

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

REPORT 7/03

JUNE 2003

CPS NORFOLK



AREA OFFICE

Norwich

MAGISTRATES' COURTS

Cromer, Fakenham

Great Yarmouth, King's Lynn

Norwich, Swaffham, Thetford

CROWN COURTS

King's Lynn

Norwich

CONTENTS

	PAGE
PREFACE	
1 INTRODUCTION	1
Methodology and nature of the inspection	2
2 SUMMARY OF INSPECTION FINDINGS AND RECOMMENDATIONS	4
Recommendations	4
3 KEY PERFORMANCE RESULTS	6
Commentary	9
<i>Quality of decision-making</i>	9
<i>Continuing review</i>	9
<i>Level of charge</i>	9
<i>Cracked and ineffective trials</i>	10
<i>Persistent young offenders</i>	10
<i>Sensitive cases</i>	10
<i>Narrowing the justice gap</i>	10
<i>Disclosure</i>	10
4 CASEWORK	11
Overview	11
Advice to police	12
Cases ready to proceed at first date of hearing	12
Bail/custody applications	13
Summary trial preparation	13
Committal and Crown Court case preparation	14
Disclosure of unused material	16
Sensitive cases	17
File/message handling	18
Custody time limits	19
Joint action to improve casework	20
National Probation Service and Youth Offending Teams	20
Appeal and committal for sentence processes	20
Recording of case outcomes	20
Information on operational and legal issues	21
Readiness for court	22
Learning points	22
5 ADVOCACY AND QUALITY OF SERVICE DELIVERY	23
Overview	23
Advocacy standards and monitoring	23
Court endorsements	24
Court preparation	25
Accommodation	25

6	VICITMS AND WITNESSES	26
	Overview	26
	Witnesses at court	26
	Direct Communication with Victims	27
	Meetings with victims and relatives of victims	28
	Victims' Charter	28
7	PERFORMANCE MANAGEMENT	29
	Overview	29
	Performance standards	29
	Performance monitoring	29
	Joint performance management	30
	Continuous improvement	31
	Accounting for performance	31
8	PEOPLE MANAGEMENT AND RESULTS	32
	Overview	32
	Human resource planning	32
	Staff structure	33
	Staff development	34
	Performance review	34
	Management involvement	34
	Good employment practice	35
	Equality and diversity	36
	Health and safety	36
9	MANAGEMENT OF FINANCIAL RESOURCES	37
	Overview	37
	Staff financial skills	37
	Adherence to financial guidelines	37
	Budgetary controls	38
	Management of prosecution costs	38
	Value for money approach	39
10	PARTNERSHIPS AND RESOURCES	40
	Overview	40
	CJS partnerships	40
	Information technology	41
	Buildings, equipment and security	41
	Partnership with Headquarters and the Service Centre	42
11	POLICY AND STRATEGY	43
	Overview	43
12	PUBLIC CONFIDENCE	44
	Overview	44
	Complaints	44
	Minority ethnic communities	44
	Community engagement	45

13	LEADERSHIP AND GOVERNANCE	46
	Overview	46
	Staff recognition	46
	Management structure	47
	Action plans	47
	Criminal justice system co-operation	48
ANNEX 1	Business Excellence Model Inspection Map	
ANNEX 2	Area Organisational Chart to show structure and staff numbers	
ANNEX 3	Area caseload figures	
ANNEX 4	Resources and caseloads	
ANNEX 5	Implementation of recommendations/suggestions from report published April 2001	
ANNEX 6	Files examined for CPS Norfolk	
ANNEX 7	List of local representatives who assisted in the inspection	
ANNEX 8	HMCPSI Vision, Mission and Values	
ANNEX 9	Glossary	

PREFACE

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

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

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

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

Although the inspection process will continue to focus heavily on the quality of casework decision-making and casework handling, it will continue to extend to overall CPS performance. Consistently good casework is invariably underpinned by sound systems, good management and structured monitoring of performance. Although reports in our first cycle tended to address management and operational issues separately from casework, that fundamental linkage will now be reflected more fully through the EFQM based inspection framework. Inspection teams comprise legal inspectors, business management inspectors and casework inspectors working closely together. HMCPSI also invites suitably informed

members of the public nominated by national organisations to join the process as lay inspectors. These inspectors are unpaid volunteers who examine the way in which the CPS relates to the public, through its dealings with witnesses and victims, its external communication and liaison, its handling of complaints and the application of the public interest test contained in the Code for Crown Prosecutors.

HMCPPI 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 undertakes inspection in Northern England. Both offices undertake thematic reviews and joint inspections with other criminal justice inspectorates. At any given time, HMCPPI 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 six inspections. HMCPPI 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 Norfolk, which serves the area covered by the Norfolk Constabulary. It has one office, at Norwich. The Area Headquarters (Secretariat) is also based there.
- 1.2 Area business is divided on functional lines between magistrates' courts and Crown Court work. The Criminal Justice Unit (CJU) is responsible for the conduct of all cases dealt with in the magistrates' courts. The Trial Unit (TU) reviews and handles cases dealt with in the Crown Court.
- 1.3 At the time of the inspection there were two level D Unit Heads in charge of the TU and CJU respectively, each reporting to the Chief Crown Prosecutor (CCP). It is planned to divide the CJU along geographical lines and a further Level D manager has been appointed.
- 1.4 At the time of the inspection in March 2003, the Area employed the equivalent of 73.2 full-time staff. The Area Secretariat comprises the CCP, Area Business Manager (ABM) and the full-time equivalent of 8.1 other staff. Details of staffing of the Units is set out below:

Grade	TU	CJU
Level E	1	-
Level D	1	3.9
Level C lawyers	6	15.6
Level B2 caseworkers	1	2.8
Level B1 caseworkers	11	2
Level A caseworkers	5.6	14.2
TOTAL	25.6	38.5

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

- 1.5 Details of the Area's caseload are as follows:

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	1,307	6.5	4.1
Summary motoring	6,689	33.2	36.8
Other summary	4,624	22.9	18.7
Either way and indictable only	7,485	37.1	39.8
Other proceedings	65	0.3	0.7
TOTAL	20,170	100%	100%

There is a query over the accuracy of a small part of this information. Please see paragraph 4.43.

1.6 The Area's Crown Court finalised cases were:

Crown Court finalised cases	Area numbers	Area % of total caseload	National % of total caseload
Indictable only	383	26.3	30.4
Either way offences	643	44.3	44.0
Appeals against conviction or sentence	271	18.6	9.5
Committals for sentence	157	10.8	16.1
TOTAL	1,454	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 Norfolk (in common with other CPS Areas) has benefited from a significant increase in its budget since our last inspection in order to drive up performance. As a result, the Area has been able to recruit more staff and reduce the average numbers of cases dealt with per lawyer and caseworker. The effect of this is demonstrated in Annex 4.

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

1.9 The scope of the inspection is also influenced by the length of time since performance was previously inspected. The assessment in respect of CPS Norfolk also drew on findings from the previous inspection of the Area, a report of which was published in April 2001.

1.10 As a result of this risk assessment, it was determined that the inspection of CPS Norfolk should be an intermediate one.

1.11 Our previous report makes a total of 17 recommendations and 12 suggestions, as well as identifying one aspect of good practice. In the course of this inspection, we have assessed the extent to which the recommendations and suggestions have been implemented, and a synopsis is included at Annex 5.

1.12 In the light of this, the inspection did not include consideration of discontinued cases or pre-charge advice to the police.

- 1.13 Our methodology combined examination of 80 cases finalised between October and December 2002, and interviews with members of CPS staff at all levels, criminal law practitioners and local representatives of criminal justice agencies. Our file sample was made up of magistrates' courts and Crown Court trials (whether acquittals or convictions), cracked and ineffective trials and some specific types of cases. A detailed breakdown of our file sample is shown at Annex 6. A list of individuals interviewed, or 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.
- 1.14 Inspectors visited the Area between 3 and 7 March 2003. The lay inspector for this inspection was John Power. 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 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.
- 1.15 The purpose and aims of the Inspectorate are set out in Annex 8. A glossary of the terms used in this report is contained in Annex 9.

2 SUMMARY OF INSPECTION FINDINGS AND RECOMMENDATIONS

- 2.1 CPS Norfolk has historically been a stable and well-performing Area with all levels of staff contributing together to deliver a high quality of service to the local criminal justice system and to the community. The standard of casework demonstrated in our file sample mirrored, and in some aspects exceeded, that revealed in national data on performance outcomes. Particularly commendable was the strong element of collective case ownership and case responsibility in magistrates' court work, which was reflected in a very positive showing both in timely initial review and in continuing review. The quality of service delivery at court - in terms of advocacy and witness care – was, at the time of our inspection, also very good, to the credit of both caseworkers and lawyers. Cases are well prepared, although CPS Norfolk tends to rely less on systems and written procedure than individuals and oral communication, and thus when failures do occur there is an absence of the checking and back-up that might have prevented or corrected them. There was a very good overall performance on primary disclosure. The process of secondary disclosure was not always comprehensively dealt with. This did not appear to have originated in, or be confined to the CPS, but secondary disclosure needs reinvigoration locally, and the CPS ought now to be taking the initiative. Briefs to counsel are another matter requiring attention.
- 2.2 The Area's staff are well regarded locally for their professionalism, commitment and standard of performance. Their stability and longevity in post, supported by good police files and significant recent increases in funding, are major advantages. The administrative staff are enthusiastic and keen to improve performance. There are very good relationships with other agencies within the local criminal justice system, bringing mutual benefits. In Norfolk there has been less structural change than in most other CPS Areas, and there are still no firm plans with regard to co-location. By the autumn of 2003, CPS and police will share premises in Norwich, but there will be no integration of staff. Whilst the present system - a main feature of which is the early receipt of the full police file - works very well, the Area needs to clarify and communicate its strategy for the future.
- 2.3 Staff are on the whole well managed and led, and this was reflected in a strong showing in the annual staff survey. There are, however, a small number of issues requiring closer attention, which are explained in the chapter "People Management." A more focussed performance management system is needed, as there is currently uncertainty as to what should be measured and, more importantly, why it is being measured. We found some examples of inaccurate and incomplete information and the accuracy of data when cases are finalised is, in particular, not entirely reliable. Joint performance management with the police is working well, however, and the Area is also good at drawing appropriate lessons from adverse cases. The Area still needs to develop its use of technology, although some progress has been made since the last inspection.

Recommendations

- 2.4 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.

- 2.5 We have made four recommendations to help improve the Area's performance.
1. The CCP and Trial Unit Head ensure that the instructions to counsel fully cover all the issues in a case including, where appropriate, the acceptability of pleas (paragraph 4.19).
 2. The CCP and Trial Unit Head take steps to ensure that the CPS becomes more vigorous in pressing for a defence statement and introduce a robust system to ensure that the prosecution's secondary disclosure obligations are complied with (paragraph 4.24).
 3. We recommend that the CCP/ABM review their performance management system to ensure that:
 - * it focuses on the needs of the Area;
 - * there is greater clarity with regard to what is being measured and why;
 - * information is accurately compiled and complete;
 - * meaningful analysis is undertaken; and
 - * there is clear ownership and responsibility (paragraph 7.7).
 4. The ABM ensures that performance indicators are a true reflection of the type of case undertaken, and that they only include cases the CPS is entitled to claim (paragraph 9.7).

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	-	100%	-	Not sampled
Decisions complying with public interest test in the Code ¹	-	100%	-	
First Review				
Decisions to proceed at first review complying with the evidential test ¹	-	98.5%	-	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	-	77.4%	-	100%
Discontinuance				
Discontinuance rate of completed cases (CPS figure)	-	12.7%	-	10.4%
Discontinued cases with timely discontinuances ¹	-	68.2%	-	Not sampled
Decisions to discontinue complying with the evidential test ¹	-	87.3%	-	
Decisions to discontinue complying with the public interest test ¹	-	100%	-	
Discontinued cases where all reasonable steps had been taken to request additional evidence/information ¹	-	84.8%	-	
Level of charge				
Charges that required amendment and were amended in a timely manner ¹	-	72.9%	-	100%
Cases that proceeded to trial or guilty plea on the correct level of charge ¹	-	97%	-	100%
Cracked and ineffective summary trials				
Cracked trials as recorded by CPS and magistrates' courts JPM	-	(Jul-Sep 02) 37.5%	-	(Jul-Sep 02) 31%
Cracked trials in file sample that could have been avoided by CPS action ¹	-	26.9%	-	Not sampled
Ineffective trials as recorded by CPS and magistrates' courts JPM	-	(Jul-Sep 02) 30.9%	-	(Jul-Sep 02) 23.2%
Ineffective trials in the file sample that could have been avoided by CPS action	-	- ⁴	-	Not sampled
Summary trial				
Acquittal rate in magistrates' courts (% of finalisations) – CPS figure	-	1.7%	-	1.6%
Decisions to proceed to trial complying with the evidential test ¹	-	94.8%	-	91.2%
Decisions to proceed to summary trial complying with the public interest test ¹	-	100%	-	100%
Cases with timely summary trial review ¹	-	88.2%	-	55.6% [44.4% Not known]
Requests for additional evidence/information made appropriately at summary trial review ¹	-	71.7%	-	94.1%
No case to answers where outcome was foreseeable, and CPS could have done more to avoid outcome ¹	-	78.6%	-	60% [3 out of 5]

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 committal review (including review of "sent" cases prior to service of prosecution case) ¹	-	90.2%	-	100%
Decisions to proceed at committal/service of prosecution papers stage complying with evidential test in the Code for Crown Prosecutors ¹	-	95.7%	-	95.8%
Decisions to proceed at committal/service of prosecution papers stage complying with public interest test in the Code for Crown Prosecutors ¹	-	100%	-	100%
Requests for additional evidence/information made appropriately at committal review ¹	-	88.5%	-	100%
Timely and correct continuing review after committal	-	86.8%	-	75%
Cases with timely service of committal papers on defence	80%	86.6% ³	-	100% ¹ 81.6% ²
Cases with timely delivery of instructions to counsel	84%	86.5% ³	-	95.8% ¹ 95.3% ²
Instructions to counsel that were satisfactory ¹	-	66.1%	-	54.2%
Cracked and ineffective trials				
Cracked trials that could have been avoided by CPS action ¹	-	26%	-	3 of 6
Ineffective trials where action by CPS could have avoided an adjournment ¹	-	- ⁴	-	Not sampled
Level of charge				
Charges that required amendment and were amended in a timely manner ¹		83.8%		1 of 3
Indictments that required amendment ¹		31.5%		12.5%
Cases that proceeded to trial or guilty plea on the correct level of charge ¹		98.2%		95.8%
Judge ordered and judge directed acquittals				
JOA/JDAs where outcome was foreseeable, and CPS could have done more to avoid outcome ¹	-	36.7%	-	1 of 4
Trials				
Acquittal rate in Crown Court (% of all finalisations excluding JOA, appeals/committals for sentence and warrant write-offs) ²	-	9.9%	-	6.6%

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

² self-assessment by Area

³ nationally collated figure based on Area self-assessment returns

⁴ insufficient numbers of files to provide reliable data

* average performance of Areas inspected in inspection cycle 2002-2004 based on a sample of cases examined and observations at court [updated quarterly]

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		62.2%		89.3%
Cases where secondary disclosure properly handled ¹		50% (1 out of 2)		Not applicable
Witness care				
Trials where appropriate use made of S9 CJA 1967 ¹		97%		100%
Trials where appropriate use made of the witness care measures ¹		83.3%		Not sampled
CROWN COURT CASEWORK				
Disclosure				
Cases where primary disclosure properly handled ¹		83.9%*		100%
Cases where secondary disclosure properly handled ¹		59.6%		81.25%
Witness care				
Trials where appropriate use made of witness phasing/standby ¹		75.7%		80%
Trials where appropriate use made of the witness care measures ¹		88.5%		100%
MAGISTRATES' COURTS AND CROWN COURT				
Custody time limits				
Cases in sample where expiry dates accurately calculated	-	94%	-	100%
OTHER ISSUES				
Payment of witness expenses				
Payment of witness expenses within 10 days of receipt of claim ²	100%	99.8%		100%
Handling of complaints				
Complaints replied to within 10 days ²	94%	88.5%		78.9%
Citizens charter commitment				
MPs correspondence replied to within 15 days ²	100%	93.6%		100%
Improving productivity				
Reduce sick absence rate per member of staff		8.5 days (2001)		5.87 days (Jan-Dec)
OTHER ASPECTS OF CPS PERFORMANCE				
CJS Youth Justice Performance Measures (shared between Home Office, Lord Chancellor's Department and CPS)				
To halve time from arrest to sentence for persistent young offenders from 142 to 71 days by 31 March 2002	71 days	69 days (Jan-Dec 02)		72 days

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 [updated quarterly]

Commentary

- 3.1 Overall, the Area's casework results are very good, placing it amongst the best performing CPS Areas. This is amply demonstrated in the tables. There are some matters, though, which we detail below, that will need attention if it is to maintain that position, as recently there has been a slight decline in positive outcomes. In part this may be due to the Area's adoption of a more robust prosecuting stance in the last year, particularly in domestic violence matters, which has brought related increases in cracked trials and adverse cases.

Quality of decision-making

- 3.2 The figure of 100% compliance with the Code evidential test at first review in the trial and guilty plea file sample, which covers all courts, is commendable. It mirrors the findings of our previous inspection, albeit the basis of our sample has changed. However, first review is often based on something less than a complete police file, and has to be put in the context of decisions by lawyers to continue prosecuting a case being prepared for trial, as the whole of the evidence unfolds. Here, it is important to look not only at this file sample, where again there was 100% compliance at trial review, but also the results for adverse cases.
- 3.3 For the year ending December 2002, the Area's no case to answer (NCTA) rate (0.1%) was below the national CPS average (0.2%). Nonetheless, of the five cases that we examined, three (60%) were foreseeable and failed the Code's evidential test at, or before, the pre-trial review (PTR) stage. This was borne out by three further files examined on site where two failed that test. Set against the background of an upwards trend in the numbers of NCTAs in the first two months of 2003 (already half last year's total) this is an aspect of concern, which the Area will have to manage tightly.
- 3.4 Judge ordered acquittals (JOAs) present a similar picture, where the rate was commendably low (7.8%) and almost half the national figure (14.2%). However, again, there is an increasing trend with the number of cases in the second half of 2002 (60) being three times greater than the first (20). The Area is not aware of any discernible reason for this and the situation will require careful and thorough monitoring.

Continuing review

- 3.5 There was clear evidence of continuing and timely review on most files we examined, with review endorsements in 83% of summary cases and 75% of committals. There is, though, still scope for improving the number and quality of the endorsements through effective performance management, with 37.5% at present not fully recording the relevant evidential factors.

Level of charge

- 3.6 Charging standards had been correctly applied and trials proceeded at the correct level of charge in almost all relevant cases examined.

Cracked and ineffective trials

- 3.7 The levels of cracked and ineffective summary trials in the second quarter of 2002 were 30% and 21% and in the third quarter 31% and 23.2%, very few of which are attributable to CPS failures. This placed the Area second and sixth best nationally, which is a commendable performance. There is formal joint monitoring between the CPS and courts, which consistently shows that the single biggest factor causing a trial to crack is a late change of plea by the defendant. The main factor resulting in an ineffective trial is the non-appearance of the defendant.
- 3.8 However, in the file sample we found that the CPS could have avoided the trial cracking in three out of six of relevant Crown Court cases. The reasons varied from lack of lawyer grip in allowing a weak case to proceed, to failure to accept a plea offered at PTR that was then accepted at trial. These cases displayed a lack of attention to detail on review.

Persistent young offenders

- 3.9 The national target for finalising PYO cases in is 71 days. In the previous year, with a result of 63 days, the Area comfortably achieved this, and also surpassed the national average of 69 days. In 2002, however, as the consequence of a substantial rise in the figures for the last two quarters, the Area just missed achieving both the national target and the national average. These figures are dependent on the performance of not just the CPS, but also other CJS partners. Nonetheless, it is felt that there has been recently some weakening of systems that identify PYOs before and at court, and progress their cases. We feel that the CJU Head needs to revisit, with the police and the courts, the PYO issue, to identify the causes of this drop and to tighten procedures where necessary. The Area is also planning to reduce its dedicated youth team from three to two lawyers, but will need to ensure that this is not at the cost of meeting the PYO target.

Sensitive cases

- 3.10 The Area handles sensitive cases, particularly those of domestic violence, to a commendably high standard, as we detail elsewhere. This is enhancing its standing with other CJS partners and the wider community.

Narrowing the justice gap

- 3.11 In the significant aspects of discontinuance, bind overs, adverse cases and acquittals, the Area is performing as well as, or better than, the national CPS average.

Disclosure

- 3.12 Primary disclosure was properly handled in 89.3% of summary cases and 100% of those in the Crown Court that we examined. These are good figures when compared with the average figures for all Areas established in the last inspection cycle. In all three of the summary trials where it was not, there was no evidence of primary disclosure, despite unused material and the form MG6C being received from the police. The CJU will want to verify that there is full compliance with this duty.
- 3.13 Of more concern though, is the handling of secondary disclosure in the TU. It was properly handled in 81.25% of cases in the trial and guilty plea file category, but there were a number of cases where there were no secondary MG6E forms on file, and it was not possible to be satisfied that disclosure had been fully dealt with. We deal with this in more detail elsewhere at paragraphs 4.2, 4.22 and 4.23.

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 Overall, cases are very well handled in both the CJU and the TU. This is reflected by generally positive results, which regularly place CPS Norfolk amongst the best performing CPS Areas. This level of performance is greatly assisted by the good quality of police case files that the CPS receives. In the magistrates' and youth courts, the Narey system has been fully and creatively implemented, with Designated Caseworkers (DCWs) and lawyers working well together. Both initial and continuing reviews of cases, including legal reasoning, are almost always apparent on files and primary disclosure has improved considerably since our last inspection, to the point where it is now a strength. The CJU duty lawyer system ensures that summary trial files are mainly trial ready by PTR and any failures of the case to progress at that stage are rarely the fault of the CPS. The same applies in the TU, where file ownership and a proper grip tends to ensure that Crown Court cases are fully prepared for PDH and trial, with Court directions consistently complied with in a timely manner. Particularly pleasing was the very effective and, when required, robust handling of sensitive cases, particularly those of domestic violence, which is enhancing the CPS' standing with other criminal justice agencies and the wider community.
- 4.2 However, in Crown Court cases, both the prosecution and defence have developed a relaxed attitude to the service of a defence statement and secondary disclosure, so that such a statement tends to be the exception rather than, as elsewhere, the norm. This undermines the intention behind the legislation since the disclosure of the nature of the defence is a necessary and expected feature of a modern criminal trial. The Area's prosecutors therefore ought to be more robust in using the statutory sanctions to try and secure a defence statement, even if this does then impose the obligation to make secondary disclosure. Also, on too many cases in the file sample, secondary disclosure had been overlooked when a defence statement had been filed. The TU needs to have in place processes to ensure that when a defence statement is served secondary disclosure will not be missed. We discuss this issue further at paragraph 4.23.
- 4.3 We also have some concerns about the lack of systems to ensure a pre-trial check (both legal and administrative) in the CJU, and the chasing of late police committal files in the TU. The high level of commitment and case responsibility in the Area means that, in most cases, some form of check is either done or is not necessary; the problem is that where individual error occurs there is no back-up system in place to correct it.
- 4.4 Another concern is the absence of meaningful lawyer involvement in the brief preparation process in the TU. As a result, the quality of briefs generally, particularly of the more routine cases, is unacceptably low, often lacking details of the issues in a case, or instructions on the acceptability of pleas to alternative or lesser offences than those charged.

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

- 4.5 We did not request any file sample of advice cases, but we were told that the police are generally satisfied with both the quality and timeliness of advice received, and the early and willing engagement in giving advice in serious cases where requested. The Area has been concerned at the failure by lawyers to note all their oral advices to the police, with a consequent loss of income. It has introduced a table which each month records the number of oral advices per lawyer. This has resulted in a significant increase, but some appear to be inappropriately recorded or are so brief as to be meaningless. We saw single line entries in the oral advice register, for example, simply stating “advice to submit an advice file” and “advice to arrest”. In our view, this is not sufficient to enable the Area to claim remuneration and it needs to introduce a properly regulated process that balances the need to capture each oral advice given with a verifiable record.

Aspects for improvement

- * Proper recording of oral advices.

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)

- 4.6 The Narey system of fast track cases is working well. An initial review note, often comprehensive, was present on all Narey cases in the file sample and this was corroborated by the files seen at court, which had all been reviewed prior to the hearing. Advance disclosure is also regularly being made at the first hearing and a copy of the form detailing what has been served on the defence kept on the file. That record was present in 25 out of 29 (86.2%) relevant cases in the file sample that we examined.
- 4.7 We were impressed by the Area’s flexibility of approach in the outlying courts where it is not practical to send a lawyer to the police station the previous day because of the relatively small number of cases and distances involved. The delivery of the Narey fast track system here is due to both excellent co-operation between the CPS, police and the courts and the flexibility of the Area’s staff in working to tight time and work constraints on the day of the first hearing.
- 4.8 Both the evidential and public interest Code tests were correctly applied at initial review, with correct mode of trial and charging standard decisions where appropriate, in all 30 relevant cases that we examined. This reflects the generally high standard of prosecution decision-making in the Area.

Strengths

- * Maintaining the quality of the Narey fast track process in less than ideal circumstances.

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

- 4.9 From cases that were examined and seen, supported by the views of other agencies, applications for remands in custody are being made appropriately. However, prosecutors are not always bringing sufficient independent judgement to applications for conditional bail, choosing to adopt the conditions imposed by the police. The Area needs to re-emphasise to its prosecutors that the court should only be asked to impose conditions on bail which, in their considered view, meet the requirements of the Bail Act 1976.

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

- 4.10 Whilst there is concern that PTRs are not as effective as they ought to be, this is mainly down to reasons beyond the direct control of the CPS, which is almost always trial ready by the PTR. This is due to the generally good standard of police files, clear CPS processes - including PTR check forms on each file - and the daily duty lawyer system that operates in the CJU. PTR cases in which the police file arrives seven days or less before the hearing date are reviewed by the duty lawyer, who is also responsible for serving section 9 statements and unused material on the defence. These cases are pulled from the file racks by administrative staff as and when police files arrive and presented to the duty lawyer on the day, but there is no system to ensure that late police files can be identified and chased up. Whilst at present the majority of police files are timely, the CJU Head should consider the implementation of action dating to capture those that are not, and to allow for any dip in police performance.
- 4.11 The CJU also regularly deploys a dedicated team of prosecutors in PTR courts, which assists in achieving progress and consistency, particularly with regard to acceptance of pleas. One difficulty in achieving quality decision making at the PTR has been the volume of cases listed at each sitting and the CJU Head is proactively engaged with the courts in attempting to limit them to a maximum of nine per sitting.

- 4.12 However, the CJU has no process to ensure that after PTR there is a trial readiness check and review of the file. Our file sample indicated that this is frequently being overlooked, with inspectors being unable to determine in 12 out of 27 (44.4%) of relevant cases, whether there had been a timely trial review. It may be that a process of appropriate action dating would help in reducing the number of cracked trials and NCTAs attributable to prosecution failures that we refer to elsewhere.

Strengths

- * Case preparation for PTR.

Aspects for improvement

- * Introduction of action dating to chase late police PTR files and to ensure a pre-trial check and review of cases.

Committal and Crown Court case preparation

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

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

- 4.13 Whilst we are satisfied that committals are rarely discharged, there are issues of timeliness. The Area has agreed with the courts that all non-custody committals will be adjourned for a period of six weeks, rather than the national standard of eight, to try and prompt at least the service of the committal papers on the defence within that time. In fact, estimates of how many cases are committed on the first hearing vary between 30% (the courts) and 70% (the CPS), but it is not in doubt that the number of cases where committal papers are served on the day at court, and consequent adjournments, is increasing. At a level of 80%, the Area has not achieved either its own target for the timely service of committal papers on the defence of 91%, or the national average of 86.6%, and this must be a contributory factor. This timeliness is calculated from the receipt of the police file and suggests that committals are not being prepared and papers served on the defence as speedily as they could be. In the TU, when the police file arrives, all committal preparation is undertaken by the caseworkers and then sent to the reviewing lawyer to be checked. There can be some delay before the lawyer considers the committal package and then the file will be returned to the caseworker to complete the process, on occasions with the lawyer's very lengthy note detailing matters that need correcting. This can build in further unnecessary delay and we feel that there is scope for streamlining by the TU Head so that lawyers can make their own changes to the papers and send off a committal file directly.

- 4.14 In addition, the TU has no system for prompting the police if there is any delay in sending their committal file within the six week period. The only trigger is the next hearing, which we feel defeats the object of the exercise. We feel that chasing the police for committal files, if they are not delivered within 14 days of the hearing, may result in their earlier receipt and the opportunity to further reduce the number of adjournments at the first committal hearing.
- 4.15 There is also a need to ensure that TU lawyers properly note files with instructions for the prosecuting lawyer where a committal cannot proceed and an adjournment is to be sought; or where the committal charges differ substantially from those originally charged, especially where this reopens mode of trial considerations.
- 4.16 We are satisfied that in indictable only cases there are robust systems to ensure that service of the prosecution papers takes place within the 42 day statutory period after the case has been sent.
- 4.17 The Area sends a letter to the defence after committal asking them to contact the CPS if the defendant is prepared to plead to a charge other than that on the indictment. This is a useful initiative which may assist in reducing the number of trials cracking because of late pleas acceptable to the prosecution.
- 4.18 In our previous report we recommended that the issues in a case and the acceptability of pleas should be fully addressed in the brief to counsel. Unfortunately, the situation has not improved. The briefs are compiled by caseworkers on a modular basis with a large number of standard enclosures including the police summary and directions about the need for consultation before accepting alternative pleas. However, these in themselves do not address the issues in a particular case. There is little or no lawyer input and staff themselves acknowledge that many of the briefs are less than adequate. There is also provision in the Area's Business Plan for the monitoring of the quality of briefs, but whilst we saw some evidence of such monitoring there was no indication that it was being acted upon. In our file sample, in 14 out of 24 (58%) relevant cases the brief did not contain an adequate summary, and nine out of 21 (43%) failed to give appropriate instructions about acceptability of pleas. This failure is not just confined to straightforward cases, but also more complex ones. Although we did see some well-prepared briefs they were the exception rather than the rule. For example, in one case of serious violent disorder and assault that we examined, counsel was obliged to submit a multi-page request for basic information that should have been provided in the brief.
- 4.19 The Area maintains one to one caseworker coverage in the Crown Court and caseworkers are producing commendably full notes of evidence and what takes place at court. They are mainly very experienced and able to ensure that counsel is properly served and instructed with appropriate liaison between them and CPS lawyers. Plea and directions hearings (PDHs) are particularly well handled and noted, with continuous caseworker presence in court. In our file sample, court directions were fully complied with in a timely manner in all 20 relevant cases that we examined. However, although the Area has five Higher Court Advocates (HCAs) they are not currently deployed in PDH courts. The court does not operate block listing of PDHs, but we feel that there is still scope for more HCA handling of PDHs, which was one of the main reasons for the introduction of HCAs, and that the Area should review this policy.

Strengths

- * The quality of caseworker support and notes in the Crown Court.

Aspects for improvement

- * Timeliness of service of committal papers.

RECOMMENDATION

The CCP and Trial Unit Head ensure that the instructions to counsel fully cover all the issues in a case including, where appropriate, the acceptability of pleas.

Disclosure of unused material

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

- 4.20 The timeliness and the quality of compliance with the primary disclosure provisions of the CPIA in both the Crown Court and magistrates' court is very good. Of the relevant Crown Court files examined, primary disclosure was dealt with properly in all 24 cases and was timely in all but one. In the magistrates' court, it was both properly handled and timely in 25 out of 29 (86%) cases. There was clear evidence on the files we examined, that lawyers were properly considering and evaluating the unused material supplied by the police, before completing and then serving on the defence the MG6C form detailing the items and whether and how they should be disclosed. Also, the disclosure documents were separately filed in all 24 Crown Court cases and 22 out of 29 (76%) magistrates' courts cases that we examined.
- 4.21 However, the picture is not so positive with regard to secondary disclosure. This was not dealt with properly in three out of 16 (19%) of Crown Court cases that we examined in the trial and guilty plea file sample. In several cases, defence statements had been sent onto police but there were no secondary MG6E forms on file. Inspectors feel that there should be closer monitoring of secondary disclosure.
- 4.22 There is a culture in the Area whereby prosecution and defence have developed a relaxed attitude towards the filing of a defence statement in Crown Court cases, to the extent that it is, in routine cases, the exception rather than the norm. There is no attempt by the CPS to press the defence on this even though one of the purposes behind the statement is to prevent possible injustice by a defence ambush at trial. Also, prosecutors do not appear to press the adverse inference against a defendant that can, in the absence of a defence statement, potentially be a matter for judicial comment at trial. On the other hand, the defence often do not appear to complain when there is no secondary disclosure and where they are entitled to receive it.

- 4.23 In addition, we have some concern over the fact that the unused material accompanying the police committal file is not considered until after committal. The issue here is when the material is considered, not when disclosure is made. It may contain information that so undermines the prosecution case that it should not be committed. Our file sample contained such a case, which concerned an allegation of racially aggravated assault by a person in a position of trust. After committal, examination of the unused material revealed information that so discredited the victim that the case was quickly terminated, resulting in a JOA. Lawyers should always consider the unused material as part of the committal preparation and we suggest that the TU Head takes steps to ensure that this becomes the practice.
- 4.24 With regard to sensitive material, it was properly handled in all but one case in the file sample where there was no evidence of reasoned decision-making by the lawyer and the MG6D was not endorsed. Other Crown Court users felt that the Area deals with this material, and public interest immunity (PII) applications, well.

Strengths

- * The handling of primary disclosure.

Aspects for improvement

- * The review of unused material prior to committal.

RECOMMENDATION

The CCP and Trial Unit Head take steps to ensure that the CPS becomes more vigorous in pressing for a defence statement and introduce a robust system to ensure that the prosecution’s secondary disclosure obligations are complied with.

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

- 4.25 The Area is performing well in its handling of these types of cases and commendably so with regard to offences of domestic violence. The file sample contained a substantial number of magistrates’ courts and Crown Court domestic violence and racially aggravated cases, which were all prosecuted very robustly and in accordance with CPS policy. One domestic violence case was prosecuted to conviction where the victim was not prepared to give evidence. In two other cases the CPS displayed considerable sensitivity in handling the victims, one of whom was pregnant with twins by the defendant. The Area has five domestic violence specialists and all trials are handled by them.

- 4.26 With regard to racially aggravated offences, prosecutors often also charged the non-aggravated form and in several cases this secured convictions where the racial element was not proved. The Area also has a joint Action Plan for Racial Incident cases with the police to improve performance further and which establishes decision-making levels within the CPS. In addition, the Area has a race offences champion who has delivered training on racially aggravated offences. All the racially aggravated files had completed racial incident monitoring forms attached.
- 4.27 There were also three child abuse cases in the file sample, which were handled well and sensitively and were transferred to the Crown Court in a timely fashion. In one difficult case involving allegations against a step-parent, the child’s mother supported her husband, the defendant, rather than her young daughter. This both demanded and received impressive case handling by the CPS lawyer.
- 4.28 The Area accepts that it was on the “back foot” when the Special Measures provisions to protect vulnerable witnesses were introduced in that many staff had not received adequate training. However, we are satisfied that the situation has now been remedied and prosecutors are getting up to speed. A Special Measures form has been designed to record the details and progress of Special Measures applications. There was a domestic violence case in the file sample where there was a successful application to the court for Special Measures, which was handled well. There is an issue concerning the providing of adequate information to the Witness Service in Special Measures cases in the magistrates’ courts, which should be resolved by the CJU Head; we refer to this in more detail in the chapter “Victims and Witnesses”.
- 4.29 All sensitive files were marked appropriately on the front cover. In general, they were endorsed to a high standard with full review, office and court notes. It was also clear that there is excellent liaison with police in these types of cases, particularly those of domestic violence and child abuse. Our only concern is again that, with one notable exception, the quality of the briefs in this type of case is relatively poor.

Strengths

- * The handling of domestic violence cases.

File/message handling

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

- 4.30 The Area has developed some good systems, particularly in the CJU, to support efficient file flow and good housekeeping. We have already mentioned the duty lawyer scheme, the benefits of which extend beyond the review of files for PTR, and allowing urgent problems to be dealt with immediately. In addition to the general efficiency of court clearing, which makes finding files for court and post easier, administrative staff are given specific responsibilities such as organising the review and withdrawal of warrants, and the marshalling and analysis of information and statistics concerning discontinued cases, PYOs and cracked and ineffective trials.

The computer shared drive has been successfully employed to maintain spreadsheets for monitoring racial incidents, and for the filing and return of audio and videotapes. Dealing effectively with all aspects of file management, even those which are less high profile, helps to maintain efficient casework systems.

Strengths

- * Efficient systems for file and information management in the CJU.

Custody time limits

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

- 4.31 We examined ten cases while on site, comprising of five magistrates' and five Crown Court files, to determine compliance with custody time limits. We found that the arrangements for ensuring compliance with the custody time limit (CTL) system were satisfactory in both units. A manual diary and SCOPE are both used and sufficient checks take place prior to expiry to ensure that the files are brought to the attention of the appropriate person in time to make the necessary applications.
- 4.32 The expiry and review dates were correctly calculated in all of the files we examined. However, in one of the Crown Court files, there was a failure to record the expiry date for a second defendant on the magistrates' court file prior to committal. The problem appeared to have arisen because of confusing endorsements following hearings in the magistrates' court. The second defendant's custody status was unclear, so that on the day of committal only the court appeared to be aware the defendant was in custody. The committal was discharged in any event.
- 4.33 Whilst this appears to be an isolated incident, we would suggest that the Area ensure all staff are aware of when the need for recording separate time limits arises, and that the custody status of a defendant is clearly recorded after every court appearance. Use of the SCOPE label as the only means of recording the expiry and review dates is not helpful. The Area should consider employing a separate sticker (similar to that adopted for PYOs) so that all relevant dates can be clearly recorded for each defendant or charge where necessary. The Crown Court files have no space to record the review date.
- 4.34 It should also be borne in mind that where CTLs are due to expire on or close to the date of hearing, all parties should be put on notice that an application to extend CTLs will be made if the case does not proceed as envisaged.
- 4.35 The Area will wish to refer to the new Good Practice Guide and Essential Actions issued by Headquarters and the Inspectorates' Thematic Review to help refine their systems.

Joint action to improve casework

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

- 4.36 There is concern amongst the CPS and other criminal justice agencies that there is a significant increase in both not guilty pleas in the magistrates' courts and election for trial in either way offences by the defence. The CJU Head is therefore making commendable efforts to build relationships with the local defence solicitors to tackle these and other issues impacting on efficiency.

National Probation Service and Youth Offending Teams

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

- 4.37 The area follows the National Protocol which covers the supply of information to the Probation Service. We were satisfied there were sufficient systems in place to ensure that probation bundles were delivered in a timely manner, and this was confirmed by external contacts.

Appeal and committal for sentence processes

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

- 4.38 The HCAs handle the majority of these hearings and they are very well prepared and presented. The practice of retaining copies of notes of evidence and any legal authorities in the file is of assistance in presenting the more substantial cases. In road traffic matters, which form a large proportion of these cases, there is often little information beyond the Statement of Facts, but the Area's advocates make appropriate enquiries where necessary to clarify the position.

Recording of case outcomes

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

- 4.39 The recording of case outcomes is generally accurate, although there is a significant weakness for a specific set of cases (see paragraph 4.41). Most staff are experienced in finalising cases and checks take place at the end of the month to ensure that performance indicator (PI) codes, particularly those for adverse cases, have been entered correctly. There does appear to be a persistent problem in recording mode of trial details: this is causing manual adjustments to have to be made to the PIs. SCOPE print outs are used to ensure cases are updated or finalised in a timely fashion. There are a few old cases that the Area should take steps to finalise.

- 4.40 Following a recent change in police practice, the Area became aware they had been recording some specified offences. By the time of our inspection steps had been taken to ensure the recording of such offences did not continue. Following some investigation, it had been estimated that 400 cases should be removed from the PIs, although it was not clear that this adjustment had actually been made. In addition to the steps already taken, the Area should ensure that all staff are made aware of the new arrangements and what constitutes a specified offence.
- 4.41 The Area operates a manual system known as ‘fast tracks’ for recording all offences completed on the first date of hearing. The lawyer or DCW completes a file jacket for these cases, which are then filed under the relevant date of hearing so entries into the system can be validated. Each defendant finalised is marked on a manual form, using a five bar gate system, as either a summary only, theft, either way, or very occasionally, indictable only case. However, the form does not differentiate between other summary and motoring offences. As these offences attract a different rate of funding under the national Activity Based Costing model, it will have an impact on the budget allocated to the Area. It will also distort the case-weight data for the Area. We refer to this issue further in the chapter on “Management of Financial Resources”.
- 4.42 Additionally, the system does not have a facility to record case outcomes and all entries are added to the PIs as a “timely guilty plea”. This even includes those cases that have been withdrawn on the first date of hearing, or where evidence has been served by police and CPS advocates are able to prove the case in the defendants absence. The non-recording of withdrawn cases, even in small numbers, will have an effect on the Area’s discontinuance rate. It is estimated that approximately 80 cases per year might have been mis-coded in this way. The Area will want to ensure this is corrected accordingly in order to assess accurately the work it needs to do to meet the Narrowing the Justice Gap PSA target.
- 4.43 Whilst we understand that this form of manual recording saves time, the ABM should ensure that the information recorded accurately reflects the work undertaken and is translated precisely into the PIs.

Aspects for improvement

- * Information recorded manually for the PIs accurately reflects the work undertaken.

Information on operational and legal issues

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

- 4.44 The CJU Head is responsible for compiling *Current Issues*, a round-up of legal news, which is issued to all prosecutors. It provides clear pointers to the latest developments in criminal law and practice, and is a useful tool. There is also a weekly Area Bulletin published for all staff, which details areas for improvement in performance, including casework.

Readiness for court

STANDARD: JOINT CPS, POLICE AND COURT SYSTEMS ENSURE FILES ARE DELIVERED TO THE CORRECT COURT IN A TIMELY MANNER AND ARE READY TO PROCEED

- 4.45 A good system is in operation in the magistrates' courts whereby 'fast-track' cases are listed for hearing at 2pm, thus enabling the lawyer and DCW to attend at the police station and review the files for court in the morning. In youth cases, however, the files are delivered to court for a morning hearing, and the time for proper review is curtailed: this can lead, for example, to some PYOs not being identified and prioritised.

Learning points

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

- 4.46 All adverse case report forms and files are examined by the Unit Heads who collate reports to identify trends and training needs. On the forms that we saw, they are accurately determining whether the CPS could have done more to avoid the acquittal. This analysis is then fed to the CCP. In the CJU the trends are also summarised quarterly by the Unit Head and communicated to the team. Some of these issues are dealt with in the weekly Bulletin referred to in paragraph 4.44. A Bulletin in January 2003 addressed concerns over identification and dishonesty difficulties not being identified in cases, leading to an adverse result.
- 4.47 There is also clear evidence in the CJU of avoidable adverse cases being discussed on a one-to-one basis between the Unit Head and the lawyer concerned, with written confirmation of the discussion. We were impressed with the emphasis in these records on this not being a blaming exercise, but an effort to make the prosecution process more effective. There is no such evidence in the TU, but the Unit Head told us that he does give both individual and team feedback on casework issues. We suggest that to assist performance management, more formal records need to be kept.
- 4.48 As reported in the previous chapter, there is an increasing trend of adverse cases, which will require careful scrutiny.

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 Inspectors were satisfied that, overall, case presentation in both the magistrates' courts and the Crown Court is of a very good standard. The Area has a high proportion of experienced prosecutors in both the CJU and the TU and this is reflected in the confidence and competence displayed. Low agent usage and case ownership and responsibility have made significant contributions to achieving and maintaining this standard in the CJU and care will need to be taken that these features are retained in the forthcoming division of the CJU into two teams. We deal with this further at paragraph 13.10. In the Crown Court a team of equally experienced and competent caseworkers delivers a very good service to the Court, to witnesses and to counsel. In relation to witness care in the magistrates' courts, however, some further progress needs to be made in integrating the Area's dealings with sensitive and vulnerable victims and witnesses with those of the Witness Service.

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 This inspection did not focus closely on the quality of advocacy in the Area, since pre-inspection assessment disclosed no significant risk attaching to this aspect of the Area's service, and nothing we found during the inspection itself suggested otherwise. Nevertheless, it is important to record that we were impressed with the quality of advocacy by the Area's lawyers that we did see, which confirms the external information that we received. We observed six CPS lawyers in the magistrates' and youth courts, and one HCA in the Crown Court. Of those, three were very good and another three above average in some respects, while the remaining advocate was competent in all respects. Three of the advocates that we saw in the magistrates' court were from the TU, and such appearances currently take place on average two or three times per week.
- 5.3 We were told that, although agents of the right level of experience and ability are - and will continue to be - difficult to find, more agents are being sought, so that TU lawyers will not in future have to cover so many sessions in the magistrates' courts and can spend more time on TU cases. Whilst we understand and sympathise with this aim, we are concerned that it should not come at the expense of the present high standard of advocacy service in the magistrates' courts, which is closely connected with presentation of cases by the Area's own lawyers. If and when more agents are used, it will be particularly important that the current system, whereby the reviewing lawyer prior to PTR makes a decision as to whether a particular case is suitable for presentation by an agent, is maintained.

- 5.4 In the Crown Court, we were told that monitoring of counsel is not systematic but relies on frequent attendance by the CCP, TU Head and other TU lawyers in the Crown Court - either as duty lawyer or in their role as HCA - and on near one-to-one coverage by caseworkers, of whom the great majority are very experienced. We were satisfied that such attendance is as described, and indeed the Area has a very visible profile in the Crown Court. In the context of the relatively small size of the Area, this does provide adequate assurance that counsel of the right experience, expertise and ability are matched appropriately with the casework.
- 5.5 The Area's prosecutors and DCWs are appraised once yearly against the National Advocacy Standards and written feedback provided on a standard form. Probationers are appraised more regularly and any learning points raised during their advocacy training are included.

Strengths

- * The quality of advocacy in the magistrates' courts.
- * Strong and visible lawyer presence in the Crown Court and coverage by experienced caseworkers.
- * Witness care in the Crown Court.

Court endorsements

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

- 5.6 The quality of endorsements as made by caseworkers on Crown Court files in the file sample was of a high standard. Full notes of evidence, applications, rulings and all other noteworthy events at court are made.
- 5.7 In magistrates' court files it was also pleasing to find, in the majority of cases, that notes of evidence were present on trial files, a matter which assists the proper presentation of the prosecution case in the event of an appeal. In cases that raised a point of law, there were copies of relevant statutory and case law, which is also to be commended.
- 5.8 The quality and extent of necessary detail in court endorsements was otherwise somewhat variable and we note that a recent survey conducted by the CJU itself demonstrated some deficiencies in the recording of information by lawyers. For example, the name and address of the defendant's solicitor, bail status and conditions, action required to be taken and the clear and unambiguous recording of results required for correct finalisation.

Aspects for improvement

- * Attention to detail in court endorsements on magistrates' court files.

Court preparation

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

- 5.9 A recent concerted effort has been made by the Area to improve the effectiveness of PTRs, with a duty lawyer scheme and a dedicated team of lawyers handling the hearings. In the files we examined there was evidence of this effort, and little to suggest that the levels of cracked and ineffective trials were being substantially contributed to by any systemic failure on the part of the Area, an impression confirmed by external interviewees.
- 5.10 Administrative support in the CJU is very efficient and ensures that matters such as the service of unused material, section 9 statements, witness warning, and all ancillary pre-trial matters are expeditiously handled.
- 5.11 Recently there has been an increase in the proportion of cases that were not ready for committal on the date on which they were listed. It is very rare for a case to be discharged for this reason and it is not a major problem; by agreement with the Magistrates' Court Service the relevant date has been abridged to six weeks rather than the usual eight. Nevertheless it seems a bottleneck may be developing in some committal cases and the TU Head will wish to ensure that steps are taken to clear it.
- 5.12 A good system also exists in the Crown Court to ensure that PDHs and trial dates are effective.

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

- 5.13 All the evidence available to us indicates that this standard is being fully met throughout the Area and there are a number of aspects to commend, in particular the extent and quality of caseworker input in the Crown Court, the duty lawyer scheme in the Crown Court, the regular presence of the CCP and Unit Head in the Crown Court, and the clear detailed instructions contained in counsels' briefs for obtaining further instructions where necessary. The extent of case ownership by caseworkers clearly contributes to the quality of their input at court.

Accommodation

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

- 5.14 There are two adjoining rooms provided at Norwich Crown Court specifically for the CPS, which are secure and properly equipped. There are also separate code-locked rooms at Norwich Magistrates' Court and at Great Yarmouth Magistrates' Court. At Kings Lynn, which also covers the Crown Court sitting in the same building, the Area would benefit from the provision of a photocopier for their sole use.

6 VICTIMS AND WITNESSES

KEY REQUIREMENT:

- * 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 is making substantial efforts to engage more closely with victims and witnesses and benefits from a good working relationship with the Witness Service in both the Crown Court and the magistrates' court. The CCP is ex officio a local director and a lawyer in the CJU is a full director. In the Crown Court, where the Witness Service is long established, arrangements for the exchange of information about the needs of victims and witnesses are working well, and there is very good liaison at court between caseworkers and the Witness Service. In the magistrates' court the Witness Service has only been established more recently and there is still some way to go in ensuring that its representatives receive timely information of cases with vulnerable victims and witnesses, and where applications, for example for Special Measures, are to be made. There is a need for greater clarity as to who precisely has the responsibility for liaising with the Witness Service in the magistrates' court, and how and when that responsibility arises.
- 6.2 A good, if slightly elaborate, system is in place to ensure that decisions to discontinue or alter a charge are communicated in a timely and appropriate manner to victims. Whilst there have been a few failures to communicate decisions since the inception of the scheme in April 2002, the proportion is small and is being monitored by the Area.

Aspects for improvement

- * Provision to the Witness Service in magistrates' courts of adequate, accurate and timely information about vulnerable witnesses.

Witnesses at court

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

- 6.3 We were satisfied that this standard is being met and saw several good examples in the course of our court observations, and evidence in the file sample, of consideration, support and the timely provision of information to witnesses. We were told that, in both tiers of court, lawyers and counsel were, in the great majority of cases, prepared to meet and consult with victims and witnesses and explain matters appropriately to them. There are two matters of minor concern under this heading. Firstly we heard that on occasion there was some misunderstanding of roles and duplication of effort,

in that both lawyers and caseworkers were taking it upon themselves to explain or communicate matters where that had already been done - and where it was more appropriate for it to have been done - by the Witness Service. A written protocol as referred to above would assist in clarifying the roles. Secondly, the Area has adopted the practise of not writing to victims where a relevant decision has already been explained to the victim at court, whether by a lawyer or caseworker. We considered that this practice, which goes against national policy, carries with it two dangers. Firstly, that through overlap of roles between counsel, caseworker, CPS lawyer and the Witness Service itself, there remains the possibility that in some cases a full, or any, explanation may not in fact have been given. Secondly, that in the unfamiliar, stressful and sometimes emotional setting of an appearance at court, it may not, even if fully given, have been fully absorbed. We think that in all cases an appropriately worded letter to confirm the explanation given should be sent.

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

- 6.4 The Area has implemented an effective system for capturing those cases where there is an identifiable victim and where the need for a letter to them is triggered. In both the magistrates' court and the Crown Court the process is initiated by the relevant lawyer appreciating the need for a letter to be written and then writing it. At the end of the process, when the case is finalised, administrative staff check that a letter has in fact been written. This works very well in the case of section 23 discontinuances, but in those cases that are dropped, or the charges substantially reduced, at court, there is scope for error, compounded by the practise of oral communication referred to at paragraph 6.3. From the inception of the scheme to the end of January 2003 the Area considers that, in about 7.5% of relevant cases, a letter was not sent when it should have been, and in about 10% of cases the letter was sent late. In the absence of much comparable data at this stage of the inspection cycle these figures did not strike us as particularly high. This was consistent with a generally positive report from PA Consultants. There is obviously a need for vigilance to be maintained by all those involved in the process.
- 6.5 We examined, together with the lay inspector, a number of letters to victims. Overall they were well expressed and explained and free from unnecessary jargon, though some of them contained a number of minor and easily corrected typing errors whose cumulative effect was to undermine the authority and professionalism of the communication. We were told that it is the normal practise for typists to sign off these letters as the author might be unavailable for several days at a time, and further delay would be caused by returning the letters to them for signature. We considered that any available lawyer could check these letters.

Aspects for improvement

- * Checking of letters to victims.

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

- 6.6 We were satisfied that meetings are held where required and are appropriate. They currently take place in the CCP's office, which is not particularly secure and convenient. The Area will shortly be moving to new accommodation where better facilities should be available.

Victims' Charter

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

- 6.7 The proportion of witness warnings sent within good time is high and is monitored through dip sampling: in the December dip sample 100% were sent within a period of eight calendar days. This continues the improving trend over the last three quarters. Caseworkers, we were told, are very good at ensuring that witnesses receive their witness expense forms and appropriate instruction about completing it. We examined, together with the lay inspector, some letters in response to complaints and found their standard to be generally of good quality. Though we were told that they are treated as a priority task by the CCP and Unit Heads, there is still a little way to go in ensuring that they are all dealt with promptly, as at present only some 80% of complaints are dealt with in the target time.

7 PERFORMANCE MANAGEMENT

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

Overview

- 7.1 The performance of the Area against national targets and objectives is strong in most categories. There has been an increase in the amount of performance data collected since the last inspection. The Area has also introduced a Best Practice Working Group to tackle specific locally identified issues. Joint work with the police is very good and work with other agencies is satisfactory.
- 7.2 However, against the generally positive backdrop of performance outcomes, we had some concerns as to the overall effectiveness of the performance management system. There was a lack of understanding as to the value of some of the data, and analysis was variable in its thoroughness. There were a few instances of data being incomplete or inaccurate which appeared to have gone unnoticed. There was a lack of clarity as to the ownership of performance data.

Performance standards

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

- 7.3 Some standards and business priorities are set through the business planning process, to which a wide cross section of staff have the opportunity to contribute. Targets have been set for such issues as timeliness of papers to defence in summary trials, training days per person and timeliness of various stages of proceedings involving youths.

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

- 7.4 The CCP, ABM, Unit Heads and other staff were all involved in recording, collating and presenting data, but nobody takes responsibility for the overall process so as to produce meaningful, accurate performance data. Performance is not an agenda item for AMT meetings, although there are indications that there are discussions in progress under some individual topics – for example the implementation of the Direct Communication with Victims initiative. The Area produces a monthly performance pack; this could be improved to become a more useful management report.
- 7.5 We were pleased that the Area has formed a Best Practice Working Group to tackle issues identified locally as worthy of attention. While it is still a comparatively new team, they have conducted a review of oral advices and are currently looking at ways to minimise the incidence of victims and witnesses failing to attend trials.

- 7.6 We had reservations over the accuracy of some data. For example, there is concern amongst some staff over the amount of time that they are able to spend in the office, and yet the management information about this aspect of work is consistently incomplete and therefore unreliable. There was also a lack of understanding as to the purpose of some of the data collected and nobody could identify how it was being used; as such, its usefulness must be questionable.
- 7.7 There was evidence of robust analysis and communication of some performance data in the CJU, in particular the evaluation of adverse and discontinued cases. Most information (in both units) tended to be used for determining individual performance, and was therefore often only fed back to the person concerned.

Strengths

- * The robust analysis of adverse outcomes in the CJU with appropriate feedback to individuals where appropriate.

RECOMMENDATION

We recommend that the CCP/ABM review their performance management system to ensure that:

- * **it focuses on the needs of the Area;**
- * **there is greater clarity with regard to what is being measured and why;**
- * **information is accurately compiled and complete;**
- * **meaningful analysis is undertaken; and**
- * **there is clear ownership and responsibility.**

Joint performance management

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

- 7.8 Joint performance management is thriving in Norfolk. There are very good links with the police, with a robust system for measuring the quality of police files. Performance is formally discussed at quarterly meetings, but both agencies are happy to discuss issues on an ad-hoc basis as they arise. We observed good examples of constructive feedback between the CPS and police and vice versa. The analysis and interchange of information about adverse cases and discontinuances was particularly good.
- 7.9 There was also some constructive liaison between the CPS and representatives of the magistrates' courts, although the level of discussion varied throughout the county. Cracked and ineffective trials are discussed: there was a consensus among agencies that the frequency of fault on the part of the CPS was comparatively low.

Strengths

- * The work with the police on JPM, discontinued and adverse cases has been very good.

Continuous improvement

STANDARD: THE AREA HAS DEVELOPED A CULTURE OF CONTINUOUS IMPROVEMENT

- 7.10 There are some staff, mainly at administrative levels, who are keen and enthusiastic and ambitious to improve performance. This philosophy was a little less apparent among some senior staff, who must be on their guard against complacency. Although their somewhat relaxed attitude must be seen in the context of existing good performance, the flaws in the performance data we have referred to, and issues such as an increase in adverse cases in the TU which many staff were not aware of, would indicate that there is scope for some further development of a culture of continuous improvement.
- 7.11 We were encouraged that the Secretariat team had undertaken a self-assessment using the EFQM Excellence Model (BEM). They have developed a follow up action plan and have already started to implement some of the 'quick wins' identified.

Accounting for performance

STANDARD: THE AREA IS ABLE TO ACCOUNT FOR PERFORMANCE

- 7.12 Some data was presented in such a way as to portray a more favourable picture than was warranted. While there is a substantial amount of data available, there is scope for improvement in its analysis and use to accurately monitor and improve performance where necessary. Our biggest concern relates to the accuracy of data – for example, the Area self-assessment of NCTAs indicates that seven cases could have been better handled by the CPS in the period April – December 2002. However, it would appear that the returns to Headquarters and the subsequent nationally produced reports indicate zero failures. Another example was inaccurate finalisations. We have incorporated this into our overall recommendation about accuracy of data at paragraph 7.17.

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 The Area benefits greatly from the experience levels of lawyers and caseworkers. Combined with recent increases in funding, the Area is well placed to continue providing high levels of service and staff satisfaction, and to improve in the small number of aspects that require attention. The Area deploys its staff extensively in the magistrates' courts with minimal cover from agents. HCA coverage has increased, but could be developed further.
- 8.2 Most aspects of people management are handled well in Norfolk, and this was reflected in the positive findings in the annual staff survey. We did consider that some decisions which could have been made by line managers were being taken at a higher level than necessary. Most staff are happy with the training provided and consider that the appraisal process is satisfactory.
- 8.3 The survey highlighted one sensitive issue, which revolved around a perception by some staff that they were occasionally being treated insensitively and peremptorily. In response, managers drew up an action plan, but for the most part this had not been implemented at the time of our visit. We consider further work would be advisable.
- 8.4 We received mixed views with regard to communication. There were good formal communication mechanisms in the Secretariat and the CJU. There were a few instances where failure by managers to communicate effectively had been perceived as a lack of openness. There is scope for improving the flow of information from staff to managers.

Human resource planning

STANDARD: HUMAN RESOURCE NEEDS ARE SYSTEMATICALLY AND CONTINUOUSLY PLANNED

- 8.5 Norfolk has a very stable workforce, particularly at lawyer and B1 caseworker level and therefore planning activity tends to concentrate on how best to utilise any additional funding that the Area may be granted. Staffing levels are regularly discussed at AMT, with the ABM calculating the impact on budgets of any extra staff.

Staff structure

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

- 8.6 The Area is planning to recruit a further four lawyers, a DCW, and some additional level A staff. We consider that this leaves them well resourced and most of the staff were of a similar view. It is recognised that Norfolk has not received its full allocation of ABC funding in the past. However, the Area is clearly helped by the stability and experience of staff, the quality of police files, some good systems and good co-operation between CJS agencies.
- 8.7 A structure change to the CJU was imminent and was the cause of concern to some staff; this is commented upon further in the “Leadership and Governance” section of this report
- 8.8 The TU lawyers support the CJU by covering around three sessions each per week. This enables the Area to restrict the use of agents to a very low level, and still aim to allow sufficient office time for all staff.
- 8.9 The amount of office time was the cause of concern among some staff, and a number of them felt that more use could be made of agents; we discuss this point in more detail elsewhere in this report. Analysis of the Area’s own data indicated that full time staff in the CJU conducted, on average, approximately 20 half day court sessions per month for the period April – December 02 (the individual range was from 14.1 to 23.1).
- 8.10 A policy was devised and agreed with legal staff when the TU and CJU were set up, but there was a lack of clarity as to arrangements for rotation of administrative staff between the units.
- 8.11 The Area has been able to deploy its HCAs more frequently in the current year and was on schedule to achieve the target of 130 sessions. While this is a substantial increase on the previous year’s total of 82 sessions, it is still a comparatively modest number, when considering the number of HCAs available. The need to support the CJU, compounded by restricted agent usage, was cited as the primary reason. With the additional staff for next year, plus an increase in the number of HCAs, the Area will want to maximise the use of this valuable resource; this might include covering some PDH hearings and trials.
- 8.12 The Area has been able to make considerable use of its DCWs to prosecute appropriate cases in the magistrates’ courts. Negotiations have resulted in listing practices which make good use of their time, although the CPS consider that there is still scope for some improvement.

Strengths

- * Highly experienced and capable staff with long term commitment to Norfolk.

Staff development

STANDARD: STAFF CAPABILITIES ARE IDENTIFIED, SUSTAINED AND DEVELOPED

- 8.13 Training was perceived to be a low risk in Norfolk and was therefore inspected with a light touch.
- 8.14 There were a number of positive indicators with regard to training; six training days a year to coincide with the courts' days; a positive IiP report; improvement to induction training; target of five training days each per year; and ad hoc development work such as job swap/shadowing.
- 8.15 On a less positive note: the training plans have not been updated for some time and the Area Training Committee has not met since August 02; the records of training are not easy to follow or reconcile against the Personal Development Plan outputs and some staff feel disadvantaged by non-attendance at training days to staff the office.
- 8.16 The Area recognises the need to continue to develop IT training.

Performance review

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

- 8.17 Risk assessment showed that this was not an aspect for concern and as such was also inspected with a light touch. The staff survey indicated that people are generally satisfied with the appraisal (PAR) process, and interviewees confirmed this during the inspection. Area performance was in line with national results in terms of meeting timeliness targets (61% by the end of May 02).
- 8.18 We were pleased to observe instances of constructive feedback to individuals as a result of findings in dip sampling; this is a strength in the CJU.

Management involvement

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

- 8.19 As with many CPS Areas, we received mixed views as to the effectiveness of communication. There are more formal systems in the secretariat and the CJU with regular team meetings in both, whereas the TU tends to rely more on word of mouth. A weekly bulletin is drafted and circulated.
- 8.20 Minutes of AMT meetings are displayed on notice boards, but it seems some staff do not get around to reading them, and are consequently not necessarily fully aware of some issues (some believe the distribution on notice boards is a recent development). There is no system to ensure that key messages are cascaded to staff, and managers will need to consider how this situation might be improved, particularly as there are likely to be some important changes in the coming 12 months.

- 8.21 There is no Sounding Board in Norfolk, but there are the six training days which often include communication and discussion on Area-wide issues. Whilst we were able to see copies of agendas, formal notes on outputs and actions arising from the meetings could not be provided. The meetings have tended to focus on legal/lawyer issues, but there have also been some occasions where administrative staff have been able to have their own sessions, tailored to their needs.
- 8.22 There is a Whitley Council, but there have only been two formally documented meetings in the past year. We understand that one meeting was cancelled and replaced by an Area-wide ‘conference’ and another was held but not minuted.
- 8.23 Some staff believe there is a lack of openness and transparency, and this may be due in large part to a failure of communications. An example of this arose when the Area was granted an additional HCA place, but a failure to communicate effectively led to some staff feeling that the appointment process had been unfair.

Aspects for improvement

- * Clearer systems of communication to be established including more effective two-way communication.

Good employment practice

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

- 8.24 The Area takes its responsibility as an employer seriously, and demonstrates solid practices to this effect.
- 8.25 Sickness rates and staff turnover are often indicators of the morale/satisfaction of staff. In both cases the figures in Norfolk are considerably better than the national picture.
- 8.26 There is still some disquiet among staff over the arrangements by which the timing of annual leave is agreed, which managers accept to be an ongoing challenge. Care must be taken that the forthcoming division of the CJU does not exacerbate the problem further. This is one of those areas where the CCP gets involved in resolving problems that should be capable of resolution at Unit Head level.

Strengths

- * The Area’s results in terms of sickness, staff turnover and staff satisfaction are substantially above national performance levels.

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 Area has a Diversity and Racial Equality Action Plan that has been the subject of review. Progress has been made on some issues, while others are still outstanding. Most notable of those in need of more work are liaison with minority ethnic groups and follow up to the staff survey.
- 8.28 The staff survey, which was generally very favourable, indicated that a small but significant number of staff were not happy with the way that they were being treated by other staff. This came as a shock to managers, who, to their credit, drew up an action plan on how to tackle the issue. While there has been some general discussion on the subject, it is regrettable that, some nine months after the results were available, many of the action points identified had not been implemented.
- 8.29 The Area managers believe that they can recognise a change in attitude, both in terms of individuals' behaviour and staffs' willingness to challenge any inappropriate actions or words. There is no mechanism to validate their belief and some interviews suggested that the perception persists.

Aspects for improvement

- * Further positive action over the perception of inappropriate treatment of staff.

Health and safety

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

- 8.30 The Area has appointed a health and safety assistant recently. Forms have been developed for regular checks of health and safety issues, and we were pleased to see that this encompasses some of the off-site premises used by CPS staff. Health and safety is now afforded a higher priority, although further training of the new assistant is required.

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 appropriate controls and systems to ensure it stays within budget and is able to appreciate its financial position. It should remain within budget this year. The Area has been allocated a significant increase in budget next year and planning was under way as to how best to utilise this funding.
- 9.2 There is an issue with inaccurate recording of some cases in the PIs which will have an impact on the appropriateness of budget allocations to the Area.
- 9.3 Prosecution costs are well managed.

Staff financial skills

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

- 9.4 An A2 in the Secretariat deals with the Area's financial management on a day-to-day basis, maintaining spreadsheets and dealing with purchase orders. It is hoped to expand the number of staff able to deal with finance work to provide cover and share the burden. Information is provided to the ABM who maintains strategic control of the budget along with the CCP. The Unit Heads have no budgetary responsibilities.

Adherence to financial guidelines

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

- 9.5 We have already discussed the implications to the PIs of manually recording 'fast track' and specified offences. The Area should ensure that the PIs accurately reflect the work undertaken as they will affect future budgets. It is estimated that the Area may have gained financially to the order of £15,000 - £20,000 (we recognise this is less than 1% of the Area's overall budget) through the errors in finalisations. There is no suggestion that this is a deliberate policy, but has arisen as a result of lack of understanding and attention to detail.
- 9.6 Care should also be taken in recording oral advices. We saw some examples of inappropriate or inaccurate recording of what did not amount to advice. The Area is alive to the financial implications of the oral advice system, and should ensure that information given is well documented and justified.

- 9.7 Norfolk is one of the few CPS Areas which does not make any use of account code 3010, which enables prosecution costs to be used to fund agents in complex cases in the magistrates' court. This was a little surprising, as we were made aware of a few cases where special fees had been negotiated, but they were charged to the ordinary agent budget. While not advocating widespread use of this facility, the Area may wish to ensure that it is used on the few appropriate occasions.

RECOMMENDATION

The ABM ensures that performance indicators are a true reflection of the type of case undertaken, and that they only include cases the CPS is entitled to claim.

Budgetary controls

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

- 9.8 The Secretariat maintains a variety of spreadsheets and folders to keep track of expenditure. The Area is currently looking at the system to see where improvements can be made. Some of the spreadsheets could be more user-friendly, which would make it easier to find up to date and consolidated information.
- 9.9 The ABM monitors payroll costs by way of standard spreadsheets. The Area are recruiting more staff and projections have been made using average payroll costs to ascertain the impact on the budget.
- 9.10 A monthly top line projection is produced which goes to members of the AMT showing money remaining under the main budget heads. This information accords with the data produced by Headquarters. Whilst this report is quite basic, as the ABM and CCP maintain control over spending, it is probably sufficient.

Management of prosecution costs

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

- 9.11 The Graduated Fee System is being well managed. The Area ensures that agreement on the number of pages and witnesses is reached with counsel at the earliest opportunity and maintains a spreadsheet of claims agreed and an estimated figure for those pending. Due to movement of staff between units there is a risk there may be some loss of expertise in this area, although the Area are alive to the problem and are doing all they can to avoid it.

Strengths

- * Management of the Graduated Fee System.

Value for money approach

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

- 9.12 The Area intends to recruit more lawyers and this may well result in the HCAs dealing with more complex Crown Court work and/or more office time for lawyers. The CCP will wish to ensure that there is accurate information available on the number of court sessions conducted, particularly in the magistrates' court, to inform future decision making.
- 9.13 Agent spend in the Area is low. We understand that it is the policy of the Area to keep the number of agents used to an absolute minimum and we endorse this approach. Nevertheless a balance needs to be struck. The CCP is the final arbiter in these matters and may choose to deny requests for agent usage. There have been circumstances where the Unit Heads have wanted to use additional agents to free up lawyers for other tasks, but have not been allowed to do so.
- 9.14 The Area has money available from General Administrative Expenses (GAE) and is using this to purchase items for the new building. Discussions have taken place at AMT to decide how to spend the money. Whilst this demonstrates sound future planning, care should be taken to focus on what the Area really needs.

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 very positive relationships between all CJS partners are a feature of Norfolk. The police, and representatives of the courts and Witness Service have a high regard for the work of the CPS.
- 10.2 The use of technology is improving, but there is still some way to go in gaining maximum benefit from effective use of IT systems.
- 10.3 The current premises are poor, but we do not make detailed comment on this aspect due to the forthcoming relocation. However, it is important that the Area continues to be vigilant in maintaining health and safety standards in the meantime.

CJS partnerships

STANDARD: PARTNERSHIPS WITH OTHER CJS AGENCIES ARE DEVELOPED AND MANAGED

- 10.4 The strength of the partnerships with other CJS agencies is a major plus for the Area, and the levels of co-operation also bring benefits to the users of the criminal justice system. The nature of the relationships is such that, on the few occasions where operational problems occur, they can be discussed in an open, effective and constructive manner.
- 10.5 There is, however, some variation in the levels of engagement across the county, with Kings Lynn receiving slightly less attention at the moment. The Area is hoping that this will be addressed as one of the benefits of the forthcoming reorganisation in the CJU.
- 10.6 There was widespread comment among the CJS agencies that some issues, most notably cracked and ineffective trials and guilty pleas, could not be progressed to the desired levels without further engagement from defence practitioners. Attempts to achieve this had shown limited success at the time of the inspection.

Strengths

- * Strong, effective and co-operative relationships with other agencies.

Information technology

STANDARD: INFORMATION TECHNOLOGY IS DEPLOYED AND USED EFFECTIVELY

- 10.7 While the overall use of technology has increased since the last inspection, there is still quite wide variation in the level of usage between individuals/teams.
- 10.8 A number of the spreadsheets in use could be made more user-friendly. This had already been recognised in the Secretariat and plans had been drafted to re-examine them as part of the overall process review, which was identified as a priority in the BEM self-assessment.
- 10.9 We had some difficulty in obtaining copies of documents, which were known to exist; this was partly because people were not fully aware of whether and where electronic copies were stored.
- 10.10 Some documents are circulated electronically and a few are stored on the local shared drive. There is scope to develop the use of both of these systems and staff need to be more familiar with their use.
- 10.11 The installation of computers in the CPS offices at the Crown Court has been useful for the caseworkers.
- 10.12 The police in Norfolk have only recently installed computers for many of their staff and so there has been virtually no electronic communication between the two agencies. Clearly both sides will want to develop this opportunity in the future, particularly if there is to be little or no co-location.

Aspects for improvement

- * Improved use of IT for data recording and analysis, efficient management of documents, and as a communications tool. Further training on IT needs to be implemented.

Buildings, equipment and security

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

- 10.13 The Area is relocating to improved premises in the autumn of 2003, and much effort has gone into planning the move. A project team led by the Secretariat is managing the process, and has attempted to consult with staff as much as possible to keep them in touch and to take account of preferences where possible. Most people are positive about the move, although a number feel that the location of the new building is less convenient.
- 10.14 Improved security systems and arrangements have been put in place in recent months.

Partnership with Headquarters and the Service Centre

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

- 10.15 Relationships with the Service Centre are deemed to be satisfactory, although in many ways the Area is happy to be self-sufficient. Some work is underway with the regional Equality and Diversity Officer to try and improve liaison with minority ethnic groups in Norfolk.
- 10.16 Some staff would welcome more feedback from Casework Directorate in keeping them informed on the progress and outcome of cases.

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 Norfolk has not experienced the level of change seen by many CPS Areas in that it has not implemented any co-located units or taken part in any pilots or new initiatives such as Street Crime or Charging. There appears to be no great drive among the agencies for any co-location, whether as part of Glidewell or Charging, and the majority of people believe that the current high levels of performance can be maintained without such a step.
- 11.2 There are, however, some CPS staff who feel that a unit in Kings Lynn would be of benefit, although it is generally accepted that a previous structure with a small dedicated team was not very successful.
- 11.3 The Area will relocate to better accommodation in the Autumn of 2003, and while the police are moving into the same premises, it is not intended for there to be any conjoined working at the outset. More joined-up working may follow in a second phase, but there was no certainty as to what this might entail and when it might happen.
- 11.4 Area managers have recently started to apply their minds to the possible impact of the Charging initiative and this was due to be discussed with staff at an Area-wide conference at the end of March.
- 11.5 There is uncertainty among a number of staff as to the direction of the Area at the present time, and some fear that there is going to be too much change in a short space of time. Area managers will need to make sure that they can give clear guidance to staff with regard to future strategy, even if it is only a timetable for decision making for issues that are undecided.

12 PUBLIC CONFIDENCE

KEY REQUIREMENTS:

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

Overview

- 12.1 The Area is, in keeping with its fairly cautious and conservative style, at present in the early stages of engaging proactively with the local community so as to improve public confidence. What it does it does well, but its profile remains low. It has taken steps to identify areas where it could make progress, and now needs to turn this information into action.

Complaints

STANDARD: COMPLAINTS ARE EFFECTIVELY MANAGED TO INCREASE SATISFACTION AND CONFIDENCE

- 12.2 We examined, together with the lay inspector, some letters in response to complaints and found their standard to be generally of good quality. We were told that they are treated as a priority task by the CCP and Unit Heads. However, there is still some way to go in ensuring that they are all dealt with promptly, as at present only some 80% of complaints are dealt with in the target time.

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

- 12.3 We examined ten racially aggravated cases in the file sample, and a further three cases involving minority ethnic defendants. We agreed with the decision-making in all cases. We have commented on the good standard of handling racially aggravated offences in paragraph 4.26.
- 12.4 One of the cases involving a minority ethnic defendant resulted in a JOA. This was caused by a failure to review unused material, which totally undermined the case, before the committal hearing. We have already made reference to this unusual practice in paragraph 4.23.

Community engagement

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

- 12.5 A number of Area staff have been involved in liaison with various community groups and organisations. These include training, lectures and general fora to raise the profile of the CPS. Groups involved include Youth Clubs, Girl Guides, Rotary Clubs, educational establishments and local legal groups.
- 12.6 Two issues stood out as particularly good; the work experience system; and participation in the Norfolk Show, which generated a lot of positive publicity.
- 12.7 Attempts to foster relationships with minority ethnic groups have not as yet borne fruit. There had not been any response to letters sent out by the CCP. The Area has requested the involvement of the regional Equality and Diversity Officer. She too had not had any success at the time of the inspection.
- 12.8 The Area has not issued an Annual Report since 1999-2000, which is in our experience, extremely unusual if not unique. The report is an opportunity to promote the work and performance of the CPS locally and failure to produce the document is a missed opportunity.
- 12.9 The Area is considering appointing a communications manager to act as the focal point for external liaison. This could prove useful in ensuring that the Area had a greater understanding of the public's level of confidence in the criminal justice system.

Strengths

- * The wide range of contacts with community groups and organisations.

Aspects for improvement

- * A more innovative approach to community engagement is required.
- * An Annual Report should be issued this year.

13 LEADERSHIP AND GOVERNANCE

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

Overview

- 13.1 The Area is playing a positive role in the CJS in Norfolk. Area managers work well with their counterparts in other agencies.
- 13.2 There are adequate controls and systems in place to ensure that Norfolk can continue to be one of the better performing Areas in the CPS; certainly in the short term. There is less clarity about the future, and some staff would prefer to have greater certainty.
- 13.3 There has been comparatively less significant change in Norfolk than in other CPS Areas. Change often leads to tension and stress, and this may be contributing to the concern expressed by some staff over the reorganisation in the CJU.
- 13.4 Some managers tend to be robust in expressing their views, which can occasionally lead to hurt feelings. Whilst staff morale is generally good, there are a few areas of tension that need sensitive monitoring and handling; we deal with this further at paragraphs 8.3, 8.23, 8.26 and 8.28.

Staff recognition

STANDARD: MANAGERS ACTIVELY MOTIVATE, RECOGNISE AND SUPPORT THEIR STAFF

- 13.5 Managers, particularly of administrative staff, have made a concerted effort to recognise good performance by individuals and teams. This has been well received by staff, as it was perceived to be a slight weakness in the staff survey and the EFQM self-assessment.
- 13.6 Motivation levels were, on the whole, good, and most staff enjoy working in Norfolk. Administrative staff are particularly keen and enthusiastic.
- 13.7 As with most Areas, there are varying management styles in Norfolk. There was a small proportion of staff who lacked confidence that senior managers were always open and transparent in their dealings with them. Uncertainty about future strategy undoubtedly contributes to this perception, and will hopefully diminish after the staff meeting at the end of March. More effective communication would also assist and we have identified this as an aspect for improvement elsewhere in this report.

Strengths

- * The commitment and enthusiasm of administrative staff is commendable.

Management structure

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

- 13.8 The Area has a management team (AMT) which meets regularly and now includes all line managers. Perception about the effectiveness of the meetings was a little mixed, but mainly favourable. Minutes of these meetings are now placed on notice boards, although some staff appeared not to have read them.
- 13.9 While overall staff continuity is a strength of the Area, there is a notable exception. The Area has had three ABMs in as many years and Area managers believe that this has affected progress in a few issues.
- 13.10 A decision has been taken to split the CJU into two smaller teams, each with its own Unit Head. The span of control was deemed to be too big for one person, although this view was by no means universal. Staff at multiple levels were nervous that smaller teams had not worked particularly well in the past, and that returning to such a structure would reduce the flexibility and economies of scale that currently exist. Despite their misgivings, staff expressed a determination to make the new structure a success. The two Unit Heads will need to work as a team to ensure that the fears of some staff are not realised, particularly when the units are located on separate floors in the new premises.

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

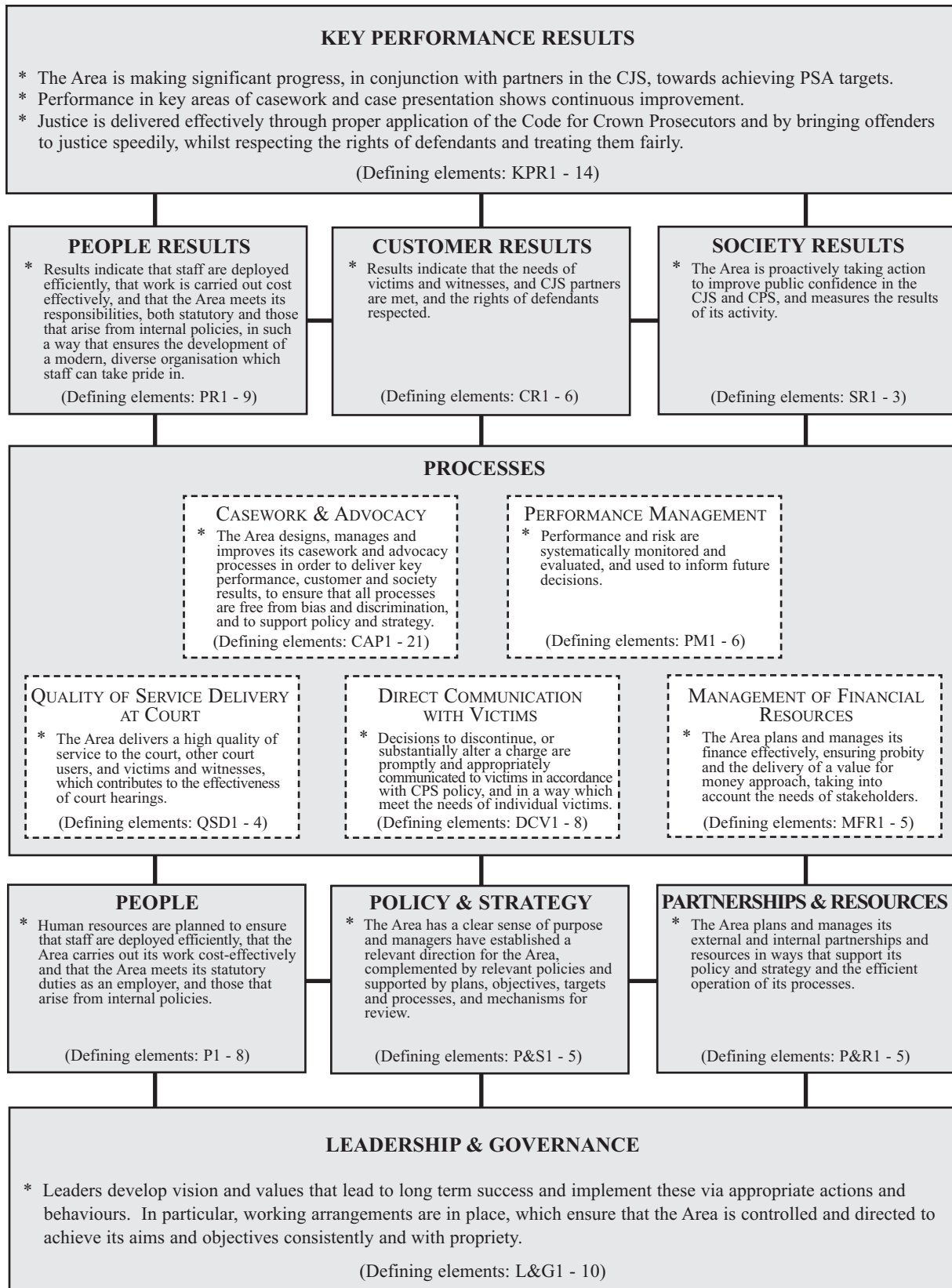
- 13.11 The Area Business Plan is very similar to many others as it is based on the national template. A formal review of the Plan was conducted in August and this found that most issues were progressing satisfactorily. Risk management has been introduced for the first time and hence there is scope for improvement in the identification of risks and counter measures.
- 13.12 We were pleased to see that individual units, including the Secretariat, had developed their own plans, which deal with local issues. The plan produced for the TU was, however, a one page document effectively limited to a recital of CPS time and percentage targets, without reference to local needs and without objectives devised to address them.
- 13.13 We discuss elsewhere in this report the lack of certainty about future strategies on such issues as co-location. Area managers are comfortable with this conservative approach on the grounds that the current arrangements are deemed to work well.

Criminal justice system co-operation

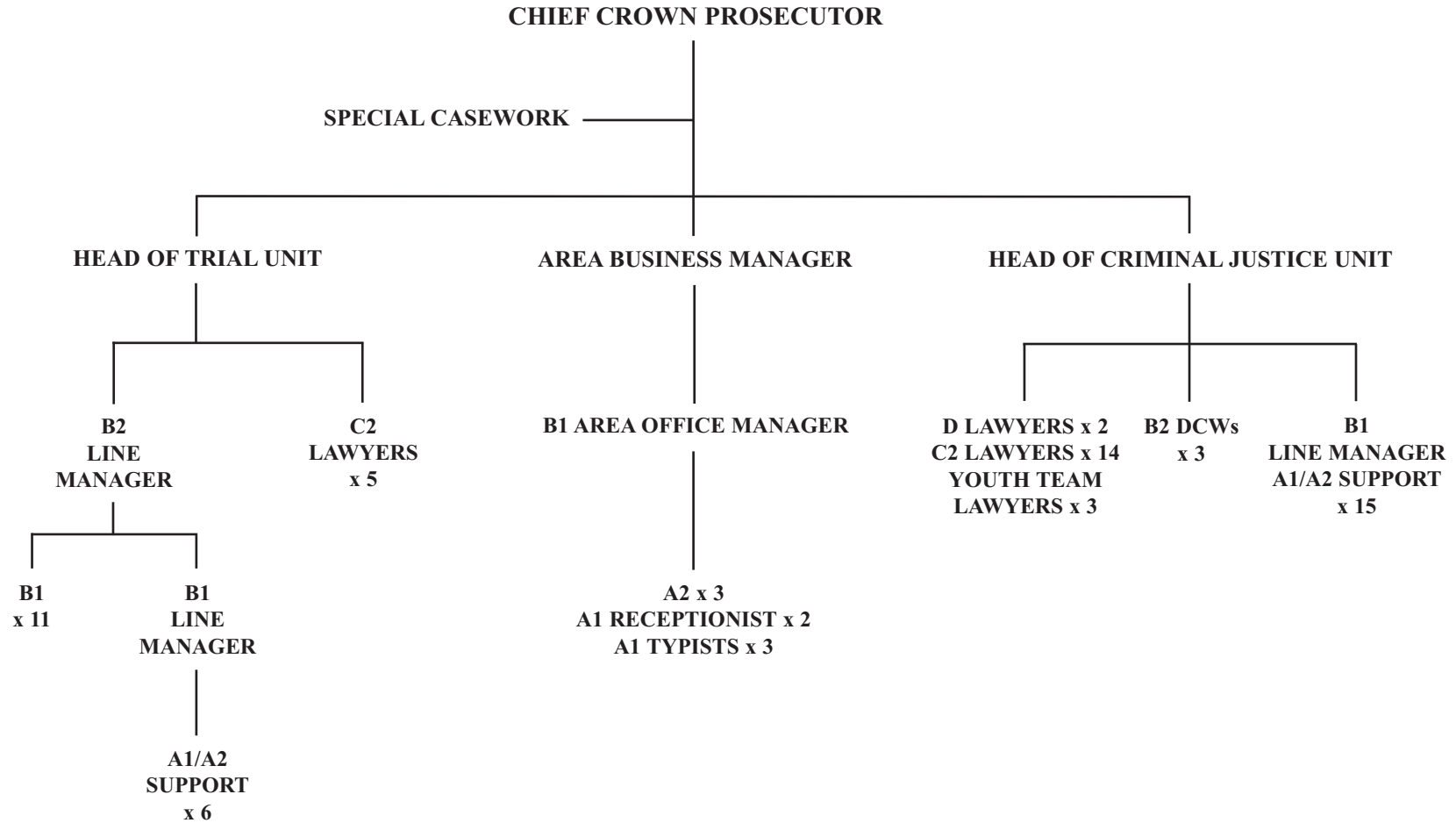
STANDARD: THE AREA CO-OPERATES WITH OTHERS IN ACHIEVING AIMS SET FOR THE CRIMINAL JUSTICE SYSTEM

- 13.14 There are good levels of co-operation between the agencies in Norfolk. While they have all worked well together operationally, it has tended to be in a slightly responsive, reactive fashion. With the appointment of a new Chief Constable and the formation of the Local Criminal Justice Board (LCJB), there is now an opportunity for more corporate strategic thinking and planning.
- 13.15 Much of this good work depends on individuals and individual relationships and the challenge will be to maintain and enhance co-operation when individuals move on to other posts.
- 13.16 There has not been the same level of change in Norfolk as in many other Areas, and there is a less proactive approach to such matters as Glidewell. There is consensus among the agencies that the current high levels of service delivery have made the drive for change less urgent.
- 13.17 With the formation of the new LCJB, new and improved premises, and the advent of the Charging initiative, the CPS are now reviewing their options with partner agencies. The first stage has been the completion of the jointly produced 'Narrowing the Justice Gap' plan.

BUSINESS EXCELLENCE MODEL INSPECTION MAP



CPS NORFOLK STAFF STRUCTURE



ANNEX 3

Magistrates' Court - Types of case	CPS Norfolk		National	
	Number	Percentage	Number	Percentage
Advice	1,307	6.5	57,505	4.1
Summary motoring	6,689	33.2	519,124	36.8
Summary non-motoring	4,624	22.9	264,268	18.7
Either way & indictable	7,485	37.1	561,546	39.8
Other proceedings	65	0.3	9,221	0.7
Total	20,170	100	1,411,664	100

Magistrates' Court - Completed cases	CPS Norfolk		National	
	Number	Percentage	Number	Percentage
Hearings	14,841	78.9	975,183	72.5
Discontinuances	1,972	10.5	172,068	12.8
Committals	898	4.8	92,114	6.8
Other disposals	1,087	5.8	105,561	7.8
Total	18,798	100	1,344,926	100

Magistrates' Court - Case results	CPS Norfolk		National	
	Number	Percentage	Number	Percentage
Guilty pleas	12,989	87.1	803,859	82.0
Proofs in absence	1,190	8.0	119,659	12.2
Convictions after trial	464	3.1	39,516	4.0
Acquittals: after trial	244	1.6	15,458	1.6
Acquittals: no case to answer	22	0.1	1,722	0.2
Total	14,909	100	980,214	100

Crown Court - Types of case	CPS Norfolk		National	
	Number	Percentage	Number	Percentage
Indictable only	383	26.3	37,655	30.4
Either way: defence election	241	16.6	14,880	12.0
Either way: magistrates' direction	402	27.6	39,515	31.9
Summary: appeals; committals for sentence	428	29.4	31,703	25.6
Total	1,454	100	123,753	100

Crown Court - Completed cases	CPS Norfolk		National	
	Number	Percentage	Number	Percentage
Trials (including guilty pleas)	931	90.7	75,972	82.5
Cases not proceeded with	80	7.8	13,043	14.2
Bind overs	6	0.6	1,296	1.4
Other disposals	9	0.9	1,739	1.9
Total	1,026	100	92,050	100

Crown Court - Case results	CPS Norfolk		National	
	Number	Percentage	Number	Percentage
Guilty pleas	715	76.6	57,024	73.5
Convictions after trial	153	16.4	12,677	16.3
Jury acquittals	59	6.3	6,402	8.3
Judge directed acquittals	6	0.6	1,442	1.9
Total	933	100	77,545	100

TABLE OF RESOURCES AND CASELOADS

AREA CASELOAD/STAFFING CPS NORFOLK		
	March 2003	2000
Lawyers in post (excluding CCP)	26.5	22.8
Cases per lawyer (excluding CCP) per year	761.1	832.1
Magistrates' courts contested trials per lawyer (excluding CCP)	27.5	38.33
Committals and "sent" cases per lawyer (excluding CCP) - includes CFS and Appeals	33.88	41.1
Crown Court contested trials per lawyer (excluding CCP)	8.2	8.2
Level B1, B2, B3 caseworkers in post - excludes ABM	17.8	13
Committals and "sent" cases per caseworker - includes Appeals and CFS	50.4	72.1
Crown Court contested trials per caseworker	12.24	14.4
Running costs (non ring fenced)	£2,756,792	£2,008,210

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

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

	RECOMMENDATIONS	POSITION IN MARCH 2003
R1	CCP and PTLs monitor the review of cases to ensure that appropriate and effective review is undertaken, and to ensure that there is a realistic approach to self-assessment.	Appropriate and effective review now being undertaken in almost all cases. Self-assessment of adverse cases is realistic.
R2	Prosecutors make full records on files of review decisions.	Full records being made in most cases, though some remain descriptive rather than evaluative.
R3	The CCP ensures that: <ul style="list-style-type: none"> * an effective case tracking system is initiated for PYO cases and that case progress is monitored closely; * good practice identified in the report on reducing delay in youth justice is assessed and implemented where appropriate; and * data is shared with the other criminal justice agencies. 	Tracking system in operation. Some implementation. Yes.
R4	The CCP ensures that, in relation to sensitive material: <ul style="list-style-type: none"> * prosecutors always discharge their full range of duties of disclosure; * a clear record is maintained of the decisions taken, and the reasons for those decisions; and * counsel is kept properly informed of all decisions and action taken. 	Area discharging duty in all cases examined Log is maintained, with decisions noted in almost all cases (1 case in file sample did not have decision noted on MG6D) Protocol between Area and counsel's chambers requires counsel to be informed of PII applications and be shown material; protocol being followed according to counsel.

	RECOMMENDATIONS	POSITION IN MARCH 2003
R5	<p>The CCP ensures:</p> <ul style="list-style-type: none"> * the preparation of committal papers (including the preparation and service of primary disclosure) is monitored, in order to identify any problems, and take any necessary action; and * structured arrangements are in place to deal with the handling of cases which have been discharged, including decision-making in relation to the question of reinstatement. 	<p>Service of committal papers is monitored and delays apparent, but currently reasons for delay not being analysed and tackled. Primary disclosure, as a matter of policy, is often not looked at or given until after committal.</p> <p>Discharged committals currently not a problem.</p>
R6	<p>Prosecutors and caseworkers fully address the issues in the case and, where appropriate, the acceptability of pleas in instructions to counsel.</p>	<p>Little if any progress has been made on this topic.</p>
R7	<p>The CCP ensures that all documentation and instructions are sent to counsel formally.</p>	<p>Still being sent by way of letter to counsel's clerk enclosing material.</p>
R8	<p>The ABM reviews the custody time limit systems in the light of MAS guidance, in order to identify aspects of good practice that can be incorporated.</p>	<p>Some progress made against MAS guidance, but further improvements required as identified in report.</p>
R9	<p>The CCP and PTLs ensure that CPS advocates, counsel and agents are monitored, to ensure that high standards are maintained and existing approved lists are up-dated.</p>	<p>Current informal arrangements satisfactory but increased agent use would require more structured monitoring.</p>
R10	<p>The CCP and ABM re-evaluate the benefits and disadvantages of more fully co-located CJUs with a formal business case.</p>	<p>Area has yet to make a final commitment as to future strategy on co-location.</p>
R11	<p>The CCP urgently seeks an agreement with the police about any accommodation strategy to support the implementation of the Glidewell proposals for CJUs and the TU.</p>	<p>Moving to new premises in Autumn 2003. Police will share premises but no integration of staff or systems initially.</p>

	RECOMMENDATIONS	POSITION IN MARCH 2003
R12	The ABM implements a more effective system of collating and analysing performance data.	Some progress in terms of breadth of data collected and some good work on adverse cases in CJU. However, accuracy and analysis of data need to be improved.
R13	Line managers ensure that outstanding interim reviews and PDPs are conducted as a matter of urgency, and that a more formal process is introduced for next year.	Performance currently in line with national average and process will be assisted by appointment of new Unit Head to share the responsibility.
R14	The CCP agrees a protocol with other Areas as to the support to be provided in the Crown Court.	No protocol has been agreed with other Areas.
R15	The Area health and safety officers provide training to staff on manual handling and lifting.	Training has been provided.
R16	The ABM ensures that appropriate management controls are in place to ensure that cases are finalised in a timely fashion.	Backlogs generally much reduced and better systems in place. The system intended to expedite some finalisations has led to a lower level of accuracy.
R17	The CCP ensures that all complaints are included in the formal system, that oral and telephone complaints are dealt with in the same way as any issues received in writing, and that a system is introduced to ensure timeliness of replies.	Formal system in place. Some progress but timeliness is still an issue in a small number of cases.
	SUGGESTIONS	POSITION IN MARCH 2003
S1	The CCP ensures that any bail conditions imposed by the court are easily identifiable in the file.	Not file sampled, but Area's own recent survey indicates some deficiencies still exist.
S2	The CCP reinforces adherence to the published CPS policy in relation to cases involving allegations of domestic violence, in order to achieve consistency of practice.	Good performance in robust handling of DV cases.

	SUGGESTIONS	POSITION IN MARCH 2003
S3	The CCP ensures that the racist incident register is accurately maintained, and used effectively in the management and supervision of such cases.	Register is accurate and well-maintained and information is shared with police.
S4	Prosecutors ensure that a record is kept of the material served by way of advanced information.	Good progress made. Form detailing what has been served retained on file.
S5	The CCP works with the Chief Probation Officer in order to ensure that packages are provided to the Probation Service in sufficient time for pre-sentence reports to be prepared.	Sufficient systems in place to ensure timely service, which is confirmed by external contacts.
S6	The CCP liaises with local chambers to reduce the number of returned briefs.	Work still ongoing to tackle this and other related issues.
S7	The ABM improves the system for recording, monitoring and using data.	Some have improved while other systems would benefit from further work.
S8	The CCP implements an escalation process for resolving issues arising out of the court rota.	Unit Heads involved when necessary.
S9	The ABM reviews the tasks in the Secretariat to ensure equitable distribution, and to develop staff.	Secretariat staff has changed. Some short term issues over distribution but pleased with commitment to develop staff to support others.
S10	The CCP reviews the systems for controlling flexi-time.	Is being addressed when moving to new premises with introduction of electronic system.
S11	The CCP continues to negotiate constructively with the Crown Court about listing in order that court and CPS time is used effectively as possible.	Some work has been done on committals for sentence and appeals. Further progress possible on listing of PDHs.
S12	The ABM ensures that a two-way intercom is installed on the front entrance to facilitate easier contact with visitors.	Done.

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

	Number of files examined
Magistrates' courts cases/CJUs:	
Advice	0
No case to answer	5
Trials	20
Discontinued cases	0
Race crime	5
Domestic violence cases	5
Youth trials	0
Cracked trials	0
Ineffective trials	0
Crown Court cases/TU:	
Advice	0
Committals discharged after evidence tendered/sent	0
Cases dismissed after consideration of case	0
Judge ordered acquittals	0
Judge directed acquittals	0
Trials	20
Child abuse cases	0
Race crime	5
Cracked trials	10
Ineffective trials	0
Rape cases	0
Street crime cases	N/A
TOTAL	70

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

Judge

His Honour Judge Mellor

Magistrates' Courts

Mr N Heley, District Judge

Mr M Gamble, Chairman of Magistrates' Courts' Committee

Mrs S Arnold, Chair of the North Norfolk Bench

Mr D Bird, Chairman of the Norwich Bench

Mr R Chapman, Chairman of the South Norfolk Bench

Mrs E Knights, Chair of the Great Yarmouth Bench

Mr M Sale, Justices' Chief Executive

Mr D Carrier, Clerk to the Justices

Mr D Ratcliffe, Clerk to the Justices

Police

Mr A Hayman, Chief Constable

Superintendent J Henderson

Chief Inspector C Hall

Inspector P Hurren

Mr M Goffin, CJU Manager, Great Yarmouth

Mr P Harrison, CJU Manager, King's Lynn

Miss D Shailer, CJU Manager, Norwich

Defence Solicitors

Mr C Bowles

Mr P Croker

Mr D Foulkes

Mr G Knipe

Counsel

Mr G Ayres

Mr A Bate

Mr S Ridley

Probation Service

Mr M Graham, Chief Probation Officer

Witness Service

Ms J Calloway
Mr B Griffith
Ms B Rawlison
Mr G Reason

Youth Offending Teams

Mr T Byles, Chairman of Norfolk Youth Justice Board
Ms S Massey, Head of Youth Justice Services

Community Groups

Mrs P Seligman, Chair of Domestic Violence Sub Group & Witness & Victim Support Group

HMCPST VISION, MISSION AND VALUES

Vision

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

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

Mission

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

Values

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

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

Taken together, these mean:

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

GLOSSARY

ADVERSE CASE	A <i>NCTA</i> , <i>JOA</i> , <i>JDA</i> (see separate definitions) or one where magistrates decide there is insufficient evidence for an <i>either way</i> case to be committed to the Crown Court
AGENT	Solicitor or barrister not directly employed by the CPS who is instructed by them, usually on a sessional basis, to represent the prosecution in the magistrates' court
AREA BUSINESS MANAGER (ABM)	Senior business manager, not legally qualified, but responsible for finance, personnel, business planning and other operational matters
AREA CRIMINAL JUSTICE STRATEGY COMMITTEE (ACJSC)	A local forum for the heads of the criminal justice system agencies, including the resident judge, intended to oversee local initiatives at a senior level. In the course of being replaced by <i>Local Criminal Justice Boards</i>
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 <i>either way</i> 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 HMCSI 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 done consistently to a proper, professional standard
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