

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

REPORT 12/04

AUGUST 2004

CPS WARWICKSHIRE



AREA OFFICE

Leamington Spa

MAGISTRATES' COURTS

Atherstone, Mid Warwickshire (Leamington Spa)

Nuneaton, Rugby, South Warwickshire (Stratford-upon-Avon)

CROWN COURT

Warwick

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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 houses the Southern Group and part of the Northern and Wales Group. The remainder of the Northern and Wales Group are based at the office in York. Both Groups 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 Warwickshire (the Area), which serves the area covered by Warwickshire Police. It has a single office at Leamington Spa where all staff are based.
- 1.2 Area business is divided on functional lines between magistrates' courts and Crown Court work. The Magistrates' Court Unit (MCU) is responsible for the conduct of all cases dealt with in the magistrates' courts. The Crown Court Unit (CCU) reviews and handles cases dealt with in the Crown Court. Both Units are headed by a level D lawyer.
- 1.3 At the time of the current inspection at the end of March 2004, the Area employed the equivalent of 35.9 full-time staff. The Area Secretariat comprises the Chief Crown Prosecutor (CCP), Area Business Manager (ABM) and the full-time equivalent of 5.1 other staff, which included a B1 manager, two A2 staff, a Personal Secretary and two typists. Details of staffing of the Magistrates' Court Unit and Crown Court Unit are set out below:

| Grade | Magistrates' Court Unit | Crown Court Unit |
|----------------------|--------------------------------|-------------------------|
| Level D | 1 | 1 |
| Level C lawyers | 8.2 | 2.6 |
| Level B2 caseworkers | 2 | 1 |
| Level B1 caseworkers | 1 | 3 |
| Level A caseworkers | 7 | 2 |
| TOTAL | 19.2 | 9.6 |

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

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

| Category | Area numbers | Area % of total caseload | National % of total caseload |
|--------------------------------|---------------------|---------------------------------|-------------------------------------|
| Pre-charge advice to police | 679 | 7.0 | 7.9 |
| Summary motoring | 2,006 | 20.6 | 26.0 |
| Other summary | 3,615 | 37.3 | 28.9 |
| Either way and indictable only | 3,189 | 32.8 | 36.2 |
| Other proceedings | 226 | 2.3 | 1.0 |
| TOTAL | 9,715 | 100% | 100% |

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

| Crown Court finalised cases | Area numbers | Area % of total caseload | National % of total caseload |
|-------------------------------------|---------------------|---------------------------------|-------------------------------------|
| Indictable only | 140 | 30.6 | 32.1 |
| Either way offences | 171 | 37.5 | 43.4 |
| Appeals and committals for sentence | 146 | 31.9 | 24.5 |
| TOTAL | 457 | 100% | 100% |

1.6 A more detailed table of caseload and case outcomes compared with the national average is attached at Annex 3 and a table of caseload in relation to Area resources at Annex 4. CPS Warwickshire (in common with other CPS Areas) has benefited from a modest 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 Warwickshire also drew on findings from the previous inspection of the Area, a report of which was published in November 2001. That report made a total of six recommendations and six suggestions, and also identified one aspect of good practice. In the course of this inspection, we have assessed the extent to which the recommendations and suggestions have been implemented, and a synopsis is included at Annex 5.

1.10 As a result of the risk assessment, it was determined that the inspection of CPS Warwickshire should be an intermediate one. Due to the good standards of advocacy observed on the last inspection and the commendation of the Area for its advocacy monitoring systems, only a limited amount of advocacy monitoring was undertaken during the course of this inspection, the results of which are included in chapter 5. In addition, the inspection did not consider the Area processes for appeals and committals for sentence.

- 1.11 Our methodology included examination of 86 cases which were finalised between September 2003 and February 2004. This file sample was made up of magistrates' courts and Crown Court trials (whether acquittals or convictions), cracked and ineffective trials and some specific types of cases. A detailed breakdown of the file sample is shown at Annex 6. Given the relatively small caseload of the Area, the file sample in some of the categories contained fewer files than those considered during inspections of other Areas. As the majority of key performance results are expressed as percentages, it is important to acknowledge that a failure of review or decision-making within a smaller file sample can have a disproportionate impact on the percentage figure when comparisons are being made with the national average.
- 1.12 Inspectors visited the Area between 29 March - 2 April 2004. The team conducted interviews with members of CPS staff at all levels, with criminal law practitioners, and with local representatives of criminal justice agencies. A list of individuals from whom we received comments is at Annex 7. The team carried out observations on the delivery of service provided in both the magistrates' courts and the Crown Court. We also carried out an examination of Area systems and processes.
- 1.13 The lay inspector for this inspection was Mrs Joan Bunn, who was nominated by the Citizens Advice Bureau. The role of the lay inspector is described in the Preface. She examined files that had been the subject of complaints from members of the public and considered letters written by CPS staff to victims following the reduction or discontinuance of a charge. She also visited a magistrates' court and had the opportunity to speak to Witness Service representatives and CPS prosecutors. This was a valuable contribution to the inspection process. The views and findings of the lay inspector have been included in the report as a whole, rather than separately reported. She gave her time on a purely voluntary basis, and the Chief Inspector is grateful for her effort and assistance.
- 1.14 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, developed from the EFQM Business Excellence Model (see Annex 1). Other sub-headings deal specifically with Public Service Agreement (PSA) targets and equality and diversity issues.

Overview

- 2.2 Warwickshire is a high performing Area, which is making a significant contribution to the local criminal justice system. Staff within the Area demonstrate a high level of professionalism and commitment and there is a strong ethos of file ownership and accountability throughout all levels of the organisation. Warwickshire is the smallest of all CPS Areas and correspondingly has the smallest casework and staffing levels. This can present difficulties for the Area, particularly when it has to deal with absences for sickness and training.
- 2.3 The Area has not undergone co-location as recommended under the Glidewell Review, but is working with other agencies in the setting up of two Criminal Justice Centres in the North and South of the county to facilitate multi-agency working. Collaborative working has also led to the establishment of the Victim and Witness Information Partnership (VIP), which opened on 6 October 2003.
- 2.4 The key performance results for the Area are generally good; however, we felt that there was scope for improvement in efficiency within the MCU. More robust case progression and focussed joint working, with both the police and courts, would enable reductions in duplication of effort, and in the number of adjournments and related delays, which were observed both in the file sample and whilst on site. In securing such improvements, potential benefits for the Area would be: the ability to reallocate tasks and resources, thereby reducing the pressures felt within the CCU; achieving better value for money and increasing staff morale and public confidence.

Casework

- 2.5 In both units the quality of decision-making, as demonstrated in the performance tables under the headings of first review, discontinuance, level of charge and summary and committal review, is generally good, being above the national average in some respects. Case preparation in the Crown Court was confident and efficient. The quality of briefs to counsel has improved significantly, following the recommendation in the last report, and demonstrated clear case ownership and a thorough understanding of the issues in the case. However, in the magistrates' courts, as indicated above, case progression was not as effective as it could have been.
- 2.6 The Area's handling of primary disclosure was below the national average, and its processes for dealing with primary disclosure do not comply with the national Joint Operational Instructions (JOPI). The handling of secondary disclosure in the Crown Court Unit, however, was very good.

- 2.7 The Area has devised effective systems to carry out its core business; its relatively small caseload provides benefits in file and correspondence handling, and other casework systems.

Advocacy and quality of service delivery

- 2.8 Only a limited amount of advocacy observation was undertaken during the course of this inspection. We found that advocates were generally well prepared and provided appropriate help and assistance to the court.
- 2.9 The quality of service delivery at court is sound and we commend the Area for the quality of its court endorsements.

Victims and witnesses

- 2.10 A substantial part of pre-court witness care in Warwickshire is now provided by the VIP which provides a multi-agency approach to the process of witness warning, and in ensuring that victims are kept informed of the progress of their case. From our own observation, supported by other court users, the Area deals well with witnesses at court.
- 2.11 We did have some concerns about the Area's compliance with the Direct Communication with Witnesses initiative, which we set out in chapter 6.

Performance management

- 2.12 The Area has good internal performance management systems in place and collates and analyses a wide range of casework and business management data. It benchmarks its performance against other CPS Areas and is consistently at, or near, the top in most categories. The Area's performance on ineffective trials is commendable, particularly in relation to performance in the magistrates' courts. Listing policies are a significant factor in this achievement.
- 2.13 Despite the Area's concerns about poor quality police files, there has been very little effective joint performance management between the police and CPS for some time, although this is shortly to be addressed by the setting up of a joint police/CPS quality forum. The Area's implementation of the Casework Quality Assurance scheme has lacked real commitment.

People management and results

- 2.14 The Area has made considerable efforts to manage individual staff performance, recognising the impact that poor performance and attendance can have, given the small size of the units. Whilst the Area does manage the deployment of its lawyers, the generous time allowed in the office for magistrates' courts casework did not seem to be matched by high quality trial preparation. The relatively small size of the Crown Court Unit has led to increased pressure within the unit to maintain high levels of timely case preparation. We found that some members of staff worked significantly beyond their conditional hours, and these are not isolated occurrences. There is a feeling amongst staff that they need to put in extra hours to be able to deliver what is expected of them. Staff training and development is not given the level of priority we would expect. Staff attributed this to the potential negative impact absence from work might have on the Area's casework.

Management of financial resources

- 2.15 Overall, the Area has sound processes in place for financial management, with good audit trails in both IT and paperwork systems, but at the time of the inspection was not complying with the appropriate guidelines in respect of the payments to agents.

Partnerships and resources

- 2.16 The Area has good relationships with other CJS agencies and has played a significant part in the development of the VIP and Criminal Justice Centres. The CCP has been a major driving force behind the LCJB. However, the Area has not made best use of the Compass Case Management System and this has hindered some aspects of VIP work.

Policy and strategy

- 2.17 Area policy is strongly influenced by performance data and outcomes, which can result in some initiatives not being implemented in accordance with national policy. The Area has not always taken full account of stakeholders' needs, both internal and external.

Public confidence

- 2.18 The Area has made efforts to engage with the community and this is starting to have benefits in the way the CPS is perceived in the Area, although efforts need to be made to ensure that staff are engaged at all levels. Good results have been achieved by the criminal justice agencies in Warwickshire towards the national PSA targets; however this is not reflected in the levels of public confidence within the county in the effectiveness of the agencies in bringing offenders to justice. Efforts are being made by the Area and the Local Criminal Justice Board (LCJB) to address this.

Leadership and governance

- 2.19 The Area has a clear vision about its direction within the next few years, based on the major projects to deliver a 'one stop' criminal justice system in Warwickshire. Area staff are focussed on the delivery of a high quality service and have demonstrated their commitment to this in the meeting of performance targets and consistently being at, or near, the top when compared to other CPS Areas. There was also some evidence of a need for care that the strong commitment of managers to high performance was not undermined by an inappropriate style and tone of feedback. The small size of the Area can also contribute to pressure faced by staff when the caseload fluctuates or there is absenteeism; however, the good levels of co-operation demonstrated by the teams went some way to addressing this.

Bringing offenders to justice

- 2.20 The Area is working with its partners in the criminal justice system to raise the numbers of offenders brought to justice, and Warwickshire has significantly exceeded the target set. The performance is monitored by the LCJB.

Reducing ineffective trials

- 2.21 The Area is performing well in reducing the number of ineffective trials. The ineffective trial rate in the magistrates' courts is 15.7%, which is the lowest in the country, and the contribution by the VIP in securing witness attendance should be noted. However, the magistrates' courts in the Area do have a high cracked trial rate - at 44.1% - when compared to the national average of 37.5%. The apparent inconsistencies between the high number of adjournments and the low ineffective trial rate is explicable by the fact that cases are not listed for trial until both parties are ready. There may also be a causal link between the high cracked rate and the low ineffective trial rate.
- 2.22 The ineffective trial rate in the Crown Court is 18.1%, compared to the national average of 20.7%.

Value for money

- 2.23 The Area does not have high expenditure on agents, however we felt that there was scope for greater efficiency, which could facilitate a reduction in the agents' budget.

Equality and diversity issues

- 2.24 The Area has worked with minority ethnic groups in reaching out to the community and has a level of minority ethnic and female staff which exceeds the make-up of the local working population. Equality and diversity training had not been delivered to a number of new staff at the time of the inspection.

Recommendations

- 2.25 We make recommendations about the steps necessary to address significant weaknesses relevant to important aspects of performance, which we consider to merit the highest priority. We have made four recommendations to help improve the Area's performance:
1. The MCU Head should implement a system of robust case progression, including more focussed joint working with both the police and courts, to reduce duplication of work, the number of adjournments, and related delays (paragraph 4.14).
 2. The AMT undertake a full review of the systems for dealing with primary disclosure, with detailed monitoring and further training being undertaken where necessary (paragraph 4.24).
 3. The CCP and ABM should ensure that only appropriate transactions are allocated to prosecution costs codes 3010/3020 (paragraph 9.3).
 4. The Area should improve its compliance to national policies and guidelines and ensure that its policy decisions take appropriate account of all stakeholders (paragraph 11.1).

3 KEY PERFORMANCE RESULTS

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

| CPS PERFORMANCE | National Target 2003-2004 | National Performance Cycle to date* | Area Target 2003-2004 | Area Performance |
|--|----------------------------------|--|------------------------------|-------------------------|
| MAGISTRATES' AND YOUTH COURT CASEWORK | | | | |
| Advice | | | | |
| Decisions complying with evidential test in the Code ¹ | - | 96.3% | - | 100% |
| Decisions complying with public interest test in the Code ¹ | - | 97% | - | 75% (3 out of 4) |
| First Review | | | | |
| Decisions to proceed at first review complying with the evidential test ¹ | - | 98.6% | - | 100% |
| Decisions to proceed at first review complying with public interest test ¹ | - | 99.9% | - | 100% |
| Requests for additional evidence/information made appropriately at first review ¹ | - | 77.5% | - | 67% |
| Discontinuance | | | | |
| Discontinuance rate of completed cases (CPS figure) | - | 12.2% | - | 8.6% |
| Discontinued cases with timely discontinuances ¹ | - | 75.4% | - | 81.3% |
| Decisions to discontinue complying with the evidential test ¹ | - | 93.3% | - | 87.5% |
| Decisions to discontinue complying with the public interest test ¹ | - | 92.6% | - | 100% |
| Discontinued cases where all reasonable steps had been taken to request additional evidence/information ¹ | - | 89.1% | - | 100% |
| Level of charge | | | | |
| Charges that required amendment and were amended in a timely manner ¹ | - | 72.2% | - | 75% |
| Cases that proceeded to trial or guilty plea on the correct level of charge ¹ | - | 95.1% | - | 88% |
| Cracked and ineffective summary trials | | | | |
| Cracked trials as recorded by CPS and magistrates' courts JPM | - | (Oct - Dec 03) 37.5% | - | (Oct - Dec 03) 44.1% |
| Cracked trials in file sample that could have been avoided by CPS action ¹ | - | 19.3% | - | 0 out of 4 |
| Ineffective trials as recorded by CPS and magistrates' courts JPM | - | (Apr - Dec 03) 29.3% | - | (Apr - Dec 03) 15.7% |
| Ineffective trials in the file sample that could have been avoided by CPS action | - | 34.1 | - | 2 out of 9 |
| Summary trial | | | | |
| Acquittal rate in magistrates' courts (% of finalisations) – CPS figure | - | 1.9% | - | 0.6% |
| Decisions to proceed to trial complying with the evidential test ¹ | - | 96.2% | - | 100% |
| Decisions to proceed to summary trial complying with the public interest test ¹ | - | 99.6% | - | 93.8% |
| Cases with timely summary trial review ¹ | - | 76.7% | - | 87.5% |
| Requests for additional evidence/information made appropriately at summary trial review ¹ | - | 70.9% | - | 57% |
| No case to answers where outcome was foreseeable, and CPS could have done more to avoid outcome ¹ | - | 40.7% | - | Nil no case to answers |

| CPS PERFORMANCE | National Target 2003-2004 | National Performance Cycle to date* | Area Target 2003-2004 | Area Performance |
|--|----------------------------------|--|------------------------------|---|
| CROWN COURT CASEWORK | | | | |
| Committal and service of prosecution papers | | | | |
| Cases with timely review before committal, or service of prosecution case in "sent" cases ¹ | - | 79.1% | - | 100% |
| Decisions to proceed at committal/service of prosecution papers stage complying with evidential test in the Code for Crown Prosecutors ¹ | - | 96.4% | - | 95.4% |
| Decisions to proceed at committal/service of prosecution papers stage complying with public interest test in the Code for Crown Prosecutors ¹ | - | 99.9% | - | 100% |
| Requests for additional evidence/information made appropriately at committal/service of prosecution case review ¹ | - | 80.3% | - | 87.5% |
| Timely and correct continuing review after committal | - | 83% | - | 77% |
| Cases with timely service of committal papers on defence | 80% | 76.2% 85.3% ³ | - | 100% ¹ 100% ² |
| Cases with timely delivery of instructions to counsel | 84% | 84.6% 85.4% ³ | - | 100% ¹ 97.3% ² |
| Instructions to counsel that were satisfactory ¹ | - | 63.7% | - | 90% |
| Cracked and ineffective trials | | | | |
| Cracked trials as recorded by CPS and Crown Court JPM | - | (Apr 03-Mar 04) 38.3% | - | (Apr03-Mar04) 39.4% |
| Cracked trials that could have been avoided by CPS action ¹ | - | 15.8% | - | 0 out of 11 |
| Ineffective trials as recorded by CPS and Crown Court JPM | - | (Apr 03-Mar 04) 20.7% | - | (Apr03-Mar04) 18.1% |
| Ineffective trials where action by CPS could have avoided an adjournment ¹ | - | 12.1% | - | 0 out of 3 |
| Level of charge | | | | |
| Charges that required amendment and were amended in a timely manner ¹ | | 78.9% | | 75% |
| Indictments that required amendment ¹ | | 25.6% | | 9% |
| Cases that proceeded to trial or guilty plea on the correct level of charge ¹ | | 97.4% | | 95.4% |
| Judge ordered and judge directed acquittals | | | | |
| JOA/JDAs where outcome was foreseeable, and CPS could have done more to avoid outcome ¹ | - | 23.3% | - | 11.1% |
| Trials | | | | |
| Acquittal rate in Crown Court (% of all finalisations excluding JOA, appeals/committals for sentence and warrant write-offs) ² | - | 10.4% | - | 2.5% |
| NARROWING THE JUSTICE GAP | | | | |
| Percentage brought to justice against the baseline for 2001-02 as recorded by JPIT | Target +5% | +6.9% (as at Nov 03) | | +13% (as at Jan 04) |

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

² self-assessment by Area

³ nationally collated figure based on Area self-assessment returns

⁴ insufficient numbers of files to provide reliable data

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

| CPS PERFORMANCE | National Target 2003-2004 | National Performance Cycle to date* | Area Target 2003-2004 | Area Performance |
|---|----------------------------------|--|------------------------------|-------------------------|
| MAGISTRATES' AND YOUTH COURT CASEWORK | | | | |
| Disclosure | | | | |
| Cases where primary disclosure properly handled ¹ | | 72.4% | | 68.8% |
| Cases where secondary disclosure properly handled ¹ | | 64% | | N/A |
| Witness care | | | | |
| Trials where appropriate use made of S9 CJA 1967 ¹ | | 97% | | 100% |
| Trials where appropriate use made of the witness care measures ¹ | | 85.2% | | 0 out of 2 |
| CROWN COURT CASEWORK | | | | |
| Disclosure | | | | |
| Cases where primary disclosure properly handled ¹ | | 82.5% | | 81.8% |
| Cases where secondary disclosure properly handled ¹ | | 57.1% | | 100% |
| Witness care | | | | |
| Trials where appropriate use made of witness phasing/standby ¹ | | 81.3% | | N/A |
| Trials where appropriate use made of the witness care measures ¹ | | 92.6% | | 100% |
| MAGISTRATES' COURTS AND CROWN COURT | | | | |
| Custody time limits | | | | |
| Cases in sample where expiry dates accurately calculated | - | 94.2% | - | 100% |
| OTHER ISSUES | | | | |
| Payment of witness expenses | | | | |
| Payment of witness expenses within 10 days of receipt of claim ² | 100% | Apr 03-Mar 04 98.9% | 100% | Apr 03-Mar 04 100% |
| Handling of complaints | | | | |
| Complaints replied to within 10 days ² | 94% | Apr 03-Mar 04 86.1% | 96% | Apr 03-Mar 04 100% |
| Citizens charter commitment | | | | |
| MPs correspondence replied to within 15 days ² | 100% | Apr 03-Mar 04 92.8% | N/A | Apr 03-Mar 04 100% |
| OTHER ASPECTS OF CPS PERFORMANCE | | | | |
| CJS Youth Justice Performance Measures (shared between Home Office, Department of Constitutional Affairs (formerly LCD) and CPS) | | | | |
| To halve time from arrest to sentence for persistent young offenders from 142 to 71 days by 31 March 2002 | 71 days | 68 days (Dec-Feb 04) | 71 days | 75 days (Dec-Feb 04) |

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

² self-assessment by Area

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

Commentary

- 3.1 Whilst the acquittal in the magistrates' courts is significantly lower than the national average, this is mainly due to a large proportion of guilty pleas and proofs in absence; when an analysis is undertaken of the cases that went to trial, the acquittal rate is similar to the national average. The Crown Court also has a low acquittal rate, however, a similar analysis reveals that the acquittal rate after trial is significantly better than the national average.

Pre-charge advice to police

- 3.2 The Area has rolled out a shadow pre-charge advice scheme in two of its three charging centres. The data collated by the Area demonstrates a month-on-month increase in the number of cases where advice has been sought.
- 3.3 All of the nine cases we considered complied with the evidential Code test, although we disagreed with one decision on public interest grounds. All the advices seen were timely.

Quality of decision-making

- 3.4 The quality of decision-making at first review is generally good. We agreed with all the evidential decisions in the file sample (cycle-to-date 98.6%). Appropriate requests for additional evidence or information were made in only 21 of the 31 (67%) relevant cases seen, which is significantly lower than the national average of 77.5%.

Continuing review

- 3.5 Decisions at summary trial review are generally sound; we agreed with the decision to proceed in all but one of the cases examined. However the timeliness of the case preparation and progression was less satisfactory, with a number of unnecessary adjournments seen on files. Requests for additional information and evidence were made in only eight of the 14 (57%) relevant cases we examined, compared with the national average to date of 70.9%.
- 3.6 Court file endorsements were of a high standard, which enabled us to follow the progress of the case. Whilst the quality of review endorsements was good, we did find that some of the comments recorded were insensitive.
- 3.7 The decision to proceed at committal and service of the prosecution papers was found to be good; we agreed with the decision to proceed in 21 out of the 22 cases we examined. Requests for additional information were made in 14 out of the 16 relevant cases we considered. Timeliness of file preparation and the quality of instructions to counsel was significantly above the national average.

Discontinuance

- 3.8 The Area discontinuance rate (8.6%) is significantly lower than the national average (12.2%). The decisions taken within the file sample were generally sound; we agreed with seven out of eight evidential decisions and all the public interest decisions.
- 3.9 Discontinuance was timely in 13 out of 16 (81.3%) cases seen which compares favourably to the national average of 75.4%.

Discharged committals

- 3.10 For the period April - December 2003 the Area had only one case discharged because the prosecution were not ready. This case was included in our file sample and related to the police failure to provide a timely full file. Systems are in place for the Area to review whether such cases should be re-instated.

Level of charge

- 3.11 Charges were amended appropriately and in a timely manner in 75% of relevant cases dealt with summarily. In three out of 25 cases considered, we felt that there had been an element of undercharging which had not been addressed by the review process.
- 3.12 In the Crown Court we felt that all but one of the cases within the file sample proceeded on the correct level of charge. The indictment required amendment in only one out of 11 cases, and this was because it did not reflect the most appropriate offences.

Ineffective trials

- 3.13 The Area has one of the lowest rates of ineffective trials in both the magistrates' courts (15.1%) and in the Crown Court (18.1%). These figures compare well with the national averages of 29.3% and 20.7% respectively. In the Crown Court, none of the ineffective trials we considered in the file sample could have been avoided by CPS action. In the magistrates' courts, however, pro-active case management by the CPS could have avoided two out of the nine ineffective summary trials.

Persistent young offenders

- 3.14 The Area's performance in achieving and maintaining the national target of 71 days for finalising persistent young offender (PYO) cases has historically been commendably good, but it has recently slipped back, with the figure for the last quarter being 75 days. The Local Criminal Justice Board has investigated this and is aware of a number of outstanding warrants that have had a negative impact of the figures. There is a multi-agency Youth Case Progression Group, which provides a robust mechanism for monitoring and improving performance.

Persistent offenders

- 3.15 The Area has prioritised the tracking of persistent offenders (POs) on JTrack, which is the national system for tracking and monitoring of such offenders. Warwickshire was one of the few CJS Areas to meet its persistent offender target. It is commendable that there are no backlogs in the finalisation of cases on this system.

Sensitive cases

- 3.16 CPS policy is applied in the majority of cases of child abuse, racist incidents and domestic violence. There are specialists within the Area who provide advice and guidance both to the police and to their colleagues on sensitive cases, and the CPS are represented on the local groups who deal with race issues, domestic violence and child protection.

Adverse outcomes

- 3.17 There were no no case to answer (NCTA) cases within the period covered by this inspection and only three such cases within the year ending December 2003, which gives a percentage figure of 0.1% (the national average is 0.3%). The judge ordered acquittal (JOA) and judge directed acquittal (JDA) rates are also below the national averages at 8.3% (15.4%) and 0.4% (1.9%) respectively.
- 3.18 The Area has good systems in place for the analysis of adverse outcomes, so that lessons can be learnt by both the CPS and the police.

Narrowing the justice gap

- 3.19 The LCJB is exceeding the target for bringing offences to justice. Whilst the main reason for this is a substantial increase in the number of cautions and offences taken into consideration (TICs) - where the CPS have limited involvement - the low discontinuance rate and high guilty plea rate also contribute.

Disclosure

- 3.20 The way in which primary disclosure is handled is below the national average in the cycle-to-date. The standards we applied in considering compliance take account of the stricter regime of the revised Joint Operational Instructions. Training has been provided to the Area lawyers on this. We found cases where material was disclosed or withheld without the proper consideration of the tests for disclosure under the Criminal Procedure and Investigations Act 1996. In addition, there were failures in explaining the basis of disclosure of some of the material to the defence and inadequate schedules were not returned to the police for rectification.
- 3.21 In the Crown Court secondary disclosure was dealt with to a high standard.

4 CASEWORK

Advice to police (CAP1)

- 4.1 The Area started its shadow pre-charge advice scheme in Leamington Spa in October 2003, and it was extended, on a part-time basis, to Rugby in February 2004. Completion of the roll-out of the scheme is intended to coincide with the opening of the Northern Criminal Justice Centre later in the financial year. There are, however, uncertainties about funding. We were able to see the scheme in operation at Rugby Police Station and noted that there is a comprehensive system for recording the advice provided. The advice given within the scheme is well thought of and has been seen as a positive feature in improving relationships between the police and the CPS. Electronic spreadsheets are used to collate and update information on the use of the scheme, and the eventual outcome of the cases where advice has been sought. Analysis of this shows a month-on-month increase in the number of cases where the police have sought pre-charge advice.
- 4.2 We examined a total of nine advice cases where the police had submitted written requests for advice outside the pre-charge advice scheme. In all cases we thought that the evidential test had been applied correctly, but we disagreed with the application of the public interest test in one case. Although the decisions reached were generally sound, in three of the cases we felt that further information should have been requested before the advice was given, and in two of them, the explanation given to the police could have been better reasoned. All the advices seen were timely.
- 4.3 In our last report we recommended that the MCU Head should allocate advice files to lawyers within the MCU. Whilst the file sample did contain advices completed by a number of lawyers, we observed - and the Area acknowledges that - in the main, advices are still completed by the MCU Head, even where Area specialists could have been involved. Whilst the shadow charging scheme will go some way to addressing our concerns, this is still a matter for management attention.

Aspects for improvement

- * Lawyers should ensure that further evidence is requested, where appropriate, before advice is given, and that care is taken to fully explain the reasoning for the advice given.

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

- 4.4 Files are usually available for review by lawyers and designated caseworkers (DCWs) at the relevant police station on the day before the first court hearing. The MCU Head allocates the time for dedicated court preparation sessions at the police station on the MCU rota, to ensure there is sufficient time to carry out a full review of the files. All files are allocated at an early stage and there is strong ethos of file ownership within the Area, which assists in case progression and administration.

- 4.5 The standard of review and decision-making at first review is generally good; we agreed with the decision to accept in all of the cases we examined. However, additional material was requested in only 21 of the 31 cases where we felt such a request should have been made. The impact of failing to grasp the case at an early stage is discussed further under summary trial preparation (see paragraph 4.11).
- 4.6 Following a recommendation in the last report, the Area has introduced a form to record details of the advance information provided to the defence. We were pleased to note that this form was used in almost all the files we considered.

Strengths

- * Early allocation of files and strong ethos of file ownership.

Bail/custody applications (CAP3)

- 4.7 From the files that were examined, supported by comments from other agencies, we found that appropriate applications for remands in custody are made.

Discontinuances in magistrates' courts (CAP4)

- 4.8 The Area's discontinuance rate, at 8.6%, is considerably lower than the national average of 12.2%.
- 4.9 We examined 16 cases where discontinuance took place; in all but one we found that the Code had been complied with. The reasons for discontinuance were recorded in all discontinued cases, but we felt that, as with written advices, the explanation given to the police was not always sufficiently clear. We also had concern about the tone of the correspondence on one of the files. The police were consulted in all cases.
- 4.10 The timeliness of discontinuance was generally good with 13 out of the 16 files (81.3%) being discontinued in a timely manner. This compares well with the national average of 75.4%.

Summary trial preparation (CAP5)

- 4.11 The quality of summary trial review is generally sound – we agreed with the decision to proceed in 15 out of the 16 cases considered. We disagreed with the application of the public interest test in one case. Within the timeframe considered by this inspection, there were no summary cases dismissed at the conclusion of the prosecution evidence.
- 4.12 The quality of the trial preparation and case progression was less satisfactory with requests for additional evidence being made in only eight out of 14 relevant cases. Whilst the full files were generally reviewed in a timely manner, there was a failure to progress cases swiftly through the court process in a significant number of cases observed. Some cases appeared to have been adjourned without a clear picture of what was needed to ensure progress was made on the next occasion with the result that there were a number of adjournments prior to an effective pre-trial review (PTR).

- 4.13 We are aware of the policy within Warwickshire Magistrates' Courts of not listing trials until all parties are trial ready, which no doubt contributes to the low rate of ineffective trials within the county. However, of the nine files we saw where there had been an ineffective trial hearing, two of those hearings could have been avoided by CPS action.
- 4.14 We also observed that, where a trial does not taken place on the anticipated trial date, it is often adjourned for another pre-trial review rather than to a new trial date, even if only for the purpose of ascertaining witness availability. On some occasions, the relevant witnesses were in court and there were no apparent reasons why their availability could not be resolved then and there. On other occasions, where there was a prior agreement to vacate the trial, we think that the CPS should have tried to place itself in a position to re-list the matter without a further adjournment.

RECOMMENDATION

The MCU Head should implement a system of robust case progression, including more focussed joint working with both the police and courts, to reduce duplication of work, the number of adjournments, and related delays.

Committal and Crown Court case preparation (CAP6)

- 4.15 High standards of Crown Court case preparation were observed on almost all the files we considered. Files are allocated at an early stage and, as with the MCU, there is a strong ethos of file ownership. We were impressed with the timeliness of committal review and briefs to counsel, which in our file sample was 100% in each category. This is supported by the Areas own figures, which show 100% timeliness on the submission of papers to the defence and 97.3% on briefs to counsel.
- 4.16 We agreed with the decisions to proceed at committal in all but one of the cases we examined. There was only one judge directed acquittal throughout the period covered by this inspection; this was not considered by us to be reasonably foreseeable. We also examined eight cases which had resulted in a judge ordered acquittal. In one of the cases we felt that the CPS could have done more to deal with the case at an earlier stage. None of the 14 cracked and ineffective trials we considered could have been avoided by CPS action.
- 4.17 Since the last inspection the Area has significantly improved the quality of instructions to counsel; those seen in the file sample demonstrated a thorough analysis of the evidence in the case, and acceptability of pleas had been addressed in all appropriate cases.
- 4.18 We found that caseworkers were not routinely involved in cases until after they had been committed, or in indictable only cases, until the prosecution papers had been served. The effect of this is that lawyers do carry out a number of tasks, for example pagination of the papers, which does not make best use of their time. The deployment of caseworkers is considered further at paragraph 5.10.

- 4.19 It was difficult to assess compliance with directions given at plea and directions hearings (PDHs) as the forms were not always located within the file, however file endorsements and comments from other agencies demonstrated that failure to comply with judicial directions was not an issue.

Strengths

- * The timeliness of review and decision making in the CCU.
- * The quality of instructions sent to counsel.

Disclosure of unused material (CAP7)

- 4.20 The Area has provided some training to lawyers on the updated national instructions on disclosure (JOPI) throughout July 2003. Training provided to the police by the CPS Area Disclosure Champion was favourably received. The Area has devised a standard disclosure record sheet, but this was not in general use at the time of the inspection, although the quality of endorsements on the files were sufficiently clear for us to assess when, and what, unused material had been considered.
- 4.21 The performance in relation to the prosecution's duty of primary disclosure was below the national average in this inspection cycle, with primary disclosure being correctly dealt with in 11 out of 16 cases (68.8%) by the MCU and nine out of 11 cases (81.8%) in the CCU. There were clear examples where material was disclosed or withheld without the proper application of the tests. There was frequently a lack of explanation to the defence about the basis upon which items of unused material were being disclosed to them.
- 4.22 Police scheduling of items on the MG6C remains an issue, with material obviously missing or poorly described. Rather than refer the MG6C back to the police, lawyers in both units complete an additional schedule (Form W100), which is then endorsed as appropriate and sent to the defence. This is not in accordance with the national guidelines and does not assist the Area in ensuring that disclosure is fully considered by the police.
- 4.23 Secondary disclosure was handled extremely well by the CCU; all relevant files examined showed that secondary disclosure was completed to a very high standard and was well in excess of the national average.
- 4.24 Disclosure was dealt with in a timely manner in all Crown Court cases and in 87% of the magistrates' courts cases.

Strengths

- * The handling of secondary disclosure by the CCU.

RECOMMENDATION

The AMT undertake a full review of the systems for dealing with primary disclosure, with detailed monitoring and further training being undertaken where necessary.

Sensitive cases (CAP8)

- 4.25 The monitoring and recording of sensitive cases is dealt with by the MCU Manager, who uses a diary system to ensure that logging and tracking systems are kept up to date. A sticker on the front of the file is used to identify sensitive cases, although we observed a significant number of sensitive files where this had not been done. The Area has also appointed specialist lawyers who provide advice and second opinions on domestic violence, racially aggravated and child abuse cases. In the MCU, sensitive cases are referred to the Unit Head before they are discontinued.
- 4.26 We examined a total of nine domestic violence cases, the majority of which were dealt with in accordance with the CPS policy. We saw some good examples of robust decision-making which demonstrated a close working relationship with the Domestic Action Multi-Agency Team (DAMAT) and the Victim and Witness Information Partnership.
- 4.27 A comprehensive log of racist incidents is maintained, and the cases are tracked to see how they progress. This data is collated into tabular form and is shared with the Warwickshire Community Against Racism Group (CAR). The data revealed comparatively high levels of discontinuance in these cases when compared with the rest of the Area's caseload. Of the racial cases considered within the file sample, we did feel that one case should not have been discontinued, and in another, the level of charge did not reflect the full circumstances of the offence. On two of the files there was no evidence of the impact that the crimes had had on the victims. We therefore suggest that a system for analysing the data is implemented so that any trends can be identified and action taken as appropriate.

Youth cases (CAP13)

- 4.28 There are three youth specialists who deal with youth cases within the Area. The rota system within the MCU tries to ensure that a youth prosecutor is available for pre-charge advice every Monday in Rugby and every Wednesday in Leamington Spa, so that the police know when they can obtain specialist advice in these cases.
- 4.29 The Area has a PYO protocol and a Youth Service Level Agreement, and a number of agencies, including the CPS, are represented at the Youth Case Progression Group, which focuses on monitoring and improving performance in all youth cases. There are effective logging and monitoring systems in both units to deal with PYOs and progress against the targets on individual cases is recorded in the unit reports. The Area had performed well against the national target set for PYOs, although in recent months there had been some slippage. The LCJB has re-focused on prioritising these cases with the assistance of a review undertaken by the Business Performance Improvement team.

File/message handling (CAP9)

- 4.30 The MCU is divided into three teams of caseworkers and prosecutors, who deal with the main magistrates' courts at Leamington Spa, Rugby and Nuneaton. This reduces the number of cases handled per person. Administrative staff and lawyers are sufficiently familiar with their caseload and confident of file location to not use this function on the Compass Case Management System. The files for each court session are located one week in advance for checks to be made to ensure that required actions have been carried out. Lawyers receive their files for court two days and agents three days in advance. Updating and finalising cases is done at the first possible opportunity after court, and instructions for actions are clearly noted by the lawyer or caseworker. Administrative processes to assist summary trial preparation are sound, with a Trial Instructions Form being completed by the lawyer conducting the pre-trial review, which details all actions required.
- 4.31 The number of files dealt with by the Crown Court Unit is sufficiently small so that file location and handling is dealt with without difficulty. Crown Court caseworkers update their own cases after court. There is a clear system for work to be passed between the lawyers and caseworkers with colour coded action forms to highlight urgent work for lawyers.
- 4.32 The relatively small caseload of the Area does provide benefits in file handling systems, however in both units some of the systems only work well because of the caseload size, which can create risks in times of staff absences.
- 4.33 Post is handled efficiently in both sections; in the MCU there is a post tray for each of the magistrates' courts teams which is periodically checked throughout the day. In the CCU, the administrative staff link the post and pass to the caseworkers. There was no backlog of post in either section.
- 4.34 All the files examined, both in the file sample and whilst on site, were organised well and demonstrated good systems of file housekeeping.

Strengths

- * Effective systems for file and correspondence handling.
- * Good file housekeeping.

Custody time limits (CAP10)

- 4.35 Whilst on site we examined five Crown Court cases and five magistrates' courts cases for which custody time limits (CTLs) applied. Two of the magistrates' courts files provided had been committed, and so the CTL details for the Crown Court were also examined.
- 4.36 CTL is stamped in large red letters on the front of all custody files with the expiry date written underneath. On all of the cases examined the expiry dates had been calculated correctly using the nationally issued ready reckoner, and were clearly displayed. Where cases had been sent or committed, the re-calculations were also correct and the court endorsements were clear. All necessary applications to extend the time limits had been made and were in a timely manner.

- 4.37 However, the systems used by the Area to monitor CTLs do not comply with the nationally issued 'Essential Action for Custody Time Limits'. Action dates are not endorsed, initialled and dated on the front of the files. The use of 'post it' notes for out-of-court communication between the lawyers and administrative staff on CTL files is of concern, as this does not form part of a permanent written record and could become detached from the file before the action required is completed. In addition, although the Area does operate dual monitoring systems, through the use of a Word document and a written diary system, the diary used to record CTLs is not exclusively for this purpose, with the result that the CTL action dates are not always immediately apparent. The Case Managements System (Compass) is not currently used to monitor CTLs. Managers will need to ensure that these points are addressed so that risks to the system are minimised.
- 4.38 The B1 manager within the MCU carries out the monitoring of all CTL dates; there is no separate monitoring of CTL cases within the CCU. Crown Court cases are monitored by keeping a record of the next hearing date in the central diary and requesting updates from the Crown Court staff, which can create difficulties in keeping these cases updated.
- 4.39 Whilst the systems used within the Area were working, it was clear that they relied on the relatively small number of CTL cases the Area deals with, and the hard work and assumption of responsibility by the B1 MCU manager and her deputy, which could cause difficulties in times of sickness or other absence.

Aspects for improvement

- * The Area should ensure that the CTL system is more widely understood and operated by additional staff to cope with potential absence.

Joint action to improve casework (CAP11)

- 4.40 We were aware of the efforts made by the MCU Head, following the commencement of prosecutions from the Camera Enforcement Unit, to ensure that CPS were only dealing with these cases in appropriate circumstances.
- 4.41 At present there is no case progression function within the MCU; for the reasons mentioned under summary trial preparation we recommend the MCU Head introduces this within his unit. The magistrates' courts' policy of not listing trials until they are ready for trial has benefits, however, given the lengthy delays we observed on files, there does seem to be scope for joint action to reduce delays and manage trial listing to ensure cases of sensitivity are prioritised.

National Probation Service and Youth Offending Teams (CAP12)

- 4.42 A pre-sentence report package was provided to the Probation Service in 18 out of 19 cases. In all 18 cases provision was timely. Relationships between the CPS and both the Probation Service and the Youth Offending Team within Warwickshire are good, with a high level of liaison and co-operation.

Recording of case outcomes (CAP16)

- 4.43 The administrative staff and Crown Court caseworkers finalise cases on Compass directly after the hearings. This is prioritised before any other action is carried out on the files. The administrative staff use finalisation code cards to assist them with this and we were pleased to note that there were no backlogs in finalisations at the time of the inspection. Some of the staff are relatively new, but Compass training has been delivered. At the time of the inspection, however, it was only used for updating hearing and finalisations.
- 4.44 The Area has introduced systems for compliance with JTrack and, at the time of inspection, there were no backlogs in the recording of cases relating to persistent offenders.
- 4.45 The low recording of cases committed for sentence during the third quarter of the year had been noticed by the ABM and had been investigated. It is believed that this was due to miscoding on Compass, which has now stopped.

Information on operational and legal issues (CAP17)

- 4.46 Times Law Reports are copied to all lawyers. Staff are confident in their use of the CPS Intranet to obtain information. E-mail is used effectively as a communication tool throughout the Area. Area Champions will also prepare and circulate bulletins on specific issues as they arise.

Readiness for court (CAP18)

- 4.47 This has been addressed under summary trial preparation and file handling systems at paragraphs 4.4, 4.12 and 4.30 above.

Learning points (CAP21)

- 4.48 The Area has good systems in place to consider adverse outcome cases; detailed reports were seen on the majority of relevant files with some evidence that these had been sent on to the police.
- 4.49 We were pleased to see that the Area had maintained its practice of circulating the indictments of finalised cases endorsed with the result to the reviewing lawyer in the CCU. This has now been extended to cover those in the MCU who were involved in the case.
- 4.50 A detailed analysis of the Cracked and Ineffective Trial Monitoring forms is undertaken by the VIP. Given the high cracked trial rate, we would suggest that this analysis is considered by the MCU Head, so that he can monitor general case progression within the MCU, and deal with specific cases or emerging trends where there are particular concerns.

5 ADVOCACY AND QUALITY OF SERVICE DELIVERY

Advocacy standards and monitoring (CAP19)

- 5.1 We observed nine advocates including Area lawyers, a Higher Court Advocate (HCA), a designated caseworker, counsel and a barrister agent. The standard of their advocacy was variable. The performance of an Area lawyer and the designated caseworker were above average. They presented their cases clearly and confidently, and dealt with issues raised by the court and the defence in a competent manner. On the other hand, some aspects of performance did not reach the standard we would expect; one advocate was lack-lustre and another was very hesitant in their delivery.
- 5.2 While the Area is able regularly to instruct a few agents with proven ability, it cannot always secure a sufficient number of agents of the desired standard. The Area is now considering the use of block booking agents for several months at a time to ensure the availability of suitable advocates. Agents cover the majority of summary trials within the Area and efforts are made to ensure that experienced agents are briefed in sensitive or complex cases.
- 5.3 The Head of the MCU monitors advocacy standards. Each lawyer and designated caseworker is seen once a year and more frequently should the need arise. The assessment forms part of the lawyers' performance appraisal.
- 5.4 HCAs in the Area are generally well prepared and competent. The Head of the CCU monitors HCAs twice a year as part of their performance appraisal. Counsel are seen from time to time, and always when they apply for re-grading. The CCU Business Manager, who is responsible for the selection of counsel in most cases, meets with clerks of chambers regularly and the standard of advocacy is discussed where necessary.

Strengths

- * Regular advocacy monitoring.

Court endorsements (CAP20)

- 5.5 Court endorsements were satisfactory in 36 out of 38 magistrates' courts cases and in all Crown Court cases. In appropriate Crown Court cases, we found that the trial judge's comments were recorded clearly. We were also pleased to see that an agent regularly instructed in magistrates' courts trials provides, without exception, a full, typed note of trials that result in acquittals. This helps the Area to analyse the outcome.

Strengths

- * The standard of court endorsements in the magistrates' and Crown Court.

Court preparation (QSD1)

- 5.6 Advocates are generally sufficiently prepared for the magistrates' courts. At the time of our inspection, a criminal direction hearing (CDH) court was convened one day per week in each of the magistrates' courts. These courts deal with pre-trial reviews in the absence of magistrates until the early afternoon, and continue with cases requiring magistrates until the end of the court sitting. Friday CDH courts are the heaviest courts, but prosecutors are given up to two days to prepare for them, which is more than we would normally expect.
- 5.7 At present, cases are often adjourned because prosecutors require further evidence from the police. In some cases, prosecutors sought adjournments before the defendants were asked to indicate their pleas. We appreciate that prosecutors naturally wish to ensure that the prosecution case is as strong as can be, but they should bear in mind the approach recommended by the Narey Report to proceed to an indication of plea and determination of mode of trial unless there are genuine doubts about the strength of the case. As more cases receive pre-charge advice this will become less of an issue, as the evidence gathering and review of files will have progressed further by the time of the first court appearance than is currently the case. Prosecutors should also recognise that, subject to a need to make fair pre-trial disclosure, a defendant does not have an unrestricted right to test the prosecution case and then claim a discount for a guilty plea.
- 5.8 Advocates in the Crown Court are generally well prepared and helpful to the court.

Attendance at court (QSD2)

- 5.9 Advocates attend court in good time to deal with questions and enquiries from defence solicitors.
- 5.10 The Area cannot always provide 1:1 caseworker coverage at the Crown Court, but the level of casework support is good in the main. Caseworkers are sometimes in attendance at a courtroom where HCAs are already present to conduct other cases. Since we think that the Area's caseworkers should play a bigger part in case preparation, the CCU Head should ensure he is satisfied that their attendance at these courts is necessary.

Accommodation (QSD4)

- 5.11 The CPS does not have accommodation at any of the magistrates' courts in the Area. Where necessary, prosecutors are allowed to use the courts' facilities, and we found that this was adequate.
- 5.12 There is a CPS room in the Crown Court, but it is not well equipped because of its small size. The Area is negotiating with the Court Service for a larger room in order to install further office equipment.

6 VICTIMS AND WITNESSES

Witnesses at court (QSD3)

- 6.1 The CPS and the Witness Service work together to provide witness support at court. The CPS generally provide sufficient warning to witnesses to attend court. A copy of the witness list is sent to the Witness Service. On occasions the CPS will provide additional information, for example, of a witness's special needs, so that the Witness Service can be better prepared.
- 6.2 Magistrates' courts across the Area tend not to list more than one trial per court session. This policy benefits witness care, in that trials are not adjourned because of lack of court time, waiting times tend to be shorter, and the prosecutor is able to spend more time on witness care. Since summary trials in the Area tend to be conducted by agents, input by the prosecuting advocate varies. We are pleased to note that the CPS receives feedback from the Witness Service to address any under-performance.
- 6.3 Witness care in the Crown Court is also good. The CPS often instructs counsel to agree with the defence the time and date for witness attendance so as to reduce waiting time. On the trial date, counsel and caseworkers engage witnesses appropriately.
- 6.4 We noticed a number of cases within the file sample, and whilst on site, where Special Measures had been applied for and used in a sensitive manner, although in the MCU sample we found two cases where Special Measures had not been used appropriately. The general standard and quality of Special Measures applications was commented favourably upon by other court users.

Strengths

- * The level of witness care provided by the Area.

Direct Communication with Victims (CAP13)

- 6.5 The Area introduced a Direct Communication with Victims (DCV) scheme in September 2002. Cases in the scheme are identified by stickers on the front of the file. The lawyers prepare letters to victims where necessary. They have received adequate training for these tasks. The letters are based on templates devised locally and their quality is satisfactory. Each unit has a system whereby lawyers are reminded of outstanding letters. In the MCU the level of compliance was generally good, however in the CCU, whilst we saw a number of well drafted letters, on a significant number of the cases, no letter had been sent.
- 6.6 We note that when a decision is taken to discontinue a case or to reduce a charge when the victim is at court, the CPS does not always write a DCV letter. The Area policy is that the victim should be spoken to at court about the decision, and asked if they would also like a letter explaining what had happened. We think that the Area needs to review this approach. Victims who attend court are usually nervous and are not fully able to appreciate or recall what happened in court. A letter that records clearly the decision of the CPS and the reasons behind it should therefore be provided unless a specific request is made by the victim, in which case the file should be clearly endorsed.

Aspects for improvement

- * Compliance with the DCV scheme in cases dropped at court and in the Crown Court Unit generally.

Meetings with victims and relatives of victims (DCV5)

- 6.7 Area lawyers will also arrange to see the victims or their relatives where appropriate. We saw an example where the victims in a complex and long running series of cases case met the CCP and the reviewing lawyer. Their explanations to the victims in written correspondence and in the meetings were of a high standard.

Victims' Charter (CR2)

- 6.8 The Area has worked co-operatively in the setting up and implementation of the Victim and Witness Information Partnership (VIP) in Warwickshire. This is a unique multi-agency partnership aiming to provide a 'one stop shop' for all aspects of victim and witness care in criminal cases. On visiting the offices provided for the VIP, we were particularly impressed with the facilities available for witnesses, which included an Internet area to provide witnesses with a virtual tour of a courtroom, and facilities for videoing vulnerable witnesses. We were also advised that meetings between the CPS and victims in sensitive cases now take place at the VIP premises.
- 6.9 We were able to see examples on the files we examined where positive intervention by the VIP had secured the attendance of witnesses on a number of summary trials. It was acknowledged that there had been less success on Crown Court cases.
- 6.10 The positive contribution of the CPS caseworker currently on secondment to the VIP was commented on by a number of people.
- 6.11 We were advised of a number of management issues which were not assisting the progress of the work of the VIP, but were informed that an Operational Forum has now been set up to consider the management structure of the VIP; a member of the AMT is the CPS representative on this. It is also apparent that better use of electronic e-mail by the CPS would assist the VIP.
- 6.12 A formal evaluation of the unit is currently being undertaken.

7 PERFORMANCE MANAGEMENT

Performance standards (PM1)

- 7.1 The Area prides itself on achieving good casework results and staff are committed to providing a high quality service. Many staff commented on the desire to provide a 'gold standard' service; however, there was less clarity as to how such a standard is defined or measured. For some staff there was a strong link between time spent on a case and the quality of work, which was not always necessarily true. We observed a few cases that had been reviewed a number of times and over a prolonged period, which still contained basic errors or omissions. We were a little concerned that in seeking to attain this 'standard', that staff were being put and, on occasion, putting themselves, under unnecessary pressure.
- 7.2 There is a good system for induction of administrative staff, which involves line manager sign-off as the staff attain the appropriate standards for particular aspects of work.

Performance monitoring (PM2)

- 7.3 There is a strong performance culture in Warwickshire. The Area collates and analyses a wide range of casework and other business performance data - this includes multi-agency data provided via the LCJB. Most of the data is analysed effectively and we observed examples of data analysis leading to actions to drive up performance. Overall, we were satisfied that the integrity of the data was reliable, albeit, as with most Areas, the introduction of the Compass Case Management System has brought some challenges.
- 7.4 Unit Heads produce regular reports/performance data for the CCP, which are discussed with other core performance information at AMT meetings. We felt that the reports from the MCU would benefit from a more concise format (or an executive summary). Staff were generally aware of performance levels through feedback from managers. The tone of feedback was occasionally harsh and unnecessarily critical. The Area benchmarks its performance in casework outcomes against other CPS Areas, and is consistently at, or near the top, in most categories.
- 7.5 The Area had its own dip sampling process in place prior to the introduction of the national Casework Quality Assurance (CQA) scheme, and they consider their own system to have been better. The CCU had only recently implemented the national system, and there was little enthusiasm for CQA in the MCU. While accepting that casework outcomes are generally good in Warwickshire, we were concerned that there appeared to be a lack-lustre approach to the new system. The checks did not appear to identify the issues found by inspectors in the file sample. We consider that there is scope to use the system more effectively, including a more targeted selection of files.

Strengths

- * The commitment to performance management, supported by good quality data and effective analysis.

Aspects for improvement

- * Improve the effectiveness of the use of the CQA system.

Joint performance management (PM3)

- 7.6 The Area has had a long standing concern over the quality of police files, which they perceive to adversely affect CPS effectiveness. However, there was little sign of effective joint working in the past to improve the situation. Issues such as lack of formal meetings and non-completion of TQ1 forms contribute to a lack of progress.
- 7.7 The CPS and police have recognised that there is a need to re-invigorate the process, and plans were being developed at the time of the inspection for the introduction of a new quality forum, to tackle Crown Court files in particular.
- 7.8 Area performance in ineffective trials is good in both units, although wider than usual fluctuations in figures can occur due to the low level of contested trials in the Area. While the figures in the magistrates' courts in Warwickshire (15.7%) are the best in the country, it should be borne in mind that there may have been many adjournments before a trial is set.

Aspects for improvement

- * The Area shows more determination in seeking an effective way of improving the quality of police files.

Risk management (PM4)

- 7.9 As with many CPS Areas, Warwickshire managers are still developing their risk management skills. This will become more important as some of the major projects in the Area progress.

Continuous improvement (PM5)

- 7.10 The Area has benefited from assistance from an externally funded group (Business Performance Improvement) who have assisted Warwickshire criminal justice agencies in planning and implementing some major projects. As well as working on issues such as the implementation of the Northern Justice Centre, the group have tackled specific process issues including the handling of minor traffic cases, which have caused difficulties for police, CPS and courts.

- 7.11 This high level work is complemented by the efforts of CPS staff at many levels, who monitor and manage most aspects of performance well. A significant amount of performance data is available over a three-year span, allowing for trends to be identified.

Accounting for performance (PM6)

- 7.12 The Area is more able than most to account for performance. A wide range of performance data was readily available and used to monitor performance. Whilst there are instances where data was not available, such as first time completions in early first hearing courts, on the whole the Area is well informed as to its performance.

8 PEOPLE MANAGEMENT AND RESULTS

Human resource planning (P1)

- 8.1 The Area has increased its complement of lawyers by two in the last year and is hoping to receive funding for two more (they would like three) to complete the implementation of the shadow pre-charge advice scheme, and to implement the statutory scheme.
- 8.2 Limitations in promotion opportunities within Warwickshire have contributed to some administrative staff transferring to other units/CPS Areas, which has reduced the levels of experience in the MCU.
- 8.3 The Area plans to develop lawyers by rotation, however the size of the CCU imposes some limitations.

Staff structure (P2)

- 8.4 Most staff consider that with the additional resources for pre-charge advice work, the Area will be adequately resourced in normal circumstances, particularly in terms of lawyers. There are concerns, however, that absence has a strongly detrimental affect on the ability to deliver the desired levels of service. This can be minimised by more efficient handling of cases among the agencies. More effective listing, improved police files and more efficient and robust CPS file management can help reduce the risk. The size of the CCU leads to the biggest risk, and has contributed to a perception of increased pressure on staff (the unit has grown slightly during the year). Across the Area, the staff have demonstrated a flexible and committed approach in recent times to minimise the impact of some long-term absences.
- 8.5 The office time available to lawyers in Warwickshire is considerably higher than that found in most CPS Areas, although this will reduce slightly with the implementation of charging. Lawyers in the magistrates' courts averaged between ten and 14 half-day court sessions per month in the period April 03 – January 04. This provides a greater than usual amount of time for preparation of cases, particularly in light of the comparatively low level of involvement in other activities such as training, community engagement and the use of Compass. It was therefore disappointing to see the number of adjournments in the Area, as referred to under summary trial preparation at paragraph 4.12 above. Whilst it is recognised that other agencies and practitioners can influence this, many of these adjournments were clearly attributable to CPS failures to grasp cases at an early stage.
- 8.6 The Area has made satisfactory use of designated caseworkers and Higher Court Advocates within the constraints under which they have operated. At the present time, most HCA work is targeted at committals for sentence and preliminary hearings – there is scope to improve the coverage to include more plea and directions hearings.

Staff development (P3)

- 8.7 Staff training and development is variable in the Area. We received very positive feedback on locally provided legal training. The majority of lawyers have received training on the Proceeds of Crime Act 2002, the Compass system, disclosure (revised Joint Operational Instructions), and the Sexual Offences Act 2003. However, there was limited evidence of training and development activity for lawyers, other than courses necessitated by changes to legislation. While pleased at the Area's efforts to provide local training - particularly in the absence of a regional Training and Development Officer - we were concerned to encounter reluctance to encourage staff to participate in developmental work. This appeared to be driven by concerns as to the impact this might have on casework outcomes. Some staff were also reluctant to attend training held outside the Area.
- 8.8 Training for administrative staff is also mixed. There was some good local induction work, but opportunities for other training were less than we have found elsewhere. A number of quite new staff had not received formal equality and diversity training.
- 8.9 An all staff training day was held in October 2003, albeit attendance was voluntary as the courts were still functioning normally. Feedback was generally positive from those who attended, although the administrative staff felt some of the topics covered were of little relevance to them. One of the objectives of the day was to thank/reward the staff for their strong performance. For future training days the Area intends to seek alignment with the court training sessions, which should secure higher attendance levels.
- 8.10 A training needs plan was formulated by analysis of Personal Development Plans and Forward Job Plans, but a significant amount of the training was still outstanding. The records of training provided to individuals were not up-to-date at the time of the inspection, although this has since been redressed.
- 8.11 While most staff were happy with the Area approach to career development, others were more sceptical. There were occasions where staff felt that they were not encouraged to pursue potential career development opportunities. Managers will need to assure themselves that their recruitment and development policies do not support this perception and allow for practices which take full account of the needs of the individual.

Aspects for improvement

- * Improved delivery of training based on individuals' needs/priorities.

Performance review (P4)

- 8.12 We have commented elsewhere in the report on the difficulties caused by the size of the Area; this is particularly true in terms of any poor performance and attendance. The Area has made a determined effort to tackle these issues through the performance appraisal and efficiency procedures. While managers consider that the matters were being progressed properly and sensitively, we found some inconsistency in the understanding of the issues between the managers and staff involved. Managers will need to ensure there is a common appreciation of the issues involved.

Strengths

- * The commitment to tackle difficult issues of individual staff performance.

Management involvement (P5)

- 8.13 Most staff were satisfied that communication channels existed to enable them to keep informed. Staff rely to a large degree on the informal cascade of information. There is no Area Sounding Board (or equivalent), and fora such as the Whitley Council and the Area Management Team (AMT) meet less regularly than normal. As with a number of CPS Areas, there was some concern at the possible overuse of e-mail as a communications tool. There was recognition that more formal team meetings would be beneficial. The CCP has given a number of 'state of the nation' talks to the Area, which have been well received.
- 8.14 While accepting that communication is easier in a single site environment, the layout of the building is not particularly conducive to effective communication. Managers will want to assure themselves that there is an effective system for 'upward communication'. Some staff in the Crown Court would rather that the Unit Head was situated on the same floor as the rest of the team.
- 8.15 A Communication Strategy had been formulated towards the end of 2003, but had yet to be ratified via the Whitley Council, or implemented.

Good employment practice (P6)

- 8.16 There are satisfactory systems in place for monitoring of annual leave, sickness and flexi-time, albeit the collation for sick absence data could be improved. Some staff were concerned that they were unable to utilise their accrued flexi-time with the result that it was 'lost'.
- 8.17 We were concerned that a small, but significant, number of staff considered it necessary to work long hours in order to cope with their workload. This was contributing to feelings of stress and pressure among staff, particularly in the Crown Court Unit. Whether this is driven by peoples' own commitment to produce quality casework, peer pressure or inefficiencies with the CJS, Area managers have a responsibility to assure themselves that staff working patterns are appropriate. This may be influenced by the working practices of senior managers who frequently work long hours.

Equality and diversity (P7)

- 8.18 The Area has an Equality and Diversity Plan that had been updated in July. There are no local Equality and Diversity groups/committees and the regional Equality and Diversity Officer had only recently returned following maternity leave. Equality and Diversity issues were not high on the list of Area priorities at the time of the inspection, although that does not necessarily indicate a lack of commitment. A number of the newer members of staff had not received Equality and Diversity training, and the intention is to integrate this into local induction training.

- 8.19 The Area is supportive of family-friendly policies, although there are fewer examples of flexible working practices in Warwickshire than found elsewhere.
- 8.20 In terms of minority ethnic and female staff, the workforce in the Area exceeds the local population. The Area advertises administrative vacancies in community centres, as this is perceived to be more effective in recruiting minority ethnic staff. There is no similar system to attract new lawyers.
- 8.21 Community engagement and liaison is being undertaken (mainly by CCP) and this may provide further opportunity to promote recruitment.

Health and safety

- 8.22 The Area has conducted health and safety checks in September 2003 and January 2004. Most issues raised had been progressed.
- 8.23 A number of staff commented on the difficulty of transporting bags to court on days where there is a heavy caseload, particularly as there are parking issues at some court centres. They considered that the occasional use of couriers (or alternative system) should be made available. Whilst accepting that it was Area practice not to use couriers, managers commented that they were not aware of such concerns. Managers will need to assure themselves that such a policy does not present health and safety or security risks.
- 8.24 The CPS policy on smoking is not properly implemented. The room for smoking is the office of a senior manager who smokes. Although the Area believed that there was compliance, it overlooked the point that many other staff and visitors are required to attend that office. The purpose of the national policy is to avoid enforced passive smoking and management should address this.

9 MANAGEMENT OF FINANCIAL RESOURCES

Staff financial skills (MFR 1)

- 9.1 Most of the day-to-day budget activity is handled by the Secretariat staff, who provide information to the ABM to assist with decision-making. Additional training is underway to ensure there is cover in times of absence.

Adherence to financial guidelines (MFR 2)

- 9.2 The Area was not complying with the appropriate guidelines over the use of counsel in the magistrates' courts debited to the prosecution costs (account 3010/3020). All agents covering trial only courts have been paid through this account with no regard as to the length, nature or complexity of the case. This is an abuse of the prosecution costs vote and should be stopped immediately.
- 9.3 While the amounts involved are not particularly high (less than £40,000), it is likely that the Area would have been overspent in running costs without the inappropriate allocation of this expenditure. We were particularly disappointed at the reluctance by senior managers to take responsibility for this situation, including the decision to journal some money to prosecution costs in the second half of the year.

RECOMMENDATION

The CCP and ABM should ensure that only appropriate transactions are allocated to prosecution costs codes 3010/3020.

Budgetary controls (MFR 3)

- 9.4 The Area has a sound system for reconciling and forecasting the payroll and general administration costs of the Area. Spreadsheets are maintained in the Secretariat with appropriate allowance made for known future changes and issues such as any delays in processing payroll data to the management reports, and ring fenced monies for LCJB work. There were good audit trails in both IT systems and paperwork.

Management of prosecution costs (MFR 4)

- 9.5 There are good controls over the payment of counsel fees. A2 staff maintain an automated log of fees to monitor payments and chase counsel for overdue invoices.

Value for money approach (MFR 5)

- 9.6 It is recognised that the existing systems produce good results, but we feel that similar results could still be achieved in a more efficient way. While Area expenditure on agents in the magistrates' courts is not high, we consider that there are opportunities for further rationalisation. This would be greatly assisted by improvements in the quality of police files and more robust decision-making. At the present time there are too many unnecessary adjournments, which contributes to considerable re-working of files and more court sittings than necessary to handle the volume of cases.

10 PARTNERSHIPS AND RESOURCES

CJS partnerships (P&R1)

- 10.1 The Area has played an active role in the development of the LCJB and its sub groups. The CCP has been very heavily involved and has carried out multiple roles in addition to chairing the Board. The ABM is also involved in a considerable amount of inter-agency work at a strategic level. Both Unit Heads have a limited involvement at an operational level.
- 10.2 There are ongoing major projects designed to deliver a joined-up criminal justice system in Warwickshire. The Victim Information Partnership has already opened and, despite some ongoing issues, is perceived to be making a positive impact. The Northern Criminal Justice Centre is scheduled for completion in 2004-05, although the impact on the CPS will be comparatively small. A key deliverable of these initiatives will be joined-up IT systems.
- 10.3 The biggest initiative will be the Southern Criminal Justice Centre which is designed to be a 'one-stop' criminal justice system with all the major agencies housed together. This is unlikely to be completed until 2007. Levels of enthusiasm for the concept are variable, with the possibility of re-location the major concern.

CJS agencies (P&R2)

- 10.4 The Area's relationships with partner agencies are generally positive. There has been significant turnover of police staff which has had some impact on driving forward issues. There was optimism at the time of the inspection that the current partnerships were effective.
- 10.5 Relationships with the magistrates' courts are satisfactory, although there have been some recent difficulties over changes to listing patterns. There is scope for strengthening liaison with the judiciary.
- 10.6 Relationships with the Witness Service are strong.

Strengths

- * Area has made a strong and innovative contribution to a number of inter-agency initiatives, such as the Victim Information Partnership and the Criminal Justice Centres.

Improving local CJS performance (P&R3)

- 10.7 The implementation of pre-charge advice centres in Leamington Spa and Rugby is considered to have been successful. It is anticipated that, in addition to strengthening relationships between prosecutors and police officers, this initiative will have an important role in assuring the quality of police files.

- 10.8 The Victim Information Partnership, after a difficult start, has begun to show some positive outcomes. Pro-active support of witnesses has led to some cases proceeding to trial that might otherwise have been discontinued. There is still scope for improvements in inter-agency co-operation to maximise efficiency – particularly with regard to the use of the Compass Case Management System by CPS staff.
- 10.9 The Joint Action Executive Group (JAEG), a sub group of the LCJB, is perceived to have been less effective than hoped. There is a commitment to make the sub groups more focused in the future.
- 10.10 Case progression systems have recently been introduced for Crown Court cases. This involves weekly telephone calls/meetings between the CPS and court staff with a view to minimising cracked and ineffective trials and improved efficiency. Again, the early signs are positive.

Information technology (P&R4)

- 10.11 Area staff make good use of standard Microsoft applications, particularly to monitor performance data; the spreadsheets for finance and pre-charge advice, in particular, are very useful.
- 10.12 However, the use of Compass, whilst variable between staff, is poor overall. Area staff prefer their own systems and forms, and have decided to make minimal use of Compass in the short term. This is particularly so for the lawyers, although the typists have made best use of the system. Staff believe that the system may slow them down, and therefore tend not to use it. Most managers are not unduly concerned and support the staff view.
- 10.13 While the situation may be improved with the recent release of an updated version of Compass, we are concerned that the CPS approach may compromise the major inter-agency IT pilot, which is due to be undertaken in Warwickshire in the near future. Non use of the system has also hindered some aspects of VIP work, and has involved staff in additional work, which would have been unnecessary if Compass was being updated and used effectively.
- 10.14 The Area is also participating in a secure e-mail project, although again the uptake has been disappointing across the agencies.

Aspects for improvement

- * The Area should improve its effectiveness of Compass utilisation.

Buildings, equipment and security (P&R5)

- 10.15 The Area premises are conveniently located close to the courts and police in Leamington Spa. There is no co-location at the present time and none planned in the near future. Accommodation will be available for the CPS in the Northern Criminal Justice Centre to facilitate Narey reviews and pre-charge advice.

- 10.16 The Area has started work on assessing premises against the BS7799 standard. At the time of the inspection there was a lack of clarity over smoking policies and facilities.

Partnership with Headquarters and the Service Centre (P&R6)

- 10.17 Partnerships with the Service Centre are satisfactory, although there is a perception by the Area that the level of service has occasionally slipped. The CCP maintains strong relationships with CPS Headquarters and participates in projects and boards at a national level.

11 POLICY AND STRATEGY

Stakeholders (P&S1)

- 11.1 The Area has not always taken full account of all stakeholders' needs, both internal and external. There is a tendency for the Area to be inwardly focused in some of its decision-making. While recognising the Area's commitment to performance, it appears, on occasion, to impact unduly on compliance to national/project guidelines. Examples of limited compliance include Compass usage, custody time limits and Casework Quality Assurance.

RECOMMENDATION

The Area should improve its compliance to national policies and guidelines and ensure that its policy decisions take appropriate account of all stakeholders.

Performance measurement (P&S2)

- 11.2 Area policy is strongly influenced by performance data and outcomes, and the possible impact of any new initiatives on such results. The Area's strong performance management systems are useful when planning and evaluating policy and strategy.

Review (P&S3)

- 11.3 Reviews of the pre-charge advice, Victim Information Partnership and secure e-mail projects had been planned for shortly after the completion of the inspection. Progress on the Criminal Justice Centres has been managed using formal project management techniques (led by Business Performance Improvement), with built-in reviews of progress.

Communication and implementation (P&S4)

- 11.4 When the Area has implemented projects and initiatives, this has usually been handled with appropriate levels of communication.

12 PUBLIC CONFIDENCE

Complaints (CR1)

- 12.1 The Area maintains a single complaints log for both units, maintained by the Area Secretariat. Under the current system the Unit Heads deal with complaints, asking for a report from the reviewing lawyer where necessary. Complaints are referred to the CCP where necessary. The Area has secured improvements in the timeliness of complaint handling and in the sensitivity of the responses sent.
- 12.2 The complaints log does not indicate whether the complaint was upheld, or whether there are any lessons to be learnt. The Area acknowledges that they need to improve the method of evaluation of complaints to see if this could secure improvements in service delivery. This is an issue for management attention.

Minority ethnic communities (CR5)

- 12.3 We deal with the Area's handling of racist incident cases at paragraph 4.27.
- 12.4 The Area has been involved in initiatives to increase the level of confidence felt by minority ethnic communities; the CPS policy on racially and religiously aggravated crime has been explained in talks to a number of race equality groups, the CPS is represented on the Community Against Racism Steering Group and has participated in the county's 'Throwing Stones' project which is aimed at children.

Safeguarding children (CR7)

- 12.7 There are a number of specialist prosecutors who deal with cases of child abuse; where cases were dealt with by non-specialists, we saw clear evidence that the case had been discussed with a specialist. We were impressed with the detailed review notes and the clear analysis of the video evidence. It was also encouraging to see that Higher Court Advocates were covering child abuse cases which had been committed for sentence.
- 12.8 The Area is represented on the Area Child Protection Committee and there is a high level of local liaison on child protection issues.

Community engagement (CR6 and SR1)

- 12.9 Senior managers have made efforts to engage with the local community and the CPS are represented on a number of community groups. Presentations delivered at meetings of local and county organisations about the function of CPS, and its role within the CJS, have been described as informative and helpful. The CCP and ABM currently undertake the majority of this work; the ethos needs to permeate down to staff at all levels.

Media engagement (SR2)

- 12.10 The Area has a member of staff who acts as the Area Press and Publicity Officer, dealing mainly with press enquiries. The Area does have links with the local and regional media and has achieved some positive coverage. An LCJB Communications Officer has been appointed to co-ordinate the media coverage of joint initiatives.

Public confidence (SR3)

- 12.11 The British Crime Survey 2002-03 showed that public confidence in the effectiveness of criminal justice agencies in bringing people to justice was not strong in Warwickshire. The data demonstrated a significant decrease in the level of confidence from the previous year. The LCJB is aware of this, and through the media and by direct community liaison, has taken steps to raise public awareness of local initiatives and the progress that has been made against the Public Service Agreement targets. It is hoped that the recent appointment of the LCJB Performance Officer will assist in developing this further.

13 LEADERSHIP AND GOVERNANCE

Vision and values (L&G1)

- 13.1 The Area has a clear vision as to its direction over the next few years, based around the major projects to deliver a 'one stop' criminal justice system in Warwickshire.
- 13.2 The staff are very focused on delivering a high quality service and meeting performance targets and have shown considerable dedication in achieving these goals. Managers have a strong commitment to high performance, but will wish to assure themselves that their attempts to manage performance effectively and positively are not undermined by inappropriate tone and style. We saw a number of comments on files capable of causing offence.

Staff recognition (L&G2)

- 13.3 There was a perception among some staff that the Area managers have sometimes been unnecessarily critical of any errors and slow to praise good work. We observed examples whereby an unfortunate choice of words might have demonstrated such an approach. Conversely we also saw evidence of formal recognition of the significant amount of good work done in the Area.

Management structure (L&G3)

- 13.4 The Area has a standard management structure for a single centre CPS Area, with a level D Unit Head for both the Crown Court and Magistrates' Courts teams. The CCP and ABM complete the Area Management Team (AMT), which until recently had also included level B managers.
- 13.5 The CCP went on a three-month secondment to the national CJC/CJIT project and his position was covered by a lawyer from CPS West Mercia on a temporary promotion basis. The timing was a little unfortunate as it coincided with the arrival of the new ABM (although the CCP was still available for consultation as required). This may have contributed to the failure to hold an AMT meeting from July to November 2003. While this is unusual, the managers involved were satisfied that this did not have a detrimental effect on the Area.
- 13.6 The size of the Area makes it susceptible to difficulties when caseload fluctuates or staff are absent. This contributes to managers having more direct involvement in casework, and less time to manage staff than desirable.

Organisational structure (L&G4)

- 13.7 The Area has considered whether the two-team structure is viable, and at the present time, they believe that the benefits outweigh the disadvantages. The structure allows for a strong focus on Crown Court work, although there are potential difficulties and reduced economies of scale presented by having a very small team (Unit Head plus 2.6 lawyers). The size of the unit contributes to the feeling of pressure experienced by some staff.

- 13.8 In the MCU there are three teams aligned to the main courts. This has proved useful in building a strong sense of file ownership, as the same staff will normally manage files through the various stages of case management.
- 13.9 There is generally a good level of co-operation between teams/units, which helps reduce the risks brought about by the size of teams. However, we would encourage managers to keep the structure under review to ensure that it continues to be aligned as closely as possible to the needs of the staff and business alike.

Strengths

- * High level of commitment and co-operation amongst staff.

Action plans (L&G5)

- 13.10 The Area Business Plan is a mixture of high-level aims (local and national) and a more detailed action plan as to how some objectives will be achieved. A significant number of objectives are being carried over to the 2004-05 Plan. There is scope for improving the focus and prioritisation of actions. The Plan is subject to review, although not to the targeted frequency. An improved system of monitoring via a schedule of key dates and milestones was being developed at the time of the inspection.

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

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

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.

ADVOCACY AND QUALITY OF SERVICE DELIVERY (Chapter 5)

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

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.

VICTIMS AND WITNESSES (Chapter 6)

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.

PERFORMANCE MANAGEMENT (Chapter 7)

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

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.

PEOPLE MANAGEMENT AND RESULTS (Chapter 8)

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.

MANAGEMENT OF FINANCIAL RESOURCES (Chapter 9)

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

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.

PARTNERSHIPS AND RESOURCES (Chapter 10)

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

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.

POLICY AND STRATEGY (Chapter 11)

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

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.

PUBLIC CONFIDENCE (Chapter 12)

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.

LEADERSHIP AND GOVERNANCE (Chapter 13)

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

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.

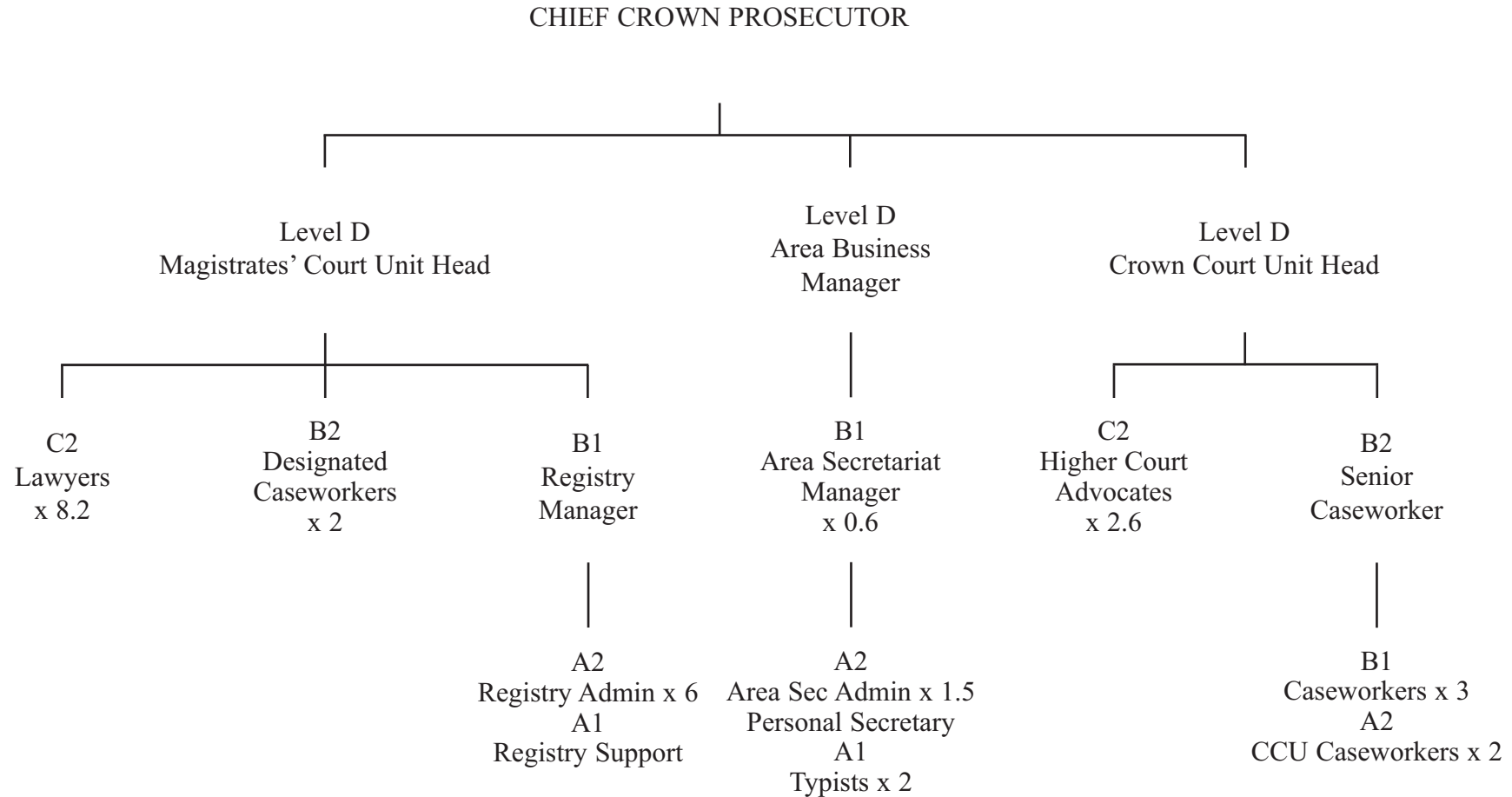
Action plans (L&G5)

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.

CPS WARWICKSHIRE STAFF STRUCTURE



ANNEX 3

AREA CASELOAD FOR YEAR TO DECEMBER 2003

| 1. Magistrates' Court - Types of case | Warwickshire | | National | |
|---------------------------------------|--------------|------------|------------------|------------|
| | Number | Percentage | Number | Percentage |
| Advice | 679 | 7.0 | 117,172 | 7.9 |
| Summary motoring | 2,006 | 20.6 | 386,933 | 26.0 |
| Summary non-motoring | 3,615 | 37.2 | 427,757 | 28.8 |
| Either way & indictable | 3,189 | 32.8 | 538,213 | 36.2 |
| Other proceedings | 226 | 2.3 | 15,337 | 1.0 |
| Total | 9,715 | 100 | 1,485,412 | 100 |

| 2. Magistrates' Court - Completed cases | Warwickshire | | National | |
|---|--------------|------------|------------------|------------|
| | Number | Percentage | Number | Percentage |
| Hearings | 7,414 | 84.2 | 1,000,252 | 73.9 |
| Discontinuances | 755 | 8.6 | 164,987 | 12.2 |
| Committals | 361 | 4.1 | 96,053 | 7.1 |
| Other disposals | 280 | 3.2 | 91,601 | 6.8 |
| Total | 8,810 | 100 | 1,352,893 | 100 |

| 3. Magistrates' Court - Case results | Warwickshire | | National | |
|--------------------------------------|--------------|------------|------------------|------------|
| | Number | Percentage | Number | Percentage |
| Guilty pleas | 5,706 | 76.6 | 799,595 | 79.2 |
| Proofs in absence | 1,573 | 21.1 | 144,521 | 14.3 |
| Convictions after trial | 130 | 1.7 | 46,988 | 4.7 |
| Acquittals: after trial | 35 | 0.5 | 15,852 | 1.6 |
| Acquittals: no case to answer | 4 | 0.1 | 2,575 | 0.3 |
| Total | 7,448 | 100 | 1,009,531 | 100 |

| 4. Crown Court - Types of case | Warwickshire | | National | |
|---|--------------|------------|----------------|------------|
| | Number | Percentage | Number | Percentage |
| Indictable only | 140 | 30.6 | 40,644 | 32.1 |
| Either way: defence election | 4 | 0.9 | 14,006 | 11.1 |
| Either way: magistrates' direction | 167 | 36.5 | 40,977 | 32.4 |
| Summary: appeals; committals for sentence | 146 | 31.9 | 30,999 | 24.5 |
| Total | 457 | 100 | 126,626 | 100 |

| 5. Crown Court - Completed cases | Warwickshire | | National | |
|----------------------------------|--------------|------------|---------------|------------|
| | Number | Percentage | Number | Percentage |
| Trials (including guilty pleas) | 279 | 89.7 | 79,296 | 82.7 |
| Cases not proceeded with | 25 | 8.0 | 13,592 | 14.2 |
| Bind overs | 1 | 0.3 | 1,127 | 1.2 |
| Other disposals | 6 | 1.9 | 1,905 | 2.0 |
| Total | 311 | 100 | 95,920 | 100 |

| 6. Crown Court - Case results | Warwickshire | | National | |
|-------------------------------|--------------|------------|---------------|------------|
| | Number | Percentage | Number | Percentage |
| Guilty pleas | 258 | 91.2 | 59,465 | 73.5 |
| Convictions after trial | 18 | 6.4 | 13,018 | 16.1 |
| Jury acquittals | 6 | 2.1 | 6,874 | 8.5 |
| Judge directed acquittals | 1 | 0.4 | 1,565 | 1.9 |
| Total | 283 | 100 | 80,922 | 100 |

TABLE OF RESOURCES AND CASELOADS

| AREA CASELOAD/STAFFING CPS WARWICKSHIRE | | |
|---|-------------------|------------------|
| | March 2004 | July 2001 |
| Lawyers in post (excluding CCP) | 12.8 | 10 |
| Cases per lawyer (excluding CCP) per year | 758.98 | 897.8 |
| Magistrates' courts contested trials per lawyer (excluding CCP) | 13.2 | 23.2 |
| Committals for trial and "sent" cases per lawyer (excluding CCP) (not CFS or appeals) | 28.2 | 30.5 |
| Crown Court contested trials per lawyer (excluding CCP) | 2.1 | 3.7 |
| Level B1, B2, B3 caseworkers in post <i>(Includes one level B from the Area Secretariat)</i> | 9 | 7 |
| Committals for trial and "sent" cases per caseworker(not CFS or appeals) | 40.1 | 43.6 |
| Crown Court contested trials per caseworker | 2.7 | 5.3 |
| Running costs (non ring fenced) | £1,361,100* | £1,144,080 |

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

* This includes some Local Criminal Justice Board funds.

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

| | RECOMMENDATIONS | POSITION IN MARCH 2004 |
|-----------|---|---|
| R1 | The MCU Head should allocate advice cases more widely to give all lawyers in the MCU increased opportunities to deal with advice work (paragraph 2.10). | Partly achieved by the pre-charge advice scheme. Some advices are allocated to MCU and CCU lawyers, but majority are still done by MCU Head. |
| R2 | The CCP and the Unit Heads carry out a thorough review of the manner in which discontinuance decisions are made in order to ensure that: <ul style="list-style-type: none"> i) The decision to discontinue is taken at the earliest possible stage, but only when all the available evidence is to hand, and that ii) Due consideration is given to the evidential strengths of a case as well as to its weaknesses (paragraph 3.21). | Partly achieved. Discontinuance was timely in the majority of cases in the file sample, and was done after all reasonable steps had been taken to obtain additional information/evidence. The decision to discontinue was appropriate in all but one of the cases seen, although the reasoning provided to the police was not as clear as it could be. Due to the lack of effective joint performance management, analysis discontinuance had not been jointly analysed. |
| R3 | The prosecutors should carefully examine the MG6C schedules and, if omissions are apparent, return the schedule to the disclosure officer for rectification, and then endorse the file to that effect (paragraph 4.7). | Not achieved. This remains a significant weakness for the Area. |
| R4 | The CCU manager should ensure that instructions to counsel contain the prosecutors' views on the acceptability of pleas in all appropriate cases (paragraph 4.21). | Achieved. A very significant improvement has been made and briefs to counsel are currently of a high standard. |
| R5 | The ABM should undertake a review of communications, both within the Area and externally with CPS stakeholders, with a view to updating the current Communications Strategy (paragraph 6.18). | Partly achieved. Communications both internal and external are generally sound. A Communication Strategy has been drafted but has not as yet been circulated to staff. |

| | RECOMMENDATIONS | POSITION IN MARCH 2004 |
|-----------|--|---|
| R6 | <p>The CCP should take steps to:</p> <ul style="list-style-type: none"> i) ensure full completion of the complaints pro-forma to enable a regular analysis of the reasons for complaints and the actions taken; ii) improve the quality and sensitivity of responses to complaints (paragraph 6.57). | <p>Partly achieved. The quality and sensitivity of complaints handling has improved. Although there is a central log for complaints, no regular analysis of the complaints is undertaken.</p> |
| | SUGGESTIONS | POSITION MARCH 2004 |
| S1 | <p>The Unit Heads should ensure that all indictments in completed cases are endorsed with the results and that any amendments are circulated to all lawyers in the Area who have contributed to the handling of these cases (paragraph 3.44).</p> | <p>Achieved. The reviewing lawyer in CJU now receives a copy of the endorsed indictment.</p> |
| S2 | <p>All prosecutors should endorse the files with a record of what material is served by way of advanced information (paragraph 4.3).</p> | <p>Achieved. The Area introduced a standard form for the recording of advance information served on the defence which is now in use.</p> |
| S3 | <ul style="list-style-type: none"> i) the reviewing lawyer's findings with regard to undermining material should always be endorsed on the MG6C schedule, whether or not such material exists; and that ii) all decisions on disclosure should be endorsed on the file, including findings that there is no material which might undermine the prosecution case (paragraph 4.9). | <p>Not achieved. We found significant primary disclosure failings on a number of files, although the CCU's handling of secondary disclosure was done to a very high standard.</p> |
| S4 | <p>The AMT should review and evaluate the organisation and operation of the Magistrates' Court and Crown Court Units within 18 months of their creation, and should re-assess their viability, taking into account their operational flexibility and the continuing need to develop staff (paragraph 6.13).</p> | <p>Achieved. The Area undertook an internal evaluation of its structure. The current structure encourages a high level of service delivery in both units and facilitates HCA usage. The recruitment of additional staff has increased operational flexibility. Some rotation has taken place and the units do work together co-operatively.</p> |

| | SUGGESTIONS | POSITION MARCH 2004 |
|-----------|--|---|
| S5 | The AMT should consider ways to join with the other criminal justice agencies to develop inter-agency awareness on diversity issues (paragraph 6.53). | Partly achieved through workings of LCJB (of which CCP was Chair until April 2003). The LCJB has recently appointed a joint Communications Officer. |
| S6 | The AMT should also identify its own initiatives to promote the CPS within the local communities apart from joint initiatives with the other criminal justice agencies (paragraph 6.54). | Partly achieved. Community engagement does now take place although this is usually limited to CCP/ABM involvement. |

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

| | Number of files examined |
|---|-------------------------------------|
| Magistrates' courts cases/CJUs: | |
| Advice | 5 |
| No case to answer | 0 |
| Trials | 20 |
| Discontinued cases | 15 |
| Race crime | (5) |
| Domestic violence cases | (8) |
| Youth trials | 5 |
| Cracked trials | 4 |
| Ineffective trials | 2 |
| Cases subject to custody time limits | 5 |
| Crown Court cases/TU: | |
| Advice | 4 |
| Discontinued | 1 |
| Committals discharged after evidence tendered/sent cases dismissed after consideration of case | 0 |
| Judge ordered acquittals | 8 |
| Judge directed acquittals | 1 |
| Trials | 13 |
| Child abuse cases | (4) |
| Race crime | (1) |
| Cracked trials | 8 |
| Ineffective trials | 0 |
| Rape cases | (1) |
| Street crime cases | (3) |
| Cases subject to custody time limits | 5 |
| TOTAL | 96 |

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 Cole
Mrs V Ollorenshaw, Court Manager

Magistrates' Courts

Mr M Fox JP, Chairman, Magistrates' Courts' Committee
Mr A Aucott JP, Bench Chairman
Mrs V McGhee, Justices' Chief Executive
Mr M Watkins, Clerk to the Justices

Police

Mr J Burbeck, Chief Constable
Assistant Chief Constable D Cake
Chief Superintendent N James
Chief Superintendent D Whitehouse
Chief Superintendent S Burrows
Inspector J Hugginson
Detective Inspector S Lewis

Defence Solicitors

Mr A Mathie

Counsel

Mr S Ward
Mr A Keeling
Mr R Jukes QC

National Probation Service

Mrs L Stafford, Chief Officer of Probation

Victim Support

Mr D Coley, Acting Manager
Mrs J Kilgallon, Project Manager, Victim Information Partnership

Witness Service

Mrs W Charles
Mr R Schofield

Youth Offending Team

Mrs D Johnson

Community Groups

Mr N Patel, Race Equality Support Worker
Mr M Salim JP, Ahmadiyya Muslim Association
Mr V Owen, Rugby & District Neighbourhood Watch

Domestic Violence

Mr P Stachurski
PC D Freeman

HMCPST VISION, MISSION AND VALUES

Vision

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

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

Mission

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

Values

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

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

Taken together, these mean:

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

GLOSSARY

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

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| CRACKED TRIAL | A case listed for a contested trial which does not proceed, either because the defendant changes his plea to guilty, or pleads to an alternative charge, or the prosecution offer no evidence |
| CRIMINAL JUSTICE UNIT (CJU) | Operational unit of the CPS that handles the preparation and presentation of magistrates' court prosecutions. The <i>Glidewell</i> report recommended that police and CPS staff should be located together and work closely to gain efficiency and higher standards of communication and case preparation. (In some Areas the police administration support unit is called a CJU) |
| CUSTODY TIME LIMITS (CTLs) | The statutory time limit for keeping a defendant in custody awaiting trial. May be extended by the court in certain circumstances |
| DESIGNATED CASEWORKER (DCW) | A senior <i>caseworker</i> who is trained to present straightforward cases on pleas of guilty, or to prove them where the defendant does not attend the magistrates' court |
| DIRECT COMMUNICATION WITH VICTIMS (DCV) | A new procedure whereby CPS consults directly with victims of crime and provides them with information about the progress of their case |
| DISCLOSURE, Primary and Secondary | The prosecution has a duty to disclose to the defence material gathered during the investigation of a criminal offence, which is not intended to be used as evidence against the defendant, but which may be relevant to an issue in the case. Primary disclosure is given where an item may undermine the prosecution case; secondary is given where, after service of a defence statement, any item may assist that defence |
| DISCONTINUANCE | The dropping of a case by the CPS in the magistrates' court, whether by written notice, withdrawal, or offer of no evidence at court |
| EARLY ADMINISTRATIVE HEARING (EAH) | Under <i>Narey</i> procedures, one of the two classes into which all summary and <i>either way</i> cases are divided. EAHs are for cases where a not guilty plea is anticipated |
| EARLY FIRST HEARING (EFH) | Under <i>Narey</i> one of the two classes into which all summary and <i>either way</i> cases are divided. EFHs are for straightforward cases where a guilty plea is anticipated |
| EITHER WAY OFFENCES | Those triable in either the magistrates' court or the Crown Court, e.g. theft |
| EUROPEAN FOUNDATION FOR QUALITY MODEL (EFQM) | A framework for continuous self-assessment and self-improvement against whose criteria HMCSI conducts its inspections |
| EVIDENTIAL TEST | The initial test under <i>the Code</i> – is there sufficient evidence to provide a realistic prospect of conviction on the evidence? |
| GLIDEWELL | A far-reaching review of CPS operations and policy dating from 1998 which made important restructuring recommendations e.g. the split into 42 local Areas and the further split into functional units - <i>CJUs</i> and <i>TUs</i> |

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| GOOD PRACTICE | An aspect of performance upon which the Inspectorate not only comments favourably, but considers that it reflects in manner of handling work developed by an Area which, with appropriate adaptations to local needs, might warrant being commended as national practice |
| HIGHER COURT ADVOCATE (HCA) | In this context, a lawyer employed by the CPS who has a right of audience in the Crown Court |
| JOINT PERFORMANCE MONITORING (JPM) | A management system which collects and analyses information about aspects of activity undertaken by the police and/or the CPS, aimed at securing improvements in performance |
| INDICTABLE ONLY OFFENCES | Offences triable only in the Crown Court, e.g. murder, rape, robbery |
| INEFFECTIVE TRIAL | A case listed for a contested trial that is unable to proceed when it was scheduled to start, for a variety of possible reasons, and is adjourned to a later date |
| JUDGE DIRECTED ACQUITTAL (JDA) | Where the judge directs a jury to find a defendant not guilty after the trial has started |
| JUDGE ORDERED ACQUITTAL (JOA) | Where the judge dismisses a case as a result of the prosecution offering no evidence before a jury is empanelled |
| LEVEL A, B, C, D, E STAFF | CPS grades below the Senior Civil Service, from A (administrative staff) to E (senior lawyers or administrators) |
| LOCAL CRIMINAL JUSTICE BOARD | The Chief Officers of police, probation, the courts, the CPS and the Youth Offending Team in each criminal justice area who are accountable to the National Criminal Justice Board for the delivery of <i>PSA</i> targets |
| MG6C, MG6D ETC | Forms completed by police relating to unused material |
| NAREY COURTS, REVIEWS ETC | A reformed procedure for handling cases in the magistrates' court, designed to produce greater speed and efficiency |
| NO CASE TO ANSWER (NCTA) | Where magistrates dismiss a case at the close of the prosecution evidence because they do not consider that the prosecution have made out a case for the defendant to answer |
| PERSISTENT YOUNG OFFENDER | A youth previously sentenced on at least three occasions |
| PRE-TRIAL REVIEW | A hearing in the magistrates' court designed to define the issues for trial and deal with any other outstanding pre-trial issues |
| PUBLIC INTEREST TEST | The second test under <i>the Code</i> - is it in the public interest to prosecute this defendant on this charge? |
| PUBLIC SERVICE AGREEMENT (PSA) TARGETS | Targets set by the Government for the criminal justice system (CJS), relating to bringing offenders to justice and raising public confidence in the CJS |

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