

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

REPORT 5/03

MAY 2003

CPS NORTHUMBRIA



AREA OFFICE

Newcastle

OTHER OFFICES

Cramlington, Washington

MAGISTRATES' COURTS

Alnwick, Bedlington (SE Northumberland)

Berwick-upon-Tweed

Gateshead (Blaydon and Gateshead), Gosforth (Youth Court)

Hexham, Houghton le Spring

Newcastle-upon-Tyne, North Shields (North Tyneside)

South Shields (South Tyneside)

Sunderland

CROWN COURTS

Newcastle-upon-Tyne

CONTENTS

	PAGE
PREFACE	
1 INTRODUCTION	1
Methodology and nature of the inspection	2
2 SUMMARY OF INSPECTION FINDINGS AND RECOMMENDATIONS	4
3 KEY PERFORMANCE RESULTS	6
Commentary	8
4 CASEWORK	10
Overview	10
Requests for advice	10
Cases ready to proceed at first date of hearing	11
Bail/custody applications	11
Discontinuances in magistrates' court	12
Summary trial preparation	12
Committal and Crown Court case preparation	13
Disclosure of unused material	15
Sensitive cases	16
File/message handling	17
Custody time limits	17
Joint action to improve casework	18
National Probation Service and Youth Offending Teams	19
Appeal and committal processes	19
Appeals against unduly lenient sentences	20
Recording of case outcomes	20
Information on operational and legal issues	20
Readiness for court	21
Learning points	22
5 ADVOCACY AND QUALITY OF SERVICE DELIVERY	23
Overview	23
Advocacy monitoring	23
Court endorsements	24
Court preparation	25
Attendance at court	25
Accommodation	26
6 VICTIMS AND WITNESSES	27
Overview	27
Witnesses at court	27
Direct Communication with Victims	29
Meetings with victims and relatives of victims	30
Victim's Charter	30

7	PERFORMANCE MANAGEMENT	31
	Overview	31
	Performance standards	31
	Performance monitoring	31
	Joint performance management	32
	Risk management	32
	Continuous improvement	33
	Accounting for performance	33
8	PEOPLE MANAGEMENT AND RESULTS	34
	Overview	34
	Human resource planning	34
	Staff structure	35
	Staff development	36
	Performance review	36
	Management involvement	37
	Good employment practice	38
	Equality and diversity	38
	Health and safety	39
9	MANAGEMENT OF FINANCIAL RESOURCES	40
	Overview	40
	Staff financial skills	40
	Adherence to financial guidelines	40
	Management of prosecution costs	40
	Value for money approach	41
10	PARTNERSHIPS AND RESOURCES	42
	Overview	42
	CJS partnerships	42
	CJS agencies	43
	Improving local CJS performance	43
	Information technology	43
11	POLICY AND STRATEGY	44
	Overview	44
	Stakeholders	44
	Performance measurement	44
	Review	45
	Framework of key processes	45
	Communication and implementation	45
12	PUBLIC AND STAKEHOLDER CONFIDENCE AND RESULTS	46
	Overview	46
	Complaints	46
	Minority ethnic communities	47
	Community engagement	47
	Media engagement	47
	Public confidence	48

13	LEADERSHIP AND GOVERNANCE	49
	Overview	49
	Vision and values	49
	Staff recognition	50
	Management structure	50
	Action plans	51
	Performance accountability	51
ANNEX 1	Business Excellence Model Inspection Map	
ANNEX 2	Area Organogram to show structure and staff numbers	
ANNEX 3	Area Caseload figures	
ANNEX 4	Resources and caseloads	
ANNEX 5	Implementation of recommendations from previous report	
ANNEX 6	Files examined for CPS Northumbria	
ANNEX 7	List of external interviewees	
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 at the very beginning of 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 (LCJB). 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 joint the process as lay inspectors. These inspectors are unpaid volunteers who examine the way in which the CPS relates to the public, through its dealings with witnesses and victims, its external communication and liaison, its handling of complaints and the application of the public interest test contained in the Code for Crown Prosecutors.

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

The Inspectorate's reports identify strengths and aspects for improvement, draw attention to good practice and make recommendations in respect of those aspects of the performance which most need to be improved. During the second cycle of inspections, a database will be built up enabling comparisons to be drawn between performances of CPS Areas. The table of key performance indicators within this report makes provision for such comparison even though that has not yet occurred; this will only be done after the first six inspections when the data available will be sufficient for comparative purposes. HMCPsi points out the care which must 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 such comparisons are made in this report.

1. INTRODUCTION

- 1.1 This is Her Majesty's Crown Prosecution Service Inspectorate's report about CPS Northumbria (the Area) which serves the area covered by the Northumbria Constabulary. It has three offices, at Newcastle, Cramlington and Washington. The Area Headquarters (Secretariat) is based at the Newcastle office.
- 1.2 Area business is divided on functional lines between magistrates' courts and Crown Court work. The Criminal Justice Unit (CJU) North is responsible for the conduct of all cases dealt with in the magistrates' courts in Newcastle and courts to the north of the Area (set out at paragraph 1.4). It has offices at Newcastle and Cramlington. The Criminal Justice Unit (CJU) South is responsible for the conduct of all cases dealt with in the magistrates' courts in the south of the Area (paragraph 1.4). It has offices in Washington. The Trial Unit (TU), based in Newcastle, reviews and handles most cases dealt with in the Crown Court.
- 1.3 The Area Management Team comprises the Chief Crown Prosecutor (CCP), the Area Business Manager (ABM) and the Heads of the three units. It meets monthly to consider Area business.
- 1.4 At the time of the inspection in January 2003, the Area employed the equivalent of 215.1 full-time staff. The Area Secretariat comprises the CCP, ABM and the full-time equivalent of 12.61 other staff (including those in common services). Details of staffing of the units is set out below:

Staff Grade	Criminal Justice Units		Trial Unit
	CJU North	CJU South	
	Newcastle Office Courts at: Gosforth (Yth Court) Newcastle-upon-Tyne Cramlington Office Courts at: Alnwick Bedlington (SE Northumberland) Berwick-upon-Tweed Hexham North Shields (North Tyneside)	Washington Office Courts at: Gateshead (Blaydon and Gateshead) Houghton le Spring South Shields (South Tyneside) Sunderland	Newcastle Office Crown Court at: Newcastle-upon-Tyne
Level E	1	1	3
Level D	4	2	2.1
Level C	27.5	24.2	12.2
Legal Trainee		1	
Level B3 caseworkers			1
Level B2 caseworkers	4	3	2.9
Level B1 caseworkers	4	3.2	25.3
Level A caseworkers	35.8	34.3	22.6
Total	76.9	68.7	70.1

A chart showing the structure can be found at Annex 2.

1.5 Details of the Area's caseload in the year to September 2002 is set out below:

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	1,229	2.3	3.8
Summary motoring	15,949	29.4	36.8
Other summary	12,779	23.5	18.8
Either way and indictable only	23,676	43.6	40.0
Other proceedings	660	1.2	0.7

1.6 A more detailed table of caseload and case outcomes compared with the national average is attached at Annex 3 and a table of caseload in relation to Area resources at Annex 4. CPS Northumbria (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 number of cases dealt with per lawyer and caseworker.

Methodology and nature of the inspection

1.7 The inspection process is based on the inspection framework summarised at Annex 1. There are two types of inspection. A full inspection considers each aspect of Area performance within the framework. An intermediate inspection considers only those aspects which a risk assessment, against the key elements of the inspection framework, and, in particular, the key performance results, indicates require attention. These key results are drawn from the Area's own performance data, and other performance data gathered within the local criminal justice area.

1.8 The scope of the inspection is also influenced by the length of time since performance was previously inspected. The assessment in respect of CPS Northumbria drew on findings from the previous inspection of the Area, a report of which was published in September 2000. That report made a total of 22 recommendations and six suggestions, as well as identifying seven aspects of good practice.

1.9 As a result of this risk assessment, it was determined that the inspection of CPS Northumbria should be an intermediate one. The inspection focussed less on timeliness of actions in the magistrates' courts, advocacy and financial issues and more on disclosure, the monitoring of advocacy and all other aspects of management.

1.10 Our methodology combined examination of 149 cases finalised between August and October 2002 and interviews with member 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, files subject to custody time limits (seen on site) and some specific types of cases. A detailed breakdown of our file sample is

shown at Annex 6. A list of individuals from whom we received comments is at Annex 7. The team carried out observations of the performance of advocates and the delivery of service at court in both the magistrates' courts and the Crown Court.

- 1.11 Inspectors visited the Area between 13 and 25 January 2003. The lay inspector for this inspection was Jennifer Hall, who was nominated by the Citizen's Advice Bureau. The role of the lay inspector is described in the preface. The lay inspector examined files that had been the subject of complaints from members of the public and also considered letters written by CPS staff to victims following the reduction or discontinuance of a charge. She also visited some courts and had the opportunity to speak to some of the witnesses after they had given evidence. This was a valuable contribution to the inspection process. The views and findings of the lay inspector have been included in the report as a whole, rather than separately reported. She gave her time on a purely voluntary basis, and the Chief Inspector is grateful for her effort and assistance.
- 1.12 The purpose and aims of the Inspectorate are set out in Annex 8. A glossary of the terms used in this report is contained in Annex 9.

2. SUMMARY OF INSPECTION FINDINGS AND RECOMMENDATIONS

- 2.1 The quality of initial and continuing review is improving as a result of the quality assurance system and the success of the new joint monitoring of the quality and timeliness of initial files. The CPS charges were nearly always correct and the charging standards properly applied. Sensitive cases were dealt with well, except in racial incident cases, where some decision-making and systems need attention. Disclosure has improved considerably since our last inspection.
- 2.2 The preparation of cases for summary trial and committals is good and generally timely. Further work needs to be done with other agencies to improve the effectiveness of pre-trial reviews (PTRs) and the quality and timeliness of the full files.
- 2.3 Lessons and trends from the analysis of adverse cases and the quality assurance system could be shared more effectively across the Area.
- 2.4 The standard of CPS advocacy is good in all respects, but the management of the quality of agents; the use of Higher Court Advocates (HCAs) in the Crown Court and monitoring of advocacy could be better.
- 2.5 There is a need to improve some aspects of the care of witnesses, particularly at the Crown Court. For example, the degree of information the witnesses receive before attending court. The implementation of the scheme for Direct Communication with Victims was well planned and introduced effectively.
- 2.6 Relationships with other criminal justice agencies are good, but they all need to develop a more “joined up” approach to the achievement of Government objectives, including the narrowing of the justice gap. The Area is playing a full part in the establishment of the Local Criminal Justice Board (LCJB). It is very fully involved in a large number of community groups and set up the Community Liaison Group for work with the minority ethnic community.
- 2.7 Staff requirements in the units could have been planned better. We consider that staff at several levels are not deployed effectively and efficiently. The use of staff and the balance of work between the units needs to be comprehensively reviewed.
- 2.8 Leaders need to continue to develop a firmer Area identity: the units still tend to work in comparative isolation from each other. Staff awareness of the need for continuous improvement is evident. After a period of some four years, during which the Area has had five different ABMs or temporary ABMs, the management personnel of the Area has now settled and as a result, morale is improving. This needs to be maintained by good communication about the future of the Area. The management structure is sound but can be effective only if absences are adequately covered. The co-location project needs better planning.

2.9 We make five recommendations aimed at improving Area performance:

1. That managers should improve the sharing and analysis of performance data between the criminal justice agencies, with a view to the analysis of trends and a co-operative approach to improvement (paragraph 4.41).
2. That managers in all units should give urgent attention to the finalisation of cases on the SCOPE system and ensure that this is managed effectively in the future (paragraph 4.49).
3. That the CCP should ensure that an effective joint monitoring system for full files is established as a matter of urgency (paragraph 4.55).
4. That the CCP and the Head of the Trial Unit should ensure an improvement in service to witnesses by:
 - * Ensuring that witnesses in the Crown Court have full information before they come to court;
 - * Providing better detail of witness requirements to the Witness Service;
 - * Clarifying to the Witness Service where responsibility for cases lies;
 - * Giving greater consideration to the phasing of witnesses in all appropriate cases (paragraph 6.9).
5. That the CCP and the ABM should carry out a further review of the use of staff and the balance of work between the units, taking into account the agreed process mapping in co-located units and any revised activity based costing (paragraph 8.9).

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 Apr-Sep 2002	Area Target 2002-2003	Area Performance Apr-Sep 2002
MAGISTRATES' AND YOUTH COURT CASEWORK				
First Review				
Decisions to proceed at first review complying with evidential test in the Code for Crown Prosecutors ¹	-	*	*	100%
Decisions to proceed at first review complying with publish interest test in the Code for Crown Prosecutors ¹	-	*	-	100%
Requests for additional evidence/information made appropriately at first review ¹	-	*	-	75%
Discontinuance				
Discontinuance rate of completed cases (CPS figure)	-	12.7%	-	12.4%
Discontinued cases with timely discontinuances ¹	-	*	-	81.3%
Decisions to discontinue complying with the evidential test in the Code for Crown Prosecutors ¹	-	*	-	100%
Decisions to discontinue complying with the public interest test in the Code for Crown Prosecutors ¹	-	*	-	100%
Discontinued cases where all reasonable steps had been taken to request additional evidence/information ¹	-	*	-	81.3%
Level of charge				
Charges that required amendment and were amended in a timely manner ¹	-	*	-	84%
Cases that proceeded to trial or guilty plea on the correct level of charge ¹	-	*	-	96.6%
Cracked and ineffective summary trials				
Cracked trials as recorded by CPS and magistrates' courts JPM	-	(Jul-Sep 02) 37.5%	-	(Jul-Sep 02) 43.5%
Cracked trials in file sample that could have been avoided by CPS action ¹	-	*	-	16.7%
Ineffective trials as recorded by CPS and magistrates' courts JPM	-	(Jul-Sep 02) 30.9%	-	(Jul-Sep 02) 37.5%
Ineffective trials in the file sample that could have been avoided by CPS action	-		-	NA
Summary trial				
Acquittal rate in magistrates' court (% of finalisations) – CPS figure	-	1.7%	-	1.6%
Decisions to proceed to trial complying with the evidential test in the Code for Crown Prosecutors ¹	-	*	-	100%
Decisions to proceed to summary trial complying with the public interest test in the Code for Crown Prosecutors ¹	-	*	-	100%
Cases with timely summary trial review ¹	-	*	-	97.9%
Requests for additional evidence/information made appropriately at summary trial review ¹	-	*	-	87%

CPS PERFORMANCE	National Target 2002-2003	National Performance Apr-Sep 2002	Area Target 2002-2003	Area Performance Apr-Sep 2002
Area self-assessment of cases dismissed on a submission of no case to answer attributable to CPS failure (% of finalisations)	Intermediate inspection – not inspected	Intermediate inspection – not inspected	Intermediate inspection – not inspected	Intermediate inspection – not inspected
No case to answers where outcome was foreseeable, and CPS could have done more to avoid outcome ¹	Intermediate inspection – not inspected	Intermediate inspection – not inspected	Intermediate inspection – not inspected	Intermediate inspection – not inspected
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	-	*	-	92.3%
Decisions to proceed at committal/service of prosecution papers stage complying with evidential test in the Code for Crown Prosecutors ¹	-	*	-	100%
Decisions to proceed at committal/service of prosecution papers stage complying with public interest test in the Code for Crown Prosecutors ¹	-	*	-	100%
Requests for additional evidence/information made appropriately at committal review ¹	-	*	-	100%
Timely and correct continuing review after committal	-	*	-	100%
Cases with timely service of committal papers on defence	80%	86.6% ³	80%	73.1% ¹ 81.4% ²
Cases with timely delivery of instructions to counsel	84%	86.5% ³	85%	81.3% ¹ 89.8% ²
Instructions to counsel that were satisfactory ¹	-	*	84%	68.4%
Cracked and ineffective trials				
Cracked trials that could have been avoided by CPS action ¹	-	*	-	10%
Ineffective trials where action by CPS could have avoided an adjournment ¹	-	*	-	-
Level of charge				
Charges that required amendment and were amended in a timely manner ¹		*		100%
Indictments that required amendment ¹		*		11.5%
Cases that proceeded to trial or guilty plea on the correct level of charge ¹		*		100%
Judge ordered and judge directed acquittals				
Area self-assessment of JOA/JDAs attributable to CPS failure (% of finalisations)	0.5%	0.3%	0.6%	0.3%
JOA/JDAs where outcome was foreseeable, and CPS could have done more to avoid outcome ¹	-	*	-	28.6%
Trials				
Acquittal rate in Crown Court (% of all finalisations excluding JOA, appeals/committals for sentence and warrant write-offs) ²	-	9.9%	-	4.4%

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

* average performance of Areas inspected in inspection cycle 2002-2004 based on a sample of cases examined and observations at court [no figures available until six inspections completed]

Commentary

- 3.1 The standard of decision-making and the quality of initial review in the Criminal Justice Units (CJUs) is good. However, we considered that the prosecutor should have requested further information to ensure that the legal and evidential elements of charges were covered in a quarter of the cases that we examined. Charging levels are generally correct and properly reflect the gravity of offending. Necessary amendments to charges are ordinarily made at the earliest appropriate opportunity. In this respect, the Area's performance compared favourably with that found generally during the last Area inspection cycle. The standard of initial review endorsements was relatively good at the time of the last inspection and has improved.
- 3.2 Timeliness of summary trial review is good and the proportion of cracked trials that could have been avoided by CPS action is relatively low.
- 3.3 The standard of review in the Trial Unit (TU) is also high. Review is generally timely, as are requests for additional information or evidence. Area acquittal rates in the Crown Court are significantly below the national average. Charging levels were appropriate and the proportion of indictments requiring amendment was relatively low. Timeliness of amendment, where necessary, was also good.
- 3.4 In our file sample, we found that timeliness of preparation of committal papers and delivery of instructions to counsel was below the Area target and the national average, although the Area's figures (covering a longer period) suggest that those targets are being met. Generally, we found that the quality of instructions to counsel was satisfactory or good in 68.4% of the files that we examined.

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 Apr-Sep 2002	Area Target 2002-2003	Area Performance Apr-Sep 2002
MAGISTRATES' AND YOUTH COURT CASEWORK				
Disclosure				
Cases where primary disclosure properly handled ¹		*		89.6%
Cases where secondary disclosure properly handled ¹		*		100%
Witness care				
Trials where appropriate use made of S9 CJA 1967 ¹		*		100%
Trials where appropriate use made of the witness care measures ¹		*		NA
CROWN COURT CASEWORK				
Disclosure				
Cases where primary disclosure properly handled ¹		*		88.5%
Cases where secondary disclosure properly handled ¹		*		70.8%
Witness care				
Trials where appropriate use made of witness phasing/standby ¹		*		33.3%
Trials where appropriate use made of the witness care measures ¹		*		71.4%

CPS PERFORMANCE	National Target 2002-2003	National Performance Apr-Sep 2002	Area Target 2002-2003	Area Performance Apr-Sep 2002
MAGISTRATES' COURTS AND CROWN COURT				
Custody time limits				
Cases in sample where expiry dates accurately calculated	-	*	-	NA
OTHER ISSUES				
Payment of witness expenses				
Payment of witness expenses within 10 days of receipt of claim ²	100%	99.7%	100%	100%
Handling of complaints				
Complaints replied to within 10 days ²	94%	90%	95%	93.4%
Citizens charter commitment				
MPs correspondence replied to within 15 days ²	100%	91.5%	NA	100%
Improving productivity				
Reduce sick absence rate per member of staff	10.6 days (2001)	8.5 days (2001)	7 days (2002)	8.2 (Sept – Dec 2002)
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	68 days	71 days	61 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 [no figures available until six inspections completed]

Commentary

- 3.5 The Area's performance in respect of disclosure in the magistrates' courts is relatively good. Generally, in all categories of casework, primary and secondary disclosure are handled well, although greater attention is required with regard to secondary disclosure in Crown Court cases.
- 3.6 Our sample suggests that greater use could be made of witness phasing and stand-by arrangements to reduce waiting time for victims and witnesses.
- 3.7 The Area has maintained a low average time taken to deal with persistent young offenders (PYOs).
- 3.8 Timeliness of response to MPs' letters is good but timeliness of response to complaints from members of the public is slightly below target. Area sickness levels are still above the Area target.

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 The quality of advice was good, but the timing of more complex cases could be improved.
- 4.2 The quality and timeliness of initial files is improving as a result of the introduction of a new monitoring form. Processes for the preparation of pre-trial reviews and their effectiveness vary. The most suitable systems might be identified before the teams are co-located. There is a high rate of cracked and ineffective trials which could be improved with better sharing, analysis and use of data with the magistrates' courts. The preparation of Crown Court cases is generally timely and of good quality. There could be even further improvement by the timely request for the full file and its provision together, rather than piecemeal. Lawyers in the TU prepare all committals while the caseworkers work almost exclusively in court. We question this deployment of staff. The system for the re-instatement of discharged committals could be improved.
- 4.3 Performance in dealing with disclosure, including sensitive cases in the Crown Court, has improved considerably since our last report and individual poor performance is dealt with through the quality assurance system. Further improvement might focus on secondary disclosure, endorsement of actions and the management within the file of disclosure material.
- 4.4 Domestic violence and youth cases are dealt with well. We consider, however, that the decision-making and the systems for dealing correctly with racial incident cases need attention.
- 4.5 The recording of case outcomes is generally accurate but there is a very high number of cases which are carried forward each month because they have not been finalised on the SCOPE system. They represent a considerable amount of money lost to the Area.
- 4.6 The system for learning from unsuccessful outcomes is good. The Area has an effective quality assurance system but it is not applied to a consistent standard across all teams. Lessons and trends need to be analysed and the results shared better across the Area as a whole.

Requests for advice

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

- 4.7 Advice in all the cases that we examined was correct, well presented and had been appropriately requested. Advice was generally timely although there can still be unjustifiable delay in some, even allowing for their complexity. Lawyers need to ensure that these cases, which are often more serious, are dealt with as quickly as possible.

- 4.8 The police have set up an operation which re-examines unsolved historic cases using modern techniques such as DNA testing. Two senior lawyers examine the police reports and advise whether a prosecution should proceed. The initiative has been set up with proper agreements and processes so that the advice can be well informed and timely. It has been a success and is being used as an example in other Areas.

Strengths

- * The initiative to give advice in re-examined historic cases is an example to other Areas.

Aspects for improvement

- * Timeliness in complex cases.

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)

- 4.9 It has been recognised by both the Area and the police that work needs to be done on the quality and timeliness of the files. The issues are many and complex. It was decided to tackle the initial files first (that is, the remand and abbreviated files). A form (TQ2) was designed to combine the assessment of the files with a report on the actions that needed to be taken. Both the police and the Area see this initiative as a success with improvements by both agencies.

Strengths

- * The joint work to develop and implement the TQ2 assessment and instruction form has been successful.

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 AS ABOVE

- 4.10 The quality of decision-making about bail and custody applications is generally good. In some overnight custody cases, decisions have to be made on limited or late information with little opportunity to obtain further clarification from the police.

Aspects for improvement

- * The lack of information in some custody cases.

Discontinuances in magistrates' court

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

- 4.11 The rate of discontinuance in the magistrates' court remains below the national average (12.4% compared with 12.7%). We were satisfied with the Area's performance and did not re-examine these discontinued cases.

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

- 4.12 In Newcastle, there are few PTRs. At other courts their effectiveness varies, sometimes because the prosecution is not ready, but none are very successful in preventing cracked and ineffective trials. In North Tyneside a pilot scheme has been set up where the court's legal advisors ask rigorous and searching questions. The replies are noted and raised later if the trial does not take place. Although the initiative is new, it appears to be effective.
- 4.13 Pre-trial checking systems vary. Co-located units might benefit if good practice is identified and applied.
- 4.14 All courts monitor the reasons why trials crack or are ineffective. In July to September 2002, 81% of trials in the magistrates' courts did not take place on the day, compared with 68.4% nationally. The parties are supposed to agree with the reason recorded but often are not asked. We found a certain measure of mistrust in these records. The Trial Unit and CJU North carried out their own survey. They identified some aspects of their own work that could be improved. The magistrates' courts do not share the data between themselves or with the CPS. The opportunity is lost to analyse the results together and so find ways to improve.
- 4.15 As elsewhere, the courts double and even triple list trials so many do not go ahead. As a result, prosecutors have to prepare cases unnecessarily and frequently witnesses are sent away without giving evidence, but having had the inconvenience of attending court and on occasions needing to attend again.

Aspects for improvement

- * Inconsistencies in systems for preparation for pre-trial reviews and summary trials and the identification of good practice for sharing across the Area.
- * Greater sharing and use of cracked and ineffective trial data.

RECOMMENDATION

Senior managers exchange data with the courts about cracked and ineffective trials with a view to the better identification of trends and a joint approach to finding improvements.

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**

- 4.16 The timeliness for the service of committal papers on the defence could be improved if a complete full file were more often provided in time.
- 4.17 The quality and timeliness of paperwork when it is provided to the Crown Court is generally good. Judges’ summaries in more complex cases do not contain enough detail and the Crown Court has raised this with the Head of the Trial Unit.
- 4.18 Timeliness figures for delivery of instructions to counsel could be improved further by a timelier request for the full file. It should be requested, in an agreed format, within 24 hours of the decision to commit to the Crown Court.
- 4.19 The majority of practitioners considered that the quality of the instructions was satisfactory. Whilst we only assessed 20 Crown Court cases, we considered the instructions were unsatisfactory in nearly a third. Generally, we found the instructions in the more complex cases were full and helpful.

- 4.20 The lawyers in the TU prepare adult cases pre-committal. The way that work has been allocated in the Trial Unit means that lawyers spend most of their time preparing these cases and are comparatively rarely in court. Trial Unit caseworkers spend almost all their time in court where almost 1:1 coverage is achieved. This division of work was set some 18 months ago and has, until recently, not been systematically reviewed. Some staff felt that these arrangements did not give them sufficient job satisfaction or opportunity for development. We consider this to be one aspect of deployment of staff which we discuss at paragraph 8.9 and upon which we make a recommendation.
- 4.21 There is a system for dealing with committals that are discharged by the court or discontinued by a lawyer because the prosecution is not ready. An adverse case report should be completed and a decision made by the Head of Unit whether or not to pursue further evidence. We welcome this positive action. Some lawyers, however, described a different system: clarification may be needed. The system for action dating a response from the police needs to be better, as in some cases it is not clear whether a final decision has been made. There were 22 cases discharged because they were not ready in the third quarter of 2002. While not as many as some metropolitan Areas, these cases can often involve more serious offences and they should be brought to a proper conclusion.
- 4.22 We saw four of these discontinued files (which, incidentally, were sent to us as cases which were discharged by the court after hearing evidence). They showed many requests for further evidence which had received no response from the police and also a remarkable tolerance from the magistrates who allowed a number of adjournments to give the prosecution more time. On two files re-instatement had not been considered. On one, a decision was made not to re-instate, and on the fourth file instructions were given for a lawyer to investigate why a full file had not been provided, but there is nothing on the file to show that this was done. These cases illustrate the need for clarity of the processes and compliance.
- 4.23 Cases are usually ready for the plea and directions hearings and the directions are complied with in time.

Strengths

- * Instructions to counsel in complex cases were good.

Aspects for improvement

- * The quality of judges' summaries in complex cases.
- * The system for consideration of all cases that do not proceed because they are not ready should be clearer and applied.
- * The deployment of staff in the TU.

Disclosure of unused material

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

- 4.24 In our last report, we noted the concerns about the lack of police training and understanding of their obligations about disclosure. The files that we examined showed cause for some concern remains, particularly in the south of the Area. For some time Area lawyers have been assisting the police in the training of CID officers. Now all police officers are to receive a two-day training course. It would have been beneficial if this had occurred sooner.
- 4.25 We saw some files where requests were made for the unused material schedules or a correction of schedules that were supplied. These showed an understanding and vigilance by the lawyers. The Area's quality assurance system includes an assessment of the quality and timeliness of disclosure. Individual failures are addressed. Whilst there is still some way to go, we have found improvement in performance.
- 4.26 Secondary disclosure is rarely required in the magistrates' courts. In the Crown Court, the defence statement was often sent to the police but there was no response and a letter to the defence about secondary disclosure was not sent.
- 4.27 Performance in dealing with sensitive material in the Crown Court is generally good. We found it was dealt with correctly in eight out of the ten relevant cases. In contrast, although there are fewer such cases in the magistrates' courts, there was no evidence that the sensitive material listed on the MG6D was considered in any of the three relevant cases.
- 4.28 Folders are provided in all the files to keep disclosure material separate from the other papers. They were not used in about half of the files. This failure to follow agreed procedures and the lack of systematic recording of actions taken makes it difficult for managers to assess the quality and timeliness of disclosure and so effect further improvement.

Strengths

- * Sensitive material in the Crown Court is generally dealt with well.

Aspects for improvement

- * Sensitive material in the magistrates' courts.
- * Informing the defence about secondary disclosure enquiries.
- * The order of files and the systematic recording of actions taken.

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

- 4.29 Domestic violence cases are dealt with well. The Area has domestic violence co-ordinators in each unit who attend the local multi-agency domestic violence forums. The Area Domestic Violence Group worked with the police to devise a checklist of information that is required in these cases and we noted that the background information is good. The Group also worked with others to develop a joint training course.
- 4.30 The Area has maintained its good performance in the achievement of the target of 71 days for persistent young offenders. Each unit has youth specialists who deal with the review work. CJU North has a separate youth section which also deals with the youth committals to the Crown Court. As elsewhere, there are insufficient youth specialists to cover all the Youth Courts. The specialists were universally praised, but despite the training that is given, there was still some concern about the expertise of others. Managers should ensure that only suitably qualified or informed prosecutors are used in the youth courts.
- 4.31 We considered that the system for dealing with racial incident cases needed attention. We examined 17 cases which involved a racial incident. There was no consistency about how the CPS should mark a race file to identify it as such; there was confusion on some about the correct charges (including one where the lawyer accepted a racially aggravated charge that did not exist); endorsements were unclear; in the two relevant cases it was not noted whether the court had taken the racial element into account when sentencing; and some monitoring forms were not completed. In one case we considered that there had been an inappropriate acceptance of a non-racially aggravated offence in substitution for the racially aggravated offence charged.
- 4.32 The responsibility for monitoring is that of the racial incident monitoring (RIM) co-ordinators who are lawyers. They depend on other lawyers notifying them of the cases. Administration staff are often not aware of the process. This compares with the system for monitoring cases for the Direct Communication with Victims where all staff are fully aware of the systems.
- 4.33 The Area managers share these concerns, but at the time of our visit, nothing had yet been set in place to rectify the situation. It was the Area's intention to hold meetings of the co-ordinators to discuss cases and decisions in order to achieve greater consistency. We also consider that they should check the matters we mention above.

Strengths

- * Domestic violence cases are dealt with well and the Area has a very pro-active approach to involvement with other agencies.

Aspects for improvement

- * The systems for dealing with racial incident cases need comprehensive review.
- * Only suitably qualified or informed prosecutors to be used in the youth courts.

File/message handling

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

- 4.34 Work has been carried out to produce system manuals which apply good practice across the Area. However, the police ASUs have different practices in their communication, so that the units and even the teams have adapted to them. Co-location will give an opportunity to promulgate and enforce good practice and consistency will aid staff mobility.
- 4.35 Well organised files assist greatly in the timely management of cases. We found that files were in good order in 84.1% of magistrates' courts files but in only 60% of Crown Court files.
- 4.36 Linking of police papers and general correspondence to files was delayed and considerable backlogs developed, particularly in Cramlington and in the Washington office, where there were many new administration staff. Training was given and new systems devised. There has been some improvement but more is needed.

Aspects for improvement

- * The timely linking of papers and correspondence to files.
- * Crown Court files need to be kept in better order.

Custody time limits

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

- 4.37 Following our previous inspection, an Area-wide review of the custody time limits system was carried out and changes implemented in November 2001. The Area's further check in November 2002 showed that by then the systems were operating effectively.
- 4.38 We agree with this assessment. Our examination of 15 files revealed that crucial dates were correctly calculated and recorded. We were satisfied that appropriate management checks were carried out. Some systems continue to vary across the teams. As with other systems, we consider it advisable to achieve greater consistency and share good practice before the units co-locate with the police ASUs.

- 4.39 In all units a diary system alone is used: there is no back up system as recommended by Management Audit Services and the Inspectorate's Thematic Review of Custody Time Limits. Whilst we accept that management checks ensure the accuracy of the system, the Area is at risk without a secondary method of recording.

Aspects for improvement

- * Greater consistency and sharing of good practice.
- * A back up system for custody time limits.

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 (AS DESCRIBED ABOVE)

- 4.40 We describe our views about the effectiveness of joint performance management (JPM) at paragraphs 4.57 – 4.59 and of the monitoring of cracked and ineffective trials at paragraph 4.14. In each of these aspects of joint work with other agencies we consider that improvement is needed.
- 4.41 The overall responsibility for the improvement of performance by all criminal justice agencies in the area will, from 1 April 2003, lie with the LCJB. The agencies have set up their shadow Board, chaired by the Chief Constable, with a performance manager soon to take up his post. The Area has played a full part in the planning and progress so far.

Aspects for improvement

- * Work on JPM and cracked and ineffective trials.

RECOMMENDATION

Managers should improve the sharing and analysis of performance data between the criminal justice agencies, with a view to the analysis of trends and a co-operative approach to improvement.

National Probation Service and Youth Offending Teams

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

- 4.42 Pre-sentence disclosure packages were provided in 17 out of 31 relevant cases, and in time in 16 cases, but this information was often not endorsed clearly on the file. The experience of the Probation Service was that whilst the provision of adequate packages is good, their timeliness is less satisfactory. It was acknowledged that some delay arose from the Probation Service's own systems. This has been addressed and the new system is being monitored jointly.
- 4.43 The provision of information to the youth offending teams (YOTs) appears to be less satisfactory. These were monitored by the YOT in Sunderland from September to November 2002. They found that of 69 requests, 43 (62.3%) were provided. Of those provided, 70% were sent within five days. Concern was expressed about cases in which a referral order is proposed, as prosecutors did not have a consistent approach to the provision of information. This requires an Area-wide policy to be implemented.

Aspects for improvement

- * Agreement about the provision of information to YOTs for referral orders.

Appeal and committal processes

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

- 4.44 The CJU, and not the TU, prepares these cases. These arrangements were made when the Area restructured into units some 18 months ago in order to give the CJU staff some experience of Crown Court work. The system will only operate smoothly if enough experienced staff are available to undertake the work, which did not appear to be the present situation in all units.
- 4.45 In court, counsel normally prosecutes these cases, although the role of the Higher Court Advocates (HCAs) in the Crown Court will be reassessed. We consider allocation of these cases to be another aspect of deployment of staff which could be improved and which we discuss at paragraph 8.9. We make a recommendation at that point.

Aspects for improvement

- * The deployment of staff in the preparation and presentation of appeals and committals for sentence.

Appeals against unduly lenient sentences

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

- 4.46 We did not see, nor did we receive evidence from others, to suggest that that unduly lenient sentences were dealt with other than correctly and at the correct level.

Recording of case outcomes

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

- 4.47 Generally the accuracy of performance indicators (PIs) has improved, but some staff may still be confusing committals that are discontinued with those that are discharged. There is, however, a management check before the figures are entered into the PIs.
- 4.48 Accurate finalisation depends largely on correct endorsements by prosecutors in court. We found significant improvement in court endorsements but more could be done in this area. The Area's quality assurance system has identified the need for improvement and action has been taken.
- 4.49 Of greater concern is the very high number of cases that have been completed but have not been finalised on the SCOPE case tracking system. We estimate that over 2,000 cases are affected, covering all types of cases and all units. The Area has been aware of the problem for some time but despite its efforts it has not been able to overcome the technical problems that it had encountered. Put simply, the Area is not paid for cases that are not finalised. These cases must now be finalised as a matter of urgency. This may be problem that some other SCOPE Areas also need to address before converting to the Compass system.

RECOMMENDATION

Managers in all units should give urgent attention to the finalisation of cases on the SCOPE system and ensure that this is managed effectively in the future.

Information on operational and legal issues

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

- 4.50 The Area makes good use of information technology and Connect 42 in particular. Much information is disseminated by e-mail and available to all. Policy circulars are appropriately distributed and management information is filtered so that staff are not unduly burdened.

- 4.51 Lawyers and caseworkers within the teams discuss legal issues from reported cases or local cases regularly and they are raised more formally in team meetings.
- 4.52 Communication about the development and progress of the co-location of CPS and police staff is not satisfactory.

Aspects for improvement

- * Communication about co-location needs to be improved.

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

- 4.53 We have already mentioned the improving position for initial files. The quality and timeliness of full files for summary trial and committal (the higher profile cases) is cause for concern. The request by the CPS for full files was late in over a quarter of the cases. The files are often provided late and incomplete. We saw numerous requests from lawyers for further evidence and information. Police supervision of files appears to be poor and unco-ordinated, so that the evidence is received piecemeal. This not only makes a meaningful review difficult, but also creates unnecessary extra work in linking these papers to the files.
- 4.54 The JPM mechanisms for monitoring these files failed to command confidence and they have rarely been used since the restructuring of the Area. Lawyers and the police alike accepted that so few TQ1 monitoring forms are supplied or completed that the figures they produce are meaningless. The police give the return rate as 27%. It is therefore impossible to use the mechanism to analyse the trends and identify issues other than on an ad hoc basis and provides no true reflection of police performance.
- 4.55 Whilst we are pleased with the success of the TQ2 system for initial files, it might have been more important to deal first with the quality and timeliness of the full files. We understand that some work has been done. It is essential that the Area and the police working together as a matter of urgency now drive this forward.

Aspects for improvement

- * The implementation of an effective TQ1 joint monitoring system.

RECOMMENDATION

The CCP should ensure that an effective joint monitoring system for full files is established as a matter of urgency.

Learning points

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

- 4.56 The systems for reporting on cases with unsuccessful outcomes are good. Nearly every such case that we saw had a report with a contribution from appropriate staff. The reports are seen by the Unit Heads and trends are noted and taken forward within the unit.
- 4.57 The Area has quality assurance systems which are generally effective. In CJU South we saw ample evidence of well-applied systems which were recorded. The Team Leaders select a court prosecuted by each lawyer and review the files against pre-determined topics including the quality of review, compliance with disclosure obligations and endorsements. Trends are noted and feedback – both positive and negative - is given to individual lawyers. The records are also kept for performance appraisal purposes. Whilst we saw this system applied on one team in CJU North, we were not satisfied that all Northern teams applied such an effective system. The Team Leaders in the TU monitor three files per month per lawyer.
- 4.58 The Team Leaders give the Head of Unit a monthly report noting trends and aspects for improvement.
- 4.59 The lessons from these systems tended to be confined to the team, or at most the Unit. The units, and even the teams, tend to work in isolation so that they do not benefit from each other as much as they might. This tendency has the potential to increase when the units break up on co-location with ASUs.

Strengths

- * The Area has developed a comprehensive and effective quality assurance system.

Aspects for improvement

- * There is scope for a more consistent implementation of the quality assurance system.
- * Lessons from cases could be shared more effectively across the Area.

5. **ADVOCACY AND QUALITY OF SERVICE DELIVERY**

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

Overview

- 5.1 The Area's contribution to the efficient running of court business is generally regarded as satisfactory to good. All CPS advocates that we observed were competent in all respects or better. Attendance at court is timely and professional.
- 5.2 The management of the quality of agents, the use of HCAs in the Crown Court and monitoring of advocacy could be better.
- 5.3 Preparation for court, including for summary trials is good, although the timely request for full files could be better.
- 5.4 Crown Court coverage is almost 1:1 although we raise issues about the effective deployment of staff. There is no duty lawyer scheme, but suitable arrangements are made for instructions to be given at court.

Advocacy 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

- 5.5 We observed a total of 24 advocates including Area lawyers, an HCA, designated caseworkers, counsel and solicitor agents. Of the 15 CPS advocates that we saw, the performance of all of them was at least competent in all respects and three were above average. Of the nine other advocates, all were competent except one who in some respects did not reach the standard we would expect.
- 5.6 Generally, CPS advocates decision-making in court was good. Magistrates continue to be concerned at the delays that can occur when agents need to consult a CPS lawyer before dropping a charge. This is particularly so on the odd occasion when there is no CPS lawyer in another courtroom. Managers need to ensure when arranging the rotas, that CPS lawyers are available at each court centre.
- 5.7 There was some concern at the quality of some agents. The Area is now developing an agreement with chambers to increase the number of suitable young counsel who can be instructed. We noted that agents are not given general instructions about the standards that are expected of them, for example about file management, endorsement and the treatment of witnesses at court. Such instructions may help to raise the general standard.

- 5.8 The Area has 11 HCAs who are generally well regarded in the Crown Court. They are deployed both in the TU and the CJUs. Normally, those from the TU deal with plea and direction hearings and those from the CJUs cover the appeals and committals for sentence and youth cases. Lawyers in the TU also cover applications for bail in the Crown Court, preliminary hearings and conferences with counsel. However, the number of sessions covered by HCAs in 2001-2 was well below the target figure. Projections for the year 2002-3 show a similar shortfall: at the end of the third quarter of 2002-3, only 109 sessions (43.6%) were attended against an annual target of 250 sessions. The Area has now notified Headquarters of a revised target of 150 sessions. A working group has produced a report for the Area Management Board (AMB) looking at how the HCAs are used, their deployment and the targets for HCA work. Its initial recommendations have been put into effect.
- 5.9 It was originally proposed that in exchange for the CJU commitment in the Crown Court, TU lawyers would assist in the magistrates' courts. This has not happened: their work in the magistrates' courts has been limited. Even though they have prepared the committal papers, until very recently, a TU lawyer has not prosecuted the court at Sunderland which deals exclusively with committals.
- 5.10 We make a recommendation at paragraph 8.9 about the effective use of staff. These issues are part of the review that we consider is required.
- 5.11 Managers monitor established CPS advocates in court only once a year. We do not consider this sufficient for a true picture. New lawyers have recently been recruited and these are carefully monitored and developed. Agents are not systematically monitored despite the fact that concerns about their quality are reported anecdotally. The Area does respond to specific concerns.

Aspects for improvement

- * The use of HCAs.
- * The balance of work between the TU and the CJUs.
- * The monitoring of staff and agents.

Court endorsements

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

- 5.12 Managers include the quality of endorsement in their quality assurance checks. They have seen some improvement and we consider that they deal with individual shortcomings effectively. Whilst there remains scope for improvement, we found that court endorsement were satisfactory in 40 out of 44 magistrates' courts cases and in 18 out of 20 Crown Court cases.
- 5.13 With almost full coverage of the Crown Court by caseworkers, their notes of trials are copious. Directions given at PDH are recorded and timely action is taken.

Court preparation

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

- 5.14 Advocates are generally sufficiently prepared for the magistrates' courts. At one court at Newcastle, however, there is such a large list that it is difficult to master the cases even if time permits. Occasionally files are missing. We were told that sometimes the magistrates' courts lists of "extra" cases are provided very late or not at all. This makes it difficult (and sometimes impossible) for the files to be given to the prosecutors. We note that the local Service Level Agreement on the listing of cases requires the court to provide lists to the CPS "as soon as they are printed". We consider that this should be renegotiated to specify the latest time by which they will be supplied.
- 5.15 The notification of witnesses to be called in summary trials and the service of statements were generally timely. Fourteen days before the trial, a check should be made that the case is ready to proceed. It was made in 16 out of the 18 cases, but in a further 13 cases there was no record that this was done. These checks should be clearly recorded even if there is no outstanding work to be carried out.
- 5.16 We discuss the preparation of Crown Court files at paragraphs 4.13 – 4.20.

Strengths

- * Preparation for summary trial is prompt.

Aspects for improvement

- * Timely provision of magistrates' courts lists.
- * The timeliness of the requests for the full file.
- * The endorsement of trial checks.

Attendance at court

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

- 5.17 Advocates attend court in good time to deal with questions and negotiations with the defence solicitors.
- 5.18 Most of the Crown Court coverage is from TU caseworkers although the CJUs also provide B1 or A2 caseworkers to cover the work on committals for sentence and appeals. The Area thus achieves almost 1:1 coverage. Occasionally two caseworkers from different teams will attend the same court. When considering the efficient deployment, this duplication of staff in the Crown Court may be one of the matters requiring attention.

- 5.19 There is no duty lawyer scheme at the Crown Court at Newcastle. The Special Casework Lawyer (SCL) has a room at the court and in the past was usually available to deal with any issues in addition to the HCAs. Recently, his other commitments have kept him away rather more. The Area might consider a system whereby appropriately experienced lawyers shadow his work including his attendance at court as a development opportunity.

Aspects for improvement

- * Consideration of the effective deployment of the caseworkers at the Crown Court.
- * Consideration of the cover or shadowing of the work of the SCL including attendance at the Crown Court.

Accommodation

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

- 5.20 The quality of accommodation for the CPS at court varies considerably and depends to a large extent on the age of the buildings. Some courthouses, for example at South Shields and the Crown Court in the Law Courts at Newcastle, are comparatively new and spacious and adequate space is provided for the CPS.
- 5.21 Elsewhere, for example at Houghton le Spring, Sunderland and Newcastle Magistrates' Courts, the old, cramped buildings hamper the way in which all the agencies work. There are, we understand, plans for a new court building at Sunderland.

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
-

Overview

- 6.1 In the magistrates' courts the warning of witnesses is timely and lawyers generally work co-operatively with the Witness Service to attend to the needs of witnesses at court. The phasing of witnesses could be given more consideration and more information could be given to the Witness Service about the special needs of some witnesses.
- 6.2 We were concerned about some aspects of the care of witnesses at the Crown Court, in particular the lack of information the witnesses receive before attending court.
- 6.3 The implementation of the scheme for Direct Communication with Victims was well planned and introduced effectively.

Witnesses at court

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

- 6.4 Appropriate arrangements are generally made for civilian witnesses to attend the magistrates' courts. The witness warning notice was sent in time in all but one of the cases we examined. Phasing of witnesses could be given more consideration in appropriate cases.
- 6.5 The poor facilities at some of the older court buildings, together with lengthy waiting times resulting from over listing, are a hindrance to good witness care. Generally, lawyers work well with the Witness Service to ensure that witnesses are kept informed about what is happening.
- 6.6 There is a written protocol with the police for the implementation of measures under the Speaking Up For Justice initiative. More detailed information could be given to the Witness Service about the needs of witnesses so that they can anticipate the volunteers that will be needed in court and contact the witnesses beforehand should this be required.
- 6.7 At the Crown Court, although we found that the Area sent witness notices to the police in good time, witnesses were often warned to attend the court only the day before. They do not receive written warning from the police to tell them the name of the case, the date, the time and where to go. They get no prior information about the procedures that will be followed nor about the Witness Service and how it can help.

We spoke to witnesses who were confused and fearful of the court environment. An inter-agency group has apparently drafted a new information leaflet but it has not yet been produced. Area managers lacked awareness of these issues. All agencies should take responsibility to ensure that witnesses are fully informed, in good time, when they come to court.

- 6.8 Witnesses that we saw were generous in their praise of individuals from all agencies who helped them but through lack of information, their expectations appeared low. Some were unfamiliar with expressions used, for example “floater” and “pre-sentence report” but these were not properly explained. Others did not know what to do with their expenses claim form.
- 6.9 The Witness Service was not aware which unit dealt with different types of cases in the Crown Court. Responsibilities should be made clear so that there are no delays in communication.

Aspects for improvement

- * Provision of information to witnesses in the Crown Court.
- * Lack of detail to the Witness Service about the requirements of witnesses.
- * Clarifying responsibility of units to the Witness Service.
- * The phasing of witnesses in both the magistrates’ courts and the Crown Court.

RECOMMENDATION

The CCP and the Head of the Trial Unit should ensure an improvement in service to witnesses by:

- * **Ensuring that witnesses in the Crown Court have full information before they come to court.**
- * **Providing better detail of witness requirements to the Witness Service.**
- * **Clarifying to the Witness Service where responsibility for cases lies.**
- * **Giving greater consideration to the phasing of witnesses in all appropriate cases.**

Direct Communication with Victims

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

- 6.10 The Area has a Victim Information Bureau (VIB) staffed by one B2 and two B1 caseworkers. It was effectively planned by a project board, which was well supported by senior management. The Area continues to review its performance and staffing levels and is also already considering the effect of co-location of units with the ASUs.
- 6.11 The training of staff at all levels has contributed to the success of the project by ensuring an understanding by all of the objectives and importance of the initiative. The CCP and the project manager gave presentations to staff and relevant agencies.
- 6.12 The initial findings of the independent evaluation of each unit and the youth team revealed that between 50% and 95% of appropriate letters were sent. The national average for timelines of reply was 6.2 days and the Area time ranged from four to eight days. There has since been steady improvement but a few lawyers have not engaged in the system and persistently fail to identify the cases.
- 6.13 There is no system to include those files which are discharged because the prosecution is not ready and a decision is made not to reinstate. It is particularly important to keep those affected informed and a letter should be sent to the victim when a decision has been made not to reinstate the case.
- 6.14 The VIB has a dedicated phone line for victims to contact them. Should victims wish to meet those who have made the decisions, there are adequate facilities for them to do so. The Area is ensuring that there are similar facilities in the new co-located units.
- 6.15 The independent evaluation praised the high quality of the letters. We found the letters timely, clear and sensitive to the feelings of victims. Standard paragraphs are often included and most were relevant and well expressed.

Strengths

- * The VIB was well planned with full involvement of staff at the correct level and effectively supported by the AMB. Its implementation has been successful. It continually reviews its performance and achieves improvements.

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

- 6.16 Under the Direct Communication with Victims initiative, the Area has held four meetings with victims. The police were very positive about the Area's performance including its offer of meetings with victims in appropriate cases.

Victim's Charter

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

- 6.17 In the Area, as elsewhere, the failure or reluctance of witness to give evidence is one of the main reasons for the unsuccessful outcome of cases. Whilst good inter-agency work is done on Special Measures for Vulnerable and Intimidated Witnesses, more can be done to improve witness care generally. We make a recommendation at paragraph 6.9 about this.

7. PERFORMANCE MANAGEMENT

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

Overview

- 7.1 Standards of performance are set and generally well communicated to staff. The Area has a generally effective quality assurance system with clear methods of reporting to the CCP.
- 7.2 There is a corporate approach to performance management, although all staff must ensure that they read the Area-wide information provided.
- 7.3 Joint management of performance within the Area in co-operation with the police and the courts has been disappointing.
- 7.4 The Area has a strong culture of continuous improvement and can generally account for its performance.

Performance standards

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

- 7.5 Staff are fully aware of the CPS key performance measures. Performance is also monitored through a quality assurance system of the casework through which standards are reinforced and well understood. Some staff, particularly in the administration grades, are not always aware of Area performance and how their work may impact on the targets. Information about progress against targets is produced in reader-friendly format to all staff via Connect 42. It is important that all staff read and absorb the information that is supplied by management. The units place their own information on notice boards. It could help the Area's corporate approach if whole Area information was also displayed.

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

- 7.6 We have described the Area quality assurance system at paragraph 4.57. The reports produced inform the unit quarterly reports supplied to the CCP. Whilst the system contributes to improving performance in key areas of casework performance, more could be done to validate the figures provided (which are given in percentage terms but are sometimes based on very small numbers) and to analyse and to feed back trends across the Area.

- 7.7 Area performance is included as a standing item for discussion on the agenda for meetings of the AMB. The Area also has a Performance Improvement Group which comprises the AMB, the Unit Management Teams and some of the Secretariat. This meets quarterly and is an effective way of ensuring that an Area-wide view is taken of performance.
- 7.8 We have mentioned the monitoring of advocacy at paragraph 5.11.

Strengths

- * The quality assurance system for casework is good and action is taken from the results to improve individual performance.
- * The Performance Improvement Group is effective in achieving an Area-wide approach.

Joint performance management

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

- 7.9 Preparations are well advanced for the establishment of the Local Criminal Justice Board through which the agencies will share responsibility for the achievement of the government's Public Service Agreement (PSA) targets.
- 7.10 We have already commented on the joint monitoring of performance of both the police files (at paragraphs 4.58 - 4.60) and cracked and ineffective trials (at paragraph 4.14) and have made a recommendation. The joint work in relation to persistent young offenders is an example of effective inter-agency co-operation.

Risk management

STANDARD: RISK IS KEPT UNDER REVIEW AND APPROPRIATELY MANAGED

- 7.11 Although the AMB regularly reviews performance against targets and the Area Management Plan, we were not entirely satisfied that managers clearly identify risks and priorities so that appropriate and timely action can be taken in vulnerable aspects of work.
- 7.12 For example, we mention elsewhere the lack of comprehensive project management and planning for CJU co-location. Further, after the Area was reconstructed into three units, there has been a review of resources but no systematic review of the distribution of work between the units. This question of allocation of work is only now being addressed. In the meantime, unproductive tensions have arisen between the units.

Continuous improvement

STANDARD: THE AREA HAS DEVELOPED A CULTURE OF CONTINUOUS IMPROVEMENT

- 7.13 We were satisfied that the Area has developed a culture of continuous improvement.
- 7.14 The quality assurance system for monitoring and improving performance met with some resistance at first. Most staff understand and accept that such a system is necessary and that each individual is part of the overall effort to improve performance.
- 7.15 The individual objectives of all staff are linked with the objectives set out in the Area Business Plan (ABP) and from there to the CPS and Government objectives. Staff generally understand the connections and appreciate their part.
- 7.16 The AMB monitored the progress of the action plan following recommendations from the previous inspection and the majority of them have been implemented. Those that remain generally involve work over which the Area has less control.

Strengths

- * The Area has developed a clear culture of continuous improvement.
- * The Area has made good progress in implementing the recommendations of the previous Inspectorate report.

Accounting for performance

STANDARD: THE AREA IS ABLE TO ACCOUNT FOR PERFORMANCE

- 7.17 Performance monitoring systems are generally robust and recorded so that the CCP can substantiate the assurances she gives to CPS senior managers. The monitoring of advocacy, however, needs to be enhanced.

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 Staff requirements in the units after restructuring were not kept under planned review, so that effective action was taken over imbalance only after 12 months when the Area recruited more staff. Staff at several levels are not deployed effectively and efficiently. The use of staff and the balance of work between the units needs to be comprehensively reviewed.
- 8.2 Staff training and development and the performance appraisal system are generally well managed. Sickness levels remain above target and the Area has taken steps to address this.
- 8.3 Senior managers generally maintain a good profile throughout the Area, although there could be better contact with one office.
- 8.4 Diversity targets for women and disabled staff have been bettered, but that for minority ethnic staff not yet met. A more strategic approach to equality and diversity issues is needed.

Human resource planning

STANDARD: HUMAN RESOURCE NEEDS ARE SYSTEMATICALLY AND CONTINUOUSLY PLANNED

- 8.5 When the Area restructured, an assessment was made about the number of staff that would be needed in each unit. Proper planning should have ensured that this was kept under continual review. There was a review of the distribution of resources in February 2002. From time to time difficulties have arisen in the ability of units to work effectively, but apart from the occasional individual move, adjustments were not made until 12 months after restructuring, when the Area recruited more staff at all levels. We feel this should have been done sooner and the pressures addressed.
- 8.6 The under use of the Area's Higher Court Advocates in the Crown Court has been discussed at paragraph 5.9.

- 8.7 Management Audit Services (MAS) were asked, amongst other things, to advise on the staffing required for the effective implementation of the Direct Communication with Victims initiative.
- 8.8 Since our visit MAS have given further advice on staffing. We discuss throughout the report, and in the next section, our reservations about the correct deployment of staff, the issues about the work that staff should do, and the number that are therefore needed, which all go hand in hand. Further, within weeks, the first teams are co-locating which will also effect the position. Area managers need urgently to consider all these issues together, balancing one against the other so that human resources can be properly planned.

RECOMMENDATION

See paragraph 8.9 below.

Staff structure

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

- 8.9 Throughout this report we have commented in more detail on our reservations about the effective and efficient deployment of staff. We have raised this when discussing the deployment of staff at all levels and the effective division of work between the units. We have commented on the use of HCAs and caseworkers in the Crown Court, the sharing of work between the TU and the CJUs, the allocation of committals for sentence, appeals and youth cases to the CJUs, and the preparation of committals by lawyers. Most of these issues have been raised and discussed from time to time within the Area but not all have been resolved by the implementation of the recommendations of the HCA Working Group.

Aspects for improvement

- * Staff numbers and deployment.

RECOMMENDATION

The CCP and the ABM should carry out a further review of the use of staff and the balance of staff between the units, taking into account the agreed process mapping in co-located units and any revised activity based costing.

Staff development

STANDARD: STAFF CAPABILITIES ARE IDENTIFIED, SUSTAINED AND DEVELOPED

- 8.10 The Area has a training group to assist the AMB plan and manage its staff development. Training is identified from Forward Job Plans and there is a comprehensive training and development programme in operation in conjunction with other Areas in the family group.
- 8.11 The Area has recruited a considerable number of staff at all levels and there is an induction and development programme for new recruits. Some new lawyers felt a need for a more gradual induction to their work in court.
- 8.12 Nine new line managers attended a course by the Institute of Leadership and Management and a post course evaluation will determine if this is to be extended to all line managers.
- 8.13 Staff have been seconded to CPS Headquarters including the Policy Directorate. One lawyer had a career break to work with the UN in Kosovo and is involved in the prosecution of war crimes at The Hague.
- 8.14 In order to maintain the skills and experience of lawyers, it is proposed to rotate them between the TU and the CJUs. The rotation policy has been agreed although a significant number of lawyers seemed unaware of it. Some movement of staff between the units had taken place but this is not yet on a systematic basis.

Strengths

- * Staff training and development opportunities are comprehensive with some innovative initiatives.

Aspects for improvement

- * The rotation policy should be re-communicated to staff.

Performance review

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

- 8.15 The performance appraisal review (PAR) system is effective and PARs conducted annually with at least one and usually two reviews during the year.
- 8.16 Appraisal reports are normally completed and submitted to CPS Headquarters on time. The Area completed 71% by 31 May 2002 compared with the national average of 48%.

- 8.17 Although the individual objectives of all staff are linked to the objectives set out in the ABP, and from there to the CPS and Government objectives, some may be a little too generic and not tailored closely enough to the individual's job and location.
- 8.18 The quality assurance system includes both positive and negative feedback to individuals, which informs the appraisal reviews.

Strengths

- * The quality assurance system informs the appraisal reviews with both positive and negative feedback.

Aspects for improvement

- * Individual objectives are sometimes too generic.

Management involvement

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

- 8.19 The AMB uses a number of ways to communicate with, and involve staff, in Area business. Team meetings, the main method, are generally regular and minuted so that staff who cannot attend can find out what was discussed, although some administration staff and caseworkers felt that little was discussed that was relevant to them. Meetings could be more regular at Cramlington.
- 8.20 The Area Sounding Board and the Whitley Council are used as consultative forums. Consultation with staff can be effective, for example in the production of the ABP. Some staff are suspicious of consultation because there is little feedback as to why one course of action is followed rather than another. During restructuring, many staff felt that they were not kept informed about developments. Managers will wish to draw on this experience when dealing with co-location.
- 8.21 The CCP and the ABM visit the offices in the Area but not on a regular or pre-arranged basis. The staff at Cramlington would be helped by closer links with the Area as a whole and may need support to manage the changes brought about by national initiatives. Regular team meetings would assist this process.

Aspects for improvement

- * Team meetings at Cramlington should be more regular.
- * Communication about co-location should be more regular and detailed.

Good employment practice

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

- 8.22 The analysis of sickness levels for the year to December 2002 shows an average of 8.16 days per employee against an Area target of 7 days. The highest figure was in the TU with 10.26 days, mainly accounted for by long-term sick absence. The Area has introduced a monitoring system at unit level with monthly reports. No real issues have been revealed but managers, who have all attended a course on managing absence, are aware that control must be maintained.
- 8.23 Staff turnover figures are not significantly high. The staff survey showed that most see themselves as being with the Area for the foreseeable future.
- 8.24 The staff survey for 2002 revealed some negative trends including high stress levels and low morale. Since then the Area has acquired more staff and the effects of the change to the three units have been alleviated. During our visit many staff thought that morale was higher and that the Area was progressing. Appropriate planning and communication will help to prevent the severity of another decline as co-location is introduced.

Equality and diversity

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

- 8.25 The Area has 1.3% of its workforce from the minority ethnic community against an ambitious target of 2.75%. The local working population percentage is 1.62%. Women formed 67% of the workforce against a target of 57% and staff with disabilities 7.49% against a target of 3.82%.
- 8.26 The Area has an Equality and Diversity Officer (EDO) and opportunities are created for part time and term time work as well as job sharing. Opportunities have been given for career breaks and phased re-entry to work.
- 8.27 Managers are aware that their strategy could be clearer and the Area EDO is working with the regional EDO towards a more structured approach.

Aspects for improvement

- * A more structured approach to equality and diversity initiatives.

Health and safety

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

- 8.28 Each unit has a health and safety officer who carries out regular audits and checks. Suitable adaptations have been made in equipment to support disabled staff.
- 8.29 At court, the CPS also has a responsibility towards its staff even though the Area has less control over this environment. There are genuinely perceived concerns about safety in the neighbourhood of the new development at St Anne's Quay, which need to be addressed. Serious concerns about safety at Sunderland Magistrates' Court were raised and Area managers arranged for health and safety officers to produce a report. Some staff have not received any feedback about the conclusions.

Aspects for improvement

- * Staff concerns about health and safety need to be addresses more effectively.

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 evaluation of the data provided by the Area showed that it manages its finances satisfactorily and that appropriate controls and systems are in place. This was confirmed during our visit. The Area complies with the guidelines on financial management. The management of the graduated fees system is good.
- 9.2 We discuss elsewhere our reservations about the deployment of staff at a number of levels. Some of the work that they do may not represent the best value for money. The instruction of agents at higher cost may also not be the best value for money.

Staff financial skills

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

- 9.3 In the past four years, the Area has had five different ABMs or temporary ABMs. Some of the previous holders of the post had little experience in budgetary matters, but, with the help of the CCP, kept control. The ABM has now introduced new systems and has full control over the Area's financial arrangements.
- 9.4 This year, the budget has been split into the units. The ABM, however, has retained control centrally as the Unit Business Managers have varying levels of financial expertise. The ABM is developing their skills by one to one training. The Business Managers meet regularly at formal minuted meetings to discuss the Area budget.

Adherence to financial guidelines

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

- 9.5 We were satisfied that the Area complies with the guidelines on financial management. The Area is forecasting a modest underspend.

Management of prosecution costs

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

- 9.6 There is a dedicated graduated fees clerk who is experienced in this work and who keeps good control over counsel's fees.

- 9.7 A considerable number of agents are instructed in the magistrates' courts, particularly by CJU South, which for much of the year did not have sufficient lawyers to cover courts. Managers had been informed of the poor performance of some agents and the pool of those available is comparatively small. We were told that the Area was negotiating to increase their fees in order to alleviate the situation and attract young counsel. In order to gain value for money, the Area should first investigate the extent and reason for performance by monitoring. It should ensure that agents know what is expected of them and it should compare the level of payment with neighbouring Areas. It must ensure that there is evidence to justify an increase. Further, there should be mechanisms in place to show that any actions they take result in better performance.

Aspects for improvement

- * The improvement of performance of agents.

Value for money approach

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

- 9.8 We have mentioned the payment of agents above.
- 9.9 We discuss elsewhere our reservations about the deployment of staff at a number of levels. Some of the work that they do may not represent the best value for money, for example the use of lawyers in the TU for all pre-committal work and the use of caseworkers in the Crown Court.
- 9.10 Further work might be done with the magistrates' courts in trying to achieve a balance of morning and afternoon courts so that prosecutors are more efficiently deployed and thus better value for money achieved.

Aspects for improvement

- * The deployment of staff in order to give best value for money.

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 Relationships with other agencies are good but the all need to develop a more “joined up” approach. Court user groups are generally effective at a local level and actively supported by Area staff.
- 10.2 Information technology is used effectively. Some staff continue to require support in its use whilst other are helping to develop its use even further.

CJS partnerships

STANDARD: PARTNERSHIPS WITH OTHER CJS AGENCIES ARE DEVELOPED AND MANAGED

- 10.3 Although relationships with other agencies at all levels are good, effective outcomes are less obvious. The agencies have tended to work separately towards their own targets and lack a joined up approach. We have already mentioned the disappointing progress with the police in improving the quality and timeliness of files and with the courts in the management of cracked and ineffective trials.
- 10.4 The multi-agency court user groups are generally considered effective for the local matters that they deal with. The CPS is represented at appropriate levels, although attendance at some Youth Court user groups could be improved. Area staff are generally considered to be responsive to concerns of other agencies both at user groups and in day-to-day management of cases.
- 10.5 The plans for the co-located units got off to a very slow start with an unco-ordinated strategy that led to misunderstandings between the police and the CPS. A better partnership has now been developed.
- 10.6 The success of the PYO initiative has shown that the Area can work together effectively when their targets are shared. This augurs well for the development of the LCJB.

<p>Strengths</p>

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|---|
| <p>* The success of the PYO initiative.</p> |
|---|

<p>Aspects for improvement</p>

- | |
|---|
| <p>* A more joined up approach to achieving criminal justice targets.</p> |
|---|

CJS agencies

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

- 10.7 We discuss JPM at paragraph 4.58 and the monitoring of cracked and ineffective trials at paragraph 4.14.

Improving local CJS performance

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

- 10.8 Area managers have been fully engaged in the setting up of the shadow Local Criminal Justice Board. An inter-agency working group produced the action plan for Narrowing the Justice Gap.
- 10.9 Evidence about the contribution of the CPS varied. Some considered it good and effective but others felt it was satisfactory “at best”. It was difficult for us to account for the differences but they may well reflect the priority that each agency attaches to its own targets and agenda.

Information technology

STANDARD: IT IS DEPLOYED AND USED EFFECTIVELY

- 10.10 The introduction of Connect 42 has been a success. Staff are generally enthusiastic about the new equipment and its capabilities. Although all staff have been trained and most use their computers to the full, there are inevitably those who are less comfortable. Some teams use the expertise of individuals to assist others and to develop the use of the equipment. Staff at CJU South make particularly good use of IT and are exploring more ways it can assist with the help of an IT group. This good practice could be shared across the Area and help also given to staff in other units to develop their skills further.

Strengths

- * The use of IT in CU South.

Aspects for improvement

- * Continuing support and training for some staff.

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 Most staff have a clear understanding of objectives at both national and local levels. Policy and strategy are informed by the expectations of stakeholders within and outside the CPS.
- 11.2 Policies are informed by the Area's measurement of performance although more could be learned from the implementation of former projects. Better review of the ABP is needed to ensure continuing sense of direction and drive towards objectives with a more systematic planning of the move to co-location.

Stakeholders

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

- 11.3 Senior managers demonstrate a clear understanding of the CPS objectives and the increasingly important targets for the criminal justice system as a whole. The Area's policies and strategies are based on these as shown in the ABP. The understanding of some staff at lower levels is less evident.
- 11.4 The AMB consulted all staff about the ABP. The Area conference of all staff focused on a number of aspects of the Area's work so that not only are staff informed, but they can also express their expectations. The Investors in People (IiP) assessment praised staff involvement in the formulation of the ABP.
- 11.5 Area staff at all levels attend meetings, both strategic and operational, with other agencies, giving the opportunity to understand the expectations of others and thus inform its own policies.
- 11.6 Membership on many groups within the Area enables staff to be well informed about the expectations of stakeholders in the community and can act accordingly.

Performance measurement

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

- 11.7 Results from the systems for the measurement of performance inform the Area's policy and strategy. As with the lessons that can be learned from the analysis of casework, it is important that the management of projects is also reviewed and lessons learned from them.

Review

STANDARD: POLICY AND STRATEGY ARE DEVELOPED, REVIEWED AND UPDATED

- 11.8 We were told that the ABP is discussed at the monthly meetings of the AMB and reviewed quarterly. We would like to have seen more evidence of systematic review to ensure that actions are timely and milestones are reached with a continuing sense of direction and drive towards objectives.

Framework of key processes

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

- 11.9 The ABP is a high level document which is supported by an action plan to deliver it. It forms the working framework for the development of policies and strategies. The action plan has timescales and responsibilities assigned to most of the actions but does not provide an entirely clear link with the objectives set out in the ABP.
- 11.10 There is a noticeable lack of systematic planning for the implementation of the co-located CJUs. This contrasts with the planning and implementation of the initiative for Direct Communication with Victims which showed clear direction through the key processes leading to a successful and timely start.

Aspects for improvement

- * Review and updating of the ABP.
- * Planning of CJU co-location.

Communication and implementation

STANDARD: POLICY AND STRATEGY ARE COMMUNICATED AND IMPLEMENTED

- 11.11 The ABP was presented to all staff, and managers continue to ensure that staff are aware how their individual work is linked to it, through discussion at performance appraisal reviews and at Area conferences.
- 11.12 There was a lack of communication about the plans and progress for the implementation of the move to co-located CJUs. Managers are now, to a certain extent, addressing this.
- 11.13 The units tend to work in isolation. Team meetings are the main vehicles for communication with staff, although the use of Connect 42 has increased and is effectively used for conveying information on a number of issues. The Area does not have a regular newsletter which could be an effective vehicle to draw the whole Area together and give it a sense of vision and direction.

12. PUBLIC AND STAKEHOLDER CONFIDENCE AND RESULTS

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 very fully involved in a large number of community groups and set up the Community Liaison Group for work with the minority ethnic community.
- 12.2 The most recent results of the British Crime Survey show that 45% of the public are confident in the criminal justice system in Northumbria - the second highest percentage in the country.
- 12.3 The content and style of letters responding to complaints is good, but the recording and monitoring of the complaints could be improved.

Complaints

STANDARD: COMPLAINTS ARE EFFECTIVELY MANAGED TO INCREASE SATISFACTION AND CONFIDENCE

- 12.4 Complaints to the CJU South are recorded and tracked on a database. This is easy to follow and monitor. The TU and CJU North still use a manual complaints register. These were both incomplete. It was very difficult to identify the procedure for recording cases and responding to complaints, or to follow the process from receipt to closure. Although the complaints were given a number, there were many gaps. The procedures for recording complaints need to be consistent and such that their quality and timeliness can be monitored.
- 12.5 The majority of those responses that we saw addressed the complaint fully and in a suitable manner, dealing appropriately with mistakes that had been made. We found the style of some of the letters over formal and occasionally too technical. Others contained sympathetic comments, which helped to make the response more personal and less formal.

Aspects for improvement

- * A consistent and effective method of recording, tracking and monitoring of complaints.

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

- 12.6 We have already mentioned the improvement that can be made in the treatment and monitoring of cases concerning racial incidents a paragraph 4.29.

Community engagement

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

- 12.7 There is a Race and Criminal Justice Advisory Committee which assists all agencies and comprises representatives from all communities and senior officers. It is an effective filter for issues that arise. It is fully supported by the CCP who provides the committee accommodation and secretarial support. Involvement in the working group of the former Area Criminal Justice Strategy Committee, the Newcastle multi-agency panel and the Sunderland Racial Equality Forum are other examples of good liaison on racial issues.
- 12.8 The Area is raising awareness about gay and lesbian issues and is using links with the relevant local group. It has planned action to work with the Royal National Institute for the Deaf to increase awareness with staff and to improve links with the disabled community.
- 12.9 A member of staff is participating in the Common Purpose Programme, which is a local initiative which brings together emerging leaders in the whole community for a better understanding of the area, its structure and issues. This has helped to raise the profile of the CPS as well as establishing contacts for the future.

Strengths

- * Strong effective links with the minority ethnic community.
- * A good level of general community engagement.

Media engagement

STANDARD: THE AREA ENGAGES WITH THE MEDIA

- 12.10 The work of the Area has received a considerable amount of positive press coverage. It feeds the press with information about both local and national initiatives. The CCP has contributed to a number of radio items both locally and nationally as the CPS Victim and Witnesses Champion.

Public confidence

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

- 12.11 The main measure for public confidence is the British Crime Survey. The most recent results show that 45% of the public are confident in the criminal justice system in Northumbria - the second highest percentage in the country. The Area will be taking part in the national stakeholder survey in February 2003.

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 Leaders need to establish a firmer Area identity: the units tend to work in comparative isolation from each other. Staff awareness of the need for continuous improvement is evident. The management personnel of the Area has now settled and morale is improving. This needs to be maintained by good communication about co-location.
- 13.2 The management structure is sound but can be effective only if absences are adequately covered. Proper planning of projects needs to be improved, particularly that for co-location of CJUs.

Vision and values

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

- 13.3 The units tend to work in isolation from each other so that staff identify with their own unit or even their team rather with the Area as a whole.
- 13.4 The CCP and the ABM go to other offices but these visits have tended to be irregular and to be made to attend specific meetings. Most staff considered that managers were approachable and open. The CCP has had considerable national commitments as the champion for victims and witnesses which has benefits for the Area but also can result in frequent absences from the Area. To balance their external commitments both she and the ABM will set aside a specific day each week to be in the office, free from meetings. In order to maintain this welcome direction, care needs to be taken to ensure that concerns about the national initiatives of co-location are addressed by ensuring that all staff are fully and regularly informed.
- 13.5 There was a clear commitment to continuous improvement from managers and from staff but again this was based within the units.

<h4>Strengths</h4>
* There is commitment to continuous improvement.

Staff recognition

STANDARD: MANAGERS ACTIVELY MOTIVATE, RECOGNISE AND SUPPORT THEIR STAFF

- 13.6 Some aspects of the management of the Area have gone through a period of instability over the last three years. It has now settled and this has contributed to our perception that the morale of the Area was considerably higher than when we visited over two years ago.
- 13.7 Some managers have used the quality assurance system as a motivational tool. It has been important to report and record good performance as well as aspects for improvement.

Strengths

- * The use of the quality assurance system for positive feedback.

Management structure

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

- 13.8 The management structure is basically sound and well supported by the work of the Area Secretariat. It is intended to develop the skills of managers in the units in order to replicate there the division of responsibility between the CCP and the ABM. The split of CJU North over two sites has led to a greater sense of separation in the team at Cramlington, but this has been recognised and is being addressed. We have mentioned elsewhere that the units tend to work in isolation. To deal with this, the ABM now holds meetings of team business managers from across the Area and the Area has a Performance Implementation Team comprising management and operational representatives from each unit.
- 13.9 A sound management structure will only be effective if managers have time to do their job and if absences are adequately covered. Some initiatives were not taken forward during the absence of key personnel.

Aspects for improvement

- * The cover of absent staff, particularly managers.

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

- 13.10 As we have mentioned at paragraph 11.9, the ABP and its associated action plan is in place. The review of the ABP is not apparent in practice although the Area has a stated aim to review it quarterly. Reviews need to be dated and more regular. Action taken as a result of the review must be demonstrable and clearly communicated to staff.
- 13.11 We have mentioned the lack of planning in relation to the co-location project in a number of headings in this report and here we make a recommendation.

Aspects for improvement

- * Systematic demonstrable review of the action plan for the ABP.

RECOMMENDATION

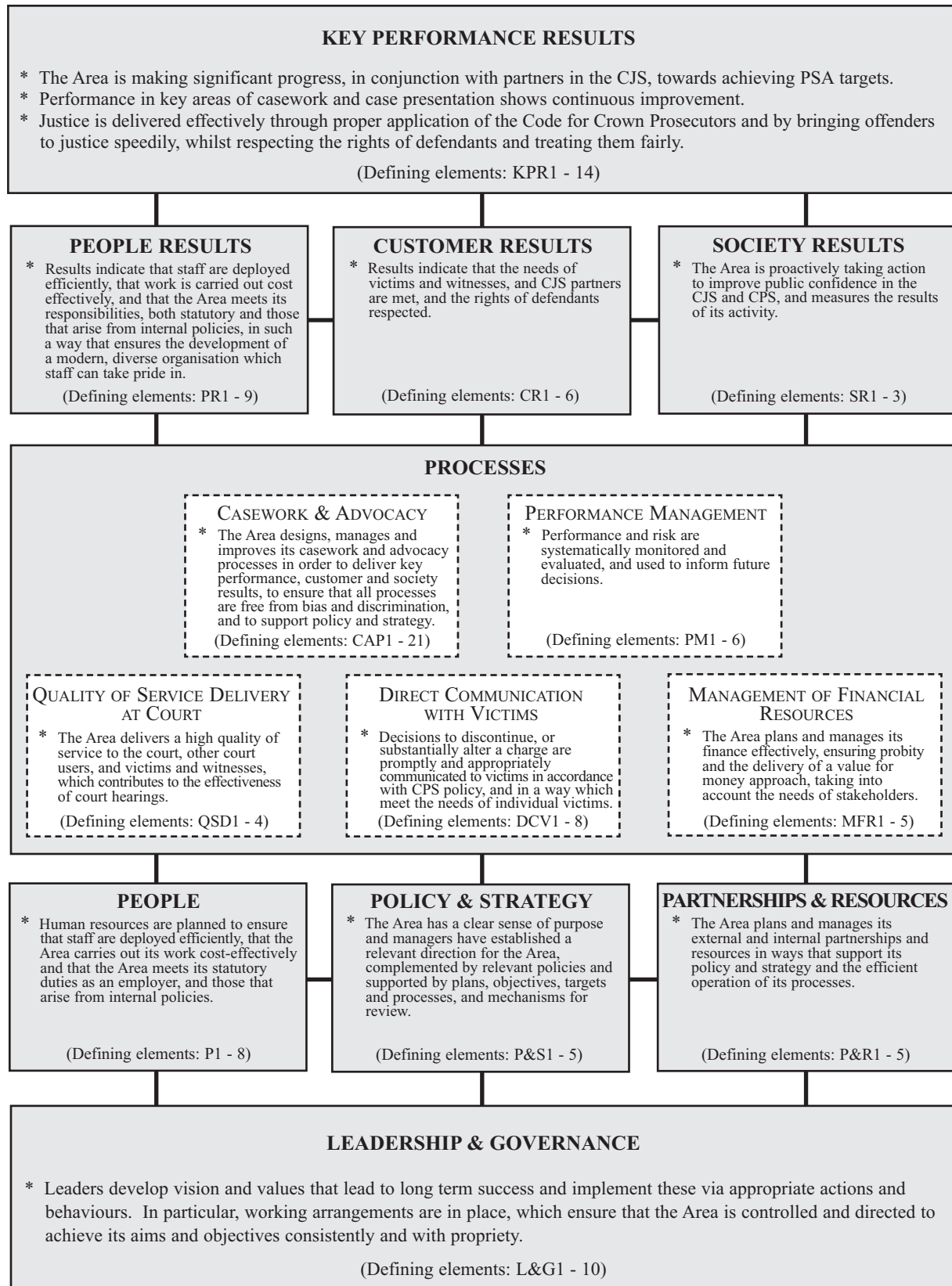
The AMB must give urgent attention to the co-location project which should be better planned and reviewed with clear targets, milestones, assessment of risk and defined responsibility overseen with firm direction and monitoring by the CCP and the ABM.

Performance accountability

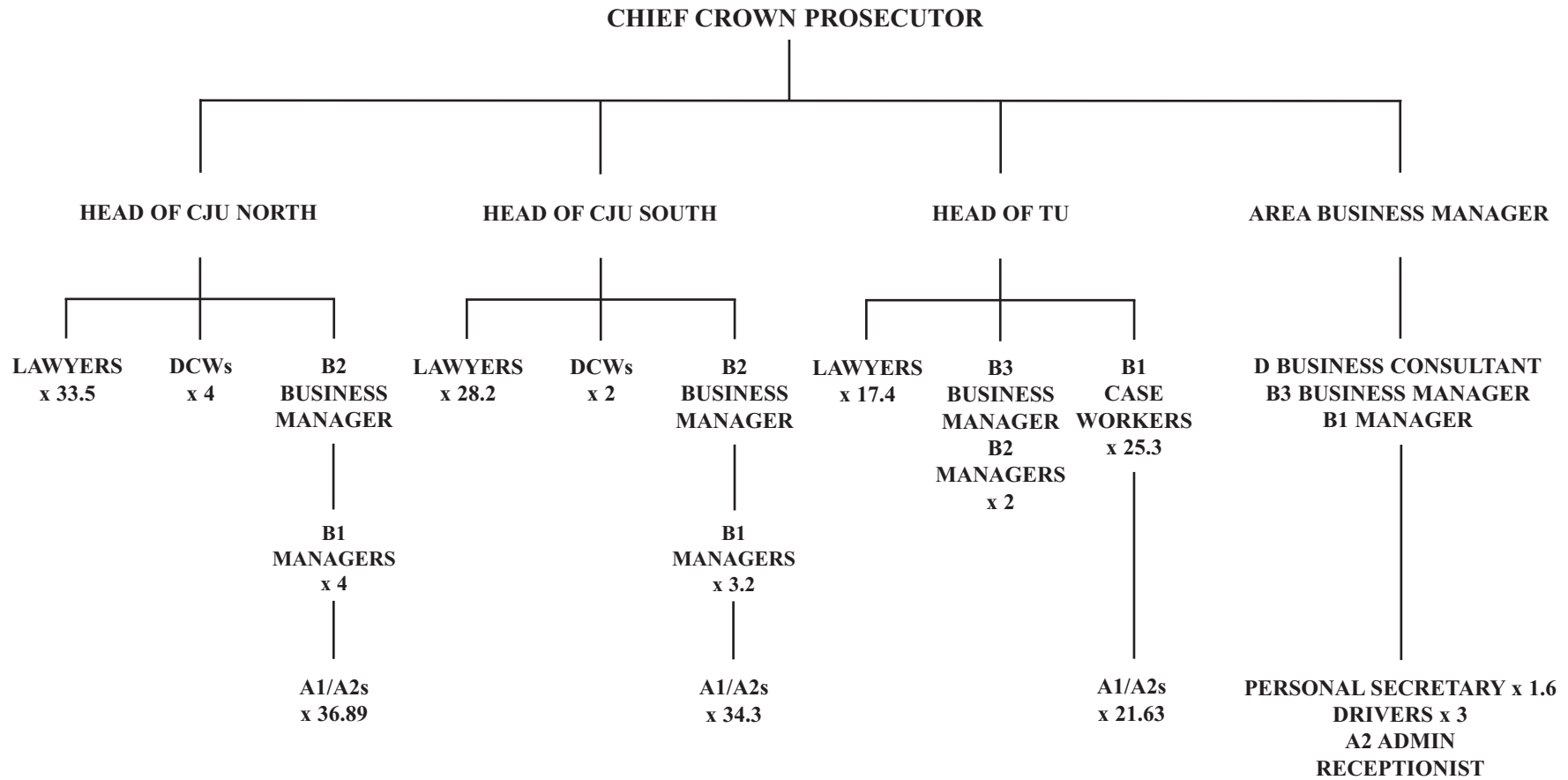
STANDARD: THE AREA IS ABLE TO ACCOUNT FOR PERFORMANCE

- 13.12 Quarterly assurance reports supported from the data from the monitoring of files provide the CCP and the ABM with evidence to provide the annual certificate of assurance to the DPP.
- 13.13 The implementation of the Direct Communication with Victims initiative has been independently evaluated
- 13.14 The Area received its IiP accreditation in May 2001 and this was reviewed in September 2002. The assessor commended the Area's improvements since the initial accreditation.

BUSINESS EXCELLENCE MODEL INSPECTION MAP



CPS NORTHUMBRIA STAFF STRUCTURE



ANNEX 3

Types of case - Magistrates' Court	CPS Northumbria		National	
	Number	Percentage	Number	Percentage
Advice	1,229	2.3	52,748	3.8
Summary motoring	15,949	29.4	517,123	36.8
Summary non-motoring	12,779	23.5	263,225	18.8
Either way & indictable	23,676	43.6	561,153	40.0
Other proceedings	660	1.2	9,568	0.7
Total	54,293	100	1,403,817	100

Completed cases - Magistrates' Court	CPS Northumbria		National	
	Number	Percentage	Number	Percentage
Hearings	39,637	75.7	969,390	72.3
Discontinuances	6,392	12.2	173,020	12.9
Committals	2,687	5.1	91,789	6.8
Other disposals	3,688	7.0	107,291	8.0
Total	52,404	100	1,341,490	100

Case results - Magistrates' Court	CPS Northumbria		National	
	Number	Percentage	Number	Percentage
Guilty pleas	33,304	83.9	801,191	82.1
Proofs in absence	4,645	11.7	117,115	12.3
Convictions after trial	1,128	2.8	38,823	4.0
Acquittals: after trial	583	1.5	15,268	1.6
Acquittals: no case to answer	58	0.1	1,696	0.2
Total	39,718	100	974,093	100

Types of case - Crown Court	CPS Northumbria		National	
	Number	Percentage	Number	Percentage
Indictable only	1,276	30.6	36,510	26.0
Either way: defence election	719	17.2	14,759	13.9
Either way: magistrates' direction	1,118	26.8	39,248	32.8
Summary: appeals; committals for sentence	1,058	25.4	31,906	26.1
Total	4,171	100	122,423	100

Completed cases - Crown Court	CPS Northumbria		National	
	Number	Percentage	Number	Percentage
Trials (including guilty pleas)	2,567	82.5	74,340	83.6
Cases not proceeded with	436	14.0	12,911	14.3
Bind overs	41	1.3	1,383	1.5
Other disposals	69	2.2	1,882	2.1
Total	3,113	100	90,516	100

Case results - Crown Court	CPS Northumbria		National	
	Number	Percentage	Number	Percentage
Guilty pleas	2,294	89.0	55,944	72.7
Convictions after trial	164	6.3	11,951	15.5
Jury acquittals	97	3.8	6,473	8.5
Judge directed acquittals	22	0.9	1,470	1.9
Total	2,577	100	75,838	100

TABLE OF RESOURCES AND CASELOADS

AREA CASELOAD/STAFFING CPS NORTHUMBRIA		
	September 2002	March 2000
Number of lawyers in post*	78	68.3
Cases per lawyer*	(54293) 696.1	(55498) 812.6
Magistrates' courts contests per lawyer*	(1769) 22.7	(2050) 30.0
Committals per lawyer*	(2687) 34.4	(2775) 40.6
Crown Court trials per lawyer*	(283) 3.6	(387) 5.7
Number of B1, B2 and B3 caseworkers in post**	44	43.1
Committals per caseworker (B1 and B2)	(2687) 61.1	(2775) 64.4
Crown Court trials per caseworker (B1 and B2)	(283) 6.4	(387) 9.2

* Excluding CCP

**excluding ABM

**IMPLEMENTATION OF RECOMMENDATIONS/SUGGESTIONS FROM REPORT
PUBLISHED IN SEPTEMBER 2000**

	RECOMMENDATIONS	POSITION IN JANUARY 2003
R1	The CCP should ensure that monitoring of the quality of casework decisions includes cases in which advice is provided to the police before charge	The quality assurance system includes advice
R2	The CCP should implement an effective system to ensure that advice to the police is provided within 14 days of receipt of an adequate file	Advice is now generally timely although there can still be unreasonable delay in more complex cases
R3	The CCP should require each Unit Head to: (i) implement a system of file allocation which ensures a fair and even distribution of cases, taking account of specialisms and individual expertise; and (ii) have in place arrangements for monitoring the quality and timeliness of both initial and continuing review with particular reference to the independence of those decisions	Allocation within the units is appropriate. We make a recommendation about the distribution of Crown Court work The quality assurance system is effective
R4	The CCP should take steps to ensure that the content of Narey files meets nationally agreed guidelines	Systems have been revised and a new monitoring form, the TQ2, has been introduced. These files have improved. Full files need attention
R5	The CCP should ensure that prosecutors and caseworkers make full records on files of review decisions at all stages of case progress	Endorsements, part of the quality assurance system, have improved considerably
R6	The Area Management Team should adopt a common form of report for adverse outcomes which captures the reason for the decision and is conducive to fuller analysis and comment by the reviewing lawyer and line managers	Adverse case reports are consistent, all appropriate staff contribute to them and the system now works well

	RECOMMENDATIONS	POSITION IN JANUARY 2003
R7	The CCP build upon the proposals for meetings within Committal Units and the re-introduction of "Casework News" to ensure that the lessons to be derived from cases with adverse outcomes are promulgated to all lawyers and caseworkers throughout the Area	Communication throughout the Area still needs attention
R8	The CCP should initiate a review of office systems for linking correspondence to the appropriate file; and should set challenging but realistic targets for responding to all correspondence and inquiries	Some linking is still delayed. Training has been given and the situation is monitored daily in each unit
R9	The CCP should issue guidance about the provision of advance information in summary only cases. The guidance should take into account the imminent implementation of the Human Rights Act 1998	AI is now given in all summary cases
R10	The CCP should take steps to ensure that prosecutors resubmit to the police unused material schedules which do not adequately describe the relevant material; effect thorough and timely compliance with primary and secondary disclosure obligations; and ensure that a clear and contemporaneous record is maintained of the decisions taken and the reasons	Compliance with CPIA is part of the quality assurance system. We saw some improvement in CPS work
R11	The CCP should discuss with the police ways in which joint performance in handling unused material can be improved, including a joint training initiative on the provisions of the CPIA	Concerns about police understanding and performance remain. They are only now being addressed. We were disappointed that this was not addressed earlier
R12	The CCP should initiate discussions with the court authorities and court users to identify and put into practice means of making pre-trial reviews more effective	Despite some effort, little progress has been made in most courts. One initiative at North Tyneside shows promise

	RECOMMENDATIONS	POSITION IN JANUARY 2003
R13	The CCP should implement an Area-wide system to monitor instructions to counsel to ensure that briefs are of a consistently high quality	Included in the quality assurance system. Improvement is still needed in many but instructions in the more serious and complex cases were good
R14	The CCP put in place arrangements to ensure that case summaries for the Crown Court are provided in a format more suited to their intended purpose	Judges' summaries still need improvement particularly in the more complex cases
R15	The CCP should ensure that details of directions made at PDHs are endorsed clearly on files and that compliance is monitored and noted	Included in the quality assurance system. We saw considerable improvement
R16	The CCP should conduct an Area-wide review of custody time limits systems to identify good practice and to implement a system in each Branch which contains all the appropriate elements to ensure accurate calculation of the initial expiry date and consistent and efficient monitoring of custody time limits	Further training and two reviews have been carried out. We are now satisfied that there is a robust system. A back up to the CTL diary is needed
R17	The CCP take steps to improve the quality and clarity of all file endorsements and the management of files	Included in the quality assurance system. We saw considerable improvement. The management of Crown Court files and of disclosure material needs further attention
R18	The members of the AMT should examine current methods of communication within the Area to seek improvements and provide a strategy which ensures effective communication to and between all members of staff	There have been some improvements with the use of IT. A better strategy is needed for more effective Area-wide approach
R19	The CCP should establish management structures in which the reporting officer is an individual with direct responsibility for the work of the relevant member of staff	The restructuring to TU/CJUs has addressed this

	RECOMMENDATIONS	POSITION IN JANUARY 2003
R20	<p>The CCP should seek ways of improving the quality of files submitted by the police to ensure that cases progress as quickly as possible consistent with the interests of justice by:</p> <ul style="list-style-type: none"> * ensuring that prosecutors complete and return TQ forms monitoring the quality and timeliness of police files in all appropriate cases; * discussing with the police the results of monitoring timeliness and quality of files in joint performance management and seeking improvements where necessary 	Very little progress has been made. We have made a further recommendation
R21	The CCP and ABM take urgent steps to ensure that all staff see the CPS video on Equality and Diversity swiftly	Done. A continuing programme for new staff needed
R22	The AMT should take steps to ensure that all appropriate staff receive training in the recording of PIs so that accurate casework information is available to assist management of the Area	Training has been given. A continuing programme for new staff is needed. We have made a recommendation about the finalisation of cases
	SUGGESTIONS	POSITION IN JANUARY 2003
S1	The CCP should cause the record of informal advice to be made available to the police	Some improvement is still needed
S2	The managers ensure, as much as possible, that court rotas accommodate continuity in file ownership; or reduction in duplication of pre-court preparation	This is a factor now taken into account. Improved endorsements assist other prosecutors
S3	The CCP considers means of involving caseworkers in cases destined for the Crown Court at an early stage in order to provide maximum continuity	Arrangements have changed since the creation of the TU. Caseworkers are rarely involved in the preparation of committals. We have made a recommendation about deployment of staff which includes this aspect

	SUGGESTIONS	POSITION IN JANUARY 2003
S4	The CCP should seek an agreement with the Northumbria police about arrangements for submitting files in committal cases; and that those arrangements should be applied consistently by all Branches	Little progress has been made. We have made a further recommendation
S5	The CCP should ensure that systems are in place to check that all necessary work has been done on files for agents' courts before they are delivered and, where necessary, special instructions are provided on case issues and any acceptable pleas, so that cases are prosecuted efficiently	Concerns about the quality of some agents and the actions taken to improve them remain. The lack of power/ability for agents to take some decisions remains a concern for magistrates
S6	The CCP considers the introduction in all Branches of desktop instructions so that staff have a clear idea of the tasks and procedures they are required to undertake and to enable them to assume the duties of colleagues whenever circumstances require them to do so	Systems manuals have been produced in each unit

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

	Number of files examined
File Sample for CJU	
Advice	5
Cases subject to custody time limits	10
Cracked and ineffective trials	44
Discontinued cases	8
Domestic violence	(13)
Magistrates' court trials	44
Race crime	(12)
Youth trials	(11)
File sample for TU	
Cases subject to custody time limits	5
Committals discharged not ready	4
Crown Court trials	20
Judge directed acquittals	7
Judge ordered acquittals	17
Race crime	5
TOTAL	164

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

Crown Court

His Honour Judge Hodson

Magistrates' Courts

Mr B Baxter, Chairman of Magistrates' Court Committee

Mr B Dodds JP

Mr G Brown JP

Mr J Laidler JP

Mrs A Darke JP

Mrs P Morris JP

Mr R Ramsey JP

Mr W Mitchell JP

Mr J Young JP

Mr E Grounds JP

Mr M Weightman JP

Mr C Enderby JP

Mrs V Chalmers JP

Mr J Glendinning JP

Mr W Forrest JP

Mr I Hedley JP

Mr J Young, Justices' Chief Executive

Mr S Rowbottom, Clerk to the Justices

Mr C Livesley, Clerk to the Justices

Mr D Pryer, Clerk to the Justices

Mrs R Watson, Clerk to the Justices

Ms V Rawson, Deputy Clerk to the Justices

Police

Chief Constable C Strachan, QPM

Superintendent P Woods

Inspector G Irvine

Defence Solicitors

Mr W Johnstone

Mr A Travis

Mr S Earl

Counsel

Mr T Hedworth QC
Mr J Evans
Ms A Richardson

Probation Service

Mr J Gardiner

Victim Support

Mrs A McDonnell MBE
Mr A Gardner

Witness Service

Mr E Reavley

Local Crime and Disorder Partnership

Superintendent C Peacock
Detective Chief Inspector F Whittle
Detective Chief Inspector J Napier

Youth Offending Teams

Ms D Loraine
Ms J Firth

Community Groups

Ms S Kane, Wearside Domestic Violence Forum
Ms P Brunton, North Tyneside Domestic Violence Forum
Mr H Shukla, Former Director of the Race Equality Council
Chief Inspector S Packham

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