



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

REPORT 3/05

FEBRUARY 2005

Promoting Improvement in Criminal Justice

CPS WILTSHIRE



AREA OFFICE

Chippenham

MAGISTRATES' COURTS

Chippenham, Devizes, Salisbury, Swindon

CROWN COURT

Bristol, Salisbury, Swindon, Winchester

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PREFACE

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

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

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

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

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

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

HMCPSI has offices in London and York. The London office houses the Southern Group and part of the Northern and Wales Group. The remainder of the Northern and Wales Group are based at the office in York. Both Groups undertake thematic reviews and joint inspections with other criminal justice Inspectorates. At any given time, HMCPSI is likely to be conducting six geographically-based or Directorate inspections and two thematic reviews, as well as joint inspections.

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

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

During the second cycle of inspections, a database will be built up enabling comparisons to be drawn between performances of CPS Areas. The table of key performance indicators within this report makes such comparison with the aggregate data gathered from the second cycle inspection of all 42 Areas. 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 Wiltshire, which serves the area covered by the Wiltshire Constabulary. It has a single office at Chippenham for both units and the Area Headquarters (Secretariat).
- 1.2 Area business is divided on functional lines between magistrates' courts and Crown Court work. The Criminal Justice Unit (CJU) is responsible for the conduct of all cases dealt with in the magistrates' courts and the Trial Unit (TU) reviews and handles cases dealt with in the Crown Court.
- 1.3 At the time of the inspection in November 2004, the Area employed the equivalent of 48.5 full-time staff. The Area Secretariat comprises the Chief Crown Prosecutor (CCP), Area Business Manager (ABM) and the full-time equivalent of 7.6 other staff. Details of staffing of the units is set out below:

Grade	TU	CJU
Level D	1	1
Level C lawyers	4.4	10.8
Level B2 caseworkers	1	1.8
Level B1 caseworkers	6.4	1
Level A caseworkers	3.4	8.1
TOTAL	16.2	22.7

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

- 1.4 Details of the Area's caseload in the year to September 2004 are as follows:

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	809	5.5	7
Advice	1,622	11.1	12.1
Summary	8,266	56.3	50.5
Either way and indictable only	3,706	25.3	29.6
Other proceedings	267	1.8	0.8
TOTAL	14,670	100%	100%

1.5 The Area's Crown Court finalised cases in the year to September 2004 were:

Crown Court finalised cases	Area numbers	Area % of total caseload	National % of total caseload
Indictable only	258	36.3	30.5
Either way offences	211	29.7	43.8
Appeals against conviction or sentence	108	15.2	9.3
Committals for sentence	134	18.8	16.3
TOTAL	711	100%	100%

1.6 A more detailed table of caseload and case outcomes compared with the national average is attached at Annex 3 and a table of caseload in relation to Area resources at Annex 4. CPS Wiltshire (in common with other CPS Areas) has benefited from an increase in its budget since our last inspection in order to drive up performance. However, there has been only a slight increase in staff and, whilst there has been a significant reduction in the average numbers of cases dealt with by each lawyer and caseworker in the TU, this is not so in the CJU.

The report, methodology and nature of the inspection

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

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

1.9 The scope of the inspection is also influenced by the length of time since performance was previously inspected. The assessment in respect of CPS Wiltshire also drew on findings from the previous inspection of the Area, a report of which was published in September 2002. As a result of this risk assessment, it was determined that the inspection of CPS Wiltshire should be a full one.

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

- 1.11 Our methodology combined examination of 110 cases finalised between 1 June - 31 August 2004 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' and the Crown Court.
- 1.12 Inspectors visited the Area from 1 - 5 November 2004. The lay inspector for this inspection was Michael Gray, who was nominated by the Witness Service. The role of the lay inspector is described in the Preface. He examined files that had been the subject of complaints from members of the public and considered letters written by CPS staff to victims following the reduction or discontinuance of a charge. He also visited some courts and had the opportunity to speak to some of the witnesses after they had given evidence. This was a valuable contribution to the inspection process. The views and findings of the lay inspector have been included in the report as a whole, rather than separately reported. He gave his time on a purely voluntary basis, and the Chief Inspector is grateful for his effort and assistance.
- 1.13 The purpose and aims of the Inspectorate are set out in Annex 8. A glossary of the terms used in this report is contained in Annex 9.

2 SUMMARY OF INSPECTION FINDINGS AND RECOMMENDATIONS

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

Overview

- 2.2 Wiltshire, whilst geographically quite large, is one of the smaller CPS Areas because it has a relatively low caseload. The Area has a clear vision and understands where it is going and what it is trying to achieve. The structure of the Area and its deployment of staff delivers its business effectively and is regularly reviewed, although its performance regime could be strengthened. Partnerships are sound at the strategic level, but clearer communication with criminal justice partners about constraints, expectations and efficient use of resources, would benefit the Area. Staff have a clear understanding of how their actions fit into the overall direction of the CPS and the Wiltshire Criminal Justice Board (WCJB). There is a climate of involvement, improvement and commitment to deliver targets and quality casework.
- 2.3 Together with its criminal justice partners, CPS Wiltshire has achieved or exceeded all its PSA targets. The judgements in its casework, and its compliance with the obligations of the disclosure of unused material, are very sound and its work in dealing with young offenders is particularly good. Some other aspects of work, for example, the preparation of instructions to counsel, recording of case progress and outcomes at court, and informing victims when cases are dropped or substantially reduced under the Direct Communication with Victims (DCV) scheme, need to be improved.
- 2.4 The Area has taken determined steps to control its budget and use its resources efficiently. An increase in budget since the last inspection has not been reflected in any sustained significant increase in lawyer or caseworker resources, because budget pressures made it necessary to manage vacancies, following an initial increase in numbers. The Area, albeit rather late, has started to plan and implement the recent national initiatives of the Effective Trial Management Programme (ETMP) and the No Witness No Justice scheme. The charging scheme (under which the CPS will deliver face-to-face advice to the police and take decisions to charge in defined cases) is proving a major challenge, but the Area has taken positive steps to address it.

Key performance results

- 2.5 The Area delivers good key performance results, particularly in relation to its casework, and performs above the national average in nearly every respect.
- 2.6 The Area's work with other criminal justice agencies has enabled all the targets for cracked and ineffective trials and for bringing offenders to justice to be met or exceeded. However, delays in listing summary trials have increased substantially, to up to six months.

- 2.7 The timeliness from arrest to sentence of cases involving persistent young offenders (PYOs) has consistently remained well below the national target of 71 days. In June - August 2004 the average time was 51 days.

Casework

- 2.8 During the year ending 30 September 2004, the Area dealt with 12,239 cases in the magistrates' courts, 711 in the Crown Court and advised the police in 2,431 pre-charge cases.
- 2.9 Decision-making at initial review, in continuing review and in discontinuing cases is very good. Preparation for trials in both the magistrates' and Crown Court is generally good and timely, although there are recent signs that timeliness may be slipping. Because of case progress and listing issues, delays are occurring in the fixing of summary trials. Lawyers prepare committals and cases sent to the Crown Court, but the quality of the majority of instructions to counsel is not good.
- 2.10 The Area's performance in relation to the disclosure of unused material is significantly above the national average. However, the management of these documents on the file needs improvement in most cases.
- 2.11 The systems for file handling and the management of cases with custody time limits are secure, but the recording of actions and outcomes from court needs to be clearer.

Advocacy and quality of service delivery

- 2.12 The overall standard of advocacy, both of CPS prosecutors and agents in the magistrates' courts and counsel in the Crown Court, is generally good. There should, however, be more formal and structured monitoring of all prosecutors.

Victims and witnesses

- 2.13 The service to witnesses at court from both CPS prosecutors and caseworkers is generally good. Conversely, the consideration and timely application to court for Special Measures for vulnerable and intimidated witnesses is not good. Similarly, the quality of letters written to victims where a case has been dropped or a charge substantially reduced is high, but only a low proportion of the relevant cases are identified and letters actually sent.
- 2.14 The CPS and the police are working together to establish a Witness Care Unit to improve the service to witnesses throughout the life of a case. Full implementation of this initiative is planned for October 2005.

Performance management

- 2.15 Performance on key activity within the Area is measured and monitored. There is an ethos of discussing performance at both the strategic and operational levels. The Area is beginning to implement a system of review against performance data, but errors in recording some significant unsuccessful case outcomes had not been identified. This change should ensure the analysis and better understanding of performance data.

- 2.16 Joint work in the WCJB is strong. The CPS has played a key role in this process and a comprehensive system to manage performance towards the achievement of the PSA targets is in place.
- 2.17 The Area undertakes some Casework Quality Assurance, but this needs to be extended to ensure that a full sample can help identify trends and improvements in casework quality.

People management and results

- 2.18 The Area has a systematic and effective approach to resource planning, with the Area Management Team (AMT) fully involved in the decision-making and processes. Sick absence is carefully monitored and effectively managed.
- 2.19 Staff training is linked to business priorities and is allocated in an equitable and fair manner (within the constraints of the budget). The Area takes performance appraisal and staff development seriously, with strong processes for carrying out timely performance review and personal development planning.
- 2.20 There is a climate of staff openness and involvement within the Area. There has, however, been a lack of formal (or effective) team meetings, which has reduced the level of two-way communication.

Management of financial resources

- 2.21 An ethos of strong budgetary management within the Area has developed since the appointment of the Area Business Manager in 2003. Effective action has been taken to control and reduce spend, the payment of fees is handled well and in a timely manner, and the Area adheres to all financial guidelines.

Partnerships and resources

- 2.22 The Area plays a full and active role in the WCJB. The arrival of the new Chief Crown Prosecutor and a change to a number of key players within the WCJB is resulting in the forging of new working relationships. Joint performance is good, with Wiltshire being the only area to meet and exceed all PSA targets in 2003-04.
- 2.23 Both CPS Wiltshire and the police need to make better use of joint performance management (JPM) data in relation to police file quality, timeliness and analysis of unsuccessful case outcomes. There is an urgent need to address the planning and implementation of shadow charging in a more systematic way: a process that has now begun.
- 2.24 Partnership expectations with the police about charging, and with the magistrates' courts about case listing throughput and court coverage, have proved a challenge and there is a need to improve communications to prevent further dislocation of understanding and views. There has been some collaborative work with the police and the magistrates' courts in relation to service delivery and meeting targets, but there are still significant delays in fixing trials in the magistrates' courts.

Policy and strategy

- 2.25 The Area has considered both national and WCJB priorities and targets when developing its own strategy. Its involvement in the Service Delivery Group is key to appreciating other stakeholders' needs. The Area recognises the need to continue to outline to other key partners the pressures that the business faces and communicate this in an effective and consistent way.
- 2.26 Process improvement is marshalled and driven by a working team, which is a sound basis for developing a consistent and comprehensive framework of processes. The Area has reviewed performance, but there have been examples where it has been slow to change policy and strategy to implement improvement after review.

Public confidence

- 2.27 The Area's overall approach to community engagement is satisfactory and senior management are outward-looking. Budgetary and time constraints require a more planned and strategic approach to be adopted. Further encouragement by managers for staff at all levels to participate in community engagement will free senior management and enable them to adopt this more effective approach.
- 2.28 There is some media engagement and most AMT members have received media training. The Area is conscious of the need for increased interaction with the media, taking a more pro-active and systematic approach, within budgetary constraints.
- 2.29 There is a sound system for the handling of complaints and the quality of complaint responses was good.

Leadership and governance

- 2.30 The Area has clearly outlined its vision and values to staff. This has been communicated effectively and the Staff Survey revealed that 94% of staff understand how their job relates to the objectives of the Area.
- 2.31 The recent development of a reward and recognition strategy is a part of the process of staff recognition. Staff are actively involved in decision-making and a consultative approach to key decisions is apparent. Clear Terms of Reference for all meetings and working groups within the Area have ensured that there are effective and easily understood structures for delivering the business.

Bringing offenders to justice

- 2.32 The Wiltshire Criminal Justice Board had exceeded its target of +5% for bringing offenders to justice. The figure for the year ending May 2004 was +11.6%, but this fell to + 2.7% in the year to August 2004.

Reducing ineffective trials

- 2.33 The criminal justice agencies in Wiltshire have performed very well in dealing with ineffective trials. In July - September 2004 the ineffective trial rate in the magistrates' courts was 18.2%, against its target of 31% and a national average of 25.4%. In April - September 2004 the ineffective trial rate in the Crown Court was 11% against its target of 15% and a national average of 16.7%.

Value for money

- 2.34 There is a demonstrably strong culture of providing value for money, although competing demands on available resources are causing the Area to face problems in keeping within its budget. It needs to continue to seek efficiencies to ensure best value for money, for instance, by using caseworkers in the efficient preparation of Crown Court files.

Equality and diversity issues

- 2.35 The Area is committed to meeting equality and diversity standards, but recruitment advertising could be more carefully directed in order to ensure that all sections of the community are aware of any opportunities within the Service.

Recommendations

- 2.36 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.
- 2.37 We have made five recommendations to help improve the Area's performance:
1. Lawyers should ensure that instructions to counsel contain adequate summaries setting out the issues in the case (including outstanding matters) and that clear instructions are given about the acceptability of likely guilty pleas to alternative or lesser offences. The Head of the TU should monitor the quality of instructions effectively and take action when required to improve performance (paragraph 4.18).
 2. Unit managers must ensure that timely letters are sent to victims of crimes in all relevant cases where a charge is dropped or substantially altered (paragraph 6.9).
 3. Senior managers should undertake the systematic analysis of performance data to identify opportunities for improvement, enhanced resource allocation and better learning (paragraph 7.6).
 4. Area managers should ensure the development of fully effective partnerships with the magistrates' courts (paragraph 10.4).
 5. Area managers should ensure the development of fully effective partnerships with the police and, in particular:
 - * Use a joint project management approach to plan and implement an effective shadow charging scheme and thereafter the statutory scheme.
 - * Use joint performance management data to improve overall police file quality and timeliness, and to learn from unsuccessful case outcomes (paragraph 10.5).

3 KEY PERFORMANCE RESULTS

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

CPS PERFORMANCE	National Target 2003-2004	National Performance Cycle to date*	Area Target 2003-2004	Area Performance
MAGISTRATES' AND YOUTH COURT CASEWORK				
Advice				
Decisions complying with evidential test in the Code ¹	-	96.1%	-	100%
Decisions complying with public interest test in the Code ¹	-	97.3%	-	100%
First Review				
Decisions to proceed at first review complying with the evidential test ¹	-	98.6%	-	100%
Decisions to proceed at first review complying with public interest test ¹	-	99.9%	-	100%
Requests for additional evidence/information made appropriately at first review ¹	-	76.7%	-	100%
Discontinuance				
Discontinuance rate of completed cases (CPS figure)	-	13.1%	-	11.5%
Discontinued cases with timely discontinuances ¹	-	76.9%	-	93.8%
Decisions to discontinue complying with the evidential test ¹	-	93.2%	-	93.8%
Decisions to discontinue complying with the public interest test ¹	-	92.7%	-	100%
Discontinued cases where all reasonable steps had been taken to request additional evidence/information ¹	-	88.2%	-	100%
Level of charge				
Charges that required amendment and were amended in a timely manner ¹	-	75.1%	-	100 %
Cases that proceeded to trial or guilty plea on the correct level of charge ¹	-	95.5%	-	100%
Cracked and ineffective summary trials				
Cracked trials as recorded by CPS and magistrates' courts JPM	-	(Jul – Sep 04) 36.9%	-	(Jul – Sep 04) 27.7%
Cracked trials in file sample that could have been avoided by CPS action ¹	-	18%	-	0
Ineffective trials as recorded by CPS and magistrates' courts JPM	-	(Jul – Sep 04) 25.4%	-	(Jul – Sep 04) 14%
Ineffective trials in the file sample that could have been avoided by CPS action	-	27.4%	-	0
Summary trial				
Acquittal rate in magistrates' courts (% of finalisations) – CPS figure	-	2.1%	-	2.1%
Decisions to proceed to trial complying with the evidential test ¹	-	96.3%	-	100%
Decisions to proceed to summary trial complying with the public interest test ¹	-	99.7%	-	100%
Cases with timely summary trial review ¹	-	78.6%	-	100%
Requests for additional evidence/information made appropriately at summary trial review ¹	-	73.2%	-	100%
No case to answers where outcome was foreseeable, and CPS could have done more to avoid outcome ¹	-	38.4%	-	0 out of 1

CPS PERFORMANCE	National Target 2003-2004	National Performance Cycle to date*	Area Target 2003-2004	Area Performance
CROWN COURT CASEWORK				
Committal and service of prosecution papers				
Cases with timely review before committal, or service of prosecution case in "sent" cases ¹	-	83.4%	-	100%
Decisions to proceed at committal/service of prosecution papers stage complying with evidential test in the Code for Crown Prosecutors ¹	-	96.1%	-	97.6%
Decisions to proceed at committal/service of prosecution papers stage complying with public interest test in the Code for Crown Prosecutors ¹	-	99.8%	-	100%
Requests for additional evidence/information made appropriately at committal/service of prosecution case review ¹	-	83.9%	-	100%
Timely and correct continuing review after committal	-	85%	-	100%
Cases with timely service of committal papers on defence	80%	81% 78.2% ³	-	100% ¹ 72.3% ²
Cases with timely delivery of instructions to counsel	84%	86.5% 85.5% ³	-	78.9% ¹ 88.8% ²
Instructions to counsel that were satisfactory ¹	-	64.3%	-	45%
Cracked and ineffective trials				
Cracked trials as recorded by CPS and Crown Court JPM	-	(Apr – Sep 04) 39.2%	-	(Apr - Sept 04) 32.9%
Cracked trials that could have been avoided by CPS action ¹	-	17.8%	-	14.3%
Ineffective trials as recorded by CPS and Crown Court JPM	-	(Apr – Sep 04) 16.7%	-	11%
Ineffective trials where action by CPS could have avoided an adjournment ¹	-	10.5%	-	0 out of 4
Level of charge				
Charges that required amendment and were amended in a timely manner ¹	-	80%	-	92.3%
Indictments that required amendment ¹	-	26.1%	-	30%
Cases that proceeded to trial or guilty plea on the correct level of charge ¹	-	95.8%	-	95%
Judge ordered and judge directed acquittals				
JOA/JDAs where outcome was foreseeable, and CPS could have done more to avoid outcome ¹	-	23.3%	-	14.3%
Trials				
Acquittal rate in Crown Court (% of all finalisations excluding JOA, appeals/committals for sentence and warrant write-offs) ²	-	9.8%	-	9%
NARROWING THE JUSTICE GAP				
Percentage brought to justice against the baseline for 2001-02 as recorded by JPIT	Target +5%	+8.2% (as at June 04)		+11.6% (as at Jun 04)

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

² self-assessment by Area

³ nationally collated figure based on Area self-assessment returns

⁴ insufficient numbers of files to provide reliable data

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

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

CPS PERFORMANCE	National Target 2003-2004	National Performance Cycle to date*	Area Target 2003-2004	Area Performance
MAGISTRATES' AND YOUTH COURT CASEWORK				
Disclosure				
Cases where primary disclosure properly handled ¹		71.6%		82.4%
Cases where secondary disclosure properly handled ¹		59.5%		0 out of 0
Witness care				
Trials where appropriate use made of S9 CJA 1967 ¹		96.8%		100%
Trials where appropriate use made of the witness care measures ¹		85.4%		100%
CROWN COURT CASEWORK				
Disclosure				
Cases where primary disclosure properly handled ¹		79.9%		100%
Cases where secondary disclosure properly handled ¹		59.4%		81.8%
Witness care				
Trials where appropriate use made of witness phasing/standby ¹		80.1%		100%
Trials where appropriate use made of the witness care measures ¹		93.4%		85.7%
MAGISTRATES' COURTS AND CROWN COURT				
Custody time limits				
Cases in sample where expiry dates accurately calculated	-	93.7%	-	100%
OTHER ISSUES				
Payment of witness expenses				
Payment of witness expenses within 10 days of receipt of claim ²	100%	Apr – Sep 04 92.9%	100%	98%
Handling of complaints				
Complaints replied to within 10 days ²	94%	Apr – Sep 04 89.4%	%	92%
Citizens charter commitment				
MPs correspondence replied to within 15 days ²	100%	Apr – Sep 04 98.3%	N/A	90%
Improving productivity				
Reduce sick absence rate per member of staff	8.5 days (2004)	9.2 days (2003)		5.5 days (2004)
OTHER ASPECTS OF CPS PERFORMANCE				
CJS Youth Justice Performance Measures (shared between Home Office, Department of Constitutional Affairs (formerly LCD) and CPS)				
To halve time from arrest to sentence for persistent young offenders from 142 to 71 days by 31 March 2002	71 days	64 days (Jun - Aug 04)	71 days	51 days (Jun – Aug 04)

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

² self-assessment by Area

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

Commentary

Pre-charge advice to police

- 3.1 The shadow pre-charge advice scheme applies to only two of the three police divisions. It has not worked effectively and, following more focussed national guidance, a dedicated senior lawyer has been appointed to the project and the scheme is to be re-launched.
- 3.2 The advice that was given complied with the Code for Crown Prosecutors' (the Code) tests. It was well presented and explanations were full, while advice was generally timely and based on sufficient evidence.

Quality of decision-making

- 3.3 The quality of decision-making is good and requests for additional evidence at first review were made in all appropriate cases, compared to an average in the cycle-to-date of 76.7% in the magistrates' courts and 83.9% in the Crown Court. When appropriate, charges were amended in a timely manner in all cases in the magistrates' courts (compared to a 75.1% average) and in 92.3% of cases in the Crown Court (80%).

Continuing review

- 3.4 Review continues to be good throughout the case. Decisions to proceed to summary trial complied with the evidential and public interest tests in all cases (compared to an average in the cycle-to-date of 96.3% and 99.7% respectively). Review was timely and appropriate requests for further evidence for trial were made in all cases (cycle-to-date 73.2%).
- 3.5 In the Crown Court there was timely and correct continuing review after committal in all cases compared to an average in the cycle-to-date of 85%.

Strengths

- * The decision-making, quality of review and continuing review and the timeliness of this work, is consistently good.

Discontinuance

- 3.6 The Area's discontinuance rate is 11.5%, below the national average of 13.1%. However, the rate has been variable and during the year has fallen to as low as 9.7%.

Discharged committals

- 3.7 Committals that are discharged because they are not ready are very rare – no more than one or two a year. We were satisfied that the Area has appropriate systems to review these cases. However, if they are not to be re-instated they should be closed, and the police and - were appropriate - the victim, informed.

Level of charge

- 3.8 Cases proceeded on the correct level of charge in all magistrates' courts cases (compared to an average in the cycle-to-date of 95.5%) and in 95% of cases in the Crown Court (95.8%).

Ineffective trials

- 3.9 The criminal justice agencies in Wiltshire have performed very well in dealing with ineffective trials. In the period July - September 2004, the ineffective trial rate in the magistrates' courts was 18.2%, against its target of 31% and a national average of 25.4%. In April - September 2004, the ineffective trial rate in the Crown Court was 11%, against its target of 15% and a national average of 16.7%. In our sample of cases, there were no adjournments that could have been avoided by CPS action.

Persistent young offenders

- 3.10 The Area's consistently good work with other criminal justice agencies has enabled them to maintain the persistent young offenders rate of timeliness well below the Government's target of 71 days from arrest to sentence. The figure for June - August 2004 was 51 days.

Sensitive cases

- 3.11 The work of the Area in sensitive cases (those involving race crime, domestic violence, child abuse, rape, homophobic crime and road traffic offences resulting in fatality) is generally sound. We deal with these cases in more detail at paragraphs 4.22 – 4.27.

Adverse outcomes

- 3.12 The Area was unable to provide us with all the adverse case files (those where there was no case to answer in the magistrates' courts and judge directed acquittals (JDAs) and judge ordered acquittals (JOAs) in the Crown Court). In the section dealing with the recording of case outcomes we mention our doubts in the accuracy of the Area's performance indicators for these cases. The figures show that, in the year ending September 2004, the proportion of adverse cases (no case to answer) was 0.2% in the magistrates' courts, which was slightly below the national average. In the Crown Court, the rate of JDAs was 2.5% compared to a national average of 1.8% and the rate of JOAs was 16% compared to 14.7%.
- 3.13 We examined a total of 22 of these cases. In three of them (13.6%) we considered that the Area could have done more to have avoided the adverse outcome, which is well below the average in the cycle-to-date.

Narrowing the justice gap

- 3.14 The WCJB had exceeded its target of +5% for bringing offenders to justice. The figure for the year ending June 2004 was +11.6%, but this fell to + 2.7% in the year to August 2004.

Disclosure

- 3.15 The Area's performance in dealing with the disclosure of unused material is significantly better than the average in the cycle-to-date.

4 CASEWORK

Pre-charge advice to police (CAP1)

- 4.1 The Area operates the shadow charging scheme in two of the three police divisions in the county, providing face-to-face advice for five days per week between them. It does not cover the busiest division, in Swindon. We deal with the arrangements and the effectiveness of the scheme in Chapter 10 and make a recommendation.
- 4.2 We examined five files where the police had made formal requests for pre-charge advice and saw other examples of this advice in our general file sample. In all cases the evidential and public interest tests had been properly applied. The advice was full, addressing all the issues, and was well presented. The response was late in one case.

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

- 4.3 Files are allocated where possible to lawyers who have given pre-charge advice or who have reviewed the file for the early administrative hearing (EAH). Where possible, lawyers prosecute in courts where the majority of files that they have reviewed are listed, so preventing unnecessary duplication of work. There is no issue about files missing at court. Files for the EAH and early first hearing (EFH) (Narey files) are now delivered to the CPS office the day before the hearing - when previously they had been reviewed at the police stations – which saves a considerable amount of travelling time. The arrangement was made on the basis that lawyers would be attending the police stations to give pre-charge advice. At present the shadow charging scheme does not cover Swindon, so that the day-to-day contact with the police, which assists in the good working relationships, has been reduced.
- 4.4 Advance information for the defence is prepared by the police and served by the lawyers at court. A record of the documents that are served is rarely kept; in our sample this record was kept in only five out of 19 files (26.3%). This was the subject of a suggestion in our last report: that lawyers ensure a note is made of the material that is served and the date of service. An alternative is to ensure that a duplicate bundle of advance information is preserved on the file. Either method would prevent unnecessary duplication of work for administrative staff when there is a further request for the information.
- 4.5 The standard of decision-making at first review was good; we agreed with the decision to proceed in all 43 cases that we examined. Further information was required at this stage in seven out of 23 magistrates' courts files (30.4%) and in 14 out of 20 Crown Court files (70%) and was appropriately requested in all of them.

Aspects for improvement

- * A record should be kept of the details of material served on the defence as advance information and the date of service.

Bail/custody applications (CAP3)

- 4.6 Prosecutors make appropriate and informed representations in bail applications. They also deal realistically with applications to vary bail conditions, consulting with the police before they are agreed. The few prosecution appeals lodged are considered appropriate by the judiciary.

Discontinuances in magistrates' courts (CAP4)

- 4.7 In the year to September 2004, the Area's discontinuance rate was 11.5% compared with the national average of 13.1%. Over the last year, the Area's rate has been consistently below the national rate, although it has been variable. The expected benefit from the introduction of the shadow charging initiative (albeit in only part of the Area) has not yet been realised.
- 4.8 All but one of the 16 decisions to discontinue complied with the Code tests. They were also timely in all but one of those cases that we examined (93.8%) compared to an average of 76.9% in the cycle-to-date. Any additional evidence or information had been requested in all cases before the decisions were made (88.2% in the cycle-to-date).
- 4.9 In some sensitive cases, for example racist incidents, rape and domestic violence, lawyers are required to seek the opinion of Area specialists before discontinuing. There is not always evidence that this consultation is carried out.

Summary trial preparation (CAP5)

- 4.10 Our examination of 23 magistrates' courts files indicated that preparation for summary trial is generally good and timely, although there is a perception by both Area staff and other agencies that timeliness and readiness for the pre-trial review (PTR) hearings has slipped more recently.
- 4.11 A detailed Protocol has been agreed which sets out the systems for more effective PTRs - there will only be a hearing if both parties have signed a certificate of readiness. The system has been successful in reducing the number of ineffective trial hearings. Files are checked before the PTR, but the reviewing lawyer is often out of the office. A system has therefore been set up for a designated lawyer to be available each day to deal with urgent work. Inevitably, if backlogs build up, and more become urgent, these lawyers have less time to deal with their own work. The system needs careful management to ensure that this work is not regularly left for others to do.
- 4.12 The requests for full files and their reviews were timely in all cases. A form is used to record the actions required and the date of their completion. This is in effect the trial review as, when it was introduced, trials were listed very quickly. Trial listing can now be up to six months ahead and management might consider the need for a check near the date of the trial to ensure that all is still in order in adult as well as youth trials.
- 4.13 CPS Wiltshire, with its criminal justice partners, has begun the process for the introduction of the Effective Trial Management Programme (ETMP). A business case has been put forward to the WCJB for funding for a CPS Case Progression Officer.

Committal and Crown Court case preparation (CAP6)

- 4.14 The Area benefits from a number of experienced and dedicated staff at all levels. This is reflected in the good quality and timeliness of work on files in Crown Court cases. The introduction of the shadow charging scheme (normally staffed by the more experienced lawyers), the loss of two lawyers and the need to reduce the number of agents instructed, have led to a greater focus on the work in the magistrates' courts. The Area's Higher Court Advocates (HCAs) all participate in the shadow charging scheme and prosecute in the magistrates' courts. They have, for the moment, been withdrawn from the Crown Court, leaving an average of two days in the office each week for the TU lawyers.
- 4.15 Despite the reduced time for preparation of Crown Court cases, the quality of review remains high. We agreed with the decision to proceed at committal in all but one of the 41 cases that we examined (97.6%). Requests for further evidence or information was appropriately made in all relevant cases and the continuing review process was robust.
- 4.16 The timeliness of preparation, however, may be slipping. Although in our file sample all committal papers appeared to be served on the defence in time, the Area's own self-assessment shows that - in a slightly later period - service was timely in only 72.3% (compared to an average nationally of 81%). Further, the timely delivery of instructions to counsel was 78.9% (compared to the cycle-to-date average of 86.5%).
- 4.17 The outline for the judge is intended to give sufficient indication of the issues in the case in order for cases to be allocated to an appropriate judge. It is important to ensure that sufficient information is always included: this was frequently not the case in the files that we examined.
- 4.18 In our previous report we found that the quality of briefs was unsatisfactory and we made a recommendation that an effective system to monitor the quality be implemented. The position in this respect has worsened. We found only 45% satisfactory (compared with an average in the cycle-to-date of 64.3%). Monitoring relies on the Casework Quality Assurance (CQA) system which (as we mention at paragraph 7.2) is insufficient. In half the cases the summary was inadequate or did not contain the issues in the case and in nine out of the 17 relevant cases (52.9%) there were no instructions about the acceptability of likely guilty pleas. Inappropriate standard paragraphs were sometimes included. Although the instructions in sensitive cases - which are usually dealt with by specialists - were generally better, some of these were also unsatisfactory.

RECOMMENDATION

Lawyers should ensure that instructions to counsel contain adequate summaries setting out the issues in the case (including outstanding matters) and that clear instructions are given about the acceptability of likely guilty pleas to alternative or lesser offences. The Head of the TU should monitor the quality of instructions effectively and take action when required to improve performance.

Disclosure of unused material (CAP7)

- 4.19 The Area's performance in relation to its duties of disclosure of unused material is generally sound. In the magistrates' courts primary disclosure was properly handled in 82.4% of cases (compared with 71.6% in our inspection cycle-to-date). The non-sensitive schedules (MG6C) were adequate and properly considered, with appropriate endorsement and requests for material that was obviously missing. No defence statements were served and so there was no secondary disclosure in these files.
- 4.20 In the Crown Court, the consideration of disclosure was particularly good. Primary disclosure was properly handled, in good time, in all 20 cases and secondary disclosure was properly handled in nine out of 11 relevant cases (81.8%) compared with 59.4% in our cycle-to-date.
- 4.21 The management of unused material on the files is less satisfactory. Documents, including correspondence on disclosure, were kept together on only four out of 17 magistrates' courts files (23.5%) and seven out of 20 Crown Court files (35%) and proper logs are not maintained. We were told that instructions were given about this in August 2004 (after the period of our file sample), but a check of a sample of files whilst we were on-site revealed that the position had not improved. It is important that the position in respect of disclosure can be ascertained easily from the file at any time. Although training has been delivered on the updated Joint Operational Instructions (JOPI), some staff did not attend. Managers should ensure that all relevant staff, including recent joiners, have been trained.

Aspects for improvement

The management of unused material on the file needs improvement by:

- * ensuring that the material and related correspondence are kept separately;
- * ensuring that the logs are properly maintained; and
- * delivering updating training to all relevant staff.

Sensitive cases (CAP8)

- 4.22 There are sufficient specialists to deal with the sensitive cases involving child abuse, domestic violence, rape, homophobic crime and fatal road traffic offences, but there is only one race specialist in the Area, who has also been deployed to train all Area lawyers in reviewing and prosecuting racially aggravated offences. CPS policy was appropriately applied in the majority of cases that we examined. Some files, particularly those involving child abuse and domestic violence, were prepared thoroughly and with obvious expertise. The instructions to counsel in these cases were generally of a higher quality than the norm. On other files these could have been better. Not all files - particularly Crown Court ones - were marked as sensitive cases in order to ensure that they are dealt with correctly and monitored. There is not always evidence that specialists or the Head of the Unit were consulted when they should have been.

- 4.23 Racist incident files are recorded under the Racist Incident Monitoring Scheme (RIMS) and we examined nine of these. They were correctly identified as racist incidents by the police and the CPS, but the files were not always clearly marked, and only one of them had been reviewed by a specialist. If the racially aggravating feature in a case is dropped, the Head of Unit should be consulted. This was not done in one case, which was generally poorly handled.
- 4.24 We examined four files involving rape and found the decisions made in these cases were appropriate. However, the Area does not seem to have implemented the recommendations of the joint inspection report *The Investigation and Prosecution of Cases Involving Allegations of Rape in England and Wales* (April 2002) and subsequent national guidance. Full records of review decisions were made in only one case; there was no evidence that a second specialist was consulted when appropriate; the instructions to counsel did not contain the recommended extra paragraphs; a conference with counsel was not held in all cases; and trial counsel did not always appear at the plea and directions hearing.
- 4.25 We examined 11 cases involving domestic violence. These were generally dealt with well and a robust approach was taken, where possible, to prevent cases being dropped. However, one case was dropped without evidence that a specialist was consulted.
- 4.26 We examined ten cases involving child abuse, which were dealt with well. In all but one there were notes commenting on the quality of the video evidence. We were told of another case where the video evidence was defective. Lawyers should always view this evidence and ensure that a full note is made, as well as addressing any deficiencies in vision or sound.
- 4.27 We mention the use of Special Measures provisions at paragraph 6.4.

Youth cases (CAP13)

- 4.28 Ten of the Area's lawyers are youth specialists who review and deal with most youth cases. They regularly prosecute in the Youth Courts and demonstrate knowledge and expertise in their subject. However, others who are sometimes allocated as the reviewing lawyer have limited experience of youth work, and agents are used in some youth trials. Managers should ensure that all prosecutors in the Youth Court are fully conversant with the law, procedures and ethos appertaining to youth prosecutions.
- 4.29 An aide-memoire has been devised for points to note when prosecuting youth offenders. It is concerned mainly with the importance of reducing delays when dealing with these cases and sets out the time limits that have been agreed. Special procedures have been agreed for the conduct of PTRs, which include an automatic telephone appointment between a nominated legal advisor and a CPS lawyer. If the case is not ready for trial, a reserve PTR hearing is activated.
- 4.30 The CPS works closely with other criminal justice agencies in youth matters. They have agreed an inter-agency Youth Action Plan which sets out the responsibilities of each agency. There is a Persistent Young Offender Steering Group, which reports to the Service Delivery Group of the WCJB. Each of the three police divisions has a Youth Progression Group with representatives from the CPS, magistrates' courts, Crown Court and Youth Offending Teams, which discusses individual cases to identify any problems.

- 4.31 With the tight control of these cases, PYOs are consistently dealt with well within the national target time from arrest to sentence. In the period from June - August 2004, cases took 51 days compared with a national average of 64 days.

Strengths

- * The high standard of the work of youth specialists and the co-operative work with other agencies in dealing with youth cases, resulting in the consistently low number of days from arrest to sentence.

File/message handling (CAP9)

- 4.32 The Process Implementation Team (PIT) has introduced comprehensive desktop instructions for the handling of CJU and TU post. Adequate systems are in place in each unit to ensure that the daily linking and allocation of post is efficient.
- 4.33 The limited office time for lawyers and caseworkers has affected their ability to deal quickly with the post. There was some lack of clarity about the responsibility for an “urgent box” for post requiring prioritisation. Managers need to ensure that the system is sufficiently robust to prevent urgent post or correspondence being missed, with consequent problems at court.
- 4.34 The updating of files from court was generally timely, but the efficiency of file handling is being delayed by the quality of court endorsements, which is discussed further in paragraphs 5.5-5.6. Unclear endorsements result in administrative staff spending time making additional enquiries before being able to do their own job.

Custody time limits (CAP10)

- 4.35 We examined five magistrates’ courts and five Crown Court files to determine compliance with custody time limit (CTL) procedures. These files were easily distinguishable by the use of clear orange stickers. On all the files examined the expiry dates had been correctly calculated. Some CJU files did not have expiry dates clearly marked on the front of the file: they appeared on the reverse of the file within the court endorsements.
- 4.36 The correct time limits were shown on the files - together with the number of days that a defendant has spent in custody - although the Area needs to ensure that, when the defendant has been in and out of custody on more than one occasion, the total number of days in custody is calculated and recorded.
- 4.37 Appropriate systems for the identification, monitoring and review of CTL files are in place. We found evidence that both the ready-reckoner and the Compass Casework Management System (CMS) are used and all calculations are double-checked by managers, who also ensure that diary entries are correct and vet CTL files returning from court. There were some deficiencies in the court endorsements from both the magistrates’ and the Crown Court - endorsements did not always include a clear indication of the bail or custody status of the defendant on the file jacket. We have identified court endorsements generally as an aspect for improvement at paragraph 5.6.

- 4.38 Weekly review checks are undertaken in both the CJU and TU so that any files that may need a CTL extension are referred to the relevant lawyer. Staff appear to have a good understanding of their responsibilities and comply with the recommended practice.

Joint action to improve casework (CAP11)

- 4.39 The Area continues to use the joint performance management system and the return rate of the monitoring forms (TQ1s) is good – up to 90% in one division. One division, however, has not got the technology to use the data analysis system and the figures and analysis are not shared with the CPS. The police use the data to address individual police performance issues, but there is little discussion with the CPS. The collection of this data is time consuming and an opportunity is being missed to make full use of it in order to drive up the performance of both the police and the CPS.
- 4.40 The Area has worked well with the magistrates’ courts and other agencies to develop an effective PTR system (the subject of a previous recommendation). This has contributed towards the successful reduction of the number of cracked and ineffective trials and the maintenance of the PYO target well below the national average.

Aspects for improvement

- * JPM data needs to be analysed and the results shared to improve performance of both the police and the CPS.

National Probation Service and Youth Offending Teams (CAP12)

- 4.41 We were told that the quality and timeliness of information packages to the Probation Service is satisfactory. Although it was apparent from the files that the information had been sent, and staff told us that there was a set system, we consider that the date of service should also be endorsed on the file.

Appeal and committal for sentence processes (CAP14)

- 4.42 Until their withdrawal from the Crown Court, Higher Court Advocates dealt with these cases. Instructions for HCAs or counsel are prepared by the caseworkers in the TU. Where possible they will obtain a note of the evidence from the magistrates’ court hearing.

References to the Court of Appeal in relation to unduly lenient sentences (CAP15)

- 4.43 There are few of these cases in a year, but we were satisfied that all relevant staff were aware of the very strict time limits and that the references are dealt with at the correct level and within time. Victims are informed of their right to approach the Attorney General directly if the CPS decline to refer the case for appeal.

Recording of case outcomes (CAP16)

- 4.44 The accuracy of Area case outcomes and performance indicators (PIs) needs to be improved. This was initially highlighted by the Area's difficulty in identifying the requested file sample and compounded by the inaccurate coding of a number of files that were sent to us. For example, two of the seven cases sent as judge directed acquittals were, in fact, judge ordered acquittals. The JDA rate is high - 2.5% in comparison with the national average of 1.8% for year ending September 2004 - and inaccurate recording may account for this.
- 4.45 The Area has recognised that it is experiencing difficulties with the reconciliation of CMS and Management Information System (MIS) data and is also concerned about the correct finalisation of cases. Some outcome errors can also be attributed to confusion caused by poor file endorsements. A training need is indicated for all staff responsible for the accuracy of finalisations and for staff responsible for the collection and analysis of performance information.

Aspects for improvement

- * Appropriate training is required to ensure accurate recording of case outcomes both on files and CMS and for full understanding of the implications of the figures produced.

Information on operational and legal issues (CAP17)

- 4.46 Information on operational and legal issues is disseminated in a number of ways. The monthly Area newsletter contains articles on a number of subjects and keeps staff up-to-date on the development of initiatives. Team meetings (particularly in the CJU) discuss these issues and record them in the minutes. The Area has only one office and there is much discussion between staff about cases and systems. Lawyers e-mail each other and caseworkers when a point arises, the lessons from which can benefit others.

Readiness for court (CAP18)

- 4.47 The systems agreed between the CPS, police and magistrates' courts ensure that cases are normally ready to proceed at court. Files are usually sent to agents three days before the hearing. There can occasionally be last minute changes, either to the agent who is instructed or to the court list, which result in preparation of the case at the last minute.
- 4.48 Indictable only cases are nearly always sent to the Crown Court on the first hearing. We examined seven of these cases, and in three of them the papers were not served within the time set by the judge, although a request was made to the Crown Court for an extension of time with an explanation for the delay.

Learning points (CAP21)

- 4.49 Cases with unsuccessful outcomes are fully analysed, with appropriate input from those involved in the case and from managers. The comments made are realistic and accept responsibility where appropriate. Issues are taken up with individuals, trends identified in the AMT, and lessons disseminated more widely if necessary.

- 4.50 Individual learning points should be identified from the monitoring of cases under the Casework Quality Assurance scheme and supplemented by issues that are raised in files seen by managers when they are at court. In reality, comparatively few files are monitored under the scheme and managers are therefore unable to identify any trends. We deal with the unsatisfactory extent of this monitoring under performance management.

5 ADVOCACY AND QUALITY OF SERVICE DELIVERY

Advocacy standards and monitoring (CAP19)

- 5.1 We monitored the performance of six counsel in the Crown Court and five lawyers, one designated caseworker (DCW) and one agent in the magistrates' courts. The standard was generally good and confirmed what we were told by other court users. We regarded the performance of one prosecutor, one counsel in the Crown Court and the agent in the magistrates' court as being more than competent in some respects. The performance of two prosecutors, however, was lacklustre, even though they were competent.
- 5.2 There is no structured monitoring of advocates in the magistrates' courts, although line managers undertake some informal monitoring when attendance at court affords them the opportunity. The Area also relies on comments and reports from other court users, but has no recorded information about the performance of its lawyers and agents.
- 5.3 In the Crown Court, advocates are formally monitored on an advocacy assessment sheet if their performance is worthy of particular comment - whether positive or negative - or if they are seeking to be re-graded. Caseworkers discuss counsel's performance informally with their colleagues; this also assists the process of appropriate selection of counsel, but a more systematic approach should be developed.
- 5.4 The Area has, in the past, been pro-active in promoting the use of its own Higher Court Advocates in the Crown Court, and their performance attracted much positive comment from other Crown Court users. More recently, however, the loss of two lawyers and the additional deployment of one lawyer per day to cover the shadow charging scheme has led to a cutback in the provision of HCAs for Crown Court advocacy.

Aspects for improvement

- * Monitoring of prosecutors in both the magistrates' and Crown Court should be undertaken on a more formal and structured basis.

Court endorsements (CAP20)

- 5.5 In our file sample, 40 out of 43 (93%) magistrates' courts cases contained a clear and accurate record of court proceedings, although we spent a good deal of time interpreting the handwriting of some. Eleven out of 14 files (78.6%) contained an adequate record of the proceedings at PTR. All Crown Court files were endorsed with a clear and accurate record of court proceedings.
- 5.6 However, our file sample represents a small number of cases in this respect and it was apparent from what we were told by some staff that the standard of court hearings endorsements requires some attention. There are some examples of poor handwriting and it is not unusual for the recording of some case outcomes to be unclear, so that administrative staff have to make time-consuming further enquiries to find out the result.

Aspects for improvement

- * Endorsements of court hearings and their outcome should be more detailed and more legibly written.

Court preparation (QSD1)

- 5.7 Until the beginning of November 2004, lawyers attended police stations to read files for Narey courts the following day. These files are now delivered to the CPS office, so saving lawyer time in travelling. Our own observations, as well as comments from other court users, did not give rise to any concerns about the standard of court preparation. Prosecutors appeared to have a detailed knowledge of their cases and the ability to deal with queries from defence lawyers before court and the bench during presentation of the case.
- 5.8 Similarly, there were no obvious problems with the standard of case presentation in the Crown Court. We observed six counsel prosecuting cases which included plea and directions hearings, guilty pleas and a trial, and all were familiar with the cases they were prosecuting.

Attendance at court (QSD2)

- 5.9 In the magistrates' courts lawyers, agents and DCWs attend court in good time, but CPS lawyers are not always in court just before start to deal with queries from the defence and the court. They may be in the CPS room dealing with requests for late files or chasing other outstanding actions. The presence of prosecutors in court in good time would encourage defence lawyers to deal with issues before the court sits, rather than interrupt the proceedings.
- 5.10 No concerns were expressed about the timely attendance of counsel in the Crown Court and we noted that counsel were available in court in good time for plea and directions hearings. We observed an example of a sound prosecution team approach in one on-going case.

Accommodation (QSD4)

- 5.11 The CPS has rooms for its exclusive use at some magistrates' courts and at the Crown Court centres. With one exception, they are equipped with IT facilities, which were being upgraded at Chippenham Magistrates' Court at the time of our visit. The room at Salisbury Crown Court, which has only recently become available, does not yet have IT equipment, a photocopier or fax machine, although CPS staff are allowed to use those of the Court.

6 VICTIMS AND WITNESSES

Witnesses at court (QSD3)

- 6.1 CPS caseworkers provide a good service to witnesses in the Crown Court. They liaise with the Witness Service and are generally available to speak to witnesses to explain events at court. Some counsel, however, remain less accommodating in this respect; managers should ensure that all prosecuting counsel introduce themselves to victims and witnesses and explain decisions or procedures appropriately. Prosecutors in the magistrates' courts, including agents, readily engage with witnesses before and after trials if they are available to do so.
- 6.2 Waiting times for individual witnesses in both the magistrates' and Crown Courts remain high, despite the efforts of all agencies to address the issue. There is a Protocol for Crown Court cases, which includes the staggering of witness attendance to reduce the numbers attending on any morning or afternoon of a trial, with special consideration for youth and expert witnesses. However, the desire to ensure the availability and attendance of all witnesses before a trial starts means that the arrangements are not always invoked for some shorter trials.
- 6.3 There is currently no procedure for keeping victims and witnesses informed of case progress following the making of a statement. It is common for witnesses to hear nothing until they receive notice to attend the trial. The Area is currently working with the police to establish a Witness Care Unit in the CPS office as part of the No Witness No Justice initiative in order to improve the service given to witnesses. Managers will want to consider whether it would be useful to involve Victim Support and the Witness Service more in the planning of this Unit.
- 6.4 Not all cases in which Special Measures may be available to witnesses are being identified. A file audit carried out by the Area in February 2004 identified 21 cases in which Special Measures should have been considered. Only nine (42.9%) were identified as such by the CPS and Special Measures directions were given in only two. The Area has sought to address this problem and some improvements have been made, but there remains room for more to be done.

Aspects for improvement

- * The Area needs to take more positive action to ensure that the statutory measures which can assist witnesses with special requirements are considered at an early stage, and timely applications to court are made in appropriate cases.

Direct Communication with Victims (CAP13)

- 6.5 The Area has no Victim Information Bureau. If a charge is dropped because the victim retracts their evidence, a DCW who has been assigned this role drafts the letter to the victim. Lawyers write the letters in any other circumstances. We found the quality of these letters was high: victims were given a clear explanation, in straightforward language, why the case had been dropped or the charge was changed. They covered all the issues and were usually appropriately personalised.

- 6.6 When the decision is made as part of continuing review, or at court, the letter should be drafted and sent immediately. Delays in returning the file to the lawyer can occur, and priority of other work can lead to further delay or complete omission to send a letter.
- 6.7 We were also concerned that delay may occur in some cases where a charge is reduced, because the letter is not sent until the case is finalised in case the defendant pleads guilty and the victim can be informed of the result at the same time.
- 6.8 The Area accepts that compliance with its responsibilities under the Direct Communication with Victims scheme requires urgent attention. An internal file audit conducted in February 2004 showed that only 82 out of 128 cases (64%) were marked as having an identifiable victim. Charges were dropped or altered in 47 of those cases, but a letter was sent in only 11 (23%). Despite the poor performance highlighted by the file audit, the only action taken was to remind staff of their responsibilities to send out letters in appropriate cases. No further monitoring has been carried out.
- 6.9 The timeliness of letters also requires attention. The Area monitors timeliness on a monthly basis and figures show delays of up to 11 weeks, although 66% of those cases identified as requiring letters were sent within five working days in the six-month period April - September 2004. A systematic process needs to be developed to ensure that all cases where a DCV letter would be appropriate are identified, and a letter sent.

RECOMMENDATION

Unit managers must ensure that timely letters are sent to victims of crimes in all relevant cases where a charge is dropped or substantially altered.

Meetings with victims and relatives of victims (DCV5)

- 6.10 We were told that meetings with victims are offered, although there have been no such meetings in recent months. It is a matter for concern that the DCV file audit showed that, of those cases in which letters should have been sent but were not, some were cases in which the victims should have been offered a meeting.

Victims' Charter (CR2)

- 6.11 Notification to the police of those witnesses required to attend trial was sent in good time in all 14 relevant cases in the magistrates' courts, but in only 11 out of 20 cases (55%) in the Crown Court. This had been caused by a communications breakdown between the Area, Crown Court and the police, and was identified and rectified before our visit. Appropriate use was made of the service of witness statements under section 9, Criminal Justice Act 1967 to prevent unnecessary attendance of witnesses at court in all of the 16 relevant cases. Arrangements for phasing the attendance of witnesses at court to minimise unnecessary waiting were made in seven out of eight cases.

- 6.12 When carrying out its file audit in February 2004, the Area looked at the performance in relation to the provision of Victim Personal Statements. The police provided these Statements in only 35 out of 104 relevant cases and the lawyer requested the Statement in only one of the remaining cases. The CPS has stressed the need for these Statements at various levels, both to the police and internally, and has raised the issue in CPS training.

7 PERFORMANCE MANAGEMENT

Performance standards (PM1)

- 7.1 Staff in the Area are aware of the standards required for key aspects of casework and case preparation. Expectations and requirements to meet the standard are consolidated by personal performance objectives (within appraisal reports) to improve compliance and attainment of the standards.
- 7.2 The Area has implemented the national Casework Quality Assurance scheme. However, the previous CCP agreed with CPS Headquarters that only half the sample would be assured each month. In the period April - September 2004, an average of 11 files per month were monitored, but there are 17.2 lawyers. Although Unit Heads have a good understanding of individual lawyer performance in both casework and court presentation, the comparatively small number of cases checked using CQA does not allow for a systematic process to identify trends.
- 7.3 The Area has an ad hoc approach to implementing recommendations from HMCPSI thematic and joint reports, using its specialists to cascade changes and learning points from them. We found that this had resulted in a haphazard implementation of major changes contained in a number of recent thematic reports, for example, those on domestic violence and rape. Managers will wish to ensure that these recommendations are effectively disseminated and implemented.

Aspects for improvement

- * The Area undertakes the Casework Quality Assurance scheme fully.

Performance monitoring (PM2)

- 7.4 The Area collects and monitors performance data on a range of key targets. A monthly performance pack is produced for AMT meetings and specific aspects of performance are discussed. The Area is beginning to develop a performance management regime where Unit Heads are tasked with producing a commentary on the figures collected, so that there is a process of analysis rather than merely data collection. The AMT recognises that it needs to communicate performance information to all staff and has recently agreed proposals to circulate performance data on the key aspects of the Area Business Plan more widely.
- 7.5 Comprehensive data is collected on a range of issues. Although this data allowed the Area to consider some of the key priorities outlined in the Area Business Plan, there was no systematic process in place to check the validity of performance indicators or key CMS/MIS data. As our file sample indicated, the mis-categorisation of files was a common occurrence and this may be a reflection of the overall standards of data recording at finalisation. The Area performance regime would benefit from a specific focus on Area performance indicators and CMS/MIS. This would raise awareness within the senior team of file types and trends.

- 7.6 As part of the Improving Public Confidence Action Plan, the Area undertook a file audit to look at compliance and performance in responding to letters under the Direct Communication with Victims scheme, requesting Special Measures and the use of Victim Personal Statements, which we deal with in detail at Chapter 6. These examples are indicative of a tendency to collect data on a number of key aspects of performance, but with a lack of analysis and action on issues that should require management attention.

RECOMMENDATION

Senior managers should undertake the systematic analysis of performance data to identify opportunities for improvement, enhanced resource allocation and better learning.

Joint performance management (PM3)

- 7.7 The Area is actively involved in developing, monitoring and performing to meet the joint performance targets of the Wiltshire Criminal Justice Board. The CJU Head is the Chair of the Service Delivery Group, a sub-group of the WCJB. The Group is effective in ensuring that priorities and targets for the WCJB are met and exceeded. The WCJB achieved all of its Public Service Agreement targets in 2003-04.
- 7.8 Although there are sound relationships for monitoring and measuring the progress of WCJB targets, the collation and use of partnership data needs to be developed. We deal with joint performance monitoring in more detail in Chapters 4 and 10.

Risk management (PM4)

- 7.9 The Area's approach to risk management is consistently good. It has developed a sound and well thought-out Risk Plan which outlines specific and appropriate counter-measures. A systematic process of review is integrated into the planning process and AMT meetings are used to update the Plan and develop strategic and operational changes to react to and mitigate risks.

Strengths

- * Linkage between Risk Plan and the planning process, including the strategic approach to review and planning to mitigate risk.

Continuous improvement (PM5)

- 7.10 The establishment of the Process Improvement Team (PIT) demonstrates the Area's approach to self-assessment to improve. The PIT is used to develop and promulgate process changes as the use of CMS is embedded into the Area. This approach is a sound starting point to look at Area processes and undertake review and learning. The remit of PIT, however, needs to be extended to cover all aspects of business, including administrative processes and activities, to allow for the development of consistent and fully effective processes.

- 7.11 The senior management team needs to develop a more systematic process and culture to understand and react to performance management information that identifies and highlights system and process issues. The lack of action on the findings of the file audit (see paragraph 7.6) indicates that the Area has some way to go before it will have fully established a culture of continuous improvement.

Accounting for performance (PM6)

- 7.12 As indicated in paragraphs 7.4 and 7.5, there are some weaknesses in the accuracy of case outcomes in the Area, which may be reflected in the figures provided to national Headquarters.

8 PEOPLE MANAGEMENT AND RESULTS

Human resource planning (P1)

- 8.1 The Area has an effective and systematic approach to resource planning which is based on affordability and need. There is a clear and well-documented audit trail of business decisions. Human resource planning has been made more difficult over the past 18 months as the Area was dealing with the result of its earlier actions in filling additional full-time posts with no permanent funding available for them. Positive management and planning has now brought this situation under control.
- 8.2 Effective processes are in place to recruit staff. The recent advertisement for a Unit Head demonstrates the pro-active approach of the CCP to ensure that key competencies required by the post holder are clearly outlined, and that an effective approach to proven ability is a feature in resource planning and recruitment.
- 8.3 The Area needs to ensure that there are effective procedures in place to cover key posts in periods of extended absence. In a small Area, implementing effective contingency arrangements is difficult. However, a systematic process rather than the present ad hoc approach would ensure that key tasks are properly understood and covered.

Staff structure (P2)

- 8.4 The Area recently reviewed the structure of the CJU with full and comprehensive consultation prior to implementing change. The resource profile of the Area acts as a catalyst for regular and detailed discussion about the most effective structure to deliver the changing business. Recent pressures to cover the shadow charging scheme and the increase in magistrates' courts sessions have been included in the discussions surrounding the future shape of the Area structure.
- 8.5 Staff numbers within the Area have increased by 4.4 posts since the last inspection in September 2002. The division of responsibility between the TU and the CJU meets the current needs of the business. However, as the Area moves to servicing charging and other key initiatives, it is recognised that a fundamental re-think of the business structures may be necessary. As with other Areas, guidance from CPS Headquarters is awaited.

Staff development (P3)

- 8.6 Planning for staff development features as part of the overall appraisal system. Development needs are identified during in-year reviews and entered onto Personal Development Plans. A collated list of requirements is analysed by the Area Training Committee. The Committee assesses the need for training against the business objectives as set out in the Area's Business Plan. The Area has chosen to limit its training budget and has adopted innovative ways to meet training needs, for instance, by marketing the Area conference room as a national training suite, thus securing a number of places on the courses being run.

- 8.7 Relevant statistics are kept to ensure that there is an equitable allocation of training opportunity. The 2004 Staff Survey showed above average satisfaction with Area training. In an attempt to ensure that training is cost effective, the Area has invested in training a number of lawyers to be trainers, thus allowing in-house training in recent legislative changes relating to sexual offences and proceeds of crime.

Performance review (P4)

- 8.8 The Area operates the performance appraisal system in a comprehensive and structured manner and it is clearly linked to the Area Business Plan's priorities and targets. Individual objectives are used to focus attention on aspects that require attention and improvement. Aligned to the appraisal system is a regular process of interim assessment, with most staff having quarterly appraisal reviews.
- 8.9 The Area appraisal return rate is impressive, with 100% of fully completed (and moderated reports) being returned by early May 2004.
- 8.10 The TU and the CJU do not have individual Unit Business Plans. Although the Area had made a conscious decision not to develop such Plans, the differing products and targets which relate to each unit would benefit from the development of individual Unit Plans with links to the Area Business Plan.

Management involvement (P5)

- 8.11 Staff are aware of the Area's priorities. The Staff Survey 2004 showed that 92% of staff understood how their job related to the priorities of the CPS and 94% understood how their job related to the objectives and vision of the Area.
- 8.12 Information is openly shared within the Area. Minutes and information are placed on a shared drive, with important and urgent messages also communicated in hard copy. The Area has an effective and informative monthly newsletter *Wiltshire News*, which covers both work and social matters.
- 8.13 The Area has actively used full team meetings to communicate important messages including the Area Business Plan, budgetary position and the impact of the appointment of a District Judge. Additionally, an Area Training Day was used to communicate, discuss and develop policies to move the business forward.
- 8.14 Although a number of sound communication tools are used, staff expressed concern that regular team meetings were not held. The AMT has recognised this problem and Unit Heads now have objectives to hold meetings.
- 8.15 Some staff of junior grades also expressed the view that they felt "disengaged" from senior managers. It may be valuable if the CCP and ABM could raise their profile with these staff and provide greater opportunities for all staff to engage with senior management.

Good employment practice (P6)

- 8.16 The Area is committed to implementing and working within the CPS corporate employment policies.
- 8.17 As part of the need to service demand for courts and shadow charging, the Area has recently revised its annual leave policy. This was undertaken within the Whitley process (involving the Trade Unions) and included staff consultation. The policy is both fair and sound, ensuring that the business can operate effectively as well as maintaining a balance by meeting staff expectations.
- 8.18 In response to the Staff Survey, the Area has recently developed a reward and recognition strategy. This is a three-tier system of thanks and recognition with award and certificate ceremonies. Staff were not fully aware of this new initiative and the Area may wish to consider how the scheme could be better communicated and presented.
- 8.19 Sickness is managed well; the Area monitors and records all sick absences and a detailed report is included in the performance data provided to AMT. Training has been provided to managers on how to deal with sickness and a culture of active sickness management is in place. The Area sickness rate in 2004 was 5.5 days per employee, which is well within the CPS national target and the average of 9.2 days.

Equality and diversity (P7)

- 8.20 The Area is committed to meeting equality and diversity standards. Targets have been set for recruiting staff of both minority ethnic and disabled backgrounds. However, due to the low staff turn-over and the geographical location of the office, the Area has not met these targets. Currently the Area does not employ any minority ethnic or disabled staff.
- 8.21 The Area has used a local Job Opportunities paper to advertise all vacancies; this paper is widely available and is circulated to 53 local diversity groups. Managers could consider direct advertising using its connection within the local Racial Equality Council and disability action groups to include specific groups.
- 8.22 The ABM is the Area Equality and Diversity Officer. As she has many other demands on her time, the Area may wish to consider whether another person could undertake this important role.

Health and safety (P8)

- 8.23 Health and safety assessments are undertaken on a regular basis and findings and issues are formally reported to AMT, which ratifies and invokes action as necessary. The Area has undertaken a BS7799 security assessment and the main findings and necessary changes were communicated to staff in the Area Newsletter.

9 MANAGEMENT OF FINANCIAL RESOURCES

Staff financial skills (MFR1)

- 9.1 All relevant staff have received financial management training. The ABM and the Facilities and Finance Manager have sound knowledge of budgetary management and procedures. The ABM is responsible for the overall management of the budget, reporting regularly to the AMT and the CCP.
- 9.2 Day-to-day budgetary management tasks are carried out by the Facilities and Finance Manager, who monitors spend and produces various financial management reports. Regular meetings between them and the ABM ensure that there are adequate controls in place. The Area has a good working relationship with the Service Centre and CPS Headquarters with regard to budget management and control.

Adherence to financial guidelines (MFR2)

- 9.3 The Area complies with CPS guidelines on financial management. Financial delegations are recorded and reviewed annually, but delegations were not being regularly updated when staff leave, which the Area recognises would be beneficial. There is an Asset Register and a sound process to record both new and spent items.
- 9.4 The Area has controlled the costs that are allocated to ring-fenced monies for counsel in the magistrates' courts (account code 3010).
- 9.5 As mentioned in Chapter 7 there was some evidence of mis-categorisation of the files received in the file sample. This issue could have an impact on the overall funding based on the Departmental Activity Based Costing model. The Area has recognised that this as a matter of concern and has set up a process of check and control to assure the accuracy of performance indicators.

Budgetary controls (MFR3)

- 9.6 A monthly budget report is produced for discussion at AMT. The report includes projected, as well as committed (and known) expenditure, and represents an accurate reflection of progress and spend. Monthly checks against salary costs, leavers and joiners and seconded staff are undertaken. These checks have identified inaccuracies, which have been quickly rectified.
- 9.7 In 2003-04 the Area had overspent by £8,000 which was 0.4% of the overall budget. Although no overspend is truly acceptable, CPS Wiltshire has worked hard to reduce what would have been a substantial overspend (predicted at £145,000) by changing the recruitment practices which had prevailed under previous management direction. This change of attitude is reflected in the fact that overspend in 2002-03 was 4.4% of budget (over £75,000).

Management of prosecution costs (MFR4)

- 9.8 Effective systems are in place to ensure that counsel fees are paid correctly and on time. Payment information is collected and included in the performance information pack for AMT. Chambers who do not reach the expected standards, for example for the submission of fee notes and response to instructions to counsel, have been invited to meetings with the ABM and the TU Business Manager.
- 9.9 The Area's use of its Higher Court Advocates in 2003-04 represented substantial savings: there were 139 HCA sessions with an overall saving in counsel fees, calculated by CPS Headquarters to be £49,432 (£356 per session). The introduction of shadow charging and the reduced reliance on agents to cover magistrates' courts work has effectively stopped the use of HCAs in the Crown Court. A management decision to limit HCAs was agreed at AMT; from 1 April - November 2004 they had covered only 44 Crown Court sessions.

Value for money approach (MFR5)

- 9.10 Innovative cost saving approaches have been adopted by the Area to reduce spend. In 2003-04 the AMT took a decision to stop all recruitment, only use agents in exceptional circumstances, limit training that involved overnight stays and additional travel and subsistence (T&S) and approve only standard class rail travel.
- 9.11 These measures - together with the Area's marketing of conference facilities as a national training venue, and the use where possible of lawyers who live close to the courts and charging centres (so reducing unnecessary spend) - all clearly demonstrate a strong culture of value for money.
- 9.12 Systematic processes and detailed budgetary data complement the culture of sound budgetary management that pervades the Area. Staff are aware of budgetary issues and accept that the careful management of cost is essential to delivery of the overall business.

Strengths

- * Area systems and approach to budgetary management and the strong culture of value for money.

10 PARTNERSHIPS AND RESOURCES

CJS partnerships (P&R1)

- 10.1 The majority of the Area's senior managers take an active role in the Wiltshire Criminal Justice Board (WCJB) and its sub-groups. The CJU Unit Head chairs the Service Delivery Group (SDG), which is used to monitor and direct joint performance. The WCJB achieved and exceeded all Public Service Agreement targets in 2003-04. This was in part due to the partnership workings of the SDG and is testament to the ability of the Group to direct resources and set priorities for all key partners.
- 10.2 Although the work of the SDG demonstrates strong partnerships, the Area is struggling to develop an effective understanding with the police to gain the benefits of joint performance management (paragraph 4.39) and charging (paragraph 10.5).
- 10.3 The magistrates' courts have taken a number of decisions to make changes to listing without effective consultation or agreement. These decisions have had serious consequences on the Area's resources and, in one instance, additional funding was needed to service the additional demands on it. This action highlights that there is not a fully effective partnership in place, although we do recognise that there has been some collaborative work with the magistrates' courts.
- 10.4 While we were on-site, a magistrates' court listed an extra day's trial even though it had been informed that a prosecutor was not available. At the working level there are competing priorities and demands. These are not being effectively communicated and there is little understanding within each agency of the issues. There are tensions between the ability of the CPS to service courts and the need to address growing delays in fixing trial dates - a joint approach is needed.

RECOMMENDATION

Area managers should ensure the development of fully effective partnerships with the magistrates' courts.

- 10.5 The shadow-charging scheme has been rolled-out in two of the three locations in the Area. The effectiveness of this pilot has been variable; a number of issues have emerged which have resulted in strains on the relationship with the police. Implementation of the initial Area proposal (in 2003) was poorly planned and promises were made which have not been fulfilled. The police believe that the CPS is not meeting its commitments and is losing faith in the ability of the Area to service charging effectively. Some of this belief is based on expectations which are not part of the statutory scheme, and it is unclear how these were received. A 9am to 5pm face-to-face presence at the main charging stations should be the basic service, with CPS Direct (the nationally provided telephone service), being used outside these hours when the scheme is put on a statutory basis. The Area has communicated the pressures that it faces and accepts that it would have been disappointing to the police that it would be unlikely to deliver to the original timetable. Every effort must now be made by both the CPS and the police to achieve success with the re-launched scheme.

The Area has appointed an experienced lawyer with dedicated time for charging to give it a sound basis for more effective implementation. Nevertheless, we are concerned whether the Area has the capacity to deliver an effective shadow charging scheme, and this needs to be kept under review.

RECOMMENDATION

Area managers should ensure the development of fully effective partnerships with the police and, in particular:

- * **Use a joint project management approach to plan and implement an effective shadow charging scheme and thereafter the statutory scheme.**
- * **Use joint performance management data to improve overall police file quality and timeliness, and to learn from unsuccessful case outcomes.**

CJS agencies (KPR8)

- 10.6 The arrival of the new CCP and a change to a majority of the members of the WCJB has presented the opportunity for the Area to develop new relationships and influence the future direction of the partnership approach. Early indications show a move to a more strategic focus within the WCJB and a hands-on approach to dealing with performance and partnership matters.

Improving local CJS performance (CR4)

- 10.7 Inter-agency co-operation has helped to deliver good Public Service Agreement (PSA) results. However the efficient listing of trials remains an issue for all agencies within the criminal justice system arena.

Information technology (P&R2)

- 10.8 The Area demonstrates a strong capacity to use IT to develop management information. Collection and collation of information is carried out within the Secretariat and is produced in both graphical and numerical formats for the AMT.
- 10.9 Compass usage figures are considered by AMT to assess compliance with processes within the Area. Personal job objectives have been produced to improve compliance rates and management action has been taken to address individual issues. Lawyers' use of CMS is variable - a trial was conducted which confirmed their opinion that it took longer for them to prepare committal papers using CMS rather than more traditional methods. Nevertheless, by full use of CMS, benefits are gained in efficiency across the Area and compliance with its proper use should continue to be sought.

Buildings, equipment and security (P&R3)

- 10.10 The Area's estate is well managed and there is a good working relationship with the Service Centre, which undertakes most negotiations with the landlord. There is a detailed Business Continuity Plan and Disaster Recovery Action Plan. The recent BS7799 security audit has been used to address the deficiencies that were identified.

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

- 10.11 The CCP and ABM are actively involved in national initiatives and groups and there is a strong relationship with CPS Headquarters.
- 10.12 There is a good working relationship with the Service Centre with frequent contact regarding finance and accommodation.

11 POLICY AND STRATEGY

Stakeholders (P&S1)

- 11.1 The active participation of the CCP and others on the senior team in the WCJB and its sub-groups has ensured that there has been some understanding and recognition of how stakeholder priorities and demands can influence the work of the Area. As outlined in Chapter 10 a better understanding of the issues facing the criminal justice agencies needs to be shared between the key partners.
- 11.2 The Area Business Plan takes into account the objectives and the targets set for the CPS at a national level, as well as those set by the WCJB based on the PSA targets. The Area's lead on the Service Delivery Group ensures that there is a focus on wider stakeholder needs when making decisions on internal strategy and policy.

Performance measurement (P&S2)

- 11.3 Through the Service Delivery Group and the regular performance data produced by the WCJB Performance Officer, agencies share and analyse performance information, generally forming their policy and strategy from the results. The change to the membership of the WCJB has also re-invigorated the use of performance data to develop policy and strategy at this level.
- 11.4 We deal with how the Area uses performance information in Chapter 7.

Review (P&S3)

- 11.5 The file audit to review performance on compliance of requests for Special Measures, production of Victim Statements and Direct Communication with Victims letters is one example of how the Area uses review. It needs to ensure that it is ready to act on the information produced during the review and thus change and adapt policy and strategy.

Framework of key processes (P&S4)

- 11.6 The Process Improvement Team (PIT) is used to develop and promulgate process change. This is a sound and systematic approach to develop Area processes. However, to ensure that the Area can produce an extensive framework of key processes, the work of PIT needs to cover business and administrative processes as well as CMS activity.
- 11.7 Although the Area is using a consultative approach to develop processes, a number of operational practices remain inefficient. In many CPS Areas, caseworkers prepare committals as part of their main duties. This change has come about to free up lawyer resources to enable an effective implementation of shadow charging. CPS Wiltshire needs to consider this strategy to improve its performance.

Communication and implementation (P&S5)

- 11.8 Work is needed to communicate Area priorities and constraints effectively to other criminal justice partners. The CCP is using her recent appointment to build strong relationships, with a strategy of holding one-to-one meetings with key strategic partners to outline and develop joint understanding.

- 11.9 Internally, the Area has a systematic approach to communicating key business priorities and, with regular team meetings, the ability of the senior team to outline and discuss strategy and approach will be delivered. The 2004 Staff Survey produced impressive results, with 92% of staff understanding how their work fitted into the overall objectives of the CPS.

12 PUBLIC CONFIDENCE

Complaints (CR1)

- 12.1 The Area's system for dealing with complaints is sound. Satisfactory logs are maintained which indicate generally timely responses, and the complaints letters that we examined on-site confirmed this. Unit Heads usually deal with complaints. All the letters that we saw were of good quality: the explanations provided were clear, addressing all the issues raised and using appropriate language. Systems were in place to ensure, where appropriate, that lessons to be learned are disseminated to members of staff.

Minority ethnic communities (CR5)

- 12.2 Cases with a minority ethnic dimension are generally handled in accordance with the Code for Crown Prosecutors and operational policies (see paragraph 4.23). Racial incident monitoring forms are being completed and satisfactory logs are in place, with the data being shared with the local Race Hate Crime Forum on a regular basis. The Area has established good links with the Forum and one of the local Racial Equality Councils.

Safeguarding children (CR7)

- 12.3 Specialists handle cases involving child abuse with obvious expertise, but there is a need to ensure that Special Measures for child witnesses are used consistently. The way in which the Area deals with youth prosecutions and persistent young offenders is a strength and this will help address both crime reduction and the fear of crime amongst young people. Area representatives attend the Area Child Protection Committee meetings when there are issues relevant to the Area's work.

Community engagement (CR6 and SR1)

- 12.4 There is satisfactory community engagement throughout the Area considering its size and the resources that can be allocated for this purpose. It is represented on number of forums and community groups and has participated in educationally-based events at targeted schools and colleges.
- 12.5 It is clear that senior management are outward-looking and continue to develop links within the community, and that this ethos is beginning to permeate throughout the Area. A Communications Officer has not been appointed because of budget constraints, so the CCP and, particularly, the ABM, have undertaken the bulk of this work. In order to consolidate the work undertaken so far, staff at all levels could be encouraged to participate more in community engagement, which should allow for a more planned, but still flexible approach to be developed by the ABM and a greater spread of this time consuming work.

Media engagement (SR2)

- 12.6 The Area is not fully engaging with the media and needs to build upon the level of inter-action; a more pro-active approach to media engagement should be adopted. Whilst we appreciate there is not a dedicated Communications Officer, there is still some scope for increased management of good new stories and negative press in a way that will raise the profile of, and confidence in, the CPS.

- 12.7 A partnership approach to media management has been adopted with the police, including joint media training, but on occasion it may be more appropriate for the CPS to lead the way more actively.

Public confidence (SR3)

- 12.8 The British Crime Survey 2002-03 showed that public confidence in criminal justice issues is strong in Wiltshire. It is higher than the national average - 47.7% in comparison with 40%, although there has been a slight decrease, and recent figures show a figure of 46% (May 2004). The WCJB has developed, and is in the early stages of implementing, a Public Confidence Delivery Plan.
- 12.9 We discuss in Chapter 6 issues affecting victims and witnesses that have an impact on public confidence.
- 12.10 CPS Wiltshire has also done a considerable amount of work on the scheme for Anti-Social Behaviour Orders (ASBOs). Designated staff have been extremely co-operative with the ASBO Co-ordinators (attached to the Crime and Disorder Reduction Partnerships) in developing a successful scheme and contributing expertise and practical knowledge. The presentation of one successful application to the court for an ASBO following conviction resulted in praise from the local community concerned.

13 LEADERSHIP AND GOVERNANCE

Vision and values (L&G1)

- 13.1 The foreword to the last Area Annual Report outlines in clear and concise terms the direction and vision that the Area aspires to meet. This aspirational vision linked to the targets and objectives of the Area Business Plan outlines the overall aims of the Area and a systematic approach to communicating this to staff was undertaken.
- 13.2 The Area last reviewed its vision and direction in 2002. With the arrival of the new CCP and substantial changes to national priorities, a further review is planned in early 2005. This will be a sound basis to ensure that the Area is meeting the needs of its customers, staff and stakeholders.

Staff recognition (L&G2)

- 13.3 The Area has developed a reward and recognition strategy in response to comments from the Staff Survey. This strategy is only one approach to recognising and valuing staff; there is a culture of staff involvement, with a consultative approach being used when making major decisions. Regular team meetings will allow the Area to listen to the concerns of all staff.

Management structure (L&G3)

- 13.4 The management structure is effective in delivering the needs of the business. Clear Terms of Reference for the AMT ensure that decisions and strategic direction are taken at the right level and staff understand the role and remit of other management groups within the Area.

Organisational structure (L&G4)

- 13.5 Due to the relatively small size of each unit there has been a tendency for Unit Heads to focus on casework issues. In some respects this focus has been at the expense of dealing with management and strategic matters. This matter is being addressed and specific demands for the production of corporate data is beginning to produce a more strategic outlook.
- 13.6 After consultation with CPS Headquarters, the Area made a conscious decision not to co-locate with the police. The expected benefits were to be delivered by implementing the shadow charging scheme, a Witness Care Unit and, ultimately, the Effective Trial Management Project. At this point we are concerned at the slow progress toward full implementation of these initiatives (and thus any benefits to be derived). In our opinion the Area missed an opportunity to improve its overall strategic positioning within the criminal justice arena by not taking full advantage of co-location. This was a position and decision taken by the previous management team.

Aspects for improvement

- * Unit Heads' focus should be on strategic and management issues.

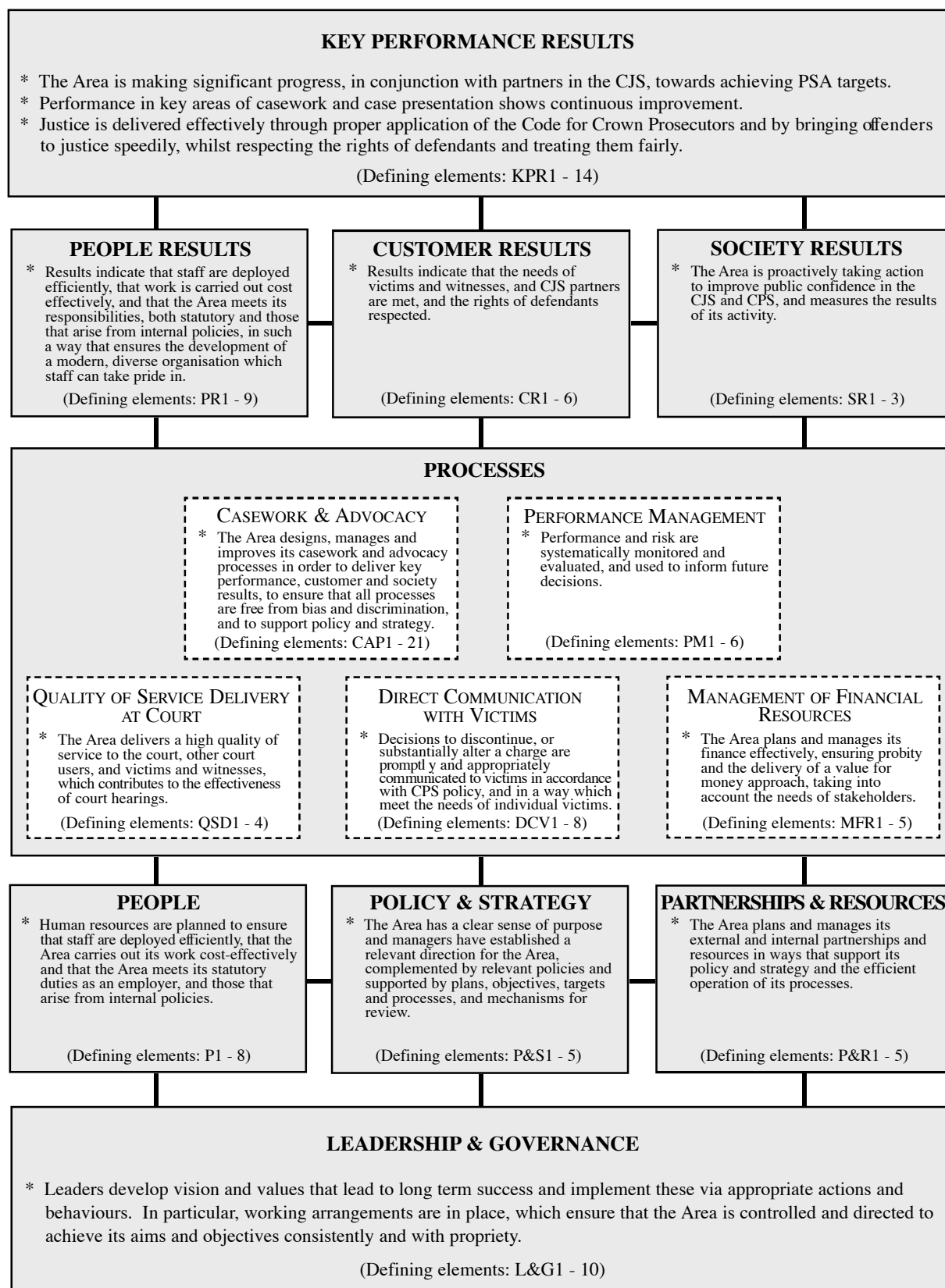
Action plans (L&G5)

- 13.7 The Area planning process for the Area Business Plan was effective; risks were identified and countermeasures developed. However, the planning for the initial implementation of shadow charging was poor. The Area has begun to address this and a firmer approach to planning has been adopted.
- 13.8 There was strong evidence that the Area Business Plan (and risks) were being actively managed and reviewed. However, review and action of other plans outside the Area Business Plan lacked a systematic process for review.

Criminal justice system co-operation (L&G6)

- 13.9 Inter-agency co-operation has helped deliver good PSA results. This need to be developed in order to address the wider PSA objectives and to enable the delivery of national initiatives individually and jointly.

BUSINESS EXCELLENCE MODEL INSPECTION MAP



KEY REQUIREMENTS AND INSPECTION STANDARDS

CASEWORK (Chapter 4)

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

Advice to police (CAP1)

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

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

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

Bail/custody applications (CAP3)

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

Discontinuances in magistrates' courts (CAP4)

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

Summary trial preparation (CAP5)

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

Committal and Crown Court case preparation (CAP6)

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

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

Disclosure of unused material (CAP7)

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

Sensitive cases (CAP8)

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

File/message handling (CAP9)

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

Custody time limits (CAP10)

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

Joint action to improve casework (CAP11)

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

National Probation Service and Youth Offending Teams (CAP12)

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

Youth cases (CAP13)

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

Appeal and committal for sentence processes (CAP14)

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

Appeals against unduly lenient sentences (CAP15)

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

Recording of case outcomes (CAP16)

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

Information on operational and legal issues (CAP17)

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

Readiness for court (CAP18)

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

Learning points (CAP21)

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

ADVOCACY AND QUALITY OF SERVICE DELIVERY (Chapter 5)

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

Advocacy standards and monitoring (CAP19)

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

Court endorsements (CAP20)

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

Court preparation (QSD1)

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

Attendance at court (QSD2)

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

Accommodation (QSD4)

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

VICTIMS AND WITNESSES (Chapter 6)

KEY REQUIREMENTS:

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

Witnesses at court (QSD3)

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

Direct Communication with Victims (CAP13)

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

Meetings with victims and relatives of victims (DCV5)

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

Victims' Charter (CR2)

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

PERFORMANCE MANAGEMENT (Chapter 7)

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

Performance standards (PM1)

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

Performance monitoring (PM2)

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

Joint performance management (PM3)

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

Risk management (PM4)

Standard: risk is kept under review and appropriately managed.

Continuous improvement (PM5)

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

Accounting for performance (PM6)

Standard: the Area is able to account for performance.

PEOPLE MANAGEMENT AND RESULTS (Chapter 8)

KEY REQUIREMENTS:

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

Human resource planning (P1)

Standard: human resource needs are systematically and continuously planned.

Staff structure (P2)

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

Staff development (P3)

Standard: staff capabilities are identified, sustained and developed.

Performance review (P4)

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

Management involvement (P5)

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

Good employment practice (P6)

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

Equality and diversity (P7)

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

Health and safety (P8)

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

MANAGEMENT OF FINANCIAL RESOURCES (Chapter 9)

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

Staff financial skills (MFR1)

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

Adherence to financial guidelines (MFR2)

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

Budgetary controls (MFR3)

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

Management of prosecution costs (MFR4)

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

Value for money approach (MFR5)

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

PARTNERSHIPS AND RESOURCES (Chapter 10)

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

CJS partnerships (P&R1)

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

CJS agencies (KPR8)

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

Improving local CJS performance (CR4)

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

Information technology (P&R2)

Standard: information technology is deployed and used effectively.

Buildings, equipment and security (P&R3)

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

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

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

POLICY AND STRATEGY (Chapter 11)

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

Stakeholders (P&S1)

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

Performance measurement (P&S2)

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

Review (P&S3)

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

Framework of key processes (P&S4)

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

Communication and implementation (P&S5)

Standard: policy and strategy are communicated and implemented.

PUBLIC CONFIDENCE (Chapter 12)

KEY REQUIREMENTS:

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

Complaints (CR1)

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

Minority ethnic communities (CR5)

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

Safeguarding children (CR7)

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

Community engagement (CR6)

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

Media engagement (SR2)

Standard: the Area engages with the media.

Public confidence (SR3)

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

LEADERSHIP AND GOVERNANCE (Chapter 13)

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

Vision and values (L&G1)

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

Staff recognition (L&G2)

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

Management structure (L&G3)

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

Organisational structure (L&G4)

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

Action plans (L&G5)

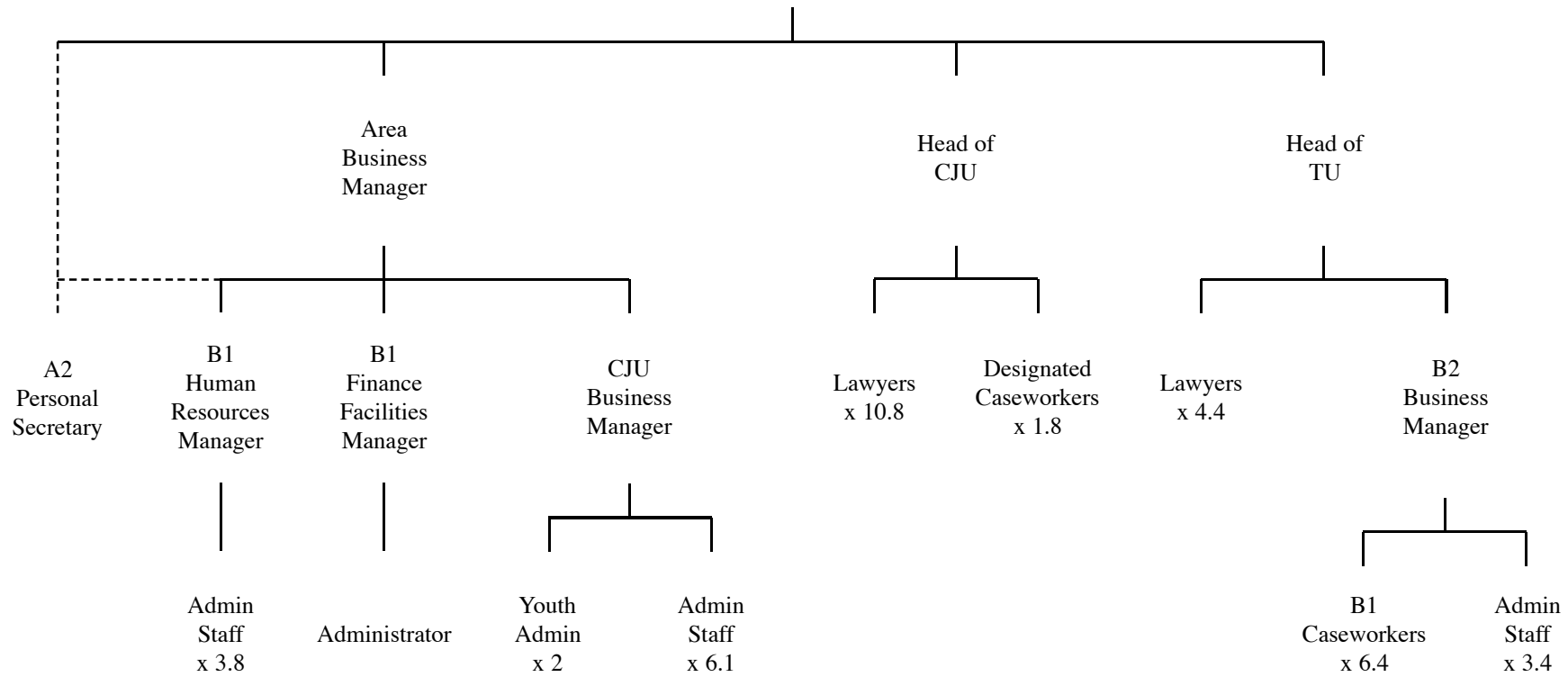
Standard: effective plans of action, which identify key issues, and which reflect CPS and CJS strategic priorities, and local needs, are in place.

Criminal justice system co-operation (L&G6)

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

CPS WILTSHIRE STAFF STRUCTURE

CHIEF CROWN PROSECUTOR



AREA CASELOAD FOR YEAR TO SEPTEMBER 2004

Types of case - Magistrates' Court	CPS Wiltshire		National	
	Number	Percentage	Number	Percentage
Pre-charge decision	809	5.5	117,727	7.0
Advice	1,622	11.1	204,679	12.1
Summary	8,266	56.3	854,178	50.5
Either way and indictable	3,706	25.3	500,793	29.6
Other proceedings	267	1.8	13,506	0.8
Total	14,670	100	1,690,883	100
Completed cases - Magistrates' Court	CPS Wiltshire		National	
	Number	Percentage	Number	Percentage
Discontinuances and Bind-overs	1,354	11.5	166,810	13.1
Warrants	125	1.1	67,066	5.3
Dismissed no case to answer	27	0.2	4,040	0.3
Acquittals after trial	170	1.4	17,208	1.4
Discharged	2	0.0	3,501	0.3
Total Unsuccessful Outcomes	1,678	14.2	258,625	20.4
Convictions	10,129	85.8	1,009,992	79.6
Total	11,807	100	1,268,617	100
Committed for Trial In the Crown Court	389		103,260	
Case results - Magistrates' Court	CPS Wiltshire		National	
	Number	Percentage	Number	Percentage
Guilty pleas	8,751	84.7	782,061	75.8
Proofs in absence	870	8.4	168,915	16.4
Convictions after trial	508	4.9	59,016	5.7
Acquittals after trial	170	1.6	17,208	1.7
Acquittals: no case to answer	27	0.3	4,040	0.4
Total	10,326	100	1,031,240	100
Types of case - Crown Court	CPS Wiltshire		National	
	Number	Percentage	Number	Percentage
Indictable only	258	36.3	39,195	30.5
Either way: defence election	19	2.7	8,781	6.8
Either way: magistrates' direction	192	27.0	47,535	37.0
Summary: appeals; committals for sentence	242	34.0	32,800	25.6
Total	711	100	128,311	100
Completed cases - Crown Court	CPS Wiltshire		National	
	Number	Percentage	Number	Percentage
Judge ordered acquittals and Bind-overs	76	16.0	14,475	14.7
Warrants	10	2.1	2,076	2.1
Judge directed acquittals	12	2.5	1,801	1.8
Acquittals after trial	23	4.8	6,279	6.4
Total Unsuccessful Outcomes	121	25.5	24,631	24.9
Convictions	354	74.5	74,093	75.1
Total	475	100	98,724	100
Case results - Crown Court	CPS Wiltshire		National	
	Number	Percentage	Number	Percentage
Guilty pleas	309	79.4	59,994	73.0
Convictions after trial	45	11.6	14,099	17.2
Acquittals after trial	23	5.9	6,279	7.6
Judge directed acquittals	12	3.1	1,801	2.2
Total	389	100	82,173	100

TABLE OF RESOURCES AND CASELOADS

AREA CASELOAD/STAFFING CPS Wiltshire		
	November 2004	September 2002
Lawyers in post (excluding CCP)	17.2	17.4
Cases per lawyer (excluding CCP) per year	852.9	781.1
Magistrates' courts contested trials per lawyer (excluding CCP)	39.4	16.9
Committals and "sent" cases per lawyer (excluding CCP)	22.6	25.6
Crown Court contested trials per lawyer (excluding CCP)	4.6	4.9
Level B1, B2, B3 caseworkers in post	12	11.4
Committals and "sent" cases per caseworker	32.4	39.1
Crown Court contested trials per caseworker	6.7	7.5
Running costs (non ring fenced)	£2,006,769	£1,573,975

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

**IMPLEMENTATION OF RECOMMENDATIONS/SUGGESTIONS FROM REPORT
PUBLISHED IN SEPTEMBER 2002**

	RECOMMENDATIONS	POSITION IN SEPTEMBER 2004
R1	The CCP should ensure the system is effective in providing advice to the police within the prescribed timescales.	Partly achieved. The Area has introduced shadow charging in two of the three divisions. The written advice in our sample was timely in three out of five files, untimely in one and we could not tell in another.
R2	Prosecutors should review cases effectively and expeditiously, and that senior managers should effectively monitor continuing review decisions.	Partly achieved. We considered the review both effective and timely, but we are not fully satisfied with the monitoring arrangements.
R3	The CCP ensures that the Area adopts a consistent approach to the disclosure of unused material.	Achieved. The approach to disclosure in the TU is consistent.
R4	The Head of the CJU; * takes forward the JPM initiatives in relation to the cracked and ineffective trial rate in the magistrates' courts in conjunction with the Magistrates' Courts Service; and * continues to work with other agencies to achieve an effective PTR system across the Area.	Achieved. Cracked and ineffective data is collected and the Area has exceeded its targets. Achieved. Protocols have been agreed about the PTR system. They are implemented across the Area and are satisfactorily effective.
R5	The CCP implements an effective system to monitor the quality of briefs.	Not achieved. Although purportedly monitored in the CQA system, the quality remains unsatisfactory.

	RECOMMENDATIONS	POSITION IN SEPTEMBER 2004
R6	<p>The Area:</p> <ul style="list-style-type: none"> * takes a more pro-active approach to planning, involving members of staff in the process; * ensures that all major initiatives are reflected in the Area Business Plan; and * ensures that objectives are sufficiently well described and defined to enable progress to be formally monitored, reported and evaluated. 	<p>Achieved.</p> <p>Achieved.</p> <p>Achieved.</p>
R7	<p>Senior managers develop a firm strategic plan in relation to the Glidewell recommendations on co-location and joint working, and that this opportunity is used to assess future staffing needs.</p>	<p>Achieved. The Area has divided into magistrates' courts and trials units. A strategic decision was made not to co-locate.</p>
R8	<p>The ABM identifies the information that senior managers require to assure themselves about the levels of performance, and that this is collected, analysed and made available in a readily digestible format.</p>	<p>Partly achieved. Comprehensive, relevant data is collected and made available, but analysis could be carried out to greater effect.</p>
R9	<p>The Area takes immediate steps to ensure that code 3010 is used according to the established criteria.</p>	<p>Achieved. This account code is now used correctly.</p>
R10	<p>The Area reviews the means by which it communicates with all members of staff to identify any gaps and proposed solutions.</p>	<p>Partly achieved. Communication is achieved in a number of ways, but formal team meetings remain rare. The Staff Survey indicated a drop of 17% of staff members who felt that line managers communicated effectively.</p>

	SUGGESTIONS	POSITION IN NOVEMBER 2004
S1	The CJU Head introduces a system for recording on the file evidence that is served on the defence.	Not achieved. This is still not recorded.
S2	The Area considers establishing an Equality and Diversity Committee to develop, monitor and review the plan and to co-ordinate and prioritise future activity.	Not achieved. There is no Committee; the Area relies on the busy ABM and should consider greater involvement by others.
S3	The CCP should review the complaints handling and recording system to ensure that outcomes and learning points are recorded and disseminated.	Achieved. The complaints system enables the effective dissemination of learning points.

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

	Number of files examined
Magistrates' courts cases/CJUs:	
Advice	4
No case to answer	1
Trials	23
Discontinued cases	16
Race crime	(5)
Domestic violence cases	(11)
Youth trials	(4)
Cracked trials	4
Ineffective trials	4
Cases subject to custody time limits	5
Crown Court cases/TU:	
Advice	0
Committals discharged after evidence tendered/sent cases dismissed after consideration of case	0
Judge ordered acquittals	14
Judge directed acquittals	7
Trials	20
Child abuse cases	(10)
Race crime	(4)
Cracked trials	7
Ineffective trials	0
Rape cases	(4)
Street crime cases	0
Cases subject to custody time limits	5
TOTAL	110

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

His Honour Judge Cutler
His Honour Judge Longbotham
Mr H Mineur, Crown Court Manager, Salisbury

Magistrates' Courts

Mr J Bush JP, Chair of the Magistrates' Courts' Committee
Mr R Alderman JP
Mrs J Lampard JP
Mrs M Johnson JP
Mr S Wolfensohn JP
Mrs J Robertson JP
Mr G Wilcock, Justices' Chief Executive
Mr D Brewer, Clerk to the Justices

Police

Mr M Richards, Chief Constable
Superintendent K Maidment
Inspector I Miller
Sergeant D Carmichael
Sergeant C Davies
Mrs S Gretton, Criminal Justice Unit Manager
Mr P Oatway, Criminal Justice Unit Manager
Mrs D Saxon, Criminal Justice Unit Manager

Defence Solicitors

Mr M Jeary
Mr J Elliott
Mr R Ross

Counsel

Mr M Parroy QC
Mr C Parker
Mr R Shellard
Mr I Halliday
Ms S Regan
Mr J Patrick
Mr C Quinlan

Probation Service

Ms D Fulbrook, Chief Probation Officer

Victim Support/Witness Service

Ms K Swinden, Victim Support Area Manager

Mr R Webb, Witness Service Co-ordinator

Crime and Disorder Reduction Partnerships

Miss C Wright

Youth Offending Teams

Ms K McKeown

Community Groups

Ms J Goncalves, Manager for Safer Swindon Shop

Ms R Mienes, Domestic Violence Intervention Partnership

Ms F Mitchell, Co-ordinator & Outreach work for the Harbour Project

Dr J Sang, Director for Wiltshire Racial Equality Council

Ms H Thompson, Chair of Homophobic & Transgender Hate Crime Forum

Members of Parliament

Ms J Drown MP

Mr J Gray MP

Mr R Key MP

Other Members of Parliament with constituencies in Wiltshire were invited to contribute.

HMCPsi VISION, MISSION AND VALUES

Vision

HMCPsi's purpose is to promote continuous improvement in the efficiency, effectiveness and fairness of the prosecution services within a joined-up criminal justice system through a process of inspection and evaluation; the provision of advice; and the identification of good practice. 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

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

Values

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

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

Taken together, these mean:

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

GLOSSARY

ADVERSE CASE	A <i>NCTA</i> , <i>JOA</i> , <i>JDA</i> (see separate definitions) or one where magistrates decide there is insufficient evidence for an <i>either way</i> case to be committed to the Crown Court
AGENT	Solicitor or barrister not directly employed by the CPS who is instructed by them, usually on a sessional basis, to represent the prosecution in the magistrates' court
AREA BUSINESS MANAGER (ABM)	Senior business manager, not legally qualified, but responsible for finance, personnel, business planning and other operational matters
AREA MANAGEMENT TEAM (AMT)	The senior legal and non-legal managers of an Area
ASPECT FOR IMPROVEMENT	A significant weakness relevant to an important aspect of performance (sometimes including the steps necessary to address this)
CATS - COMPASS, SCOPE, SYSTEM 36	IT systems for case tracking used by the CPS. Compass is the new comprehensive system in the course of being rolled out to all Areas
CASEWORKER	A member of CPS staff who deals with, or manages, day-to-day conduct of a prosecution case under the supervision of a Crown Prosecutor and, in the Crown Court, attends court to assist the advocate
CHARGING SCHEME	The Criminal Justice Act 2003 took forward the recommendations of Lord Justice Auld in his Review of the Criminal Courts, so that the CPS will determine the decision to charge offenders in the more serious cases. Shadow charging arrangements are in place in Areas; and the statutory scheme will have a phased roll out across priority Areas and subsequently all 42 Areas
CHIEF CROWN PROSECUTOR (CCP)	One of 42 chief officers heading the local CPS in each Area, is a barrister or solicitor. Has a degree of autonomy but is accountable to Director of Public Prosecutions for the performance of the Area
CODE FOR CROWN PROSECUTORS (THE CODE)	The public document that sets out the framework for prosecution decision-making. Crown Prosecutors have the DPP's power to determine cases delegated, but must exercise them in accordance with the Code and its two tests – the evidential test and the public interest test. Cases should only proceed if, firstly, there is sufficient evidence to provide a realistic prospect of conviction and, secondly, if the prosecution is required in the public interest
CO-LOCATION	CPS and police staff working together in a single operational unit (<i>TU</i> or <i>CJU</i>), whether in CPS or police premises – one of the recommendations of the <i>Glidewell</i> report

COMMITTAL	Procedure whereby a defendant in an <i>either way</i> case is moved from the magistrates' court to the Crown Court for trial, usually upon service of the prosecution evidence on the defence, but occasionally after consideration of the evidence by the magistrates
COURT SESSION	There are two sessions each day in the magistrates' court, morning and afternoon
CPS DIRECT	This is a scheme to supplement the advice given in Areas to the police and the decision-making as to charge under the Charging scheme. Lawyers are available on a single national telephone number out of normal office hours so that advice can be obtained at any time. It is presently available to priority Areas and the intention is to expand the scheme to cover all Areas
CRACKED TRIAL	A case listed for a contested trial which does not proceed, either because the defendant changes his plea to guilty, or pleads to an alternative charge, or the prosecution offer no evidence
CRIMINAL CASE MANAGEMENT FRAMEWORK	The Framework provides practitioners with a consistent guide to their own, and their partners'; roles and responsibilities, together with operational guidance on case management
CRIMINAL JUSTICE UNIT (CJU)	Operational unit of the CPS that handles the preparation and presentation of magistrates' court prosecutions. The <i>Glidewell</i> report recommended that police and CPS staff should be located together and work closely to gain efficiency and higher standards of communication and case preparation. (In some Areas the police administration support unit is called a CJU)
CUSTODY TIME LIMITS (CTLs)	The statutory time limit for keeping a defendant in custody awaiting trial. May be extended by the court in certain circumstances
DESIGNATED CASEWORKER (DCW)	A senior <i>caseworker</i> who is trained to present straightforward cases on pleas of guilty, or to prove them where the defendant does not attend the magistrates' court
DIRECT COMMUNICATION WITH VICTIMS (DCV)	A new procedure whereby CPS consults directly with victims of crime and provides them with information about the progress of their case
DISCLOSURE, Primary and Secondary	The prosecution has a duty to disclose to the defence material gathered during the investigation of a criminal offence, which is not intended to be used as evidence against the defendant, but which may be relevant to an issue in the case. Primary disclosure is given where an item may undermine the prosecution case; secondary is given where, after service of a defence statement, any item may assist that defence
DISCONTINUANCE	The dropping of a case by the CPS in the magistrates' court, whether by written notice, withdrawal, or offer of no evidence at court
EARLY ADMINISTRATIVE HEARING (EAH)	Under <i>Narey</i> procedures, one of the two classes into which all summary and <i>either way</i> cases are divided. EAHs are for cases where a not guilty plea is anticipated

EARLY FIRST HEARING (EFH)	Under <i>Narey</i> one of the two classes into which all summary and either way cases are divided. EFHs are for straightforward cases where a guilty plea is anticipated
EFFECTIVE TRIAL MANAGEMENT PROGRAMME (ETMP)	This initiative, involving all criminal justice agencies working together, aims to reduce the number of ineffective trials by improving case preparation and progression from the point of charge through to the conclusion of a case
EITHER WAY OFFENCES	Those triable in either the magistrates' court or the Crown Court, e.g. theft
EUROPEAN FOUNDATION FOR QUALITY MODEL (EFQM)	A framework for continuous self-assessment and self-improvement against whose criteria HMCPSP conducts its inspections
EVIDENTIAL TEST	The initial test under <i>the Code</i> – is there sufficient evidence to provide a realistic prospect of conviction on the evidence?
GLIDEWELL	A far-reaching review of CPS operations and policy dating from 1998 which made important restructuring recommendations e.g. the split into 42 local Areas and the further split into functional units - <i>CJUs</i> and <i>TUs</i>
GOOD PRACTICE	An aspect of performance upon which the Inspectorate not only comments favourably, but considers that it reflects in manner of handling work developed by an Area which, with appropriate adaptations to local needs, might warrant being commended as national practice
HIGHER COURT ADVOCATE (HCA)	In this context, a lawyer employed by the CPS who has a right of audience in the Crown Court
JOINT PERFORMANCE MONITORING (JPM)	A management system which collects and analyses information about aspects of activity undertaken by the police and/or the CPS, aimed at securing improvements in performance
INDICTABLE ONLY OFFENCES	Offences triable only in the Crown Court, e.g. murder, rape, robbery
INEFFECTIVE TRIAL	A case listed for a contested trial that is unable to proceed when it was scheduled to start, for a variety of possible reasons, and is adjourned to a later date
JUDGE DIRECTED ACQUITTAL (JDA)	Where the judge directs a jury to find a defendant not guilty after the trial has started
JUDGE ORDERED ACQUITTAL (JOA)	Where the judge dismisses a case as a result of the prosecution offering no evidence before a jury is empanelled
LEVEL A, B, C, D, E STAFF	CPS grades below the Senior Civil Service, from A (administrative staff) to E (senior lawyers or administrators)

LOCAL CRIMINAL JUSTICE BOARD	The Chief Officers of police, probation, the courts, the CPS and the Youth Offending Team in each criminal justice area who are accountable to the National Criminal Justice Board for the delivery of <i>PSA</i> targets
MG6C, MG6D ETC	Forms completed by police relating to unused material
NAREY COURTS, REVIEWS ETC	A reformed procedure for handling cases in the magistrates' court, designed to produce greater speed and efficiency
NARROWING THE JUSTICE GAP (NJG)	It is a Government Criminal Justice Public Service Agreement target to increase the number of offences for which an offender is brought to justice; that is offences which result in a conviction, a caution or which are taken into consideration when an offender is sentenced for another matter. The difference between these offences and the overall number of recorded offences is known as the justice gap
NO CASE TO ANSWER (NCTA)	Where magistrates dismiss a case at the close of the prosecution evidence because they do not consider that the prosecution have made out a case for the defendant to answer
“NO WITNESS: NO JUSTICE” (NWNJ): VICTIM AND WITNESS CARE PROJECT	This is a project to improve witness care: to give them support and the information that they need from the inception of an incident through to the conclusion of a criminal prosecution. It is a partnership of the CPS and the Association of Chief Police Officers and also involves Victim Support and the Witness Service. Jointly staffed Witness Care Units will be introduced into all Areas by December 2005
PERSISTENT YOUNG OFFENDER	A youth previously sentenced on at least three occasions
PRE-TRIAL REVIEW	A hearing in the magistrates' court designed to define the issues for trial and deal with any other outstanding pre-trial issues
PROCEEDS OF CRIME ACT 2002 (POCA)	This Act contains forfeiture and confiscation provisions and money laundering offences, which facilitate the recovery of assets from criminals
PUBLIC INTEREST TEST	The second test under <i>the Code</i> - is it in the public interest to prosecute this defendant on this charge?
PUBLIC SERVICE AGREEMENT (PSA) TARGETS	Targets set by the Government for the criminal justice system (CJS), relating to bringing offenders to justice and raising public confidence in the CJS
RECOMMENDATION	This is normally directed towards an individual or body and sets out steps necessary to address a significant weakness relevant to an important aspect of performance (i.e. an aspect for improvement) that, in the view of the Inspectorate, should attract highest priority

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