

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

REPORT 3/04

MARCH 2004

CPS MERSEYSIDE



AREA OFFICE
Royal Liver Building, Liverpool

OTHER OFFICES
Birkenhead, Crosby, Smithdown Lane - Liverpool, Tithebarn House - Liverpool

MAGISTRATES' COURTS
Knowsley (Huyton), Liverpool, North Sefton District (Southport), St Helens
South Sefton District (Bootle), Wirral (Birkenhead and Wallasey)

CROWN COURTS
Liverpool

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PREFACE

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

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

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

The Government has initiated a range of measures to develop cohesion and better co-ordinated working arrangements amongst the criminal justice agencies so that the system overall can operate in a more holistic manner. Public Service Agreements between HM Treasury and the relevant Departments set out the expectations which the Government has of the CJS at national level. The framework within which the system is managed nationally has been substantially revised and that is reflected by the establishment in each of the 42 criminal justice areas of a Local Criminal Justice Board. During the second cycle of inspection, HMCPSI will place even greater emphasis on the effectiveness of CPS relationships with other criminal justice agencies and its contribution to the work of these new Boards. For this purpose, HMCPSI will also work closely with other criminal justice inspectorates.

Although the inspection process will continue to focus heavily on the quality of casework decision-making and casework handling, it will continue to extend to overall CPS performance. Consistently good casework is invariably underpinned by sound systems, good management and structured monitoring of performance. Although reports in our first cycle tended to address management and operational issues separately from casework, that fundamental linkage will now be reflected more fully through the EFQM-based inspection framework. Inspection teams comprise legal inspectors, business management inspectors and casework inspectors working closely together. HMCPSI also invites suitably informed members of the public, nominated by national organisations, to join the process as lay inspectors. These inspectors are unpaid volunteers who examine the way in which the CPS relates to the public, through its dealings with witnesses and victims, its external communication and liaison, its handling of complaints and the application of the public interest test contained in the Code for Crown Prosecutors.

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

The Inspectorate's reports identify strengths and aspects for improvement, draw attention to good practice and make recommendations in respect of those aspects of the performance which most need to be improved. During the second cycle of inspections, a database will be built up enabling comparisons to be drawn between performances of CPS Areas. The table of key performance indicators within this report makes such comparison with the aggregate data gathered from the first 15 inspections. HMCPSI points out the care which must still be undertaken if readers are minded to compare performance described in this report with the overall CPS performance in the *first* cycle. Although many of the key requirements remain and are tested by the same standard, the composition of the file sample has altered and this may make such comparisons unreliable. For that reason, no comparisons are made in this report with the first cycle.

1 INTRODUCTION

- 1.1 This is Her Majesty's Crown Prosecution Service Inspectorate's report about CPS Merseyside (the Area) which serves the area covered by the Merseyside Police. It has three offices, at Liverpool, Crosby and Birkenhead. The Area Headquarters (Secretariat) is based at the Liverpool office.
- 1.2 Area business is divided on functional lines between magistrates' courts and Crown Court work. The Area also has a co-located Street Crime Unit (the Robbery Unit) based in Liverpool dealing with all cases of this type. The Branches are as follows:

Unit	Location	Magistrates' Courts	Crown Court
Liverpool Branch (co-located with police)	Liverpool	Liverpool	
Mersey North Branch	Crosby	Bootle Huyton Southport St Helens	
Wirral Branch	Birkenhead	Birkenhead and Wallasey	
Crown Court Branch	Liverpool Crosby		Liverpool

- 1.3 The Area Management Team (AMT) includes the Chief Crown Prosecutor (CCP), Area Business Manager (ABM), and the four Branch Heads.
- 1.4 In September 2003, the Area employed the equivalent of 252.9 full-time staff. The Area Secretariat comprises the CCP, ABM and the full-time equivalent of 12.16 other staff. Details of staffing of the units is set out below:

Grade	Crown Court Branch	Robbery Unit	Liverpool Branch	Mersey North Branch	Wirral Branch
Level E	1	-	1	1	1
Level D	2	1	3	2	1
Level C lawyers	16.46	1.86	19.22	20.76	10.30
Level B3	1	-	-	-	-
Level B2 caseworkers	4.41	1	3	3	3
Level B1 caseworkers	39.59	3.16	2	3	1
Level A caseworkers	26.05	4.76	23.46	24.59	14.12
TOTAL	90.51	11.78	51.68	54.35	30.42

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

- 1.5 The latest national figures available are those to June 2003. For direct comparison, figures are therefore given for the year to that quarter. They are as follows:

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	2,227	4.7	4.8
Summary motoring	11,722	24.6	36.1
Other summary	10,654	22.4	19.1
Either way and indictable only	21,757	45.7	39.3
Other proceedings	1,281	2.7	0.6
TOTAL	47,641	100%	100%

- 1.6 Details of the Area's Crown Court finalised cases in the year to June 2003 are:

Crown Court finalised cases	Area numbers	Area % of total caseload	National % of total caseload
Indictable only	1,345	32.7	31.6
Either way offences	949	23.1	11.9
Appeals against conviction or sentence	1,160	28.2	32.0
Committals for sentence	663	16.1	24.4
TOTAL	4,117	100%	100%

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

Methodology and nature of the inspection

- 1.8 The inspection process is based on the inspection framework summarised at Annex 1. There are two types of inspection. A full inspection considers each aspect of Area performance within the framework. An intermediate inspection considers only those aspects which a risk assessment against the key elements of the inspection framework, and in particular the key performance results, indicates require attention. These key results are drawn from the Area's own performance data, and other performance data gathered within the local criminal justice area.
- 1.9 The scope of the inspection is also influenced by the length of time since performance was previously inspected. The assessment in respect of CPS Merseyside also drew on findings from the previous inspection of the Area, a report of which was published in May 2000. As a result of this risk assessment, it was determined that the inspection of CPS Merseyside should be a full one.
- 1.10 Our previous report made a total of 16 recommendations and ten suggestions, as well as identifying 17 aspects of good practice. In the course of this inspection, we have assessed the extent to which the recommendations and suggestions have been implemented and a synopsis is included at Annex 5.
- 1.11 Our methodology combined examination of 328 cases finalised between May and July 2003 and interviews with members of CPS staff at all levels, criminal law practitioners, local representatives of criminal justice agencies and community based groups. Our file sample was made up of magistrates' courts and Crown Court trials (whether acquittals or convictions), cracked and ineffective trials and some specific types of cases. A detailed breakdown of our file sample is shown at Annex 6. A list of individuals from whom we received comments is at Annex 7. The team carried out observations of the performance of advocates and the delivery of service at court in both the magistrates' courts and the Crown Court.
- 1.12 Inspectors visited the Area between 3 and 14 November 2003. The lay inspector for this inspection was Peter Anderson, who was originally nominated by the Witness Service. The role of the lay inspector is described in the Preface. The lay inspector examined files that had been the subject of complaints from members of the public and also considered letters written by CPS staff to victims following the reduction or discontinuance of a charge. He also visited some courts and had the opportunity to speak to some of the witnesses after they had given evidence. This was a valuable contribution to the inspection process. The views and findings of the lay inspector have been included in the report as a whole, rather than separately reported. He gave his time on a purely voluntary basis, and the Chief Inspector is grateful for his effort and assistance.
- 1.13 The purpose and aims of the Inspectorate are set out in Annex 8. A glossary of the terms used in this report is contained in Annex 9.

2 SUMMARY OF INSPECTION FINDINGS AND RECOMMENDATIONS

Casework and advocacy

- 2.1 Decision-making and continuing review are good, although there is scope for action to ensure that cases are not discontinued too readily, particularly in sensitive cases. We considered that CPS staff give added value to the preparation of cases but that they remain hampered by the poor quality and timeliness of police files for cases that proceed to trial, both in the magistrates' courts and in the Crown Court.
- 2.2 Sensitive cases, which include those involving domestic violence, child abuse, rape and youth defendants, are dealt with well with the help of a sufficient number of trained specialists to give advice. The Area has recognised that some cases involving racist incidents could have been handled better and have taken steps to address the weaknesses identified.
- 2.3 Some administrative processes cause delays, particularly in the linking of police papers and correspondence to the files.
- 2.4 The Area advocates that we observed in court were mostly competent in all respects and some even better. Two, however, appeared unprepared. Due mainly to the shortage of lawyers, the Area relies heavily on junior members of the Bar to act as agents in the prosecution of trials in the magistrates' courts. The Area does not have a structured system for monitoring its advocates, agents or counsel, and monitoring is infrequent.

Victims and witnesses

- 2.5 The Area has a particularly high profile in the service provided to witnesses and has a strong relationship with the Witness Service. The criminal justice agencies have agreed a strategy to deal with the non-attendance of witnesses, which has been identified as the main reason for the high ineffective trial rate.
- 2.6 The quality of letters sent under the Direct Communications with Victims initiative is good, being clear and informative and avoiding formulaic phrases. Although there is a high level of identification of appropriate cases, some room for improvement remains.

Performance management

- 2.7 Performance management is extremely robust. Key priorities, linked to the achievement of the objectives for the CJS at large, are clearly set out in the Area and Branch plans with the objectives and targets that staff are expected to achieve and with allocated responsibility. Quarterly reports from Branches to the AMT ensure that performance is monitored and appropriate adjustments are made.
- 2.8 The Casework Quality Assurance Scheme has been fully implemented and Area Champions identify issues to be addressed from the Inspectorate's thematic and joint reports. These also inform future decisions and priorities for the Area.

- 2.9 At the more strategic level, an effective hierarchy of groups is in place to support the Merseyside Criminal Justice Board (MCJB). Again a comprehensive regime is in place properly to manage performance of the criminal justice agencies together.

People management

- 2.10 At the moment, the Area has a shortage of lawyers which has affected its ability to function as effectively as it would wish. Staffing and organisational structure are regularly reviewed and changes made to meet demands.
- 2.11 Communication within the Area is satisfactory with effective use being made of new technology. The pressures of staff shortages and initiatives, introduced over the summer, have meant that some Branch and team meetings, an important mechanism for two-way feedback, have become infrequent.

Other aspects of management

- 2.12 The Area has good central systems and expertise to monitor and control its budget. The responsibility of the Heads of Branches as budget holders could now be developed. Its financial regimes allow the Area to assess resources, costs, future needs and outputs at any time.
- 2.13 The Area has positive relationships with its criminal justice partners and works particularly effectively with the Witness Service. It has played an important and effective role in the development of the MCJB and its supporting groups. Internally, the Area manages its resources well. It has successfully introduced Compass, the new case tracking and management system. There has been a high uptake of the system and most staff use information technology well.
- 2.14 The CCP and the ABM have given staff a clear vision and direction. There is a clear link from top level plans, through Area and Branch Plans to individual objectives. The Area's management and organisational structure are conducive to achieving its objectives, although the effectiveness of the co-located unit in Liverpool needs attention.
- 2.15 The Area, in common with others, has had to deal with complex changes over the last year, responding to requirements for the CPS as a whole. It has sometimes been difficult to co-ordinate the implementation of initiatives, but the Area has managed this well and is now piloting, in conjunction with the Business Improvement Division, more formal programme management arrangements.

Bringing offenders to justice

- 2.16 Figures for the percentage increase in the number of offenders being brought to justice show a significant upward trend. The target is 30,999 (or 5%) for 2003–04. The average figure for the year to September 2003 is 4.94% and the Area considers that it is well on the way to achieving the overall target.

- 2.17 A comprehensive “traffic light” report with appropriately identified categories is provided to the MCJB each month and milestones and action is agreed between the agencies for the following quarter. We consider that the Area has played a significant part in addressing those areas where it can have some effect.
- 2.18 The Area is reducing the number of committals that are discharged because they are not ready and uses an effective system to ensure that they are properly considered and re-instated if sufficient evidence becomes available.

Reducing ineffective trials

- 2.19 The percentage of ineffective trials in both the magistrates’ courts (36.8%) and in the Crown Court (26.5%) remains higher than the national averages (29.4% and 22.2% respectively). The MCJB keeps close watch on these figures and with the co-operation of all agencies the trend is slowly downwards. One of the main issues has been identified as the non-attendance of witnesses and we outline in our report the good work that is being done in this area. The greater use of proofs in absence (where a case proceeds even though the defendant is not present) supported by the courts, is expected to make considerable impact on the figures. The Area Performance Management Groups in each district (part of the MCJB structure, as to which see paragraph 7.11) have been tasked to identify the two main reasons for cases not proceeding and the local actions that should be taken.

Improving public confidence

- 2.20 The standard of the replies to complaints was very good showing that they are seriously considered. Timeliness of response has been generally good and a dip in performance in 2002-03 has been addressed successfully.
- 2.21 The Area is involved at all levels in groups within the CJS that include representatives of the minority ethnic community. It recognises, however, that it needs to engage more directly with individual groups in order to establish its own corporate identity.
- 2.22 The CCP has a high profile with the local media which, following training that has been given, could be better shared with other managers.

Value for money

- 2.23 With its high quality of decision-making, its regular reviews of deployment of staff, its effective control of the budget, and robust performance management, we consider that the Area gives good value for money.

Equality and diversity issues

- 2.24 The Equality and Diversity Action Plan is out of date and has not been very successful in driving a structured approach to these issues. This is being addressed with the help of focus groups involving all levels of staff. However, the Area has promoted equality and diversity in a number of ways.

Recommendations

- 2.25 We make recommendations about the steps necessary to address significant weaknesses relevant to important aspects of performance, which we consider to merit the highest priority.
- 2.26 We have made five recommendations to help improve the Area's performance.
1. Heads of the Magistrates' Courts Branches should implement a trial check sufficiently before the trial date for effective necessary action to be taken (paragraph 4.29).
 2. Heads of Branches should ensure the timely linking of and response to correspondence and police papers (paragraph 4.50).
 3. The AMT should ensure that the monitoring of in-house prosecutors, agents and counsel is structured and more frequent (paragraph 5.4).
 4. The AMT should develop and implement a clear policy and strategy for community engagement (paragraph 12.14).
 5. The CCP together with the managers of the CJU/MCU should take urgent action to improve the efficiency and effectiveness of the Liverpool Co-located Unit (paragraph 13.15).

3 KEY PERFORMANCE RESULTS

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

CPS PERFORMANCE	National Target 2002-2003	National Performance Cycle to date*	Area Target 2002-2003	Area Performance
MAGISTRATES' AND YOUTH COURT CASEWORK				
Advice				
Decisions complying with evidential test in the Code ¹	-	98.3%	-	100%
Decisions complying with public interest test in the Code ¹	-	96%	-	100%
First Review				
Decisions to proceed at first review complying with the evidential test ¹	-	98.2%	-	100%
Decisions to proceed at first review complying with public interest test ¹		99.8%	-	100%
Requests for additional evidence/information made appropriately at first review ¹		78.2%	-	88.8%
Discontinuance				
Discontinuance rate of completed cases (CPS figure)	-	12.6%	-	11.5%
Discontinued cases with timely discontinuances ¹	-	73.7%	-	87.3%
Decisions to discontinue complying with the evidential test ¹	-	92%	-	88.9%
Decisions to discontinue complying with the public interest test ¹	-	98.4%	-	90.6%
Discontinued cases where all reasonable steps had been taken to request additional evidence/information ¹	-	87.1%	-	88.9%
Level of charge				
Charges that required amendment and were amended in a timely manner ¹		72.7%		89.3%
Cases that proceeded to trial or guilty plea on the correct level of charge ¹		96.8%		98.9%
Cracked and ineffective summary trials				
Cracked trials as recorded by CPS and magistrates' courts JPM	-	(Apr – Jun 03) 37.9%	-	(Apr - Jun 03) 40.6%
Cracked trials in file sample that could have been avoided by CPS action ¹	-	22.4%	-	2 out of 17
Ineffective trials as recorded by CPS and magistrates' courts JPM	-	(Apr – Jun 03) 29.4%	-	(Apr – Jun 03) 36.8%
Ineffective trials in the file sample that could have been avoided by CPS action		- ⁴		1 out of 6
Summary trial				
Acquittal rate in magistrates' courts (% of finalisations) – CPS figure	-	1.8%	-	1.5%
Decisions to proceed to trial complying with the evidential test ¹	-	94.8%	-	100%
Decisions to proceed to summary trial complying with the public interest test ¹	-	99.5%	-	100%
Cases with timely summary trial review ¹	-	77.3%	-	95.5%
Requests for additional evidence/information made appropriately at summary trial review ¹	-	72.5%	-	95.2%
No case to answers where outcome was foreseeable, and CPS could have done more to avoid outcome ¹	-	51.3%	-	1 out of 4

CPS PERFORMANCE	National Target 2002-2003	National Performance Cycle to date*	Area Target 2002-2003	Area Performance
CROWN COURT CASEWORK				
Committal and service of prosecution papers				
Cases with timely review before committal, or service of prosecution case in "sent" cases ¹	-	80.3%	-	67.2%
Decisions to proceed at committal/service of prosecution papers stage complying with evidential test in the Code for Crown Prosecutors ¹	-	96.3%	-	100%
Decisions to proceed at committal/service of prosecution papers stage complying with public interest test in the Code for Crown Prosecutors ¹	-	99.8%	-	100%
Requests for additional evidence/information made appropriately at committal/service of prosecution case review ¹	-	87.9%	-	95.7%
Timely and correct continuing review after committal	-	83.4%	-	100%
Cases with timely service of committal papers on defence	80%	79.2% 86.8% ³	87%	62.7% ¹ 86% ²
Cases with timely delivery of instructions to counsel	84%	84.3% 85.9% ³	91%	76.9% ¹ 93% ²
Instructions to counsel that were satisfactory ¹	-	62.7%	-	86.6%
Cracked and ineffective trials				
Cracked trials as recorded by CPS and Crown Court JPM	-	(Apr – Oct 03) 38%	-	(Apr – Oct 03) 40.3%
Cracked trials that could have been avoided by CPS action ¹	-	23.4%	-	0 out of 17
Ineffective trials as recorded by CPS and Crown Court JPM	-	(Apr – Oct 03) 22.2%	-	(Apr – Oct 03) 26.5%
Ineffective trials where action by CPS could have avoided an adjournment ¹	-	- ⁴	-	-
Level of charge				
Charges that required amendment and were amended in a timely manner ¹		85.6%		94.1%
Indictments that required amendment ¹		27.9%		9%
Cases that proceeded to trial or guilty plea on the correct level of charge ¹		97.9%		100%
Judge ordered and judge directed acquittals				
JOA/JDAs where outcome was foreseeable, and CPS could have done more to avoid outcome ¹	-	20.7%	-	12.5%
Trials				
Acquittal rate in Crown Court (% of all finalisations excluding JOA, appeals/committals for sentence and warrant write-offs) ²	-	10.1%	-	12.3%
NARROWING THE JUSTICE GAP				
Percentage brought to justice against the baseline for 01/2002 as recorded by JPIT		+4.5% (as of June 03)		+6.03%

¹ as assessed by HMCPSI from examination of the file sample during inspection self-assessment by Area

² nationally collated figure based on Area self-assessment returns

⁴ insufficient numbers of files to provide reliable data

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

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

CPS PERFORMANCE	National Target 2002-2003	National Performance Cycle to date*	Area Target 2002-2003	Area Performance
MAGISTRATES' AND YOUTH COURT CASEWORK				
Disclosure				
Cases where primary disclosure properly handled ¹		72.8%		77.3%
Cases where secondary disclosure properly handled ¹		60%		% 2 out of 2
Witness care				
Trials where appropriate use made of S9 CJA 1967 ¹		97.7%		100%
Trials where appropriate use made of the witness care measures ¹		83.3%		100%
CROWN COURT CASEWORK				
Disclosure				
Cases where primary disclosure properly handled ¹		85.9%		94%
Cases where secondary disclosure properly handled ¹		59.8%		61.9%
Witness care				
Trials where appropriate use made of witness phasing/standby ¹		85%		66.7%
Trials where appropriate use made of the witness care measures ¹		91%		100%
MAGISTRATES' COURTS AND CROWN COURT				
Custody time limits				
Cases in sample where expiry dates accurately calculated	-	92.5%	-	94.7%
OTHER ISSUES				
Payment of witness expenses				
Payment of witness expenses within 10 days of receipt of claim ²	100%	99.3%	100%	99.7%
Handling of complaints				
Complaints replied to within 10 days ²	94%	85.4%	100%	100%
Citizens charter commitment				
MPs correspondence replied to within 15 days ²	100%	91.8%	100%	66.7%
Improving productivity				
Reduce sick absence rate per member of staff	10.6 days (2001)	8.5 days (2001)	8.5 days (2001)	8.8 days (2001)
OTHER ASPECTS OF CPS PERFORMANCE				
CJS Youth Justice Performance Measures (shared between Home Office, Department of Constitutional Affairs (formerly LCD) and CPS)				
To halve time from arrest to sentence for persistent young offenders from 142 to 71 days by 31 March 2002	71 days	65 days (Jun-Aug 03)	71 days	77 days (Jun-Aug 03)

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

² self-assessment by Area

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

Commentary

Advice to police

- 3.1 The rate of advice in the Area was 4.7%, which is similar to the national average. This figure was before any shadow charging arrangements were in place and can be expected to rise.
- 3.2 All written pre-charge advice to the police in our sample accorded with the Code principles for both the evidential and the public interest tests.

Quality of decision-making

- 3.3 The quality of decision-making is very good in most respects. We considered that the Code principles were properly applied in all cases except in the sample of discontinued cases, which we mention below. This is a considerable achievement when set in the context of poor quality and timeliness of files and the seriousness of many cases. The Area deals with comparatively few simple motoring cases (24.6% compared with the national average of 36.1%) but the percentage of either-way and indictable cases is 45.7% compared with the average of 39.3%.

Continuing review

- 3.4 Continuing review is important as files tend to be received piecemeal. The figures show that the lawyers pro-actively seek further information where necessary and the files show persistence in this respect. Full files are frequently not available in time for pre-trial review in the magistrates' courts and trials are then listed some four to five months ahead. Not all magistrates' courts' files are systematically checked near the trial date and we have recommended that they should be.

Discontinuance

- 3.5 The Area's discontinuance rate is 10% (against the national average of 12.9%). Although the initial decisions to proceed or not were correct, where cases did proceed and were later dropped, we considered that these decisions accorded with the evidential test in 48 out of the 54 cases (88.9%). It is significant that four of those that we considered should not have been dropped were in the sensitive categories of domestic violence or racist incidents. The public interest test was properly applied in 29 out of the 32 relevant cases (90.6%).

Persistent young offenders

- 3.6 The Area's performance slipped over the year reaching 88 days in April-June 2003. Investigations were made and the reasons identified. The local criminal justice Performance Manager will be assisting the Youth Justice Steering Group and the local case progression groups to achieve and, importantly, maintain this figure within the 71-day target. The figure of 66 days in September is a welcome indication that this can be achieved.

Persistent offenders

- 3.7 The figures are not available to measure the progress towards the 6% target for increasing the number of persistent offenders being brought to justice. There have been some difficulties in ensuring that the necessary data is inputted and there has been a significant backlog so that figures are unreliable. Nevertheless, such defendants are identified and pursued with particular care

Adverse outcomes

- 3.8 The percentage of cases not proceeded with in the Crown Court (17.3%) and judge directed acquittals (2.8%) as well as where there was no case to answer in the magistrates' courts (0.3%) are all slightly higher than the national average (14.2%, 2.1% and 0.2% respectively). However, we found that there was a proper application of the principles of the Code in all 66 cases that we examined. We found that the Area could have done more to avoid the adverse outcome in three of the 14 cases where this was foreseeable, a figure considerably better than the average in the cycle to date.
- 3.9 Reports on these cases are completed, analysed and discussed on teams and with individuals, but more could be done to share the lessons across the Area.

Disclosure

- 3.10 Although there is room for further improvement, the Area's performance in both the magistrates' courts and the Crown Court for all aspects of the disclosure regime is above the average of the other Areas in the cycle to date.

4 CASEWORK

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

Overview

- 4.1 Merseyside CPS has a programme for the establishment of units that are co-located with the police following the recommendation in the Review of the CPS by Sir Ian Glidewell. The Liverpool Unit and a Street Crime (Robbery) Unit are set up. The latter has been successful in improving processes and delivering key performance but urgent work is still needed in the Liverpool Unit to achieve the full benefits of co-location.
- 4.2 Shadow charging arrangements, implementing the recommendation of the Auld Review, have been slow. One pilot scheme is in place but due to present shortages of staff, some others may be delayed.
- 4.3 Our figures show that decision-making and continuing review are good, although some cases may be discontinued too readily, particularly sensitive cases. We considered that CPS staff give added value to the preparation of cases but that they remain hampered by the poor quality and timeliness of full files prepared by the police.
- 4.4 Work is being done with the magistrates' courts to improve the effective trial rate. As trial hearings are listed some four to five months ahead, this could be helped by a check near the date of the hearing in all cases to ensure that all necessary work has been carried out.
- 4.5 Sensitive cases, which include those involving domestic violence, child abuse, rape and youth defendants are generally dealt with well with the help of a sufficient number of trained specialists to give advice. The Area has recognised that some cases involving racist incidents could have been handled better and have taken steps to address the shortcomings.
- 4.6 Some administrative processes cause delays particularly in the linking of police papers and correspondence to the files.

Advice to police

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

- 4.7 It should be noted that the new pre-charge advice arrangements had not been introduced in the period covered by our sample. We found that advice was appropriately requested in 25 out of the 27 advice cases that we examined. There is no advice protocol but police supervisors filter requests, a practice that will continue with the shadow charging initiative.

- 4.8 The Code tests were correctly applied in all cases. Advice was in time in 22 out of the 27 cases (81.5%). Three of the late advices were from the Crown Court Branch but we were also told that the quality of advice was particularly good in major crime cases and undercover operations. In each Branch there are specialist lawyers who can advise in sensitive cases requiring specialist knowledge of the law and procedures.
- 4.9 Team leaders monitor the quality of advice in the quality assurance checks.
- 4.10 The first of the shadow charging arrangements started in the Wirral in mid November 2003. Planning for further sites has been satisfactory and the implementation group has included representatives from all the Branches so that lessons from the first pilot will be applied to future plans. There are agreements for two further units to start in the New Year but CPS managers are concerned that accommodation and staffing shortages restrict the Area's ability to implement the initiative Area-wide.

Cases ready to proceed at first date of hearing

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

- 4.11 First appearance files are provided in time for review in most cases and the quality of these files is generally sufficient for this first hearing. In March 2003 the police introduced an initiative "Getting it right first time" which gave guidance, supported by presentations, to all relevant police staff with a view to improving the quality and timeliness of police files. Her Majesty's Inspectorate of Constabulary (HMIC) reported on Merseyside in 2003. At Chapter 4 the report deals with the police performance and remarks that "[the Inspector] was disappointed to find a general lack of awareness of front line officers of this project" and that "any benefits ... may be short lived ... unless they are constantly reinforced" Improvement was seen, but the provision of files that are sufficient to proceed, and in time, still needs considerable attention. It is a priority which is included in the MCJB's Ineffective Trials Plan.
- 4.12 Advance information is available for defence solicitors at the first hearing in most cases and a record is normally kept of documents served.
- 4.13 The Code tests were properly applied in all 115 cases that we examined and, where necessary, further information was immediately sought in 48 out of 54 (88.9%) of the relevant cases. The supply of this information is patchy. Pro-active review achieves little if the police do not respond to memos.
- 4.14 The lawyers at court are assisted by good review endorsement. The consideration of evidential sufficiency was fully recorded in 98 out of 115 cases (85.2%) and of the public interest in 102 out of 115 (88.7%). Mode of trial considerations were shown in 90% of relevant cases.

Bail/custody applications

STANDARD: JOINT CPS/POLICE PROCESSES ENSURE APPROPRIATELY INFORMED BAIL/CUSTODY APPLICATIONS ARE MADE AND THAT CASEWORK DECISIONS REFLECT THE GENERAL DUTY UNDER THE RACE EQUALITY SCHEME

- 4.15 Representations in applications for bail or custody both in the magistrates' courts and in the Crown Court are generally reasonable and supported by relevant evidence and information.
- 4.16 However, the Criminal Justice Intervention Programme, which by individual intervention provides a beginning-to-end support system for dealing with drug-misusing offenders, has got off to a slow start. Lawyers making representations about bail or custody or prosecuting at sentencing hearings often do not have the necessary information about the defendant's drug use. The issue was raised in the Joint Agency Group Meeting and the supply of information has improved.

Discontinuances in magistrates' courts

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

- 4.17 The Area's discontinuance rate is 10%, compared with the national average of 12.9%. In six cases we considered that further information should have been sought before the final decision to drop was made, thus possibly avoiding discontinuance. We also considered that the decision accorded with the evidential test of the Code in 48 out of 54 cases (88.9%). It is significant that four of those that we considered should not have been dropped were in the sensitive categories of domestic violence or racist incidents.
- 4.18 The cases were dropped at earliest opportunity in 48 out of 55 cases (87.3%) although this could often be after a number of hearings whilst evidence or information that had been requested was awaited.
- 4.19 Police were fully consulted in 42 out of 55 cases (76.4%). The police told us, however, that sometimes there is not enough time allowed for effective discussion.
- 4.20 Where charges are discontinued, the CPS should write to the victim to explain the reasons for the decision. The victim was so informed in 31 out of the 36 relevant cases (86.1%) that we examined. The Area continues to seek to improve its performance.

Summary trial preparation

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

- 4.21 The effectiveness and timeliness of preparation for summary trial by CPS staff depends to a large extent on the timely receipt of an adequate file of evidence from the police. We saw little improvement since we last inspected the Area three years ago. Although timeliness has been a police priority and has slightly improved, in June 2003 (which reflects performance generally) only 34.1% were received in the guideline time and had sufficient evidence to proceed to trial. Only 16.6% were fully satisfactory.

- 4.22 In the HMIC report, Her Majesty's Inspector "was not convinced that most front line officers, together with some supervisors, had been provided with the skills and direction to undertake case file preparation to the standard required" and recommended that the police undertake a review of its current levels of training. He also recommended that real organisational and cultural change should occur to "revitalise" and "deliver significant improvement to the quality of police inputs to the criminal justice system".
- 4.23 The Area must also play its part to assist this process. Early requests for the full summary trial file are important. According to the file endorsement, 25 out of 39 requests (64.1%) were made within 24 hours and most were within 48 hours, which is the Area standard that takes account of the time to return files from the outlying courts. The police, however, said that the requests were often later, which might be explained by delays in the administrative sections of both agencies in sending them out or getting them to the relevant person.
- 4.24 Pre-trial reviews (PTRs) have generally been considered less effective than they could be, often because the full file was received so late and so many have insufficient evidence that there is not time for lawyers to review the files and take necessary action. In particular, records of taped interviews and CCTV evidence are often not available.
- 4.25 In our file sample further evidence was needed after the supposedly full file was received in 21 out of 45 (46.7%) cases. Lawyers made appropriate requests for the evidence that was needed in all but one case. We were told and we saw from our file sample that there was frequently no response or response was late. Evidence appeared piecemeal which meant that time was taken linking numerous papers to the files and the evidence had to be reviewed several times.
- 4.26 Where practicable, experienced prosecutors deal with these hearings so that as much progress as possible is made.
- 4.27 Magistrates' courts are now monitoring the effectiveness of PTRs. The initiative started as we were visiting the Area. Although consultation was carried out through the Performance Management Group (PMG), we found that many lawyers were not aware of it. The effectiveness of the PTR will be compared to the effectiveness of the subsequent trial. Some PTR courts can be very long, reducing the time for effective consideration. The aim is to restrict them to no more than 15 cases.
- 4.28 Despite these difficulties we found that the initial preparation of trials was good and clearly recorded on a consistent Area-wide form. The list of witnesses to be warned was sent to the police in time in all but one of the 41 relevant cases. The evidence of police officers is often served under the provisions of section 9, Criminal Justice Act 1967 so that the witness' statement can be read rather than live evidence being given. The defence have seven days to respond if they require the attendance at trial of the witness. This response is frequently received late or not at all, resulting in the need to call the witness unnecessarily, which is a waste of police resources. A more robust application of these provisions by the CPS and the courts might be discussed.

- 4.29 Although there may occasionally be a further PTR, cases are usually adjourned straight to the trial date. At the moment these dates are four to five months ahead. Taken the difficulties described above, it is essential that a check be made nearer the date of the trial that all is ready and that the witnesses are still willing and able to attend court. This trial check 14 days before the trial is made in Street Crime Unit and for persistent offenders' files but not otherwise. The AMT has considered the introduction of such a check but as yet has not implemented a system.

RECOMMENDATION

Heads of the Magistrates' Courts Branches should implement a trial check sufficiently before the trial date for effective necessary action to be taken.

Committal and Crown Court case preparation

STANDARD: AREA PROCESSES FOR CASES "SENT" OR COMMITTED FOR TRIAL TO THE CROWN COURT ENSURE THAT:

- A) SERVICE OF THE PROSECUTION CASE ON THE DEFENCE TAKES PLACE WITHIN AGREED TIME PERIODS BEFORE COMMITTAL/PDH;**
- B) PROSECUTION HAS TAKEN ALL NECESSARY STEPS TO MAKE THE PDH AND TRIAL DATE EFFECTIVE; AND**
- C) PROSECUTOR IS FULLY INSTRUCTED**

- 4.30 Where a case is to be committed to the Crown Court, the police are requested to provide a full file of evidence, which is then served on the defence. If the papers are not received or prepared in time for the committal hearing (or adjourned hearing), the prosecution has to offer no evidence and the defendant is discharged. The CPS must then decide whether to re-instate the case. During the period from January to March there were 124 cases which were discharged because the prosecution was not ready. In April to June the number had reduced to 73. The procedures agreed with the police for re-instatement of these cases are in place and it is clear that the CPS follow up most of them.
- 4.31 An exception may be where the offence to be committed is discharged but summary offences on the same file proceed. We saw three examples of this, where the committal offences did not appear to have been considered for re-instatement, although the Area tells us that they are normally so reviewed.
- 4.32 The police are informed of the further work that is required before the case can be considered for re-instatement. There often seems to be no response from the police so that these cases are not concluded. It has now been agreed that 28 days will be given for work to be done, after which the case will be considered for closure if there is no prospect of obtaining the necessary additional evidence. These cases can involve serious offences. Failure to supply the necessary evidence is taken up with the area Commanders.

- 4.33 If a case is not re-instated, it is important that the victim is so informed as soon as that decision is made. The Area told us that the point is not covered by the national scheme and thus the Area systems did not routinely provide for this. In fact it is covered in the summary in the guidance at paragraph 5. The Area should ensure that has adequate systems to capture these cases and that the victim is informed of the decision quickly.
- 4.34 It is notable that Street Crime Unit had no committals discharged because the prosecution was not ready.
- 4.35 We examined 67 committal files. The Code tests were properly applied and the case proceeded on the correct level of charge in all. We found that the indictments and brief to counsel were consistently well prepared and significantly better than those in the cycle to date. Amendments to the indictment were required in only six cases (9% compared to the average of 27.9% in the cycle to date), and these were merely for minor cosmetic errors or to accommodate pleas offered by the defence. The quality of the instructions to counsel was good with an adequate summary and analysis of evidence in 61 (91%) of the cases. We note that the Area in its “health check” of 83 Crown Court cases over the summer considered that appropriate instructions about the acceptability of mixed pleas were included when relevant. In contrast our assessment was that this was included in only 27 out of 42 relevant cases (64.3%), although these considerations were sometimes shown elsewhere on the file. Overall we considered the quality of instructions to counsel to be satisfactory or better in 58 of the 67 cases (86.6% compared with 62.7% in the cycle to date); seven were unsatisfactory in some respects and one was inadequate.
- 4.36 The timeliness of preparation of committals remains an issue mainly because the full file is received late and piecemeal. Once a case is to be committed it is sent to the Crown Court Branch who request the full file. It was not always clear when this request was made. We found that 38 out of 54 requests (70.4%) were made within 24 hours of the decision to commit and most were within a few days.
- 4.37 Area performance measures show that committal papers were served on the defence in time in 83.7% of cases against a target of 87%. Our assessment was that only 42 out of the 67 cases (62.7%) were served in time although we accept that it was sometimes difficult for us to tell from the files when all the necessary papers had been received. Once prepared in the Crown Court Branch, the papers are routinely returned to the Magistrates’ Courts Branches for service on the day of the committal, although in some cases they could have been served before and might have avoided unnecessary adjournments. In 17 out of 61 relevant cases (27.9%) the committal hearing had to be adjourned because no papers had been served.

Strengths

- * Indictments and instructions to counsel were consistently well prepared.

Disclosure of unused material

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

- 4.38 In the magistrates' courts primary disclosure was dealt with properly and in time in 34 out of 44 cases (77.3%) compared with 69.6% in the cycle to date. The primary disclosure letters are produced and dated electronically are sometimes sent on a later date. We saw one example of a delay of 15 days. The timing of the defence statement depends on the date of service of primary disclosure and so the date should be accurate. Sensitive material in the magistrates' courts is usually rare but we saw three cases and two of these were dealt with properly. Only two defence statements were served and secondary disclosure was dealt with properly and in time in both cases.
- 4.39 In the Crown Court, primary disclosure was properly handled in 63 out of 67 cases (94%) compared with 85.5% in the cycle to date. Secondary disclosure was dealt with correctly in 26 out of 42 relevant cases (61.9%) compared with 54.7%. The defence statement was always sent to the police immediately but often lack of a timely response resulted in late disclosure and adjournments. We understand that the Area has now implemented an action dating system so that the police response is chased and secondary disclosure should be improved.

Sensitive cases

STANDARD: SENSITIVE CASES (RACE CRIME, DOMESTIC VIOLENCE, CHILD ABUSE/ CHILD WITNESS, RAPE, FATAL ROAD TRAFFIC OFFENCES, HOMOPHOBIC ATTACKS) ARE DEALT WITH IN A TIMELY WAY IN ACCORDANCE WITH CPS POLICY AND IN A MANNER WHICH IS FREE FROM BIAS AND DISCRIMINATION

- 4.40 In all Branches, the file jacket was often not marked indicating the sensitive nature of the case. They were marked in racist incident cases on only 57.1% of files, in domestic violence cases on 52.3% of files and in child abuse cases on 43.6% of files. There is a risk if files are not properly marked that they will not always receive the proper specialist attention that they require and they will not all be picked up for monitoring.
- 4.41 We examined 17 files that involved a racist incident. Overall, we found that the Area was below average in dealing with these cases in that there was a higher than average rate of unsuccessful outcomes, inappropriate charge reduction and inappropriate discontinuance. We found that 60% of the cases could have been handled better.
- 4.42 Most of the cases were from Liverpool. The Area had already recognised that it needed to improve the way in which it dealt with these cases and the racist incident specialist now reviews and handles all these cases. In Liverpool there is a monthly meeting with the police and the Chair of the Liverpool Against Racial Attacks and Harassment Group to discuss these cases and the processes

- 4.43 Lawyers were persistent in applying CPS policy for cases involving domestic violence, supported by the judges in both the magistrates' courts and the Crown Court. They normally properly considered whether a witness summons should be obtained for a reluctant witness. The standard of police files and their consideration of cases involving domestic violence reflected whether the police specialist unit had been involved. Those prepared by other officers sometimes made it difficult for lawyers to anticipate problems and deal with them effectively at an early stage.
- 4.44 A comprehensive training programme for domestic violence has included most prosecutors, designated caseworkers, police specialists and some new custody officers. Further training is planned for the police and Area caseworkers. Co-ordinators have full involvement with local organisations.
- 4.45 National policy on child abuse cases is followed and specialist lawyers deal with them. Nearly all these cases are dealt with by the Crown Court Branch lawyers.
- 4.46 Rape cases are also dealt with by specialists both in their preparation and by appointment of specialist counsel. Although the recommendations of HMCPSI and HMIC's Joint Inspection into the Investigation and Prosecution of Cases involving Allegations of Rape have been considered, not all have been fully implemented, in particular a standard paragraph is not routinely included in the instructions to counsel requesting a written report in case involving an allegation of rape which results in an acquittal and clear instructions were not being given to counsel that offensive and seemingly irrelevant questioning should be challenged.
- 4.47 Cases involving youths are well handled by trained lawyers. The Area's achievement of the Government's target of 71 days from arrest to sentence for persistent young offenders has been variable. This year saw a steady rise in the figures to a peak of 88 days in the quarter to June 2003. The reasons were investigated and identified and with the co-operation of all agencies, the figures have now reduced to 66 days in September 2003.

Strengths

- * Domestic violence cases are consistently well-handled with widespread training and in co-operation with other agencies.

Aspects for improvement

- * All sensitive files should be appropriately and consistently marked on the file jacket.

File/message handling

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

- 4.48 There are problems throughout the Area in linking correspondence and papers to files, although less so in Mersey North Branch. There are Branch targets of one or two days to link post. Managers monitor the amount of outstanding post in all Branches, although monitoring is not consistent and in some Branches appears to have little effect in improving the position.
- 4.49 The drip feeding of files by the police and the fact that defence solicitors often send letters by both post and fax increase the need for file handling so fuelling further delays.
- 4.50 The introduction of the new computer system has also slowed down the process of linking post for the time being as the old and new system are being operated in tandem until all cases have been transferred to the new system.

RECOMMENDATION

Heads of Branches should ensure the timely linking of and response to correspondence and police papers.

Custody time limits

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

- 4.51 Our previous inspection report recommended that the Area examine its custody time limit (CTL) system to ensure it was in line with national guidance. It was evident that this had been done. However, two failures were reported to CPS Headquarters in the last year, but neither resulted in the release of the prisoner.
- 4.52 We examined 25 cases, ten of which were Crown Court cases. The expiry dates had been correctly calculated in all but two.
- 4.53 The standard of CTLs endorsements on the files was variable. Some files did not have a clear marker to show that a CTL applied or, if it was marked, it did not stand out. We found that CTLs were not always registered in the monitoring system at the earliest opportunity.
- 4.54 The written system has been updated to incorporate the new national guidance, but after consideration by the AMT some points were omitted. The Area had taken steps towards agreeing the CTL expiry date with the court, which is recommended in the guidance but often it was not clear from the file that this was happening. The Area explained that some legal advisors were reluctant to give effect to this arrangement.

- 4.55 There are good management checks on the monitoring system. The CCP requires monthly reports from Branch managers detailing any areas for improvement and remedial action that might have been necessary.

National Probation Service and Youth Offending Teams

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

- 4.56 We were told that performance in relation to preparation and provision of information packages for the Probation Service and Youth Offending Teams is good although, through lack of consistent endorsement, the file sample did not show this. An updated Service Level Agreement is in the final draft stage.

Appeal and committal for sentence processes

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

- 4.57 The Crown Court Branch experiences some difficulties when the other Branches fail to send these cases in good time. There is a form which should give the necessary information about the hearing in the magistrates' courts, but this is often not completed. Many of the hearings are prosecuted by the Higher Court Advocates (HCAs). We were told that they were extremely competent being well prepared and able to present the cases with clarity.

Appeals against unduly lenient sentences

STANDARD: SUBMISSIONS TO THE ATTORNEY GENERAL OF POTENTIAL REFERENCES TO THE COURT OF APPEAL AGAINST UNDULY LENIENT SENTENCES ARE MADE IN ACCORDANCE WITH CPS POLICY AND CURRENT SENTENCING GUIDELINES, AND ARE FREE FROM BIAS AND DISCRIMINATION

- 4.58 Submissions are properly considered and prepared within the very strict time limits allowed. Counsel's opinion is sought when appropriate. Where the victim, either directly or through another, raises a question about the sentence imposed, he or she is informed of the outcome of any decision and the right to contact the Attorney General directly.

Recording of case outcomes

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

- 4.59 Some Branches had significant backlogs in updating files after court mainly as a result of co-location and the introduction of Compass. Efforts were being made to prioritise this work but delays were affecting the timely transfer of files to the Crown Court Branch so curtailing the time it had to prepare committal and sent cases.

- 4.60 The correct finalisation of cases is spot checked in most Branches and Crown Court Branch managers check all finalised cases.
- 4.61 Seven out of the 15 cases supposedly discontinued that were sent to us from the Liverpool MCU were wrongly categorised. This may indicate a training need.

Information on operational and legal issues

STANDARD: INFORMATION ON OPERATIONAL AND LEGAL ISSUES IS EFFICIENTLY AND EFFECTIVELY DISSEMINATED

- 4.62 Legal issues are often discussed in team meetings and guidance given to lawyers in one Branch will sometimes be shared with others. Regular résumés of cases and articles from legal journals compiled by other Areas are available to staff.

Learning points

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

- 4.63 We are satisfied that the system for analysing adverse cases is effective. Each Branch compiles a monthly report and the issues are discussed both in the Branch and in the AMT. Individuals are given both negative and positive feedback. More could be done, however, to share the lessons learned across the Area systematically.

5 ADVOCACY AND QUALITY OF SERVICE DELIVERY

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

Overview

- 5.1 The Area prosecutors that we observed in court were mostly competent in all respects and some even better. Two, however, appeared unprepared. Due mainly to the shortage of lawyers, the Area relies heavily on junior members of the Bar to act as agents in the prosecution of trials in the magistrates' courts. The Area does not have a structured system for monitoring its advocates, its agents or counsel and monitoring is infrequent.

Advocacy standards and monitoring

STANDARD: SELECTION AND MONITORING OF ADVOCATES IN MAGISTRATES' COURTS AND THE CROWN COURT ENSURES CASES ARE PRESENTED TO A HIGH STANDARD AND IN A MANNER WHICH IS FREE FROM BIAS AND DISCRIMINATION, AND THAT SELECTION OF ADVOCATES COMPLIES WITH CPS GENERAL DUTY UNDER THE RACE RELATIONS (AMENDMENT) ACT 2000

- 5.2 We observed a total of 23 advocates in the magistrates' courts and the Crown Court. Of the 17 Area advocates that we observed, 15 were at least competent in all respects and some were even better, however, two needed improvement. Of the six agents and counsel observed, all were competent in all respects and one was particularly good.
- 5.3 The evidence from other sources indicated that the standard of prosecutors was satisfactory but there were concerns about the quality of agents which was compounded by the high usage to prosecute adult trials (90%) and the absence of any management and monitoring of the service provided. The use of agents to prosecute the majority of trials may also deskill in-house advocates.
- 5.4 There is little advocacy monitoring in the magistrates' courts other than probationary staff and new agents. In rape cases, structured monitoring of counsel occurs but in other cases monitoring of performance of counsel is undertaken by caseworkers to a lesser degree. The Street Crime Unit use a preferred set to instruct counsel which has improved the quality of service provided. There is no monitoring of HCAs and CPS prosecutors in the Crown Court.

RECOMMENDATION

The AMT should ensure that the monitoring of in-house prosecutors, agents and counsel is structured and more frequent.

Court endorsements

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

- 5.5 The quality of court endorsements was satisfactory in the magistrates' courts. From our examination of files we found that they were accurate and thorough in 41 of 48 cases (85.4%). In the Crown Court performance was much better: in 64 of 67 cases (95.5%) endorsement was accurate and thorough enabling timely actions to be taken.

Court preparation

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

- 5.6 The prosecutors at court are assisted by good review endorsements. However, we observed several instances where there was either no file in court or service of committal papers was at the hearing, preventing efficient progression of cases. The lateness and quality of police files clearly hampered preparation.
- 5.7 The use of a vetting team at the Liverpool Branch was recently introduced to overcome the particular problems arising out of staff shortages. The Area should regularly evaluate the effectiveness of the system. Many cases in Liverpool were not progressed as files spent a large proportion of time between hearings being moved between the two administrative systems albeit they are on the same floor. Additional problems were caused when the single file could not be traced.
- 5.8 There is effective use of designated caseworkers (DCWs), although in Liverpool, cases are not always distributed evenly throughout the week; we found that when they were not fully engaged on advocacy, they were assigned to other duties. Staff shortages have also resulted in a reduced use of the HCAs in the Crown Court and no further lawyers are to be trained in the current tranche, in order to allow current post-holders to consolidate their skills.

Attendance at court

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

- 5.9 We were satisfied that prosecutors attend court in time to deal with issues before the court commences. Prosecutors used the retirement of magistrates during the proceedings effectively by reviewing new cases.
- 5.10 Caseworker coverage in the Crown court is normally on a 1:1 ratio enabling good levels of support to be provided to counsel and witnesses. Performance of caseworkers is monitored and feedback given. A duty lawyer scheme is in place and typist support is also provided on a daily basis.
- 5.11 Level A caseworkers attend Wirral Magistrates' Court to provide support to the lawyers. This enhances their personal development, but the Area should consider using this opportunity to improve case management and minimise backlogs by using the IT terminal on site to register and update cases.

Aspects for improvement

- * Caseworkers in court could make more effective use of the computer terminals at court to deal immediately with urgent matters.

Accommodation

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

- 5.12 Our timetable did not permit us to observe every magistrates' court in the Area, but we were not told of any particular difficulty for the CPS.
- 5.13 There is an adequate and secure room for the CPS at Liverpool Crown Court, although some deficiencies have been highlighted in a recent health and safety report and the door must remain shut as the room adjoins the busy Witness Service suite.
- 5.14 The facilities at Wirral Magistrates' Court are satisfactory and recent improvements at Liverpool Magistrates' Court have resulted in a spacious and well equipped area in which to conduct business.

6 VICTIMS AND WITNESSES

KEY REQUIREMENTS:

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

- 6.1 The Area has a particularly high profile in the service provided to witnesses and has a strong relationship with the Witness Service. It has been fully involved in arranging three conferences for witnesses and took the lead in producing the leaflet for witnesses attending court. The non-attendance of witnesses has been identified as the main reason for the high ineffective trial rate and the Area, together with the other criminal justice agencies, have agreed a strategy to deal with this. Plans for the future include a joint CPS/Police witness warning section within the Crown Court Branch.
- 6.2 The quality of letters sent under the Direct Communications with Victims initiative is good, being clear and informative and avoiding formulaic phrases. Although there is a high level of identification of appropriate cases, some room for improvement remains.

Witnesses at court

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

- 6.3 On-site observations and the evidence of external consultees indicated that witnesses are treated with proper consideration at court and receive a good level of support.
- 6.4 Good links are maintained between the Witness Service and the CPS at various levels across the Area. A well-designed witness referral form is used to notify the Witness Service of necessary information, who in turn is able to provide good witness care and appropriate court familiarisation visits. Service to witnesses is enhanced through weekly operational meetings concerning vulnerable witnesses in the Liverpool Crown Court.
- 6.5 Where witnesses are eligible, special measures are considered and used appropriately. Decisions about pleas, case progress and changes in charges are routinely explained to witnesses. The impact of listing in all courts can undermine the service provided but this is beyond the control of the Area.
- 6.6 Good levels of support are provided by caseworkers in the Crown Court and the quality of service provided by counsel has improved. Phasing of witnesses could be extended beyond cases with vulnerable witnesses, to enhance the service given to all witnesses attending court.

Strengths

- * Witness support and service to victims and witnesses is consistently good.

Direct Communication with Victims

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

- 6.7 The Area has successfully implemented the standard model to ensure that lawyers are involved in writing letters to victims. The Area is considering modifying the model in light of the establishment of a witness warning unit in the Crown Court Branch, about which there is ongoing dialogue with the police. All lawyers and most of the administrative staff have received training and instructions have also been sent to agents and counsel informing them of the scheme.
- 6.8 An evaluation report by PA Consulting in September 2002 highlighted the variance in performance between units of 93% to 60% in identifying cases in which letters were required and sent. Steps have since been taken to improve compliance and although it has improved, particularly in the less well performing unit, we saw a number of files where the required letter was not sent, particularly in judge ordered acquittal cases.
- 6.9 Timeliness is monitored, but the Area system does not prompt action early enough to allow full compliance with the five day target date. Delays in files being returned from court and backlogs in updating files have caused delays in meeting the timeliness target for letters. Nevertheless the Area's performance is one of the best in the country.
- 6.10 We mention the issue of ensuring a letter is sent to victims in discharged committal cases at paragraph 4.33.
- 6.11 We were impressed by the quality and the explanations given in letters written to victims. The style and content was not formulaic, it was acknowledged that the victim may be disappointed and some lawyers took the opportunity to thank the victims for their co-operation. The great majority of recipients would have found the letters informative and helpful. The unit co-ordinator's phone number is included in the letters and a member of staff is always available to answer any calls. The way in which the initiative has been implemented is helpful in enabling the Area to build better relationships with victims.
- 6.12 Senior managers and the CCP evaluate the quality of letters by regular dip sampling and provision of feedback. Senior Area managers were fully involved in this initiative, monitoring performance monthly, a factor towards its successful implementation.

Strengths

- * The standard of DCV letters and the arrangements for direct contact for victims is consistently good.

Meetings with victims and relatives of victims

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

- 6.13 The Area has held a number of meetings with victims although the exact number was unclear due to a failure to capture the information through monitoring. As the preparation for these meetings can take a considerable amount of time, it is important that this is properly recorded. All units in the Area have easy access to the satisfactorily arranged victim suites.

Victims' Charter

STANDARD: RESULTS INDICATE THAT THE NEEDS OF VICTIMS AND WITNESSES ARE CONSISTENTLY MET IN ACCORDANCE WITH VICTIMS' CHARTER

- 6.14 Positive work has been undertaken to meet the requirements under the Victims' Charter. The Area has a particularly high profile in relation to the service provided to victims and witnesses and has a good relationship with the Witness Service. It has arranged a multi-agency conference and participated in other conferences involving witnesses and witness care issues. In addition, it has taken a lead role in producing information leaflets sent to all witnesses attending court and has been involved in the production of a video highlighting issues arising out of witnesses with special needs. In conjunction with Social Services a scheme has been devised, which has received national recognition, whereby witnesses with learning difficulties are assessed and the court and defence solicitors are briefed about the best way to ensure that these witnesses are able to give their evidence. The Area has also undertaken some good work and joint training with Women's Aid in relation to domestic violence.
- 6.15 Further work is underway through the MCJB. A Service Level Agreement for victims and witnesses has recently been signed by all relevant agencies and further work will be embarked upon with the assistance of an external consultancy group.
- 6.16 The non-attendance of witnesses at court is the main reason for the high cracked and ineffective trial rate. The agencies have together agreed a strategy to deal with this issue. There is a willingness to consider and use witness summonses in all appropriate cases even though this can increase the number of ineffective trials. In addition, the police have undertaken some work on their system for warning witnesses. The Area and the police have agreed to move the witness warning section into the Crown Court Branch in 2004 to improve further the attendance of witnesses.

6.17 The Area needs to undertake further work with the police to ensure victim personal statements are provided and thereafter used appropriately. The Area is one of the best performers nationally in relation to the timely payment of witness expenses.

Strengths

- * Work with victims and witnesses, in conjunction with other statutory and non-statutory agencies is consistently good, innovative and has received national recognition.

7 PERFORMANCE MANAGEMENT

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

Overview

- 7.1 Performance management is very robust. Key priorities, linked to the achievement of the objectives for the CJS at large, are clearly set out in the Area and Branch Plans with the objectives and targets that staff are expected to achieve and with allocated responsibility. Quarterly reports from Branches to the AMT ensure that performance is monitored and appropriate adjustments are made.
- 7.2 The Casework Quality Assurance scheme has been fully implemented and Area Champions identify issues to be addressed from the Inspectorate's thematic and joint reports. These also inform future decisions and priorities for the Area.
- 7.3 At the more strategic level, an effective hierarchy of groups is in place to support the MCJB. Again a comprehensive regime is in place properly to manage performance of the criminal justice agencies together.

Performance standards

STANDARD: PERFORMANCE STANDARDS ARE SET FOR KEY ASPECTS OF WORK AND COMMUNICATED TO STAFF

- 7.4 Documented Area standards have been set for the key aspects of casework including disclosure, endorsements and custody time limits.
- 7.5 Response to the implementation of the findings from the Inspectorate's various thematic and joint reviews depends on the circumstances and the topics. Normally an Area Champion is appointed who will identify the issues to be addressed and make recommendations to AMT on how to proceed. Guidance will then be produced and training arranged where applicable. Responsibility for ensuring implementation rests with the Branch Heads supported by the relevant Area Champion.
- 7.6 As part of the Casework Quality Assurance System, team leaders regularly review a sample of cases. The standards against which the cases will be judged have been agreed. The outcome of the monitoring is reported in the Area performance pack. Individuals also receive feedback on their work and any performance issues are addressed.

Performance monitoring

STANDARD: PERFORMANCE IS REGULARLY MONITORED BY SENIOR AND MIDDLE MANAGEMENT AGAINST PLANS AND OBJECTIVES, TARGETS AND STANDARDS ARE EVALUATED, AND ACTION TAKEN AS A RESULT

- 7.7 Targets for performance are set in the Area and Branch Business Plans and quarterly performance reports are produced at both Branch and Area level. These provide comprehensive details of performance and a commentary on issues of concern. The performance reports are discussed at AMT and used to inform decision-making, highlighting good practice and areas for improvement.

- 7.8 At Branch level, performance is discussed at the monthly Branch Management Team meeting. The quarterly reports produced for the AMT detail overall performance, good practice and areas for improvement and how these will be addressed.
- 7.9 At present, performance monitoring at Branch level tends to focus on the efficiency of the processes used, and greater emphasis could be placed on managing the outcomes and not just the processes.

Joint performance management

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

- 7.10 Targets have been set for the achievement of the objectives in the MCJB Business Plan. Information is obtained from all the agencies and collated by the CJS Area Performance Officer. This has led to a greater emphasis on joint agency work at the senior level together with a wider acceptance of collective responsibility for performance.
- 7.11 A hierarchy of groups has been established. These are:
- * MCJB consisting of chief officers for each organisation;
 - * Performance Management Group (PMG) which is the main operational group; and
 - * Area Performance Management Groups (APMGs) comprising heads of the operational units in each district.
- 7.12 A comprehensive regime is in place ensuring analysis, review, action and future planning supported by monthly reports from each group. These systems provide a clear reporting structure and reflect the increased focus on performance by the MCJB.
- 7.13 Initially the effectiveness of some of the APMGs was an issue. Some representatives appeared uncomfortable with the new focus on joint performance management. This is being addressed with the increased emphasis on analysis and seeking improved performance at MCJB and PMG level, which has led to a clearer direction being given to APMGs.

Risk management

STANDARD: RISK IS KEPT UNDER REVIEW AND APPROPRIATELY MANAGED

- 7.14 The Area has, in accordance with the risk management guidance issued by CPS Headquarters, identified the five key risks in its Area Business Plan that could prevent it from meeting its objectives. Countermeasures have been put in place to address these risks. Where issues about performance are identified and further action is agreed, the countermeasures are in effect being reviewed and upgraded. This link between the identified risk and delivery of the business has ensured that risk management is becoming embedded in the Area.

Continuous improvement

STANDARD: THE AREA HAS DEVELOPED A CULTURE OF CONTINUOUS IMPROVEMENT

- 7.15 The casework quality assurance system monitors performance at Branch level. Feedback is given to individuals. However, trends and learning points are insufficiently promulgated throughout the whole Area.
- 7.16 Through its review of the quarterly performance pack, the AMT focuses on performance, identifies areas for improvement and makes decisions on how these will be addressed. Where issues were highlighted, AMT has commissioned ad hoc reviews to collect evidence, evaluate and make recommendations on how to proceed.
- 7.17 Further evidence of a culture of continuous improvement is provided by the health checks commissioned by AMT as a result of the EQFM self-assessment carried out in January 2003. The Investors in People (IiP) review of June 2002 stated that the Area has commitment to continuous improvement within the people management process.

Strengths

- * Performance management at all levels is very good.

8 PEOPLE MANAGEMENT AND RESULTS

KEY REQUIREMENTS:

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

Overview

- 8.1 At the moment, the Area has a shortage of lawyers which has affected its ability to function as effectively as it would wish. Staffing and organisational structure are regularly reviewed and changes made to meet demands.
- 8.2 Communication within the Area is satisfactory with effective use being made of new technology. The pressures of staff shortages and time-consuming initiatives introduced over the summer, has meant that some Branch and team meetings, an important mechanism for two-way feedback, have become infrequent. They need to be re-invigorated.
- 8.3 The Equality and Diversity Action Plan is out of date and has not been very successful in driving a structured approach to these issues. This is being addressed with the help of focus groups involving all levels of staff.

Human resource planning

STANDARD: HUMAN RESOURCE NEEDS ARE SYSTEMATICALLY AND CONTINUOUSLY PLANNED

- 8.4 Staff numbers are based on the national scheme of Activity Based Costing and agreed at the start of the year with regular and ongoing reviews by AMT. It considers succession planning and future needs. Despite frequent recruitment campaigns, there is a shortage of lawyers (a problem for many companies in Liverpool at the moment).
- 8.5 Branches help each other to cover all the courts, on an ad hoc informal basis. At present, there is no systematic rotation of staff between the Magistrates' Courts Branches and the Crown Court Branch but new lawyers are seconded to the Crown Court Branch in order to gain experience for through grading. Whilst most lawyers prefer to work in the Branch to which they are attached, the lack of rotation could lead to de-skilling of staff and lack of development opportunities.
- 8.6 Each Magistrates' Courts Branch has designated caseworkers who are used to the full both in and out of court.

Staff structure

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

- 8.7 Branch structures and numbers are regularly reviewed by AMT and changes made to reflect the different demands being made on the Area, for example by the establishment of the Street Crimes Unit and the joint Liverpool CJU/MCU. Present structures are subject to on going review to take account of further co-location and the introduction of the shadow pre-charge advice initiative.
- 8.8 At the time of our inspection, plans were in hand to apply a risk-based approach to the deployment of staff, with the aim of putting a greater percentage of more experienced staff at the point of greatest pressure, in Liverpool.
- 8.9 A target of 300 HCA sessions was set and met for the year 2002-03. For the current year a decision has been made to limit the use of HCAs in the Crown Court because of inability to recruit lawyers and the subsequent need to cover magistrates' courts hearings.
- 8.10 Data on the deployment of staff and the number of sessions covered in house is reviewed quarterly by AMT. Currently lawyers are covering up to eight sessions per week as well as maintaining their other work to the generally high standard described in our report.
- 8.11 Branches are supported by the Secretariat which carries out a full range of functions covering communication, performance, project management and financial matters.

Staff development

STANDARD: STAFF CAPABILITIES ARE IDENTIFIED, SUSTAINED AND DEVELOPED

- 8.12 The IIP report commented favourably on the training and development of staff. Staff are encouraged to undertake training and provided with opportunities to undertake personal development. The high quality of the induction training was also commented upon.
- 8.13 Recent training has concentrated on that required by national initiatives. Additionally, emphasis has been placed on providing development for managers. Workshops have been held with lawyer managers on personnel issues, now to be extended to B level managers. Individual coaching and counselling has also been provided for the lawyer managers.
- 8.14 At the time of the inspection there was a move towards individually rather than menu led training. Personal Development Plans (PDPs) will still be used as an indicator of training needs across the Area but the Area Business Plan will also be a key driver to identifying the training that will be needed if the Area is to meet its objectives. Training will be agreed between individuals and their line managers assisted by the Training and Development Officer who advises and arranges the best way to meet the demand.

- 8.15 The Area is in a transitional stage as the new training strategy is being developed and some staff appeared unaware of how their training needs can be met. Further guidance would be helpful. The PDP is still seen as the primary method for identification of individual training needs. At the time of the inspection in November, not all had been completed.
- 8.16 When national initiatives are introduced, training is normally provided as part of the roll out process. Training is available for a limited period but there appears to be no national programme for the continuing need as new staff are recruited. The Area arranges appropriate training.

Aspects for improvement

- * Staff and line managers should ensure that Personal Development Plans are completed as soon as possible in order for training requirements to be fully identified.

Performance review

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

- 8.17 The Area had returned 85% of its performance appraisal reports by June 2003 (compared with 70% nationally) and 90% were completed by August.
- 8.18 We found that individual objectives are aligned with the Branch and Area objectives and targets. This linkage was confirmed in the IiP assessment.
- 8.19 All staff consulted during the course of the inspection had a Forward Job Plan. This was reviewed on a quarterly basis as part of the annual reporting cycle.

Staff involvement

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

- 8.20 Normally information is cascaded down to staff through a hierarchy of meetings. However we mention at paragraph 11.7 that meetings in some teams have been infrequent so limiting the opportunities for effective dialogue and staff involvement.
- 8.21 The majority of staff considered that they were able to raise concerns with their managers and that they would be provided with feedback on any action taken. They were also aware that they had opportunities to become involved in organisational improvement by participation in the various focus groups and by attending the Area training weekend.
- 8.22 A weekly newsletter is produced by the Area Communications Manager, which covers both performance and staff issues.

Good employment practice

STANDARD: MANAGEMENT MEETS ITS STATUTORY OBLIGATION AS AN EMPLOYER AND DEMONSTRATES GOOD EMPLOYMENT PRACTICE

- 8.23 The Area is committed to putting into practice the CPS employment policies. The Service Level Agreement with the Service Centre indicates responsibilities for all personnel functions.
- 8.24 Against an Area target for sickness absence of 8.5 days a year for each member of staff, the Area figure was 8.8 days in 2001 and 7.7 days from January to September 2003. Sickness levels are reported in the Area Performance Reports and are reviewed and costed.
- 8.25 The majority of staff consulted during the course of our inspection were aware of the various family friendly policies and were confident that they could discuss issues with their managers which would generally be addressed.
- 8.26 Of the Area staff who responded to the 2002 Staff Survey, 45% were satisfied/very satisfied with the CPS as a place to work and 29% of those with two or more year's service felt that the CPS is a better place to work than before. These results and most of those about the way in which staff are treated were in line with those achieved by the CPS overall.

Equality and diversity

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

- 8.27 The Diversity and Equality Action Plan dates from 2002 and, at the moment, is in the process of being revised. The Communications Officer appointed in September 2003 is also responsible for equality and diversity issues. An up to date Plan is being produced and a focus group of staff at all levels has been set up to help with this process. It is important that the up-to-date Action Plan be produced as soon as possible so that a systematic approach can be adopted to ensure the implementation CPS equality and diversity initiatives.
- 8.28 Meanwhile, it is apparent that the Area has made efforts to promote equality and diversity. For example it took part in the launch of the MCJB's Community Engagement Strategy, articles are included in the Area Newsletter and managers raise diversity issues in Branch and team meetings.
- 8.29 At present the composition of the Area work force is as follows:
 - * 2.7% of staff are from minority ethnic groups compared with 4.7% in the working population. Highest levels of minority ethnic staff are at A1/A2 level, with very low levels at grade B and C.
 - * 65% of staff are female against 47% in the working population, and three are at Grade D level.
 - * 6.44% of staff have a declared disability compared with 23.1% in the working population.

8.30 Targets have been set to increase all these figures by April 2005.

Aspects for improvement

- * A more structured approach to equality and diversity issues is needed with an up to date Plan which is regularly monitored.

Health and safety

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

- 8.31 The Health and Safety Committee has recently reconstituted under the chairmanship of the Head of Facilities, Resources and Performance. A training programme has been put in place to ensure that there are adequate trained representatives in each unit.
- 8.32 Branch Administrative Officers are the health and safety officers at each location and are responsible for carrying out on-site assessments and promoting health and safety issues. A planned programme of monthly inspections is to be implemented.
- 8.33 The display of identification passes was a recommendation in our last report. We observed that not all staff were wearing them. As some locations are shared with other users it is important that staff wear passes so that strangers can be challenged.

9 MANAGEMENT OF FINANCIAL RESOURCES

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

Overview

- 9.1 The Area has good central systems and expertise to monitor and control its budget. The responsibility of the Heads of Branches as budget holders could now be developed. Its financial regimes allow the Area to assess resources, costs, future needs and outputs at any time.

Staff financial skills

STANDARD: THE AREA HAS THE APPROPRIATE STRUCTURE AND STAFF WITH THE NECESSARY SKILLS TO PLAN AND MANAGE FINANCE

- 9.2 The ABM is responsible for the management of the budget assisted by the Head of Facilities, Resources and Performance. The Area Resources and Performance Manager carries out day-to-day monitoring of the budget.
- 9.3 Resources are allocated to each Branch and a framework agreement has been put in place to ensure that the Branch Heads are more accountable for their budgets although central control of the budget remains strong, so that empowerment of the Branch Heads appears to exist in theory rather than in practice. Although they have gained some knowledge through practice, no training has been given to the Branch Heads or their B2 managers in matters of finance. Further training would allow effective devolution of financial management.

Adherence to financial guidelines

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

- 9.4 Written financial delegations have been issued to all appropriate staff. The budget for the year has been allocated on a monthly basis and the present position is reported to the AMT monthly. Account is also taken of known commitments and anticipated accrual when monitoring the budget. The Area's annual spend in the last financial year was 98.9% of its budget and in the first six months of the current year is 48% of the budget.

Budgetary controls

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

- 9.5 The expenditure over the year has been profiled and actual expenditure is monitored against this. A monthly report is then prepared for AMT who will decide if any action is needed.

Management of prosecution costs

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

- 9.6 Expenditure on the 3010 budget code for the use of counsel in longer and more complex cases in the magistrates' courts is correctly managed and controlled.
- 9.7 The target for the use of HCA sessions was met for the year 2002-03. In the current year the use of HCAs in the Crown Court has been reduced in order to help to cover magistrates' courts sessions.

Value for money approach

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

- 9.8 The AMT makes the key financial decisions for the Area. Where there are competing bids for resources, it considers best value for money. The current financial and performance management regimes allow it accurately to assess the resources available, the costs incurred, future liabilities and the outputs produced.

10 PARTNERSHIPS AND RESOURCES

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

Overview

- 10.1 The Area has positive relationships with its CJS partners and works particularly effectively with the Witness Service. It has played an important and effective role in the development of the MCJB and its supporting groups. Generally, the Area is well regarded by other agencies, which appreciate the constraints under which it is working.
- 10.2 Internally, the Area manages its resources well. It has successfully introduced Compass. There has been a high uptake of the system and most staff use information technology well.

CJS partnerships

STANDARD: PARTNERSHIPS WITH OTHER CJS AGENCIES ARE DEVELOPED AND MANAGED

- 10.3 Partnerships with other agencies are strong. The development of work in the MCJB has been well directed and managed. Work with the Witness Service has been particularly effective. We mention elsewhere the work that is still required to make the Liverpool CJU/MCU fully effective.

CJS agencies

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

- 10.4 We discuss this issue in Chapters 4 and 13 of the report.

Improving local CJS performance

STANDARD: CJS PARTNERS ARE SATISFIED WITH THE CONTRIBUTION THE CPS MAKES TO IMPROVING LOCAL AREA PERFORMANCE

- 10.5 The Area has strong relationships with its partners at all levels and is generally well regarded for its contribution in efforts to achieve the Government's targets.

Information technology

STANDARD: INFORMATION TECHNOLOGY IS DEPLOYED AND USED EFFECTIVELY

- 10.6 The new national computer tracking and management system, Compass, was installed in the Area in August 2003 and has been successfully implemented. The old and new system will run in tandem for a period of six months at which time any cases remaining on the old system will be transferred to the new one. Using the two systems in tandem is slowing down some of the office processes such as linking post to files and locating files for court.

- 10.7 All staff have been trained and the take up and use of the system has been good.
- 10.8 The computer terminals at some courts are not being fully utilised to assist case progression. We have included this aspect of improvement at paragraph 5.11.

Buildings, equipment and security

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

- 10.9 The Area, with the Service Centre, manages its estate satisfactorily. The offices are generally sufficiently spacious and arranged to enable staff to work in a comfortable environment, although space in the Liverpool CJU/MCU remains limited. All staff were provided with the equipment necessary for effective working.
- 10.10 We observed that the clear desk policy is not being consistently implemented throughout the Area. Although this was due to a lack of storage in some of the offices, staff should be reminded about the security of files out of office hours.

Partnership with Headquarters and the Service Centre

STANDARD: THE AREA HAS A GOOD WORKING PARTNERSHIP WITH HEADQUARTERS DEPARTMENTS AND THE SERVICE CENTRE

- 10.11 There were a good relationship between the Area and the Service Centre, which is located in the Area premises in Liverpool. Its proximity enables close and regular liaison.
- 10.12 The CCP and the ABM are involved in many national initiatives, working closely with CPS Headquarters. They feel able to express their concerns about the co-ordination of initiatives and the risk of overload for the Area.

11 POLICY AND STRATEGY

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

Overview

- 11.1 The AMT has a clear direction and ensures that staff understand its aims. When developing its policy and strategy it takes into account all relevant considerations based on the results of its analysis of performance data. The processes for the development of its strategy are firm and systematic. They include the involvement of all levels of staff to enhance the concepts of ownership and responsibility.
- 11.2 The Area, in common with others, has had to deal with complex changes over the last year, responding to requirements for the CPS as a whole. Co-ordination of initiatives has proved difficult, but the Area has managed this well and is now piloting, in conjunction with the Business Improvement Division, more formal programme management arrangements.

Stakeholders

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

- 11.3 The Area Business Plan takes into account the objectives set for the CPS and those set by the MCJB based on the Government's Public Service Agreement targets. Staff participation in this planning process is via a focus group. Progress is assessed using a traffic light system known as the dashboard. Work with the Witness Service and witnesses enhances the Area's service to victims and witnesses.
- 11.4 The development of policy and strategy takes account of appropriate performance data and initiatives.

Performance measurement

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

- 11.5 Both the Area and MCJB performance monitoring systems produce reliable performance data and have clear and well defined reporting arrangements to ensure that issues of concern are identified, discussed and decisions taken on future actions.

Framework of key processes

STANDARD: POLICY AND STRATEGY ARE DEVELOPED THROUGH A FRAMEWORK OF KEY PROCESSES

- 11.6 Ownership for the delivery of policy and strategy rests with AMT. Each member takes the lead and responsibility for development of various aspects of policy. There is a systematic approach to the development of new policies and strategies.

Communication and implementation

STANDARD: POLICY AND STRATEGY ARE COMMUNICATED AND IMPLEMENTED

- 11.7 Progress on the implementation of the Area Business Plan is reviewed by AMT throughout the year. Normally Branch Heads update their managers and the information will be cascaded down to staff at team meetings. However, meetings in Branches have become less frequent and irregular.
- 11.8 Every effort should be made to reinvigorate regular, minuted staff meetings as the use of e-mail and ad hoc meetings restricts two-way communication.
- 11.9 Staff are encouraged to participate in focus groups set up to develop various initiatives so enhancing their sense of ownership and responsibility.
- 11.10 The Area has appointed a Change Manager to take the lead on a range of initiatives and whose role includes the co-ordination of this work. She will be responsible for the planning, the identification of appropriate ownership and reporting on progress. Further, the AMT drives the development of change by acting as a Programme Board, receiving progress reports and agreeing all major decisions.

Aspects for improvement

- * Branch and team or group meetings should be held more regularly.

12 PUBLIC CONFIDENCE

KEY REQUIREMENTS:

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

Overview

- 12.1 The standard of the replies to complaints is very good showing that they are seriously considered. Timeliness of response has been generally good and a dip in performance in 2002-03 has been addressed successfully.
- 12.2 The Area is involved at all levels in groups within the CJS that include representatives of the minority ethnic community. It recognises, however, that it needs to engage more directly with individual groups and so prevent the perception of some of too close a connection with the police.
- 12.3 The CCP has a high profile with the local media which, following training that has been given, is now being shared with other managers. There is scope for involving them further and they would welcome this.

Complaints

STANDARD: COMPLAINTS ARE EFFECTIVELY MANAGED TO INCREASE SATISFACTION AND CONFIDENCE

- 12.4 Branch Heads generally respond to complaints. Those that we saw were all investigated with care and written responses were to a high standard.
- 12.5 Of the complaints received in 2002-03, 74.6% were responded to in a timely fashion. The Area performance up to the third quarter of 2003-04 was 91.6%. However, in all cases that we examined, acknowledgements and substantive replies were within the target timescales.
- 12.6 Each unit maintains a complaints log. Timeliness is monitored by a complaints log form. Quality is further assured through monitoring by the CCP.

Minority ethnic communities

STANDARD: THE AREA ENSURES THAT HIGH CASEWORK STANDARDS ARE MAINTAINED IN CASES WITH A MINORITY ETHNIC DIMENSION IN ORDER TO INCREASE THE LEVEL OF CONFIDENCE FELT BY MINORITY ETHNIC COMMUNITIES IN THE CJS

- 12.7 The Area recognises the need to engage more with the black and minority ethnic communities and their representatives. Some community representatives that we saw were less positive than others about the work of the CPS, and, therefore, some work could be done to identify where to concentrate on community involvement to find ways of being more inclusive.

- 12.8 There is shared good practice between the criminal justice agencies on recruitment and retention issues and a joint approach to analysing recruitment profiles. In addition, some progress has been made through involvement in training on racially aggravated crime, but greater engagement and improved public confidence could be achieved if information and data on this aspect of casework are shared directly and systematically with the community.
- 12.9 We deal at paragraphs 4.41-42 with the casework aspects of cases with a minority ethnic dimension.

Safeguarding children

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

- 12.10 Child Protection Committees are Borough based and there are therefore quite a large number of them in Merseyside. It is time consuming for the CPS to be represented on all the committees and attendance at meetings could be spasmodic and dependent on the availability of staff. The Area has recently carried out a review of its involvement with them. Its policy is now that it will be represented on all committees and arrangements are being made to enable staff to attend meetings.
- 12.11 The Area's has sufficient specialists to deal with child abuse and youth cases who have clear expertise and advise in all these cases. Special measures for vulnerable and intimidated witnesses are well considered and appropriate applications are made for their use.

Community engagement

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

- 12.12 The CPS has a lower profile in the community than, for example, the police who have daily contact at all levels. The Area is aware of the need to continue to develop its contacts and raise the understanding of its role.
- 12.13 There is considerable joint community engagement activity, which is positive, but the Area needs to promote itself within the community as an independent criminal justice agency and thereby break down the barriers caused by the perception by some that the connection with the police is too close. There needs to be targeting of individual groups not directly involved with the local CJS.
- 12.14 Contact with the community is generally through the schools and a variety of community groups. Further work needs to be undertaken to engage through a wider selection of schools and better use of broader community meetings with a defined strategy for dissemination of information, for example leaflets, annual reports, other communications and data.

RECOMMENDATION

The AMT should develop and implement a clear policy and strategy for community engagement.

Media engagement

STANDARD: THE AREA ENGAGES WITH THE MEDIA

- 12.15 The CCP is very pro-active in his dealings with the local press and the media generally. Following recent media training, the profile of other managers could now be raised, thereby ensuring that the Area increases and widens its profile in the local press and radio. The Area has been pro-active in its approach to the media in relation to domestic violence: the Area co-ordinator was involved in a local radio phone-in, which was well received.
- 12.16 Joint engagement is currently limited to work with the police press office. However, at the time of the inspection CPS Merseyside was developing its communication strategy, which will encompass the approach to the media. A CPS Merseyside website is also proposed.

Public confidence

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

- 12.17 The Area has not developed a way to measure public confidence, although the MCJB tracking survey includes a separate measure on confidence in the CPS. The first survey showed that the Area was well above the national average. In addition, all complaints are seen and monitored by the CCP. The Witness Service has undertaken witness satisfaction surveys in the Area, which indicate that more witnesses would be willing to give evidence again following their experience in court which includes contact with Area staff.

13 LEADERSHIP AND GOVERNANCE

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

Overview

- 13.1 The CCP and the ABM have given staff a clear vision and direction through a series of various types of meetings, often involving outside speakers to give a different perspective.
- 13.2 There is a clear link from top level plans, through Area and Branch Plans to individual objectives. The Area's management and organisational structure are conducive to achieving its objectives and co-operation with other CJS agencies is generally good, although the effectiveness of the co-located unit in Liverpool needs attention.

Vision and values

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

- 13.3 The CCP and ABM have taken the lead on explaining to staff about the aims and objectives of the Area and how they can contribute through a series of road shows and away days for managers. In order to increase the awareness of front line staff, a range of speakers, including people who have first hand experience as a victim or witness, have been invited to meetings and training courses with both lawyers and caseworkers to talk about their experiences and to highlight issues that need considering when dealing with similar cases. The perception of staff is the Area has set itself high standards and has a pride in its performance.
- 13.4 The IiP assessment indicated that staff were aware of what the Area was trying to achieve. In particular there was:
 - * commitment to implementing continuous improvement within people management process; and
 - * clear linkage from top level plans through Branch Plans to individual objectives.

Staff recognition

STANDARD: MANAGERS ACTIVELY MOTIVATE, RECOGNISE AND SUPPORT THEIR STAFF

- 13.5 Staff performance is commented on formally in their annual performance appraisal reports but interim appraisal are not always maintained. Examples were also found of individual managers providing positive feedback on good performance to individuals and teams both orally and in writing.

- 13.6 When making decisions on policy and strategy the Area uses ad hoc focus groups to engage with staff and involve them in the decision-making process, for example when drafting the Branch Business Plans and when setting up the co-located unit in Liverpool.

Strengths

- * Focus groups consistently enable full staff participation in the formulation of policy and processes, which also aid personal development.

Management structure

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

- 13.7 The AMT sets the strategic direction for the Area and acts as the key decision body. It comprises the CCP, the ABM and the Branch Heads. Individual responsibility for the delivery of the actions needed to implement the key priorities is clearly set out in the Area Business Plan and targets are clear.
- 13.8 At the Branch level the Branch Management Teams (BMTs) duplicate the role of the AMT. They are responsible for Branch performance and a quarterly review is held with the CCP and ABM. With the increased emphasis on performance management and the devolution of some of the budget to the Branches, B2 Casework Managers have been appointed to replicate the role of the ABM.
- 13.9 Now that the team leaders have received individual management training, the opportunity exists to apply their skills in the context of the wider CJS.

Aspects for improvement

- * Development of the use of team leaders in the wider context of the criminal justice system.

Organisational structure

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

- 13.10 The Area is split into three geographically-based Magistrates' Courts Branches and a Crown Court Branch, currently split over two sites. A joint CJU/MCU was set up in a separate building in Liverpool. This was the first stage in the co-location process which will eventually see the establishment of joint units throughout the Area, including the Crown Court Branch, in a programme which continues in the New Year.

- 13.11 The Area has created a small co-located unit to deal with Street Crime. With good co-operation, adequate resources and acknowledged expertise, it has been successful in delivering the objective of driving down street crime in the Area.
- 13.12 Implementation of the shadow pre-charge advice initiative has been slow. The first pilot, based at the Wirral, was due to start on 17 November 2003. The AMT has some concern about the operational difficulties in introducing this initiative elsewhere due to lack of suitable accommodation and the present shortage of lawyers.
- 13.13 It has been recognised by the MCJB that the performance of the police and CPS in Liverpool holds the key to Merseyside meeting its targets. Despite planning and lengthy discussions prior to co-location, the new unit has not yet seen the advantages of joint working. The joint unit (which incidentally has no single name but is referred to as the Criminal Justice Unit for the police and the Liverpool Magistrates' Courts Branch for the CPS) was established in June 2003. Even allowing for the disruption caused by the move and the subsequent introduction by the CPS of Compass, an improvement in processes and performance should have been realised by now.
- 13.14 We found co-location of two units but not integration. There is little interface in the tracking and case management systems and delays and backlogs are built up as the files move between the two units. There are now plans for the police to change to the CPS system. Above all the unit uses a single file system. It is axiomatic that a file cannot be in two places at once. It is essential that file movement be reduced to a minimum by each agency completing its work at each stage to a satisfactory standard and within set timescales. Given that some file movement between the agencies will always be necessary, it is important that more effective file flow, tracking and filing systems are created, preferably systems that are common to the unit as a whole.
- 13.15 Much has been done recently to put things right. In our view it is imperative that both agencies together, with whatever help is available, find viable solutions to the creation of a truly joint-working unit.

Strengths

- * The Street Crime Unit is an example of consistently good co-operative joint working.

RECOMMENDATION

The CCP together with the managers of the CJU/MCU should take urgent action to improve the efficiency and effectiveness of the Liverpool Co-located Unit.

Action plans

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

- 13.16 At the Area level, the Area Business Plan identifies the action that will need to be taken in order to meet the strategic priorities. Branch Plans follow a similar format to the Area Plan, and they contain individual Branch targets tailored to Branch performance and circumstances.
- 13.17 The MCJB has a number of plans, including a Narrowing the Justice Gap Plan, which set out the key priorities to be met. Mechanisms are in place to ensure appropriate action is taken to achieve its objectives.

Criminal justice system co-operation

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

- 13.18 Key to achieving the aims of the CJS are the initiatives that are managed by the MCJB as part of the Narrowing the Justice Gap strategy. They cover all aspects of the CJS process and include cross-agency working. In each, the direction, targets and monitoring mechanisms are clear. The CPS contributes to all these initiatives with time and resources being made available to allow full participation.

Performance accountability

STANDARD: THE AREA IS ABLE TO ACCOUNT FOR PERFORMANCE

- 13.19 A comprehensive quarterly performance report is produced that monitors performance against the agreed standards and targets. It is reviewed by the AMT and any appropriate corrective action agreed upon. Branch performance is discussed on a monthly basis at BMT meetings.

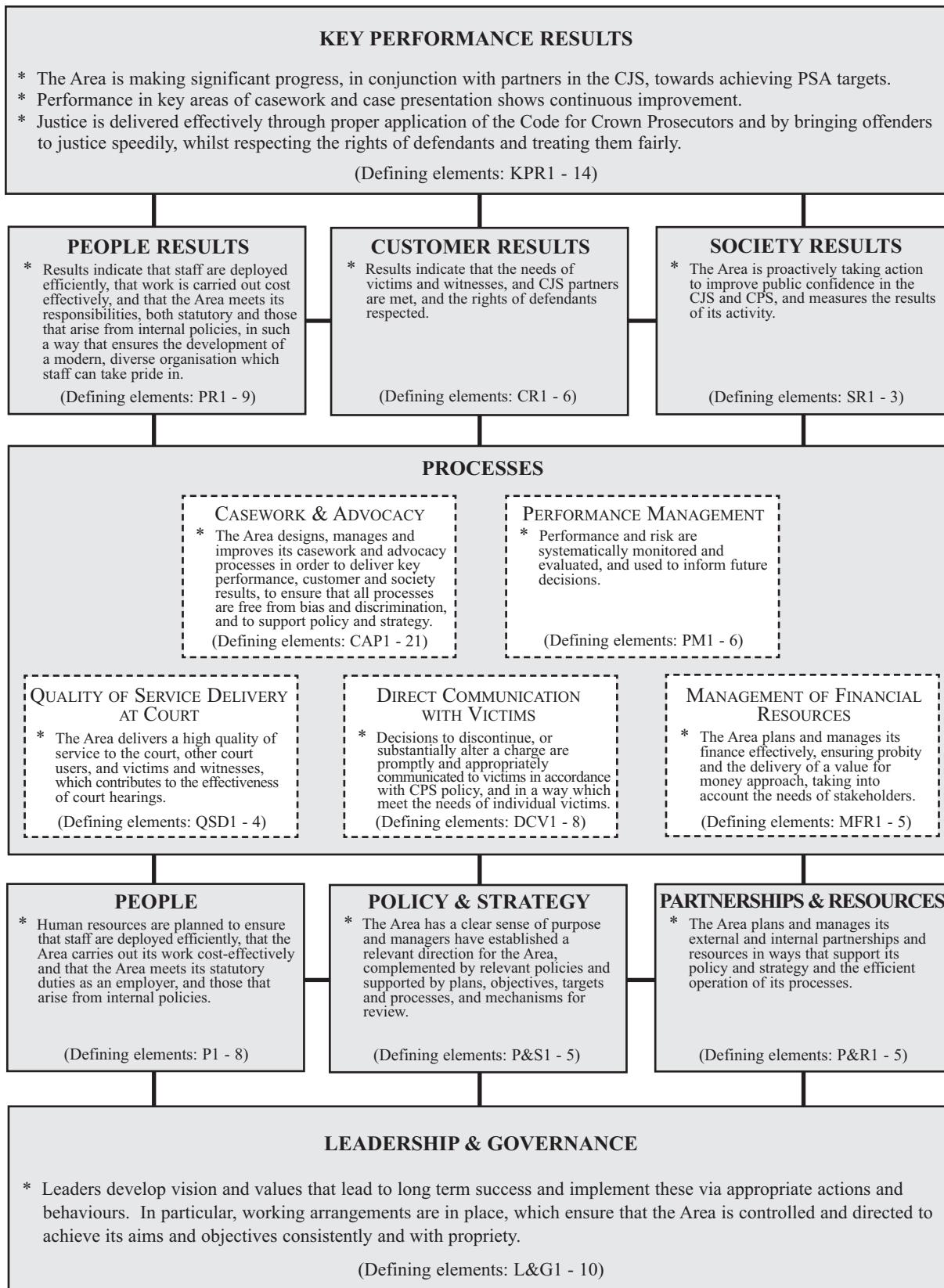
Financial systems

STANDARD: FINANCIAL RESPONSIBILITY AND ACCOUNTABILITY ARE CLEARLY ESTABLISHED AND SYSTEMS ASSURE REGULARITY, PROPRIETY AND PROBITY IN THE MANAGEMENT OF PUBLIC MONEY

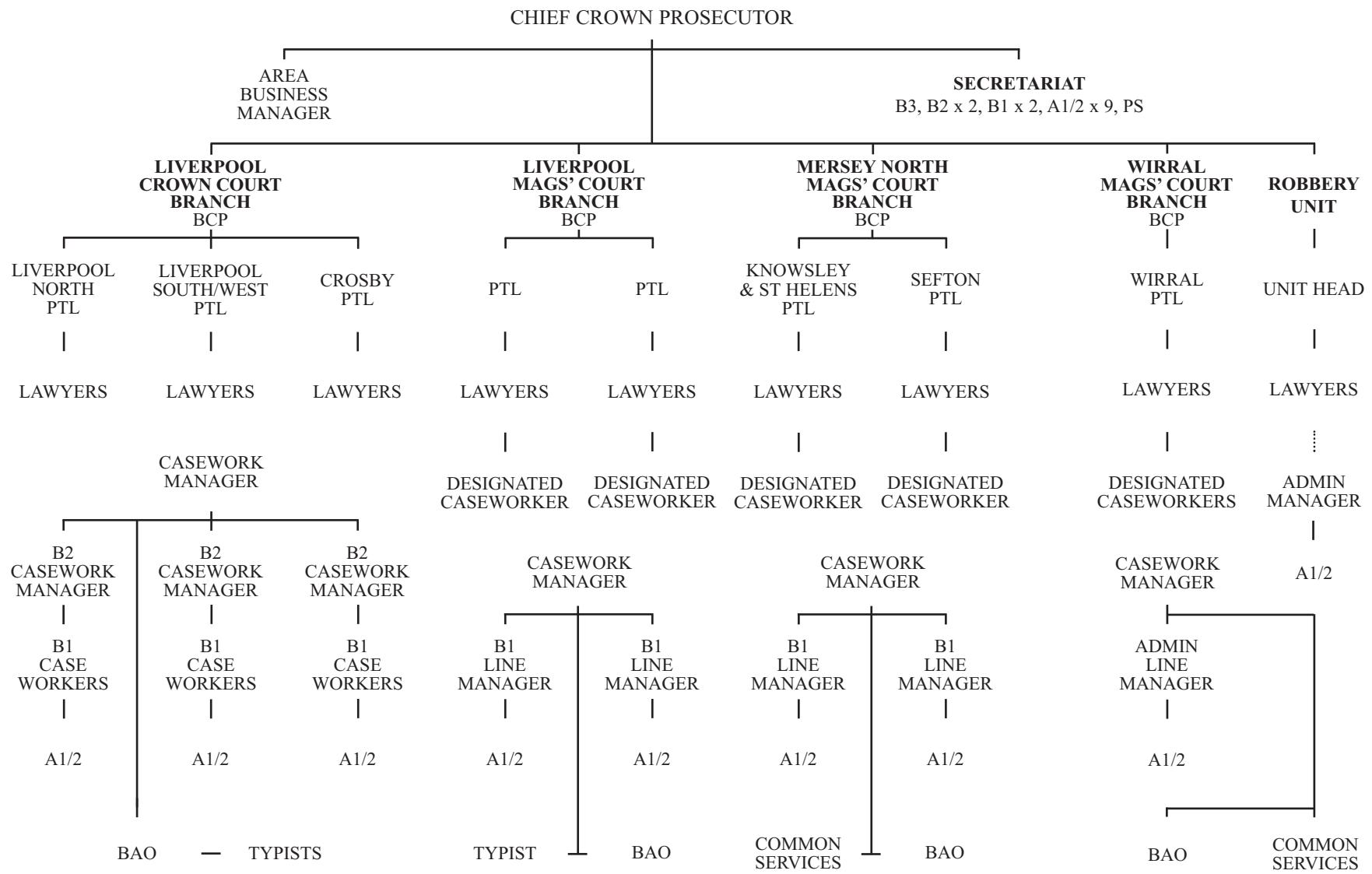
- 13.20 Strong central control is exercised over financial matters. Monthly reports are provided to AMT who act as the main decision making body over all financial matters.
- 13.21 Full details of the systems and procedures in place are contained in Management of Financial Resources section of the report.

ANNEX 1

BUSINESS EXCELLENCE MODEL INSPECTION MAP



CPS MERSEYSIDE STAFF STRUCTURE



ANNEX 3

AREA CASELOAD FOR YEAR TO JUNE 2003

1. Magistrates' Court - Types of case

	Merseyside		National	
	Number	Percentage	Number	Percentage
Advice	2,227	4.7	70,116	4.8
Summary motoring	11,722	24.6	522,966	36.1
Summary non-motoring	10,654	22.4	276,715	19.1
Either way & indictable	21,757	45.7	569,864	39.3
Other proceedings	1281	2.7	8,749	0.6
Total	47,641	100	1,448,410	100

2. Magistrates' Court - Completed cases

	Merseyside		National	
	Number	Percentage	Number	Percentage
Hearings	32,835	74.4	1,001,710	73.1
Discontinuances	5,063	11.5	171,382	12.5
Committals	3,565	8.1	91,181	6.7
Other disposals	2,670	6.0	105,272	7.7
Total	44,133	100	1,369,545	100

3. Magistrates' Court - Case results

	Merseyside		National	
	Number	Percentage	Number	Percentage
Guilty pleas	25,498	77.4	816,284	81.0
Proofs in absence	5,765	17.5	132,317	13.1
Convictions after trial	973	3.0	41,916	4.2
Acquittals: after trial	592	1.8	15,647	1.6
Acquittals: no case to answer	100	0.3	1,853	0.2
Total	32,928	100	1,008,017	100

4. Crown Court - Types of case

	Merseyside		National	
	Number	Percentage	Number	Percentage
Indictable only	1,345	32.7	40,310	31.6
Either way: defence election	949	23.1	15,195	11.9
Either way: magistrates' direction	1,160	28.2	40,863	32.0
Summary: appeals; committals for sentence	663	16.1	31,174	24.4
Total	4,117	100	127,542	100

5. Crown Court - Completed cases

	Merseyside		National	
	Number	Percentage	Number	Percentage
Trials (including guilty pleas)	2,704	78.3	79,613	82.6
Cases not proceeded with	596	17.3	13,651	14.2
Bind overs	62	1.8	1,210	1.3
Other disposals	92	2.7	1,894	2.0
Total	3,454	100	96,368	100

6. Crown Court - Case results

	Merseyside		National	
	Number	Percentage	Number	Percentage
Guilty pleas	2,010	73.7	59,889	86.3
Convictions after trial	355	13.0	1,338	1.9
Jury acquittals	287	10.5	6,698	9.6
Judge directed acquittals	76	2.8	1,488	2.1
Total	2,728	100	69,413	100

ANNEX 4**TABLE OF RESOURCES AND CASELOADS**

AREA CASELOAD/STAFFING CPS MERSEYSIDE		
	November 2003	May 2000
Lawyers in post (excluding CCP)	81.6	67.6
Cases per lawyer (excluding CCP) per year	583.8	724.4
Magistrates' courts contested trials per lawyer (excluding CCP)	20.4	32.0
Committals for trial and "sent" cases per lawyer (excluding CCP)	43.6	48.2
Crown Court contested trials per lawyer (excluding CCP)	8.8	10.0
Level B1, B2, B3 caseworkers in post	64.16	44.6
Committals for trial and "sent" cases per caseworker	55.5	73.1
Crown Court contested trials per caseworker	11.2	15.0
Running costs (non ring fenced)	£9,299,575	£5,695,000

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

ANNEX 5**IMPLEMENTATION OF RECOMMENDATIONS/SUGGESTIONS FROM REPORT
PUBLISHED IN MAY 2000**

	RECOMMENDATIONS	POSITION IN NOVEMBER 2003
R1	The CCP and BCPs should set standards for timeliness and monitoring of initial and continuing review decisions to ensure that, in all Branches: <ul style="list-style-type: none">* prosecutors carefully analyse the evidence in all cases;* prosecutors and caseworkers take effective, timely action where necessary; and* prosecutors decide whether a prosecution remains appropriate at the earliest possible opportunity.	Partially achieved. Casework decision making is good but timeliness issues remain.
R2	The CCP and BCPs should ensure that all prosecutors fully record their initial and continuing review decisions, including the endorsement of any outstanding action required and that prosecutors and caseworkers show clearly when that action is completed.	Achieved. The quality of endorsement is included in the casework quality checks. Endorsements are generally good although the recording of the outcome of PTRs should be better.
R3	The CCP and BCPs should ensure that all relevant staff contribute to the careful analysis of failed cases, that managers identify trends and that the lessons learnt are discussed and shared for the benefit of the whole Area.	Partially achieved. The lessons learned still need to be shared better across the Area.
R4	The CCP and BCPs should ensure that all Branches accompany advance information with a dated notice identifying the documents served and on whom, and that a copy of the notice is retained on the file.	Mostly achieved. A record was made in 89.6% of cases.

	RECOMMENDATIONS	POSITION IN NOVEMBER 2003
R5	The CCP and BCPs should continue the work they have already begun to ensure that appropriate and timely action is taken in relation to both primary and secondary disclosure in all relevant cases and that actions taken are clearly evidenced on individual files.	Partly achieved. Further disclosure training has recently been given. Evidence of action taken on disclosure was slightly improved. The assessment is different in the present cycle giving an overall view for primary and for secondary disclosure. The issue remains of ensuring appropriate consideration of secondary disclosure when the police do not respond to the defence statement.
R6	The CCP should ensure that all Branches adopt a system of keeping non-sensitive unused material, the relevant schedules and all correspondence relating to the issue of disclosure in a separate folder within the file.	Not achieved (except in Mersey North Branch). The guidance is now that disclosure material is kept separately although not necessarily in a folder. The Branches are not consistent. Mersey North Branch complied in 95% of cases; Liverpool in 50%; and Wirral in 16%.
R7	The ABM should review the Area custody time limit system in the light of the MAS guide. The CCP and BCPs should ensure that all staff comply with the Area system and that further training is given to improve the use of the ready reckoner and the quality of file endorsements in court.	Mostly Achieved. The CTL system was reviewed after our report and again recently. However some training needs are still indicated in the calculation of dates and the quality of endorsement.
R8	The CCP and BCPs should discuss with representatives of the police, magistrates' courts and defence solicitors, ways in which PTR hearings can be more effective in order to reduce the number of ineffective trials.	Achieved. Discussions have taken place and some revisions made. The courts have recently started a new monitoring system to measure effectiveness.
R9	The CCP should identify with the local Trial Issues Group and the Area Criminal Justice Strategy Committee the reasons for witness failure in all courts and develop joint initiatives to reduce the number of cases that do not proceed.	Achieved. The work is now done under the auspices of the MCJB and its operational group, the PMG. Improvement of witness care and getting witnesses to court has featured in their work.

	RECOMMENDATIONS	POSITION IN NOVEMBER 2003
R10	The CCP and BCPs should continue to work with the police to seek improvements in the quality and timeliness of committal files, whilst at the same time examining ways of reducing delays in the Branches, so that the preparation and service of committal papers is timely.	Partly achieved. Although much work has been done by the Area, the quality and timeliness of police files has seen little improvement. Some work also is still needed to reduce delays in Branches.
R11	The CCP should take steps to ensure that directions made at PDHs are complied with, and that a proper record of compliance is made. Where compliance is not possible, a full explanation should be easily available.	Partly achieved. Compliance with directions is still effected by response from the police. Compliance is diarised monitored by the B2s but the files do not always show the position clearly.
R12	The CCP should introduce a comprehensive system to improve the quality and clarity of all file endorsements and the management of files.	Achieved. The quality assurance system includes the monitoring of endorsements and generally they have improved.
R13	The BCPs for Liverpool North and South Branches enter into immediate discussions with the police and the Witness Service based at Liverpool Magistrates' Court with a view to agreeing a suitable way of giving the Witness Service advance warning of the prosecution's intention to call a vulnerable witness.	Achieved. The configuration of Branches has changed. However, the arrangements in Liverpool (as elsewhere) for witness warnings and special measures are satisfactory.
R14	All staff should wear personal identification passes at all times when on office premises in order to comply with CPS policy.	Not achieved. Many staff still do not wear identification, particularly in Mersey North and Wirral.
R15	The CCP should formalise the text procedures between the Area and Merseyside Police so that they are entirely clear to all those in the Area who handle them.	Achieved. Guidance was agreed and circulated.

R16	The CCP should review the complaint handling and recording procedures as a matter of some urgency with a view to ensuring that all Branches maintain a complaints register and that all staff are provided with written guidance.	Achieved. Logs are maintained and staff are aware of the procedures. Timeliness has improved from 74.6% in 2002-03 to 91.6% up to the third quarter of 2003-04.
	SUGGESTIONS	POSITION IN NOVEMBER 2003
S1	<p>The CCP should discuss and agree with the police a protocol for the provision of pre-charge advice. This should contain:</p> <ul style="list-style-type: none"> * the broad criteria for determining the circumstances in which advice should be sought and given; * the minimum requirements in terms of file contents; * a statement preserving the prosecutor's right to call for whatever additional papers may be necessary; and * the mechanisms by which timeliness will be achieved. <p>The CCP should ensure that the protocol is applied consistently throughout the Area.</p>	Not achieved. There is no advice protocol. However, this will be overtaken by the establishment of the shadow pre-charge advice scheme and consequent agreements.
S2	The CCP should ensure that prosecutors confirm all informal advice in writing to the police in accordance with recommendation xviii of the Inspectorate's Report on the Review of Advice Cases.	Partly achieved. There is a system for recording informal advice but it is not always used. Again this will be overtaken by the by the establishment of the shadow pre-charge advice scheme and consequent agreements.
S3	<p>The CCP should monitor the new instructions to counsel to ensure that they contain:</p> <ul style="list-style-type: none"> * properly prepared summaries, commenting on the issues in the case; * instructions on the acceptability of plea in relevant cases; and * information to assist with the remand and sentencing processes, eg the bail position or the progress of other outstanding prosecutions. 	Achieved. Instructions are monitored as part of the quality assurance system. The quality of instructions has improved (although the acceptability of plea is still often omitted).

	SUGGESTIONS	POSITION IN NOVEMBER 2003
S4	Prosecutors should ensure that proper instructions are given to the advocate in the Crown Court in appeals against conviction and that a report from the original prosecutor is included, including any notes taken of the evidence.	Partly achieved. There is now a system to inform counsel (and, now, HCAs) but this information is often not available, particularly as mainly agents prosecute trials in the magistrates' courts.
S5	The CCP and senior caseworkers should explore alternative mechanisms to deal with the difficulties that arise through the absence of caseworkers in all the courtrooms at the Crown Court.	Achieved. Normally 1:1 coverage is achieved.
S6	The AMT considers the adoption of a policy which would require each Branch to prepare its own Business Plan, incorporating its own targets where necessary.	Achieved. Each Branch has its own Plan, and individual Branch targets are included, tailored to Branch performance and circumstances.
S7	The AMT appends the agreed Area Communications Policy to the ABP and that consideration be given to providing staff with a summary of the main points.	Not achieved. The present strategy and policy for communication is under review.
S8	The CCP and BCPs provide staff with the minutes of meetings of the AMT and BMT in a form to be agreed locally.	Achieved. The minutes of the AMT and BMT meetings are available to staff electronically.
S9	The AMT should consider the production of an Area Newsletter.	Achieved. There is a weekly Area Newsletter.
S10	<p>The CCP should proceed to appoint a designated Area Security Officer (ASO) without delay with a remit to review all matters involving security and to report to the AMT thereafter. The review should include:</p> <ul style="list-style-type: none"> * the possibility of upgrading file storage facilities to comply fully with the clear desk policy; * the provision of written guidance to staff about the security of files that are taken away from CPS offices; and * the preparation of guidance to all line managers on personal safety issues with particular reference to the reporting and recording of incidents involving staff. 	Partly achieved. The Health and Safety Officer is also the Acting Area Security Officer. Many staff were not aware of guidance and clear desk policy is not implemented.

ANNEX 6**TOTAL NUMBER OF FILES EXAMINED FOR
CPS MERSEYSIDE**

	Number of files examined
Magistrates' courts cases/CJUs:	
Advice	13
No case to answer	11
Trials	48
Discontinued cases	55
Race crime	(7)
Domestic violence cases	(44)
Youth trials	(15)
Cracked trials	17
Ineffective trials	6
Cases subject to custody time limits	15
Crown Court cases/TU:	
Advice	14
Committals discharged after evidence tendered/sent cases dismissed after consideration of case	0
Judge ordered acquittals	51
Judge directed acquittals	4
Trials	67
Child abuse cases	(12)
Race crime	(13)
Cracked trials	17
Ineffective trials	0
Rape cases	(13)
Street crime cases	(14)
Cases subject to custody time limits	10
TOTAL	328

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

ANNEX 7

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

Crown Court

His Honour Judge Clark
His Honour Judge Globe QC
His Honour Judge Lynch
Mrs S Linton

Magistrates' Courts

District Judge Abelson, Liverpool City Magistrates' Court
Mr A Smith, Chair of Merseyside Magistrates' Courts Committee
Dr B Denton JP, Deputy Chair Merseyside MCC
Mrs J Brittain JP, Chair, Youth Panel, Liverpool
Mr I Clark JP, Chair of Bench, North Sefton
Mr I Chapman JP, Chair of Bench, South Sefton
Mr S Fletcher JP, Deputy Chair & Chair of Youth Panel, Wirral
Mrs J Grundy JP, Chair of Bench, Knowsley
Mr M Redfearn JP, Chair of Bench, Wirral
Mrs D Shepherd JP, Chair of Youth Panel, South Sefton
Mrs V Snowling JP, Chair of Bench, St Helens
Mr M Marsh, Justices' Chief Executive, Merseyside Magistrates' Courts Committee
Mr N Draper, Clerk to the Justices, Merseyside Magistrates' Courts Committee
Mr K Townend, Principal Legal Advisor, Liverpool

Police

Mr G Barker, Assistant Chief Constable Merseyside Police
Detective Chief Inspector J Grieg, Ministry of Defence Police
The Head of Operational Support, National Crime Squad
Chief Superintendent M Barrow
Superintendent P Barr
Superintendent J Myles
Superintendent J Young
Chief Inspector P Edge
Mrs J Acton
Mrs C Foster
Mr D Dodgson
Mrs S Quayle
Mrs B McTaggart

Defence Solicitors

Mr N Archer
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Counsel

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Mr N Beeson
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Probation Service

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Witness Service

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Ms P Green, Area Manager, Wirral - Birkenhead
Mr P Lorenz, Manager South Sefton
Mr N Mason, Deputy Chief Executive
Mr R Rogers, Deputy Manager, Wallasey
Mr S Sugden, Manager, St Helens

Local Crime and Disorder Reduction Partnerships

Ms A Doherty
Mr D Ryan
Mr P Cummins

Youth Offending Teams

Ms L Cox, Knowsley
Mr A Critchley, St Helens
Mr E Patterson, Liverpool
Mr S Pimblett, Wirral

Community Groups

Ms J Williams, Employment Liaison Officer, South Liverpool Personnel
Ms N Keilty-Crummie, Merseyside Racial Harassment Prevention Unit
Mr G Prayogg, Wirral Partnership for Racial Equality
Ms K Gray, Sefton Women & Children's Aid
Mr M Homfray, Merseyside L & G Community Forum

ANNEX 8

HMCPSI VISION, MISSION AND VALUES

Vision

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

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

Mission

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

Values

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

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

Taken together, these mean:

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

GLOSSARY

ADVERSE CASE	A <i>NCTA, JOA, JDA</i> (see separate definitions) or one where magistrates decide there is insufficient evidence for an <i>either way</i> case to be committed to the Crown Court
AGENT	Solicitor or barrister not directly employed by the CPS who is instructed by them, usually on a sessional basis, to represent the prosecution in the magistrates' court
AREA BUSINESS MANAGER (ABM)	Senior business manager, not legally qualified, but responsible for finance, personnel, business planning and other operational matters
AREA MANAGEMENT TEAM (AMT)	The senior legal and non-legal managers of an Area
ASPECT FOR IMPROVEMENT	A significant weakness relevant to an important aspect of performance (sometimes including the steps necessary to address this)
CATS - COMPASS, SCOPE, SYSTEM 36	IT systems for case tracking used by the CPS. Compass is the new comprehensive system in the course of being rolled out to all Areas
CASEWORKER	A member of CPS staff who deals with, or manages, day-to-day conduct of a prosecution case under the supervision of a Crown Prosecutor and, in the Crown Court, attends court to assist the advocate
CHIEF CROWN PROSECUTOR (CCP)	One of 42 chief officers heading the local CPS in each Area, is a barrister or solicitor. Has a degree of autonomy but is accountable to Director of Public Prosecutions for the performance of the Area
CODE FOR CROWN PROSECUTORS (THE CODE)	The public document that sets out the framework for prosecution decision-making. Crown Prosecutors have the DPP's power to determine cases delegated, but must exercise them in accordance with the Code and its two tests – the evidential test and the public interest test. Cases should only proceed if, firstly, there is sufficient evidence to provide a realistic prospect of conviction and, secondly, if the prosecution is required in the public interest
CO-LOCATION	CPS and police staff working together in a single operational unit (<i>TU</i> or <i>CJU</i>), whether in CPS or police premises – one of the recommendations of the <i>Glidewell</i> report
COMMITTAL	Procedure whereby a defendant in an <i>either way</i> case is moved from the magistrates' court to the Crown Court for trial, usually upon service of the prosecution evidence on the defence, but occasionally after consideration of the evidence by the magistrates

COURT SESSION	There are two sessions each day in the magistrates' court, morning and afternoon
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 UNIT (CJU)	Operational unit of the CPS that handles the preparation and presentation of magistrates' court prosecutions. The <i>Glidewell</i> report recommended that police and CPS staff should be located together and work closely to gain efficiency and higher standards of communication and case preparation. (In some Areas the police administration support unit is called a CJU)
CUSTODY TIME LIMITS (CTLs)	The statutory time limit for keeping a defendant in custody awaiting trial. May be extended by the court in certain circumstances
DESIGNATED CASEWORKER (DCW)	A senior <i>caseworker</i> who is trained to present straightforward cases on pleas of guilty, or to prove them where the defendant does not attend the magistrates' court
DIRECT COMMUNICATION WITH VICTIMS (DCV)	A new procedure whereby CPS consults directly with victims of crime and provides them with information about the progress of their case
DISCLOSURE, Primary and Secondary	The prosecution has a duty to disclose to the defence material gathered during the investigation of a criminal offence, which is not intended to be used as evidence against the defendant, but which may be relevant to an issue in the case. Primary disclosure is given where an item may undermine the prosecution case; secondary is given where, after service of a defence statement, any item may assist that defence
DISCONTINUANCE	The dropping of a case by the CPS in the magistrates' court, whether by written notice, withdrawal, or offer of no evidence at court
EARLY ADMINISTRATIVE HEARING (EAH)	Under <i>Narey</i> procedures, one of the two classes into which all summary and <i>either way</i> cases are divided. EAHs are for cases where a not guilty plea is anticipated
EARLY FIRST HEARING (EFH)	Under <i>Narey</i> one of the two classes into which all summary and either way cases are divided. EFHs are for straightforward cases where a guilty plea is anticipated
EITHER WAY OFFENCES	Those triable in either the magistrates' court or the Crown Court, e.g. theft
EUROPEAN FOUNDATION FOR QUALITY MODEL (EFQM)	A framework for continuous self-assessment and self-improvement against whose criteria HMCPSI conducts its inspections

EVIDENTIAL TEST	The initial test under <i>the Code</i> – is there sufficient evidence to provide a realistic prospect of conviction on the evidence?
GLIDEWELL	A far-reaching review of CPS operations and policy dating from 1998 which made important restructuring recommendations e.g. the split into 42 local Areas and the further split into functional units - <i>CJUs</i> and <i>TUs</i>
GOOD PRACTICE	An aspect of performance upon which the Inspectorate not only comments favourably, but considers that it reflects in manner of handling work developed by an Area which, with appropriate adaptations to local needs, might warrant being commended as national practice
HIGHER COURT ADVOCATE (HCA)	In this context, a lawyer employed by the CPS who has a right of audience in the Crown Court
JOINT PERFORMANCE MONITORING (JPM)	A management system which collects and analyses information about aspects of activity undertaken by the police and/or the CPS, aimed at securing improvements in performance
INDICTABLE ONLY OFFENCES	Offences triable only in the Crown Court, e.g. murder, rape, robbery
INEFFECTIVE TRIAL	A case listed for a contested trial that is unable to proceed when it was scheduled to start, for a variety of possible reasons, and is adjourned to a later date
JUDGE DIRECTED ACQUITTAL (JDA)	Where the judge directs a jury to find a defendant not guilty after the trial has started
JUDGE ORDERED ACQUITTAL (JOA)	Where the judge dismisses a case as a result of the prosecution offering no evidence before a jury is empanelled
LEVEL A, B, C, D, E STAFF	CPS grades below the Senior Civil Service, from A (administrative staff) to E (senior lawyers or administrators)
LOCAL CRIMINAL JUSTICE BOARD	The Chief Officers of police, probation, the courts, the CPS and the Youth Offending Team in each criminal justice area who are accountable to the National Criminal Justice Board for the delivery of <i>PSA</i> targets
MG6C, MG6D ETC	Forms completed by police relating to unused material
NAREY COURTS, REVIEWS ETC	A reformed procedure for handling cases in the magistrates' court, designed to produce greater speed and efficiency
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
PERSISTENT YOUNG OFFENDER	A youth previously sentenced on at least three occasions
PRE-TRIAL REVIEW	A hearing in the magistrates' court designed to define the issues for trial and deal with any other outstanding pre-trial issues

PUBLIC INTEREST TEST	The second test under <i>the Code</i> - is it in the public interest to prosecute this defendant on this charge?
PUBLIC SERVICE AGREEMENT (PSA) TARGETS	Targets set by the Government for the criminal justice system (CJS), relating to bringing offenders to justice and raising public confidence in the CJS
RECOMMENDATION	This is normally directed towards an individual or body and sets out steps necessary to address a significant weakness relevant to an important aspect of performance (i.e. an aspect for improvement) that, in the view of the Inspectorate, should attract highest priority
REVIEW, initial, continuing, summary trial etc	The process whereby a Crown Prosecutor determines that a case received from the police satisfies and continues to satisfy the legal tests for prosecution in the Code. One of the most important functions of the CPS
SECTION 9 CRIMINAL JUSTICE ACT 1967	A procedure for serving statements of witnesses so that the evidence can be read, rather than the witness attend in person
SECTION 51 CRIME AND DISORDER ACT 1998	A procedure for fast-tracking <i>indictable only</i> cases to the Crown Court, which now deals with such cases from a very early stage – the defendant is sent to the Crown Court by the magistrates
SENSITIVE MATERIAL	Any relevant material in a police investigative file not forming part of the case against the defendant, the <i>disclosure</i> of which may not be in the public interest
SPECIFIED PROCEEDINGS	Minor offences which are dealt with by the police and the magistrates' court and do not require review or prosecution by the CPS, unless a not guilty plea is entered
STRENGTHS	Work undertaken properly to appropriate professional standards ie consistently good work
SUMMARY OFFENCES	Those triable only in the magistrates' courts, e.g. most motoring offences
TQ1	A monitoring form on which both the police and the CPS assess the timeliness and quality of the police file as part of <i>joint performance monitoring</i>
TRIAL UNIT (TU)	Operational unit of the CPS which prepares cases for the Crown Court