages.

2.4.4 Core quality standards 7, 8, and 9 are all of some relevance to this aspect of Area performance. Whilst victims are afforded protection by proper application of custodial remands or conditions of bail, applications for special measures are not timely in too many cases and victim personal statements (VPSs) are only made available in two out of three relevant cases. Standard 7 which concerns victim and witness needs is not currently being met. The obligation to explain to victims promptly why cases have been stopped or charges reduced is only met in three out of four cases and quality is variable so standard 8 is only partially met. Standard 9 is in place to drive up the quality of the prosecution's role in sentencing convicted defendants and here the making of applications for ancillary orders especially in POCA cases together with the delivery of pre-sentence disclosure to the Probation Service indicate that the standard is met.

Stronger points

- a Rape cases are largely dealt with by a specialist team (Unity), which is co-located with the police dedicated rape team. It is evident that close working relationships and a concerted focus on delivering an enhanced service to victims is producing better care.
- b A holistic service to victims and witnesses is being offered at the North Liverpool Community Justice Centre (CJC), where the commitment of the small team of CPS staff is apparent and appreciated by partners. Outcomes for the year to date in the CJC are better than the Area average for guilty pleas and successful outcomes.

- c In the files examined, victims and witnesses were kept informed of progress on their case, and the contact was recorded on CMS by the witness care unit (WCU), which is well-staffed. However, WCU staff struggle on occasions to get answers to witness queries from Area staff. There were instances in the cases examined of very good witness care given to especially vulnerable victims.
- d The right kinds of special measures to improve the quality of evidence given were almost always sought, and stakeholders were positive about the level of care given to victims and witnesses at court. Applications for bail conditions and remands into custody are also used appropriately to protect victims and witnesses. Witness attendance rates are better than the national average, as are waiting times for witnesses in magistrates' courts cases.

Aspects requiring improvement

- e Outcomes for racially or religiously aggravated offending, hate crime generally, and violence against women are worse than the national average, but improving. There has been insufficient analysis and management of adverse outcomes generally, and feedback on failed cases is not given consistently to prosecutors.
- f The level of service expected for rape victims was not apparent in the file sample. All of the cases examined were handled prior to the creation of the revised Unity team approach. There was no offer of a meeting to the victims in the three rape cases where meetings should have been offered. A report was not sought or obtained from counsel in

the two rape cases resulting in a not guilty verdict. There was also poor recording of lawyers' assessments of child witnesses' video evidence in child abuse cases.

- g Representations from the victim prior to discontinuance of a case were considered in only three of 12 relevant cases; in the other relevant cases, either there was no evidence their views were considered, or the victim was not asked their views. In nearly two-thirds of relevant cases, the police were either not consulted on discontinuance or the consultation was not evidenced on the file.
- h Special measures applications were late in about a third of cases. In part, this may be because special measures and other victim and witness issues were not routinely identified at the charging stage. There was a VPS in two-thirds of appropriate cases, and the file frequently did not record whether the VPS had been read out to the court or read by the judge when sentencing. There was no communication to the victim in over a quarter of cases, and the standard of the letter, when it was sent, was fair or poor nearly as often as it was good.
- i Seven complaints files were examined, of which there was a timely response in five. In six instances, the response was rated as fair, mainly through lack of empathy and over-reliance on legal terminology and template phrases or paragraphs. Stakeholders considered that the handling of complaints was better than that suggested by the examples we saw.

CPS Merseyside Area efficiency**Fair****Governance in the Area****Poor**

2.5.1 Whilst most governance should take place at Group level, Area managers have an important role in managing staff, processes and the operational liaison with partner agencies to ensure delivery of key priorities and objectives. The Area undertook a significant restructure and centralisation in the period March to July 2010 which has impacted on service delivery. Whilst there are some signs of improvement more recently, there is still some way to go before the Area is likely to realise some of the potential benefits of the centralisation.

2.5.2 There is work to do in developing a culture whereby value for money and efficiency are at the heart of decision-making (at the present time staff consideration tends to be limited to saving money to remain within budget). In some instances quality has been put at risk as a result of decisions taken; examples include the abolition of performance meetings from April to September and reduced time for prosecutors to prepare cases properly for court.

2.5.3 Overall, governance needs significant strengthening, particularly in respect of performance management and effective communication. Collaboration with partner agencies is mainly positive, although more work is needed to gain the confidence of some key representatives of the magistrates' courts. Even where inter-agency relationships are strong they are not yet always effective in driving up performance.

Stronger points

- a There are some innovative approaches to joint working in the Area including; the early guilty plea scheme in the Crown Court; the Community Justice Centre that includes multiple agencies; and, the formation of the Unity team that works jointly with the police on certain categories of cases involving serious sexual offences. These initiatives are delivering benefits to the criminal justice system and to the community, albeit there is still scope in all of them for further improvements.
- b The Area is working proactively with other agencies to develop the concept of the electronic file system. This has the potential to introduce efficiency, but will require a significant change of approach by all agencies if the benefits are to be realised.

Aspects requiring improvement

- c The effectiveness of managers is variable but on the whole is weak. Whilst dealing with the consequences of the centralisation project will have been a factor in distracting managers from their core role, there are issues around the experience, ability and even the desire of some managers to manage people, performance and processes effectively. Some senior managers do not have the trust and confidence of a considerable number of staff.
- d There are tensions between Crown Court staff (particularly prosecutors) and others that need attention; this primarily relates to perceptions of elitism, lack of respect and tone of communication.

- e Performance management needs to be reinforced in the Area. A significant amount of performance information is produced by the Group operations centre but analysis of the data was weak in too many instances and there were limited examples of effective remedial actions to improve performance. Where measures exist they tend to be quantitative with insufficient focus on quality. Most managers and staff had limited understanding of the Area's performance and no real perspective of how this compared to other CPS Areas or Groups. Identifying and sharing good practice needs development.
- f Communication is still inconsistent and a contributory factor in the low morale of many in the Area. While staff were positive about communication on the decision to centralise, many concerns around communication raised in the 2009 staff survey were still evident at the time of this inspection. Key messages are not always disseminated effectively. Feedback does not always happen in relevant circumstances, and was sometimes not constructive.

Staff deployment practices	Fair
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2.6.1 Against the traditional CPS measures of effective deployment, the Area has done well. The measures focus on the use of CPS resources in court, and performance by crown advocates, associate prosecutors, and crown prosecutors all exceed their local targets. Whilst there is no formal deployment strategy, there has been some consistency as to how staff are used; for the most part this is driven by the need to improve the operation of the revised case progression systems in the short term. The approach taken has not always considered fully the impact of deployment decisions and in some instances did not represent best use of available resources.

2.6.2 Whilst the Area is on course to exceed its target there is scope to get better value from the crown advocates in the Area.

2.6.3 The situation with regard to deployment of resources within the office is less encouraging and is linked to the lack of effectiveness of processes. The desire to load resources to the case progression systems means that too often staff are being allocated to the work for half days only. This tends to be less productive and more could be achieved with better planning which resulted in greater continuity of resourcing.

2.6.4 Whilst some analysis of staff numbers had taken place, at the time of the inspection there was no real clarity about a future strategy to take account of issues such as the current overstaffing at lower managerial levels; the impact of anticipated reductions in future budgets; the benefits that should be delivered by centralisation; and, the

Associate prosecutor usage	2007-08	2008-09	2009-10	2010-11 to date
% of sessions covered by associate prosecutors	18.5%	20.1%	28.3%	32.7%

management structure that has evolved over a number of years. The spending review and the amalgamation of the Areas have naturally acted as a catalyst and placed additional focus on staff structures, and further work in underway.

Stronger points

- a The Area was on course to exceed its target for counsel fees saved (£650,000) through deployment of crown advocates.
- b Associate prosecutor usage has grown and improved over the years as per the table above.
- c The coverage is proportionate to the level of associate prosecutors in post.
- d In-house prosecutors have covered more than 95% of sessions in the magistrates' courts in three of the last four years. This is better than the national picture. In 2010-11 the deployment was supported by well-regarded advocacy training.
- e There has been a gradual increase in the incidence of sharing staff across teams in recent times.

Aspects requiring improvement

- f Staffing of the revised case progression systems need to be reviewed to ensure that the Area has the right resources in the right place to ensure consistent service delivery. Current deployment practices may help in the short term but are unlikely to ensure long term efficiency. The balance between prosecutors and administrative staff should be reviewed.
- g There is an urgent need to develop a staffing strategy that includes: the number and balance of staff at different grades; the roles and responsibilities of managers; reporting lines of staff; the level of administrative staff deployed to the witness care unit; and the overall structure and management of the Area. The strategy will also need to take account of potential reductions in external funding for initiatives such as the CJC. The impact of a more coherent Group approach will need to be considered by the Area before any changes are made.

Efficiency and cost effectiveness

Fair

Systems are efficient and cost effective

2.7.1 The planning for centralisation underestimated the potential impact of merging offices which had differences in processes and working practices; this was not helped by the lack of awareness of backlogs that had developed in the previous structure. These factors contributed towards the eventual difficulties encountered. Some work was undertaken by the project team on documenting and attempting to standardise processes but this was only partially successful. Since the project became 'business as usual' responsibility for changes to processes has returned to managers and now lacks control – a more holistic approach is desirable to avoid changes in one team adversely impacting others.

2.7.2 The decision to transfer responsibility for updating hearing outcomes and finalisations to a newly formed central gateway team (not managed by operational delivery staff) had a significant negative impact on efficiency; this has subsequently been amended. There is no doubt that processes were not very efficient during the summer and autumn 2010 leading to unnecessary additional work and, therefore, cost.

2.7.3 CPS effectiveness is affected by the performance of other agencies. Whilst inter-agency collaboration is good there is scope to work with the police to address issues that could improve the efficiency of CPS processes of case progression and file building.

2.7.4 There is still concern, particularly from magistrates' courts representatives, on the ability of the CPS to deliver consistently acceptable levels of service. Of the 38 unnecessary hearings in the file sample (Crown and magistrates' courts), 61% could have been avoided by the prosecution; five (all magistrates' courts) of the 12 ineffective trials were also avoidable. Using figures developed by the National Audit Office⁹ these cases alone will have cost the criminal justice system approximately £10,000.

2.7.5 Overall, there has been some improvement in the last two months but there is still some way to go to deliver a high quality service on a consistent basis.

Stronger points

- a Some comparatively new quantitative measures of performance of the revised case progression systems have been introduced that give an improved understanding of the teams' performance.
- b The trial vetting system in the magistrates' courts case progression team has improved and is now working close to three weeks ahead of the scheduled trial date. This must be tempered slightly with the fact that not all identified actions are undertaken or successful.
- c The majority of backlogs of work that developed in summer have now been cleared.

⁹ NAO Report: Crown Prosecution Service: Effective Use of Magistrates' Court Hearings (15 February 2006).

Aspects requiring improvement

- d The handling of correspondence from partner agencies and defence firms needs to be improved. Our spot checks identified a number of important pieces of correspondence that had not been linked to files that were due in court imminently; some of these were chasing previous correspondence that had gone unanswered.
- e There needs to be more focus on the qualitative outputs of processes and systems to ensure that they are actually delivering benefits. The case progression systems need to be more robust in ensuring that all activities are carried out to the right standard and in the right timescales so that cases are ready for hearings/trials.
- f There is duplication of effort in the case progression processes, not helped by the lack of confidence of some prosecutors in the concept. Very little dedicated time is available for prosecutors to prepare cases for court which was causing them concern; it was also commented upon by some court staff. It would be helpful if the associate prosecutors could more often follow the cases they have vetted to court.
- g Further liaison with the police is desirable to address: inaccuracies in electronic file submissions; timeliness, and to a lesser extent quality of police files; the handling of volume minor traffic cases; and, early identification of diversions, particularly for cases destined for the CJC.
- h The early guilty plea scheme filtering process could be more robust. Inspectors observed examples whereby the prosecutor expressed severe doubts about cases but allowed them to progress anyway. It was also noticeable that as managers have attempted to increase the numbers in the scheme so the 'drop out' rate has increased indicating that a more realistic approach should be taken.

Budget management**Good**

2.8.1 Performance against the non-ring fenced administration costs (NRFAC) budget has improved in recent years following a trend of overspending in the past; controls are now better. Merseyside has operated within budget for the last two years and is likely to do so again in 2010-11. The Area, in conjunction with Group managers will need to decide if any underspend is to improve current performance and efficiency, used to offset possible overspend on prosecution costs, or returned to Headquarters. We understand that a need to assist in financing changes at the witness care unit is likely to use up more than half of the current projected underspend.

2.8.2 Most of the day-to-day finance work is conducted by the Group, and Area managers have limited direct impact on performance, although work such as managing attendance and the use of agents can make a contribution. The Area needs to work with Group managers to develop a financial strategy now that the impact of the Government's spending review is known; such plans must balance financial matters with quality of service delivery.

Stronger points

- a Controls of NRFAC including committed expenditure are good enabling accurate forecasting, particularly for payroll costs. Spot checks by inspectors indicated that proper allowances were being made for staff changes affected by secondments, maternity leave, joiners etc.
- b The restructure in Merseyside has saved the CPS significant sums in terms of accommodation costs and utility charges.

Aspects requiring improvement

- c There is work to do in ensuring that the finalisation of cases (that will impact budget allocation) is both timely and accurate. This could be addressed through the recently implemented monthly audit of files by the performance manager.
- d Performance against the Proceeds of Crime Act target, for which the Area has received significant funding, has been weak in the first half of 2010-11.

Managing prosecution costs Fair

2.9.1 There is scope for considerable improvement in the management of prosecution costs for Crown Court cases. Some actions have been taken in 2010-11, but overall this issue has received insufficient attention at a strategic level. There was little appreciation of the potential impact of prosecution costs on the financial well being of the Area. The Area allocation for prosecution costs has been increased through adjustments from Cheshire and a £200,000 increase from Headquarters at

mid-year review; there is still a risk that the Area will overspend in 2010-11. This follows overspend of almost £60,000 in 2009-10. Increases to Crown Court caseload will have been a contributory factor.

Stronger points

- a Responsibility for the authorisation and processing of fees was moved to the Group operations centre in March 2010. This has improved consistency and timeliness of payment.

Aspects requiring improvement

- b Few staff, and particularly Crown Court prosecutors, had any real understanding of how the graduated fee scheme works. They had little appreciation of the financial implications of weak/late decision-making, or other factors which could affect the level of fees.
- c Whilst there has been discussion on unit costs (the measure used by CPS to monitor the average prosecution costs in Crown Court cases) in this financial year, little progress has been made as yet in identifying the drivers of the higher than average costs in Merseyside. There was limited awareness or use of data available at national level in respect of prosecution costs.

2.9.2 Of the 18 cases in the file sample where we examined graduated fee scheme fees, potential savings were identified in nine. The total value of potential savings was £55,303, equating to 27.7% of the actual spend on those cases. Most of the unnecessary expenditure arose from poor decision-making at both the charging and full file review stages.

CPS Cheshire Area casework

Fair

Area decision-making

Poor

Reviews and decision standards

2.10.1 The Area has undertaken a major restructure of operational units, which was concluded shortly before the inspection. It has also changed the way pre-charge decisions are delivered, as envisaged by the CPS's national modernising charging programme. However, this only took effect in June 2010. As a result, in all the finalised cases examined, the Area delivered charging to the police under the old arrangements. We have set out in chapter one the results of our findings regarding those charging decisions.

2.10.2 The Area retains responsibility for charging decisions in very serious, sensitive or complex cases, and delivers a good service to the police. Successful outcomes in offences of hate crime and violence against women are better than nationally, as they are for cases generally, but there has been some slight deterioration over the last few years.

2.10.3 The Area missed opportunities to correct errors in decisions to charge and there were further examples seen post-charge of poor decision-making. The Code test compliance rate is consistent with the findings of other CPS Area inspections and is appreciably better than that of its Group partner, CPS Merseyside.

2.10.4 Standards 4 and 5 cover the majority of case decisions taken by prosecutors after charges have been preferred. As indicated previously, the opposition to bail in appropriate cases and compliance with the custody time limits monitoring arrangements in all cases suggest that standard 4 is being adhered to. However in respect of standard 5, the failure to correct some poor charging decisions at post-charge review and the low incidence of properly recorded case reviews mean that this standard is not being met.

Stronger points

- a Pre-charge advice in serious, sensitive or complex cases is of a high standard, generally, and the police consider that they receive a good quality of service from the specialist prosecutors involved. The rates for successful outcomes for offences of violence against women and hate crime are better than national averages, as are the overall successful conviction outcome rates in magistrates and Crown Court cases. There has been a marked reduction in the number of judge directed acquittals since 2007-08, and the proportion of these and matters dismissed as "no case to answer" in the magistrates' courts are half the national averages.
- b Cases went to trial on the most appropriate charges in nine of out ten instances in the file sample, and where pleas were offered to different offences they were accepted only where it was appropriate to do so.

Aspects requiring improvement

- c In three cases, there was insufficient evidence to charge, but the Area did not take the opportunity in two of the three cases to identify and address this at full file review. In two more cases, the decision to discontinue on public interest grounds was not in accordance with the Code. Overall, this amounts to a failure rate on Code test decisions of about one in 15.
- d There was a full file review in just over a third of cases, and only one in ten had an ad hoc review recorded where necessary. Where the reviews were recorded, these were of a satisfactory standard in only two-thirds of cases. Most common was a failure to do anything more than cut and paste the initial charging review, indicating little proactive input by the prosecution in case management.
- e Four of the five unsuccessful outcomes could have been prevented either by refusing charge at the outset or by stopping flawed cases earlier.
- f Although Area outcomes are better than national averages, there has been no real improvement in successful outcome rates since 2007-08 in magistrates' courts cases, and there has been slight deterioration for Crown Court cases. There needs to be stronger performance management and monitoring by managers of the quality of decisions made, to identify trends and to target corrective action.

Area case progression	Poor
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Effective case progression and case management

2.11.1 The Area deals with case progression in a single case progression unit for the magistrates' courts casework in Warrington and a unit in Chester dealing with Crown Court casework. File examination indicated that there were weaknesses in case progression, especially with timely service of material and compliance with court directions, and the handling of unused material. Concerns about case preparation and progression were also expressed by partners. On-site checks showed signs of improvement; the changes introduced, and the level of resourcing and management oversight, can deliver the necessary improvements, but the Area needs to retain focus on quality as well as process assurance in any supervisory arrangements.

2.11.2 Core quality standard 5 is concerned both with case preparation and the active management of cases until they are heard at trial or other significant court hearing. The use of CMS to track case progression is patchy and the quality of file endorsements is variable leading to unsatisfactory levels of timely and proactive case management. Indictment quality and CTL management are good but the handling of unused material and compliance with court directions are weak. Thus overall the Area is not meeting standard 5.

Stronger points

- a All the cases with a custody time limit in the file sample were handled appropriately, with correct expiry and review dates recorded, and extension applications made where required.
- b Indictments in Crown Court cases were properly drafted in nearly all cases, and those which were not were amended correctly, mostly in good time.
- c The ineffective trial rates in magistrates' courts and the Crown Court are markedly better than national averages.
- d There has been some effective use made of section 10 admissions to summarise defendants' interviews, and avoid the need for lengthy transcripts and police witness statements.

Aspects requiring improvement

- e The Area's previous case progression systems were not ensuring that cases were trial ready, and this was putting strain on otherwise good relationships with partner agencies. In the file sample, there was good case progression in just over a third of cases, with two-thirds being only fair, or poor. Performance was better in the Crown Court with more examples of good case progression. Failure to serve key casework material in a timely fashion or at all was a key weakness in 50% of cases, and compliance with judicial orders or directions in Crown Court cases was often not timely.
- f There is poor performance in the handling of unused material, exacerbated by the lack of consistent quality assurance by managers until the implementation of full

CQSM processes in July 2010. There was compliance with the prosecution's duties of initial disclosure in only about two-fifths of cases, and with continuing disclosure duties in only half of cases. Sensitive material was handled properly in only a third of cases, although the processes for the handling of highly sensitive material were sound. The main issue was poor endorsement of unused material schedules (there was only one instance of material not being disclosed when it ought to have been). There was no or an inadequate audit trail of disclosure decisions in three-quarters of cases.

- g One third of 25 ineffective hearings in the Crown Court could have been avoided by more proactive action by the prosecution. There were also three ineffective hearings in the magistrates' court, which would have been avoided by better case preparation and progression. Half of the ten ineffective trials were also avoidable if case progression had been more effective. The rate of cracked trials is worse than the national average, as is the rate of vacated trials, although the latter difference is slight.
- h The use of CMS is patchy throughout the Area, especially for recording full file reviews or crown advocate's advices, and other out-of-court activity. The removal in most cases of individual ownership, which flows from the implementation of case progression units, places a much higher degree of responsibility on all involved to maintain an accurate history of the case and promote proactive case progression.

Area delivery at court

Good

Preparation before court and the prosecution's performance at court

2.12.1 Area prosecutors conduct all magistrates' court advocacy and a significant amount of Crown Court advocacy. There is a need to guard against a perception that magistrates' court unit lawyers have insufficient time to prepare adequately for trials.

2.12.2 Criminal Justice: Simple, Speedy, Summary (CJSSS) is embedded in the Area, and most cases make progress at early hearings. Core quality standard 6 demands that cases be presented firmly and fairly. Court users are generally positive about the standard of prosecution advocacy, confirmed by inspectors' observation of advocates who all met or exceeded the required standard. There was evidence of a realistic approach to the acceptance of pleas at court and high levels of victim and witness care. Taking the views of local stakeholders into account, overall this standard is being met.

Stronger points

- a The Area has ceased to instruct agents in the magistrates' courts during this financial year, and the use of associate prosecutors is well embedded. In the Crown Court, the use of crown advocates is targeted and appropriate.
- b Most cases are progressed at first hearings in the magistrates' court or at PCMH in the Crown Court. The trial instructions form completed in the magistrates' court case progression unit is of value to the court advocate when completed properly, and could usefully be extended to all cases.

- c Four prosecution advocates were observed, two of whom were competent in all respects, and two of whom exceeded the required standard in some respects. Local stakeholders expressed satisfaction with the quality of advocacy delivered by the Area.
- d Advocates engage well with the local Witness Service, and, on occasions, with victims and witnesses directly, which is encouraged by Area managers. Stakeholders were impressed by the consideration given to victims and witnesses' needs when progressing the case. Advocates were thought by magistrates to be particularly good at dealing with young witnesses and defendants.
- e The prosecution makes appropriate applications for ancillary orders at sentencing in most cases, including, on several occasions, applications for confiscation of the proceeds of crime.

Aspects requiring improvement

- f Instructions to advocates were good in nearly half the cases examined, but the rest were only fair or poor. They did not consistently cover acceptability of pleas or how to deal with the unexpected absence of key prosecution witnesses.
- g It is exclusively magistrates' court unit lawyers who conduct summary trials. Their other commitments, together with the late service of pre-trial applications and some of the other case progression issues has lead to some perceptions that preparation is inadequate. Changes to the case progression processes were too recent to have made a significant impact on cases in the file sample.

h The quality of court endorsements on prosecution files at court was below the standard expected in over half the cases examined, which impacts on case management and the information provided to victims and witnesses. Lack of proper endorsement also made it impossible to establish the basis of plea that the prosecution had accepted in two cases. In a further case, the decision to accept a plea to a different offence was neither sound nor evidenced.

Area outcomes for users

Fair

Delivering fair and just outcomes

2.13.1 There are effective relationships with the witness care unit and Witness Service which has helped ensure that there is correct identification of victim and witness needs. However, our file examination highlighted that there were a number of weaknesses in dealing with victims and witnesses across the Area, these include a lack of timeliness of special measures applications, some poor arrangements for consultation with the police and victims, and poor letters being sent to victims telling them about decisions on their case. Problems with decision-making and case progression also impact on witnesses at court, particularly when cases are dropped late and trials crack.

2.13.2 Core quality standards 7, 8, and 9, are all of some relevance to this aspect of Area performance. Whilst victims are afforded protection by proper application of custodial remands or conditions of bail, applications for special measures are not timely in too many cases and victim personal statements are only made available in two out of three relevant

cases. Standard 7 which concerns victim and witness needs is not currently being met. The obligation to explain to victims promptly why cases have been stopped or charges reduced is only met in three out of four cases and quality is poor so standard 8 too is not being fully met. Standard 9 is in place to drive up the quality of the prosecution's role in sentencing convicted defendants and here the making of applications for ancillary orders especially in POCA cases, together with the delivery of pre-sentence disclosure to the Probation Service indicate that standard 9 is normally met.

Stronger points

- a There were instances in the file sample of careful consideration of the rights of both defendants and victims, including a difficult decision on a re-trial involving a young witness. Applications for bail or remands in custody were made in appropriate cases to protect the victim and public.
- b There are close and effective working relationships with the witness care unit and Witness Service, and relevant victim and witness issues were identified in about three-quarters of pre-charge advices. The correct special measures were sought in nine out of ten cases although special measures applications were timely in only two-thirds of cases.
- c Serious and sensitive cases are afforded the necessary time and expertise of specialist prosecutors. Successful outcomes are slightly better than the national average for hate crime and violence against women.

Aspects requiring improvement

- d About a third of relevant cases did not have a victim personal statement, and where there was one, it was not always possible to ascertain from the file whether it had been read to the court or used by the judge in determining sentence. However, court users consider that the use of VPSs has increased over the last two years, especially in the Crown Court.
- e Of the ten cases where charges were dropped or significantly altered, the police were consulted in only three, although police reported satisfaction with the level of consultation in serious or sensitive cases. The victims' views on discontinuance or acceptance of pleas were rarely considered in the cases examined, although feedback from Victim Support and the Witness Service tends to suggest that it happens more often than is recorded.
- f There was a communication with the victim under the direct communication with victims (DCV) scheme in about three-quarters of relevant cases, but half of them were of a poor standard. The main issues were insufficiently detailed information or a lack of empathy. A more structured process of quality assurance would improve performance.
- g Of two homicide cases in the sample where the Victim Focus Scheme (VFS) was engaged, one demonstrated excellent service to the bereaved family, but the other case showed no indications that the VFS had been applied.
- h In the seven complaints examined, the response in more than half was rated as only fair, although there was one rated as excellent.

CPS Cheshire Area efficiency**Good****Governance in the Area****Fair**

2.14.1 In 2010, the Area underwent a number of significant changes, including a restructure, office moves and a change in leadership, with a new CCP taking up post in May.

2.14.2 The restructure, while initially destabilising, has started to produce benefits, particularly in relation to case progression in the magistrates' court. Action taken to address system and process issues, such as case progression, has resulted in recent improvement in a number of efficiency measures but a greater focus is still needed on improving casework quality.

2.14.3 The new CCP, and existing management team, are visible and respected by staff and partner agencies. Communication about the recent changes was well managed.

Stronger points

- a The Area has the trust and confidence of partner agencies. Area managers have good working relationships with their counterparts in the other criminal justice agencies and meetings with partners are mainly effective at identifying and analysing joint performance issues, although this does not always result in improved outcomes.
- b There is evidence of managers and staff understanding performance outcomes and results with detailed discussions around performance at both management and team meetings. Performance data is used by managers to identify and act on issues.

- c Communication within the Area appears to be a strength. Staff morale is quite high despite the recent restructure and office moves. Staff have had opportunities to contribute their views and concerns about recent changes, through local implementation groups, sounding boards and regular staff forums.

Aspects requiring improvement

- d There was a significant majority of staff within the Area who were unwilling to accept that the creation of the Group had brought about any benefits. In some cases this perception was being supported by the actions of some managers. The instinct of many has been to ensure that Cheshire's independence was preserved in the Group structure. The concerns and worries of staff will need to be addressed carefully when the two Areas combine.
- e While Cheshire managers have appropriate oversight of key processes, there appeared to be a greater focus on productivity and timeliness measures, than on measuring casework quality. The quality of casework could be improved. Additionally, managers should ensure that the learning points, gathered from CQSM and other casework quality reviews, are fed back to the team or the individuals concerned.
- f One consistent concern raised by staff was that the new structure would lead to the de-skilling of lawyers and caseworkers. While the Area has said that they plan to rotate staff to prevent this, plans should be developed in consultation with staff, to provide reassurance that this is being progressed.

Staff deployment practices **Good**

2.15.1 The Area's restructure in mid-2010 from combined units, over three separate sites, to two separate units for magistrates' court and Crown Court work has given the Area greater resilience to cover its commitments, particularly in relation to the magistrates' courts. Since the restructure in June, the Area has been able to cover magistrates' courts sessions without the use of agents and provide regular lawyer coverage on the magistrates' court case progression unit. The Area has also performed above target in the use of associate prosecutors in the magistrates' court over the last year.

2.15.2 The Area's crown advocates are also well utilised and the Area expect to achieve their savings target.

2.15.3 The Area is over-resourced in relation to some administrative and management grades and there was little evidence of formalised planning to address this or any future budget reductions that may arise out of the spending review. The Area should work with the Group to ensure that these issues are built into a staffing strategy.

Stronger points

a In the 12 months to September 2010, CPS Cheshire has achieved associate prosecutor and in-house deployment above the national average. The Area has worked effectively with the local magistrates' courts to rationalise the number of court sessions and maximise the number of associate prosecutor sessions within those. Quarterly meetings between the courts and the CPS

have enabled the two agencies to negotiate a maximum number of sittings per day, which has enabled CPS Cheshire to plan the use of its resources more effectively.

b The Area has steadily built up their Crown Court advocacy unit to a point where their crown advocates are now undertaking almost a third of the value of the Area's advocacy work in terms of spend on counsel fees. The unit expects to achieve their savings target of £350,000 in 2010-11. Feedback about the performance of advocates in court from partner agencies is positive.

c Deployment issues were well thought out in relation to the recent restructure. The Area considered the home locations and travel time of staff, when determining where to deploy staff in court. They also offered some staff that were required to move offices, flexible working and/or a modified role from a different office location. This has not only made the changes more palatable to staff but has also resulted in some travel and subsistence savings for the Area.

d Resources are discussed at team and management meetings and 'Staff in Post' figures are reviewed against the activity based costing model and caseload figures on a monthly basis.

Aspects requiring improvement

e A planned review of the restructure probably remains relevant, to ensure that staff and partner agencies have a chance to provide formal feedback on its impact and to inform any future decisions that need to be made in the light of the amalgamation of the Areas.

Efficiency and cost effectiveness**Good****Systems are efficient and cost effective**

2.16.1 Improving the performance of the magistrates' court case progression unit has been a key priority for the Area. Backlogs in magistrates' courts progression cases arose at the time of the restructure, when three magistrates' court units were merged into one, but these have now been addressed and the timeliness of case progression has improved.

2.16.2 External agencies still have some concerns that the papers are served late by the CPS and correspondence is not always answered in a timely fashion. The data for the 12 months to September 2010, show that almost a quarter of the ineffective trials and over 40% of the cracked trials in the magistrates' courts in Cheshire were caused by the prosecution. The Area has just commenced weekly case progression meetings with the magistrates' courts in Warrington to address case progression issues.

2.16.3 The Crown Court case progression unit has been in operation, in its current form, since October 2010, with approximately 40% of cases progressing through the unit. Crown advocates are assisting in reviewing files and allocating cases as well as identifying the weaker cases that should be stopped from progressing further.

Stronger points

- a Process checks of the magistrates' court case progression unit during the inspection indicated that the team was well resourced and systems were effective. The Area has implemented daily checks of the throughput of work, which has helped to improve staff productivity. As the Area moves to a steady state it should begin to focus attention on quality as well as quantity.
- b Preliminary data indicates that the Crown Court unit may have improved the timeliness of service of papers. The Area believes that this has resulted in a decrease in judges' orders and a decrease in the volume of correspondence the unit receives. The changes to systems were too recent at the time of the inspection to verify.
- c The Area has been able to improve the timeliness of finalisations recorded on CMS by changing the way that files are moved between the courts and the office.

Aspects requiring improvement

- d The Area needs to continue to focus attention on recording aspects of case progression, particularly reviews, in CMS.
- e The Area should ensure that performance management is equally balanced between efficiency and quality.

Budget management	Good	Managing prosecution costs	Fair
<p>2.17.1 The Area has managed their expenditure within budget over the last three years for both administrative and prosecution costs. Controls on expenditure are sound although much of the financial management for the Area now resides at the Group level in the Group operations centre.</p>	<p>2.18.1 The unit cost per case in Cheshire has consistently been below the national average; therefore the Area has not looked, in any depth, at ways to reduce unit cost. File examination revealed that despite the Area’s comparatively low unit cost per case, in eight of the ten cases reviewed, savings could have been made. The possible savings amounted to over £8,000 approximately 10% of spend. Two thirds of the savings related to unnecessary pages of evidence being served.</p>		
<p>Stronger points</p>	<p>Stronger points</p>		
<ul style="list-style-type: none"> a There is appropriate oversight of expenditure by Area business managers and the Group finance manager. This has enabled the Group to forecast budgets with a good degree of accuracy. Budgets and expenditure are reviewed monthly. b The Area has managed to offset additional administrative expenditure on excess fares to staff as a result of the restructure and office moves with a reduction in travel and subsistence expenditure. c In the first two quarters of 2010-11, the Area has exceeded their year to date targets for the volume and value of POCA confiscation orders. 	<ul style="list-style-type: none"> a Graduated fee scheme payments are timely and challenged appropriately, although this is now handled by the centralised fees unit. The Area was able to evidence examples of where they had negotiated lower fees in relation to expert witnesses. Case referral meetings are conducted for the serious and sensitive cases. <p>Aspects requiring improvement</p> <ul style="list-style-type: none"> b Few staff, particularly lawyers, had an appreciation of the key drivers of prosecution costs and how they could be minimised. Our file examination showed that the Area could make significant savings in prosecution costs and all staff need to be more aware of the financial impact of late decision-making and serving unnecessary evidence. 		

Section 3: Annexes

A CPS core quality standards

The CPS has set itself core quality standards which set out the quality of service that the public are entitled to expect. The standards reflect legal and professional obligations.

There follows an extract from the published document¹⁰ setting out briefly what each standard requires from the CPS when delivering its casework:

CQS 1: We will provide the police and other investigators with advice to assist in tackling crime effectively and bringing offenders to justice.

CQS 2: We will make timely, effective and fair charging decisions in accordance with the Code for Crown Prosecutors.

CQS 3: We will use out-of-court disposals as alternatives to prosecution, where appropriate, to punish offenders, gain reparation for victims, to rehabilitate offenders or to secure a paid penalty.

CQS 4: We will oppose bail for defendants where appropriate, taking particular account of the risk posed to victims and the public.

CQS 5: We will prepare all our cases promptly and in accordance with the Criminal Procedure Rules so that guilty pleas can be entered at the earliest opportunity and fair trials can take place on the appointed dates.

CQS 6: We will present our cases fairly and firmly.

CQS 7: We will assess the needs of victims and witnesses, keep them informed about the progress of their case and seek appropriate support to help them to give their best evidence.

CQS 8: We will explain our decisions to victims when we stop cases or substantially alter the charge.

CQS 9: We will assist the court in the sentencing process and seek to confiscate the proceeds of crime.

CQS 10: We will consider whether to exercise our rights of appeal when we believe the court has made the wrong legal decision.

CQS 11: We will deal promptly and openly with complaints about our decisions and the service we provide.

CQS 12: We will engage with communities so that we are aware of their concerns when we make decisions.

¹⁰ http://www.cps.gov.uk/publications/core_quality_standards/

B Staffing levels and budgets

Staffing levels at October 2010			
Grade	Cheshire	Merseyside	GOC/CCU
CCP	1	1	0
Level E (including area business manager)	2	4	2
Level D	4	6.9	0
Crown advocates	4.6	16	3.9
Level C lawyers (including legal trainee)	28.8	49.5	3.7
Associate prosecutors	8.5	13	0
B3 managers	0	1	3
Level B2 paralegal business managers	1.6	8	4
Level B1 paralegal officers	24.1	37.2	6.9
Level A staff	21.8	60.9	6
Total	96.4	197.5	29.5

The staffing levels have reduced slightly in the last two years although not to the levels perceived by staff. Since October 2008 Merseyside has reduced by 9.7 heads (all in administrative grades) and Cheshire has reduced by 6.3, again all administrative. During the same period caseload has dropped

significantly in magistrates' courts cases and slightly in the Crown Court. Merseyside reduced staffing levels significantly in 2007 as part of the efforts to live within allocated budgets. The budgets allocated to the Areas in the Group over the last three years are as follows:

Budget allocation CPS Merseyside and CPS Cheshire combined			
	2008-09	2009-10	2010-11 to date
Prosecution costs	£5,300,809	£5,371,242	£4,719,470
Administrative costs	£15,702,478	£15,570,352	£15,404,443

The slight reduction (1.9%) in administrative budget since 2008-09 is a little lower than that experienced nationally. The Areas have operated within their allocated budgets in each year. Since 2009-10 the budgets have been managed at a Group level enabling a more flexible approach.

The prosecution costs budget is determined primarily by historic caseload and fluctuations can lead to adjustments being necessary.

The level of crown advocate deployment also impacts on final allocations. Cheshire has operated comfortably within its original allocation partly due to the fact the complex casework unit now covers the cost of some of the more expensive cases from the Area; the caseload is also reducing. Merseyside, including the CCU, has sometimes overspent in the past and may do so again this year.

C Casework performance data

Caseloads and outcomes for the rolling 12 months ending 30 September 2010

	National	Merseyside	Cheshire
	Percentage of total caseload		
Magistrates' courts			
<i>Types of case</i>			
Pre-charge decision	32.9	30.2	30.5
Summary	37.4	35.6	45.1
Either way and indictable	29.4	32.7	24.3
Other proceedings	0.2	1.5	0.1
<i>Completed cases</i>			
Discontinuances and bindovers	9.4	12.1	8.6
Warrants	1.3	1.0	0.6
Dismissed no case to answer	0.2	0.2	0.1
Acquittals after trial	2.4	2.2	2.3
Discharged	0.2	0.4	0.2
<i>Total unsuccessful outcomes</i>	13.5	15.9	11.7
Convictions	86.5	84.1	88.3
<i>Case outcomes</i>			
Guilty pleas	75.9	86.5	72.5
Proofs in absence	16.7	7.0	20.9
Convictions after trial	4.5	3.7	3.9
Acquittals after trial	2.7	2.6	2.6
Acquittals: no case to answer	0.2	0.2	0.1
Number of cases			
Total caseload	1,450,895	47,238	26,239
Committed for trial In the Crown Court	115,064	3,395	1,504
Percentage of total caseload			
Crown Court			
<i>Types of case</i>			
Indictable only	28.2	25.6	26.8
Either way: defence election	6.9	6.5	5.9
Either way: magistrates' direction	42.4	47.5	40.5
Summary: appeals; committals for sentence	22.6	20.4	26.8
<i>Completed cases</i>			
Judge ordered acquittals and bindovers	12.4	12.0	11.1
Warrants	0.9	1.0	0.7
Judge directed acquittals	1.0	1.2	0.4
Acquittals after trial	5.8	5.7	4.1
<i>Total unsuccessful outcomes</i>	20.0	19.9	16.2
Convictions	80.0	80.1	83.8
<i>Case outcomes</i>			
Guilty pleas	84.1	86.2	89.5
Convictions after trial	8.1	5.9	5.4
Acquittals after trial	6.6	6.5	4.6
Judge directed acquittals	1.1	1.4	0.5
Number of cases			
Total caseload	149,174	4,309	2,054

D File examination – case type and results

File sample

A total of 120 finalised cases were examined, 50 from CPS Cheshire and 70 from CPS Merseyside. The sample contained a range of different outcomes and categories. Successful outcomes

made up 43% of the overall sample, 51% of the files examined were sensitive or complex, and 6% were charged by the police, although one case charged should have been referred to a crown prosecutor.

Outcome	Merseyside		Cheshire		Total
	Mags	Crown	Mags	Crown	
Discontinuance (inc judge ordered acquittal)	8	10	5	5	28
No case to answer	3	–	2	–	5
Judge directed acquittal	–	10	–	4	14
Discharged committal	2	–	1	–	3
Acquitted after trial	5	6	2	6	19
Convicted after trial	11	4	9	5	29
Guilty plea	1	10	1	10	22
Total	30	40	20	30	120

Case category	Group	Merseyside	Cheshire
Homicide	9	6	3
Other serious assault	1	–	1
Fatal road traffic incident	1	–	1
Child abuse	9	5	4
Rape and other serious sexual assault	5	3	2
Sexual assault (other than rape)	4	3	1
Other violence against women	19	10	9
Racially/religiously aggravated and other hate crime	13	9	4
Non-sensitive	59	34	25
Total	120	70	50

Group charging delivery

Charging delivery method	Total	Merseyside	Cheshire
Police charge	7	7	–
Group daytime direct	1	1	–
Area face to face or written advice	75	42	33
CPS Direct	37	20	17
Total	120	70	50

File examination findings

Pre-charge decisions

File examination findings	Group	Merseyside	Cheshire
The decision was correctly made on the threshold test	78.9%	77.8%	80%
The charging decision was compliant with the Code ¹¹	89.2%	85.7%	94%
The charging decision by the Group was compliant with the Code ¹²	88.1%	86.3%	90.9%
The most appropriate charges were advised	87.6%	86.2%	89.4%
The action plan met the required standard	62.5%	71.9%	55%
Ancillary orders and applications (other than special measures) were properly considered	68%	69.2%	66.7%
The advice set out proper instructions to the prosecutor at court	81.4%	76.9%	86%

Quality of MG3s	Excellent	Good	Fair	Poor
Group	1.8%	37.2%	37.2%	23.9%
CPS Direct	2.8%	55.6%	19.4%	22.2%
Merseyside	1.3%	28.6%	45.4%	24.7%
Cheshire	2%	32%	40%	26%

¹¹ Includes both decisions made by CPS and Area at initial reviews in police charged cases.

¹² Group/Area decisions only - excludes decisions made by CPS Direct and the police.

More recent charging decisions

A sample of 20 out-of-court disposals (cautions, conditional cautions, youth diversions and decisions not to charge) was reviewed. In all these cases, the charging advice had been given by Group daytime direct lawyers between mid-

September and early October. We also examined 12 cases during observations in the daytime direct centre in Liverpool, and a further 25 cases after the on-site phase to capture recent practice in charging.

Additional file examination findings	20 out-of-court disposals	12 charging observation cases	25 extra files
The charging decision was compliant with the Code	100%	100%	87.5%
The most appropriate charge or OOCd was advised	95%	83.3%	63.6%
The action plan met the required standard	N/A	100%	68.4%
Ancillary orders and applications (other than special measures) were properly considered	N/A	57.1%	87%
The advice set out proper instructions to the prosecutor at court	N/A	100%	75%

Quality of MG3s	Excellent	Good	Fair	Poor
Out-of-court disposals (20 cases)	5%	75%	20%	–
Charging observations (12 cases)	8.3%	83.3%	8.3%	–
Additional file sample (25 cases)	4%	40%	36%	20%

Area decision-making

File examination findings	Group	Merseyside	Cheshire
Any post-charge review was compliant with the Code	88.8%	83.3%	96%
A full file review was recorded	59.1%	75.4%	38%
An ad hoc review was recorded where necessary	30%	41.9%	11.1%
All reviews met the required standard	54.5%	50.9%	65%
A decision to discontinue was complaint with the Code	85.7%	87.5%	81.8%
There had been a material change in circumstances in unsuccessful outcomes since charging	37.3%	32.4%	47.1%

Area case progression

File examination findings	Group	Merseyside	Cheshire
There was timely compliance with directions in magistrates' courts cases	56%	66.7%	52.6%
There was timely compliance with pre-PCMH directions in the Crown Court	77.8%	72%	82.8%
There was timely compliance with directions given in the Crown Court at PCMH and up to trial	47.2%	46.9%	47.6%
Ineffective hearings (other than trials) which were avoidable by the prosecution	57.8%	60.5%	48.3%
Ineffective trials which were avoidable by the prosecution	64.7%	41.7%	66.7%
All appropriate actions were taken to save unsuccessful outcome cases	25%	27.3%	20%
Discontinuance was timely	52.8%	44%	72.7%
There was a clear audit of out-of-court activity	56%	62.1%	48%
Lack of case ownership had impacted adversely	66.7%	77%	-
A custody time limit was calculated correctly	96.3%	93.3%	100%
There was compliance with initial disclosure duties	57.7%	68.3%	43.8%
Initial disclosure was timely	83.6%	85.7%	80.9%
Non-compliance was a failure to disclose undermining or assisting material	18.2%	38.9%	3.8%
There was compliance with continuing disclosure duties	62.3%	69.7%	50%
Continuing disclosure was timely	40%	40.6%	38.9%
Non-compliance was a failure to disclose undermining or assisting material	13.6%	25%	-
Sensitive material was dealt with properly	30.2%	30%	30.4%

Case progression	Excellent	Good	Fair	Poor
Group	–	39.5%	37%	23.5%
Merseyside	–	41.4%	34.3%	24.3%
Cheshire	–	36.7%	40.8%	22.4%

Use of CMS	Excellent	Good	Fair	Poor
Group	–	40.8%	49.2%	10%
Merseyside	–	57.1%	31.4%	11.4%
Cheshire	–	18%	74%	8%

Area delivery at court

File examination findings	Group	Merseyside	Cheshire
Advocates progressed the case at court	87.2%	88.2%	85.7%

Observations of advocates at court				
	Level	Number of CPS prosecutors in the magistrates' courts	Number of CPS prosecutors in the Crown Court	Number of counsel in the Crown Court
Assessed as above normal requirements	1	–	–	–
	2	–	1	–
Meeting CPS national standards of advocacy	3+	2	2	1
	3	3	–	–
	3-	–	–	–
Assessed as less than competent	4	–	1	–
	5	–	–	–

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

3+ = Above average in many respects; 3 = Competent in all respects; 3- = Below average in some respects, lacking in presence or lacklustre

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

Instructions to advocates	Excellent	Good	Fair	Poor
Group	–	39.3%	40.5%	20.2%
Merseyside	–	36.2%	40.4%	23.4%
Cheshire	–	43.2%	40.5%	16.2%

Court endorsements	Excellent	Good	Fair	Poor
Group	–	50%	35.8%	14.2%
Merseyside	–	51.4%	31.4%	17.1%
Cheshire	–	48%	42%	10%

Area outcomes for users

File examination findings	Group	Merseyside	Cheshire
The charging advice adequately covered special measures and other victim/witness issues	65.4%	61.7%	70.6%
The right type of special measure was sought	90.5%	92%	88.2%
The application for special measures was timely	64.3%	64%	64.7%
Bail or custody were sought appropriately to protect the victim and public	98.5%	97.3%	100%
There was a victim personal statement (victim impact statement) in appropriate cases	64.4%	63.2%	65.4%
Racial or religious motivation was put before the court	75%	66.7%	100%
Appropriate orders were sought at sentencing to address the needs of the victim	79.3%	69.2%	87.5%
There was compliance with the direct communication with victims initiative where required	67.9%	70.6%	63.6%

Quality of DCV communications	Excellent	Good	Fair	Poor
Group	–	45%	25%	30%
Merseyside	–	58.3%	25%	16.7%
Cheshire	–	25%	25%	50%

Victim's view considered before discontinuance	Yes	No	Not asked or views/consultation not recorded
Group	20%	40%	40%
Merseyside	25%	33.3%	41.7%
Cheshire	12.5%	50%	37.5%

Victim consulted on plea/basis	Yes	No	Not asked or views/consultation not recorded
Group	33.3%	33.3%	33.3%
Merseyside	50%	25%	25%
Cheshire	–	50%	50%

Police consulted on discontinuance	Yes	No	Not asked or views/consultation not recorded
Group	37.1%	25.7%	37.1%
Merseyside	40%	12%	48%
Cheshire	30%	60%	10%

E Area and national outcomes rolling year to September 2008 and 2010

Trial outcomes	Rolling year to Sept 2008			Rolling year to Sept 2010		
	National	Merseyside	Cheshire	National	Merseyside	Cheshire
Magistrates' courts cases						
Cracked	38.5%	49.1%	45.2%	38.3%	48.1%	41.1%
Effective	43.3%	36.6%	46.3%	43.6%	37.2%	47.7%
Ineffective	18.2%	14.2%	8.6%	18.1%	14.7%	11.2%
Vacated	20.8%	18.4%	16.9%	22.3%	21.1%	23.9%
Crown Court cases						
Cracked	40.9%	49%	39.1%	42.7%	52.5%	41.6%
Effective	47.4%	42.9%	50%	44%	38.2%	51.6%
Ineffective	11.7%	8.1%	10.9%	13.3%	9.3%	6.9%

F Local representatives of criminal justice agencies and organisations who assisted the inspection

Crown Court

HHJ Edwards, Recorder of Chester
HHJ Globe, Recorder of Liverpool
HHJ Warnock

Magistrates' courts

District Judge Abelson
District Judge Clancy
District Judge Knight
District Judge Sanders
District Judge Shelvey
Bench Chairs (S)
Youth Panel Chairs (S)

North Liverpool Community Justice Centre

HHJ Fletcher
Sgt N Kealey, Merseyside Police
Ms B Kennedy, Victim Support
Ms S McCready, Centre Manager

Her Majesty's Courts Service

Mr P McGladrigan, Area Director
Merseyside and Cheshire
Ms K Gallimore, Crown Court Manager, Chester
Legal advisors (S)
Case progression officers (S)

Police

Chief Superintendent S Richards,
Merseyside Police
Chief Superintendent B McNeill,
Merseyside Police
Ms J Eaton, Police Witness Care Manager,
Merseyside Police
Ms C Lovell, Witness Care Unit Manager,
Cheshire Police
Police borough/divisional commanders (S)

Defence solicitors

Mr M Bone
Defence practitioners (S)

Counsel

Local counsel (S)

Members of Parliament

Mr A Miller MP
Ms L Ellman MP

Others

Local community group representatives (S)
Victim Support managers (S)
Ms J Kenneally, Witness Service Manager,
Chester Crown Court
Ms M McPartland, Senior Manager,
Cheshire Witness Service
Witness Service managers (S)
Youth Offending Teams (S)

Representatives marked (S) completed HMCPSI's survey, all others were interviewed.

G Glossary

Adverse case

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

Agent

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

Associate prosecutor

A CPS employee who is trained to present straightforward cases on pleas of guilty or to prove them where the defendant does not attend the magistrates' court. This role has been extended and includes trials of non-imprisonable offences.

Case management system (CMS)

IT system for case tracking and case management used by the CPS.

Code for Crown Prosecutors (the Code)

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

Committal

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

Complex casework unit (CCU)

A unit set up spanning a Group of CPS Areas which handles the most serious cases, such as organised crime, people or drug trafficking, and complex frauds.

Core quality standards monitoring (CQSM)

A system of internal monitoring against the standards, whereby each Area undertakes an examination of a sample of completed cases to assess compliance against standards.

CPS core quality standards (CQS)

Standards which set out the quality of service that the public are entitled to expect. The standards reflect legal and professional obligations.

CPS Direct (CPSD)

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

Cracked trial

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

Criminal Justice: Simple, Speedy, Summary (CJSSS)

Initiative introducing more efficient ways of working by all parts of the CJS, working together with the judiciary, so that cases brought to the magistrates' courts are dealt with more quickly. In particular it aims to reduce the number of hearings in a case and the time from charge to case completion.

Crown advocate (CA)

A lawyer employed by the CPS who has a right of audience in the Crown Court.

Custody time limits (CTLs)

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

Director's Guidance on the Streamlined Process (DGSP)

Provisions agreed between the CPS and Association of Chief Police Officers (ACPO) concerning the streamlining of certain prosecution case files, whereby a restricted amount of information and evidence is initially included where there is an expectation that the defendant will plead guilty.

Discontinuance

The dropping of a case by the CPS in the magistrates' court, whether by written notice (under section 23 Prosecution of Offences Act 1985), withdrawal, or offer of no evidence at court.

Evidential stage

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

Group operations centre (GOC)

A unit within the Group (combination of a number of CPS Areas) which is responsible for dealing with specific aspects of business on behalf of Areas, for example, performance management and monitoring, equality and diversity.

Indictable only, indictment

Cases which can be heard only at the Crown Court (e.g. rape, murder, serious assaults). The details of the charge(s) are set out in a formal document called the indictment.

Ineffective trial

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

Instructions to counsel

The papers which go to counsel setting out the history of a case and how it should be dealt with at court, together with case reports. These are sometimes referred to as the "brief to counsel".

Judge directed acquittal (JDA)

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

Judge ordered acquittal (JOA)

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

Local criminal justice board

The chief officers of police, probation, the courts, and the CPS, a local prison governor and the Youth Offending Team manager in each criminal justice area who are accountable to the National Criminal Justice Board.

No case to answer (NCTA)

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

Optimum business model (OBM)

A CPS initiative for handling its casework. The model sets out a framework of structures, roles and processes, and aims to standardise these across different units and Areas to improve efficiency and effectiveness.

Paralegal officer

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.

Proceeds of Crime Act 2002 (POCA)

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

Prosecution team performance management (PTPM)

Joint analysis of performance by the CPS and police locally, It is used to consider the outcomes of charging and other joint processes.

Public interest stage

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

Review, initial, continuing, summary trial etc

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

Section 51 Crime and Disorder Act 1998

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

Sensitive material

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

Summary offences

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

Threshold test

The Code for Crown Prosecutors provides that where it is not appropriate to release a defendant on bail after charge, but the evidence to apply the full Code test is not yet available, the threshold test should be applied.

Witness care unit (WCU)

Unit responsible for managing the care of victims and prosecution witnesses from a point of charge to the conclusion of a case. Staffed by witness care officers and other support workers whose role it is to keep witnesses informed of progress during the course of their case. Units have often a combination of police and CPS staff (joint units).

If you ask us, we can provide a synopsis or complete version of this booklet in Braille, large print or in languages other than English.

For information or for more copies of this booklet, please contact our publications team on 020 7210 1197, or go to our website: www.hmcpai.gov.uk

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