

**THE INSPECTORATE'S REPORT
ON
CPS WEST MERCIA**

REPORT 6/03

JUNE 2003

CPS WEST MERCIA



AREA OFFICE

Droitwich

OTHER OFFICES

Shrewsbury

MAGISTRATES' COURTS

Bridgnorth, Drayton (Market Drayton, Whitchurch)

Hereford, Ludlow, Oswestry

Redditch, Severnminster (Kidderminster)

Shrewsbury, South Worcestershire (Worcester), Telford

CROWN COURTS

Hereford

Shrewsbury

Worcester

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PREFACE

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

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

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

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

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

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

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

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

1 INTRODUCTION

- 1.1 This is Her Majesty's Crown Prosecution Service Inspectorate's report about CPS West Mercia (the Area) which serves the area covered by the West Mercia Constabulary. It has two offices, at Droitwich, Worcestershire and Shrewsbury, Shropshire. The Area Headquarters (Secretariat) is based at the Droitwich office.
- 1.2 Area business is largely divided on functional lines between magistrates' courts and Crown Court work. The Criminal Justice Unit (CJU) at Droitwich is responsible for the conduct of all cases dealt with in the magistrates' courts in Herefordshire and Worcestershire. The Trial Unit (TU) at Droitwich reviews and handles cases dealt with in the Crown Court in the same two counties. There is a combined unit at Shrewsbury, where lawyers and caseworkers deal with cases in both the Crown Court and the magistrates' courts in Shropshire.
- 1.3 At the time of the inspection in February 2003, the Area employed the equivalent of 105.7 full-time staff. The Area Secretariat comprises the Chief Crown Prosecutor (CCP), Area Business Manager (ABM) and the full-time equivalent of five other staff. The Area also has a Special Casework Lawyer (level E) who deals with special casework for the whole Area, although he is physically based at Shrewsbury. Details of staffing of the Units is set out below:

Grade	Droitwich TU	Droitwich CJU	Shrewsbury combined unit
Level D	1	1	1
Level C lawyers	4.6	17.5	10.8
Level B2 caseworkers	0	2	1
Level B1 caseworkers	7.9	2.4	6.9
Level A caseworkers	7.7 + 2.4 typists	9.4 + 4.3 typists	15.5 + 2.3 typists
TOTAL	23.6	36.6	37.5

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

- 1.4 Details of the Area's caseload for the year 2002 are set out below:

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	856	2.9%	4.1%
Summary motoring	14,129	47.8%	36.8%
Other summary	4,876	16.5%	18.7%
Either way and indictable only	9,441	32%	39.8%
Other proceedings	240	0.8%	0.7%
TOTAL	29,542	100%	100%

1.5 Details of the Area's Crown Court finalised cases are set out below:

Crown Court finalised cases	Area numbers	Area % of total caseload	National % of total caseload
Indictable only	603	29%	30.4%
Either way offences	798	38.4%	43.9%
Appeals against conviction or sentence	178	8.6%	9.5%
Committals for sentence	500	24.1%	16.1%
TOTAL	2,079	100%	100%

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 West Mercia (in common with other CPS Areas) has benefited from a significant increase in its budget since our last inspection in order to drive up performance. As a result, the Area has been able to recruit more staff and reduce the average numbers of cases dealt with per lawyer and caseworker.

Methodology and nature of the inspection

1.7 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 and the findings on that occasion. A report was published in July 2000, making a total of 16 recommendations and seven suggestions, as well as identifying three aspects of good practice. Our assessment of the Area's progress in relation to these recommendations and suggestions can be found in Annex 5.

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

1.10 In the light of that, the inspection did not include consideration of advice or adverse file samples, although some such cases were seen in relation to other aspects of performance. We also carried out limited observation of advocacy.

1.11 Our methodology combined examination of 115 cases finalised between October and December 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 and some specific types of cases. A detailed breakdown of our file sample is shown at Annex 6. A list of individuals from whom we received comments is at Annex 7. The team carried out observations of the performance of advocates and the delivery of service at court in both the magistrates' courts and the Crown Court.

- 1.12 Inspectors visited the Area between 24 February and 7 March 2003. The lay inspector for this inspection was Mrs Jackie Worrall, who was nominated by the National Association for the Care and Resettlement of Offenders. The role of the lay inspector is described in the Preface. The lay inspector examined files that had been the subject of complaints from members of the public and considered letters written by CPS staff to victims following the reduction or discontinuance of a charge. 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.
- 1.13 The purpose and aims of the Inspectorate are set out in Annex 8. A glossary of the terms used in this report is contained in Annex 9.

2 SUMMARY OF INSPECTION FINDINGS AND RECOMMENDATIONS

- 2.1 The Area has improved a number of aspects of its performance since the last report, but there remain issues relating to both casework and the operation and management of the Area that need to be addressed.
- 2.2 The Area benefits from a clear planning structure, with issues contained in the Area Business Plan being cascaded down to formal unit plans. The latter are reviewed every quarter, and a formal report prepared for the CCP and ABM as part of the assurance process. This forms a sound basis upon which the Area can build, and should ensure that it is well controlled and directed.
- 2.3 Generally, decision-making is sound, particularly in relation to the initial review of cases, although performance in relation to summary trial review and preparation needs to be addressed, as improvement is needed. There needs to be a more positive drive to deal with some aspects of performance, particularly cracked and ineffective trials.
- 2.4 Performance in relation to disclosure has improved, but some decisions appear to be made without proper consideration of the material, and undertaking the duty of disclosure generally, and secondary disclosure in particular, needs to be improved.
- 2.5 The standard of CPS advocates is satisfactory, but some of the agents appearing in the magistrates' courts are not sufficiently prepared. Overall, the Area provides good quality service to the courts and court users, although the standard of service and readiness to proceed is being compromised by a lack of timely review or poor file preparation.
- 2.6 Overall, prosecutors and caseworkers deal with victims and witnesses at court satisfactorily, and in some cases to a very high standard in conjunction with police. However, there remains a reluctance on the part of some counsel to introduce themselves to witnesses.
- 2.7 The standard Direct Communication with Victims (DCV) model has been adopted by the Area, with all prosecutors and caseworkers having received appropriate training. There remain, however, some issues about proper identification of appropriate cases and the content of some of the correspondence.
- 2.8 The last inspection report noted that the Area had a systematic and 'impressive' approach to performance management. The Area has maintained this, and Unit Heads and the Secretariat continue to submit monthly performance reports to the CCP and ABM. The reports could be further improved by including a more qualitative assessment of some aspects of performance. Key issues and concerns raised in the reports are then highlighted at Area Management Team (AMT) meetings. Implementation of identified best practice across the Area will help to secure consistency and continuous improvement.
- 2.9 There are a number of issues in relation to people management and results, to which the Area will need to give early consideration, some of which need to be addressed as a matter of priority. Some enhanced communication with staff is needed to ensure that everybody is aware of future plans and committed to the Area vision.

- 2.10 The Area has effective financial systems and processes to ensure that its finances are properly managed. Further work needs to be done to ensure the accuracy and timeliness of the Area's casework finalisations, and to monitor the use of code 3010 in relation to agent spend in the magistrates' court on special cases
- 2.11 Partnerships with other criminal justice system (CJS) agencies are relatively well developed at both an operational and strategic level. Constructive partnership work has led to positive outcomes in relation to persistent young offenders (PYO) performance and listing practices, as well as the introduction of the new pre-trial review (PTR) protocol. The early indications are that the Local Criminal Justice Board will also prove to be an effective forum for securing improved performance.
- 2.12 There is still more work to be done, in partnership, to promote race equality across the Area, as required by the Race Relations (Amendment) Act 2000. The Area will wish to build upon its contact with local Racial Equality Councils and community groups to help achieve this.
- 2.13 There are a wide range of policy documents addressing most aspects of its business, and their supporting processes and systems, but there are aspects of its policy development that would benefit from improved communication or implementation.
- 2.14 Some significant steps have been taken to achieve engagement with the community, but engagement with minority ethnic groups has not yet received appropriate levels of attention.
- 2.15 Complaints are generally dealt with fully, but there are issues in relation to timeliness and letter content that need to be addressed.

Recommendations

- 2.16 We make recommendations about the steps necessary to address significant weaknesses relevant to important aspects of performance, which we consider to merit the highest priority.
- 2.17 We have made seven recommendations to help improve the Area's performance:
1. Area managers improve the preparation of summary trials by:
 - * ensuring that prosecutors undertake effective reviews when preparing summary trials and retain case ownership;
 - * liaising with the police to ensure that the systems for providing accurate and up to date witness availability schedules are effective;
 - * ensuring that the police are informed of witness requirements in a timely manner; and
 - * introducing effective systems for pre-trial checks to be undertaken in respect of summary trial files (paragraph 4.17).

2. Unit Heads ensure that:
 - * prosecutors and caseworkers complete the disclosure logs and enclose all disclosure documents within the dedicated folder, so that there is a comprehensive record of actions taken in respect of disclosure, particularly secondary disclosure; and
 - * prosecutors make informed decisions in relation to disclosure of unused material, and if necessary prosecutors inspect the material in question to enable such decisions to be made (paragraph 4.29).
3. The AMT introduces effective systems to monitor the advocacy performance of CPS prosecutors, agents in the magistrates' courts and counsel in the Crown Court so that they are assured that performance is satisfactory, and, if necessary, any training needs can be identified and dealt with: the AMT should consistently monitor the ethnicity of counsel instructed (paragraph 5.8).
4. The AMT should:
 - * improve the analysis and evaluation of complaints, racially motivated offences, DCV and human resources data; and
 - * ensure that managers use the performance reports effectively to give feedback to staff on individual, unit and Area performance (paragraph 7.17).
5. The AMT should review the implementation of its communication strategy, ensuring that:
 - * managers undertake regular one to one meetings (at least quarterly) with all staff, and that an appropriate record is kept;
 - * unit meetings are held regularly, and that they are formally minuted; and
 - * the Area Sounding Board is re-invigorated (paragraph 8.12).
6. The *Dignity at Work* campaign should be re-launched in the Area, with managers ensuring that all staff are aware of the standards of behaviour that are expected. Managers should also be aware of their responsibility to ensure that any failure to meet the required standards is dealt with positively (paragraph 8.17).
7. Unit Heads introduce logs to record complaints received by their units, and ensure that the logs record timeliness, whether the complaints were justified and whether any action was required/taken as a result of the complaint (paragraph 12.6).

3 KEY PERFORMANCE RESULTS

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

CPS PERFORMANCE	National Target 2002-2003	National Performance Cycle to date*	Area Target 2002-2003	Area Performance
MAGISTRATES' AND YOUTH COURT CASEWORK				
Advice				
Decisions complying with evidential test in the Code ¹	-	100%	-	N/A
Decisions complying with public interest test in the Code ¹	-	100%	-	N/A
First Review				
Decisions to proceed at first review complying with the evidential test ¹	-	98.5%	-	100%
Decisions to proceed at first review complying with public interest test ¹	-	99.8%	-	100%
Requests for additional evidence/information made appropriately at first review ¹	-	77.4%	-	52.6%
Discontinuance				
Discontinuance rate of completed cases (CPS figure)	-	12.7%	-	13.1%
Discontinued cases with timely discontinuances ¹	-	68.2%	-	-
Decisions to discontinue complying with the evidential test ¹	-	87.3%	-	-
Decisions to discontinue complying with the public interest test ¹	-	100%	-	-
Discontinued cases where all reasonable steps had been taken to request additional evidence/information ¹	-	84.8%	-	-
Level of charge				
Charges that required amendment and were amended in a timely manner ¹	-	72.9%	-	75%
Cases that proceeded to trial or guilty plea on the correct level of charge ¹	-	97%	-	94.1%
Cracked and ineffective summary trials				
Cracked trials as recorded by CPS and magistrates' courts JPM	-	(Jul-Sep 02) 37.5%	-	(Jul-Sep 02) 41.3%
Cracked trials in file sample that could have been avoided by CPS action ¹	-	26.9%	-	4 out of 9
Ineffective trials as recorded by CPS and magistrates' courts JPM	-	(Jul-Sep 02) 30.9%	-	(Jul-Sep 02) 31.7%
Ineffective trials in the file sample that could have been avoided by CPS action	-	- ⁴	-	-
Summary trial				
Acquittal rate in magistrates' courts (% of finalisations) – CPS figure	-	1.7%	-	2.2%
Decisions to proceed to trial complying with the evidential test ¹	-	94.8%	-	89.3%
Decisions to proceed to summary trial complying with the public interest test ¹	-	100%	-	100%
Cases with timely summary trial review ¹	-	88.2%	-	66.7%
Requests for additional evidence/information made appropriately at summary trial review ¹	-	71.7%	-	58.3%
No case to answers where outcome was foreseeable, and CPS could have done more to avoid outcome ¹	-	78.6%	-	-

CPS PERFORMANCE	National Target 2002-2003	National Performance Cycle to date*	Area Target 2002-2003	Area Performance
CROWN COURT CASEWORK				
Committal and service of prosecution papers				
Cases with timely review before committal, or service of prosecution case in "sent" cases ¹	-	90.2%	-	91.6%
Decisions to proceed at committal/service of prosecution papers stage complying with evidential test in the Code for Crown Prosecutors ¹	-	95.7%	-	100%
Decisions to proceed at committal/service of prosecution papers stage complying with public interest test in the Code for Crown Prosecutors ¹	-	100%	-	100%
Requests for additional evidence/information made appropriately at committal/service of prosecution case review ¹	-	88.5%	-	62.5%
Timely and correct continuing review after committal	-	86.8%	-	71.4%
Cases with timely service of committal papers on defence	80%	86.6% ³	83%	100% ¹ 86.3% ²
Cases with timely delivery of instructions to counsel	84%	86.5% ³	85%	75% ¹ 91.1% ²
Instructions to counsel that were satisfactory ¹	-	66.1%	-	57.1%
Cracked and ineffective trials				
Cracked trials that could have been avoided by CPS action ¹	-	26%	-	2 out of 10
Ineffective trials where action by CPS could have avoided an adjournment ¹	-	- ⁴	-	-
Level of charge				
Charges that required amendment and were amended in a timely manner ¹		83.8%		100%
Indictments that required amendment ¹		31.5%		20%
Cases that proceeded to trial or guilty plea on the correct level of charge ¹		98.2%		95.5%
Judge ordered and judge directed acquittals				
JOA/JDAs where outcome was foreseeable, and CPS could have done more to avoid outcome ¹	-	36.7%	-	-
Trials				
Acquittal rate in Crown Court (% of all finalisations excluding JOA, appeals/committals for sentence and warrant write-offs) ²	-	9.9%	-	7.7%

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

² self-assessment by Area

³ nationally collated figure based on Area self-assessment returns

⁴ insufficient numbers of files to provide reliable data

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

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

CPS PERFORMANCE	National Target 2002-2003	National Performance Cycle to date*	Area Target 2002-2003	Area Performance
MAGISTRATES' AND YOUTH COURT CASEWORK				
Disclosure				
Cases where primary disclosure properly handled ¹		62.2%		70%
Cases where secondary disclosure properly handled ¹		50% (1 out of 2)		N/A
Witness care				
Trials where appropriate use made of S9 CJA 1967 ¹		97%		91.3%
Trials where appropriate use made of the witness care measures ¹		83.3%		100%
CROWN COURT CASEWORK				
Disclosure				
Cases where primary disclosure properly handled ¹		83.9%		85%
Cases where secondary disclosure properly handled ¹		59.6%		43.8%
Witness care				
Trials where appropriate use made of witness phasing/standby ¹		75.7%		100%
Trials where appropriate use made of the witness care measures ¹		88.5%		83.3%
MAGISTRATES' COURTS AND CROWN COURT				
Custody time limits				
Cases in sample where expiry dates accurately calculated	-	94%	-	100%
OTHER ISSUES				
Payment of witness expenses				
Payment of witness expenses within 10 days of receipt of claim ²	100%	99.8%	100%	100%
Handling of complaints				
Complaints replied to within 10 days ²	94%	88.5%	96%	60%
Citizens charter commitment				
MPs correspondence replied to within 15 days ²	100%	93.6%	100%	100%
Improving productivity				
Reduce sick absence rate per member of staff	10.6 days (2001)	9.6 days (2001)	7 days (2001)	8.9 days (2001)
OTHER ASPECTS OF CPS PERFORMANCE				
CJS Youth Justice Performance Measures (shared between Home Office, Lord Chancellor's Department and CPS)				
To halve time from arrest to sentence for persistent young offenders from 142 to 71 days by 31 March 2002	71 days	69 days (Jan-Dec 02)	71 days	63 days (Jan-Dec 02)

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

² self-assessment by Area

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

Commentary

- 3.1 Generally the casework performance of the Area is of an appropriate standard, and it has improved in many respects since the last report. The improvement in PYO performance is an example of particularly good performance.
- 3.2 Although decision-making is basically sound, a lack of grip or drive in relation to some files, particularly, though not exclusively, those involving summary trials, is leading to cracked and ineffective trials, unnecessary adjournments or failed cases. These can have a direct and visible impact on other agencies, and dilute their perception of good performance by the Area.

Quality of decision-making

- 3.3 Overall decision-making is satisfactory, particularly in relation to initial review of cases, although the proportion of cases where appropriate requests for further information or evidence are made could be improved.

Continuing review

- 3.4 The Area has a high level of cracked or ineffective trials (it is in the top third nationally) and lack of continuing review is a factor contributing to this. The relatively poor performance in this respect may be attributed to inaction in relation to case preparation rather than poor decision-making as such, but the impact on performance is the same. The Area needs to address this issue.

Discontinuance

- 3.5 The discontinuance rate is slightly higher than the national average, but this was not raised with us as a cause for concern. We did not specifically examine a sample of discontinued cases (this was an intermediate inspection) although we did examine some cases in the cracked/ineffective trial sample that had been discontinued.

Level of charge

- 3.6 In the file sample, the Area proceeded to trial on the correct level of charge in 51 out of 54 cases (94.4%). Charging standards were correctly applied in all 28 relevant cases in the sample.

Persistent young offenders

- 3.7 The performance in relation to the timeliness of PYO cases has improved considerably, and is now better than the Government target – the performance is currently seventh best nationally.
- 3.8 This is a shared target which has been achieved by a joint and concerted effort by a number of the local criminal justice agencies, including the CPS. They will want to build on this success, and apply the same drive to dealing with persistent offenders generally when this becomes appropriate.

Adverse outcomes

- 3.9 The Area has lower rates of adverse cases than the national average and so, whilst we did examine some cases where there had been adverse outcomes, specific file samples were not called for. We refer to any conclusions relating to those cases inspected in the body of this report, but we do not draw overall conclusions on adverse outcomes on the limited data available.
- 3.10 There was no evidence that discharged committals because of lack of preparation or readiness were an issue in the Area.

Disclosure

- 3.11 Efforts have been made to improve the Area's performance in relation to disclosure, but there is still room for improvement, particularly in relation to secondary disclosure, which in practice relates almost exclusively to Crown Court cases.

Complaints

- 3.12 The current timeliness in relation to dealing with complaints from members of the public is poor, and needs to be improved. Delay in responding to complaints can have a direct impact on public confidence in the CPS and the CJS as a whole. The quality of some responses could be improved.

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 Generally, decision-making is sound, particularly in relation to the initial review of cases, and we found no evidence of bias or discrimination. Performance in relation to summary trial review and preparation needs to be addressed as improvement is needed. There are cases that are set up for summary trial without effective review, or where administrative processes fail to ensure that cases have been properly prepared. This leads to high rates of cracked and ineffective trials and late discontinuance.
- 4.2 The Area's performance in relation to disclosure has improved since the last inspection, although some decisions are made without proper consideration of the material. Recording of secondary disclosure needs to be improved. The systems relating to custody time limits (CTLs) appear to be effective, although there was a failure in December 2002. The quality of instructions to counsel has improved since the last report, but there is clear scope for further improvement.

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)

- 4.3 Generally, files are available for CPS lawyers and designated caseworkers (DCWs) to review at police stations the day before the first court hearing, although some files are not available until the morning of the court hearing. Nevertheless, appropriate decisions as to whether or not the case should proceed are made at this stage, and we found no evidence to suggest that any bias or prejudice influenced the decisions. The Code tests had been correctly applied in all cases examined.
- 4.4 The recording of review decisions, however, was variable in the file sample, with a clear need for the standard to be improved overall: 48.1% had the evidential Code test fully recorded, 48.1% the public interest test, and 33.3% mode of trial considerations. This is an issue being addressed by Area managers, and we observed some very full endorsements in court files when we were on site, although the standard remained variable.
- 4.5 Advance information is available to be served on the defence at the first hearing, although a record is not always kept of the material that has been served. In the sample, a record of the material provided was found on 34.7% of cases. This can make it difficult to check subsequently that all appropriate material has been served.

Aspects for improvement

- * Recording of review decisions.
- * Recording of material provided to the defence as advance information.

Bail/custody applications

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

- 4.6 Lawyers are generally provided with sufficient information to enable them to make appropriate decisions and applications about bail/custody.

Discontinuances in the magistrates' court

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

- 4.7 The discontinuance rate in the Area (13.1%) is slightly higher than the national rate (12.7%), but was not a cause for concern to the Area's CJS partners.
- 4.8 We did not specifically examine a sample of discontinued cases, but the main issue was that many summary trials were discontinued at a late stage, sometimes as a result of late or ineffective summary trial review. Seven of the 15 cases in the cracked/ineffective trial sample in the magistrates' courts (46.7%) were discontinued cases. In two of those, the discontinuance should have taken place at an earlier stage.

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

- 4.9 The review, preparation and administration of summary trials needs to be improved. Late review, late witness warning or poor administration are leading to cases proceeding inappropriately or failing, and resulting in cracked and ineffective trials, all of which create a drain on the resources of the CPS and its partners.
- 4.10 In Droitwich CJU, summary trial review is generally the responsibility of the court prosecutor who remains responsible for the case. In the Shrewsbury combined unit, a prosecutor is allocated to deal with all summary trial reviews during a given period. Thereafter, no specific prosecutor has responsibility for the case. It is anticipated that a system of 'file ownership' similar to the Droitwich system will be introduced.

- 4.11 We did not find any cases where bias or discrimination was evident, but we found that in three out of 27 summary trial files (10.1%) the evidential Code test had not been applied correctly at the summary trial stage. We saw other cases whilst on site where review decisions to discontinue or amend charges had subsequently been ignored, leading to failed cases.
- 4.12 The Area has relatively high rates of cracked and ineffective trials in the magistrates' courts. This is monitored by the courts, and the data has been available to the Area managers since October 2002. A large proportion of the cases crack, or are ineffective, for reasons beyond the control of the CPS, the largest proportion being attributable to late guilty pleas by the defendant. Nevertheless, there are steps that can be taken by the CPS to increase the number of effective trials.
- 4.13 Joint work between agencies, particularly the magistrates' courts and CPS, has resulted in a new pre-trial review (PTR) protocol, designed and intended to reduce the cracked and ineffective trial rates. The system under the protocol allows time for full files to be obtained by the CPS before the PTR, so that cases can be properly prepared and issues identified, and the PTR, which is conducted by a legal advisor rather than magistrates, can be effective.
- 4.14 The first PTRs under the protocol were to be dealt with from 17 March 2003, but they have been piloted successfully in the Hereford Magistrates' Court. There is an awareness that the new system provides the opportunity to improve review and preparation, which must be taken if it is to be successful, rather than merely bringing more delay into the disposal of cases.
- 4.15 There are difficulties with witness attendance at trials, which can be the result of a number of different factors, including missing, inaccurate or incomplete witness availability schedules, late witness warning or lack of pre-trial checks.
- 4.16 In some cases, for example where there was late warning of witnesses, the situation might have been avoided by the CPS undertaking a pre-trial check some time before the trial to ensure that all issues have been dealt with. The Area is considering expanding the role of the case progression officers in each office, originally tasked with dealing with PYO cases, to supervise or undertake this task.
- 4.17 We observed from the file sample and at court that, perhaps because of this problem, some prosecutors might tend to resign themselves to non-attendance and offer no evidence in cases, without attempting to take any steps to ascertain why witnesses have not attended. This lack of pro-activity makes it difficult for the Area to ascertain properly the causes for non-attendance and to evaluate whether steps can be taken to minimise this.

Strengths

- * New protocol with the magistrates' courts to enable PTRs to be more effective.

Aspects for improvement

- * Lack of appropriate case ownership in parts of the Area.
- * Lack of pro-active approach by some prosecutors to ascertain why witnesses have not attended.
- * Lack of formal pre-trial checks.

RECOMMENDATION

We recommend that the Area managers improve the preparation of summary trials by:

- * **ensuring that prosecutors undertake effective reviews when preparing summary trials and retain case ownership;**
- * **liaising with the police to ensure that the systems for providing accurate and up to date witness availability schedules are effective;**
- * **ensuring that the police are informed of witness requirements in a timely manner; and**
- * **introducing effective systems for pre-trial checks to be undertaken in respect of summary trial files.**

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**

4.18 Committals are prepared by caseworkers, under the supervision of a prosecutor.

4.19 In our file sample, the committal papers had been prepared in a timely manner in all 15 cases that were committed to the Crown Court, as had the prosecution papers in a further six cases that were ‘sent’ to the Crown Court. The Area’s figures show that committals are prepared in a timely manner in 86.3% of cases, which exceeds its target and is a significant improvement on the position when the Area was last inspected in 2000.

- 4.20 All directions made at plea and directions hearings (PDHs) were complied with, but in four out of 16 cases in our sample (25%) the compliance was not timely. In one of the cases, the delay was directly attributable to the CPS, although we were unable to ascertain which agency was responsible in two of the cases. This lack of timeliness can lead to the perception on the part of other agencies' representatives that cases are not being properly managed.
- 4.21 Instructions were delivered to counsel in a timely manner in 15 out of 20 cases in our sample (75%), although we were unable to ascertain timeliness in one further case. Area figures indicate that instructions during the period from April 2002 to February 2003 were served in a timely manner in 91.1% of cases.
- 4.22 However, the standard of instructions in the file sample was poor, with only just over half being satisfactory. Specifically, there was a summary that satisfactorily addressed the issues in the case in the instructions in 14 out of 21 cases (66.7%), and appropriate instructions about the acceptability of pleas in six out of 12 relevant cases (50%).
- 4.23 There is concern, as in the magistrates' courts, about the number of cracked and ineffective trials. Court records show that, between April 2002 and January 2003, in the Crown Court at Shrewsbury only 34.4%, and in the Crown Court at Worcester only 28.6%, of listed trials were effective. In Worcester, 27% of ineffective and 17% of cracked trials were recorded as being due to the prosecution. In Shrewsbury the figures are 46% and 45% respectively. To date, little action has been taken by Area managers to analyse these figures, but we are aware that meetings have been arranged between the Unit Head and the Court Manager in Shrewsbury to establish what steps can be taken to increase the number of effective trials. The Area would benefit from proper analysis of these figures to ascertain the underlying causes and also the reasons for the variation between the CPS offices.

Strengths

- * Timeliness of preparation of committal papers, and prosecution papers in those cases that are 'sent' to the Crown Court.

Aspects for improvement

- * Overall standard of instructions to counsel.
- * Analysis of cracked and ineffective trial data, with a view to improving performance where appropriate.

Disclosure of unused material

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

- 4.24 In our earlier report, a recommendation was made with a view to improving many aspects of the handling of disclosure. The Area's performance has improved since that time, although there are still issues that need to be addressed.
- 4.25 Primary disclosure was dealt with properly in 76% of the cases in the file sample, and was dealt with in a timely manner in 40 out of 45 cases where we could ascertain timeliness, (we could not ascertain timeliness in a further five cases). Although timeliness of primary disclosure was generally good, where there is delay this can result in successful applications by the defence for trials to be adjourned (albeit these appear generally to be purely tactical, as no defence statements are served in practice).
- 4.26 Secondary disclosure was dealt with properly in 43.8% of cases, and was dealt with in a timely manner in seven out of nine cases where we could ascertain timeliness. (We could not ascertain timeliness in a further seven cases).
- 4.27 In relation to those cases where primary disclosure was not dealt with properly, this often arose from the fact that decisions were made by some prosecutors without sufficient information being available to them. Inadequate descriptions on the police schedules should have prompted the reviewing prosecutor to ask for more information or to inspect the material itself. It appears that instead of adopting this course, prosecutors on occasions indicate that the material should be disclosed to the defence, or made available for them to inspect. This was done instead of making an informed decision, and could result in prosecutors not having adequate knowledge of material that had been seen by the defence.
- 4.28 In Crown Court cases, we were frequently unable to ascertain what action, if any, had been taken in relation to secondary disclosure. The logs frequently were not properly completed and there was no evidence on the file to show that secondary disclosure had actually taken place. We were told that this may result from correspondence being placed elsewhere on the file (rather than in the dedicated disclosure folder). Whilst this had occurred in some cases, we were unable to find such correspondence or other record at all on the file in others.
- 4.29 We did not see any cases where there was sensitive material although representatives of other agencies told us that this was dealt with properly. The Area has a protocol with the local social services in relation to material that they may hold in cases involving allegations of child abuse and, again, we were told that this works satisfactorily.

Strengths

- * Use of separate folders for disclosure material in files for both magistrates' courts and Crown Court cases.

Aspects for improvement

- * Timeliness of disclosure, both primary and secondary.

RECOMMENDATION

We recommend that the Unit Heads ensure that:

- * **prosecutors and caseworkers complete the disclosure logs and enclose all disclosure documents within the dedicated folder, so that there is a comprehensive record of actions taken in respect of disclosure, particularly secondary disclosure; and**
- * **prosecutors make informed decisions in relation to disclosure of unused material, and if necessary prosecutors inspect the material in question to enable such decisions to be made.**

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

- 4.30 It is the Area practice to flag sensitive cases, and this had been done in domestic violence and race crime cases in the file sample. In some cases, the CPS is identifying race crime files that have not been specifically flagged as such by the police.
- 4.31 Two out of eight child abuse/child witness cases had not been flagged, and both related to offences alleged to have been committed many years before, where the victims were now adults.
- 4.32 The Area domestic violence co-ordinator is available to give guidance on such cases, but is not responsible for dealing with all such cases within the Area. Road traffic fatality cases are dealt with by Unit Heads to ensure consistency of decision-making. Other types of sensitive cases are dealt with by experienced prosecutors.
- 4.33 Whilst no cases were dealt with in a biased or discriminatory way, some particularly sensitive cases do not always receive the care and attention that they merit. As an example, in a race crime case a plea was accepted to a lesser offence (albeit still a racially aggravated offence) on the morning of the trial. There is always potential criticism where the prosecution accept a plea to a lesser charge at such a late stage, and this can be particularly so when dealing with race crimes which should receive sufficient care and attention to ensure that the appropriate charge has been selected when proceeding to trial.

- 4.34 Race crime and domestic violence monitoring is undertaken by the Area, but there is little analysis of the resulting data, or any sharing of the information with other agencies. We make a recommendation in relation to this aspect at paragraph 7.17.
- 4.35 We did not see any cases involving homophobic crimes, and these are said to be relatively uncommon in the Area. Nevertheless, it is important that prosecutors and caseworkers are aware of the CPS policy in relation to these offences, in order that they can take forward its commitment to deal with these cases properly. Although documentation relating to the policy had been distributed, this had not been accompanied by any other form of guidance, nor it had it been raised in any detail at unit meetings.
- 4.36 The race crime example and the approach towards disseminating information and guidance on homophobic crime, together with other factors (which we deal with under equality and diversity and public confidence) could give rise to some people or sections of the community questioning the commitment of the Area to dealing with these sensitive cases.

Aspects for improvement

- * The need for a more pro-active approach towards race crimes and homophobic crimes, so that there is a clear, unequivocal assertion of the Area's commitment to deal with these sensitive cases.

File/message handling

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

- 4.37 In the magistrates' courts, actions that need to be taken are written in green ink by prosecutors, and this work should then be carried out by administrative staff in the offices. When the work has been completed, the appropriate action on the file should be dated and initialled by the administrative support staff.
- 4.38 This was a good system in identifying action points, and was used consistently. Nevertheless, in some files examined, actions are not dealt with, and this resulted in delay in the cases proceeding. We were told that this was because of pressure of work on the administrative staff, and managers expect that this situation will be improved with the recent recruitment of more staff. Area managers will want to ensure that the new staff receive adequate training and guidance to ensure that they can deal with these issues properly.
- 4.39 In an effort to improve performance in this respect, administrative staff attend magistrates' courts to provide administrative support for prosecutors. Additionally, since 17 February 2003, police caseworkers have also been attending some courts so that they can improve their effectiveness in the event of co-location under Glidewell.

- 4.40 Shrewsbury and Droitwich offices have similar systems for dealing with the post. Post received onto teams is date stamped, sorted, and letters for the attention of caseworkers or lawyers are attached to the files and placed in the relevant post box.
- 4.41 Area managers should look at how the post is currently being handled to ensure that those responsible for sifting the post are able to identify letters that are urgent. The Business Support Managers and the Case Progression Officers should be more proactive in the post handling, and ensure that new administrators are given sufficient training and guidance about post handling.
- 4.42 The Area should also re-examine its present system for processing videos of witness interviews. Systems should be in place to ensure that videos that require transcripts are processed expeditiously. To achieve this, the BSM should ensure that the video log is being used effectively and properly maintained.

Aspects for improvement

- * Ensuring that all post-court instructions to administrative staff are properly carried out.
- * The need for appropriate training and guidance for administrative staff in sorting and distribution of post.
- * The need to ensure the video log is properly maintained, and requests for video transcripts are processed in a timely manner.

Custody time limits

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

- 4.43 We examined ten magistrates' court and ten Crown Court files cases to which custody time limits (CTLs) applied while on site in the Area. Orange labels are used to identify CTL cases, and the labels record the CTL expiry and review dates. Crown Court files are further identified with red tape on the file jacket spine. Both offices have CTL diaries. Review dates and expiry dates are recorded and checked and annotated when action has been taken. When a guilty plea or an extension has been made the diary is endorsed and will show whether the CTL had ceased. The files themselves are also endorsed and the stickers are crossed out.
- 4.44 Area managers recognised that there were might be problems in recalculating CTLs where, for example, a defendant was re-arrested after having been granted bail, and administrative staff have received further training in this specific aspect. We observed that accurate recalculations had been carried out on some of the files that we examined.

- 4.45 At the Shrewsbury office letters were sent to the police two weeks before the expiry date informing the police as to the grounds upon which the court is likely to grant an extension; the same was not being done at the Droitwich office.
- 4.46 The Area had a CTL failure in December 2002, but not all staff were aware of this. The Area should, when a CTL has been missed, disseminate sufficient information to all staff so that any lessons can be learnt, and future failures avoided.

Strengths

- * Good use of CTL diaries and the recording of CTL information with clear diary entries and file endorsements.
- * Retraining of administrative staff on recalculation of CTLs.

Aspects for improvement

- * Any CTL failure is rigorously analysed and appropriate information is disseminated to staff to ensure further similar failures are avoided.

Joint action to improve casework

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

- 4.47 Working relationships with other agencies are generally effective, and a number of steps have been taken to improve the Area's performance.
- 4.48 In particular, there is a higher degree of trust and positive work between the magistrates' courts and the CPS. There has been a rationalisation of the court sittings to enable casework to be dealt with more effectively, for example, having full day Narey courts to enable DCWs to be used effectively. There are also a number of protocols that directly affect the CPS' ability to deal with casework, including protocols relating to arrangements for road traffic courts and staggering witness attendance.
- 4.49 The Area has a high rate of return of TQ forms, which are required for joint performance management (JPM) with the police to be effective, and have been commended by the police for their efforts. A more pro-active approach to JPM meetings with the police, however, would enable both the police and CPS to contribute to the improvement of casework performance. We deal with this aspect further at paragraph 7.10.

Strengths

- * Good working relationships with partners, including the magistrates' courts and the police, resulting in practical steps to improve casework.
- * High rate of return of TQ forms.

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

- 4.50 There was a clear record in only five of 29 relevant files in the file sample (17.2%), whether information required by the probation service or youth offending teams for the preparation of pre-sentence reports (PSRs) had been given. It was clear from other information that it had been provided in some of the other files. In three of the five cases, the information had been supplied in a timely manner.
- 4.51 Lack of the provision of information was not raised with us as a significant issue, and it appears that the issue is one of proper recording. However, timeliness was of concern to the other agencies. Proper recording would enable the Area to respond more effectively to such concerns.

Aspects for improvement

- * Lack of recording of provision of information to the Probation Service and Youth Offending Teams.
- * Improvement in timeliness of provision of PSR information.

Appeal and committal processes

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

- 4.52 Appeals and committals for sentence are satisfactorily dealt with. Counsel are instructed to appear in most instances, and are properly instructed. Some committals for sentence are dealt with by CPS Higher Court Advocates (HCAs).

Appeals against unduly lenient sentences

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

- 4.53 Prosecutors and caseworkers are aware of the processes and restrictions for referring unduly lenient sentences in relation to certain specific offences to the Attorney General for consideration of appeal. Any such cases are referred to the TU Head, and there is consultation with the CCP.

Recording of case outcomes

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

- 4.54 Whilst there does not appear to be a significant problem in relation to recording case outcomes, there is variation between the offices as to how finalisations are dealt with. We deal with this issue in more detail in chapter 9, under ‘adherence to financial guidelines’.
- 4.55 Staff are fully aware of the archiving systems, which are dealt with properly. The Area has facilities to store its own archived magistrates’ courts files, whilst Crown Court files are stored off site.

Information on operational and legal issues

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

- 4.56 The normal method of communicating casework or policy bulletins is by distribution amongst staff, or where possible by email. This is satisfactory in most situations, but Area managers need to be aware that some issues need to be addressed more pro-actively, for example, policy on homophobic crimes, to assure themselves that staff are properly aware of them.
- 4.57 Adverse case reports are completed in all judge ordered and judge directed acquittals (JOAs/JDAs) and cases where magistrates find no case to answer, but do not include a resume of the reasons for the failure, and therefore they do not, on the face of them, provide a mechanism for learning from experience. The reports are based on a tick box system, and the issue of whether the CPS could have done more to avoid the outcome is addressed. However, the lack of reasons makes it difficult, without detailed knowledge of the case, to identify what precisely could have been done. A synopsis of the failed cases is included in each unit’s monthly performance report, but from our examination this has limited learning value. The Area is not fully utilising the opportunity to learn from experience and improve performance.

Aspects for improvement

- * The completion and analysis of adverse case reports in a way that examines the issues and ensures that the Area can learn from experience.

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 standard of CPS advocates in the magistrates' courts and Crown Court is satisfactory; the performance of some agents is good, but there is concern over the quality and preparedness of others. There is a high rate of returned briefs by counsel.
- 5.2 The Area provides some good quality service to the courts and court users, including some notable initiatives (for example, the use of administrative support in some magistrates' courts). However, the standard of service is compromised by a lack of timely review and poor file preparation, and we observed significant numbers of late vacated and cracked trials.

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

- 5.3 Generally, CPS advocates, including HCAs and DCWs, we were told are satisfactory, with some advocates at all levels being above this standard. This concurred with our observations at court, although lack of adequate summary file preparation (which we have referred to above) could compromise the quality of advocacy in the magistrates' courts.
- 5.4 The Area's agents in the magistrates' courts normally deal with summary trials. The agents are usually junior counsel from chambers in Wolverhampton or Birmingham, and attempts to match agents to cases are limited. This can result in agents with insufficient experience dealing with lengthy or complex summary trials.
- 5.5 The Area usually instructs counsel from chambers in the West Midlands in its Crown Court cases, but there is a high rate of returned briefs. In our sample seven out of 16 counsel originally instructed (43.6%) conducted the trial, and seven out of 11 trial counsel (63.6%) attended the subsequent sentencing hearing. There have been difficulties in instructing appropriately experienced counsel to deal with particularly serious cases, although the Area is now considering increasing the number of chambers to alleviate this problem.
- 5.6 The Area has not recently carried out formal monitoring either of its own advocates or agents used in the magistrates' courts. A system for monitoring agents is currently being considered by the AMT. The issue should be addressed urgently.

- 5.7 Counsel who apply to be upgraded are monitored and caseworkers are expected to draw attention to particularly good or bad performance, but monitoring is not otherwise carried out on a regular basis.
- 5.8 The Area does not consistently monitor the ethnicity of counsel instructed.

Aspects for improvement

- * Some agents instructed to appear in the magistrates’ court need to improve performance.

RECOMMENDATION

We recommend that the AMT introduces effective systems to monitor the advocacy performance of CPS prosecutors, agents in the magistrates’ courts and counsel in the Crown Court so that they are assured that performance is satisfactory, and, if necessary, any training needs can be identified and dealt with: the AMT should consistently monitor the ethnicity of counsel instructed.

Court endorsements

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

- 5.9 Court endorsements are accurate – 53 out of 55 magistrates’ courts files and 20 out of 22 Crown Court files showed a comprehensive record of case progress. These figures are, in our experience, relatively good. We have already commented on the post-court actions that need to be taken on files under ‘file/message handling’ in the previous chapter.

Court preparation

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

- 5.10 The Area’s office systems are designed to have court files distributed to CPS prosecutors and to agents at least on the day before the court hearing. This is to ensure that prosecutors have sufficient time to prepare their cases, which can then be properly presented to the court.
- 5.11 The majority of files are distributed ahead of the relevant court hearings, but we observed occasions when the advocate had only recently received the file and, as a result, the case was not as well prepared as it might have been.

- 5.12 In some instances, agents attend the CPS office to collect their files on the day before the court, but otherwise they are delivered direct to the agents' offices or chambers on the day before the hearing. Nevertheless, some agents sought time to prepare cases at court. Area managers should consider whether the current delivery time of files to agents is sufficient, particularly where long or relatively complex summary trials are involved, or whether individuals are at fault.

Aspects for improvement

- * Distribution of court files to prosecutors, both CPS and agents, in good time before the court hearing.

Attendance at court

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

- 5.13 In our court observations, prosecutors were usually in attendance at court in good time to deal with any issues that needed to be resolved before the commencement of the court, and no major concerns were raised with us about the timeliness of attendance of prosecutors at court.
- 5.14 As we have already commented, in the magistrates' courts, prosecutors are assisted in some of the busier courts by administrative staff. They deal with routine matters, and make any enquiries on behalf of the prosecutor, without the need for the court proceedings to be interrupted. This is a practice that has contributed to the smooth and efficient running of the courts, and was welcomed by CPS staff and representatives of external agencies alike.
- 5.15 In the Crown Court, caseworkers cover the courtrooms on a 1:1 ratio. However, because of the tasks that are undertaken by them, caseworkers are frequently away from the courtroom, and the perception of other court users is often that court coverage is less than it actually is.

Strengths

- * The provision of administrative staff in some magistrates' courts to provide support and assistance to prosecutors.

Accommodation

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

- 5.16 The magistrates' courts in West Mercia are new or refurbished buildings, and generally of a high standard, providing adequate accommodation for CPS staff whilst at the courts.
- 5.17 The Crown Court buildings are older, but there were no significant problems with the facilities or accommodation available to the CPS.

6 VICTIMS AND WITNESSES

KEY REQUIREMENT:

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

- 6.1 Area prosecutors and caseworkers generally deal with victims and witnesses at court with appropriate consideration, although some counsel instructed to appear in the Crown Court are reluctant to introduce themselves to witnesses.
- 6.2 The Area has adopted the standard Direct Communication with Victims (DCV) model and all prosecutors and caseworkers have received appropriate training. However, the Area was not identifying all those cases that involve victims under the initiative and the content of some of the correspondence was not fully satisfactory.

Witnesses at court

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

- 6.3 Although witnesses and victims in both the magistrates' courts and Crown Court are largely dealt with by representatives of the Witness Service, CPS prosecutors and caseworkers generally, as a matter of course, introduce themselves to witnesses at court, and provide appropriate assistance when requested. We observed care of witnesses to a high standard in conjunction with police in a sensitive case. Some counsel instructed to appear at the Crown Court were reluctant to meet witnesses, despite long standing guidance from the Bar Council that this is acceptable and proper.
- 6.4 In the magistrates' courts a pager service has been introduced, enabling witnesses who attend court to be provided with a pager and then released from the court until they are actually required. Some prosecutors are reluctant to use this system, although we observed witnesses being released having left mobile telephone numbers.

Strengths

- * Readiness of CPS prosecutors and caseworkers to meet witnesses at court and provide appropriate assistance.

Aspects for improvement

- * Need to ensure that counsel instructed by the CPS are aware of the desirability of introducing themselves to victims and witnesses, and providing appropriate information and assistance to them.

Direct Communication with Victims

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

- 6.5 The Area has introduced the standard model for DCV, which entails individual prosecutors preparing letters to victims to give them information about cases which are dropped or the charge reduced, and arranging, where appropriate, meetings with the victims. All of the prosecutors have received appropriate training.
- 6.6 Policy Directorate carried out an assessment of the scheme in October 2002, and concluded that 45% of the cases involving DCV were dealt with properly overall. There was concern that many cases involving victims who came within the scheme were not being identified as such. The Area has tried to raise the awareness of this issue with staff, and prosecutors appear to be appropriately identifying the majority of these cases, although it was conceded that some are missed.
- 6.7 We looked at a number of letters that had been written to victims, and generally they were clear and could be understood, following to a large extent guidance provided by Policy Directorate. There were instances, however, when some wording was inappropriate, appearing at least judgmental, if not accusatorial, in a case where a victim had failed to attend court (although there was no evidence to indicate that this was the fault of the victim). Another did not provide a full explanation as to what had happened in a case, for example not explaining properly what a bind over meant or, more importantly, the consequences of breach of that order.
- 6.8 All letters had been monitored for quality when the initiative was first introduced, but this has since stopped. In view of our findings, Area managers need to assure themselves through monitoring, perhaps by dip sampling, that the letters are of an appropriate standard, and do not undermine the overall commitment to victim care.

Aspects for improvement

- * Identification of all cases involving victims that fall within the DCV criteria.
- * The standard of some letters to victims.

Meetings with victims and relatives of victims

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

- 6.9 To date there have been no meetings with victims under the DCV initiative, although all prosecutors were aware of the procedure, and victims were being informed of their right to request a meeting, where appropriate.
- 6.10 Both CPS offices have provided accommodation to a high standard for meetings to take place. In each location there is a waiting area, and a larger meeting room. Some aspects of the accommodation in the Shrewsbury office indicated a visible concern for security, and care needs to be taken to ensure that these do not appear oppressive to any victims attending a meeting.

7 PERFORMANCE MANAGEMENT

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

Overview

- 7.1 The last inspection report noted that the Area had a systematic and ‘impressive’ approach to performance management. The Area has maintained this, and Unit Heads and the Secretariat continue to submit monthly performance reports to the CCP and ABM; key issues and concerns are then highlighted at AMT meetings.
- 7.2 The content and format of the performance reports are reviewed from time to time, in order to ensure that they continue to be aligned to the priorities contained in the Area Business Plan. The reports could be further improved by including a more qualitative assessment of some aspects of performance.

Performance standards

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

- 7.3 The Area has developed a number of standards relating to casework, for example on review, instructions to counsel and desk instructions relating to disclosure. However, there is a heavy reliance on email within the offices, rather than other more dynamic methods, to communicate this sort of information.
- 7.4 The extent to which the agreed standards are acted upon by staff is variable, and we have commented on some aspects earlier in this report. The standards need to be realistic to support the new Public Service Agreement (PSA) targets effectively.

Aspects for improvement

- * Area managers should ensure that there are more opportunities for staff to discuss any local standards, and agree issues around their implementation.

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

- 7.5 The performance of each unit, and the Area as a whole, is monitored on a monthly basis. Performance monitoring is undertaken by the Unit Heads, with additional data supplied by the relevant Business Support Manager (BSM). Performance measures are largely based on those adopted by the CPS nationally.

- 7.6 Although all Unit Heads dip sample a number of files each month to assess casework quality, the system has not been formalised. Written records of the findings are not routinely maintained, and there is no systematic tracking of performance. Monitoring is not consistently used to inform lawyers' appraisals, nor is feedback routinely offered, unless a particular concern has arisen. Monitoring of the work undertaken by administrative staff and caseworkers is not undertaken, nor is there a system for monitoring advocacy and the quality of service delivery at court.
- 7.7 The Area should derive great benefit from careful implementation of the new national casework quality assurance process from April 2003.

Strengths

- * The Area has a robust structure for the monitoring of performance, and prepares detailed performance reports, on a regular basis.

Aspects for improvement

- * Unit managers could make greater use of the performance information to provide individual and unit feedback. Casework quality assurance measures need to be strengthened, in line with the national system, to support PSA targets.

Joint performance management

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

- 7.8 The Area has successfully led the West Mercia joint CJS Performance Improvement Group for some time, and this well-established Group has enabled the Area to develop good working relationships with its partners.
- 7.9 Systems for the management of performance jointly with CJS partners have been given renewed impetus and focus by the establishment of the Local Criminal Justice Board in West Mercia, in common with all 42 CJA Areas. A joint delivery plan, with five work-streams that collectively should deliver the Government's 'Narrowing the Justice Gap' PSA objectives in the Area, has now been agreed. Targets have been set, and the key CJS agencies are working together to develop the appropriate performance monitoring arrangements. It is anticipated that each of the work-streams will be progressed by a sub-group (which will replace the joint CJS Performance Improvement Group), and will report to the Board once a month. This initiative has been fully embraced by the CPS, and the CCP has been appointed as chair of the Board.

- 7.10 Some existing systems of joint performance management with CJS partners, particularly the police, have been underdeveloped hitherto and would benefit from further attention. The Area has engaged in some useful joint work on the quality of police files, and the Assistant Chief Constable has agreed to use JPM data to assess divisional and police performance in quarterly reviews. Unfortunately, this has yet to have an impact on file quality, which continues to be below the national average. Senior managers will need to continue working with their counterparts to secure improvements in file quality, if the commendably high rate of TQ returns is to be maintained.
- 7.11 Despite the recommendation in the last inspection report, adverse cases (and the learning points they raise) are not routinely discussed with the police.
- 7.12 To date, the analysis of cracked and ineffective trial data has been limited. Managers are aware of its impact on public confidence in the criminal justice system, but this is not fully recognised by all prosecutors. Joint analysis will take place in the future as part of the case-tracker meetings chaired by the courts, and is the central focus of one of the five work-streams referred to in paragraph 7.9 above. If the issue is to be tackled effectively, we consider that there needs to be clearer personal case ownership and responsibility by prosecutors, with monitoring and target setting at this level.

Aspects for improvement

- * The joint performance management system with the police needs to be revisited to ensure that meetings are appropriately focused, data properly analysed and include discussion of adverse cases and cracked and ineffective trials.

Risk management

STANDARD: RISK IS KEPT UNDER REVIEW AND APPROPRIATELY MANAGED

- 7.13 The identification of risk has been appropriately incorporated as a formal part of the Area's planning process. The Area should ensure that risk management is integrated into unit planning, as well as at an Area level. Any risks that are identified should be proactively managed, with responsibility assigned to a named individual, and reported upon, throughout the year.

Continuous improvement

STANDARD: THE AREA HAS DEVELOPED A CULTURE OF CONTINUOUS IMPROVEMENT

- 7.14 The Area has undertaken a number of self assessments using the Excellence Model as a framework for evaluating its performance. For the last two years, the AMT has had a self assessment and planning day facilitated by an external consultant. In the last year each unit has also undergone the same process. While every member of the unit took part in the assessment process, a smaller cross section of staff was involved in the subsequent planning day. This is a sensible approach, so long as Area managers

ensure that information about the process, and the outcomes of the day, are shared with all staff in their unit, and that there are opportunities for everyone to comment on the findings, and contribute to the development of improvement plans.

- 7.15 There is evidence of a number of peer reviews having been undertaken of systems and processes in each of the units, for example in relation to PYOs. These reviews largely focused on auditing compliance with local procedures and sharing best practice, but the Area has not achieved maximum benefit in terms of facilitating its implementation of such best practice across all units.
- 7.16 The Area has taken a lead in progressing the work of the joint CJS Performance Improvement Group, which has been chaired by the ABM. Work on developing a PTR protocol has been undertaken in this forum, drawing on the findings of previous HMCPSI Area inspection reports as to good practice. The Group has, amongst other things, also done purposeful work on victims and witnesses, and the rationalisation of court sittings.

Strengths

- * Use of the Excellence Model has been integrated into the planning process, at both Area and unit levels.
- * The Area has successfully led a joint CJS Performance Improvement Group.

Accounting for performance

STANDARD: THE AREA IS ABLE TO ACCOUNT FOR PERFORMANCE

- 7.17 The Area is able to account for many aspects of its performance, but in addition to the issues referred to in the foregoing paragraphs, the Area will also wish to improve its reporting and analysis of complaints, racially motivated crimes, the Direct Communication with Victims initiative, and human resources data.

RECOMMENDATION

We recommend that the AMT should:

- * **improve the analysis and evaluation of complaints, racially motivated offences, DCV and human resources data; and**
- * **ensure that managers use the performance reports effectively to give feedback to staff on individual, unit and Area performance.**

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
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Overview

- 8.1 There are a number of issues in relation to people management and results, to which the Area will need to give early consideration. In particular, the Area will wish to improve the implementation of its communication strategy and its evaluation of training. Area managers will also wish to take action to improve staff relations. In general, we were satisfied that staff were deployed effectively.

Human resource planning

STANDARD: HUMAN RESOURCE NEEDS ARE SYSTEMATICALLY AND CONTINUOUSLY PLANNED

- 8.2 Staff in the Area Secretariat undertake a monthly budget analysis reviewing resources alongside the performance indicator (PI) data. This information is relayed to the AMT with the advice about appropriate staffing levels. In common with other CPS Areas, West Mercia has had a significant increase in funding over the last two years, and has been recruiting additional administrative and legally qualified staff.
- 8.3 Many members of staff have been employed by the Area for a relatively long period of time, and the AMT was actively considering issues around succession planning. Lawyer recruitment has focused primarily on the C1 lawyer grade in order to retain a balance, and to give the Area an opportunity to develop a new skills base.
- 8.4 At the time of the inspection the Area had given little detailed thought to the resources required under a Glidewell co-located structure. However, this was to be addressed at a meeting scheduled to take place at the end of March 2003. It will be important for the Area to maintain the focus on resource planning following this meeting, in order to ensure that it is adequately prepared for the transition.

Staff structure

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

- 8.5 The Area operates from two locations, with a CJU and separate TU at the Droitwich office, and a combined unit in Shrewsbury. While we were satisfied that there were good business reasons for maintaining the combined unit, we did not consider that the current policy of ‘rotating’ the lawyers in Shrewsbury onto TU work for a period of just two months at a time was working satisfactorily. The current system runs the risk of diluting the attention that is paid to Crown Court work, as lawyers are unable to devote sufficient attention to the portfolio of Crown Court cases they carry with them on their return to the CJU.
- 8.6 The Area has recently introduced a revised system for rotation of lawyers working in the Droitwich office. This has sensibly introduced distinct, but parallel, rotations for the Higher Court Advocates (HCAs) and C2 lawyers into the TU. The AMT is mindful of the need to ensure that HCAs are provided with opportunities to exercise their skills.
- 8.7 There is scope for expanding the rotation policy to include administrative staff.
- 8.8 The Area has three DCWs, and has successfully negotiated with the magistrates’ courts to ensure that the listing pattern facilitates their full deployment. The Area has also effectively deployed administrative staff to the magistrates’ court in Telford, reducing delays in the processing of any follow-up action, and improving the working relationship with other CJS partners.

Staff development

STANDARD: STAFF CAPABILITIES ARE IDENTIFIED, SUSTAINED AND DEVELOPED

- 8.9 There was mixed feedback in relation to the quality of induction, preparation of Forward Job Plans and Personal Development Plans. New staff tended to be better catered for than those who had moved within the Area to a new position, or who had been in the Area for some time.
- 8.10 We noted that the ABM had recently begun to meet administrative staff to discuss their Personal Development Plans. We also noted that the Area has a history of encouraging work-shadowing opportunities with its CJS partners. It is hoped that both these initiatives can be maintained.
- 8.11 Staff in the Area have generally attended all the mandatory training, although we noted that some of this was planned relatively late (for example, attendance on the Speaking up for Justice training). Arrangements for the monitoring and evaluation of training are underdeveloped and the Area will want to ensure that all line managers are aware of their responsibilities in this regard. It is important that staff have an opportunity to discuss their experience of training formally, so that any on-going difficulties, or areas of concern, can be addressed and Personal Development Plans can be updated as required.

Aspects for improvement

- * Managers should improve the evaluation of training, preparation of Forward Job Plans, and Personal Development Plans for all staff.

Management involvement

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

- 8.12 The last Area inspection report noted a need to review communications within the Area, and the relevant recommendation was made. Whilst the Area has recently introduced an Area newsletter as a means of keeping staff informed about developments, communication remains an aspect of performance in which there is considerable scope for improvement. There are a number of issues to be addressed, including the regularisation and minuting of one to one meetings with staff, as well as unit meetings. The AMT should also consider how to re-ignite interest in the Area Sounding Board (ASB). We consider that, if it is appropriately managed, the ASB could be an effective forum to increase staff consultation and involvement.

RECOMMENDATION

We recommend that the AMT should review its communication strategy, ensuring that:

- * **managers undertake regular one to one meetings (at least quarterly) with all staff, and that an appropriate record is kept;**
- * **unit meetings are held regularly, and that they are formally minuted; and**
- * **the Area Sounding Board is re-invigorated.**

Good employment practice

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

- 8.13 The most recent figures from CPS Headquarters indicate that sickness levels within the Area are close to the national average. Although there were examples of absence through sickness being managed well, BSMs have highlighted the need for further training on this issue. We would be supportive of a more pro-active approach to absence management.
- 8.14 The Area has had a disability audit of its premises completed, and modifications have been made in order to ensure that its buildings are physically accessible.

- 8.15 There is a reasonable level of representation of staff with disabilities within the Area, and there has been some success in recruiting staff from members of minority ethnic groups. Analysis of the monitoring undertaken by the Service Centre confirms that very few job applications are received from individuals who classify themselves as belonging to such groups. The Area is trying to overcome this by making use of a greater variety of media for advertising any vacant positions. The Area could also benefit from closer liaison with the local Racial Equality Councils, the Equality and Diversity Officer at the regional Service Centre, and local community groups to improve further their accessibility in this regard.

Aspects for improvement

- * The Area should improve links with the local Racial Equality Councils, the Equality and Diversity Officer at the Service Centre, and local community groups, and seek to broaden its pool of potential job applicants.

Equality and diversity

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

- 8.16 The results of the 2002 staff survey referred to staff in West Mercia as less likely to feel treated with fairness and respect than the national average. It also noted that confidence in the way that incidents of unacceptable behaviour were dealt with was lower than average. We can confirm that, despite the action that the Area has taken in response to levels of stress caused by workload issues, staff perceptions of the way they are treated remain largely as described in the survey.
- 8.17 For the most part there are effective working relationships between staff but there were also a number of examples of inappropriate behaviour that needed to be challenged more effectively. Relationships at all levels (that is, between units, locations and grades) have been, or are, strained. Staff and managers alike quoted examples of pejorative language and inappropriate tones being used.

RECOMMENDATION

We recommend that the *Dignity at Work* campaign should be re-launched in the Area, with managers ensuring that all staff are aware of the standards of behaviour that are expected. Managers should also be aware of their responsibility to ensure that any failure to meet the required standards is dealt with positively.

Health and safety

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

- 8.18 The Area has a good structured approach to health and safety, with each unit BSM preparing a monthly report. This is submitted to the Area Secretariat, which ensures that actions are appropriately followed up.

Strengths

- * Good, structured approach to health and safety.

9 MANAGEMENT OF FINANCIAL RESOURCES

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

Overview

- 9.1 The Area has effective financial systems and processes to ensure that its finances are properly managed. Although it does not use the national Reserve Accounting and Budgeting software, its recording systems are sufficiently detailed to enable it to fulfil the reporting requirements of CPS Headquarters.
- 9.2 Further work needs to be done to ensure the accuracy and timeliness of the Area's casework finalisations, and to monitor the use of the non-cash limited prosecution cost vote (Code 3010) in relation to agent spend in the magistrates' court on special cases.

Staff financial skills

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

- 9.3 Staff in the Area Secretariat undertake all activities relating to the planning and management of finance. High-level information about performance against budget is presented to the AMT as part of the Area performance report. Additionally, monthly management reports are produced by the Business Support Manager in the Secretariat and are the subject of regular detailed discussion and analysis by the CCP and ABM. The Area benefits from having staff with a good level of financial expertise and skills.

Strengths

- * The Area demonstrates a responsible attitude to its budget, and initiated early dialogue with CPS Headquarters to return resources that could not be used.

Aspects for improvement

- * The Area has yet to undertake any detailed work on the financial impact and requirements of implementing the Glidewell recommendations on co-location.

Adherence to financial guidelines

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

- 9.4 There is now a high level of awareness among staff of the importance of accurate and timely case finalisations at the Shrewsbury office, and evidence of a pro-active management approach. Performance is closely monitored and reported. This approach could usefully be spread to the Droitwich office.
- 9.5 Further management checks and training for administrative staff would be appropriate.
- 9.6 The Secretariat has actively tried to address concerns about the possible mis-use of code 3010 for what are essentially standard sessions, and further monitoring would be appropriate in order to provide full assurance.

Budgetary controls

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

- 9.7 The Area has effective processes for monitoring, accurately predicting, controlling and committing expenditure across all budget heads.
- 9.8 In 2001-2, the Area over spent its budget by just 0.7%. For 2002-3 the Area is experiencing an underspend on salaries. This has been caused by the delays in recruiting new staff. Otherwise, spend against budget is largely as anticipated.

Management of prosecution costs

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

- 9.9 At the time of the inspection, the Area had six HCAs, and was proposing to have a further two. To date, HCAs have not been deployed to maximum effect in the Crown Court, and the Area was not going to meet its target of 150 sessions for 2002-3, primarily because two of the HCAs were released to undertake development opportunities outside the Area. Area managers were aware of this, and had renegotiated the target to 120 with CPS Headquarters earlier in the year. This lower target was not reached, although it remains the target for 2003-4 and Area managers anticipate that it will again be necessary to renegotiate the target during the course of the year.
- 9.10 Area managers are committed to ensuring appropriate development opportunities for HCAs, while at the same time supporting the national commitment to offer HCA training to a wider range of CPS lawyers.

Value for money approach

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

- 9.11 At the time of the inspection the Area was slightly underspent in relation to its predicted expenditure on agents. This was largely due to the difficulties it sometimes experiences in booking the appropriate cover. The Area has attempted to resolve this issue by employing a number of lawyers on casual contracts. It is also seeking to increase its number of permanent members of staff, thereby reducing the reliance on agents.

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 Partnerships with other CJS agencies are relatively well developed at both an operational and strategic level. Constructive partnership work has led to positive outcomes in relation to PYO performance and listing practices, as well as the introduction of the new PTR protocol. The early indications are that the Local Criminal Justice Board will also prove to be an effective forum for securing improved performance.
- 10.2 There is still more work to be done, in partnership, to promote race equality across the Area, as required by the Race Relations (Amendment) Act 2000. The Area will wish to build upon its contacts with local Race Equality Councils and community groups to help achieve this.

CJS partnerships

STANDARD: PARTNERSHIPS WITH OTHER CJS AGENCIES ARE DEVELOPED AND MANAGED

- 10.3 Relations with all other agencies are generally cordial, and have been very effective in some instances. The most prominent example of this is the partnership work undertaken as part of the PYO initiative. However, Inspectors consider that the Area could be more proactive in its interactions with other CJS agencies on some issues. In particular, although work with its partners on launching the different organisations' Race Equality Schemes was positive, care needs to be taken to ensure that the Area's duty under the Race Relations (Amendment) Act 2000, continues to be actively pursued.
- 10.4 The Area services a number of magistrates' courts and provides a representative to attend each of the court user meetings. Although the effectiveness of these varies, the Area has made good use of the supplementary meetings that are convened to address issues around listing.
- 10.5 The Area has also developed good working relationships with the Witness Service at both Crown Court and magistrates' courts and appropriate information about witnesses is shared, although consistency and timeliness should be checked. Lawyers in the CJU at Droitwich had additionally been tasked with making contact with other relevant groups locally, including Community Safety Partnerships.
- 10.6 Reference to the joint performance management meetings with the police has been made in chapter seven.

Improving local CJS performance

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

- 10.7 Representatives of other agencies were generally satisfied with the Area's contribution to the local criminal justice system and its overall performance. The Area's leadership of the joint CJS Performance Improvement Group, and the Local Criminal Justice Board were positively commented upon.

Strengths

- * Improved performance achieved in relation to PYOs through effective inter-agency co-operation.

Information technology

STANDARD: INFORMATION TECHNOLOGY IS DEPLOYED AND USED EFFECTIVELY

- 10.8 The Area has had the benefit of access to Connect 42 since August 2001 and, on the whole, full use is made of the systems capability. The system has been successfully introduced to some courts and police stations, and has assisted the Area in improving its efficiency.
- 10.9 The Area currently uses CATS to record and monitor its casework. This means that Crown Court PIs are collated manually. There is acceptance that this is not an ideal situation, and so the Area has requested early installation of the Integrated Casework Management System (ICMS), to facilitate a move to a fully electronic recording system.
- 10.10 An IT skills audit has been undertaken, in order to inform future training needs. The Area should ensure that this is properly utilised to help prepare staff for the implementation of ICMS later in the year.

Buildings, equipment and security

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

- 10.11 The Area largely manages its buildings, equipment and security effectively. Greater clarity about the level of devolved responsibility vested in the Shrewsbury office would be beneficial.
- 10.12 The last inspection report considered that the clear desk policy was not being comprehensively implemented. Inspectors noted an improvement in this regard, and hope that this, and the general level of tidiness in both offices, can be maintained between inspections.

Partnership with Headquarters and the Service Centre

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

- 10.13 The Area has established a good working partnership with members of Management Audit Services, and has undertaken joint activity in relation to the Excellence Model, and the Activity Based Costings (ABC) model. Several members of staff are involved with national working groups, and the CCP has taken the national lead in developing the CPS Publication Scheme required under freedom of information legislation.
- 10.14 The Area has maintained a good working relationship with the Service Centre, some of whose staff are still based in the Droitwich office. Contact has been made with the Equality and Diversity Officer for the West Midlands region, and it is hoped that this will be developed further so that the Area can be assisted in addressing some of its internal and external priorities in relation to equality and diversity.

11 POLICY AND STRATEGY

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

Overview

- 11.1 The Area has a wide range of policy documents addressing most aspects of its business, and their supporting processes and systems. However, there are aspects of its policy development that are not adequately communicated or implemented.

Stakeholders

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

- 11.2 There are examples of the Area gathering information about evolving trends and changing expectations of stakeholders. We noted that Area managers were familiar with the recommendations contained in previous Area and thematic inspection reports, and that some consideration had been given to drawing on existing good practice (for example in relation to the implementation of a PTR protocol). However, this was not always consistent (for example, there was no formal reporting of the CTL failure, and the guidance issued in relation to complaints was not adopted by the Area).
- 11.3 The Area is working with its police counterparts to introduce a Glidewell co-located structure to the Area. The CCP and ABM sit on the project board, and Unit Heads, together with their BSMs attend regular implementation meetings. The Area is aware of the need to integrate the charging pilots into its structural change programme and discussions have commenced.
- 11.4 We understand that all staff currently working in the Shrewsbury combined unit, will eventually be co-located with the police in a newly built property, with an estimated completion date of 2005. The situation regarding the CPS operation in Hereford and Worcester is less clear, albeit we were told that a co-located CJU in Hereford was to be set up in October 2003. While arrangements have already been made to free up space in the Droitwich office to accommodate up to 20 police personnel alongside staff in the Droitwich TU, there was less clarity about arrangements for the CJU staff. Project meetings due to take place at the end of March 2003 are expected to move things further forward. Senior managers will need to ensure that there is a common understanding about the future direction of the Glidewell project following these meetings, and will wish to make sure that all staff are brought up to date with developments.

Aspects for improvement

- * Senior managers will wish to finalise detailed plans for co-located CJUs in Hereford and Worcester, and to ensure that all staff are informed of developments.

Framework of key processes

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

- 11.5 The Area has gone some way to developing a framework of key processes, developing a number of Area-wide standards and some work on standardising the induction for administrators. This work should be built upon.
- 11.6 The Area Operational Managers' group has a remit to look at processes and systems and could do some useful work in identifying best practice and spreading it across all units consistently.

Communication and implementation

STANDARD: POLICY AND STRATEGY ARE COMMUNICATED AND IMPLEMENTED

- 11.7 Area managers need to ensure that they follow through any policy decisions that are made, in order to ensure that all units operate consistently, and that the governance framework is maintained. Inspectors are aware of some examples where this was not done.

12 PUBLIC CONFIDENCE

KEY REQUIREMENTS:

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

Overview

- 12.1 Area managers and staff appreciate that public confidence is enhanced through engagement with the community, and significant steps have been taken to achieve this. Balanced against this, some aspects, particularly engagement with minority ethnic groups, have not yet received the attention that they merit.
- 12.2 Complaints are generally dealt with fully, but there are issues that need to be addressed. Timeliness needs to be improved, and the Area has not evaluated or analysed complaints received. As with the letters sent to victims under DCV referred to earlier, the standard of some letters needs to be improved.

Complaints

STANDARD: COMPLAINTS ARE EFFECTIVELY MANAGED TO INCREASE SATISFACTION AND CONFIDENCE

- 12.3 Parliamentary complaints are dealt with by the CCP, with other complaints being dealt with by the Unit Heads.
- 12.4 Two of the units keep logs of complaints received, and these include complaints received by telephone. The CJU at Droitwich does not keep a log, but keeps the complaints letters and responses in a folder. The logs, where kept, record timeliness, but do not record whether or not the complaint was justified, or whether any action was taken as a result of the complaint. Without this information, the Area is unable to evaluate properly the complaints, or use information gained from the complaints to improve its performance.
- 12.5 Responses to Parliamentary correspondence are timely, but timeliness in relation to complaints from members of the public is poor and significantly below the Area's target.
- 12.6 In general, the letters in response to complaints are clear and comprehensive, but we found that in some cases the letters could have provided more assistance to the person making the complaint. In some other cases, the standard of the letter fell below an acceptable standard, and could be perceived as being argumentative rather than constructive. Those dealing with complaints, whether justified or not, must remain aware of the adverse impact that this will have on public confidence.

Aspects for improvement

- * Timeliness of response to complaints from members of the public.
- * Ensuring that all letters in response to complaints from members of the public are of an appropriate standard, being objective and constructive.

RECOMMENDATION

We recommend that the Unit Heads introduce logs to record complaints received by their units, and ensure that the logs record timeliness, whether the complaints were justified and whether any action was required/taken as a result of the complaint.

Minority ethnic communities

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

- 12.7 The Area does not have large minority ethnic groups or communities, as we have referred to when discussing recruitment under ‘equality and diversity’. Nevertheless, the Area needs to take pro-active steps to ensure that confidence is maintained in the CPS, as well as the CJS as a whole.
- 12.8 Area prosecutors have been involved in mentoring schemes for minority ethnic students at the University of Central England, and this is a positive step. Balanced against this, each of the counties covered by the Area has a Racial Equality Council (REC), and although there has been some contact with the Worcestershire REC, this has been tenuous to date. No contact has been made with representatives of the RECs in the other two counties. We do not suggest that contact with the RECs is the only step that the Area needs to take, but a positive dialogue would be an important signal of the Area’s commitment to engaging with minority ethnic communities. It would be a good starting point.
- 12.9 We have already referred to the need for a more pro-active approach when dealing with casework issues arising from race crimes or other sensitive cases in chapter 4, and this, coupled with the lack of community engagement, could lead to an impression of complacency on the part of the Area towards this issue, whether justified or not.

Strengths

- * Involvement of prosecutors in mentoring students from minority ethnic groups.

Aspects for improvement

- * Engagement with the Racial Equality Councils for the counties served by the Area.

Community engagement

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

- 12.10 The Area has engaged in a number of initiatives to raise its profile within the community. A number of members of staff have been tasked with engaging with community groups, resulting in presentations to schools and attendance at open days, and other similar events, organised by other agencies. Work experience placements are also provided at both offices.
- 12.11 Additionally, the Area has devised and distributed an information pack intended to provide information to various community groups about their local CPS and indicating the Area's willingness to engage with the community. The pack is comprehensive and generally of a high standard, although in parts its wording might benefit from review. No particular steps have been taken to follow up this initiative.
- 12.12 Apart from considering what further steps can be taken to engage with the community, Area managers should consider steps to increase the level of awareness within the community of the CPS. For example, in the magistrates' courts, which is often the first place that many members of the public come into contact with the CPS, we saw no information on notice boards or elsewhere available to the public to tell them about the Service. The CPS nationally produces a number of pamphlets dealing with aspects of its work, such as how witnesses will be treated or how to make complaints, but none of these were apparently available.

Strengths

- * Some aspects of engagement with the community, including school presentations, open days and providing work experience placements.
- * Creation of comprehensive information pack for community groups.

Aspects for improvement

- * Need to follow up early steps in community involvement.
- * Ensuring that information about the CPS is readily available to the public in the courts.

Media engagement

STANDARD: THE AREA ENGAGES WITH THE MEDIA

- 12.13 Approaches from the media are dealt with properly, but the relationship between the Area and the media generally would be described as reactive, and the profile of the Area might be raised by a more positive approach.

Aspects for improvement

- * Need for positive approach to the media.

Public confidence

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

- 12.14 All recognise the difficulty in measuring and evaluating a concept such as public confidence, but some steps can be taken to achieve this. It is proposed that the Witness Service undertakes a survey of witnesses, prosecution and defence, in the magistrates' courts and the Crown Court. The questionnaire to be used is very comprehensive and includes information about the CPS. Area managers will want to evaluate fully the information obtained from this survey to ensure that appropriate action can be taken in response. They will also want to assure themselves that, should it be needed, witnesses can be provided with assistance in completing the form without compromising confidentiality.

13 LEADERSHIP AND GOVERNANCE

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

Overview

- 13.1 The Area benefits from a clear planning structure, with issues contained in the Area Business Plan being cascaded down to formal unit plans. The latter are reviewed every quarter, and a formal report prepared for the CCP and ABM as part of the assurance process. This forms a sound basis upon which the Area can build and should ensure that it is well controlled and directed.
- 13.2 While the Area has made substantial progress in laying the foundations to work more effectively with partners in the criminal justice system, the CCP also needs to ensure that he takes all opportunities to engage with the senior representatives of all courts, agencies and organisations.

Vision and values

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

- 13.3 The Area's current deficiencies in regard to communication (as mentioned in previous paragraphs) have had an impact on its leadership and governance. The extent to which the Area vision has been agreed and effectively promulgated is a little unclear.
- 13.4 The CCP and ABM are both described as approachable and willing to listen. The CCP now spends a day each week working from the Shrewsbury office. He additionally spent a day work-shadowing one of their administrators. The ABM visits that office less frequently, but attended to do a systems review and to participate in an induction day for new administrative staff.
- 13.5 However, despite these efforts to make themselves more visible to staff in Shrewsbury, the CCP and ABM are still regarded as a little remote, and staff do not see them as frequently as they would wish. The infrequency of unit meetings, and the absence of the Area Sounding Board, mean that opportunities to engage with staff in a structured way are extremely limited.

Aspects for improvement

- * To increase the opportunities for the CCP and ABM to engage with staff in a structured way.

Management structure

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

- 13.6 The Area has regular monthly AMT meetings. These are well structured and appropriately focussed. Minutes are typed up expeditiously and made available to all staff on the shared drive of the office computer system. Actions and responsibilities are clearly noted, and feedback is received at subsequent meetings. Operational issues are delegated to the Area Operational Managers' meetings, which is chaired by the ABM, and attended by the BSMs.
- 13.7 We have reservations about the effectiveness of the current unit management structure. The Combined Unit Head and Business Support Manager both have in excess of 20 line management reports. The Head of Droitwich CJU and BSM are similarly placed. Inevitably, their ability to monitor the quality of casework of both individuals and the unit, and to fulfil their other line management duties, is compromised by the sheer volume of staff for whom they are responsible.
- 13.8 The Case Progression Officers do not currently carry line management responsibility, and yet have some undefined responsibility for paralegal casework management. The AMT will wish to review their role and responsibilities alongside a review of the overall management structure.

Strengths

- * Well structured AMT meetings; appropriately and effectively supported by an Area Operational Managers' meeting.

Aspects for improvement

- * The AMT should undertake a review of the unit management structure, and define the roles and responsibilities of the Case Progression Officers.

Criminal justice system co-operation

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

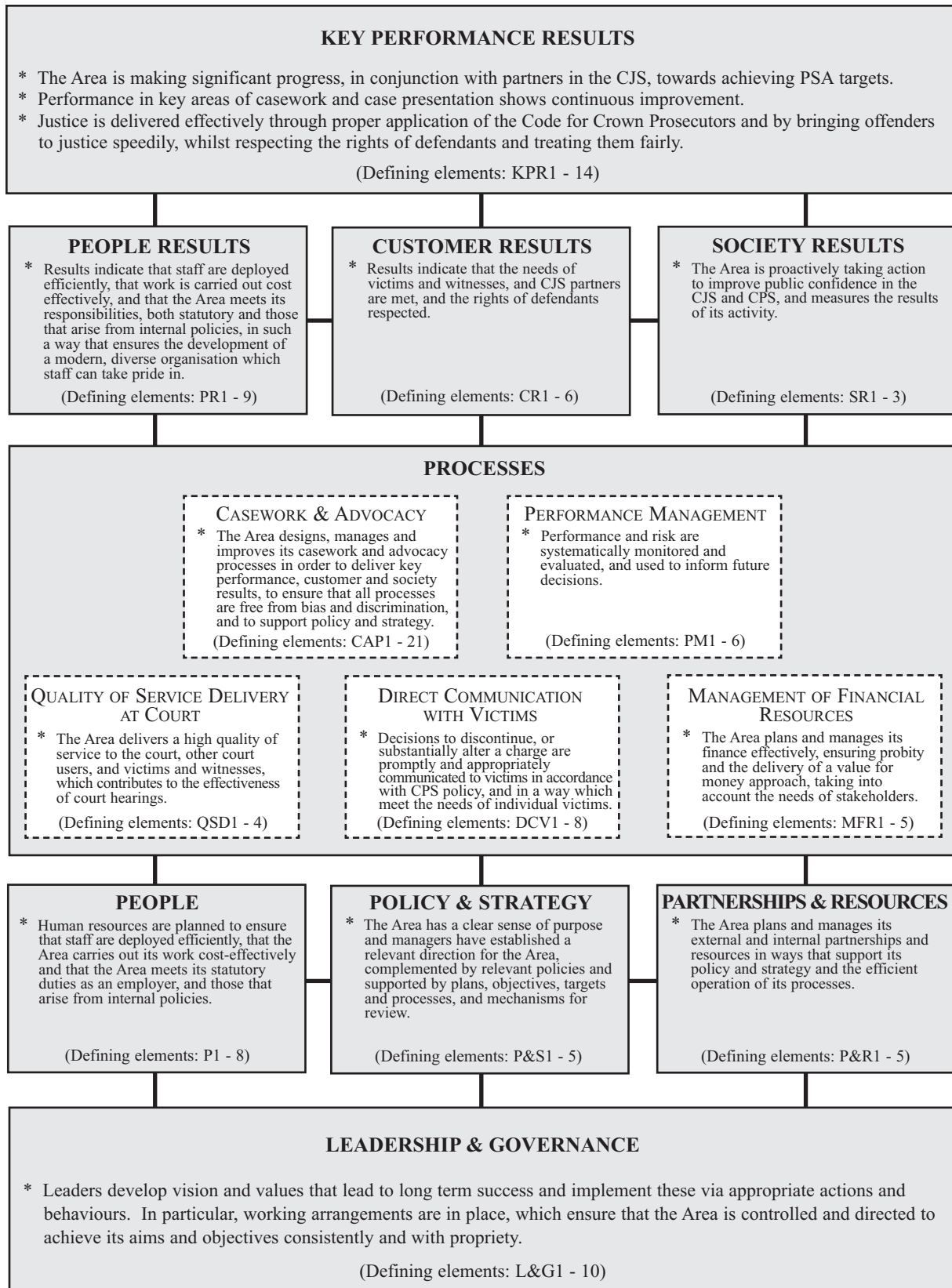
- 13.9 The CCP has a high profile amongst other Chief Officers within the West Mercia area, and the CPS has a key part to play in the implementation of the Local Criminal Justice Board's delivery plan. Although it is too early to assess the effectiveness of the Board, all parties are optimistic that joint working will bring significant benefits.

Principles of conduct

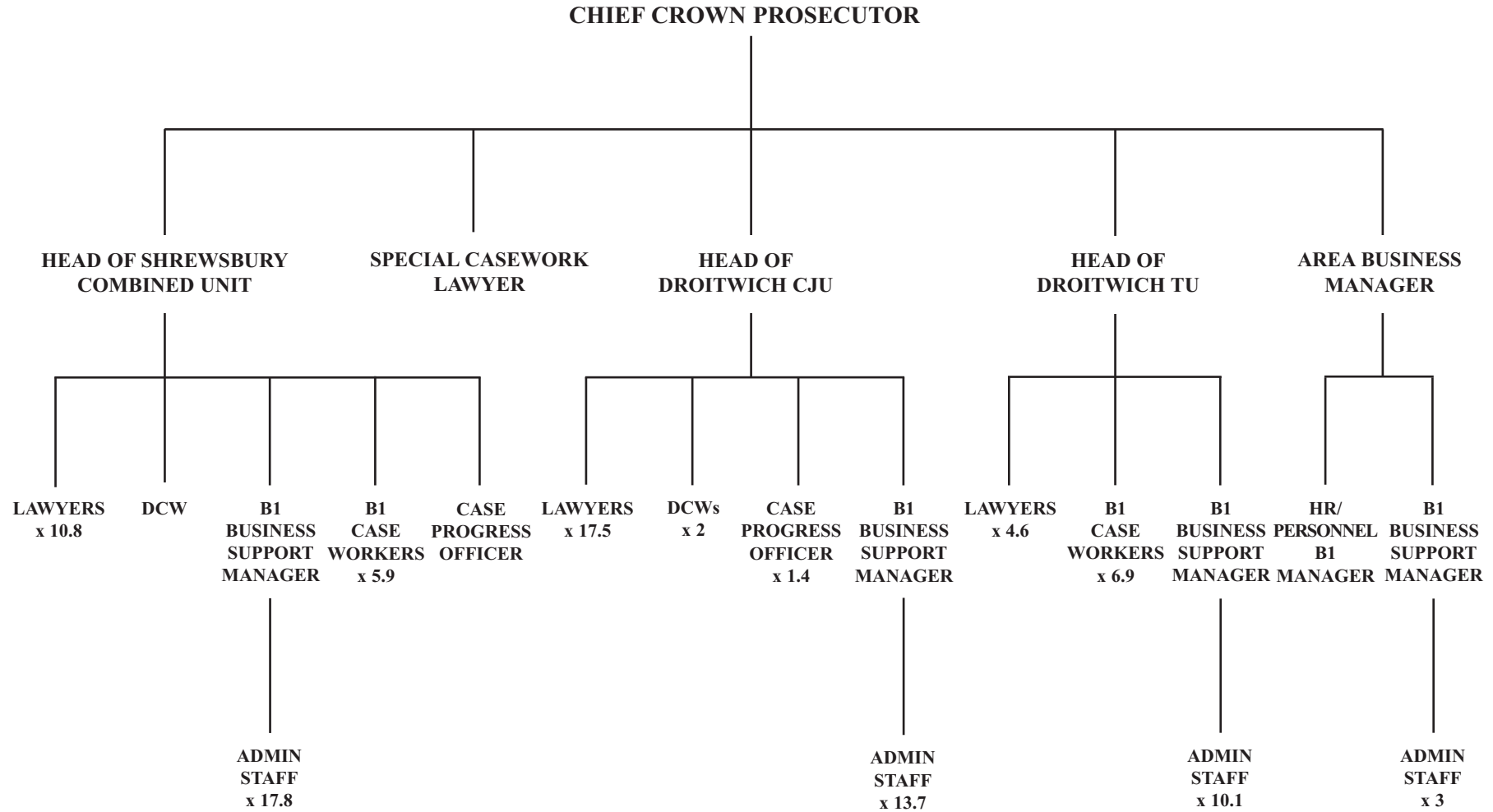
STANDARD: THE AREA DEMONSTRATES ADHERENCE TO APPROPRIATE PRINCIPLES OF CONDUCT IN PUBLIC AFFAIRS

- 13.10 The evidence we found indicated that the Area was adhering to the appropriate principles of conduct in public affairs.

BUSINESS EXCELLENCE MODEL INSPECTION MAP



CPS WEST MERCIA STAFF STRUCTURE



ANNEX 3

Types of case - Magistrates' Court	CPS West Mercia		National	
	Number	Percentage	Number	Percentage
Advice	856	2.9	57,505	4.1
Summary motoring	14,129	47.8	519,124	36.8
Summary non-motoring	4,876	16.5	264,268	18.7
Either way & indictable	9,441	32.0	561,546	39.8
Other proceedings	240	0.8	9,221	0.7
Total	29,542	100	1,411,664	100

Completed cases - Magistrates' Court	CPS West Mercia		National	
	Number	Percentage	Number	Percentage
Hearings	21,511	75.6	975,183	72.5
Discontinuances	3,717	13.1	172,068	12.8
Committals	1,601	5.6	92,114	6.8
Other disposals	1,617	5.7	105,561	7.8
Total	28,446	100	1,344,926	100

Case results - Magistrates' Court	CPS West Mercia		National	
	Number	Percentage	Number	Percentage
Guilty pleas	17,944	83.0	803,859	82.0
Proofs in absence	2,656	12.3	119,659	12.2
Convictions after trial	710	3.3	39,516	4.0
Acquittals: after trial	280	1.3	15,458	1.6
Acquittals: no case to answer	36	0.2	1,722	0.2
Total	21,626	100	980,214	100

Types of case - Crown Court	CPS West Mercia		National	
	Number	Percentage	Number	Percentage
Indictable only	603	29.0	37,655	30.4
Either way: defence election	104	5.0	14,880	12.0
Either way: magistrates' direction	694	33.4	39,515	31.9
Summary: appeals; committals for sentence	678	32.6	31,703	25.6
Total	2,079	100	123,753	100

Completed cases - Crown Court	CPS West Mercia		National	
	Number	Percentage	Number	Percentage
Trials (including guilty pleas)	1,198	85.5	75,972	82.5
Cases not proceeded with	154	11.0	13,043	14.2
Bind overs	17	1.2	1,296	1.4
Other disposals	32	2.3	1,739	1.9
Total	1,401	100	92,050	100

Case results - Crown Court	CPS West Mercia		National	
	Number	Percentage	Number	Percentage
Guilty pleas	989	80.8	57,024	73.5
Convictions after trial	133	10.9	12,677	16.3
Jury acquittals	91	7.4	6,402	8.3
Judge directed acquittals	11	0.9	1,442	1.9
Total	1,224	100	77,545	100

TABLE OF RESOURCES AND CASELOADS

AREA CASELOAD/STAFFING CPS WEST MERCIA		
	Jan 2003	July 2000
Lawyers in post (excluding CCP)	35.7	29.8
Cases per lawyer (excluding CCP) per year	827.5	905.4
Magistrates' courts contested trials per lawyer (excluding CCP)	28.8	37
Committals and "sent" cases per lawyer (excluding CCP)	44.8	44.7
Crown Court contested trials per lawyer (excluding CCP)	6.3	8.15
Level B1, B2, B3 caseworkers in post	21.2	16.2
Committals and "sent" cases per caseworker	75.5	98.7
Crown Court contested trials per caseworker	10.6	13.9
Running Costs (non ring fenced)	£3,693,213	£2,831,352

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

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

	RECOMMENDATIONS	POSITION IN MARCH 2003
R1	The AMT should prepare and implement an action plan to ensure that the CPS does all it can reduce the time to deal with persistent young offenders	This has been carried out, and the time taken to deal with PYOs has been reduced. The Area's performance is better than the Government target
R2	The CCP should seek the agreement of the police to place as a standing item on the agenda of the JPM meetings a discussion of adverse cases with a view to identifying learning points for the police and the CPS	Although regular JPM meetings continue to take place, consideration of adverse cases does not take place as a matter of course
R3	The CCP should circulate to all relevant staff guidance on the standard of review endorsements. Team leaders should ensure that all lawyers consistently and properly follow the guidance	Guidance has been circulated, and whilst the standard of performance has improved, further improvement is still required
R4	The AMT should examine the arrangements for providing administrative support for lawyers and DCWs reviewing cases at the police station with a view to reducing the amount of time administrative staff spend away from the office	This has been dealt with, and is no longer an issue

	RECOMMENDATIONS	POSITION IN MARCH 2003
R5	<p>The CCP and AMT should take action to improve the Area's handling of unused material. In particular lawyers should:</p> <ul style="list-style-type: none"> * require more comprehensive descriptions of items in the MG6C schedules from the police; * show greater willingness to call for and inspect material rather than rely on assessments by the police; * endorse properly their opinion whether any material revealed by the police might undermine the prosecution case; * ensure that witness convictions are disclosed to the defence at the appropriate time; and * send timely and appropriate secondary disclosure letters to the defence following consideration of the defence statement and liaison with the police. <p>In addition the CCP and AMT should examine whether the practice of making primary disclosure after committal is appropriate</p>	<p>A number of steps have been taken to improve performance, and performance has improved. Further improvements are still required, however, and disclosure remains an issue, resulting in a recommendation in this report</p>
R6	<p>The AMT should introduce a system of keeping correspondence and documents relating to unused material separate from other documents in the file</p>	<p>This has been achieved</p>
R7	<p>The CCP should ensure that work with the magistrates' courts on developing a monitoring procedure for cracked and ineffective trials is progressed as a matter of urgency</p>	<p>Effective monitoring is now carried by the magistrates' courts, and data is being shared. Steps are now being taken to deal with the issue</p>
R8	<p>The AMT should reinforce to lawyers and caseworkers the importance of providing good quality instructions to counsel and should monitor performance</p>	<p>Steps were taken to improve the standard of instructions, and quality has been improved. Further improvement is necessary</p>

	RECOMMENDATIONS	POSITION IN MARCH 2003
R9	Magistrates' court team leaders should ensure that proper monitoring is carried out of the performance of agents who prosecute in the magistrates' courts	This remains to be done effectively, resulting in a recommendation in this report
R10	The CCP and the ABM continue to develop their respective roles so that the CCP can increase his personal caseload and attend court as an advocate	There has been development of roles, but there also remains scope for the CCP to increase his role as an advocate
R11	<p>The AMT should, in relation to communications within the Area:</p> <ul style="list-style-type: none"> * review current practice against the communication strategy particularly to ensure that face to face communication by all of the AMT takes place on a regular basis; * consider the use of an Area Newsletter as a means of keeping all staff updated on Area developments, legal and otherwise, and promulgating good news; and * review the composition and effectiveness of the Area Sounding Board to ensure that it reflects as far as possible the grade and team structure of the Area 	Limited work has been carried out in this respect, and internal communication remains an issue that needs to be addressed by the Area managers, resulting in a recommendation in this report
R12	<p>The AMT review the form of its contribution to all external meetings attended by the form of its contribution to all external meetings attended by the Area to identify whether:</p> <ul style="list-style-type: none"> * they are an efficient and effective use of the Area's resources; * a Chief Officers' Group would be of value; * there is scope to rationalise the number of meetings; and * attendance is at the right level 	There has been some progress in this respect, and the creation of the LCJB will have an impact

	RECOMMENDATIONS	POSITION IN MARCH 2003
R13	The CCP and the ABM should negotiate further with the JCE designate for the combined Herefordshire, Worcestershire and Shropshire MCC and the JCE for the current Shropshire MCC with a view to reviewing the number of court sittings	Following the amalgamation of the Magistrates' Courts Committees into the West Mercia MCC, and subsequent negotiations with that body, there has been considerable progress in the rationalisation of court sittings
R14	The CCP should approach other agencies with a view to securing a review of the SLA on witness care	This has been achieved, and an appropriate SLA has been created
R15	The CCP and the ABM ensure that the Diversity Action Plan is implemented without delay and particular give attention to: <ul style="list-style-type: none"> * recruitment of ethnic minority staff; * developing links with local ethnic minority groups; and * identifying methods of carrying forward mentoring and work experience with members of ethnic minorities 	Area staff are involved in mentoring minority ethnic students, but the Area still needs to make progress in relation to the recruitment of minority ethnic staff and developing links with minority ethnic groups in the community. There is a recommendation in this report in relation to this
R16	The AMT and the Area Security Officer take immediate steps to ensure full compliance with clear desk policy	Considerable improvement has taken place
	SUGGESTIONS	POSITION IN MARCH 2003
S1	The CCP and team leaders should implement an effective system to ensure that all teams provide advice to the police within 14 days. Where the nature of the case makes this unrealistic the police should be kept informed of progress and an appropriate timescale negotiated	This was not an aspect considered during this interim inspection
S2	Team leaders should ensure that all lawyers are allocated advice cases	This was not an aspect considered during this interim inspection

	SUGGESTIONS	POSITION IN MARCH 2003
S3	The CCP should ensure that all lawyers who deal with cases involving young offenders are fully aware of developments in the substantive law and policy relating to the committal of young offenders to the Crown Court and that they address the court appropriately on such issues	This appears to have been dealt with. No substantial issue was raised with us during this inspection
S4	The CCP and the Crown Court unit team leaders should ensure that the improvements in timeliness of committal preparation are maintained. The CCP may want to consider setting a more challenging target than the current one of 60%	Performance has been improved. A higher target has been set, and met
S5	The CCP and magistrates' court unit team leader should liaise with their counterparts in other agencies to ensure that the arrangements for the early provision of PSR packages in cases involving persistent young offenders are consistently implemented	This appears to have been dealt with. No substantial issue was raised with us during this inspection
S6	The AMT should consider preparing an information pack about CPS procedures and other relevant matters for the benefit of agents who prosecute on the Area's behalf	An information pack has been prepared for agents, and is available to the chambers of those counsel instructed to appear in the magistrates' courts
S7	The AMT review the organisation of the Shrewsbury office with the aim of developing responsibility for administrative, accommodation and security matters from the Droitwich office	The Area has gone some way to achieving this, although there would be benefit in having more clarity as to the extent of devolvement on some issues

**TOTAL NUMBER OF FILES EXAMINED FOR
CPS WEST MERCIA**

	Number of files examined
CJUs	
Cases subject to custody time limits	10
Cracked trials (guilty pleas) - <i>including one race crime and one youth case</i>	10
Discontinued cases - <i>including one race crime, four youth and five domestic violence cases</i>	13
Magistrates' courts trials and sensitive guilty pleas - <i>including seven race crime, seven youth and three domestic violence cases</i>	33
No case to answer	1
Tus	
Cases subject to custody time limits	10
Committals discharged not ready	0
Crack trials (guilty pleas) - <i>including one domestic violence case</i>	8
Crown Court trials and sensitive guilty pleas - <i>including one race crime and three domestic violence cases</i>	22
Judge directed acquittals	1
Judge ordered acquittals	7
TOTAL	115

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

Crown Court

His Honour Judge Mitchell
His Honour Judge Mott
His Honour Judge Perrett
Miss C Hyde, Court Manager

Magistrates' Courts

Mr P Browning, District Judge (Magistrates' Court)
Mr J Edgington JP, Chair of West Mercia Magistrates' Courts Committee
Mr C Evans JP, Chair, Telford Bench
Dr I Hine JP, Chair, Hereford Bench
Mrs C Lane JP, Worcester Bench
Mrs S Thompson JP, Chair, Severnminster Bench
Mr N Jones, Justices' Chief Executive
Mr P Bushell, Director of Legal Services
Ms J Cashmore, Director of Administration
Mrs K Beevers-Norman, Quality Manager

Police

Mr A Bridge, Acting Chief Constable
Superintendent M Turner
Chief Inspector S Billingham

Defence Solicitors

Mr I McLachlan
Mr M Freeman

Counsel

Mr J Attwood
Mr J Gosling
Mr A Lockhart
Mr W Rickarby

National Probation Service

Mr D Chantler, Chief Probation Officer

Witness Service/Victim Support

Mr A Breeze, Area Manager, Victim Support
Mr I Roberts, Area Manager, Victim Support
Ms S Ashton, Co-ordinator, Witness Service
Mr A McIllvaney, Co-ordinator, Witness Service
Mr P Tibble, Co-ordinator, Witness Service
Ms L Weale, Co-ordinator, Witness Service

Youth Offending Team

Ms D Holder, Hereford & Worcester
Mr W Goodwillie, Shropshire

Racial Equality Council

Mr M Aslam

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 either way cases are divided. EFHs are for straightforward cases where a guilty plea is anticipated
EITHER WAY OFFENCES	Those triable in either the magistrates' court or the Crown Court, e.g. theft
EUROPEAN FOUNDATION FOR QUALITY MODEL (EFQM)	A framework for continuous self-assessment and self-improvement against whose criteria 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