

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

**REPORT 11/04**

**JULY 2004**

# CPS WEST YORKSHIRE



## **AREA OFFICE**

Leeds

## **OTHER OFFICES**

Bradford, Wakefield

## **MAGISTRATES' COURTS**

Batley and Dewsbury, Bingley, Bradford, Calderdale  
Huddersfield, Keighley, Leeds, Pontefract, Wakefield

## **CROWN COURT**

Bradford, Leeds

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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 and Policy Directorates within CPS Headquarters. A limited amount of re-inspection was also undertaken. In this second cycle of inspections some significant changes have been made in methodology in order to enhance the efficiency of HMCPsi itself and adapt its processes to developments both within the CPS and the wider 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.

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

The inspection framework we have developed from the Business Excellence Model can be found summarised at Annex 1. The chapter headings in this report relate to the key requirements and the sub-headings relate to the defining elements or standards against which we measure CPS Areas. These are set out in full in Annex 1A and are cross-referenced to the sub-headings in the text.

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. The definitions of these terms may be found in the glossary at Annex 9.

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 21 inspections. HMCPSI points out the care which must still be undertaken if readers are minded to compare performance described in this report with the overall CPS performance in the first cycle. Although many of the key requirements remain and are tested by the same standard, the composition of the file sample has altered and this may make such comparisons unreliable. For that reason, no comparisons are made in this report with the first cycle.



## 1 INTRODUCTION

- 1.1 This is Her Majesty's Crown Prosecution Service Inspectorate's report about CPS West Yorkshire (the Area), which serves the area covered by the West Yorkshire Constabulary. It has three offices, at Leeds, Bradford and Wakefield and operates from five co-located sites at Bradford North, Bradford South, Halifax, Huddersfield and Wakefield. The Area Headquarters (Secretariat) is based at the Leeds office.
- 1.2 Area business is divided on functional lines between magistrates' courts and Crown Court work. The Criminal Justice Units (CJUs) are responsible for the conduct of all cases dealt with in the magistrates' courts. The Leeds CJU has bases in Leeds and Wakefield, and the Bradford CJU has bases in Bradford (two), Halifax and Huddersfield. The Trials Units (TUs) review and handle cases dealt with in the Crown Court. Leeds and Bradford TUs are based in those cities.
- 1.3 At the time of the inspection in February 2004, the Area employed the equivalent of 279.1 full-time staff. The Area Secretariat comprises the Chief Crown Prosecutor (CCP), Area Business Manager (ABM) and the full-time equivalent of nine other staff. Details of staffing of the units is set out below:

<b>Grade</b>	<b>Leeds TU</b>	<b>Bradford TU</b>	<b>Leeds CJU</b>	<b>Bradford CJU</b>
Level E	2	2	1	1
Level D	4	2.7	4	3.9
Level C lawyers	18.9	21.8	26.4	27
Legal trainees	0	0	2	1
Level B2 caseworkers	2	2	10	7.2
Level B1 caseworkers	21.7	20.4	8.9	5.6
Level A caseworkers	26.4	28	25.4	3.8
<b>TOTAL</b>	<b>75</b>	<b>76.9</b>	<b>77.7</b>	<b>49.5</b>

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

- 1.4 Details of the Area's caseload in the year to December 2003 are as follows:

<b>Category</b>	<b>Area numbers</b>	<b>Area % of total caseload</b>	<b>National % of total caseload</b>
Pre-charge advice to police	17,734	20.1	7.9
Summary motoring	11,627	13.2	26.1
Other summary	23,025	26.1	22.8
Either way and indictable only	34,528	39.2	42.1
Other proceedings	1,225	1.4	1
<b>TOTAL</b>	<b>88,139</b>	<b>100%</b>	<b>100%</b>

1.5 The Area's Crown Court finalised cases in the year to December 2003 were:

<b>Crown Court finalised cases</b>	<b>Area numbers</b>	<b>Area % of total caseload</b>	<b>National % of total caseload</b>
Indictable only	1,963	36.3	31.9
Either way offences	2,179	40.3	43.8
Appeals against conviction or sentence	363	6.7	8.9
Committals for sentence	899	16.7	15.4
<b>TOTAL</b>	<b>5,404</b>	<b>100%</b>	<b>100%</b>

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

### **The report, methodology and nature of the inspection**

1.7 The inspection process is based on the inspection framework summarised at Annex 1. The chapter headings in this report relate to the key requirements and the sub-headings relate to the defining elements or standards against which we measure CPS Areas. These are set out in full in Annex 1A and are cross-referenced to the sub-headings in the text.

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

1.9 The scope of the inspection is also influenced by the length of time since performance was previously inspected. The assessment in respect of CPS West Yorkshire also drew on findings from the previous inspection of the Area, a report of which was published in July 2001. As a result of this risk assessment, it was determined that the inspection of CPS West Yorkshire should be a full one.

1.10 Our previous report made a total of 16 recommendations and six suggestions, as well as identifying seven aspects of good practice. In the course of this inspection, we have assessed the extent to which the recommendations and suggestions have been implemented, and a synopsis is included at Annex 5.

- 1.11 Our methodology combined examination of 402 cases finalised between 1 October - 1 December 2003 and interviews with members of CPS staff at all levels, criminal law practitioners and local representatives of criminal justice agencies. Our file sample was made up of magistrates' courts and Crown Court trials (whether acquittals or convictions), cracked and ineffective trials and some specific types of cases.
- 1.12 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.
- 1.13 Inspectors visited the Area between 23 February - 5 March 2004. The lay inspector for this inspection was Michael Gray, who was nominated by the Witness Service. The role of the lay inspector is described in the Preface. He examined files that had been the subject of complaints from members of the public and considered letters written by CPS staff to victims following the reduction or discontinuance of a charge. He also visited some courts and had the opportunity to speak to some of the witnesses after they had given evidence. This was a valuable contribution to the inspection process. The views and findings of the lay inspector have been included in the report as a whole, rather than separately reported. He gave his time on a purely voluntary basis, and the Chief Inspector is grateful for his effort and assistance.
- 1.14 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 This summary provides an overview of the inspection findings as a whole. It is broken down into sub-headings that mirror the chapters in the report which are based upon our inspection framework which has been developed from the EFQM Business Excellence Model (see Annex 1). Other sub-headings deal specifically with Public Service Agreement targets and equality and diversity issues.

### **Overview**

- 2.2 The Area has a clear vision well supported by appropriate accountability. It has been at the forefront in the implementation of important national CPS initiatives and shown a clear commitment to continuous improvement.
- 2.3 Management systems are particularly good and performance monitoring is extensive. The level of staff awareness and understanding of the management's vision and of what is going on generally is unusually high. Our main concerns are on the casework side and we have not made any managerial recommendations.
- 2.4 Senior managers have been pro-active in reviewing the Area structure to ensure that it best meets business needs and the Area Secretariat has recruited wisely to enable it to provide expert practical guidance to managers.

### **Key performance results**

- 2.5 Most of the Area casework we examined was equal to, or better than, the results in the cycle-to-date. The exceptions related primarily to preparation for magistrates' courts trials, and decisions about the correct level of charge.

### **Casework**

- 2.6 The overall quality of decision-making is good and the quality of initial review endorsement has improved significantly since our last inspection. Charging levels are appropriate and positive action is being taken to improve the quality of police files and joint case preparation. The overall quality of court endorsements is impressive.
- 2.7 In a climate of competing priorities, resources have been directed towards implementing the charging scheme (in which pre-charge advice is provided to police) and assuring the quality of Crown Court casework - at the expense of the CJUs. Some aspects of performance in the magistrates' courts have been unsatisfactory, particularly in relation to readiness for pre-trial reviews and trials, and ensuring the satisfactory progression of cases. The Area recognises the risks attendant upon its current deployment of its most experienced lawyers in the TUs and its less experienced lawyers in the CJUs, and it is addressing these through a programme for restructure and reorganisation to be completed in Autumn 2004.

- 2.8 Other more specific casework concerns relate to the handling of sensitive material in contested magistrates' courts cases, albeit the overall undertaking of the prosecution's duties of disclosure of unused material to the defence was slightly better than the average in our inspection cycle-to-date. More effective dissemination to staff of information gained from community engagement is also needed.
- 2.9 The rate of discontinuance has been consistently high compared to other Areas, and this requires detailed analysis and joint performance work with police to address the causes. The rate of discharged committals is not as high as some metropolitan areas, but we received some negative feedback about readiness for committals. The rate of discharged committals would be greater were it not for pre-emptive discontinuance in a number of cases where the police did not submit a full file on time. The Area also continues to register some specified offences as receipts, contrary to guidance from CPS Headquarters and in spite of a recommendation in our previous report.

### **Advocacy and quality of service delivery**

- 2.10 The overall standard of prosecution advocacy observed by inspectors was below the national average. The strategic decision taken by the Area Management Board (AMB) has resulted in the full deployment of the Area's most experienced advocates on casework destined for the Crown Court and in the provision of pre-charge advice at charging stations. As a result, some of the advocates assessed by the inspection team were amongst the most inexperienced employed by the Area. Procedures for assessing the quality of internal advocacy have been good, but are now at a transitional stage. Positive steps have been taken to improve the overall performance of agents and there is good deployment of designated caseworkers (DCWs).

### **Victims and witnesses**

- 2.11 Victims and witnesses are treated with proper consideration and receive a good level of support. Special Measures are used in appropriate cases and decisions about pleas and case progress are routinely explained. The observed quality of service provided by prosecuting counsel to witnesses was exceptional.

### **Performance management**

- 2.12 Performance management is extremely robust, with clear targets and standards against which performance is monitored. Quarterly reports from the units and the subsequent reviews between the Unit Heads and the CCP and ABM ensure that performance is monitored and appropriate adjustments are made.
- 2.13 The Casework Quality Assurance Scheme has been fully implemented and feedback is provided at unit, team and individual level. Performance is monitored against agreed Area Standards that are constantly reviewed to take account of new national guidance.
- 2.14 At a strategic level, an effective hierarchy of groups is in place to support the Local Criminal Justice Board (LCJB). Again, a comprehensive regime is in place to monitor and manage performance across the local criminal justice system.

- 2.15 Each unit has dedicated Performance Managers and key performance reports are linked closely to the Risk Register, Certificate of Assurance and Area Business Plan. Performance data collection is particularly extensive, but not all of it is analysed.

### **People management and results**

- 2.16 Staffing and organisational structure are reviewed regularly and changes are made to meet short term and operational demands. Great emphasis is put on personal development, with a recent focus on developing managerial skills. All training courses are evaluated to ensure that they meet a business or development need.

### **Management of financial resources**

- 2.17 The Area has robust systems for monitoring and controlling its budget. Individual budgets have been allocated to the units. While day-to-day decisions are made at a unit level, the Area Secretariat monitors the situation on behalf of the AMB.

### **Partnerships and resources**

- 2.18 There are strong CJS partnerships. The Area has a high profile on the LCJB, with appropriate representation on its Delivery Group and District Operational Groups. Agencies are co-operative in their joint working in striving to improve the quality of information available and the throughput of cases. Restricting the circumstances in which charges determined by the CPS can be subsequently reduced or discontinued has encouraged a general move away from a plea bargaining culture.

### **Policy and strategy**

- 2.19 Processes for the development of strategy are sound. All levels of staff are involved, to enhance ownership and responsibility. The Area has dealt successfully with the complex changes required of it by adopting a systematic project-based approach.

### **Public confidence**

- 2.20 There is a strong culture of prompt detailed response to complaints, with personal meetings in appropriate cases. Performance in communicating the reasons for decisions to victims has improved significantly in recent months. A pro-active approach has been taken towards engaging with the local media and good relationships have been established.

### **Leadership and governance**

- 2.21 The AMB adopts a corporate approach and provides staff with a clear vision and direction. There is effective communication and involvement of staff in the decision-making process. The Area has sought innovative solutions to address problems, but in a controlled manner that takes account of risks. This is illustrated by the current project for determining the optimum structure to meet its operational requirements. The Area is committed to play a key role to achieve the aims set for the criminal justice system and there is a visible lead by the CCP as chair of the LCJB.

### **Bringing offenders to justice**

- 2.22 Better quality charging decisions should reduce the rate of attrition. Performance in narrowing the justice gap and avoiding unnecessary delay should improve as a result of several positive measures, including those designed to drive up the quality of initial police files. Centrally held data on offences brought to justice has been volatile, but the latest figures to October 2003 indicate that 3.4% more offences had been brought to justice in West Yorkshire.

### **Reducing ineffective trials**

- 2.23 Ineffective trial rates are falling and moving closer to Area targets. The effective management project should ensure that timeliness targets are met more often and positive action has been taken to improve the rate of witness attendance. The latest performance in the magistrates' courts was a 29% ineffective trial rate (the national average is 30%) and 17% in the Crown Court (compared to 20% nationally).

### **Improving public confidence**

- 2.24 A multi-agency witness satisfaction survey is undertaken twice yearly and the results fed back to the LCJB. The Board also places substantial reliance on the national crime survey. Locally, the British Crime Survey showed a 2% increase in confidence in the effectiveness of bringing criminals to justice, but the figures are not necessarily statistically significant. In addition, the CCP has given a clear lead in dealing with complaints and ensuring that lessons are learned.

### **Value for money**

- 2.25 The AMB makes the key financial decisions for the Area. Where there are competing demands for resources, it considers which represent best value for money. The current financial and performance management regimes allow the AMB to accurately monitor resources and assess future liabilities.
- 2.26 The Area has recruited successfully, but resources have been stretched as a result of a heavy commitment towards piloting and implementing key CPS initiatives. It is working closely with the police to achieve efficiencies by streamlining administrative procedures at the co-located units.

### **Equality and diversity issues**

- 2.27 The Area is very pro-active in dealing with equality and diversity issues and has a commitment to meeting the relevant standards. It has recognised the need to work more closely with community disability groups.

### **Recommendations**

- 2.28 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.

2.29 We have made five recommendations to help improve the Area's performance:

1. Area managers include all discontinued cases within the existing regular and rigorous analysis of unsuccessful outcomes, and address the causes in the joint performance work undertaken with the police.  
  
Prosecutors consult with the police before discontinuance whenever feasible, and record the outcome of the discussion (paragraph 4.8).
2. The Area Management Board should take immediate further steps to improve the overall quality and timeliness of preparation for magistrates' courts hearings. In particular, to ensure that:
  - \* case files contain all relevant witness statements and other information;
  - \* any necessary information has been obtained from the police;
  - \* any continuing reviews and necessary actions have been taken, for example, in time for pre-trial reviews; and
  - \* important decisions impacting upon the conduct of the case, for example, to change or discontinue charges, are timely (paragraph 4.19).
3. Prosecutors should always give proper consideration to the disclosure of sensitive unused material - particularly in contested magistrates' courts cases - and consistently comply with the requirements of the Joint Operational Practice instructions (paragraph 4.28).
4. The Area Management Board should introduce structured, consistent systems to ensure that information gained from community engagement throughout the Area is disseminated internally, to better inform casework decision-making and to increase the awareness of staff generally (paragraph 4.32).
5. The ABM and CCP ensure that specified proceedings are not included in the Area's caseload statistics, and clarify with police and the magistrates' courts the role of the CPS in specified proceedings (paragraph 9.2).



### 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.**

<b>CPS PERFORMANCE</b>	<b>National Target 2003-2004</b>	<b>National Performance Cycle to date*</b>	<b>Area Target 2003-2004</b>	<b>Area Performance</b>
<b>MAGISTRATES' AND YOUTH COURT CASEWORK</b>				
<b>Advice</b>				
Decisions complying with evidential test in the Code <sup>1</sup>	-	99%	-	100%
Decisions complying with public interest test in the Code <sup>1</sup>	-	97.6%	-	100%
<b>First Review</b>				
Decisions to proceed at first review complying with the evidential test <sup>1</sup>	-	98.5%	-	100%
Decisions to proceed at first review complying with public interest test <sup>1</sup>	-	99.9%	-	100%
Requests for additional evidence/information made appropriately at first review <sup>1</sup>	-	78.3%	-	82.8%
<b>Discontinuance</b>				
Discontinuance rate of completed cases (CPS figure)	-	12.2%	-	19.6%
Discontinued cases with timely discontinuances <sup>1</sup>	-	74%	-	72.9%
Decisions to discontinue complying with the evidential test <sup>1</sup>	-	92.8%	-	98.2%
Decisions to discontinue complying with the public interest test <sup>1</sup>	-	91.6%	-	92%
Discontinued cases where all reasonable steps had been taken to request additional evidence/information <sup>1</sup>	-	88.6%	-	84.3%
<b>Level of charge</b>				
Charges that required amendment and were amended in a timely manner <sup>1</sup>	-	75.3%	-	75.8%
Cases that proceeded to trial or guilty plea on the correct level of charge <sup>1</sup>	-	97%	-	92.4%
<b>Cracked and ineffective summary trials</b>				
Cracked trials as recorded by CPS and magistrates' courts JPM	-	(Oct-Dec 03) 37.5%	-	(Oct-Dec 03) 36.8%
Cracked trials in file sample that could have been avoided by CPS action <sup>1</sup>	-	21.3%	-	3 out of 21
Ineffective trials as recorded by CPS and magistrates' courts JPM	-	(Oct-Dec 03) 28.8%	-	(Oct-Dec 03) 28.6%
Ineffective trials in the file sample that could have been avoided by CPS action	-	- <sup>4</sup>	-	3 out of 11
<b>Summary trial</b>				
Acquittal rate in magistrates' courts (% of finalisations) – CPS figure	-	1.9%	-	0.8%
Decisions to proceed to trial complying with the evidential test <sup>1</sup>	-	95.5%	-	100%
Decisions to proceed to summary trial complying with the public interest test <sup>1</sup>	-	99.7%	-	100%
Cases with timely summary trial review <sup>1</sup>	-	78.7%	-	73.9%
Requests for additional evidence/information made appropriately at summary trial review <sup>1</sup>	-	76.3%	-	63.3%
No case to answers where outcome was foreseeable, and CPS could have done more to avoid outcome <sup>1</sup>	-	46.3%	-	1 out of 7

<b>CPS PERFORMANCE</b>	<b>National Target 2003-2004</b>	<b>National Performance Cycle to date*</b>	<b>Area Target 2003-2004</b>	<b>Area Performance</b>
<b>CROWN COURT CASEWORK</b>				
<b>Committal and service of prosecution papers</b>				
Cases with timely review before committal, or service of prosecution case in "sent" cases <sup>1</sup>	-	77.4%	-	77.6%
Decisions to proceed at committal/service of prosecution papers stage complying with evidential test in the Code for Crown Prosecutors <sup>1</sup>	-	96.7%	-	100%
Decisions to proceed at committal/service of prosecution papers stage complying with public interest test in the Code for Crown Prosecutors <sup>1</sup>	-	99.9%	-	100%
Requests for additional evidence/information made appropriately at committal/service of prosecution case review <sup>1</sup>	-	87.7%	-	83.9%
Timely and correct continuing review after committal	-	84.3%	-	83.3%
Cases with timely service of committal papers on defence	80%	75.1% 84.2% <sup>3</sup>	-	79.6% <sup>1</sup> 90.3% <sup>2</sup>
Cases with timely delivery of instructions to counsel	84%	83.7% 84.9% <sup>3</sup>	-	87.8% <sup>1</sup> 96.7% <sup>2</sup>
Instructions to counsel that were satisfactory <sup>1</sup>	-	64.6%	-	69.1%
<b>Cracked and ineffective trials</b>				
Cracked trials as recorded by CPS and Crown Court JPM	-	(Nov 03–Jan 04) 38.7%	-	(Nov 03–Jan 04) 48.5%
Cracked trials that could have been avoided by CPS action <sup>1</sup>	-	19.5%	-	2 out of 15
Ineffective trials as recorded by CPS and Crown Court JPM	-	(Nov 03–Jan 04) 18.8%	-	(Nov 03–Dec 04) 17.8%
Ineffective trials where action by CPS could have avoided an adjournment <sup>1</sup>	-	- <sup>4</sup>	-	-
<b>Level of charge</b>				
Charges that required amendment and were amended in a timely manner <sup>1</sup>		85.6%		75.8%
Indictments that required amendment <sup>1</sup>		27.9%		23.1%
Cases that proceeded to trial or guilty plea on the correct level of charge <sup>1</sup>		97.9%		93.9%
<b>Judge ordered and judge directed acquittals</b>				
JOA/JDAs where outcome was foreseeable, and CPS could have done more to avoid outcome <sup>1</sup>	-	20.7%	-	15.4%
<b>Trials</b>				
Acquittal rate in Crown Court (% of all finalisations excluding JOA, appeals/committals for sentence and warrant write-offs) <sup>2</sup>	-	10.1%	-	7.1%
<b>NARROWING THE JUSTICE GAP</b>				
Percentage brought to justice against the baseline for 2001-02 as recorded by JPIT	Target +5%	+6% (as at Sept 03)		3.4% (as at Oct 03)

<sup>1</sup> as assessed by HMCPsi from examination of the file sample during inspection

<sup>2</sup> self-assessment by Area

<sup>3</sup> nationally collated figure based on Area self-assessment returns

<sup>4</sup> insufficient numbers of files to provide reliable data

\* average performance of Areas inspected in inspection cycle 2002-2004 based on a sample of cases examined and observations at court up to 31 December 2003

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

<b>CPS PERFORMANCE</b>	<b>National Target 2003-2004</b>	<b>National Performance Cycle to date*</b>	<b>Area Target 2003-2004</b>	<b>Area Performance</b>
<b>MAGISTRATES' AND YOUTH COURT CASEWORK</b>				
<b>Disclosure</b>				
Cases where primary disclosure properly handled <sup>1</sup>		72.7%		85.2%
Cases where secondary disclosure properly handled <sup>1</sup>		61.1%		NA
<b>Witness care</b>				
Trials where appropriate use made of S9 CJA 1967 <sup>1</sup>		97%		100%
Trials where appropriate use made of the witness care measures <sup>1</sup>		88.4%		100%
<b>CROWN COURT CASEWORK</b>				
<b>Disclosure</b>				
Cases where primary disclosure properly handled <sup>1</sup>		85.9%		87%
Cases where secondary disclosure properly handled <sup>1</sup>		60%		64.1%
<b>Witness care</b>				
Trials where appropriate use made of witness phasing/standby <sup>1</sup>		81.9%		60%
Trials where appropriate use made of the witness care measures <sup>1</sup>		92.8%		100%
<b>MAGISTRATES' COURTS AND CROWN COURT</b>				
<b>Custody time limits</b>				
Cases in sample where expiry dates accurately calculated	-	93.2%	-	96%
<b>OTHER ISSUES</b>				
<b>Payment of witness expenses</b>				
Payment of witness expenses within 10 days of receipt of claim <sup>2</sup>	100%	Oct-Dec 03 98.7%	100%	Oct-Dec 03 99.6%
<b>Handling of complaints</b>				
Complaints replied to within 10 days <sup>2</sup>	94%	Oct-Dec 03 85%	96%	95%
<b>Citizens charter commitment</b>				
MPs correspondence replied to within 15 days <sup>2</sup>	100%	Oct-Dec 03 92.7%	N/A	Apr-Jun 03 100%
<b>Improving productivity</b>				
Reduce sick absence rate per member of staff	10.6 days (2001)	Not available	8.8 days (2001)	10.6 days (2001)
<b>OTHER ASPECTS OF CPS PERFORMANCE</b>				
<b>CJS Youth Justice Performance Measures (shared between Home Office, Department of Constitutional Affairs (formerly LCD) and CPS)</b>				
To halve time from arrest to sentence for persistent young offenders from 142 to 71 days by 31 March 2002	71 days	59 days (Oct-Dec 03)	71 days	65 days (Oct-Dec 03)

<sup>1</sup> as assessed by HMCPSI from examination of the file sample during inspection

<sup>2</sup> self-assessment by Area

\* average performance of Areas inspected in inspection cycle 2002-2004 based on a sample of cases examined and observations at court up to 31 December 2003

## **Commentary**

- 3.1 The overall quality of casework decisions is good, but we have concerns about the timeliness of preparation and adequacy of continuing review. The quality of charging decisions has improved as the CPS has taken on greater responsibility. Performance in handling cases involving persistent young offenders has been good. Action has been taken to improve effective trial rates and they are now moving closer to Area targets. Sensitive cases are generally handled well, although more can be done to better inform decisions taken in cases alleging racist crime.
- 3.2 Relatively few adverse outcomes are attributable to a failure of CPS review, but the quality of adverse case reporting in Crown Court cases could be better.

### ***Pre-charge advice to police***

- 3.3 The quality of formal advice to the police is good and generally timely, but it is sometimes delayed significantly. Pre-charge advice given in police stations has often been based upon limited information from the police. This has made it more difficult for the CPS to ensure that the initial charge is correct and that only appropriate cases are brought. There remain a small proportion of cases that are reduced or discontinued despite the CPS having determined the initial charge.

### ***Quality of decision-making***

- 3.4 The overall quality of decision-making is good, as is the overall quality of initial review endorsements - which have improved significantly since the last inspection.

### ***Continuing review***

- 3.5 The overall quality and timeliness of preparation for magistrates' courts subsequent hearings, in particular pre-trial reviews and trials, is unsatisfactory. Inadequate continuing review and the receipt of unsatisfactory full files from police have frustrated case progression.

### ***Discontinuance***

- 3.6 Decisions to discontinue are almost always in accordance with the Code, we found that 95.2% complied, which is better than the cycle-to-date figure of 92.3%. However, there has been a consistently high rate of discontinuance, which needs to be addressed in conjunction with the police.

### ***Discharged committals***

- 3.7 Our evidence suggests that there is room for improvement and that a significant number of cases are discontinued before reaching the committal stage because police have not submitted a full file on time. Better case progression and implementation of the Effective Trial Management project should contribute towards the improvements needed.

### ***Level of charge***

- 3.8 Charging levels are generally appropriate. The Area was one of the first to pilot the new procedures under which the CPS, rather than the police, takes responsibility for determining the initial charge. It was also one of the pilot areas for CPS Direct providing police officers with out-of-hours charging advice. The initiative has improved the quality of initial charging, and restricting the circumstances in which charges can be reduced or discontinued after pre-charge advice has encouraged a general move away from a plea bargaining culture.

### ***Ineffective trials***

- 3.9 Positive action has been taken to reduce the numbers of ineffective trials, and the rates in both the magistrates' courts (29%) and Crown Court (17%) are better than the national average. Some progress has been made in respect of Crown Court cases, but effective trial rates in both the Crown and magistrates' courts were below the targets at the time of the inspection. (In 2003, the rate in magistrates' courts cases was 35% against a target of 43% - in the Crown Court, it was the 35.7% against a target of 40%).

### ***Persistent young offenders***

- 3.10 The target for finalising cases involving persistent young offenders (PYOs) within an average of 71 days has been achieved, and in the rolling quarter for September-November 2003 stood at 67 days. The Area has co-operated effectively with counterparts in the local criminal justice system to improve joint performance and ensure that the focus is maintained.

### ***Persistent offenders***

- 3.11 Procedures for progressing cases involving persistent offenders are to be revised, although West Yorkshire was the best performing Local Criminal Justice Board in the country for reducing the average time taken to finalise such cases.

### ***Sensitive cases***

- 3.12 Joint procedures for handling and maximising background information in domestic violence cases are good as is the quality of the handling of child abuse cases. However, performance in prosecuting cases alleging racist crime is inconsistent and would benefit from greater dissemination to staff of information gained from community engagement.

### ***Street crime***

- 3.13 In 2002, the Area was one of ten selected to implement the Government's initiative to reduce the level of street crime. The 'premium service' included ensuring early CPS advice to the police about the most appropriate charge and allocation to senior lawyers for review and preparation, together with improved case progression and witness care. Measures taken in the local CJS contributed towards a significant reduction in reported offences of robbery and snatch theft during the initial six months of the initiative (26%).

- 3.14 Some aspects of the premium service have since entered mainstream practice - for example pre-charge advice and video identification of suspects – and, additionally, the Area has maintained the raised profile. There are weekly inter-agency meetings to consider pending street crime trials in order to identify any witness issues or requirements for special protective measures. Performance is considered on a monthly basis against appropriate benchmarks and lessons are learned from avoidable cracked and ineffective trials and adverse outcomes.

*Adverse outcomes*

- 3.15 Fewer adverse outcomes than average are attributable to CPS review failure. The proportion in which that outcome was foreseeable, and where the CPS could have done more to avoid it, was significantly below the cycle-to-date figure.
- 3.16 The quality of adverse case reporting in Crown Court cases could be better. A positive approach is taken to learning lessons from casework, for instance, pre-charge advice cases that are reduced or discontinued are treated as unsuccessful outcomes and the reasons are analysed.

*Narrowing the justice gap*

- 3.17 The Area shares this target with its criminal justice partners. At present, West Yorkshire is bringing 3.4% more offenders to justice against the baseline figure.

*Disclosure*

- 3.18 Compliance with the statutory duty of primary disclosure compares favourably with the cycle-to-date figure in both the magistrates' courts and Crown Court, and performance in respect of secondary disclosure in Crown Court cases is slightly better than average.
- 3.19 However, compliance with the statutory duty to consider disclosure of sensitive unused material in magistrates' courts trials has been unsatisfactory, and compliance with the requirements of the revised Joint Operational Practice guidance (JOPI) is inconsistent.

## **4 CASEWORK**

### **Advice to police (CAP1)**

- 4.1 The frequency with which the CPS will be required to provide formal written advice to the police when proceedings are contemplated will diminish substantially as the new procedures transferring responsibility for determining the initial charge to the CPS (in all but the most minor cases) take effect.
- 4.2 The quality of advice is good. We examined 31 cases and found all the decisions were in accordance with the Code for Crown Prosecutors. The advice was generally well reasoned and properly explained and further information was requested in appropriate cases.
- 4.3 The provision of written advice is also generally timely, but it is sometimes delayed significantly. It was provided within 14 days in 26 cases (83.9%), but in three of the five cases in which it was late, it took more than two months. In those cases, there was substantial delay before a prosecutor considered the advice request.

### **Cases ready to proceed at first date of hearing (CAP2)**

- 4.4 The Area's performance in terms of securing early guilty pleas in magistrates' courts cases is good. The information requirements of the court and defence representatives in straightforward uncontested cases are limited, and it appears that the CPS and police are able to comply in most instances.

### **Bail/custody applications (CAP3)**

- 4.5 We were able to assess the quality of information available to prosecutors making applications with regard to bail from relevant cases in our file sample and during our court observations. We found that the quality of decision-making and the information that is considered and presented to the courts is generally adequate.

### **Discontinuances in magistrates' courts (CAP4)**

- 4.6 The overall quality of decisions to discontinue is good. We disagreed with that decision in only five of the 105 cases that we examined (95.2% were in accordance with the Code).
- 4.7 The Area's overall discontinuance rate has been consistently high, with the rate in the magistrates' courts for the period 1 April - 31 December 2003 exceeding the national average significantly (19.6% compared with 12.7%). That has been attributed, in part, to the long-standing policy of the local police not to charge alternative offences of failing to produce documents in road traffic cases. This means that a significant number of cases are dropped when documents are produced. However, such cases should not be handled by the CPS, or taken into account for the purposes of calculating the Area's discontinuance rate. The long-standing high level of discontinuance calls for detailed analysis of all discontinued cases, and joint performance work with the police to address the causes of this. This would supplement the Area's current rigorous analysis with police of unsuccessful outcomes in cases of recorded crime, or where pre-charge advice has been given.

- 4.8 The police should be consulted whenever possible before decisions are taken whether to discontinue cases of any magnitude, or where there is an identifiable victim. This enables the police to comment and also canvass the views of victims so that they may be taken into account. The reasons for discontinuance, and any response, should be recorded, as part of ensuring that there is a satisfactory ‘audit trail’. In 27.1% of the cases in our discontinued sample, we found that files did not contain any evidence of consultation.

**RECOMMENDATION**

**Area managers include all discontinued cases within the existing regular and rigorous analysis of unsuccessful outcomes, and address the causes in the joint performance work undertaken with the police.**

**Prosecutors consult with the police before discontinuance whenever feasible, and record the outcome of the discussion.**

**Summary trial preparation (CAP5)**

- 4.9 We have general concerns about the level of information that is available and the quality of preparation in cases that are contested, or have been adjourned for other reasons. The inability of the CPS to always carry out effective continuing review and secure necessary information has limited the effectiveness of pre-trial reviews (PTRs) and increased the proportion of trials that are unable to proceed on the due date. The rate of effective trials has been below the Area target (in 2003, it was 35% against a target of 43%).
- 4.10 Area managers have been aware of the problems, but have had to prioritise and manage risk within the available resources. However, the overall performance in handling magistrates’ courts cases has fallen, and there is a particular need to improve progression in PTRs and trials.
- 4.11 A key national CPS priority has been to implement the new charging scheme successfully and West Yorkshire has been at the forefront of this major change as a pilot area. It has been essential to deploy experienced lawyers at police charging stations to assure the quality of pre-charge advice. In addition, greater importance has to be attached to the handling of higher-profile Crown Court casework. In the face of these competing priorities, performance in the magistrates’ courts has suffered.
- 4.12 The Area has recruited a number of good quality and committed new lawyers who are rapidly gaining experience, but must, understandably, ‘cut their teeth’ in the CJUs. Considerable support and guidance has been provided in terms of induction and development training, but it will take time before they are able to produce the same consistent level of performance as their more experienced colleagues.



- 4.13 A further contributory factor has been the limited level of information that prosecutors have accepted from the police as a basis for pre-charge advice. The Area was one of the first to pilot new procedures under which CPS lawyers take responsibility for determining the initial charge. In order to assist the police in adapting to the new system, and build up confidence and trust, it was decided that prosecutors would determine the appropriate charge on the information available, rather than insisting upon minimum file standards.
- 4.14 This approach has achieved the desired effect in terms of building confidence, but has meant that, in many cases, preparation is at an early stage when the case first appears at court. When cases are not finalised quickly (for example following an early guilty plea) the information needed is not always readily available. This has been compounded by inadequate communication of the reasons why information is not available, so that satisfactory explanations are not provided to the court why cases cannot proceed expeditiously.
- 4.15 The Area has begun to address the factors that have given rise to this dip in performance and we expect the measures that are being taken to increase efficiency.
- 4.16 Area managers have encouraged the police to observe the Director of Public Prosecution's (DPP) guidance on pre-charge file quality in anticipation of its implementation as part of the statutory charging scheme. At some co-located units, the police have introduced filtering systems to ensure that inadequate files are weeded out. It is vital that file standards are improved and then maintained.
- 4.17 The approach towards preparing cases for PTR has also improved following a successful initiative at Killingbeck Police Station. This approach, which is now being extended throughout the county, involves prosecutors reviewing cases being prepared for trial. They advise police case builders about any action required or evidential deficiencies, and deadlines for action are set and monitored. Also, as part of the Effective Trial Management project, Case Progression Officers have been appointed in each of the relevant CJS agencies to will manage timeliness targets.
- 4.18 The Area is also planning for internal reorganisation. The target date for introduction of the proposed new structure, which is designed to improve efficiency and casework performance generally, is early October 2004. The new teams will be more closely aligned to police divisions and experienced lawyers currently deployed in the TUs will become involved in the preparation of contested magistrates' courts cases.
- 4.19 There is good cause for optimism that performance will improve significantly as a result of these measures. However, it is important that they are pursued and managed vigorously to ensure that the overall performance in the magistrates' courts returns quickly to an acceptable level. Thereafter, we would expect the Area to progress towards matching the performance standards that we have observed in other aspects of its casework.

## RECOMMENDATION

**The Area Management Board should take immediate further steps to improve the overall quality and timeliness of preparation for magistrates' courts hearings. In particular, to ensure that:**

- \* **case files contain all relevant witness statements and other information;**
- \* **any necessary information has been obtained from the police;**
- \* **any continuing reviews and necessary actions have been taken, for example, in time for pre-trial reviews; and**
- \* **important decisions impacting upon the conduct of the case, for example, to change or discontinue charges, are timely.**

### **Committal and Crown Court case preparation (CAP6)**

- 4.20 The overall quality of decision-making in the TUs is good. Generally, TU staff are pro-active in seeking to add value in handling Crown Court casework. We saw good examples in our file sample of prosecutors seeking to rectify defects and improve the prospects of conviction by plugging evidential gaps.
- 4.21 To implement the charging scheme successfully, it has been necessary for the Area to deploy experienced TU lawyers at police stations in order to deliver good quality pre-charge advice, which has restricted their availability to prepare committal papers and Crown Court cases for trial. It has also reduced the amount of time that they are able to devote to analysing cases and providing detailed instructions to prosecuting counsel.
- 4.22 The overall quality of instructions to counsel is adequate. We found that 69.1% were fully satisfactory, which is better than the cycle-to-date figure of 64.6%. However, we saw relatively few cases in which the instructions contained a detailed analysis of the evidential strengths and weaknesses, so that we could say that their quality was above average.
- 4.23 It is particularly important to ensure that papers required for the committal are prepared expeditiously, since magistrates have the power to discharge proceedings against defendants if they are not ready in time. Although the overall rate of discharged committals is not worryingly high compared to other Areas, our evidence suggests that there is room for improvement generally in preparedness. Additionally, some cases are discontinued before they reach the committal stage where police have not submitted a full file on time.

- 4.24 There have been specific problems with committal preparation in the Bradford TU: it had 47 discharged committals in the six months ending in December 2003. Procedures are in place so that discharged committals are reviewed within 48 hours to identify the reasons. There is clear guidance for decision-makers about the circumstances in which it is appropriate to re-instate. However, this is a significant cause of attrition, as 36 of the 47 were not re-instated (76.6%). There have also been related problems after committal of inadequate preparation, resulting in failure to comply with orders made by judges at plea and directions hearings.
- 4.25 Better systems have now been introduced at Bradford to ensure that work is re-allocated if the lawyer with responsibility for the case is unable to meet a timeliness target. The case progression system and Effective Trial Management project have improved the quality and timeliness of Crown Court preparation generally. Case Progression Officers have provided a filter at police stations so that inadequate files are not submitted to CPS lawyers, and the dialogue with police case builders is improving.

#### **Disclosure of unused material (CAP7)**

- 4.26 The Area's performance in complying with the statutory duty of primary disclosure in both magistrates' and Crown Court cases is better than the cycle-to-date average. Prosecutors were not required to consider secondary disclosure in any cases in our magistrates' courts sample. Compliance with the statutory duty of secondary disclosure in the Crown Court cases that we considered was also better than the comparative cycle-to-date figure.
- 4.27 We have concerns, however, about some aspects of the Area's performance in considering disclosure. The Joint Operational Practice instructions on the handling of unused material have been updated recently and stricter recording of action taken is now required. We found that not all lawyers are completing disclosure record logs in accordance with that guidance.
- 4.28 We saw a number of cases in the file sample in which schedules listing sensitive items did not appear to have been considered. We considered that sensitive unused material was dealt with appropriately in only 35.3% of relevant magistrates' courts cases.

#### **RECOMMENDATION**

**Prosecutors should always give proper consideration to the disclosure of sensitive unused material - particularly in contested magistrates' courts cases - and consistently comply with the requirements of the Joint Operational Practice instructions.**

### **Sensitive cases (CAP8)**

- 4.29 The CPS nationally recognises that certain types of offence require particular care and attention in handling because they are of a sensitive nature.
- 4.30 The quality of the handling of child abuse cases is good. Appropriate specialists have been identified and a conscientious approach was apparent from our file examination. A robust and sensitive approach is also taken in respect of allegations of rape, and joint procedures for handling and maximising the information that is considered in cases of domestic violence are sound. Leeds has the longest established specialist magistrates' courts for dealing with such cases and similar hearings have been introduced recently at Wakefield and Pontefract.
- 4.31 However, performance in handling cases alleging racist crime is inconsistent. West Yorkshire was one of the CPS Areas who assisted the Inspectorate in the follow-up to our Thematic Review of Casework having a Minority Ethnic Dimension and, as a result, we were able to examine a larger sample of such cases than we have for other CPS Areas. Recent high-profile cases have been handled well, and those in our file sample dealt with by the more experienced lawyers were generally approached robustly, and with an understanding of the context. In some cases, however, decisions were taken to reduce the level of charge that inspectors would not necessarily have taken.
- 4.32 We have already mentioned that the Area is developing the experience and expertise of the newly recruited lawyers. An important aspect of that process is to ensure that they acquire the ability and wider awareness to deal appropriately with sensitive cases of this nature. The Area has made substantial progress in engaging minority ethnic communities and their representative groups. The information gained from those initiatives is invaluable and must be disseminated effectively, if the discretion afforded to decision-makers is to be exercised with an awareness of the context, including the wider implications for the individuals and communities involved.

#### **Aspects for improvement**

- \* Consistency in handling cases alleging racist crime.

#### **RECOMMENDATION**

**The Area Management Board should introduce structured, consistent systems to ensure that information gained from community engagement throughout the Area is disseminated internally, to better inform casework decision-making and to increase the awareness of staff generally.**

### **Youth cases (CAP13)**

- 4.33 Performance in handling youth cases is good and prosecutors are generally pro-active in suggesting diversion in appropriate cases. The timeliness target for finalising cases involving PYOs within an average of 71 days has been achieved, and stands at 65 days for the rolling quarter October - December 2003.
- 4.34 Despite the pressures of competing priorities, high standards of decision-making and case progression have been maintained. There are youth teams or sufficient specialists in each of the Area's units and it participates fully in the local multi-agency working group with specific responsibility for improving performance in PYO cases.

### **File/message handling (CAP9)**

- 4.35 There have been problems throughout the Area in linking correspondence and other papers to files and the system for linking post was re-organised prior to the inspection. The volume and type of post is now monitored and targets have been set for linking. Checks have shown that the new system appears to be working well.
- 4.36 However, we observed several instances at court where post had not been linked to files. This has contributed to the generally unsatisfactory performance with regard to progressing magistrates' courts cases during adjournments. Managers will need to ensure that systems are as effective as they are perceived to be across all units.

### **Custody time limits (CAP10)**

- 4.37 The Area had recently issued a local Standard for custody time limit (CTL) cases. We found that the instructions were in line with national guidance in most respects.
- 4.38 The standard of CTL file endorsements is generally very good, with lawyers calculating expiry dates at court and endorsing specific instructions for administrative staff. Overall, we are pleased with the level of responsibility taken on by the lawyers in both calculating and monitoring expiry dates. The Area has effective systems in place for double-checking the calculation of the expiry date and for monitoring them.
- 4.39 We examined ten Crown Court and 15 magistrates' courts files. In all but one case, the CTL expiry dates had been calculated correctly initially. The one mistake appeared to have occurred because the prosecutor at the first remand hearing did not endorse the expiry date. We also found that some magistrates' courts files displayed two expiry dates (the 70 day expiry being irrelevant due to the summary only nature of the offences, or because mode of trial had determined that the case was to be dealt with by the magistrates). This could lead to confusion, is not in accordance with national guidance and is also contrary to the Area's own CTL Standard.
- 4.40 We found that staff are aware of the local Standard and received training at the time it was introduced. Generally, the instructions are followed, although we did not find that prosecutors agree expiry dates with the magistrates' legal advisors at hearings, or that there is a system to exchange that information with the Crown Court. The Area Standard also departs from the national guidance in not requiring expiry dates to be clearly marked on the front of the file, but rather on a CTL log sheet kept inside the file. In larger files, this might be difficult to locate quickly and the initial calculation by the lawyer could be difficult to find amongst the rest of the endorsements.

### **Joint action to improve casework (CAP11)**

- 4.41 We have mentioned the steps that are being taken to improve the quality of information made available to CPS lawyers when they are considering pre-charge advice. This increases the likelihood that initial charges will be correct and that only appropriate cases are pursued. It also reduces the amount of remedial work required once cases enter the courts system. Improving the quality of initial police files should, therefore, lead to a number of beneficial consequences in preventing avoidable attrition, improving case progression and reducing the rate of cracked and ineffective trials. These are all important aspects of increasing public confidence in both the CPS and CJS.
- 4.42 The Area has a high profile on the LCJB, with appropriate representation on its Delivery Group and District Operational Groups. There are strong CJS partnerships and, in addition to successfully implementing the charging scheme, planned joint action designed to narrow the justice gap includes emphasising the importance of early effective investigation and participating in police training. There are specific Action Plans to reduce non-attendance by defendants, reduce ineffective trials at the Crown Court and, generally, to improve public confidence.

### **National Probation Service and Youth Offending Teams (CAP12)**

- 4.43 We did not always find evidence in the files that we examined that information had been sent to the Probation Service or Youth Offending Teams, or details of the content, particularly in magistrates' courts cases. However, the feedback that we received suggests that the quality and timeliness of packages is generally satisfactory. Liaison appears to be effective and the CPS is regarded as being responsive to any concerns that arise.

### **Appeal and committal for sentence processes (CAP14)**

- 4.44 Appropriate systems are in place to deal with appeals and committals for sentence, which are reflected in desk instructions. Administrative staff prepare the files and caseworkers prepare the instructions to counsel. Counsel are usually instructed in such cases due to the limited availability of the Higher Court Advocates (HCAs).

### **Appeals against unduly lenient sentences (CAP15)**

- 4.45 The lawyers that we interviewed did not have personal experience of handling any appeals against unduly lenient sentences, but were aware of the relevant criteria and referral procedures.

### **Recording of case outcomes (CAP16)**

- 4.46 There were significant backlogs in case finalisation, which led to the introduction of teams specifically to finalise cases and complete outstanding monitoring. More resources had been dedicated to one co-located unit to clear a backlog at the time of the inspection. To ensure that all information has been accurately recorded, samples of live and finalised cases are monitored. There has been a noticeable improvement as a result.
- 4.47 There were some minor categorisation errors in our file sample, but these were not indicative of a training need at any individual unit. However, it is apparent from the performance indicators that the Area is registering some specified cases incorrectly as receipts, which also appears to inflate the discontinuance rate.

### **Information on operational and legal issues (CAP17)**

- 4.48 Some staff reported that local CJS counterparts are often more up-to-date about the latest legal developments. Dissemination of such information is primarily by e-mail and it appears that some staff are unable to appreciate their importance within the large amount of information that they receive generally through that medium. Updated information is available on the CPS intranet, and the Area Special Casework Lawyer produces a monthly legal update. Local training covers some aspects, but unit meetings could helpfully identify important issues or changes, and this merits management attention.

### **Readiness for court (CAP18)**

- 4.49 A significant proportion of cases are resolved quickly following an early guilty plea. However, there is evidence of delay and avoidable adjournments in other cases where further action was required of the prosecution team. This has been exacerbated by the absence of information about why action has not been taken, so that prosecutors have been unable to give a proper explanation to the court. This has led to understandable frustration for other court users.

### **Learning points (CAP21)**

- 4.50 A positive approach is taken to learning lessons from casework, in that pre-charge advice cases that are reduced or discontinued are treated as unsuccessful outcomes and the reasons are analysed. This has revealed that avoidable attrition (either by charge reduction or discontinuance) has occurred in some cases because that advice was based upon limited or inaccurate information. That finding has strengthened the hand of CPS managers in negotiations with the police to secure better-quality initial files.
- 4.51 Adverse case reports are collated and summaries are produced. A clear trend of witness non-attendance was identified and measures introduced to address that problem. However, the Area could do more to analyse adverse cases and involve level D managers in the process. Whilst we were generally satisfied with the quality of reports in cases where the magistrates found that there was no case to answer, the quality of adverse case reporting in Crown Court cases could be better.

#### **Strengths**

- \* Analysis of the reasons for charge reduction and discontinuance in cases where there has been pre-charge advice.

#### **Aspects for improvement**

- \* The quality of Crown Court adverse case reporting.

## 5 ADVOCACY AND QUALITY OF SERVICE DELIVERY

### Advocacy standards and monitoring (CAP19)

- 5.1 The proportion of advocates that were assessed as fully competent in all respects was below the national average seen in our cycle-to-date. The strategic decision taken by the Area Management Board has resulted in the full deployment of the Area's most experienced advocates on casework destined for the Crown Court and in the provision of pre-charge advice at charging stations. As a result some of the advocates assessed by the inspection team were amongst the most inexperienced employed by the Area.
- 5.2 We observed a total of 33 advocates in the magistrates' and Crown Court. Of the 17 CPS advocates that we observed, 13 were at least competent in all respects and two were particularly good, while the remaining two needed to improve. Of the 16 agents and counsel observed, 11 were at least competent in all respects, but we considered that the other five could have performed better.
- 5.3 Evidence from other sources indicated that the overall standard of advocacy was satisfactory, and particularly good in the youth court, but there were concerns about the performance of some agents.
- 5.4 There is substantial agent usage due to the recruitment of lawyers falling behind allocated resources. An induction pack is provided to all new agents and many of the junior Bar attend a one-week induction programme at a CPS office. Consistent and effective post-court siffs enable the Area to manage agents' performance. Appropriate feedback has been provided where it has fallen below acceptable standards. However, the use of agents to prosecute the majority of trials, and the infrequency with which TU lawyers attend court, has the tendency to deskill some in-house advocates.
- 5.5 The Area piloted an advocacy inspection scheme whereby all in-house lawyers were monitored and feedback was provided. In addition, agents and counsel were monitored for re-grading purposes and also where specific concerns about poor performance were raised. In other cases, monitoring of the performance of counsel has been undertaken by caseworkers, although to a lesser degree.
- 5.6 Due to movement of personnel, the scheme had ceased at the time of the inspection. It is anticipated that the level D managers will undertake monitoring in the magistrates' courts, although little time has been allotted for this task. Caseworkers have been asked to report on performance in all trials in the Crown Court, but responsibility for monitoring of HCAs and CPS prosecutors in the Crown Court has not yet been allocated.
- 5.7 The introduction of the charging scheme has resulted in a reduced use of HCAs in the Crown Court. Their deployment needs to increase and will need to be re-examined once the scheme is embedded.

#### **Aspects for improvement**

- \* Structured monitoring of in-house prosecutors, agents and counsel.



### **Court endorsements (CAP20)**

- 5.8 The overall quality of court endorsements is particularly good. They are generally accurate and thorough, enabling timely actions to be taken in almost every case that we examined. They are also used to direct further case preparation thereby avoiding unnecessarily file movement.

#### **Strengths**

- \* The overall quality of court endorsements.

### **Court preparation (QSD1)**

- 5.9 Advocates are assisted by good quality review endorsements. However, we observed many instances where there was either no file in court, or papers had not been served, preventing efficient progression of cases. The lateness and unsatisfactory quality of police files and poor file handling systems clearly hampered preparation.
- 5.10 To overcome these problems, case progression teams were established in the TUs and, more recently, vetting teams have been introduced in the CJUs. The Area should evaluate the effectiveness of the vetting teams regularly.
- 5.11 There is effective use of designated caseworkers (DCWs), although in Huddersfield Magistrates' Court, traffic cases regularly form part of the remand court lists (so that sessions have to be covered by lawyers). The Area is trying to overcome this in negotiation with the court.

### **Attendance at court (QSD2)**

- 5.12 We are satisfied that prosecutors generally attend court in time to deal with issues before the court commences. However, there is evidence that agents sometimes receive files at a late stage, thereby hindering a prompt start. Prosecutors use the retirement of magistrates during the proceedings effectively by reviewing new cases.
- 5.13 Caseworker coverage in the Crown Court is normally on a 1:1 ratio, enabling good levels of support to be provided to prosecuting counsel and witnesses. A duty lawyer scheme is in place and reviewing lawyers also attend where the circumstances warrant it in individual cases.

### **Accommodation (QSD4)**

- 5.14 Our timetable did not permit us to visit every magistrates' courts centre in the Area, but we were not told of any particular accommodation difficulties for the CPS. There are compact but secure CPS rooms at Leeds and Bradford Crown Court. Computer terminals are available at both, but their use is limited, at present, to tracing missing files.

## **6 VICTIMS AND WITNESSES**

### **Witnesses at court (QSD3)**

- 6.1 Our evidence indicates that witnesses are treated with proper consideration at court and receive a good level of support.
- 6.2 Good links are maintained between the Witness Service and the CPS at various levels across the Area. The service to vulnerable witnesses is improved through weekly joint operational meetings in the Crown Court and Leeds magistrates' courts. These meetings will soon be rolled out to all magistrates' courts across the Area.
- 6.3 Where witnesses are eligible, Special Measures are considered and used appropriately. Decisions about pleas and case progress are also routinely explained to witnesses. On the whole there are good facilities for witnesses at court, although the impact of trial listing in the magistrates' courts can undermine the quality of service provided.
- 6.4 Good levels of support are provided by the caseworkers and the observed quality of service provided by counsel to witnesses was exceptional. Phasing of witnesses should be extended beyond cases involving vulnerable witnesses, to improve the service given to all witnesses attending court.

### **Direct Communication with Victims (CAPI3)**

- 6.5 The Area has recently moved from the standard to the hybrid Direct Communication with Victims (DCV) model and a Victim Information Bureau (VIB) was established to cover all CJUs. This was in response to an independent evaluation report into the DCV arrangements and to address unsatisfactory overall performance. Timeliness of response has improved and systems are now in place to ensure that a greater proportion of qualifying cases are identified.
- 6.6 In discharged committals, the files go to the reviewing lawyer and/or senior manager who are responsible for taking the decision regarding re-instatement and, in turn, should draft the letter.
- 6.7 The VIB staff received the standard DCV training and the Area also commissioned a course provided by the Plain English Commission. CPS and police administrative staff are aware of the requirement to identify cases with an identifiable victim. However, some qualifying files that we examined were not marked with the victim stamp.
- 6.8 Senior managers, including the CCP, should continue to monitor the quality of letters to victims. We examined letters generated by the VIB and those prepared by the TU lawyers, who are responsible for composing responses in relevant Crown Court cases. The VIB letters were easier to understand and did not contain any typing errors, although they were somewhat formulaic. The letters drafted by TU lawyers were of variable quality and some lacked empathy, or consisted of long, complicated paragraphs and contained grammatical or typing errors.

### **Meetings with victims and relatives of victims (DCV5)**

- 6.9 There is a dedicated victim telephone line (with each DCV letter providing the number) and VIB staff handle the majority of calls. Meetings are offered in appropriate circumstances. A satisfactory victim suite is available in Leeds, but there are no dedicated facilities in Bradford or at the co-located units. The Area policy is to offer meetings over and above those required by the DCV scheme and the CCP has conducted some meetings personally.

### **Victims' Charter (CR2)**

- 6.10 The Area has a good relationship with the Witness Service and other members of the Victims and Witnesses Sub-Group to the LCJB, of which one of the level D managers is a key member. A Service Level Agreement for victims and witnesses is being revised by the Sub-Group and will be re-launched in June 2004. An analysis to identify any gaps in the service provided to victims and witnesses is being undertaken. It is accepted that there is still a substantial amount of work to be done, for example, to increase the use of Victim Personal Statements.

## 7 PERFORMANCE MANAGEMENT

### Performance standards (PM1)

- 7.1 Area Standards have been set for key aspects of casework and communicated to staff in all units. Casework Quality Assurance reviews and monitoring are carried out against these Standards.
- 7.2 Unit Heads undertake monthly Casework Quality Assurance testing for each lawyer. The assessments are documented and feedback is provided on individual performance. If problems recur, a good practice note is issued for all unit staff.

#### Strengths

- \* Area Standards against which performance is monitored.

### Performance monitoring (PM2)

- 7.3 Targets for performance are set in the Business Plans for both the Area and the units. The monitoring regime includes a monthly performance pack covering key performance data for each unit, and the Area as a whole. This is reviewed by the AMB, with focus being placed on particular aspects of performance each month.
- 7.4 Unit Heads produce quarterly Unit Performance Reports for discussion with the CCP and ABM. These discussions centre on the issues identified in the report and provide the opportunity for comment on good performance and the aspects for improvement. The Reports have a clear link to the Area Business Plan, Certificate of Assurance and Risk Register, providing a comprehensive view of the unit's contribution towards meeting the demands made of the Area.
- 7.5 Each unit has a dedicated Performance Manager who collects and collates data before providing returns to the Area Secretariat. Their role is to deal with all non-casework issues, thereby enabling lawyers and caseworkers to concentrate on case management and progression.
- 7.6 Although the units generate similar data, the collection systems and management information reports produced vary. The systems at Leeds CJU are the most developed in building information up from the individual to the team and then the unit, so providing a clear picture of performance at all levels and allowing specific problems to be identified and addressed.
- 7.7 A large amount of performance data is collected, but not all of it is subjected to detailed analysis. The Area is developing a uniform system (to be introduced from April 2004) which will identify the core data needed, streamline collection processes, maximise the use of new IT systems and agree a suite of management reports.

### **Strengths**

- \* Linkage between the Risk Register, Certificate of Assurance and the Area Business Plan to quarterly Unit Performance Reports.
- \* Leeds CJU performance monitoring system.

### **Joint performance management (PM3)**

- 7.8 Targets have been set for the achievement of the objectives in the LCJB Delivery Plan. Information is obtained from the various agencies and collated by the CJS Area Performance Officer in a monthly performance report to the Board. This has resulted in a greater emphasis on joint agency work at a senior level, together with a wider acceptance of collective responsibility for performance.
- 7.9 A hierarchy of groups has been established to monitor performance and drive delivery. These are:
- \* the Board consisting of the Chief Officers of each organisation;
  - \* the Delivery Group, which is the main operational group, comprising of senior managers;
  - \* the District Operational Groups: five Groups each representing a court district comprising of operational managers with responsibility for day-to-day delivery of the prosecution process.
- 7.10 There is, therefore, a comprehensive delivery and performance monitoring regime in place, ensuring analysis, review, action and future planning is addressed at all levels. These systems provide a clear reporting structure and reflect the LCJB focus on performance.

### **Risk management (PM4)**

- 7.11 The key risks to the delivery of the Area Business Plan have been identified in the Risk Register and counter-measures have been identified. These have also been cross-referenced to the aspects commented upon in the quarterly Unit Performance Reports. These Reports review performance and therefore, by default, the effectiveness of risk management is included in the process. Failure to meet agreed performance targets will result in the adequacy of current strategies and counter-measures being reviewed and upgraded if necessary. Alternatively, the level of risk to be tolerated is adjusted.

### **Continuous improvement (PM5)**

- 7.12 A strong commitment to continuous improvement exists in the Area, as illustrated by:
- \* use of the Business Excellence Model;
  - \* local inspections and audits;
  - \* CCP involvement in dealing with complaints;
  - \* Casework Quality Assurance reviews by Unit Heads.

- 7.13 Current systems provide feedback at an individual, team and unit level with action being taken to address issues identified. These processes also link into Performance Reports and Unit Head meetings with CCP and ABM
- 7.14 Additionally the AMB and the Unit Management Teams, through their reviews of performance, identify areas for improvement and make decisions on how they will be addressed. Where performance issues have been highlighted, the AMB has commissioned ad hoc reviews to collect evidence, provide an evaluation and make recommendations on how to proceed.
- 7.15 We saw evidence while on-site of performance data being used effectively to identify strengths and aspects for improvement. Where improvement is required, the relevant Area Standard is updated, communicated to staff and thereafter becomes the benchmark against which future performance is monitored.

**Strengths**

- \* Actions taken to secure continuous improvement.

**Accounting for performance (PM6)**

- 7.16 Evidence exists of clear lines of accountability from the Unit Heads to the AMB. This is re-inforced by a strong performance monitoring framework and allocation of individual responsibility for the completion of tasks set out in the ABP.

## **8 PEOPLE MANAGEMENT AND RESULTS**

### **Human resource planning (P1)**

- 8.1 Deployment of human resources is activity cost based and agreed at the start of the year, with regular reviews by the AMB. The Board considers succession planning, known changes and future needs, but the available budget dictates the overall staff complement.

### **Staff structure (P2)**

- 8.2 The Area is divided into four semi-autonomous units: Bradford CJU (which includes the co-located units at Bradford North, Bradford South, Halifax and Huddersfield), Leeds CJU (including the co-located unit at Wakefield), Bradford TU and Leeds TU.
- 8.3 The AMB reviews the deployment of staff regularly, on the basis of cases received and finalised, staff-in-post figures and weighted case output data. The Area structure is evolving to meet the demands of changes in working practice brought about by co-location and charging.
- 8.4 The Area Secretariat has a full range of functions including communications, facilities management, resources and performance monitoring, and the provision of support to project managers handling change programmes.

### **Staff development (P3)**

- 8.5 Of the Area staff who responded to the 2002 Staff Survey, only 36% felt that there was sufficient opportunity to improve their skills in their current role and only 29% felt that they had opportunities for personal development and growth within the CPS. The Area has taken action to address these issues and now has sound structures to ensure that needs are identified and training delivered. Details of training opportunities are sent to all staff on a quarterly basis and the onus is on individuals to approach their line manager if they wish to take advantage of them.
- 8.6 Examples were seen of a pro-active approach being adopted by the Area in respect of staff development. This was confirmed by staff consulted, who were content that their development needs are now being met. In particular, recent changes have resulted in the appointment of several new managers. The Area has provided a comprehensive training programme for these staff and refresher training for all existing managers.
- 8.7 Positive steps have also been taken to support staff in adapting to the new case management system, Compass, and to improve IT literacy generally.
- 8.8 Quarterly Training and Development Reports are produced covering details of training provided, numbers of staff involved and an evaluation of the course with a summary of the business benefits. Where a course has not provided the anticipated benefits, action is taken to adjust the content or seek a better alternative.

- 8.9 The Area has undergone considerable change leading to the movement of staff, particularly managers, between the various units. A formal rotation policy is not in place, but it is anticipated that the move to teams aligned to police divisions dealing with all but the most serious crime, will allow staff to be exposed to a fuller range of duties.

#### **Strengths**

- \* Pro-active approach to staff development, particularly managers.
- \* Evaluation of training against business benefits.

#### **Performance review (P4)**

- 8.10 All staff consulted had a Forward Job Plan. Individual objectives were a mixture of job specific, local target-related and for personal development. Unit and team performance is reviewed at regular meetings, with individual performance also being considered at regular intervals as part of the Performance Appraisal processes.
- 8.11 The return rate for appraisal reports in the 2002-03 cycle (as at 31 October 2003) was 90%. The consensus of staff was that appraisals accurately reflect performance. In addition, they felt that individual good performance is recognised and commented on both by colleagues and managers.

#### **Management involvement (P5)**

- 8.12 Information is cascaded to staff through a hierarchy of unit and team meetings. Staff are aware of what is happening, not just in their own unit or section, but in the Area as a whole. They generally feel able to raise concerns freely with managers and receive feedback about any action taken. They also consider that their views and opinions are sought on proposed changes.
- 8.13 In addition to communication via the management chain, alternative channels exist through which staff exchange information, namely:
- \* notice boards;
  - \* a newsletter;
  - \* regular Whitley Council meetings;
  - \* use of ad hoc newsletters to promote specific topics; and
  - \* use of staff focus groups and cadre meetings.
- 8.14 Both the CCP and ABM attend staff focus groups and cadre meetings. As these are outside the normal management lines of communication, they provide a valuable opportunity to engage with staff, explain their vision and plans for the Area and seek feedback and ideas.



### **Good employment practice (P6)**

- 8.15 The Area is committed to putting into practice the corporate CPS employment policies. A Service Level Agreement with the Service Centre allocates responsibilities for all personnel functions.
- 8.16 Staff are aware of the various family-friendly policies and confident that they can discuss such issues with their managers. They feel that their personal circumstances and working preferences are given proper consideration.
- 8.17 Sickness levels in the Area appear to be falling. For the year ended 31 December 2001 (the date of the last officially published figures) the average was 10.6 working days per employee, as against the target of 8.8 days and a national average of 9.6 days. More recent figures produced by the Area for April - October 2003 show an improved average of 9.4 working days per employee.
- 8.18 The Area undertakes pro-active management of sick leave with advice and support provided by the Service Centre and Human Resources Manager. Printouts are sent to Unit Heads for staff who have reached absence trigger levels, so that action can be taken in accordance with the CPS Personnel Manual.

### **Equality and diversity (P7)**

- 8.19 The Area is committed to meeting equality and diversity standards. It participates fully in recruitment and information events, including those aimed at minority ethnic communities, promoting the CJS agencies as employers of choice. Customised disability equality training has been delivered, although the need for more work to be undertaken with community disability groups has been highlighted and will be taken forward by the regional Equality and Diversity Officer.

### **Health and safety (P8)**

- 8.20 The security and safety of staff is protected by access controls at each of the Area's offices. There are concerns about the cramped nature of CPS accommodation at some co-located sites and the implications for staff comfort. Responsibility for health and safety is, at present, generally seen as an additional function for certain members of staff with other responsibilities, rather than as an important role in itself. Our evidence also suggests that greater significance is attached to such issues at some sites compared to others.

## 9 MANAGEMENT OF FINANCIAL RESOURCES

### Staff financial skills (MFR1)

- 9.1 All relevant staff have received financial management training. The ABM is responsible for the overall management of the budget, reporting to the CCP. The Area Budget and Performance Manager in the Secretariat carries out day-to-day monitoring and prepares the various financial management reports.

### Adherence to financial guidelines (MFR2)

- 9.2 The Area is including specified proceedings in its casework data contrary to CPS accounting rules - this can give an Area or a unit an exaggerated claim on resources. Whilst the Area may be doing work on managing, discontinuing, or presenting some of these cases, its involvement is voluntary and not part of its statutory duties. These cases should generally remain with police until the CPS takes them over in accordance with the statutory provisions.

#### RECOMMENDATION

**The ABM and CCP ensure that specified proceedings are not included in the Area's caseload statistics, and clarify with police and the magistrates' courts the role of the CPS in specified proceedings.**

### Budgetary controls (MFR3)

- 9.3 Resources are allocated to each unit and a framework is in place ensuring that Unit Heads are accountable for their budgets. They receive monthly financial reports and are asked to provide projections for the coming month along with details of any adjustments that they wish to make between budget heads. The Budget and Performance Manager conducts quarterly in-depth reviews of each unit's financial management reports.

#### Strengths

- \* Budgetary control system, including quarterly in-depth reviews.

### Management of prosecution costs (MFR4)

- 9.4 Expenditure on prosecution costs is managed appropriately and controlled. The budget outturn projection (as at 23 February 2004) for prosecution costs was £4,540,054, representing 96% of that budget head of £4,749,995.

### Value for money approach (MFR5)

- 9.5 The AMB makes the key financial decisions for the Area. Where there are competing demands for resources, it considers which represent best value for money. The current financial and performance management regimes allow the AMB to assess accurately the resources available, costs incurred, future liabilities and expected outputs.

## **10 PARTNERSHIPS AND RESOURCES**

### **CJS partnerships (P&R1)**

- 10.1 We received positive feedback about the CPS contribution to liaison within the local CJS. There is now a more joined-up approach, building on long-standing good working relationships between local CJS counterparts. Specifically, however, there needs to be better integration of CPS and police processes at some co-located sites.

### **CJS agencies (KPR8)**

- 10.2 There is a clear appreciation of the need to work together within the local CJS, rather than pursue potentially conflicting objectives. The Area Business Plan commits the CPS to gather information in relation to the activities of CJS partners whose work impacts on that of the CPS, and also to consider the consequences of the delivery of its plans for those partners.

### **Improving local CJS performance (CR4)**

- 10.3 The District Operational Groups, feeding into the LCJB, have become more focussed recently and should be more productive as a result. The monthly reporting cycle on all issues was counter-productive and has now been restricted to one chosen topic.

### **Information technology (P&R2)**

- 10.4 The Area was one of the first to pilot the new national CPS case management system (Compass). At the time, development of the system was in its relatively early stages and its functionality was limited - making it difficult and frustrating to use. The current version is greatly improved and considerable effort locally has gone into encouraging and supporting staff to adapt to the new system.

### **Buildings, equipment and security (P&R3)**

- 10.5 The Area's estate is well managed and the quality of accommodation available to CPS staff at most of the co-located units is relatively good. There is a detailed Business Continuity Plan for each office, including the Service Centre. Deficiencies in security arrangements that were identified in a recent audit have been addressed.

### **Partnership with Headquarters and the Service Centre (P&R4)**

- 10.6 The Area enjoys good working relationships with CPS Headquarters Directorates and has been at the fore in piloting important national initiatives and providing feedback on policy proposals. There is also a good relationship with the Service Centre. Service Centre staff are included in Area training events and also offered temporary job opportunities at Area offices to broaden their experience.

## 11 POLICY AND STRATEGY

### Stakeholders (P&S1)

- 11.1 The Area Business Plan takes into account both the objectives set for the CPS and those set by the LCJB based on the Government's Public Service Agreement (PSA) targets. The Area Management Board takes the lead in discussing relevant issues and deciding how targets can be met, taking into account current performance levels, organisation and structure, and known changes or initiatives that will impact upon the Area.
- 11.2 As part of this process, the commitment of all managers was obtained at a specially convened conference when the initial draft of the Plan for 2004-05 was drawn up. After refinement, the Plan will be agreed in principle by the AMB, before being presented to the level D and level B managers and discussed at their cadre meetings.

#### Strengths

- \* Staff involvement in the development of the Area Business Plan.

### Performance measurement (P&S2)

- 11.3 Both the Area and LCJB performance management systems have clear, well defined reporting arrangements, to ensure that issues of concern are identified, discussed and decisions taken on future action.

### Review (P&S3)

- 11.4 The AMB takes the lead in the development of policy and strategy and reviews current performance before taking decisions about any changes needed.

### Communication and implementation (P&S5)

- 11.5 Progress on the implementation of the Area Business Plan is reviewed by the AMB throughout the year. Information is cascaded to staff by the Unit Heads at unit and or team meetings.
- 11.6 The AMB oversees and co-ordinates the various change initiatives. A systematic project-based approach is adopted to change management, with staff contributing to the process through open meetings. They are involved in the various working groups convened to develop operational systems, thereby enhancing their sense of ownership and responsibility.
- 11.7 Current change initiatives all contribute towards the general aim of narrowing the justice gap, as set out in the LCJB Delivery Plan. CJS partners keep up to date with progress and are able to assess the impact of changes on their systems and processes.

#### Strengths

- \* Management of change.

## **12 PUBLIC CONFIDENCE**

### **Complaints (CR1)**

- 12.1 There is a strong culture of prompt, detailed response to complaints and the CCP has provided a clear lead on transparency and accountability. There is a tiered system, with the CCP responding personally to all escalated complaints. The letters that we examined were characterised by their high level of openness and completeness. Responses are monitored to ensure that they meet appropriate standards and that staff learn lessons where appropriate. The complaints we examined were less timely by way of response than the Area's overall self-assessed figures.

#### **Strengths**

- \* The quality of response to complaints.

### **Minority ethnic communities (CR5)**

- 12.2 An externally facilitated conference to test the confidence of minority ethnic staff was held in February 2004 and the Area contributes to a minority ethnic publication. Positive action has included securing a paid work placement to assist a local organisation seeking suitable employment for minority ethnic graduates. There are good strategic and operational links with minority community groups. These could be enhanced, however, through better dissemination to staff of information that has been gathered and analysed.

### **Safeguarding children (CR7)**

- 12.3 We have already highlighted the Area's good performance in dealing with offences against children. Cases are allocated to experienced specialists and timely applications for protective measures to assist children when giving evidence are made. Appropriate Area staff also participate in joint child protection initiatives with local CJS counterparts. Youth case specialist lawyers ensure that alternative options for diversion are explored fully before young offenders are prosecuted.

### **Community engagement (CR6 and SR1)**

- 12.4 The Area is aware of the need to increase understanding of its role and has demonstrated a commitment to community engagement. There is considerable joint activity and the number of representative groups engaged is extensive, as well as involvement with local universities and schools, extensive work placements and mentoring. There is also a strong partnership with a local domestic violence support group.

### **Media engagement (SR2)**

- 12.5 The CCP is pro-active in his dealings with the local media and has taken advantage of many opportunities to speak about the CPS role and comment on local criminal justice issues. The ‘phone-in’ on public confidence in which he participated was particularly well received.
- 12.6 The recently appointed Communications Manager has drafted a commendable communication strategy running up to 2006. It incorporates the community engagement and media strategies and has appropriate measures for success. The Area has also established its own website.
- 12.7 There is reliance on the CCP, as chair of the LCJB, for communicating with CJS partners. The Board has a communication strategy and a media protocol, but there remains a need for a joint CJS strategy to engage the public. Work has already been undertaken by the Communication Sub-Group to progress matters.

#### **Strengths**

- \* The pro-active approach towards engaging with the local media.

### **Public confidence (SR3)**

- 12.8 A multi-agency witness satisfaction survey is undertaken twice yearly and the results are fed back to the LCJB. The Board also places substantial reliance on the local indications provided by the national crime survey. In addition, the CCP has provided a clear lead in terms of ensuring that complaints are dealt with appropriately and that any lessons are learned.

## **13 LEADERSHIP AND GOVERNANCE**

### **Vision and values (L&G1)**

- 13.1 The CCP and ABM attach great importance to explaining to staff the aims and objectives of the Area and how they are able to contribute towards meeting them. This has been achieved through the use of an Area newsletter, meetings with individuals and groups, and by establishing topic-specific working groups.
- 13.2 A clear link exists between the Area Business Plan and individual performance objectives. The Area's management structure is conducive to achieving its objectives and co-operation with other CJS agencies is generally good.

### **Staff recognition (L&G2)**

- 13.3 General formal feedback on the performance of individual members of staff is provided in annual appraisal reports. The Staff Survey (2002) highlighted some importance aspects for improvement with regard to the interaction between managers and staff, and an Action Plan was developed. The majority of those consulted felt that, generally, managers are now significantly better at motivating staff, recognising achievements and providing support.

### **Management structure (L&G3)**

- 13.4 The Area Management Board sets the strategic direction and acts as the key decision-making body for the Area. It comprises the CCP, ABM and the Unit Heads. The Area Business Plan sets out clearly individual responsibilities for the specific activity needed to deliver key priorities and ensure that performance meets the agreed targets and standards.
- 13.5 The Unit Management Teams replicate the role of the AMB. They are responsible for unit performance and provide a quarterly Performance Report for discussion with the CCP and ABM.

### **Organisational structure (L&G4)**

- 13.6 There is a common understanding about the shortcomings of the existing structure and all staff were given the opportunity to put forward ideas for re-organisation. There is widespread support for the proposed pyramid structure, which is scheduled for introduction in October 2004. The proposals are well thought-out and clearly have the potential to address the deficiencies in casework performance that we have highlighted.
- 13.7 Under the proposed new structure, there will be a small unit dealing with the most complex casework, which will take time-consuming cases out of the divisional teams. The divisional teams will handle the remaining Crown Court cases and contested magistrates' courts cases. Below that, the designated caseworkers will deal with uncontested magistrates' courts cases.

- 13.8 The new structure will ensure that prosecutors can develop and retain the skills necessary to deal effectively with all types of cases that they are likely to encounter. There will also be a clearer alignment with the police divisions. Continuity and accountability will also be improved, since individual prosecution teams will be able to handle cases from charge to finalisation.

**Action plans (L&G5)**

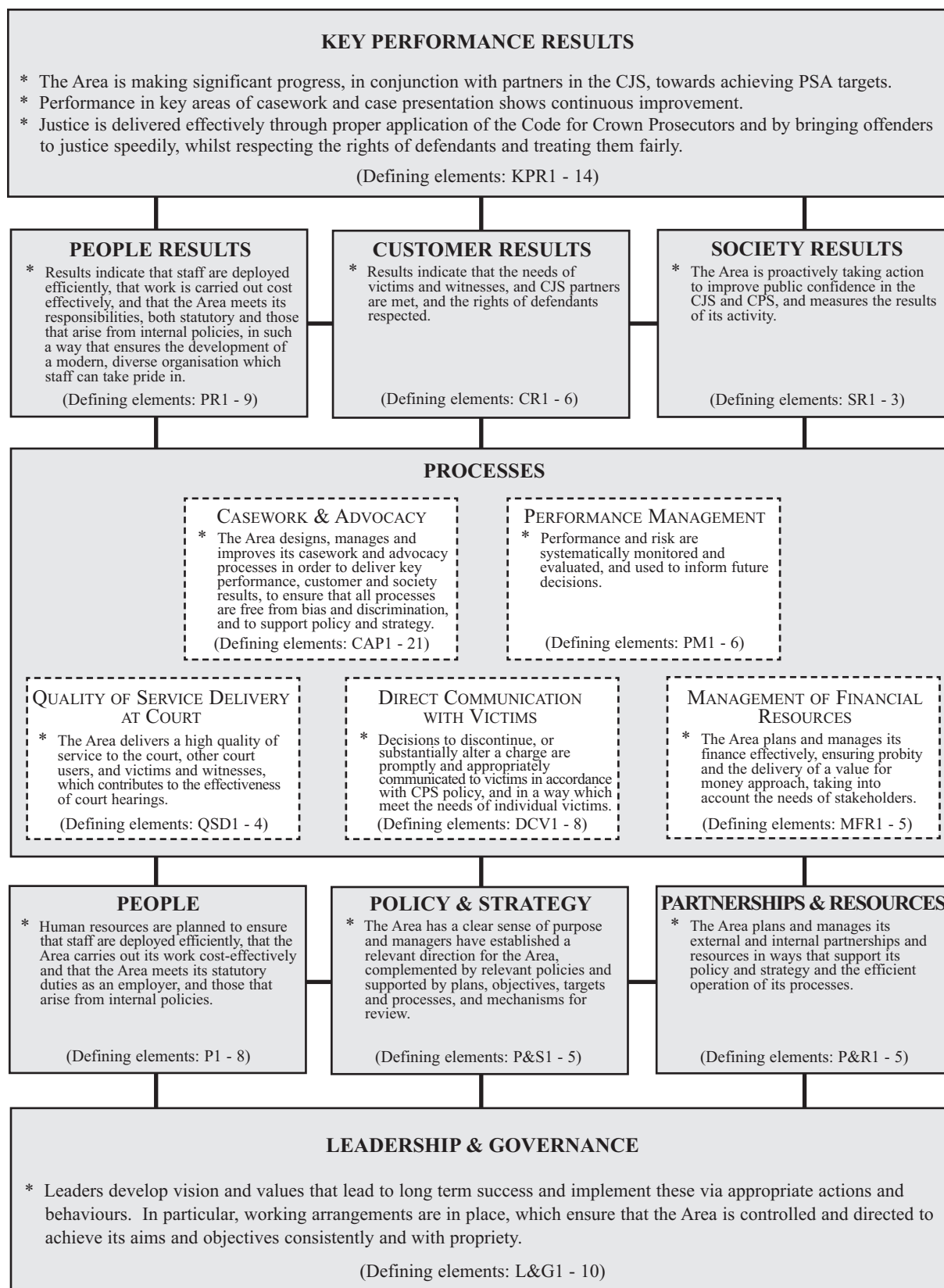
- 13.9 At an Area level, the Area Business Plan sets out action needed in order to meet strategic priorities, and individual members of the AMB are allocated responsibility for delivery of specific actions. Working and focus groups, involving staff at all levels, are established to plan and deliver operational change. Progress is reported to AMB meetings and decisions are made on any adjustments needed to the existing strategy.
- 13.10 The LCJB has a number of plans which set out the key priorities. The Board meets quarterly to review progress and to decide if any amendments to its plans are necessary.

**Criminal justice system co-operation (L&G6)**

- 13.11 Key to achieving the aims of the CJS are the initiatives set out in the LCJB Delivery Plan. They cover all aspects of the CJS process and include cross-agency working. In each, the priorities, targets, responsibilities, actions and monitoring mechanisms are clear. The CPS contributes to all these initiatives with resources being made available to allow full participation.
- 13.12 The Area has a high profile in the LCJB and the CCP acts as chair. There is also appropriate CPS representation on the Delivery Group and the local District Operational Groups.



**BUSINESS EXCELLENCE MODEL INSPECTION MAP**



**KEY REQUIREMENTS AND INSPECTION STANDARDS****CASEWORK (Chapter 4)**

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**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**

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**Advice to police (CAP1)**

*Standard:* early consultation, and charging advice are dealt with appropriately in a timely way, and in accordance with Code tests, CPS policy and local protocols, and advice is free from bias and discrimination.

**Cases ready to proceed at first date of hearing (CAP2)**

*Standard:* joint CPS/police processes ensure cases ready to proceed at first date of hearing and that casework decisions are free from bias and discrimination.

**Bail/custody applications (CAP3)**

*Standard:* joint CPS/police processes ensure appropriately informed bail/custody applications are made and decisions are free from bias and discrimination.

**Discontinuances in magistrates' courts (CAP4)**

*Standard:* discontinuances in magistrates' courts or Crown Court are based on all available material and are timely.

**Summary trial preparation (CAP5)**

*Standard:* summary trial processes ensure that the pre-trial review (if there is one) and trial dates are effective hearings.

**Committal and Crown Court case preparation (CAP6)**

*Standard:* Area processes for cases "sent" or committed for trial to the Crown Court ensure that:

- a) service of the prosecution case on the defence takes place within agreed time periods before committal/plea and directions hearing (PDH);
- b) prosecution has taken all necessary steps to make the PDH and trial date effective; and
- c) prosecutor is fully instructed.

**Disclosure of unused material (CAP7)**

*Standard:* disclosure is full and timely and complies with CPIA and CPS policy and operational instructions in both the magistrates' courts and Crown Court.

**Sensitive cases (CAP8)**

*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.

**File/message handling (CAP9)**

*Standard:* file/message handling procedures support timely casework decisions and actions in both the magistrates' courts and Crown Court.

**Custody time limits (CAP10)**

*Standard:* systems are in place to ensure compliance with statutory and custody time limits in both the magistrates' court and Crown Court.

**Joint action to improve casework (CAP11)**

*Standard:* Area has effective processes and partnerships with other agencies to improve timeliness and quality of casework review and preparation for both the magistrates' court and Crown Court and that partnership decisions reflect the general duty under the Race Equality Scheme.

**National Probation Service and Youth Offending Teams (CAP12)**

*Standard:* the provision of information to the Probation Service is timely and enables the production of accurate reports free from discrimination and bias.

**Youth cases (CAP13)**

*Standard:* youth cases are dealt with in a timely way (in particular persistent young offenders) and in accordance with CPS policy and in a manner which is free from bias and discrimination.

**Appeal and committal for sentence processes (CAP14)**

*Standard:* appeal and committal for sentence processes ensure appeal/sentence hearings are fully prepared and presented.

**Appeals against unduly lenient sentences (CAP15)**

*Standard:* submissions to the Attorney General of potential references to the Court of Appeal against unduly lenient sentences are made in accordance with CPS policy and current sentencing guidelines, and are free from bias and discrimination.

**Recording of case outcomes (CAP16)**

*Standard:* recording of case outcomes and archiving systems are efficient and accurate.

**Information on operational and legal issues (CAP17)**

*Standard:* information on operational and legal issues is efficiently and effectively disseminated.

**Readiness for court (CAP18)**

*Standard:* joint CPS, police and court systems ensure files are delivered to the correct court in a timely manner and are ready to proceed.

**Learning points (CAP21)**

*Standard:* learning points from casework are identified and improvements implemented.

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**ADVOCACY AND QUALITY OF SERVICE DELIVERY (Chapter 5)**

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**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**

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**Advocacy standards and monitoring (CAP19)**

*Standard:* selection and monitoring of advocates in the magistrates' courts and 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.

**Court endorsements (CAP20)**

*Standard:* court endorsements are accurate and thorough and timely actions are taken as a result.

**Court preparation (QSD1)**

*Standard:* preparation for court is efficient and enables business to proceed and progress.

**Attendance at court (QSD2)**

*Standard:* staff attendance at court is timely and professional, and the correct levels of support are provided.

**Accommodation (QSD4)**

*Standard:* the CPS has adequate accommodation at court and there are sufficient facilities to enable business to be conducted efficiently.

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## **VICTIMS AND WITNESSES (Chapter 6)**

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### **KEY REQUIREMENTS:**

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

### **Witnesses at court (QSD3)**

*Standard:* witnesses are treated with consideration at court and receive appropriate support and information.

### **Direct Communication with Victims (CAP13)**

*Standard:* victims are informed of decisions to discontinue or change charges in accordance with CPS policy on Direct Communication with Victims.

### **Meetings with victims and relatives of victims (DCV5)**

*Standard:* meetings are offered to victims and relatives of victims in appropriate circumstances, staff are adequately prepared and full notes are taken.

### **Victims' Charter (CR2)**

*Standard:* results indicate that the needs of victims and witnesses are consistently met in accordance with the Victims' Charter.

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## **PERFORMANCE MANAGEMENT (Chapter 7)**

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

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### **Performance standards (PM1)**

*Standard:* performance standards are set for key aspects of work and communicated to staff.

### **Performance monitoring (PM2)**

*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.

### **Joint performance management (PM3)**

*Standard:* systems are in place for the management of performance jointly with CJS partners.

#### **Risk management (PM4)**

*Standard:* risk is kept under review and appropriately managed.

#### **Continuous improvement (PM5)**

*Standard:* the Area has developed a culture of continuous improvement.

#### **Accounting for performance (PM6)**

*Standard:* the Area is able to account for performance.

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### **PEOPLE MANAGEMENT AND RESULTS (Chapter 8)**

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#### **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**
- 

#### **Human resource planning (P1)**

*Standard:* human resource needs are systematically and continuously planned.

#### **Staff structure (P2)**

*Standard:* staff structure and numbers enable work to be carried out cost effectively.

#### **Staff development (P3)**

*Standard:* staff capabilities are identified, sustained and developed.

#### **Performance review (P4)**

*Standard:* staff performance and development is continuously reviewed and targets agreed.

#### **Management involvement (P5)**

*Standard:* management has an effective dialogue with staff and fosters a climate of involvement.

**Good employment practice (P6)**

*Standard:* management meets its statutory obligation as an employer and demonstrates good employment practice.

**Equality and diversity (P7)**

*Standard:* action has been taken to implement CPS equality and diversity initiatives and all staff are treated equally and fairly.

**Health and safety (P8)**

*Standard:* mechanisms are in place to address requirements under health and safety legislation.

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**MANAGEMENT OF FINANCIAL RESOURCES (Chapter 9)**

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**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**

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**Staff financial skills (MFR1)**

*Standard:* the Area has the appropriate structure and staff with the necessary skills to plan and manage finance.

**Adherence to financial guidelines (MFR2)**

*Standard:* the Area complies with CPS rules and guidelines for financial management.

**Budgetary controls (MFR3)**

*Standard:* the Area has effective controls to facilitate an accurate appreciation of its budgetary position for running costs.

**Management of prosecution costs (MFR4)**

*Standard:* prosecution costs are effectively managed and represent value for money.

**Value for money approach (MFR5)**

*Standard:* the Area demonstrates a value for money approach in its financial decision-making.

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## **PARTNERSHIPS AND RESOURCES (Chapter 10)**

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**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**

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### **CJS partnerships (P&R1)**

*Standard:* partnerships with other CJS agencies are developed and managed.

### **CJS agencies (KPR8)**

*Standard:* partnerships with other CJS agencies are improving quality and timeliness of casework and ensure that decisions are free from bias.

### **Improving local CJS performance (CR4)**

*Standard:* CJS partners are satisfied with the contribution the CPS makes to improving local Area performance.

### **Information technology (P&R2)**

*Standard:* information technology is deployed and used effectively.

### **Buildings, equipment and security (P&R3)**

*Standard:* the Area manages its buildings, equipment and security effectively.

### **Partnership with Headquarters and the Service Centre (P&R4)**

*Standard:* the Area has a good working partnership with Headquarters Departments and the Service Centre.

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## **POLICY AND STRATEGY (Chapter 11)**

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**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**

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### **Stakeholders (P&S1)**

*Standard:* policy and strategy are based on the present and future needs and expectations of stakeholders.

### **Performance measurement (P&S2)**

*Standard:* policy and strategy are based on information from performance measurement, research and related activities.



**Review (P&S3)**

*Standard:* policy and strategy are developed, reviewed and updated.

**Framework of key processes (P&S4)**

*Standard:* policy and strategy are developed through a framework of key processes.

**Communication and implementation (P&S5)**

*Standard:* policy and strategy are communicated and implemented.

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**PUBLIC CONFIDENCE (Chapter 12)**

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**KEY REQUIREMENTS:**

- \* THE AREA IS PRO-ACTIVELY 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
- 

**Complaints (CR1)**

*Standard:* complaints are effectively managed to increase satisfaction and confidence.

**Minority ethnic communities (CR5)**

*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.

**Safeguarding children (CR7)**

*Standard:* the Area safeguards children through its casework performance and compliance with CPS policy in relation to cases involving child abuse and work through with other agencies, including the Area Child Protection Committee(s).

**Community engagement (CR6)**

*Standard:* the Area has appropriate levels of engagement with the community.

**Media engagement (SR2)**

*Standard:* the Area engages with the media.

**Public confidence (SR3)**

*Standard:* public confidence in the CJS is measured, evaluated and action taken as a result.

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## **LEADERSHIP AND GOVERNANCE (Chapter 13)**

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**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**

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### **Vision and values (L&G1)**

*Standard:* vision and values are developed and support a culture of continuous improvement.

### **Staff recognition (L&G2)**

*Standard:* managers actively motivate, recognise and support their staff.

### **Management structure (L&G3)**

*Standard:* the Area has developed an effective management structure to deliver Area strategy and objectives.

### **Organisational structure (L&G4)**

*Standard:* the Area has developed an effective organisational structure to deliver Area strategy and objectives.

### **Action plans (L&G5)**

*Standard:* effective plans of action, which identify key issues, and which reflect CPS and CJS strategic priorities, and local needs, are in place.

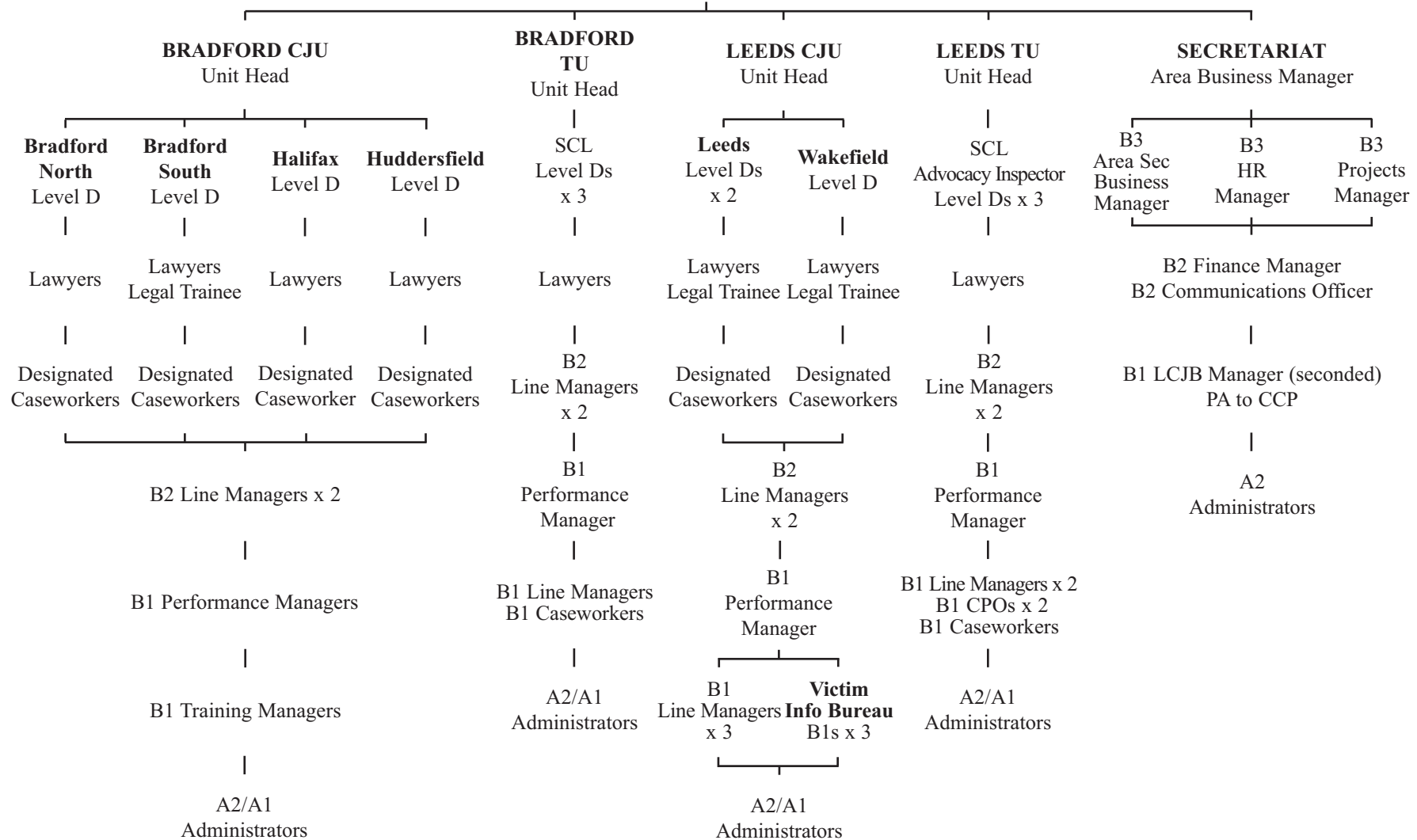
### **Criminal justice system co-operation (L&G6)**

*Standard:* the Area co-operates with others in achieving aims set for the criminal justice system.

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# CPS WEST YORKSHIRE STAFF STRUCTURE

CHIEF CROWN PROSECUTOR



## AREA CASELOAD FOR YEAR TO DECEMBER 2003

Types of case - Magistrates' Court	West Yorkshire		National	
	Number	Percentage	Number	Percentage
Advice	17,734	20.1	116,941	7.9
Summary motoring	11,627	13.2	386,933	26.1
Summary non-motoring	23,025	26.1	338,450	22.8
Either way & indictable	34,528	39.2	624,339	42.1
Other proceedings	1,225	1.4	15,248	1.0
<b>Total</b>	<b>88,139</b>	<b>100</b>	<b>1,481,911</b>	<b>100</b>

Completed cases - Magistrates' Court	West Yorkshire		National	
	Number	Percentage	Number	Percentage
Hearings	46,951	67.9	996,770	73.9
Discontinuances	14,132	20.4	164,693	12.2
Committals	4,896	7.1	96,680	7.2
Other disposals	3,201	4.6	91,578	6.8
<b>Total</b>	<b>69,180</b>	<b>100</b>	<b>1,349,721</b>	<b>100</b>

Case results - Magistrates' Court	West Yorkshire		National	
	Number	Percentage	Number	Percentage
Guilty pleas	37,357	78.7	796,973	79.2
Proofs in absence	7,515	15.8	143,838	14.3
Convictions after trial	2,096	4.4	46,813	4.7
Acquittals: after trial	420	0.9	15,844	1.6
Acquittals: no case to answer	106	0.2	2,565	0.3
<b>Total</b>	<b>47,494</b>	<b>100</b>	<b>1,006,033</b>	<b>100</b>

Types of case - Crown Court	West Yorkshire		National	
	Number	Percentage	Number	Percentage
Indictable only	1,963	36.3	40,654	31.9
Either way: defence election	528	9.8	14,011	11.0
Either way: magistrates' direction	1,651	30.5	41,955	32.8
Summary: appeals; committals for sentence	1,262	23.4	30,973	24.3
<b>Total</b>	<b>5,404</b>	<b>100</b>	<b>127,593</b>	<b>100</b>

Completed cases - Crown Court	West Yorkshire		National	
	Number	Percentage	Number	Percentage
Trials (including guilty pleas)	3,481	84.0	79,823	82.6
Cases not proceeded with	542	13.1	13,742	14.2
Bind overs	33	0.8	1,127	1.2
Other disposals	86	2.1	1,921	2.0
<b>Total</b>	<b>4,142</b>	<b>100</b>	<b>96,613</b>	<b>100</b>

Case results - Crown Court	West Yorkshire		National	
	Number	Percentage	Number	Percentage
Guilty pleas	2,823	78.6	60,132	73.6
Convictions after trial	472	13.2	13,168	16.1
Jury acquittals	255	7.1	6,880	8.4
Judge directed acquittals	41	1.1	1,574	1.9
<b>Total</b>	<b>3,591</b>	<b>100</b>	<b>81,754</b>	<b>100</b>

## TABLE OF RESOURCES AND CASELOADS

<b>AREA CASELOAD/STAFFING CPS WEST YORKSHIRE</b>		
	<b>February 2004</b>	<b>February 2001</b>
Lawyers in post (excluding CCP)	117.7	87.9
Cases per lawyer (excluding CCP) per year	748.8	924.5
Magistrates' courts contested trials per lawyer (excluding CCP)	22.3	17.6
Committals for trial and "sent" cases per lawyer (excluding CCP)	35.2	51
Crown Court contested trials per lawyer (excluding CCP)	6.5	8.6
Level B1, B2, B3 caseworkers in post	77.8	54
Committals for trial and "sent" cases per caseworker	53.2	83
Crown Court contested trials per caseworker	9.9	13.9
Running costs (non ring fenced)	£12,760,000	£9,772,628

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

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

	<b>RECOMMENDATIONS</b>	<b>POSITION IN MARCH 2004</b>
<b>R1</b>	Area managers should ensure that CJUs which are not co-located retain an adequate record of the evidence and information on which advice is based, as well as the advice itself, to enable any subsequent queries to be dealt with and to allow effective monitoring of the quality of advice.	Achieved. We examined 31 cases and an adequate record of the evidence was kept in all but one.
<b>R2</b>	Area managers should take steps to ensure that advice cases are monitored in accordance with Area procedures, to ensure that advice to the police is provided within agreed national guidelines.	Partially achieved. Advice is generally timely, but is sometimes delayed significantly. The frequency with which formal advice will be required will diminish significantly as the new charging scheme takes effect.
<b>R3</b>	The CCP takes urgent action to ensure that the procedures for reviewing cases quickly identify those which are to be terminated so that appropriate action can be taken at the earliest opportunity.	Partially achieved. Measures have been introduced to improve timeliness, but only 72.9% of cases were discontinued at the earliest appropriate opportunity in our file sample.
<b>R4</b>	Area managers should monitor the standard of file endorsements against the recently introduced Area Standard to ensure that endorsements accurately record all aspects of review and case progress.	Achieved. The quality of review endorsements has improved significantly.
<b>R5</b>	Area managers should liaise with the police with a view to securing more timely preparation of committal files; in addition, the Area should monitor the proportion of cases where committal documents are served on, or shortly before, the day fixed for committal.	Partially achieved. There have been improvements, but timeliness of committal preparation remains an issue.

	<b>RECOMMENDATIONS</b>	<b>POSITION IN MARCH 2004</b>
<b>R6</b>	Area managers should introduce a system to ensure that all committals discharged because the prosecution is not ready to proceed are given prompt consideration, and a consistent approach is adopted to determine those which should be re-instated.	Achieved. Discharged committals are reviewed within 48 hours and re-instatement is considered applying appropriate criteria.
<b>R7</b>	Area managers should urgently commission a review of custody time limit monitoring procedures, which should include an audit of a sample of files subject to custody time limits, with particular reference to ensuring that: <ul style="list-style-type: none"> <li>* file endorsements are clear complete and accurate; and</li> <li>* expiry dates are correctly calculated and checked by a senior lawyer or caseworker with designated responsibility.</li> </ul> Appropriate training on custody time limits and procedures should be provided to all lawyers and caseworkers.	Achieved. Custody time limit procedures have improved significantly and are in the main in line with national guidance.
<b>R8</b>	Area managers should introduce a system of induction for all lawyers who wish to act as agents in the magistrates' courts.	Achieved. New agents now receive appropriate training and an induction pack.
<b>R9</b>	Area managers should establish timescales for evaluating and reporting the success of the new units.	Achieved. The performance of the new units has been evaluated and the Area is in the process of restructuring.
<b>R10</b>	Area managers should develop arrangements for the regular reporting of performance in key administrative areas.	Achieved. Reporting procedures were introduced. However, implementation of Compass meant that administrative procedures had to be revised. The new systems require monthly returns to be submitted by each unit.

	<b>RECOMMENDATIONS</b>	<b>POSITION IN MARCH 2004</b>
<b>R11</b>	Area managers should carry out a formal review of staff structure and numbers when restructuring into TUs and CJUs is complete and administrative systems for the units have been finalised.	Achieved. The Area is now in the process of restructuring as a result.
<b>R12</b>	Area managers should ensure that appropriate arrangements for induction are in place and that staff are systematically inducted.	Achieved. Procedures for the induction of new staff and are now good.
<b>R13</b>	Area managers should ensure that appropriate mechanisms are put in place to address the requirements of health and safety legislation.	Achieved. Appropriate training has been delivered and there are now regular reviews.
<b>R14</b>	Area managers should conduct a review of all security arrangements in CPS offices and court buildings, and that responsibility for security at office sites is made clear.	Achieved. Deficiencies in security arrangements have been addressed.
<b>R15</b>	Area managers should develop an Area wide complaints procedure, and ensure that complaints are properly recorded, and replies prompt and accurate. The Area Management Board should regularly monitor complaints as part of its ongoing monitoring of performance and the quality of service it provides.	Achieved. There is now a strong culture of prompt, detailed response to complaints.
<b>R16</b>	Area managers should take urgent steps to ensure that specified proceedings are not recorded as case receipts.	Not achieved. Some specified proceedings are still recorded as case receipts.
	<b>SUGGESTIONS</b>	<b>POSITION IN MARCH 2004</b>
<b>S1</b>	Area managers should take steps to establish with the police appropriate criteria for the submission of advice files, to ensure that advice before charge is provided in all appropriate cases.	Achieved. A Service Level Agreement came into effect in February 2002.



	<b>SUGGESTIONS</b>	<b>POSITION IN MARCH 2004</b>
<b>S2</b>	The CCP should ensure that a record of what is served as advance information is kept in all cases.	Not achieved. Files rarely contain a record of what is served as advance disclosure.
<b>S3</b>	Area managers should introduce a system to ensure that CPIA disclosure letters are dated the same date that disclosure actually takes place.	Achieved. Further guidance was provided and files monitored for compliance.
<b>S4</b>	Area managers should ensure that a copy of the MG6 with the reviewer's decision on primary disclosure endorsed thereon is forwarded to the police with the prescribed letter in all cases, and that a copy of the letter is kept on file.	Achieved. Further guidance was provided and files monitored for compliance.
<b>S5</b>	Area managers should develop Terms of Reference for the Area Management Board to govern its work and establish a regular pattern of meetings.	Achieved. Terms of Reference and a regime of monthly meetings have been established.
<b>S6</b>	Area managers should introduce a system that ensures that prosecutors have sufficient case papers to deal with cases of defendants who appear at Saturday remand courts after arrest on warrants.	Not achieved. It has not been possible to establish systems to hold warrant files at court.

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

	<b>Number of files examined</b>
<b>Magistrates' courts cases/CJUs:</b>	
Advice	20
No case to answer	7
Trials	100
Discontinued cases	72
Race crime	(26)
Domestic violence cases	(45)
Youth trials	(20)
Cracked trials	22
Ineffective trials	12
Cases subject to custody time limits	15
<b>Crown Court cases/TUs:</b>	
Advice	11
Committals discharged after evidence tendered/sent cases dismissed after consideration of case	1
Judge ordered acquittals	33
Judge directed acquittals	10
Trials	56
Child abuse cases	(12)
Race crime	(3)
Cracked trials	16
Ineffective trials	0
Rape cases	(10)
Street crime cases	(18)
Cases subject to custody time limits	10
<b>TOTAL</b>	<b>385</b>

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

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

**Crown Court**

His Honour Judge Benson  
His Honour Judge Jones QC  
His Honour Judge Gullick  
Mr D Greaby, Court Manager  
Mrs S Lerums, Court Manager

**Magistrates' Courts**

District Judge Thomas  
District Judge Darnton  
Mrs R Ashworth JP  
Mrs A Barker JP  
Mrs B Collins JP  
Mr M Cryer JP  
Mrs V Double JP  
Mr D Hanson JP  
Mr B Hebblethwaite JP  
Mrs J Horn JP  
Mrs D Hoyle JP  
Mr N Making JP  
Mrs E Marchant JP  
Mr E Wallis JP  
Mr J Wilkinson JP  
Mr Elliot, Chairman, West Yorkshire Magistrates' Courts' Committee  
Mr P Traynor, Justices' Chief Executive  
Mr P Sherlock, Clerk to the Justices  
Mrs J Gill, District Legal Director  
Mr R Goodman, District Legal Director  
Mr F Gray, District Legal Director

**Police**

Mr C Cramphorn, Chief Constable  
Chief Superintendent T Brading  
Chief Superintendent M Mclean  
Superintendent R Dance  
Detective Chief Inspector J Gries, Ministry Of Defence Police  
Head of Operational Support, National Crime Squad

**Counsel**

Mr R Thomas QC  
Mr A Dallas

**Probation Service**

Mr I Lankshear, Assistant Chief Officer

**Community Groups**

Mr K Hussain, Kirklees Racial Equality Council  
Mrs N Malik, Bradford Safer Communities Partnership  
Mr S Meer, Leeds Racial Harassment Project

**Witness Service**

Mr D Phillips  
Mrs J Hartup  
Mr A Bolland  
Mc L Mclaughlin

**Victim Support**

Ms C Carling  
Mrs C Saxton

**Youth Offending**

Mr C Jones, Manager, Bradford and District

Members of Parliament with West Yorkshire constituencies were invited to contribute.

## 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:

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| <b>consistency</b>     | Adopting the same principles and core procedures for each inspection, and apply the same standards and criteria to the evidence we collect.           |
| <b>thoroughness</b>    | Ensuring that our decisions and findings are based on information that has been thoroughly researched and verified, with an appropriate audit trail.  |
| <b>integrity</b>       | Demonstrating integrity in all that we do through the application of our other values.  |
| <b>professionalism</b> | Demonstrating the highest standards of professional competence, courtesy and consideration in all our behaviours.                                     |
| <b>objectivity</b>     | 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

<b>ADVERSE CASE</b>	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
<b>AGENT</b>	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
<b>AREA BUSINESS MANAGER (ABM)</b>	Senior business manager, not legally qualified, but responsible for finance, personnel, business planning and other operational matters
<b>AREA MANAGEMENT TEAM (AMT)</b>	The senior legal and non-legal managers of an Area
<b>ASPECT FOR IMPROVEMENT</b>	A significant weakness relevant to an important aspect of performance (sometimes including the steps necessary to address this)
<b>CATS - COMPASS, SCOPE, SYSTEM 36</b>	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
<b>CASEWORKER</b>	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
<b>CHIEF CROWN PROSECUTOR (CCP)</b>	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
<b>CODE FOR CROWN PROSECUTORS (THE CODE)</b>	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
<b>CO-LOCATION</b>	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
<b>COMMITTAL</b>	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
<b>COURT SESSION</b>	There are two sessions each day in the magistrates' court, morning and afternoon

<b>CRACKED TRIAL</b>	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
<b>CRIMINAL JUSTICE UNIT (CJU)</b>	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)
<b>CUSTODY TIME LIMITS (CTLs)</b>	The statutory time limit for keeping a defendant in custody awaiting trial. May be extended by the court in certain circumstances
<b>DESIGNATED CASEWORKER (DCW)</b>	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
<b>DIRECT COMMUNICATION WITH VICTIMS (DCV)</b>	A new procedure whereby CPS consults directly with victims of crime and provides them with information about the progress of their case
<b>DISCLOSURE, Primary and Secondary</b>	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
<b>DISCONTINUANCE</b>	The dropping of a case by the CPS in the magistrates' court, whether by written notice, withdrawal, or offer of no evidence at court
<b>EARLY ADMINISTRATIVE HEARING (EAH)</b>	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
<b>EARLY FIRST HEARING (EFH)</b>	Under <i>Narey</i> one of the two classes into which all summary and <i>either way</i> cases are divided. EFHs are for straightforward cases where a guilty plea is anticipated
<b>EITHER WAY OFFENCES</b>	Those triable in either the magistrates' court or the Crown Court, e.g. theft
<b>EUROPEAN FOUNDATION FOR QUALITY MODEL (EFQM)</b>	A framework for continuous self-assessment and self-improvement against whose criteria HMCSI conducts its inspections
<b>EVIDENTIAL TEST</b>	The initial test under <i>the Code</i> – is there sufficient evidence to provide a realistic prospect of conviction on the evidence?
<b>GLIDEWELL</b>	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>

<b>GOOD PRACTICE</b>	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
<b>HIGHER COURT ADVOCATE (HCA)</b>	In this context, a lawyer employed by the CPS who has a right of audience in the Crown Court
<b>JOINT PERFORMANCE MONITORING (JPM)</b>	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
<b>INDICTABLE ONLY OFFENCES</b>	Offences triable only in the Crown Court, e.g. murder, rape, robbery
<b>INEFFECTIVE TRIAL</b>	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
<b>JUDGE DIRECTED ACQUITTAL (JDA)</b>	Where the judge directs a jury to find a defendant not guilty after the trial has started
<b>JUDGE ORDERED ACQUITTAL (JOA)</b>	Where the judge dismisses a case as a result of the prosecution offering no evidence before a jury is empanelled
<b>LEVEL A, B, C, D, E STAFF</b>	CPS grades below the Senior Civil Service, from A (administrative staff) to E (senior lawyers or administrators)
<b>LOCAL CRIMINAL JUSTICE BOARD</b>	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
<b>MG6C, MG6D ETC</b>	Forms completed by police relating to unused material
<b>NAREY COURTS, REVIEWS ETC</b>	A reformed procedure for handling cases in the magistrates' court, designed to produce greater speed and efficiency
<b>NO CASE TO ANSWER (NCTA)</b>	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
<b>PERSISTENT YOUNG OFFENDER</b>	A youth previously sentenced on at least three occasions
<b>PRE-TRIAL REVIEW</b>	A hearing in the magistrates' court designed to define the issues for trial and deal with any other outstanding pre-trial issues
<b>PUBLIC INTEREST TEST</b>	The second test under <i>the Code</i> - is it in the public interest to prosecute this defendant on this charge?
<b>PUBLIC SERVICE AGREEMENT (PSA) TARGETS</b>	Targets set by the Government for the criminal justice system (CJS), relating to bringing offenders to justice and raising public confidence in the CJS



<b>RECOMMENDATION</b>	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
<b>REVIEW</b> , 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
<b>SECTION 9 CRIMINAL JUSTICE ACT 1967</b>	A procedure for serving statements of witnesses so that the evidence can be read, rather than the witness attend in person
<b>SECTION 51 CRIME AND DISORDER ACT 1998</b>	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
<b>SENSITIVE MATERIAL</b>	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
<b>SPECIFIED PROCEEDINGS</b>	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
<b>STRENGTHS</b>	Work undertaken properly to appropriate professional standards i.e. consistently good work
<b>SUMMARY OFFENCES</b>	Those triable only in the magistrates' courts, e.g. most motoring offences
<b>TQ1</b>	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>
<b>TRIAL UNIT (TU)</b>	Operational unit of the CPS which prepares cases for the Crown Court