

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

**REPORT 9/04**

**JULY 2004**

# CPS WEST MIDLANDS



## **AREA OFFICE**

Birmingham

## **OTHER OFFICES**

Bournville Lane, Brierley Hill, Coventry, Halesowen  
Solihull, Walsall, West Bromwich, Wolverhampton

## **MAGISTRATES' COURTS**

Aldridge, Birmingham, Coventry, Dudley, Halesowen, Solihull  
Stourbridge, Sutton Coldfield, Walsall, Warley, West Bromwich, Wolverhampton

## **CROWN COURTS**

Birmingham, Coventry, Warwick, Wolverhampton

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## **PREFACE**

Her Majesty's Crown Prosecution Service Inspectorate (HMCPPI) 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.

HMCPPI'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 HMCPPI 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 HMCPPI 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. HMCPPI 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, HMCPPI 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, HMCPPI 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. HMCPPI also invites suitably informed members of the public nominated by national organisations to join the process as lay inspectors.

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

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

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

The Inspectorate's reports identify strengths and aspects for improvement, draw attention to good practice and make recommendations in respect of those aspects of the performance which most need to be improved. The definitions of these terms may be found in the glossary at Annex 9.

During the second cycle of inspections, a database will be built up enabling comparisons to be drawn between performances of CPS Areas. The table of key performance indicators within this report makes such comparison with the aggregate data gathered from the first 21 inspections. HMCPSI points out the care which must still be undertaken if readers are minded to compare performance described in this report with the overall CPS performance in the *first* cycle. Although many of the key requirements remain and are tested by the same standard, the composition of the file sample has altered and this may make such comparisons unreliable. For that reason, no comparisons are made in this report with the first cycle.



## 1 INTRODUCTION

- 1.1 This is Her Majesty's Crown Prosecution Service Inspectorate's report about CPS West Midlands (the Area), which serves the area covered by the West Midlands Constabulary. It has nine offices, at Birmingham, Brierley Hill, Bournville Lane, Coventry, Halesowen, Solihull, Walsall, West Bromwich and Wolverhampton. The Area Headquarters (Secretariat) is based at the Birmingham office.
- 1.2 Area business is divided on functional lines between magistrates' courts and Crown Court work. There are 11 Criminal Justice Units (CJUs) which are responsible for the conduct of all cases dealt within the magistrates' courts (and some youth cases in the Crown Court). Staff are co-located with the police at the Coventry and Wolverhampton offices, as well as at Brierley Hill, Bournville Lane, Halesowen, Solihull, Walsall and West Bromwich Police Stations. The remaining three CJUs, serving Birmingham, Sutton Coldfield and Warley are located in CPS premises in Birmingham and Wolverhampton, and are not co-located with the police. There are three Trial Units (TUs), based at the Birmingham, Coventry and Wolverhampton offices, and they review and handle cases dealt with in the Crown Court.
- 1.3 The Area has five Special Casework Lawyers (SCLs). Three are based in Birmingham, one in Bournville Lane Police Station, and the fifth in Wolverhampton.
- 1.4 At the time of the inspection in December 2003 the Area employed the equivalent of 447.2 full-time staff. The Area Secretariat, referred to as the Area Headquarters, comprises the Chief Crown Prosecutor (CCP), Area Business Manager (ABM) and the full-time equivalent of 9.3 other staff. Details of the staffing of the units is set out below (with Wolverhampton shortened to Wolves). The Birmingham and Coventry Groups also having the full-time equivalent of 15.9 and 13 staff respectively, engaged in supporting the work of both their TU and CJUs:

Grade	Birmingham TU	Wolves TU	Coventry TU	Birmingham CJUs	Wolves & Black Country CJUs	Coventry CJUs
Level E	4	2	1	2	-	-
Level D	2	2	2	6	5.8	2
Level C lawyers	15.2	6.6	3.7	35.3	34.7	17
Legal trainees	2	-	-	3	-	-
Level B2 caseworkers	4.2	2	1	4.5	5.9	1
Level B1 caseworkers	31.9	26.7	12.8	8	8.3	2
Level A caseworkers	28.8	19.8	7.2	44.1	40.6	11.9
<b>TOTAL</b>	<b>88.1</b>	<b>59.1</b>	<b>27.7</b>	<b>102.9</b>	<b>95.3</b>	<b>33.9</b>

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

1.5 Details of the Area's caseload in the year to September 2003 are as follows:

<b>Category</b>	<b>Area numbers</b>	<b>Area % of total caseload</b>	<b>National % of total caseload</b>
Pre-charge advice to police	3,352	3.7	6.1
Summary motoring	17,814	19.6	32.4
Other summary	22,800	25	20.4
Either way and indictable only	46,529	51.1	40.4
Other proceedings	615	0.7	0.8
<b>TOTAL</b>	<b>91,110</b>	<b>100</b>	<b>100</b>

1.6 The Area's Crown Court finalised cases in the year to September 2003 were:

<b>Crown Court finalised cases</b>	<b>Area numbers</b>	<b>Area % of total caseload</b>	<b>National % of total caseload</b>
Indictable only	3,406	33.7	31.8
Either way offences	4,738	46.9	44.1
Appeals against conviction or sentence	660	6.5	8.9
Committals for sentence	1,298	12.8	15.2
<b>TOTAL</b>	<b>10,102</b>	<b>100</b>	<b>100</b>

1.7 A more detailed table of caseload and case outcomes compared with the national average is attached at Annex 3 and a table of caseload in relation to Area resources at Annex 4. CPS West Midlands (in common with other CPS Areas) has benefited from a significant increase in its budget since our last inspection in order to drive up performance. As a result, the Area has been able to recruit more staff and reduce the average numbers of cases dealt with per lawyer and caseworker.

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

1.8 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.

1.9 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.

- 1.10 The scope of the inspection is also influenced by the length of time since performance was previously inspected. The assessment in respect of CPS West Midlands also drew on findings from the previous inspection of the Area, a report of which was published in February 2001. As a result of this risk assessment, it was determined that the inspection of CPS West Midlands should be a full one.
- 1.11 Our previous report made a total of 20 recommendations and seven suggestions, as well as identifying six aspects of good practice and making nine commendations. In the course of this inspection, we have assessed the extent to which the recommendations and suggestions have been implemented, and a synopsis is included at Annex 5.
- 1.12 Our methodology combined examination of 519 cases finalised between 1 July and 30 September 2003 and interviews with members of CPS staff at all levels, criminal law practitioners and local representatives of criminal justice agencies. Our file sample was made up of magistrates' courts and Crown Court trials (whether acquittals or convictions), cracked and ineffective trials and some specific types of cases. A detailed breakdown of our file sample is shown at Annex 6. A list of individuals from whom we received comments is at Annex 7. The team carried out observations of the performance of advocates and the delivery of service at court in both the magistrates' courts and Crown Court.
- 1.13 Inspectors visited the Area for four weeks between 12 December 2003 and 23 January 2004. The lay inspectors for this inspection were Mrs Joan Bunn, who was nominated by the Citizens Advice Bureau, and Ms Mairi Spibey, who was nominated by Victim Support. The role of the lay inspector is described in the Preface. One lay inspector examined files that had been the subject of complaints from members of the public and also considered letters written by CPS staff to victims following the reduction or discontinuance of a charge. Both lay inspectors visited some courts and had the opportunity to speak to some of the witnesses after they had given evidence. This was a valuable contribution to the inspection process. The views and findings of the lay inspectors have been included in the report as a whole, rather than separately reported. The Chief Inspector is grateful for their effort and assistance.
- 1.14 The purpose and aims of the Inspectorate are set out in Annex 8. A glossary of the terms used in this report is contained in Annex 9.

## **2 SUMMARY OF INSPECTION FINDINGS AND RECOMMENDATIONS**

- 2.1 This summary provides an overview of the inspection findings as a whole. It is broken down into sub-headings that mirror the chapters in the report which are based upon our inspection framework which has been developed from the EFQM Business Excellence Model (see Annex 1). Other sub-headings deal specifically with Public Service Agreement targets and equality and diversity issues.

### **Overview**

- 2.2 CPS West Midlands is the second largest of the CPS Areas, and handles a large case load, weighted towards the more serious end of the scale. The Area is large and varied in character, ranging from deprived inner city areas to leafy suburbs. The population is diverse, with quite distinct substantial minority ethnic communities.
- 2.3 The Area provides a mixed picture across much of its work. It has undertaken a considerable amount of work to restructure itself. It has done much to draw the Area together as a single cohesive unit, but each group – Birmingham, Wolverhampton and the Black Country, and Coventry remain in part distinct entities, with individual working practices. Indeed, in some respects there have been concerted moves to adopt different models of working, as opposed to identifying good practice and moving towards single operating practices. Inspectors were impressed by the energy and enthusiasm of both managers and staff. Conversely, the Area continues to feel that it should have greater resources, whilst not being able to recruit the lawyers to make use of such resources and, in some respects, the Area remains in a fire fighting mode, albeit having received a substantial uplift in budget since the last inspection, and a 44% increase in staff overall (see paragraph 8.6).
- 2.4 Moves to achieve co-location with police have been much more positive and successful than in many Areas, but attempts to achieve co-location in the busy central Birmingham areas have been protracted and are ongoing. Good people management has been achieved in relation to induction and development of staff, whilst some issues remain unaddressed in other aspects. Much valuable work has been undertaken to engage with the community and the Area espouses an open relationship with both the public and its partners in the criminal justice system.

### ***Key performance results***

- 2.5 The extent to which formal advice to police complied with the principles of the Code for Crown Prosecution (the Code) fell below that found generally by the Inspectorate in the cycle of inspection to date, but face-to-face advice is valued by police and is doing much to start to improve the quality of police files. Initial review decisions are similar to the national average, and the Area takes an active stance in seeking additional evidence at that stage. At present, discontinuance levels remain above the national average. Cases proceeding to trial do so on the correct level of charge in a lower proportion than the national average to date, and this is reflected by a high number of cracked trials in the magistrates' courts and Crown Court. However, the Area is doing well for its size in achieving roughly the national averages in relation to ineffective trials.

- 2.6 Adverse cases in both the magistrates' courts and Crown Court in which the result was foreseeable, and which the CPS could have done more to avoid the outcome, are high - particularly in the Crown Court. This reflects a higher level of attention that is required in cases pre and post committal by caseworkers and lawyers working together. The discharge of the prosecution's duty of disclosure is variable in the Area.
- 2.7 The handling of persistent young offenders is particularly good for an Area of this size, and inroads are being made in narrowing the justice gap and in improving the level of public confidence in the Area's ability to bring offenders to justice.

### ***Casework***

- 2.8 Casework performance has improved in several respects since the last report. In the magistrates' courts, cases are now almost always ready to proceed at the first hearing; and decision-making in cases tried summarily is generally good, but not always made in good time. Timeliness of decision-making in relation to committals varies across the Area, and the number of committals discharged because they are not ready to proceed remains an issue. The discontinuance rate is still overall above the national average, but there is some evidence that this has considerably improved in centres currently operating the pre-charge advice scheme. In all these matters CPS performance is closely linked to that of the police.
- 2.9 In the Crown Court the quality of instructions to counsel has improved and is now above the national average. Performance on disclosure also shows some improvement. The Area's Crown Court caseworkers are generally dedicated and efficient and provide a good service. The quality of decision-making in advice cases is, however, below the national average, and in sensitive cases varies considerably across the Area. In relation to adverse cases the systems for learning from experience needs to be made more rigorous and thorough.

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

- 2.10 In the magistrates' courts there is a very variable mix between the use of CPS lawyers and agents in different parts of the Area, though in all units care is taken to see that agents cover only appropriate courts. The quality of advocacy is generally good, including, on the whole, that of agents. In the Crown Court advocacy is also of a satisfactory standard, but the Area's profile at court remains low. In some courts, virtually no work is carried out by Higher Court Advocates (HCAs), and only at Birmingham Crown Court is a duty lawyer present on a daily basis.

### ***Victims and witnesses***

- 2.11 The Area is currently in a transitional phase in its arrangements for dealing with victims and witnesses. Witness Care Units have been established in the outer parts of the Area and have been successful: they now need to be established at the centre. Direct Communication with Victims (DCV) has been fully implemented, albeit using varying models, and with variable quality of letters.

### ***Performance management***

- 2.12 The Area has recognised the need to improve the way it manages its performance and handles performance information, and that it needs to understand and control performance more. A Performance Manager for the Area had been appointed shortly before the inspection.

### ***People management and results***

- 2.13 Since the last inspection the Area has achieved a 44% increase in staff, made possible by increased funding. In addition, it has restructured into Criminal Justice and Trial Units, eight of which are co-located either in police stations or CPS offices.
- 2.14 Despite having been successful in increasing its lawyer complement by 32%, the Area remains short of lawyers and this has been the position for some time. The challenge for the Area lies in managing - through its human resource strategies - a situation that is likely to be ongoing or, at the very least, not capable of resolution in the short-term. To ensure that the effect of any lawyer shortage is mitigated as far as possible, the Area needs to examine the way all staff, including lawyers, are deployed. The Area is in the process of carrying out a staffing review. Human resource strategies should be supported by aggressive and efficient recruitment campaigns. This Area's rapid expansion necessitates the review of structures and numbers within units to ensure they meet business needs.

### ***Management of financial resources***

- 2.15 Overall, the Area has good systems in place for financial management, although greater controls need to put on the expenditure on agents, and regular financial reporting needs to be introduced at Area Strategic Board (ASB) level. The Area needs to ensure that deployment of staff represents value for money.

### ***Partnerships and resources***

- 2.16 The effectiveness of the Area's relationship with other agencies is increasing, albeit that some rubbing points remain. The Area needs to determine its relationship with the Service Centre and finalise the Service Level Agreement.

### ***Policy and strategy***

- 2.17 The Area has made good progress on co-location, is responsive to the needs of the CJS reform agenda, and has shown a willingness to become involved in the early development of initiatives and pilot them. It has been particularly receptive to the need for improved communication and community engagement, which are being well pursued. There is scope for the Area to improve its own sense of what should be achieved and develop an appropriate strategy for delivery.

### ***Public confidence***

- 2.18 Engagement with the community is of particular importance in the West Midlands, which has substantial and diverse ethnic minorities. The Area is rising to this challenge and there have been a number of valuable positive initiatives by senior managers. The promptness and thoroughness in dealing with complaints needs to be improved.

### ***Leadership and governance***

- 2.19 The Area has a number of enthusiastic managers, committed to the work of the Area. A corporate vision for the Area, both in terms of its future structure and behaviours, needs to be articulated. The role of the Area Headquarters and its relationship with the groups, and the role of the Area Strategic Board, needs to be reviewed and agreed.

### ***Bringing offenders to justice***

- 2.20 The Area is working positively with its partners in the criminal justice system to raise the numbers of offenders brought to justice and, whilst not yet on target, had increased the level to 3.7% from the baseline figure.

### ***Reducing ineffective trials***

- 2.21 In the magistrates' courts for the rolling three-month period September to November 2003, the ineffective trial rate was 30% (the same as the national average) and in the Crown Court 22%, compared to a national average of 20%. There is some indication that the ineffective trial rate in the Crown Courts across the Area has fallen since the inspection (particularly in Coventry), but rates within individual Crown Courts are fluctuating and the trends will need to be examined over a period of time. The Area is working positively with its partners to reduce the level of ineffective trials, in particular by improving witness warning and care in parts of the Area.

### ***Improving public confidence***

- 2.22 The Area had achieved a 5% improvement in its level of securing public confidence in the ability to bring offenders to justice, according to the British Crime Survey, but the figures are not yet statistically significant. The Area has worked hard to increase the level of confidence of minority ethnic communities and has endeavoured to explain fully decisions to accept reduced levels of charge, or drop cases, in high profile instances.

### ***Value for money***

- 2.23 The Area has a high usage of, and spend on, agents. Spend on agents needs to be more firmly controlled, accompanied by more detailed analysis of lawyer usage following the recruitment of new lawyers. Nevertheless, the Area remains unable to fill all available post for lawyers and needs to discuss underlying problems with CPS Headquarters, as well as to ensure that its recruitment processes are improved.

### ***Equality and diversity issues***

- 2.24 The Area has worked extensively with minority ethnic groups in reaching out to the community. It has a level of minority ethnic staff which, to a large degree, reflects the make-up of the working population, and it has worked hard in reaching out to disabled potential employees. The Area displays a clear commitment to equality and diversity, but needs to ensure that issues are addressed and that staff feel more able to use equality and diversity complaints procedures in the belief that issues will be addressed and resolved.

### **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.
- 2.26 We have made six recommendations to help improve the Area's performance:
1. the CCP addresses the continuing issue of discharged committals though joint work:
    - \* with the police to eliminate the lack of response to requests for further enquiries; and,
    - with the police and magistrates' courts to identify the underlying causes for the continuing problem (paragraph 4.18).
  2. The ASB ensures that the new custody time limit system is implemented throughout the Area with immediate effect, and should monitor compliance (paragraph 4.37).
  3. The ASB should determine:
    - \* the key high level aspects of performance to be considered regularly by the ASB, and how that information is to be presented;
    - \* the lower level performance information that is needed to inform efficient operation of the units, and the regularity of reporting; and,
    - \* ensure that responsibility for managing administrative performance is clear (paragraph 7.9).
  4. The ASB:
    - \* reviews the deployment of administrative staff and caseworkers;
    - \* sets expectations for, and monitors, lawyer deployment;
    - \* determines a strategy for the deployment of HCAs;



- \* determines whether structures enable the Area to operate efficiently and represent a good use of resources;
- \* develops a comprehensive human resource strategy based on future organisational structures; and
- \* improves the efficiency of the recruitment process (paragraph 8.15).

5. The ASB:

- \* develops Terms of Reference to govern its work;
- \* defines the role of the Area Headquarters and its relationship with groups and units;
- \* identifies senior management responsibility for the effectiveness of administrative processes; and
- \* establishes links between operational units (paragraph 13.11).

6. The ASB:

- \* strengthens business planning processes;
- \* establishes clear plans which determine responsibilities and timescales for action; and
- \* monitors progress regularly (paragraph 13.19).

### 3 KEY PERFORMANCE RESULTS

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

<b>CPS PERFORMANCE</b>	<b>National Target 2003-2004</b>	<b>National Performance Cycle to date*</b>	<b>Area Target 2003-2004</b>	<b>Area Performance</b>
<b>MAGISTRATES' AND YOUTH COURT CASEWORK</b>				
<b>Advice</b>				
Decisions complying with evidential test in the Code <sup>1</sup>	-	99%	-	86.9%
Decisions complying with public interest test in the Code <sup>1</sup>	-	97.6%	-	92.1%
<b>First Review</b>				
Decisions to proceed at first review complying with the evidential test <sup>1</sup>	-	98.5%	-	98.2%
Decisions to proceed at first review complying with public interest test <sup>1</sup>	-	99.9%	-	100%
Requests for additional evidence/information made appropriately at first review <sup>1</sup>	-	78.3%	-	88.2%
<b>Discontinuance</b>				
Discontinuance rate of completed cases (CPS figure)	-	12.2%	-	14.2%
Discontinued cases with timely discontinuances <sup>1</sup>	-	74%	-	89.6%
Decisions to discontinue complying with the evidential test <sup>1</sup>	-	92.8%	-	94.6%
Decisions to discontinue complying with the public interest test <sup>1</sup>	-	91.6%	-	97%
Discontinued cases where all reasonable steps had been taken to request additional evidence/information <sup>1</sup>	-	88.6%	-	95.3%
<b>Level of charge</b>				
Charges that required amendment and were amended in a timely manner <sup>1</sup>	-	75.3%	-	63.6%
Cases that proceeded to trial or guilty plea on the correct level of charge <sup>1</sup>	-	97%	-	92.9%
<b>Cracked and ineffective summary trials</b>				
Cracked trials as recorded by CPS and magistrates' courts JPM	-	(Apr – Jun 03) 37.9%	-	(Apr - Jun 03) 45.4%
Cracked trials in file sample that could have been avoided by CPS action <sup>1</sup>	-	21.3%	-	1 out of 27
Ineffective trials as recorded by CPS and magistrates' courts JPM	-	(Jul – Sep 03) 30%	-	(Jul – Sep 03) 30%
Ineffective trials in the file sample that could have been avoided by CPS action	-	_ 4	-	3 out of 9
<b>Summary trial</b>				
Acquittal rate in magistrates' courts (% of finalisations) – CPS figure	-	1.9%	-	2.4%
Decisions to proceed to trial complying with the evidential test <sup>1</sup>	-	95.5%	-	98.7%
Decisions to proceed to summary trial complying with the public interest test <sup>1</sup>	-	99.7%	-	100%
Cases with timely summary trial review <sup>1</sup>	-	78.7%	-	72.1%
Requests for additional evidence/information made appropriately at summary trial review <sup>1</sup>	-	76.3%	-	68.2%
No case to answers where outcome was foreseeable, and CPS could have done more to avoid outcome <sup>1</sup>	-	46.3%	-	5 out of 14

<b>CPS PERFORMANCE</b>	<b>National Target 2003-2004</b>	<b>National Performance Cycle to date*</b>	<b>Area Target 2003-2004</b>	<b>Area Performance</b>
<b>CROWN COURT CASEWORK</b>				
<b>Committal and service of prosecution papers</b>				
Cases with timely review before committal, or service of prosecution case in "sent" cases <sup>1</sup>	-	77.4%	-	85.2%
Decisions to proceed at committal/service of prosecution papers stage complying with evidential test in the Code for Crown Prosecutors <sup>1</sup>	-	96.7%	-	92.8%
Decisions to proceed at committal/service of prosecution papers stage complying with public interest test in the Code for Crown Prosecutors <sup>1</sup>	-	99.9%	-	99.1%
Requests for additional evidence/information made appropriately at committal/service of prosecution case review <sup>1</sup>	-	87.7%	-	73.2%
Timely and correct continuing review after committal	-	84.3%	-	69%
Cases with timely service of committal papers on defence	80%	75.1% 84.2% <sup>3</sup>	-	89.8% <sup>1</sup> 78.9% <sup>2</sup>
Cases with timely delivery of instructions to counsel	84%	83.7% 84.9% <sup>3</sup>	-	95% <sup>1</sup> 95.3% <sup>2</sup>
Instructions to counsel that were satisfactory <sup>1</sup>	-	64.6%	-	72.4%
<b>Cracked and ineffective trials</b>				
Cracked trials as recorded by CPS and Crown Court JPM	-	(Sep – Nov 03) 38.1%	-	(Sep – Nov 03) 47%
Cracked trials that could have been avoided by CPS action <sup>1</sup>	-	19.5%	-	6 out of 26
Ineffective trials as recorded by CPS and Crown Court JPM	-	(Sep – Nov 03) 20%	-	(Sep – Nov 03) 22%
Ineffective trials where action by CPS could have avoided an adjournment <sup>1</sup>	-	- <sup>4</sup>	-	-
<b>Level of charge</b>				
Charges that required amendment and were amended in a timely manner <sup>1</sup>		85.6%		80%
Indictments that required amendment <sup>1</sup>		27.9%		35%
Cases that proceeded to trial or guilty plea on the correct level of charge <sup>1</sup>		97.9%		93.4%
<b>Judge ordered and judge directed acquittals</b>				
JOA/JDAs where outcome was foreseeable, and CPS could have done more to avoid outcome <sup>1</sup>	-	20.7%	-	45.4%
<b>Trials</b>				
Acquittal rate in Crown Court (% of all finalisations excluding JOA, appeals/committals for sentence and warrant write-offs) <sup>2</sup>	-	10.1%	-	6.6%
<b>NARROWING THE JUSTICE GAP</b>				
Percentage brought to justice against the baseline for 2001-02 as recorded by JPIT	Target +5%	+6% (as at Sept 03)		+3.7% (as at Dec 03)

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

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

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

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

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

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

<b>CPS PERFORMANCE</b>	<b>National Target 2003-2004</b>	<b>National Performance Cycle to date*</b>	<b>Area Target 2003-2004</b>	<b>Area Performance</b>
<b>MAGISTRATES' AND YOUTH COURT CASEWORK</b>				
<b>Disclosure</b>				
Cases where primary disclosure properly handled <sup>1</sup>		72.7%		76.2%
Cases where secondary disclosure properly handled <sup>1</sup>		61.1%		100% 2 out of 2
<b>Witness care</b>				
Trials where appropriate use made of S9 CJA 1967 <sup>1</sup>		97%		100%
Trials where appropriate use made of the witness care measures <sup>1</sup>		88.4%		87.5%
<b>CROWN COURT CASEWORK</b>				
<b>Disclosure</b>				
Cases where primary disclosure properly handled <sup>1</sup>		85.9%		70.2%
Cases where secondary disclosure properly handled <sup>1</sup>		60%		31.3%
<b>Witness care</b>				
Trials where appropriate use made of witness phasing/standby <sup>1</sup>		81.9%		69.2%
Trials where appropriate use made of the witness care measures <sup>1</sup>		92.8%		89.5%
<b>MAGISTRATES' COURTS AND CROWN COURT</b>				
<b>Custody time limits</b>				
Cases in sample where expiry dates accurately calculated	-	93.2%	-	89.6%
<b>OTHER ISSUES</b>				
<b>Payment of witness expenses</b>				
Payment of witness expenses within 10 days of receipt of claim <sup>2</sup>	100%	Oct – Dec 03 98.7%	100%	99.9%
<b>Handling of complaints</b>				
Complaints replied to within 10 days <sup>2</sup>	94%	Oct – Dec 03 85%	96%	93.8%
<b>Citizens charter commitment</b>				
MPs correspondence replied to within 15 days <sup>2</sup>	100%	Oct – Dec 03 92.7%	N/A	92.9%
<b>Improving productivity</b>				
Reduce sick absence rate per member of staff	10.6 days (2001)	Not available	8.3 days (2001)	6.5 days (2001)
<b>OTHER ASPECTS OF CPS PERFORMANCE</b>				
<b>CJS Youth Justice Performance Measures (shared between Home Office, Department of Constitutional Affairs (formerly LCD) and CPS)</b>				
To halve time from arrest to sentence for persistent young offenders from 142 to 71 days by 31 March 2002	71 days	67 days (Sep - Nov 03)	71 days	62 days (Aug – Oct 03)

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

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

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

## **Commentary**

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

- 3.1 The quality and timeliness of formal pre-charge advice (i.e., that given in response to the submission of an advice file) is lower than the national average. In 42.9% cases, prosecutors should have requested further evidence or information before giving advice to police. The Area has implemented the shadow pre-charge advice scheme in two CJUs, and was planning to implement this across the Area, but in the short to medium term was proposing to cover a significant part of it through CPS Direct (which provides a national out-of-hours telephone advice service).

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

- 3.2 The quality of decision-making at initial review is sound. Prosecutors are thorough in addressing outstanding issues – they requested additional evidence in 88.2% of appropriate cases compared with the national performance of 78.2%.

### ***Continuing review***

- 3.3 Cases are not always subject to timely continuing review, and some cases are allowed to drift without a final decision being made, or outstanding issues being pursued. This contributed to failed cases both in the magistrates' courts and Crown Court. Two out of the three TUs do not review files promptly after their receipt in the unit. There is also a lower performance than the national figure for timely and correct continuing review after committal (69% compared with 83.4%), and prosecutors requested additional evidence/information at committal review in only 73.2% of cases, compared with the national figure of 87.9%.

### ***Discontinuance***

- 3.4 The discontinuance rate (14.2%) is higher than the national average (12.6%). There is a marked difference between the groups, with the rate in Coventry being 10.7%, compared with 14.2% in Birmingham and 19.2% in the Black Country. The individual CJUs also show a marked variation, with some being well below 10%. The Area hopes that the introduction of the charging scheme across the county will assist in reducing the rate. The quality of decisions to discontinue is lower than the national performance, but timeliness (89.6%) and requests for appropriate additional information to avoid possible discontinuance (93%) were above the national figures of 73.7% and 87.1%.

### ***Discharged committals***

- 3.5 In spite of a considerable effort following the last inspection, and a specific joint inspection into the problem, there remains a significant number of committals which are not ready on the appointed date, and are not ready even after one or more adjournments. We comment further on discharged committals in paragraphs 4.15 - 4.17.

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

- 3.6 Decisions about the level of charge are not as good as the national performance, either in the magistrates' courts or Crown Court, and necessary amendments are not made in a timely manner. In the Crown Court, the percentage of indictments that required amendment (35%) is higher than the national average (27.9%).

### ***Ineffective trials***

- 3.7 Overall, the ineffective trial rate in the magistrates' courts is 30%, the same as the national average. The rate differs across the magistrates' courts, with some showing markedly improved performance. Four magistrates' courts have achieved the target of no more than 24% ineffective trial rate, but three of these have high cracked trial rates. The victim and witness initiatives in the Area appear to have assisted in improving the performance on ineffective trials, whilst increasing the cracked trial rate. Witnesses attending trial appears to result in some defendants changing their plea to guilty.
- 3.8 The ineffective trial rate in the Crown Court is 22% compared to the national average of 20%. Again, the cracked trial rate is increasing, whilst the ineffective trial rate is improving. Currently, the ineffective trial rate has shown a steady reduction in both Coventry and Wolverhampton, whereas Birmingham shows little or no improvement. The use of case progression in Wolverhampton TU and victim and witness initiatives in Coventry TU would appear to have assisted in this improvement. Birmingham TU has recently introduced trial readiness procedures similar to those in place in other parts of the Area.
- 3.9 The Crown Court centres in the West Midlands Area are currently piloting the Effective Trial Management Performance Programme (ETMP), or will do so shortly, except in Birmingham. ETMP is a national case progression pilot, whose aim is to reduce ineffective trials and provide greater certainty for victims and witnesses and their attendance at court.

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

- 3.10 The timeliness of the prosecution of persistent young offenders (PYOs) is very good. In the quarter August to October 2003, the West Midlands took an average of 62 days to deal with a PYO from arrest to sentence, compared to the national average of 66 days. The national target is 71 days, and this is shared by the criminal justice agencies.

### ***Persistent offenders***

- 3.11 West Midlands police no longer record persistent offenders unless they are also local persistent offenders. The data, at the time of the inspection, was incomplete, partly due to the Area not updating the tracking system promptly. We understand that the backlog has since been cleared.

### *Sensitive cases*

- 3.12 Racist incidents are dealt with well. Domestic violence cases are generally handled well, although in a few cases we found a lack of positive action to ensure support for the victim. In the cluster courts at Solihull and Wolverhampton there are higher standards of prosecution, and closer liaison with the police.
- 3.13 Decision-making in most child abuse and rape cases is sound, but case review and preparation is not always thorough, and specialists are not always responsible for these cases.

### *Adverse outcomes*

- 3.14 In the year ending September 2003, the proportion of adverse cases (no cases to answer) in the magistrates' courts (0.5%) was more than double the national average (0.2%). In five of the 16 cases examined, we considered that the reason for the adverse outcome was foreseeable and that the CPS should have done more to avoid the acquittal. There was insufficient evidence to proceed to trial in one case. In the remaining cases, either a positive decision was not made and the case was allowed to drift, or there was a failure to take action when notified about changes in circumstances.
- 3.15 For the same period in the Crown Court, the judge directed acquittal rate (1.4%) was lower than the national average (1.9%). The judge ordered acquittal rate of 21.3% was considerably higher than the national average of 15.3%. In two of the six judge directed acquittals we examined, and 25 of the 65 judge ordered acquittals, the adverse outcome was foreseeable and the CPS could have done more to avoid it. Issues included errors at committal review, allowing cases to drift, and failing to seek support for victims in appropriate cases.

### *Narrowing the justice gap*

- 3.16 A national target has been set for each CJS area to increase the number of offences brought to justice by 5%. The Area is not yet meeting the target, although there has been an increase from 2.7% to 3.7% in the six months June – December 2003. Performance is monitored by the Local Criminal Justice Board (LCJB), which has been analysing performance and making proposals for action.

### *Disclosure*

- 3.17 Compliance with the duty of primary disclosure is below the national performance in our inspection cycle-to-date in respect of Crown Court cases (70.2% compared with 85.9%), although on the face of it, it is better in magistrates' courts cases (76.2% compared with 72.8%). In the main, the failures related to disclosure being made on the basis of insufficient information, or where material was not examined in more complicated cases.
- 3.18 The number of cases where secondary disclosure was properly handled in Crown Court cases, at 31.3%, was significantly below the national performance of 59.8%. In most cases, this was because of an apparent omission to deal with secondary disclosure after the provision of a defence statement. In other instances, it was because routine disclosure was made upon request, without proper application of the appropriate test.

## 4 CASEWORK

### Advice to police (CAP1)

- 4.1 The quality of advice is lower than the national performance in the cycle-to-date, with the evidential decision in 40 of the 46 cases examined complying with the Code. We considered that further information should have been requested before the advice was given in 12 cases. Timeliness needs to improve, with advice being given within 14 days of receipt of the police file (the nationally agreed standard) in 75.9% of magistrates' courts cases and 72.2% of Crown Court cases.
- 4.2 The Area operates shadow pre-charge advice schemes in two CJUs. These cover four of the 21 police Operational Command Units (OCUs) in the county. The advice given is well thought of. Advice surgeries are held, or informal advice is given, in other CJUs. The Area will be extending the pre-charge advice scheme, in order to give effect to the recommendation of The Review of the Criminal Courts in England and Wales (The Auld Report), that the CPS should assume responsibility for the initial decision whether to charge. Area prosecutors will provide pre-charge advice across the county between the hours of 9am and 5pm in the bigger police charging centres, but a significant number will be covered by CPS Direct, which will provide telephone advice, in the short/medium term. It will be important to find a long-term solution as soon as feasible.

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

- 4.3 Co-location of police and CPS staff in CJUs is seen to have improved readiness at the first date of hearing. Most defendants are bailed to appear in court two days after charge, and prosecutors review most cases the day before the hearing. Decisions are generally made in accordance with the Code without apparent bias or discrimination.
- 4.4 Advance information is usually available at the first hearing, but prosecutors do not always record or retain details of what documents are served. This requires management attention.

### Bail/custody applications (CAP3)

- 4.5 Prosecutors make appropriate representations in bail/custody applications. However, they do not always assist the magistrates to reach a decision by indicating whether or not an offence has been committed whilst the defendant was on bail, or subject to a community penalty.

#### Aspects for improvement

- \* Provide the court with full background information at bail/custody hearings.



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

- 4.6 The Area's rate of discontinuance for the year ending September 2003 was 14.2%, which is significantly higher than the national figure of 12.4%. Although during the inspection it was too soon to see the full effect of pre-charge advice decisions, at Walsall early data showed a gradually decreasing rate of discontinuance, from 11.3% in October 2003, to 8.3% that December. Initial data showed a discontinuance rate of 5.26% in completed cases, which were subject to a pre-charge decision, across both the Area's sites, for the third quarter of 2003-04. It is hoped that the roll-out of pre-charge advice, coupled with ETMP, will improve performance.
- 4.7 Of the 92 discontinued cases examined, 87 decisions complied with the Code tests. The prosecutor requested further information in 93% of the cases where it was appropriate to do so, which is higher than the national performance of 87.1%. The reason for the decision to discontinue was fully recorded in 90% of cases.
- 4.8 The timeliness of discontinuances has improved since the last inspection – it was timely in 89.6% of the cases we examined, compared with the national average of 73.7%.

#### **Summary trial preparation (CAP5)**

- 4.9 The quality of decision-making at summary trial is good, and is higher than the national performance. All decisions on acceptability of pleas were made in accordance with the Code tests and we found no indication of bias or discrimination. Preparation for summary trial can be affected by the late delivery of full files from the police, and the need to seek further information or evidence. Cases were not, however, always reviewed in a timely way, nor were requests for further information or evidence made in all appropriate cases. This led to difficulties or delay on the day of trial, for example video evidence was often not available until the date of hearing.
- 4.10 Pre-trial reviews (PTRs) have not always been effective, with some magistrates' courts not holding them routinely. They are being superseded by the ETMP, which should enable the Area to build upon the work on case progression already undertaken in some CJUs.
- 4.11 The cracked and ineffective trial rates in the magistrates' and youth courts are higher than the national averages. The work being undertaken in the Victim and Witness Care Units appears to be reducing the ineffective trial rate.

#### **Strengths**

- \* The highly effective victim and witness work at some CJUs leading to a reduction in the ineffective trial rate.

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

- 4.12 Service of committal papers upon the defence was timely (within ten working days of receipt of a satisfactory file from the police) in 89.8% of the cases we examined. This is an improvement on the performance at the time of the last inspection, and better than the national performance of 79.2%. In practice, however, late delivery of files by the police results in committal papers being served at or near the date of hearing, despite prompt review and service. This can result in committals being adjourned.
- 4.13 We found that some cases were being committed with gaps in evidence. Lawyers in Birmingham TU review cases promptly after receipt in the unit, when any deficiencies in evidence are highlighted to the police. Lawyers in the other TUs review cases only after receipt of the full file, so that any deficiencies can only be highlighted at a very late stage, generally shortly before committal. Appropriate requests for further evidence or information were made in only 73.2% of appropriate cases, compared with the national performance of 87.9%.
- 4.14 Case progression work at Wolverhampton Crown Court appears to have contributed to a reduction in the ineffective trial rate. Similar work (including Victim and Witness Care Unit work) appears to have had a similar effect in Coventry Crown Court. Case progression has recently been introduced at Birmingham TU. ETMP will be operative at the Crown Court at Wolverhampton and Coventry.

### **Discharged committals**

- 4.15 The Area has a high rate of committals discharged because they are not ready to proceed – there were 359 instances in 2003. This amounts to 4.5% of all cases set down for committal. This is a significant reduction on the proportion of discharged committals at the time of the last inspection. On the face of it the rate was then 12%, although subsequent detailed analysis established the true rate to be 7.7%. Following the last inspection, a joint inspection was undertaken by Her Majesty's Inspectorate of Constabulary, Her Majesty's Magistrates' Courts Service Inspectorate and HMCPSI on the handling of discharged committals in the Area – a report on the Joint Inspection of the Handling of Discharged Committals in the West Midlands Area (September 2002). The current proportion of discharged committals is lower than that found at the time of the joint inspection (5%), but remains a substantial issue.
- 4.16 The quality of the full file provided by the police remains the main cause for the discharge of the 24 files we examined: a satisfactory full file was received from the police in only two cases. There was no police response to requests for further enquiries in 19 out of 20 cases.
- 4.17 The Area has proper systems to notify the police of discharged committals, and sends reminders when there is no response. There is still a need for the Area to pursue with the police at senior level the quality of files and the lack of response to requests for further information, and with the magistrates' courts about the usual time allowed for committal preparation, which is less than that provided for under Pre-Trial Issues guidelines.

## Instructions to counsel

- 4.18 The quality of instructions to counsel has improved since the last inspection, with 72.4% being assessed to be satisfactory. This is also better than the national performance in our cycle-to-date of 62.7%. The timeliness of instructions to counsel have significantly improved and is now better than the national average – 95% compared with the national performance of 84.3%.

### Strengths

- \* Case progression/victim and witness work at Wolverhampton and Coventry TUs contributing to a reduction in ineffective trial rate.
- \* Timeliness of instructions to counsel.

### RECOMMENDATION

**the CCP addresses the continuing issue of discharged committals though joint work:**

- \* **with the police to eliminate the lack of response to requests for further enquiries; and,**
- \* **with the police and magistrates' courts to identify the underlying causes for the continuing problem.**

## Disclosure of unused material (CAP7)

- 4.19 The performance in relation to the prosecution's duty of disclosure of unused material to the defence is below the national average in this inspection cycle, and was poor at the time of the last inspection. Our main concerns related to primary disclosure being made on the basis of insufficient evidence (items obviously missing from the disclosure schedule and poor descriptions), and the limited evidence of formal secondary disclosure being undertaken in the Crown Court.
- 4.20 The Area provided training on the revised and updated CPS national guidance in August 2003 (although it should have been implemented in July). As many files in the sample pre-dated this training, we looked at a selection of files on site in order to establish whether compliance with the disclosure provisions had improved as a result. We found evidence of some improvement, although compliance with the new provisions was variable.
- 4.21 We noted that routine disclosure was being made to the defence upon request in Wolverhampton TU, apparently without the request being passed to a lawyer to consider. This will be monitored in all TUs as part of case progression and ETMP, but this is likely to only identify the issue after routine disclosure has taken place.

**Aspects for improvement**

- \* Joint work with police about disclosure standards and the revised joint operational instructions.
- \* Compliance and demonstrating compliance with the CPIA disclosure tests.

**Sensitive cases (CAP8)**

- 4.22 Specialist lawyers have been appointed in all the units, and they either handle sensitive cases or provide guidance to other lawyers. The Special Casework Lawyers (SCLs) are also available to handle appropriate cases, or give advice.
- 4.23 The quality of decision-making in racist incidents is good, with prosecutors amending inappropriate police charges at an early stage and being pro-active in seeking additional background information.
- 4.24 The handling of domestic violence cases is generally good. Some are well handled and demonstrate a commitment to overcome difficulties often associated with this type of case, and proceeding with a prosecution where appropriate. A few cases are not so well handled, mainly because neither the CPS nor the police appear to have considered the victim's need for support. There are dedicated domestic violence "cluster" courts in the magistrates' courts at Solihull and Wolverhampton and these are handled by CPS advocates rather than agents; although trials are listed in non-specialised courts. The "cluster" courts are the subject of evaluation at present. Prosecutors are working closely with police Domestic Violence Units in the co-located CJUs.
- 4.25 The handling of child abuse cases is variable, with some showing little evidence of thorough review or consideration of child video evidence. Decision-making in rape cases is generally sound, but consideration is not always given to the use of the Special Measures provisions, or whether any other form of support could assist. Rape cases are not always handled by specialist prosecutors, although national guidance requires them to have responsibility for all rape cases from advice through to the conclusion of any criminal proceedings.

**Aspects for improvement**

- \* The use of specialists, and the thoroughness of review and preparation in cases of child abuse and rape.

## **Street crime**

- 4.26 The Area seeks to provide a premium service for street crime in accordance with the Street Crime Initiative. Rather than dedicate lawyers full time to this area of work, it operates a rota for lawyers in the TUs whereby a specific lawyer is available each day to give advice over the telephone. In Birmingham the lawyer giving this service is usually also the Crown Court duty lawyer. Where pre-charge advice pilots are in place urgent advice can also be sought from those lawyers providing this service. The police are generally satisfied that these arrangements provide them with access to prompt and good quality advice in cases of street crime.
- 4.27 There were some 35 cases of robbery in our file sample, the great majority of which were street crimes. In general the quality of case review and case preparation was good, and no robbery cases featured in the discontinued sample. Where necessary, lawyers were making appropriate requests for further information, either at first review or at committal, and the cases were dealt with promptly. In five out of six cases in the cracked guilty sample, no action by the CPS could have avoided the case cracking.
- 4.28 There were, however, a large number (15) of judge ordered acquittals (JOAs) where robbery had been the offence charged. In the vast majority of these cases the prosecution had to be dropped because the victim either failed to attend, or because the victim refused to give evidence. In four of these cases inspectors considered that the prosecution could have done more to avoid the outcome. In one of those it was not appreciated at committal review that necessary evidence was lacking, but in three of them the reason appeared to be that the CPS had not done enough to keep in touch with the victim, or prompt the police to do so, when the case took a protracted time to come to trial. In some other cases, although the CPS could not reasonably be expected to have done more, the problem was foreseeable. We deal with this point further in the “Victims and Witnesses” chapter.

## **Youth cases (CAP13)**

- 4.29 The Area has performed consistently well in its handling of PYOs. The youth specialists are highly regarded by others in this field. The cases we examined were dealt with to a good standard.

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

- 4.30 There are delays in linking post to files in many of the units, despite some having a target to do so within 48 hours. The problems were particularly acute in the Birmingham office and Solihull CJU. The action taken by managers in the different units to monitor unlinked post is variable, as are the solutions employed to tackle delays. Limited action appears to have been taken by the Area to address the recommendation we made in the last report about the delays that existed then.
- 4.31 The Area has introduced a tidy file system, which requires the recording of the receipt of all correspondence what action was taken on the correspondence log in each file.

- 4.32 The single file system has caused problems in some of the co-located units, particularly when files are sent to police officers who are based outside the unit. Some units have addressed this by copying documentation before releasing the file. The single file system has, however, reduced the need for CPS memos, as police case builders are able to extract police action points direct from the files.

**Custody time limits (CAP10)**

- 4.33 There was one custody time limit (CTL) failure in the last year. We are satisfied that this was not a systems failure or due to lack of training and that there were exceptional circumstances.
- 4.34 We examined 23 magistrates' courts and 12 Crown Court cases to which CTLs applied. In all but one case, the expiry date had initially been calculated correctly and all were displayed clearly on the front of the file. The one incorrect calculation had been corrected a few weeks later. There were instances in the magistrates' courts cases where two expiry dates were displayed, one of which was irrelevant (because either the offence was summary only or it had been determined that a case was to be dealt with in the magistrates' courts). This can lead to confusion, and does not accord with national guidance.
- 4.35 The standard of file endorsements was variable, although in most cases it was satisfactory. In some cases, poor court endorsements made it difficult to understand the position regarding the defendant's custody status.
- 4.36 The Area CTL Champion has produced a system for dealing with CTL cases which was being piloted in Coventry at the time of our inspection. The system is sound, follows national guidance, and also contains some elements of good practice which are not mandatory.
- 4.37 Many of the systems in the other offices did not comply with national guidance in several important respects, including the requirement to refer a case to a lawyer before an application to extend the CTL was made, and few management checks on the monitoring systems were apparent. Effective implementation throughout the Area of the Coventry system would address all the problems highlighted, but there was no date for doing so at the time of our inspection.

**RECOMMENDATION**

**The ASB ensures that the new custody time limit system is implemented throughout the Area with immediate effect, and should monitor compliance.**

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

- 4.38 The quality of full files submitted by the police remains below target, with 35.9% of files being fully satisfactory, against a target of 55%. There is variable performance across the police OCUs – ranging from 22.6% to 49.2%. Overall, the target of 80% of files to be within the timescales is close to being met, but there are still variations among the OCUs. The resulting necessity for work by the Area to ensure that missing evidence or information is obtained by police has affected both the timeliness and quality of review and preparation. It is also a significant factor in the numbers of committals discharged because they are not ready.
- 4.39 The quality and timeliness of full files is now a West Midlands police performance indicator and the return rate of the joint performance monitoring (JPM) forms by the CPS has improved. In addition, full file quality and timeliness are discussed monthly at the Local Criminal Justice Group meetings, and the Area hopes that the pre-charge advice scheme and improved communication in the co-located units will lead to improvements. There remains a need for Area managers to work closely with the police in order to drive up the respective agencies' performance.

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

- 4.40 A pre-sentence report package was provided to the Probation Service in 36 out of 57 cases. There were no clear record in the remaining 42 cases. It was provided in a timely fashion in all cases where there was a clear record.

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

- 4.41 Committals for sentence, and instructions to counsel in relation to appeals against conviction in the magistrates' courts, are prepared by caseworkers. The instructions for committals for sentence are standardised with tick boxes, but the full details of the case history, and other relevant information, are not always included. This issue requires management attention.

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

- 4.42 Senior lawyers deal with all cases to be considered for reference to the Court of Appeal in order to ensure that they meet the standards expected, and victims are told of their right to approach the Law Officers direct if the CPS does not refer the case. The Area keeps records of each individual case.

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

- 4.43 Initial misunderstandings in the operation of the new Case Management System (Compass) led to significant numbers of cases not being finalised properly. This has been recognised and is being addressed, and staff are aware of the importance of accurate and timely finalisation of cases. Delays in finalisation in one CJU have been addressed by the introduction of a post-court team, who undertake all finalisations, and currently there are no delays.

- 4.44 Warrant files are being written off correctly. Archive files are stored off site, with no particular problems being encountered in retrieval.
- 4.45 The timely recording of outcomes in cases relating to local persistent offenders was being addressed following the inspection. The Area will need to take steps to ensure that any improvement in performance is maintained.

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

- 4.46 Information on legal issues is disseminated in the units and training on new guidance and legislation is provided.

**Readiness for court (CAP18)**

- 4.47 Cases appearing in court for the first time (“Narey” cases) are prepared by police and reviewed by prosecutors expeditiously, and can generally progress on the first hearing. However, we observed delays in files arriving from police at Birmingham Magistrates’ Court.

**Learning points (CAP21)**

- 4.48 The Area has improved its approach to consideration of adverse cases. Lawyers in some units now contribute to the preparation of failed case reports. The reports are now seen by the Level E Heads, discussed by the Local Criminal Justice Groups (LCJGs) and included in the monthly Unit Performance Reports. The reports are not always realistic in relation to the reasons for the failure – nine out of 58 reports failed to identify the reason correctly and some reports did not indicate whether CPS or police action could have been taken to avoid the acquittal. In the absence of the Level E Heads seeing the files in relation to all adverse cases, the Area is missing some opportunities to learn from experience.

**Aspects for improvement**

- \* Adverse Case Reports to be more realistic, and given wider consideration so that lessons can be learned.



## 5 ADVOCACY AND QUALITY OF SERVICE DELIVERY

### Advocacy standards and monitoring (CAP19)

- 5.1 We observed a total of 45 advocates in the Crown Court, magistrates' courts and youth courts, including CPS lawyers, designated caseworkers, agents and counsel. Applying the CPS National Standards of Advocacy our findings are set out below.

	1	2	3+	3	3-	4	5
CPS Lawyers		1	7	10	3		
HCA's							
DCW's				5			
Agents			3	7	2	1	
Counsel			4	1	1		

- 1 *Outstanding*  
 2 *Very good, above average in many aspects*  
 3+ *Above average in some aspects*  
 3 *Competent in all respects*  
 3- *Lacking in presence or lacklustre*  
 4 *Less than competent in many respects*  
 5 *Very poor indeed, entirely unacceptable*

- 5.2 The Area benefits from having a higher than average proportion of regularly instructed, experienced and reliable agents, familiar with CPS systems and requirements. Some work four or five days per week for the Area. The quality of their advocacy is generally good.
- 5.3 Court coverage by agents in Birmingham and Wolverhampton it is very high. In some units, for example Sutton Coldfield, agents cover virtually all trials. In others, such as Coventry, Solihull and parts of the Black Country, CPS lawyers handle many short trials themselves.
- 5.4 These inconsistencies did not appear to be particularly closely related to local variations in volume of work, and lawyers were covering considerably more sessions in some parts of the Area than others. In those units where fewer sessions are being handled, lawyers should deal with more trials themselves. We heard evidence that high coverage of trials by agents was associated with a higher ineffective trial rate, and there is the risk of advocacy deskilling of lawyers if they conduct trials very infrequently. It also militates against effective case ownership. Managers will need to keep these risks under review.
- 5.5 Advocacy monitoring remains generally informal and dependent on word-of-mouth feedback, both in the magistrates' courts and Crown Court. However, if concern is raised then formal monitoring is undertaken.

**Strengths**

- \* Generally experienced and reliable agents.

**Court endorsements (CAP20)**

- 5.6 Court endorsements are made to a very good standard in the Area. In the file sample, 94.8% of files in the magistrates' courts were legibly and accurately endorsed, and provided an intelligible record of case progress. The exceptions appear to have been made by less experienced agents.
- 5.7 In the Crown Court, 96.8% of files were properly endorsed. Inspectors were impressed by the quality of notes of evidence kept by caseworkers and 91.9% of out-of-court endorsements were also legible and accurate. In all cases, the contents of files were located in a logical sequence.

**Strengths**

- \* Quality of court endorsements, particularly in the Crown Court.

**Court preparation (QSD1)**

- 5.8 On the whole, preparation in the magistrates' courts is reasonably efficient throughout the Area. Most cases could proceed on the first occasion. However, full files from police were often late and there was some lack of engagement with trial files in units where little trial work is covered in-house: the result can be that little progress is made at PTR hearings.
- 5.9 Files for agents conducting trials are generally made available to them in good time, at least the day before the case is listed for hearing. In the interests of economy and efficiency, however, where their own cases have been dealt with, they conduct cases that had been listed in other courts. There is also a practice in Birmingham Magistrates' Court called "sweeping," that is effectively administered by court legal advisers, though with the consent of lawyers whose cases they are. Under this practice, some trials without private witnesses are not assigned to a court, and are "swept" into courts in which other trials have cracked, become ineffective, or ended quickly. Whilst it is said that only suitable cases are "swept" into another court, the practice is so common place that there seems to be an acceptance that the prosecutor needs little or no preparation time in a significant proportion of cases, including imprisonable ones. Inspectors received evidence that on occasion trial files requiring considerable preparation were being swept to agents to deal with at short notice.

**Aspects for improvement**

- \* Spot checking of the type of cases ‘swept’ to agents to deal with at short notice.

**Attendance at court (QSD2)**

- 5.10 On the whole, attendance by lawyers and agents in the magistrates’ courts is reasonably timely. However, the arrival time of some lawyers, although they were properly prepared, did not always allow sufficient time to discuss cases with the defence.
- 5.11 In the Crown Courts throughout the Area there is good coverage by caseworkers, almost always on a one-to-one basis, but the Area will wish to ensure that caseworkers either only remain in court where necessary, or work on routine aspects of other cases in court. This issue merits management attention.
- 5.12 Outside Birmingham, there is little lawyer presence in the Crown Court. Birmingham operates a duty lawyer scheme, which ensures that a lawyer is in attendance until at least the midday adjournment. This is helpful in dealing with acceptability of pleas, basis of plea, and other matters where counsel requires instruction. However, the duty lawyer at court also holds the Street Crimes Initiative mobile phone, cannot go into court and must remain in the CPS room. It is occasionally necessary to go into court to maintain CPS presence and profile, demonstrate accountability, and hear how instructions are carried out; we saw one case which would have benefited from the lawyer’s presence in court.
- 5.13 Elsewhere no such scheme operates, or has fallen into disuse. This is particularly the case in Wolverhampton, where the combination of new procedures and lack of HCA deployment means that lawyers hardly ever attend court. As a result, lawyers in the TU do not feel fully in control of their cases. The duty lawyer scheme here is in urgent need of revival. At Coventry, CPS lawyers undertake bail applications and present cases sent to the Crown Court.

**Aspects for improvement**

- \* Lawyer presence in the Crown Court, particularly in Wolverhampton.

**Accommodation (QSD4)**

- 5.14 There is a secure room available at all Crown Courts and magistrates’ courts. However, at Birmingham Magistrates’ Court (the largest magistrates’ court in England and Wales) the room is too small and cramped given the number of cases and advocates. Negotiating the provision of a new and larger room is an issue requiring continuing management attention, albeit the Unit Head has tried to secure additional accommodation.

## 6 VICTIMS AND WITNESSES

### Witnesses at court (QSD3)

- 6.1 The quality of support and information for witnesses at court is generally satisfactory in both the magistrates' courts and Crown Court - whether it is supplied by lawyers or agents - or in the Crown Court by caseworkers and counsel. In the Crown Court at Birmingham most counsel introduce themselves to rape victims before the case, but in the generality of cases it was still not universal practice to explain to victims why a lesser plea was being accepted.
- 6.2 In some co-located units, in Coventry and more recently in Wolverhampton, Walsall and West Bromwich, Witness Care Units have been established with both police and CPS staff. There is also a dedicated unit at Solihull with police staff. These units handle dealings with victims and witnesses from first to last and unite the functions of witness warning and witness care. These are commendable initiatives which are having very positive effects. Staff were very positive about the benefits and impact of this work, and inspectors were impressed by the commitment and effort of the staff.
- 6.3 There is an urgent need to establish a similar unit in Birmingham, where the quality of pre-court witness care - and the reliability of witness warning - is currently less satisfactory, and is probably having a significant effect on the high incidence of cracked and ineffective trials in both the Crown Court and magistrates' courts. In the Crown Court in both Wolverhampton and Birmingham, a major cause of the JOAs in our file sample was the non-attendance of witnesses in old cases: more could usefully be done to keep in contact with those witnesses, and it is to be hoped that the full implementation of Witness Care Units will have that effect. We are pleased to hear that the Area is now taking forward action to establish a Witness Care Unit within the Birmingham CJU.

#### Strengths

- \* The work and impact of Witness Care Units in Coventry and Wolverhampton.

#### Aspects for improvement

- \* Witness care and warning of witnesses in Birmingham.

### Direct Communication with Victims (CAP13)

- 6.4 Direct Communication with Victims (DCV) has been fully implemented, although different models had been chosen for different units. In some it is working effectively, with a good quality of letters: this was particularly the case where the letters were being written by those dedicated to the task. There were, however, a number of letters we examined at Wolverhampton where the clarity of language and the ease of comprehension to the lay person left something to be desired. Evaluation of the different systems should be undertaken, and best practice adopted across the Area. This issue requires management attention.

- 6.5 In other units, though the quality was good, some were not being sent out on time. Overall, the number of letters being sent is dropping and they are not being sent to identifiable victims in all appropriate cases. In our file sample, which included both discontinued cases and those in the Crown Court - where for various reasons (including non-attendance of victims and witnesses) no evidence was offered - a letter was sent to only just under half of all victims. The figure for discontinued cases was itself only 60%.

**Aspects for improvement**

- \* Sending letters to all victims where cases are dropped or charges changed substantially.

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

- 6.6 Managers told us that meetings have been held when requested, in dedicated rooms, and notes are kept.

**Victims' Charter (CR2)**

- 6.7 In many parts of the Area there is a particularly constructive partnership with the Witness Service. In others, for example in parts of the Black Country, relationships are good, but more could be done to alert the Witness Service at an early stage about vulnerable witnesses, and to share more information with them generally.
- 6.8 In the magistrates' courts, evidence was served appropriately to avoid the personal attendance of the witness in all the cases we examined. There were satisfactory arrangements for phasing witnesses in all appropriate cases, so that unnecessary waiting could be avoided. In the Crown Court, however, where the procedure is longer established, only in nine out of 13 relevant cases did appropriate phasing arrangements appear to have been made.
- 6.9 Where pleas to lesser offences in both the Crown Court and magistrates' courts were being considered, the victims were consulted in 21 out of 23 relevant cases, though in a further seven cases it was not possible to ascertain from perusal of the file whether this had been done.
- 6.10 Special Measures for witnesses giving evidence were appropriately applied for in the magistrates' courts in seven out of eight relevant cases, and in the Crown Court in 17 out of 19 cases. However, we were unable to determine whether or not consideration had been given to the issue in a number of adverse cases.
- 6.11 There needs to be consultation with the police and the victim at an early stage of the case. It may help to involve the Witness Service. Increased use of court visits may also assist; in Solihull, court visits have become the norm for vulnerable witnesses, and this procedure could be adopted more widely. In addition, and taking into account the wishes of adult witnesses, lawyers should always consider how their evidence might be given most effectively, for example by the use of screens.

6.12 Special Measures have been applied in all cases where youths are victims of, or witnesses to, violent or sexual offences. Undoubtedly the new procedures have allowed some cases to come to court that might not previously have done so. Nevertheless, there was a residual view in a number of different quarters that the live link procedure does not always produce the best evidence.

## **7 PERFORMANCE MANAGEMENT**

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

- 7.1 National standards are in place for some aspects of work, including the timeliness of letters to victims in cases where charges have been dropped or substantially altered, and the timeliness of payment of graduated fees. Other standards have been set by the Area including timeliness of post linkage, minimum usage of the case management system by lawyers, and a tidy file standard. For many procedures, however, standards are not in place and there are no standard operating instructions.
- 7.2 The setting and monitoring of standards for key aspects of work should be part of any quality assurance scheme to be established by the Area.

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

- 7.3 Each CJU and TU within the Area prepares monthly Unit Performance Reports for consideration by the Group Head, and subsequently by the CCP and ABM. CJU reports include performance information on the quality of advice and review, commentary on dismissed cases and cracked and ineffective trial performance. TUs report on the timeliness of committal preparation, the quality and timeliness of briefs to counsel, discharged committals with a commentary on reasons for discharge, and details of judge ordered and directed acquittals. All Unit Reports include an analysis of disclosure issues, details of inter-agency meetings and work with the community. The Performance Reports are intended to address concerns arising out of the last inspection.
- 7.4 Performance Reports are, in the main, produced regularly by each unit. While they provide a largely relevant indication for each unit manager of performance within an individual unit, for more senior managers they provide a fragmented picture of performance. They need to be consolidated to provide an overall picture of Area Performance, and to reveal high and low performance in individual units against the Area average.
- 7.5 The Casework Quality Assurance scheme is in place across the Area, and is currently used to address the performance of individuals. However, the outcomes are neither consolidated and reported within each group, nor regularly to the Area Strategic Board (ASB).
- 7.6 Performance management and monitoring to ensure the quality of key administrative processes is weak. For instance there were shortcomings in post linking, processing of graduated fees, case tracking on J track, and the efficiency of arrangements for Direct Communication with Victims. Responsibility for managing and assuring the quality of administrative performance needs to be clearly established.
- 7.7 The ASB considers cracked and ineffective trial performance and discusses the implementation of initiatives regularly; other performance information is considered in a more ad hoc way. A quarterly Performance Report which shows receipts, finalisations, convictions, bindovers, discontinuances and unsuccessful outcomes, is not regularly considered by the ASB, which does not receive a regular package of performance information for key aspects of work.

- 7.8 The Area does not formally monitor performance against its Business Plan, although the ASB does regularly discuss progress of the implementation of initiatives. There are no supporting plans within groups or units. Further reference to business planning is made at chapter 13 (Leadership and Governance).
- 7.9 The Area has recognised the need to strengthen its arrangements for performance management and has recently appointed a performance manager to co-ordinate better its internal and joint performance management. To assist its development the Area should benchmark its current arrangements for performance management and continuous improvement (see paragraphs 7.14-7.16) against those of other Areas who are further developed in this field.

**RECOMMENDATION**

**The ASB should determine:**

- \* **the key high level aspects of performance to be considered regularly by the ASB, and how that information is to be presented;**
- \* **the lower level performance information that is needed to inform efficient operation of the units, and the regularity of reporting; and,**
- \* **ensure that responsibility for managing administrative performance is clear.**

**Joint performance management (PM3)**

- 7.10 Arrangements for joint performance management between agencies is developing. The Area plays a full part in the Local Criminal Justice Board, where performance information is being refined, in the Criminal Justice Operations Group and in local criminal justice groups where local joint performance is analysed.
- 7.11 Joint performance management has been successful in reducing the time taken to deal with PYOs, and ineffective trial rates are improving in those units which have adopted trial readiness procedures. The importance of file quality has been fully recognised by the police - and the CPS tries to play a full part in assisting this improvement - but file quality and timeliness remain a major issue in the West Midlands.
- 7.12 With the appointment of a Performance Manager the Area hopes to be able to integrate external and internal performance information into a comprehensive package.



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

- 7.13 The Area has identified key risks, but risk management has yet to be fully integrated into its business planning and review process. As the business planning process is improved the Area should ensure that management of the risks it identifies is fully integrated into the business plan and formally monitored. Guidance has recently been issued by CPS Headquarters on the management of risks within the planning process.

##### **Aspects for improvement**

- \* The integration of key risks into the Business Plan, and formal monitoring.

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

- 7.14 The Area has made some use of the Business Excellence Model in examining the role of the Area Headquarters (and senior managers have received awareness training in business excellence), but the model is not used consistently across the Area as a means of analysis or self assessment. The Area has recently piloted use of the Diversity Excellence Model to assess its approach to diversity issues in community engagement and employment practice, and an action plan was being developed.
- 7.15 Group and Unit Heads are committed to improving the performance of their units, and the Area has been enthusiastic in piloting new national initiatives. The Area's work would be enhanced by the development of systems for quality assurance for all processes and aspects of the Area's work, in order to support continuous improvement at all levels within the organisation. Staff expressed a willingness to be involved in improvement activity and more could be done to make use of their interest.
- 7.16 Business Manager posts are being developed within each group. The responsibilities of the post should include monitoring of performance in key aspects of work, quality assurance of key processes and business improvement.

##### **Aspects for improvement**

- \* involvement of staff in improvement activity;
- \* the development of processes to support a culture of continuous improvement in all aspects of the Area's work; and
- \* the inclusion of performance monitoring, quality assurance and business improvement within the responsibilities of the Business Managers.

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

- 7.17 The Area has yet to establish a clear pattern of performance reporting at ASB level, with an agreed package of performance information, or active management of risks.
- 7.18 The Area now accounts for its performance to the Director of Public Prosecutions (DPP) and CPS Chief Executive regularly as it is one of the criminal justice priority areas.

## **8 PEOPLE MANAGEMENT AND RESULTS**

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

- 8.1 Of particular concern to the Area is its shortage of lawyers. Arrangements for recruitment - a key aspect of any human resource strategy - remain of vital importance to the Area. The Area commissioned a review of recruitment and retention with assistance from the CPS Human Resources Directorate. This suggested a number of reasons - both internal and external to the CPS - for its recruitment difficulties, including:
- \* the failure of advertisements to target the needs of the West Midlands;
  - \* the cumbersome nature of the application process and the focus, at assessment, on knowledge and experience, rather than on the potential to develop and transfer skills;
  - \* not giving a positive image of employment in the CPS, and not emphasising the challenging nature of the work and the benefits in working arrangements compared with the private sector; and
  - \* comparative salary levels for more experienced lawyers.
- 8.2 CPS Human Resources Directorate are considering some of these recruitment issues, which also affect the CPS nationally. Overall, the Area needs to be more dynamic in the recruitment of lawyers, and should consider how best it can sell itself, and the West Midlands, as a place to live and work. The Area may shortly be undertaking some joint work with another CPS Service Centre to improve recruitment arrangements.
- 8.3 Staff and managers reported substantial delays in the recruitment process. The Area has appointed its own Personnel and Training Manager to improve matters. Clear timescales need to be set for each part of the recruitment process. The establishment of an efficient recruitment process should be a priority for the Area, and we make a recommendation at paragraph 8.15.
- 8.4 The Area is beginning to develop a human resource strategy. More DCWs are being recruited, and the Area has recognised that it will need to develop its own legal staff. Currently 24 employees are undertaking some form of legal training. The Area has recognised that the implementation of pre-charge advice will have an effect on human resources, in terms of the numbers of legal and administrative staff, the balance between them and their deployment. The Area should begin examining now at the strategic level the likely impact of pre-charge advice on staffing needs to inform future recruitment decisions.
- 8.5 The Area has eight units co-located with the police. Within each unit there are two teams of administrators, one from each agency. Although there has been some limited integration of staff in some units, administrative arrangements are largely separate. In developing its human resource strategy, the Area should examine whether there is scope for further integration of staff.

## **Staff structure (P2)**

- 8.6 The Area has used the CPS's activity based costing model as a basis for assessing staffing levels within units in the past, but considers that the model does not meet its needs, in part because of the Area structure. Staffing levels have more recently been initiative led, with Group Heads submitting an assessment of need for consideration by the ABM. Structures within units have largely been left to Group Heads to determine, with the ABM being consulted where there are cost implications. Staffing levels are discussed in general terms at the ASB, but the needs of individual units are not.
- 8.7 Despite increasing its lawyer establishment by 32%, the Area remains short of lawyers. When compared with an assessment of staff numbers made under the CPS's activity based costing model, the Area had - based on lawyers in post at the time of the inspection, and allowing for agent usage - around 21.4 (11%) fewer lawyers than expected under the model. Administrative staffing levels (A grade staff), based on staff in post at the time of the inspection, were 25% higher. However, a comparison with national averages for cases per lawyer (excluding summary motoring) shows the Area to be operating with about 12 lawyers less than the national average. Comparison made on this basis indicates substantial lawyer shortages in the Wolverhampton and the Black Country and Coventry Groups, rather than Birmingham.
- 8.8 The Area needs to be clear about where lawyers, and other staff, are needed as a priority. This assessment of need must be based on agreed structures, which support efficient processes, and on clear expectations about staff deployment. Although Group heads had ideas on how structures within their group could be altered to improve performance, and about the extra numbers of staff they might need, the establishment figure for each unit, and thus the level of staff the Area believed was necessary in each, was not clear. Structures and staffing levels need to be agreed at Area level, following bids for staff at group level.
- 8.9 The Area plans to carry out a review of staffing levels. It will not specifically review structures but may refer any fundamental issue relating to structure (which has a significant impact on staffing levels, resourcing or efficiency) to the ASB. Structures have been altered over time by Unit Heads and action needs to be taken to assess whether they support efficient systems and represent good use of resources.
- 8.10 The Area's average agent usage - at 42% - is high, although usage varies significantly between groups. In the Coventry Group, agents normally cover 20% of court sessions; in Wolverhampton and the Black County the average is 41%; and in Birmingham the average usage is 51%. In all groups agents handle a substantial proportion of trials, and the Area is concerned that this may weaken their lawyers' ability to prepare and present trials. The Area's agent usage remains virtually the same as at the time of the last inspection, despite the 32% increase in legal staff, although this needs to be viewed against an overall increase in workload of 8%, in court sessions of 4.6%, and the charging scheme.

- 8.11 Although the total number of court sessions covered by in-house staff is recorded, the Area does not keep records of how its legal staff are deployed on an individual basis. The numbers of court sessions covered by staff in the CJUs appeared variable, and there is a need, given lawyer shortages, for the Area to assure itself that its lawyers are deployed effectively. Sound information about lawyer deployment will assist the Area in making informed decisions about the balance of staff in teams and units, and future staffing strategy.
- 8.12 The Area's shortfall in lawyer numbers has weighed heavily on it, and affected its behaviour in a number of ways. The Area has not made good use of its HCAs, with the exception of the Coventry Group. Additional staff are being trained as HCAs and a strategy needs to be put in place to ensure that HCA usage is developed in line with national policy. In addition, there has been little rotation of lawyers between CJUs and TUs, to ensure staff develop and undertake a range of work.
- 8.13 The Area decided that, because of its shortage of lawyers, it was unable to deliver face-to-face pre-charge advice across the Area (see paragraph 11.4) and has arranged for the gap to be filled by telephone advice offered by CPS Direct, until such time as it can deliver a face-to-face service.
- 8.14 The Area's difficulty in recruiting experienced legal staff is unlikely to be capable of solution in the short-term. It will be important, therefore, for the Area's future development that lawyer shortages are mitigated by effective use of other staff.
- 8.15 Currently, caseworkers are not used to their full potential, and carry out little work pre-committal. One group is developing the role of caseworkers, but the Area needs to take action throughout to ensure that caseworkers undertake the full range of appropriate tasks.

**RECOMMENDATION**

**The ASB:**

- \* **reviews the deployment of administrative staff and caseworkers;**
- \* **sets expectations for, and monitors, lawyer deployment;**
- \* **determines a strategy for the deployment of HCAs;**
- \* **determines whether structures enable the Area to operate efficiently and represent a good use of resources;**
- \* **develops a comprehensive human resource strategy based on future organisational structures; and**
- \* **improves the efficiency of the recruitment process.**

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

- 8.16 The Area is in the process of developing its own arrangements for training. The post of Personnel and Training Manager has recently been established, and the Area Training and Development Committee has been reinstated with a clear remit to agree Area priorities for training and scrutinise the training provided. A Training Plan is in place, which reflects national training requirements and those arising from Personal Development Plans. The Coventry Group has developed its own Training Plan. As the Area develops its approach to business planning it will need to ensure that the Training Plan clearly supports the Business Plan.
- 8.17 Overall there is good support within the Area for personal development of various kinds. In addition, 24 staff are being sponsored under the Law Scholarship scheme.
- 8.18 The Area has developed its own two-day introductory course for new staff, which includes an introduction not only to CPS West Midlands, but also to the wider criminal justice system. The course was well spoken of, but arrangements for induction are not consistent across the Area. The Training Committee intends to develop a set programme of induction for administrative staff. Such a programme should be supported by the development of written office procedures, which would assist with both induction and efficiency.

#### **Strengths**

- \* Good support for personal development.

#### **Aspects for improvement**

- \* Consistent arrangements for induction across the Area;
- \* An induction programme for administrative staff supported by the development of written office procedures across the Area.

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

- 8.19 The Area was re-recognised as an Investor in People (IiP) in August 2003. The report was very positive, but suggested that the setting of measurable objectives, and their inclusion in Forward Job Plans, was an area for development. In some units specific steps have been taken to align individual objectives with organisational objectives - which are discussed individually with staff - but this is not the case across the Area.
- 8.20 Administrative staff reported that, in some cases, they were not aware of standards to follow as, in the absence of written procedures, many processes and standards were held at a cultural level (that is, in people's heads) and were not explicit. Even where standards were explicit - for example those relating to post linkage, and the quality and timeliness of DCV letters - they were not always adhered to, and we have referred to the need to establish a culture of monitoring and quality assurance.

- 8.21 For the 2001-02 reporting year, only 50% of appraisal reports were returned by the end of June (against a national average of 70%). For 2002-03 there was a considerable improvement, with 95% of reports returned by the end of June. Staff reported that, generally, they perceived appraisals to be carried out in time, but the carrying out of interim reviews varied. The Area has established a system of Personal Development Portfolios for each member of staff, although these are in the early days of use.

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

- 8.22 The Area has a communication strategy, which sets out the arrangements for internal and external communication, and specifies the way information is to be cascaded from the ASB to staff via Group and Unit Heads. In the main, unit and team meetings are held regularly across the Area, and staff are kept up to date by interesting and well presented Area bulletins and newsletters.
- 8.23 In focus groups - which followed the staff survey in 2002 - and during the inspection, staff reported that they received information, but often late and they felt unable to contribute to decision-making. We consider that staff need to be more involved in planning for improvement and quality assurance.

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

- 8.24 The Area sickness rate has reduced each year from 14.4 days per person in 2000 to an average of 7.7 days per person in 2002. Sickness is monitored at an individual level, but overall sickness rates, and their cost implications, are not regularly considered by the ASB. This requires management attention.
- 8.25 The Area operates flexible and family-friendly working arrangements, and has a number of staff working part-time and compressed hours. In its review of staffing levels referred to above, the Area should consider how best to use flexible working arrangements to meet its business needs.
- 8.26 During the inspection we were given examples of legal staff working long hours and preparing cases at home, and of administrative staff accumulating flexi hours that they were unable to take. Staff saw insufficient staff numbers, delayed recruitment, and the number of promotions as the main sources of the problem. There was a feeling among staff and some managers that the Area was continually fire fighting, which negated some of the otherwise good impressions staff had of the Area's employment practices. That this feeling should still exist among staff despite an overall increase in staffing levels of 44% is worrying, and indicates the need for firm control to be taken of administration and processes.
- 8.27 The rapid expansion in staff has meant that many opportunities for temporary and permanent promotion, and acting up, have arisen. The Area should ensure that arrangements for temporary promotion and acting up, including arrangements for remuneration, are made clear to staff. Some training has been provided, but further work is needed to help staff understand the competency-based approach to recruitment.

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

- 8.28 The Area's staff includes 13.7% from minority ethnic backgrounds, compared with a working minority ethnic population of 21.2% for the West Midlands as a whole. These figures may not be accurate as, despite encouragement, only 83% of the Area's staff participated in the survey. Staff from minority ethnic backgrounds are represented at most grades. The Area has set a target of 25% minority ethnic staff by 2005. To assist with the achievement of this target, the Area is participating in the Minority Ethnic Undergraduates mentoring scheme, advertises vacancies in the minority ethnic press and is actively raising awareness about the CPS and its work through its community engagement programme.
- 8.29 The Area employs staff with disabilities (although none is indicated on the survey return), but no target has been set for future employment rates. Nevertheless, the Area is encouraging applications from people with disabilities by recruiting through a specialist employment agency. The Area organised its own disability conference, which was held shortly after the inspection in January 2004.
- 8.30 The Area has developed three Equality and Diversity Committees, one in each group, which consist of a cross-section of staff, and are attended by representatives from community groups. The focus of the Committees has recently been community engagement, but they have also organised activities, such as food sampling events, to raise staff awareness about different cultures. The Area also has its own Disability Committee.
- 8.31 The Area has used the Diversity Excellence Model to self-assess where it stands in relation to its commitment to equality and diversity, and an Action Plan was being drawn up at the time of the inspection. Some members of staff had not received training in equality and diversity issues after over a year in post. The Area has since remedied this, and such training should form part of the induction process in future.
- 8.32 The last staff survey (2002) indicated that a small proportion of staff felt they had been treated unfairly during the previous year because of bullying, harassment or discrimination. The survey also indicated that many of these incidents went unreported, and where they were, no return indicated that the complaint was properly handled. The Area's results in this aspect were poorer than the national average. Similarly, we found some lack of resolution of problems, and an unwillingness to report issues. In particular, staff were unaware of the equality and diversity complaints procedure, or the internal Staff Care and Support Group introduced in 2001-02.
- 8.33 The commitment of senior management to the principles of equality and diversity in the workplace is clear, and considerable effort has been put into engaging with the community and increasing public confidence. However, there is a need to reinforce the principles of dignity at work, and takes steps to ensure that staff have confidence in the complaints procedure.



### **Strengths**

- \* A clear commitment by senior managers to the principles of equality and diversity and of opportunity.

### **Aspects for improvement**

- \* Reinforce the principles of dignity at work, and ensure staff are able to report unfair treatment with confidence.

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

- 8.34 Health and Safety Officers are in place in each unit, and conduct monthly checks; manual handling assessments have been made at Birmingham courts, and health and safety assessments were made within police premises before CPS occupancy.
- 8.35 Nevertheless, hazards remain throughout the Area, caused mainly by a lack of storage facilities and the size of files, which remain piled on the floor - in some places precariously high. The Area should consider carrying out a full risk assessment - which identifies the hazards, who is at risk and how - and evaluates the adequacy of current precautionary measures. The evaluation should be supported by an Action Plan for necessary changes.

### **Aspects for improvement**

- \* A comprehensive risk assessment of hazards within Area offices.

## 9 MANAGEMENT OF FINANCIAL RESOURCES

### Staff financial skills (MFR1)

- 9.1 Appropriate structures are in place, both within the Area Headquarters and each of its groups, to enable the Area to plan and manage its budget properly.

### Adherence to financial guidelines (MFR2)

- 9.2 The Area makes proper use of resource accounting and budgeting. Budgets are devolved to Group Heads, who were able to speak confidently about the financial performance of their group, and appropriate financial delegations are in place.
- 9.3 Proper use is made of account code 3010 (the use of the non ring-fenced money to fund the provision of agents in special cases), with little agent expenditure being allocated under this code.

### Budgetary controls (MFR3)

- 9.4 The Area's budget has increased by 59.5% since the time of the last inspection, and for 2003-04 stood - at December 2003 - at £15,588,624.
- 9.5 The Area operates a satisfactory system of financial controls. Within groups, office managers track and monitor the budget, which is also done within Area Headquarters. The Area Headquarters produces comprehensive and well-presented monthly reports on committed expenditure and spend at both group and Area level, and there was evidence that expenditure was reconciled and any discrepancies effectively followed up. Group Heads receive details of their own budget, and the Area budget position, monthly. To enhance the Area Strategic Board's understanding of the Area's financial position, financial reports should form part of regular performance information considered by the Board.
- 9.6 The Area had a small overspend at the end of the 2002-03 financial year; although forecasts at the time of the inspection suggest that the Area will remain within budget for 2003-04.

#### Strengths

- \* Comprehensive, well-presented budget reports.

#### Aspects for improvement

- \* Financial reports to be considered regularly by the Area Strategic Board.

#### **Management of prosecution costs (MFR4)**

- 9.7 There have been delays in the payment of counsel fees, particularly in Wolverhampton and Birmingham. Best practice in processes for the payment of fees needs to be established and put in place across the Area, supported by regular monitoring. Quality assurance systems will need to be established to ensure the early identification of any problems, and that action is taken quickly to resolve them. Since the inspection the Area has improved its performance to above the national average.
- 9.8 Arrangements for the monitoring both the allocation of work to counsel, and returned briefs, are not in place in every group. This should be remedied, so that the Area is fully aware of the quality of service it receives from counsel and chambers. It should also facilitate monitoring of the ethnicity and gender of counsel who receive work.

#### **Aspects for improvement**

- \* Review and establish efficient systems for the payment of graduated fees.
- \* Ensure arrangements are in place across the Area for monitoring the allocation of work to counsel and levels of returned briefs.

#### **Value for money approach (MFR5)**

- 9.9 The Area's risk analysis for 2003-04 indicated that its inability to recruit lawyers was likely to lead to an over reliance on agents. Agent usage is high and expenditure on them is likely to reach £1.4 million by the end of the year, with the overall agent budget being overspent by around 27% (including expenditure recorded under code 3010).
- 9.10 Although expenditure on agents is regularly monitored, and Group Heads were aware of the overall position, it needs to be better controlled. Parameters for agent expenditure within groups should be set for shorter time periods, for example either monthly or quarterly, supported by a tighter analysis of expected agent usage within that period. Better systems for monitoring how its own lawyers are deployed, and setting clear expectations for the use of its own staff, will also enable the Area to control better its use of, and expenditure on, agents.
- 9.11 The Area's low usage of HCAs represents poor value for money. First, staff who have qualified as HCAs receive a salary enhancement which continues to be paid regardless of whether they act as HCAs and, secondly, minimal usage is not cost effective when compared to counsel costs. We have referred to the need to establish a strategy for HCA usage.
- 9.12 We have also referred to the need to review staff levels, grades and structures to support the efficient operation of the Area, and to ensure staff deployment represents value for money.

#### **Aspects for improvement**

- \* The setting of parameters for expenditure on agents.

## **10 PARTNERSHIPS AND RESOURCES**

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

- 10.1 The Area has a good working relationship with the other agencies, and participates in a wide range of meetings with them. The effective working relationship with the Witness Service has assisted in the development of the Victim and Witness Care Units. There are some rubbing points with the other agencies – these include co-location for the remaining CJUs, the provision of face-to-face pre-charge advice, and magistrates’ courts’ listing.
- 10.2 The CCP is a member of the Local Criminal Justice Board (LCJB), and chairs the Race Issues and Victim and Witness Sub Groups. The ABM and Level E Heads are all members of the Local Criminal Justice Operational Group, which reviews the joint agency performance and reports to the LCJB. This group is supported by LCJGs, at each of which the CPS is represented. The Area is working to strengthen further the progress already made.

### **Partnerships with other CJS agencies (KPR8)**

- 10.3 The CPS-police joint performance management (JPM) system is, overall, more effective than at the time of the last inspection. The rate of return of the monitoring forms by CPS lawyers has increased to 78%, a rise of 18%. However, this is still short of the target of a 90% return rate and there is a wide variation between the OCUs (from 68% to 95%). The return rate needs to be further improved, in order to make the local meetings between the CPS and the police, where the quality and timeliness of files provided by the police are discussed, more meaningful.
- 10.4 The LCJB monitors the cracked and ineffective trial rate in the magistrates’ courts and Crown Court, and there are also local meetings. There are concerns about the accuracy of the data from Birmingham Magistrates’ Court, which the Area is working to resolve.
- 10.5 Discharged committals have faded from the joint performance agenda. Whilst bound up with the quality and timeliness generally of police files, it is a significant issue which needs to be the subject of continuing joint monitoring.

#### **Aspects for improvement**

- \* The effectiveness of joint performance management.

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

- 10.6 The CPS has worked closely with CJS partners in order to reduce delays in the prosecution of PYOs. It is also working closely with its partners, through the LCJB and its supporting groups, as part of its contribution to increasing the number of offenders brought to justice. The monthly Performance Bulletins demonstrate that progress has been made in some areas, with further work required in others.

- 10.7 Area managers show commitment to improving local performance, but the Area is not always able to deliver what has been agreed locally. The reasons for this vary, and management attention is required in order to ensure that Area prosecutors are aware of, and fulfil, the Area's part in any agreement.

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

- 10.8 The integrated case management system Compass, has been introduced across the Area. The initial implementation programme was successful, but the system is not always being used to its best effect. In particular, it is not universally used to allocate cases (thereby reducing its effectiveness as a monitoring tool) and there is variable use by lawyers. The Eastern Group has a "Word" template for committal preparation that enables handwritten completion by lawyers and entry onto Compass by typists. This is regarded as a useful intermediate step locally, but its effectiveness and efficiency needs to be evaluated carefully, as it does not follow the national thrust for lawyers and caseworkers to prepare committals jointly using the new system. Difficulties remain in relation to the use of the West Midlands police computer system ISIS in the co-located units, which has resulted in some duplication of work.
- 10.9 The use of CJIT was introduced as a pilot on 1 December 2003, with a view to it being used as a secure e-mail system between the magistrates' courts, Crown Court, police and the CPS. We understand that it is being used for communications between the CPS and the police, but that CPS use of it in communicating with the courts has been limited.
- 10.10 A member of staff has developed an Access database to track staff leave requests and authorisations. This is now an office support tool used by other staff, replacing manual systems, and has improved the quality of information.

#### **Aspects for improvement**

- \* The use of the Compass Case Management System by staff and managers.

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

- 10.11 The Area has experienced difficulties and delays in obtaining accommodation which is considered suitable and affordable by all parties (the police, CPS Headquarters and the Area) for co-location of the three remaining CJUs. There is an urgent need for the Area to resolve the issue. In the interim, the use of accommodation in the Birmingham office needs to be re-examined, in order to improve efficiency and allocation of space.
- 10.12 A clear desk policy is not universally applied across the Area.

### **Aspects for improvement**

- \* Accommodation for co-location of the three remaining CJUs needs to be resolved.
- \* The use of current accommodation in Birmingham.

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

- 10.13 The Area requests specialist assistance from CPS Headquarters where appropriate. The Area will need the full support of Headquarters if it is to achieve co-location of its remaining CJUs speedily.
- 10.14 Until recently, when the Area developed its own Secretariat (Area Headquarters), it relied heavily on the Service Centre for functions which it is now largely able to carry out in-house; it has also recruited staff from the Service Centre. The Service Centre proposed amendments to the Service Level Agreement with the Area nine months before the inspection, but this has not yet been agreed. In the light of the Area's changing relationship with the Service Centre, the Service Level Agreement should be finalised as soon as possible. This requires management attention.

## **11 POLICY AND STRATEGY**

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

- 11.1 The Area has worked well - in co-operation with the police - to establish co-located units over such a large geographical area. Planned co-location in Birmingham has not proceeded because the Area lost, after a long period of negotiation, a large amount of extra space it was hoping to take over in its existing building in the city centre. At the time of the inspection the Area was actively exploring possibilities of co-location at Sutton Coldfield and Warley.
- 11.2 The strategy for co-location will, of necessity, be closely linked to that of the delivery of pre-charge advice. In the latter part of 2003 the Area took the decision that it could not deliver face-to-face pre-charge advice across the Area because of shortage of lawyers. Two pre-charge centres were established for the shadow charging period, at Bourneville Lane and Walsall, and the Area reached an agreement with CPS Headquarters that CPS Direct would meet the need across the rest of the Area until such time as the Area could provide a face-to-face service.
- 11.3 At the beginning of the inspection, the Area had not drawn up structured plans for the implementation of face-to-face pre-charge advice across the remainder of the Area. Following concerns voiced by the police about the interim provision of advice by CPS Direct, the Area has reviewed the matter and face-to-face advice is to be provided additionally at Smethwick by the end of March 2004. A priority order of locations for implementation thereafter has been agreed. The Area intends to deliver face-to-face advice at the priority locations by July-August 2004, and to deliver pre-charge advice at all charging centres by the end of the year. From the end of June 2004, CPS Direct will provide charging advice by telephone, between 9am and 5pm, across the rest of the West Midlands, until the Area has sufficient lawyers to provide a face-to-face service. Statutory arrangements for charging will be implemented in the West Midlands Area from 24 September 2004.
- 11.4 In determining its initial strategy the Area was heavily influenced by its lawyer numbers. Originally it believed that a further 42 lawyers were needed to implement face-to-face advice across the Area - a number that was modified by CPS Headquarters to 28 - and which the Area now accepts was too high. Because of known recruitment difficulties, the Area did not take advantage of the additional funding of £687,000, available to it as a priority Area, for the employment of additional lawyers.
- 11.5 The Area is of the view that pre-charge advice will produce great benefits in terms of police investigation and file quality, reductions in discontinuance and its ability to use all staff more effectively. The plan now in place for the implementation of pre-charge advice provides an ideal opportunity for the Area, to determine and articulate - in close co-operation with the police - what it wants to achieve in terms of performance and future organisational structure.
- 11.6 The Area is improving its co-operation with CJS partners. In particular, there has been increasing co-operation with the police over victim and witness care; with the Crown Court in Wolverhampton, Coventry and Birmingham over the development of trial readiness procedures; and with the Magistrates' Courts Service over the development of domestic violence courts and listing arrangements in Birmingham.

- 11.7 We noted examples of a tendency for each agency to act independently, but also found the positive development of the LCJB and the recognition that joint strategies were the way forward.

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

- 11.8 The Area needs to develop the managing and reporting of performance in a way that consolidates both internal and wider criminal justice performance, so that decisions are properly informed (see chapter 7). The Area would benefit from the comparison of performance and other activity with other CPS Areas and organisations to inform best practice.
- 11.9 The Area is developing a good sense of the social and environmental issues surrounding criminal justice in the West Midlands, through its work within the community.

#### **Review (P&S3)**

- 11.10 The Area understands well the need to meet Public Service Agreement targets, and the CJS and CPS's strategic needs. It needs to become more expert in balancing short and long term pressures and requirements, and at planning for delivery.

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

- 11.11 The Area needs to develop a delivery strategy to support its overall strategy for its structure and development. In order to do this, it needs to have a clearer understanding of the key processes that are necessary for delivery. These particularly include processes for recruitment, performance management, disclosure and quality assurance.

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

- 11.12 Policy is communicated to staff through team and unit meetings, although information - particularly concerning new initiatives - is perceived by staff to be given to them late, so that there is little opportunity for them to contribute to discussions about implementation. The Area needs to follow through the introduction of initiatives to ensure that they continue to deliver; for example, the implementation of DCV, improvements to CTL systems, the introduction of J track, and the efficient use of the Compass Case Management System.
- 11.13 Last year the Area reintroduced its staff conference, which this year is again to be used to explain and examine the future strategy of the Area. As the Area becomes clearer about its own strategy and direction, it will need to ensure that it is clearly communicated to CJS partners.

#### **Aspects for improvement**

- \* Continuing monitoring of recent initiatives to ensure their effectiveness.



## **12 PUBLIC CONFIDENCE**

### **Complaints (CR1)**

- 12.1 The Area has recently analysed its own performance for the first three quarters of 2003. This showed that only about half of complaints were acknowledged within three days of receipt (although 100% of MPs' complaints were timely), and less than a third resulted in a substantive reply within ten days; there were also a small number where no substantive reply could be traced.
- 12.2 Our findings broadly confirmed this analysis. In our sample of 16 letters, we could only ascertain in nine cases whether an initial acknowledgement had been sent, and in eight of those it had been sent within three days. Only six out of 16 (one unknown) had been replied to substantively within ten days.
- 12.3 A system is to be introduced to ensure both prompt acknowledgement and that the complaint is dealt with thereafter.
- 12.4 The letters examined were satisfactory in nine out of ten relevant cases, they gave clear explanations and offered apologies where appropriate. One, to a non-English speaker, would have benefited from being translated. Overall, the Area aspires to openness and accountability, but in one case there was a reluctance to accept fault and the criminal justice system was blamed generally, when we considered the prosecution to be at fault.

#### **Aspects for improvement**

- \* The system dealing with complaints.

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

- 12.5 The Area is relatively good at dealing with racist incident cases. It is better than average in most categories where performance had been examined. A protocol has been agreed with the police, which has been successful in driving up performance.

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

- 12.6 Currently all child abuse cases are handled by child abuse specialists and most decisions were sound. In some cases more information should have been noted from viewing of the videos of interviews.
- 12.7 In 19 cases of child abuse that we examined, the initial decision to prosecute on evidential grounds was correct in 18 cases, and on the public interest test in all cases. All of them proceeded to trial or guilty plea on the correct level of charge. In nine out of ten cases where it was necessary to request additional evidence or information at the committal/transfer stage, an appropriate request was made.

- 12.8 The Area is not yet represented on local Area Child Protection Committees, although one of the Special Casework Lawyers has had some contact and liaison in Birmingham, and there are some links in Solihull. Ways of taking forward the Joint Chief Inspectors' report on Arrangements to Safeguard Children, including the issue of membership of, or representation when necessary at, the Area Child Protection Committee, are issues requiring management attention.

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

- 12.9 Following the disbandment of several of the local Racial Equality Councils, other suitable contacts have been sought and made. There has also been a secondment by a lawyer to work with black community leaders and the police, with specific reference to addressing gun and gang crime. This was partly in response to the widespread disquiet that followed the shooting of two young black women outside a nightclub. The principal aim of this work is to raise awareness of the CJS and the CPS among minority ethnic communities, and to secure their involvement and confidence in it. These communities are appreciative of the engagement and "open door" policy of the Area, while retaining reservations about the effectiveness of the system overall.
- 12.10 The Area has worked hard to engage with the community in general. It has an active Communications Manager who has developed a comprehensive cultural awareness programme to improve understanding between the CPS and minority communities, in which all senior staff have been involved. The initiative has involved contact with the community via faith groups, and others such as womens', racial harassment and domestic violence forums. The Area has also sought to ensure that the gay community understands the role of the CPS; initiatives have included a stand at the Birmingham Gay Pride event and working with Pink Shield through the Birmingham Community Safety Partnership. The Area has also established good links with schools - including faith schools - colleges and universities.
- 12.11 Below senior management level, some staff were less positive about how they can engage effectively with the community. Managers need to explain how this can be undertaken alongside the priority of ensuring that the CPS core work is properly done, cases are dealt with promptly and presented well, so that public confidence is increased and soundly based.

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

- 12.12 The Area has a Communications Manager and an established communications strategy; links have been made with a wide variety of media channels. The Communications Manager has gradually cultivated this relationship and it is now considered to be very constructive.
- 12.13 A media relations training workshop has also been devised for senior staff and six managers have taken part. The outcomes have been positive: with a higher CCP profile including radio broadcasts by him and a variety of press coverage. Coverage has been more favourable outside Birmingham.

### **Strengths**

- \* Positive communication with the media.

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

- 12.14 The Area co-operates well with other agencies in measures designed to improve public confidence. It relies upon the British Crime Survey as a means of measuring and evaluating public confidence. Since the baseline year of 2002-03 there has been a 5% rise in confidence in bringing criminals to justice in the West Midlands. This is impressive, although has the caveat attached of not yet being statistically significant because of small sample sizes, and overlapping time periods.

## **13 LEADERSHIP AND GOVERNANCE**

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

- 13.1 Workshops carried out in November 2002 - following the staff survey - suggested that aspects of behaviour, culture and management style within the organisation needed to be addressed. As a result, the Area had intended to produce a 'Statement of Principles' that would articulate the management style of the organisation and the general behaviour expected of staff. There remain some concerns about people management and the need to develop a comprehensive culture of continuous improvement. A Statement of Principles, to be adopted by all managers, and clearly explained to staff, would still be beneficial to the organisation.
- 13.2 The Area's leaders are generally visible, although their energies are largely concentrated on the units responsible for the development of new initiatives; there is scope for the Area's most senior leaders to be seen more across the whole Area.
- 13.3 Managers have demonstrated a commitment to the equality and diversity policies in all aspects of service delivery and employment practice.

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

- 13.4 Training and personal development is very positive in the Area. Appraisals and feedback are now more timely, although staff would welcome more involvement in planning for improvement.

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

- 13.5 The Area Strategic Board (ASB) consists of the CCP and ABM, Group Heads, the Area Operations Manager, and the Business Manager of the Birmingham Group, with other members of staff attending as necessary. It meets monthly.
- 13.6 The Board considers mainly legal matters, progress in implementing initiatives, and staffing issues. Cracked and ineffective trial data is considered regularly, but the consideration of other performance data tends to be ad hoc, and there is a need for the Board to determine the performance information it should receive.
- 13.7 Group or unit management meetings are held regularly across the Area. The Area is concerned that the conflicting pressures placed on lawyer-managers caused by the lack - or inexperience - of other lawyers, means that they have difficulty in developing the right balance between case management, managerial responsibility and the pressure to deliver initiatives.
- 13.8 In fact, this inspection has shown that managers balance these competing demands energetically. However, with the development of the Area Headquarters, responsibilities of senior staff and inter-linking relationships need to be defined. The responsibilities of the Area Headquarters, and its relationships with groups and units need to be clarified. It needs to play a greater role in determining and ensuring that staff numbers, structures and deployment represent value for money; in ensuring a consolidated approach to performance management; and in assuring and facilitating efficiency and quality assurance throughout the organisation. There should be Board-level ownership of the adequacy and efficiency of administrative processes.

- 13.9 There is little contact or sharing of information and good practice between operational managers below Group Head level. Information is usually fed up and down via ASB members. There needs to be greater contact between the new Business Managers for each group and the Area should also consider the scope for contact between other managers over specific operational issues.
- 13.10 Group Heads feel part of an Area-wide management structure, and are fully aware of what the Area needs to achieve. In some respects the Area operates in a cohesive way, but conversely, in the way business is conducted and in the approach and processes used, the Area operates as three separate groups. There is a need for the ASB to review the matters on which strategic and corporate decisions are necessary, and those which are subject to local discretion. There is a significant need for the different groups to share best practice and efficient ways of working.
- 13.11 The work of the Area Board is not governed by Terms of Reference which set out its roles and responsibilities. This should be remedied.

**RECOMMENDATION**

**The ASB:**

- \* **develops Terms of Reference to govern its work;**
- \* **defines the role of the Area Headquarters and its relationship with groups and units;**
- \* **identifies senior management responsibility for the effectiveness of administrative processes; and**
- \* **establishes links between operational units.**

**Organisational structure (L&G4)**

- 13.12 The organisational structure of the Area, which includes a number of small co-located units, is challenging for the Area, particularly in terms of the staffing levels that need to be maintained. Overall, the small units are successful, although administrative arrangements and aspects of integration with the police need review.
- 13.13 The structure of the Area has been enhanced by the creation of an Area Headquarters, which in time should support the smooth operation of the Area.

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

- 13.14 The Area Business Plan has traditionally been drawn up by senior staff and subsequently confirmed by the remainder of the management team. Other staff make little contribution to the planning process, although the Area has said that it intends to use its staff conference as a forum for discussion about priorities to be included in the Business Plan for 2004-05.
- 13.15 The Area's Business Plan for 2003-04 reflected priorities under the CJS agenda, but it was unspecific about how objectives were to be achieved, and timescales and responsibilities for action. As a consequence, formal monitoring is difficult, although progress against the achievement of objectives is discussed regularly by the ASB. No group or unit plans are in place to support delivery of the Business Plan.
- 13.16 The ASB does not monitor the Business Plan formally, but does monitor progress on the development of initiatives across the Area. It is also on the way to achieving some of the objectives set out in the Plan, although others have not been achieved.
- 13.17 Guidance on the business planning process has recently been issued to Areas by CPS Headquarters. Expectations for business planning have now been made explicit, requiring Areas to set milestones for the achievement of objectives and allocate responsibilities for action. Plans should also be subject to regular monitoring and review.
- 13.18 For 2004-05 the Area needs to develop a business planning process that - at the outset - analyses the CJS environment nationally and locally, examines the needs of local stakeholders, and determines and focuses on key priorities and the actions needed to deliver them. The Business Plan should meet national CPS expectations, and become the blue-print for the Area's achievements during the coming year. Progress against delivery should be monitored and regularly reviewed by the ASB.
- 13.19 Staff should be more formally involved in determining how plans are to be met, and in bringing about improvements, in their units.

#### **RECOMMENDATION**

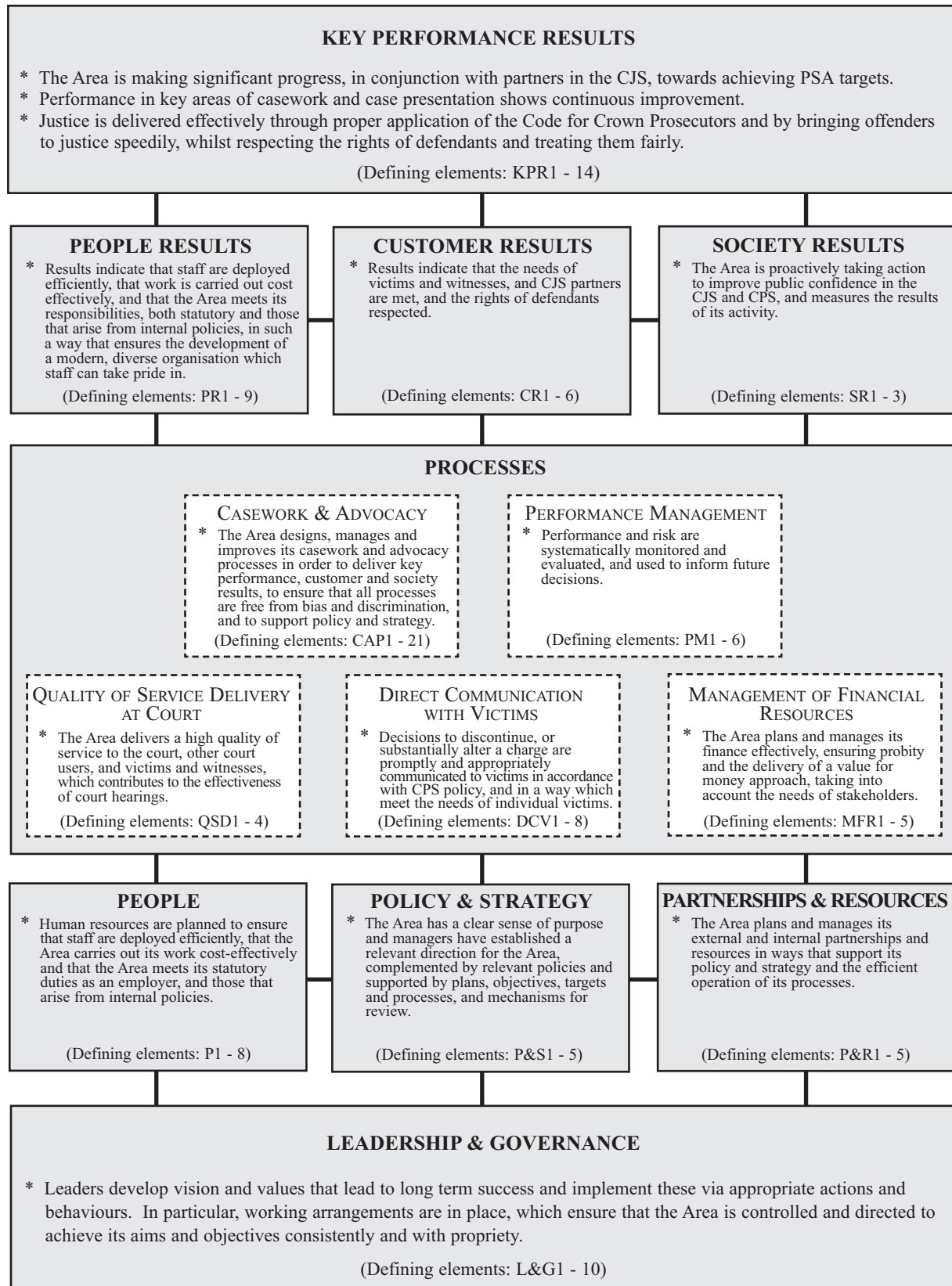
##### **The ASB:**

- \* **strengthens business planning processes;**
- \* **establishes clear plans which determine responsibilities and timescales for action; and**
- \* **monitors progress regularly.**

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

- 13.20 Appropriate contact has been established with other criminal justice agencies at all levels through the LCJB and its operational and local groups. Co-location within police stations and the charging initiatives is leading to increased contact between operational officers and the CPS. The Area is actively working with CJS partners to determine how the Public Service Agreement targets will be met.
- 13.21 However, there have been examples of differences of opinion occurring - notably between the CPS and the police - over the contributions towards victim and witness care and, latterly, over the extent to which the CPS is able to provide face-to-face pre-charge advice. We have referred to the need for the Area to examine fully stakeholder positions to enable it to plan effectively.

**BUSINESS EXCELLENCE MODEL INSPECTION MAP**





## KEY REQUIREMENTS AND INSPECTION STANDARDS

### CASEWORK (Chapter 4)

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**KEY REQUIREMENT: THE AREA DESIGNS, MANAGES AND IMPROVES ITS CASEWORK PROCESSES IN ORDER TO DELIVER KEY PERFORMANCE, CUSTOMER AND SOCIETY RESULTS, TO ENSURE THAT ALL PROCESSES ARE FREE FROM BIAS AND DISCRIMINATION, AND TO SUPPORT POLICY AND STRATEGY**

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

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

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

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

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

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

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

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

#### **Summary trial preparation (CAP5)**

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

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

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

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

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

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

**Sensitive cases (CAP8)**

*Standard:* sensitive cases (race crime, domestic violence, child abuse/child witness, rape, fatal road traffic offences, homophobic attacks) are dealt with in a timely way in accordance with CPS policy and in a manner which is free from bias and discrimination.

**File/message handling (CAP9)**

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

**Custody time limits (CAP10)**

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

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

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

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

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

**Youth cases (CAP13)**

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

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

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

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

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

**Recording of case outcomes (CAP16)**

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

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

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

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

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

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

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

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

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

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### **Advocacy standards and monitoring (CAP19)**

*Standard:* selection and monitoring of advocates in the magistrates' courts and Crown Court ensures cases are presented to a high standard and in a manner which is free from bias and discrimination, and that selection of advocates complies with CPS general duty under the Race Relations (Amendment) Act 2000.

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

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

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

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

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

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

### **Accommodation (QSD4)**

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

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

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### **KEY REQUIREMENTS:**

- \* **THE NEEDS OF VICTIMS AND WITNESSES ARE MET**
  - \* **DECISIONS TO DISCONTINUE, OR SUBSTANTIALLY ALTER A CHARGE ARE PROMPTLY AND APPROPRIATELY COMMUNICATED TO VICTIMS IN ACCORDANCE WITH CPS POLICY, AND IN WAY WHICH MEETS THE NEEDS OF INDIVIDUAL VICTIMS**
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### **Witnesses at court (QSD3)**

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

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

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

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

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

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

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

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

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

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

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

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

*Standard:* performance is regularly monitored by senior and middle management against plans and objectives, targets and standards are evaluated, and action taken as a result.

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

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

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

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

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

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

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

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

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

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#### **KEY REQUIREMENTS:**

- \* **HUMAN RESOURCES ARE PLANNED TO ENSURE THAT STAFF ARE DEPLOYED EFFICIENTLY, THAT THE AREA CARRIES OUT ITS WORK COST-EFFECTIVELY AND THAT THE AREA MEETS ITS STATUTORY DUTIES AS AN EMPLOYER, AND THOSE THAT ARISE FROM INTERNAL POLICIES**
  - \* **RESULTS INDICATE THAT STAFF ARE DEPLOYED EFFICIENTLY, THAT WORK IS CARRIED OUT COST-EFFECTIVELY, AND THAT THE AREA MEETS ITS RESPONSIBILITIES, BOTH STATUTORY AND THOSE THAT ARISE FROM INTERNAL POLICIES, IN SUCH A WAY THAT ENSURES THE DEVELOPMENT OF A MODERN, DIVERSE ORGANISATION WHICH STAFF CAN TAKE PRIDE IN**
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#### **Human resource planning (P1)**

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

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

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

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

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

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

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

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

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

**Good employment practice (P6)**

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

**Equality and diversity (P7)**

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

**Health and safety (P8)**

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

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

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

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**Staff financial skills (MFR1)**

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

**Adherence to financial guidelines (MFR2)**

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

**Budgetary controls (MFR3)**

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

**Management of prosecution costs (MFR4)**

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

**Value for money approach (MFR5)**

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

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

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**KEY REQUIREMENT: THE AREA PLANS AND MANAGES ITS EXTERNAL AND INTERNAL PARTNERSHIPS AND RESOURCES IN WAYS THAT SUPPORT ITS POLICY AND STRATEGY AND THE EFFICIENT OPERATION OF ITS PROCESSES**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Review (P&S3)**

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

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

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

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

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

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## **PUBLIC CONFIDENCE (Chapter 12)**

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### **KEY REQUIREMENTS:**

- \* **THE AREA IS PRO-ACTIVELY TAKING ACTION TO IMPROVE PUBLIC CONFIDENCE IN THE CJS AND CPS, AND MEASURES THE RESULTS OF ITS ACTIVITY**
  - \* **RESULTS INDICATE THAT THE NEEDS OF VICTIMS AND WITNESSES, AND CJS PARTNERS, ARE MET, AND THE RIGHTS OF DEFENDANTS RESPECTED**
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### **Complaints (CR1)**

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

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

*Standard:* the Area ensures that high casework standards are maintained in cases with a minority ethnic dimension in order to increase the level of confidence felt by minority ethnic communities in the CJS.

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

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

### **Community engagement (CR6)**

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

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

*Standard:* the Area engages with the media.

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

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

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

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

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

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

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

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

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

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

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

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

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

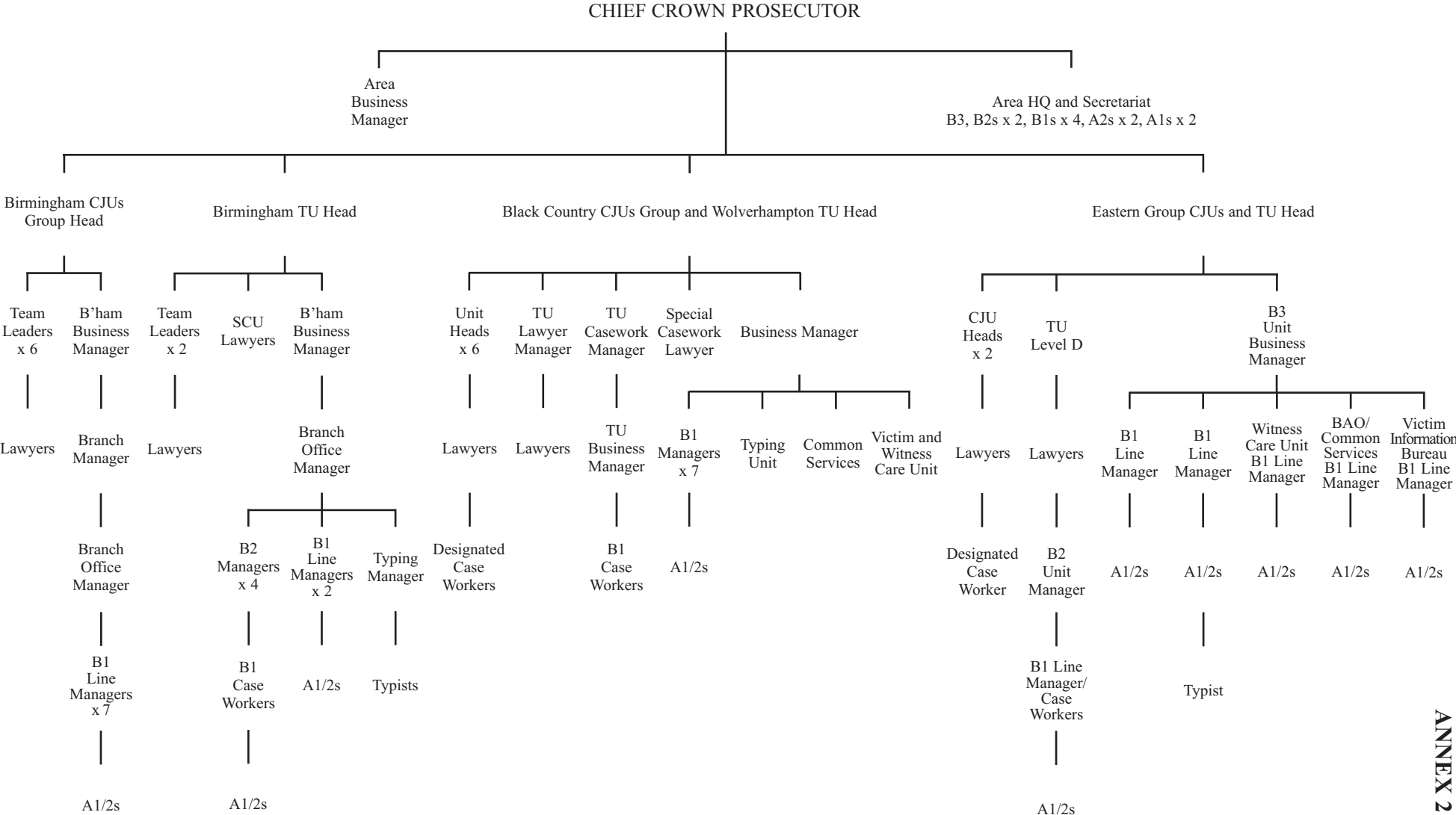
*Standard:* effective plans of action, which identify key issues, and which reflect CPS and CJS strategic priorities, and local needs, are in place.

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

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

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# CPS WEST MIDLANDS STAFF STRUCTURE



## AREA CASELOAD FOR YEAR ENDING SEPTEMBER 2003

1. Magistrates' Court - Types of case	West Midlands		National	
	Number	Percentage	Number	Percentage
Advice	3,352	3.7	87,160	6.1
Summary motoring	17,814	19.6	465,494	32.4
Summary non-motoring	22,800	25.0	292,912	20.4
Either way & indictable	46,529	51.1	580,483	40.4
Other proceedings	615	0.7	11,920	0.8
<b>Total</b>	<b>91,110</b>	<b>100</b>	<b>1,437,969</b>	<b>100</b>

2. Magistrates' Court - Completed cases	West Midlands		National	
	Number	Percentage	Number	Percentage
Hearings	60,414	69.3	986,750	73.7
Discontinuances	12,369	14.2	165,380	12.4
Committals	7,990	9.2	91,919	6.9
Other disposals	6,370	7.3	94,840	7.1
<b>Total</b>	<b>87,143</b>	<b>100</b>	<b>1,338,889</b>	<b>100</b>

3. Magistrates' Court - Case results	West Midlands		National	
	Number	Percentage	Number	Percentage
Guilty pleas	50,053	82.2	797,340	80.2
Proofs in absence	6,250	10.3	135,439	13.6
Convictions after trial	3,121	5.1	43,312	4.4
Acquittals: after trial	1,140	1.9	15,614	1.6
Acquittals: no case to answer	317	0.5	2,076	0.2
<b>Total</b>	<b>60,881</b>	<b>100</b>	<b>993,781</b>	<b>100</b>

4. Crown Court - Types of case	West Midlands		National	
	Number	Percentage	Number	Percentage
Indictable only	3,406	33.7	39,530	31.8
Either way: defence election	1,029	10.2	14,420	11.6
Either way: magistrates' direction	3,709	36.7	40,296	32.5
Summary: appeals; committals for sentence	1,958	19.4	29,917	24.1
<b>Total</b>	<b>10,102</b>	<b>100</b>	<b>124,163</b>	<b>100</b>

5. Crown Court - Completed cases	West Midlands		National	
	Number	Percentage	Number	Percentage
Trials (including guilty pleas)	6,337	77.8	78,085	82.9
Cases not proceeded with	1,521	18.7	13,179	14.0
Bind overs	212	2.6	1,198	1.3
Other disposals	74	0.9	1,784	1.9
<b>Total</b>	<b>8,144</b>	<b>100</b>	<b>94,246</b>	<b>100</b>

6. Crown Court - Case results	West Midlands		National	
	Number	Percentage	Number	Percentage
Guilty pleas	5,371	84.4	58,490	73.2
Convictions after trial	573	9.0	13,091	16.4
Jury acquittals	332	5.2	6,806	8.5
Judge directed acquittals	91	1.4	1,523	1.9
<b>Total</b>	<b>6,367</b>	<b>100</b>	<b>79,910</b>	<b>100</b>

## TABLE OF RESOURCES AND CASELOADS

<b>AREA CASELOAD/STAFFING CPS WEST MIDLANDS</b>		
	<b>December 2003</b>	<b>February 2001</b>
Lawyers in post (excluding CCP)	143.3	109
Cases per lawyer (excluding CCP) per year	637.5	773.4
Magistrates' courts contested trials per lawyer (excluding CCP)	31.9	36.8
Committals for trial and "sent" cases per lawyer (excluding CCP)	55.8	78
Crown Court contested trials per lawyer (excluding CCP)	7	9.6
Level B1, B2, B3 caseworkers in post	108.3	79.3
Committals for trial and "sent" cases per caseworker	73.8	107.3
Crown Court contested trials per caseworker	9.2	13.2
Running costs (non ring fenced)	£15,588,624	£9,770,500

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

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

	<b>RECOMMENDATIONS</b>	<b>POSITION IN JANUARY 2004</b>
<b>R1</b>	The CCP should take steps to ensure that there is better police compliance with the terms of agreement on the submission of cases for pre-charge advice (paragraph 2.13).	No longer appropriate in view of the pre-charge advice schemes.
<b>R2</b>	BCPs should liaise with the police to ensure that the guidance in the Service Level Agreement on officers seeking telephone or other informal advice from lawyers is uniformly complied with (paragraph 2.15).	No longer appropriate in view of the pre-charge advice schemes.
<b>R3</b>	The CCP and BCPs should ensure that, in all Branches, TQ1s are returned promptly to the police (paragraph 3.16).	Partially achieved. The return rate of TQ1s for the year to October 2003 was 78% against the target of 90%. Returns varied across the OCU's from 68% to 95%.
<b>R4</b>	BCPs should ensure that their Branches utilise effective action-dating systems to chase outstanding requests to the police (paragraph 3.18).	Not achieved. Ad hoc systems to chase outstanding requests utilised across the units.
<b>R5</b>	BCPs should ensure that review decisions are taken at the earliest appropriate time in all cases (paragraph 3.32).	Partially achieved. Initial review and discontinuance decisions are generally timely, but early review of Crown Court cases is taking place in only one TU.
<b>R6</b>	BCPs and PTLs should ensure that cases are thoroughly reviewed, and that all relevant issues are identified and considered at an early stage, so that appropriate decisions can be made about the progress of each case (paragraph 3.41).	Partially achieved. There still remains a proportion of failed cases where a more thorough initial review, or continuous review, could have prevented the outcome, or enabled a decision to be made earlier.

	<b>RECOMMENDATIONS</b>	<b>POSITION IN JANUARY 2004</b>
<b>R7</b>	BCPs and PTLs should ensure that lawyers make appropriately full review endorsements at all the relevant stages in all cases (paragraph 3.44).	Partially achieved. The standard of review endorsements in magistrates' courts cases has improved. The standard in Crown Court cases is still less than satisfactory, with evidential considerations being fully endorsed in 60.7% of cases and public interest considerations in 62.3%.
<b>R8</b>	Lawyers should ensure that they accurately endorse the grounds and reasons for remands in custody on the file jackets (paragraph 3.47).	Achieved. Unit Heads monitor file endorsements by monthly dip-sampling and include performance in the unit reports.
<b>R9</b>	The ASB should consider the Area's handling of domestic violence cases to ensure that a consistent approach is taken by all lawyers (paragraph 3.55).	Achieved. The quality of decision-making and application of CPS policy is sound. However, witness care needs to be more positive to help more cases proceed.
<b>R10</b>	BCPs should ensure that: <ul style="list-style-type: none"> <li>* lawyers examine adverse cases that they have reviewed and contribute to the analysis of the case through the failed case reports; and</li> <li>* where appropriate, the Adverse Case Reports are used, not only as a method of identifying the reasons for case failures, but also of learning from experience so that mistakes are not repeated (paragraph 3.65).</li> </ul>	Partially achieved. Lawyers in some units contribute to the preparation of failed case reports. These are included in monthly unit reports and discussed at the Local Criminal Justice Groups. The reports are not always realistic regarding the reasons for failure and the Area is thereby missing some opportunities to learn from experience.

	<b>RECOMMENDATIONS</b>	<b>POSITION IN JANUARY 2004</b>
<b>R11</b>	<p>The ASB should progress the review of unused material as a matter of urgency and should provide guidance to lawyers and caseworkers. This should include ensuring that:</p> <ul style="list-style-type: none"> <li>i) documentation relating to unused material, including the schedules and correspondence, are kept together on the file;</li> <li>ii) the MG6C and 6D are completed correctly in every case. This will require the reviewing lawyer to seek more detailed descriptions of items on the schedules where necessary;</li> <li>iii) the date on which primary disclosure is made is clearly identifiable from the file;</li> <li>iv) the defence are notified by letter of the existence or absence of material that may be disclosable at the secondary disclosure stage;</li> <li>v) cases involving sensitive material are dealt with at the appropriate level (paragraph 4.8).</li> </ul>	<p>Partially achieved. The files sample did not demonstrate that much progress had been made in relation to (i)-(iv), but there were no issues regarding (v). Recent training on revised CPS guidance has produced some improvement, but compliance is still patchy.</p>
<b>R12</b>	<p>The CCP should seek to develop a common strategy at Chief Officer level to monitor cracked and ineffective summary trials and the arrangements for, and effectiveness of, pre-trial reviews (paragraph 4.28).</p>	<p>Achieved. Cracked and ineffective summary trials are monitored both at a local and county level. ETMP will replace pre-trial reviews.</p>
<b>R13</b>	<p>The CCP and BCPs should take all necessary steps with their police counterparts to bring about improvements in the timeliness and quality of committal files and the timeliness of CPS review and preparation (paragraph 4.52).</p>	<p>Partially achieved. File quality and timeliness monitored both at a local and county level. There is variable quality across the OCUs – ranging from 22.6% to 49.2% being sufficient to proceed. Cases are not all reviewed promptly when received into the TUs, and requests for further enquiries not always made when required.</p>

	<b>RECOMMENDATIONS</b>	<b>POSITION IN JANUARY 2004</b>
<b>R14</b>	<p>In all cases resulting in a discharged committal which is not based on the merits or other good reason:</p> <ul style="list-style-type: none"> <li>* the CPS should notify the police of the discharge within 14 days; and</li> <li>* the case should be the subject of a considered decision whether to reinstate. Any necessary further action and reconsideration should be taken within one month unless there are exceptional circumstances making this impossible (paragraph 4.56).</li> </ul>	<p>Achieved in the main. Police are generally notified promptly of discharges. Decisions regarding reinstatement are not always being made within one month – partly due to attempts being made to seek information from police.</p> <p>However, the numbers of discharged committals remains a significant issue and must be addressed jointly with the police and the magistrates' courts.</p>
<b>R15</b>	<p>The CCP and BCPs should continue to take steps to improve the timeliness of delivery of instructions to counsel (paragraph 4.61).</p>	<p>Achieved. Timeliness now good – 95% compared with the national performance of 84.3%.</p>
<b>R16</b>	<p>BCPs should ensure that their office systems for linking correspondence to files, and dealing promptly with replies, are effective and properly followed (paragraph 4.90).</p>	<p>Not achieved. There are delays in linking post across the Area, with no Area-wide solution/process.</p>
<b>R17</b>	<p>The CCP and BCPs should ensure that the Area's HCAs exercise their higher court rights of audience on a more regular basis and the Area should take all possible steps to meet its coverage target (paragraph 5.16).</p>	<p>Not achieved. HCA usage remains low.</p>
<b>R18</b>	<p>In order to improve communication in the Area, BCPs should examine their Branch's performance against the commitments contained in the communication strategy (paragraph 6.28).</p>	<p>Achieved. Arrangements for formal communication are satisfactory and supported by bulletins and newsletters.</p>



	<b>RECOMMENDATIONS</b>	<b>POSITION IN JANUARY 2004</b>
<b>R19</b>	The Area should review the application of its flexi-time policy to ensure that any local variations are in line with the general principles enshrined in the flexi-time agreement (paragraph 6.58).	Achieved – there appeared no difficulties with operation of flexi-time at the time of the inspection, although some staff felt unable to take their flexi hours because of pressure of work.
<b>R20</b>	The Area should seek to map out a three year Human Resource Plan, in collaboration with relevant staff from CPS Headquarters, in order to try to effect a structured solution to the underlying issues (paragraph 6.62).	Not achieved. The Area was preparing to undertake a review of staff numbers and responsibilities and the time of the inspection, and delays in recruitment remained. This Report makes a further recommendation about human resource planning.
	<b>SUGGESTIONS</b>	<b>POSITION IN JANUARY 2004</b>
<b>S1</b>	Where it is not possible to provide pre-charge advice within 14 days, the reviewing lawyer should liaise with the police to agree an appropriate timescale (paragraph 2.6).	Achieved. There appear to be no concerns in relation to cases which require more than 14 days in order to provide advice.
<b>S2</b>	Area lawyers should be prepared to take decisions on the disposal of cases at court where appropriate (paragraph 3.21).	Partially achieved. Some CPS lawyers were still not willing to make disposal decisions if they were not the reviewing lawyer.
<b>S3</b>	The ASB, together with other Areas in the CPS Family Group, should examine the distribution of police complaints cases amongst the senior lawyers to ensure that the West Midlands BCPs do not undertake a disproportionate amount of this work (paragraph 3.50).	Not achieved. Area senior manager/lawyers still undertake a significant number of police complaints cases, although the SCLs will assist if necessary.
<b>S4</b>	The ASB should establish arrangements for ensuring that what is disclosed as advance information is properly recorded (paragraph 4.5).	Not achieved. Advance information was properly recorded in only 23.5% of the cases in the file sample.

	<b>SUGGESTIONS</b>	<b>POSITION IN JANUARY 2004</b>
<b>S5</b>	All BCPs and PTLs should adopt the practice of reporting on informal advocacy monitoring in their Branch and Team Performance Reports (paragraph 5.21).	Achieved. CJU Performance Reports include information in relation to advocacy monitoring.
<b>S6</b>	The ASB should consider liaising with the police and courts over the quality of information provided to witnesses (paragraph 6.80).	Achieved in part, through joint work with victims and witnesses.
<b>S7</b>	The CCP and BCPs should deliver training to other members of staff who are likely to be involved in drafting responses to complaints (paragraph 6.95).	Not achieved. The Level E Heads deal with the majority of complaints. There remains a training need for the Level D Unit Heads and Team Leaders.

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

	<b>Number of files examined</b>
<b>Magistrates' courts cases/CJUs:</b>	
Advice	29
No case to answer	16
Trials	96
Discontinued cases	101
Race crime	(27)
Domestic violence cases	(75)
Youth trials	(49)
Cracked trials	26
Ineffective trials	9
Cases subject to custody time limits	23
<b>Crown Court cases/TU:</b>	
Advice	18
Committals discharged after evidence tendered/sent cases dismissed after consideration of case	2
Committals discharged not ready	24
Judge ordered acquittals	59
Judge directed acquittals	6
Trials	62
Child abuse cases	(26)
Race crime	(3)
Cracked trials	27
Ineffective trials	9
Rape cases	(24)
Street crime cases	(24)
Cases subject to custody time limits	12
<b>TOTAL</b>	<b>519</b>

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

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

**Crown Court**

The Honourable Mr Justice Wakerley, the Recorder of Birmingham  
His Honour Judge Chapman  
His Honour Judge Cole  
His Honour Judge McCreath  
His Honour Judge Stanley  
His Honour Judge Taylor  
Mrs J Barton, Crown Court Manager  
Mrs T Ellis, Crown Court Manager  
Mrs L Garrod, Crown Court Manager  
Mrs M Hirst, Crown Court Manager  
Mrs D Putka, Crown Court Listing Officer

**District Judges**

District Judge P Browning  
District Judge R Clancy  
District Judge I Gillespie  
District Judge M McColl

**Magistrates' Courts**

Mr G Barlow JP, Chair of the Walsall Bench  
Mr J Barritt JP, Chair of the Solihull Bench  
Mr D Bradnock JP, Chair of the Birmingham Bench  
Mr D Dixon JP, Chair of the Warley Bench  
Mr C Gardner JP, Chair of the Wolverhampton Bench  
Dr R Hawker JP, Vice-Chair of the Birmingham Youth Panel  
Ms J Jones JP, Chair of the Coventry Bench  
Mr D Parrish JP, Chair of the West Bromwich Bench  
Mr P Randon JP, Chair of the Aldridge Bench  
Mrs M Wilkes JP, Chair of the West Bromwich Bench  
Mr A Eccles, Justices' Chief Executive of West Midlands  
Mr J Griffin, Clerk to the Justices  
Mr A Heath, Clerk to the Justices  
Mr S Abbott, Magistrates' Court Centre Manager (Legal)  
Ms T Calleia, Magistrates' Court Centre Manager (Admin)  
Mr C Woodrow, Magistrates' Court Centre Manager

## **Police**

Mr P Scott–Lee, Chief Constable  
Chief Superintendent G Cann  
Chief Superintendent T Duffin  
Chief Superintendent G Fraser  
Chief Superintendent B Gilbert  
Chief Superintendent P Grevatt  
Chief Superintendent D Hodson  
Chief Superintendent A Jewkes  
Chief Superintendent R Minshull  
Chief Superintendent R Pearce  
Chief Superintendent P Scarrett  
Superintendent S Cross  
Superintendent G Morgan  
Superintendent P Westlake  
Superintendent P Williamson  
Detective Chief Inspector A Beddington  
Chief Inspector C Pugh

## **British Transport Police**

Mr J Hugginson

## **Defence Solicitors**

Mr E Bayliss  
Mr S Bhomra  
Mr M Davies  
Mr C Gammon  
Mr S Jonas  
Mr D Moore  
Mr D Murray  
Mr L Preston  
Mrs F Warman

## **Counsel**

Mr J Burbidge QC  
Mr G Henson  
Mr A Keeling  
Ms S Pratt  
Ms S Thomas  
Mr J Wood

## **National Probation Service**

Ms H Thompson

## **Witness Service**

Ms J Barber  
Mr D Dingley  
Mr S Goodyear  
Ms S Green  
Ms J Ingram  
Mrs J Kimpton  
Mrs B Lee-Rose  
Mrs S Sagar  
Ms P Stothard  
Ms G Walker

## **Youth Offending Team**

Ms A Ballantyne  
Mr M McClean  
Mr E Morgan  
Mr A Pepper

## **Community Groups**

Mr M Arnold, Policy Officer, Community Safety Birmingham  
Mr P Bowater, Assistant Team Manager, Looked After Children Service  
Ms C Coombes, Senior Programme Director, Birmingham Common Purpose  
Mr S D Singh Dhesy, Chairman, Sikh Community & Youth Service  
Mr D Gill, Senior Development Officer, Indian Community Centre Association  
Mr N Grant, Head of Birmingham Community Safety Partnership Team  
Ms M McAndrew, Chief Officer, Local Crime & Disorder Partnership  
Ms S Rogers, Co-ordinator, Walsall Domestic Violence Forum  
Ms S Saprai, Sandwell Vulnerable Witness Group  
Mr P Tart, Assistant Director of the Law & Property, Dudley Council

## 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:

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

Taken together, these mean:

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

## GLOSSARY

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



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

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

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