



Report of the Inspection of the Special Crime Division of CPS Headquarters

January 2009





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1 INTRODUCTION

Purpose of the inspection

- 1.1 This is Her Majesty's Crown Prosecution Service Inspectorate's (HMCPSI) report about the Crown Prosecution Service (CPS) Special Crime Division (SCD). SCD is part of CPS Headquarters and has two offices, at Ludgate Hill in London (a crime unit and the extradition unit) and United House in York (a second crime unit). Work is divided between the two on geographical lines apart from extradition cases, appeals to the House of Lords, civil claims against the CPS and referrals of unduly lenient sentences, which are dealt with exclusively in London.
- 1.2 The purpose of the inspection was to:
- assess the quality of decision-making, case preparation and performance of SCD including the effectiveness of management and operational arrangements to support its work; and
 - to assess progress against the recommendations and suggestions made in the inspection of Casework Directorate in November 2002 insofar as they are still applicable to SCD.

Background

- 1.3 The work dealt with by SCD was formerly handled by CPS Casework Directorate which was part of Headquarters. Casework Directorate was set up in 1998 in response to the review of the CPS by Sir Iain Glidewell in order to provide a centre of excellence to deal with serious crime. In 2005 the directorate was restructured into the Central Casework divisions, known simply as Central Casework.
- 1.4 There are three separate divisions: Special Crime, Organised Crime and Counter Terrorism. As with the former Casework Directorate their purpose is to deal with those complex, serious and sensitive cases that for operational or resource reasons are better undertaken by CPS Headquarters than by individual areas. The divisions work in partnership with each other, but responsibility for the specific types of cases and other work handled by each division is defined.
- 1.5 Casework Directorate was last inspected in November 2002. In the resulting report we made 15 recommendations and five suggestions for improvement. In the course of this inspection we have assessed the extent to which these have been addressed, insofar as they are applicable to SCD, and a synopsis is included at Annex A.

Scope of the inspection

- 1.6 The full scope of the inspection was to:
- assess the quality and timeliness of casework decisions in all categories of cases handled by SCD;
 - assess the quality of case 'ownership', preparation and case handling, and involvement of counsel;
 - assess the management of casework and levels of decision-making;
 - assess the management and operational systems supporting the delivery of high quality casework, in particular performance management, resource management, leadership and the service to victims and witnesses;

- consider the impact of new initiatives for example statutory charging, direct communication with victims, witness care units, Prosecutors' Pledge, Victims' Code, and victim focus scheme;
- review whether the measures set out in the Attorney General's review of the role and practices of the CPS in cases arising from a death in custody (published July 2003) have been implemented;
- review the handling of allegations against persons serving with the police in the light of the HMCPSP and HM Inspectorate of Constabulary joint thematic review report (January 2007);
- review - insofar as they are still applicable - the progress against the recommendations in the 2002 report on Casework Directorate;
- examine complaints handling and the quality of responses;
- identify good practice; and
- make recommendations for improvement.

The structure of Special Crime Division

1.7 As at 1 August 2008 the division employed the equivalent of 74.4 full-time staff. There were 34.7 lawyers (excluding the Head of Division), split between the two offices. The Secretariat, which is based in London, provides support to all three Central Casework divisions and comprises the Senior Business Manager (SBM) and the full-time equivalent of 9.6 other staff. The full breakdown of staff is:

Grade	London Crime	London Extradition	York	Total
Head of Division	1.0	-	-	1.0
Senior Civil Service	1.0	-	-	1.0
Lawyers E	5.0	2.0	6.0	13
Lawyers D	4.6	3.7	5.4	13.7
Lawyers C2	-	7.0	-	7.0
B2 managers	3.0	-	-	3.0
Caseworkers B1	7.0	-	3.0	10.0
Caseworkers A2	11.0	-	3.1	14.1
Caseworkers A1	1.0	-	-	1.0
Secretariat (shared resource)	10.6	-	-	10.6
Total	44.2	12.7	17.5	74.4

- 1.8 The Head of Division reports to the Director of Public Prosecutions (DPP) and is supported by one lawyer at Senior Civil Service grade and three level E legal managers, who head the London and York crime units and the extradition unit. The level E managers are responsible for the day-to-day supervision of the remaining level E, D and C2 lawyers. The caseworkers are managed by the London office manager, who in turn reports to the London crime unit head.
- 1.9 There have been some relatively recent changes in personnel at a senior level in SCD, as the current Head of Division took up post in June 2008 and the SBM post was created and filled in April 2008.
- 1.10 Current plans include the recruitment of a business manager post for the York office, an administrative manager to assist with line management of the London administrative staff and a senior crown advocate.

Methodology

- 1.11 SCD is not readily comparable with other CPS areas or units insofar as it provides a national service taking work from all police forces and cases are also referred direct from other government departments. In addition it deals with proceedings which are ancillary to the prosecution of criminal cases, such as extradition, and handles discrete work on cases from CPS areas such as referrals of unduly lenient sentences to the Attorney General. It was therefore necessary to devise a bespoke methodology and framework for this inspection.
- 1.12 A significant proportion of the work undertaken by SCD is providing advice, which may involve lengthy police investigations and complex issues. Some cases may be referred to the division at a very early stage, sometimes before a formal investigation has commenced. For example, under an agreed protocol with the Independent Police Complaints Commission (IPCC) all death in police custody cases are notified to SCD, even when it is clear at the outset that it is very unlikely the case will proceed any further.
- 1.13 Inspectors sought to examine the casework decisions and management of a representative proportion of each category of case handled by SCD. However the rarity of certain categories of cases in the relevant period meant that in some there were less than five examples. The file sample comprised a significant proportion of pre-charge decision cases where no further action was advised (although these were categorised according to the nature of the offence alleged), a small number of magistrates' courts and Crown Court trials (whether acquittals or convictions), and specific types of cases. A breakdown of the number and categories of cases examined is at Annex B.
- 1.14 Inspectors examined 90 cases against a database of questions specifically tailored for this inspection. Additionally we examined six civil claims against the CPS and three custody time limit cases, one criminal case review file, and observed five ongoing cases in court. Overall this represented about 11% of the division's caseload. It was important to consider ongoing cases as, due to the nature of the work undertaken, many cases are not concluded quickly and so inspectors were able to assess current performance. This also allowed limited observations of the performance of advocates and the delivery of service at court in both the magistrates and the Crown Court.

- 1.15 In cases which proceeded to prosecution we considered the quality of the pre-charge decision, application of the two stage test in the Code for Crown Prosecutors (the Code) and the quality of casework processes. In other cases such as extradition and appeals we considered the aspects of the case relevant to the particular category. We made a number of assessments about the quality of decision-making and case handling in the course of the file examination. Key assessments are shown in the table at Annex C.
- 1.16 Inspectors considered a self-assessment provided by SCD together with supporting documents. We also conducted interviews with members of CPS staff at all levels, criminal law practitioners and representatives of criminal justice agencies. Chief Crown Prosecutors and other stakeholders were also consulted by questionnaire. A list of individuals inspectors met or from whom comments were received is at Annex D.
- 1.17 An initial equality impact assessment was carried in compliance with the statutory requirements of the Race Relations Act 2000, Disability Discrimination Act 1995 and Equality Act 2006. It also assessed on a non-statutory basis the equality impact in respect of sexual orientation, religion and belief, and age.

Structure of the report

- 1.18 This report is divided into ten chapters. Chapter 2 is an executive summary which includes an overview of findings, together with a list of recommendations, aspects for improvement and strengths that the inspection team identified.
- 1.19 Chapters 3-5 cover the provision of advice, review and decision-making, case preparation, and the case at court. Chapters 6 and 7 deal with those specialist and specific proceedings handled exclusively by SCD, 8 covers the service provided to victims and witnesses, and 9-11 deal with management systems and performance.
- 1.20 There are a series of annexes which provide more detailed information and data to assist in reading the report.

Acknowledgements

- 1.21 The Chief Inspector and the team would like to thank all those who assisted in this inspection.

2 SUMMARY OF INSPECTION FINDINGS AND RECOMMENDATIONS

- 2.1 Special Crime Division (SCD) was set up in 2005 as part of Crown Prosecution Service (CPS) Central Casework, which replaced the Casework Directorate. There are three separate divisions within Central Casework: Special Crime, Organised Crime and Counter Terrorism. The divisions work in partnership with each other, but responsibility for the specific types of cases and aspects of work handled by each is defined. There is a Head of Division for each of the three, who report to the Director of Public Prosecutions, but the Senior Business Manager and Secretariat are shared.
- 2.2 As with the former Casework Directorate the purpose of the divisions is to provide a centre of excellence and to deal with those complex, serious and sensitive cases that, for operational or resource reasons, are better undertaken by CPS Headquarters than by individual areas. SCD casework is divided into criminal work (which at the time of this inspection included corporate manslaughter, medical manslaughter, deaths in custody, police misconduct, election offences and allegations involving high profile people) and other specific proceedings in which SCD provides a service to in relation to areas of expertise, such as extradition, referral of unduly lenient sentences to the Attorney General, appeals and civil proceedings against the CPS.
- 2.3 Cases are referred to SCD directly from investigators, CPS areas or other stakeholders and there are guidelines for referrals. The specialist and complex nature of many aspects of the work means that a large number of cases are referred to the division at a very early stage in the investigation, often well before any question of charging arises. SCD have adopted a strong case 'ownership' approach which encourages a good 'prosecution team' ethos. Despite this not all of the actions taken to progress the case are formally recorded which can give the impression of 'drift'.
- 2.4 Overall the quality of decision-making at the pre-charge stage is good and prosecutors consider ancillary matters at this point. The quality of the review note setting out the decision is very good, in some cases excellent. However not all advice is formally recorded in hard copy, particularly in respect of more minor offences where the advice is provided over the telephone.
- 2.5 The strong legal decision-making and team working is particularly evident in respect of the teams that have been established to deal with specific proceedings such as those mentioned above. The separate extradition unit is well established, handling 'exports' to other jurisdictions on behalf of foreign governments and non-European 'imports' to England and Wales on behalf of CPS areas.
- 2.6 Specialists have been appointed to perform the role of co-ordinators and provide advice to CPS areas and criminal justice partners. A number of the cases handled by SCD involve a high level of media attention because of the nature of the offence being prosecuted, for example the Jean Charles de Menezes shooting case and 'cash for honours' investigation.
- 2.7 The standard of post-charge case preparation is generally good and there is proactive case progression. Although subsequent reviews are not always completed or recorded in the file it is apparent from notes of conferences and correspondence handling that most cases are kept under close review. Court directions are complied with in a timely manner and trials are rarely ineffective for reasons due to the prosecution. The duty of disclosure of unused material is properly complied with, although the division would benefit from the appointment of a disclosure

champion. The quality of instructions to counsel varies and, although counsel may have been involved in the case from an early stage, there remains room for improvement. Furthermore not all the current casework systems are applied consistently across the units and between the London and York offices, for example there are different practices for the management of documents within the file jackets and endorsement of case outcomes and court directions are not always easy to locate. The systems need improving as they present a degree of risk to case preparation and progression.

- 2.8 There are very effective systems for the supervision of casework quality at the review stage, however the timeliness of decisions is not as robustly managed. This is monitored by unit heads through monthly progress reports produced by lawyers but it is not evident that cases which have apparently been inactive for some time are challenged by managers.
- 2.9 SCD deals with few cases where the defendants are in custody. There have been no custody time limit failures since the division was set up but the CPS national guidance is not being fully adhered to and training and guidance to staff is required. This represents a significant risk.
- 2.10 Further work needs to be done to refine the planning process, in particular in respect of the staffing structure. The unpredictability of caseload in terms of size and complexity at any given time can make this difficult but some risks can be reduced, for example by improving learning and development for all staff and better succession planning for those who have developed particular specialisms. There also needs to be a greater emphasis on the review of existing plans to assess progress made and to inform future strategy.
- 2.11 The system of performance management requires improvement. The division is not subject to any of the national CPS targets and therefore little data is collected in respect of the CPS key performance indicators, for example in respect of charging decision outcomes. Although the quarterly performance reports contain information on the numbers of unsuccessful outcomes and cracked and ineffective trials, this is not translated into percentages or analysed over a period of time to identify potential trends. This makes it difficult for managers to compare performance with other similar prosecuting authorities or to assess the general 'direction of travel'. There is little feedback to staff or sharing of performance information with criminal justice partners in order to learn lessons. Our analysis of successful outcomes shows performance is below that of the other Central Casework divisions, but this should be seen in the context of the small number of cases that proceed to trial where a few unsuccessful outcomes can have a disproportionate effect on an overall percentage.
- 2.12 Some of the file 'housekeeping' issues referred to above and performance management issues would be assisted by more effective use of the case management system (xCMS). Because the system does not meet the needs of the division in some respects many staff have opted not to use it at all. A number of performance reports can be accessed and greater use could be made of these by managers for monitoring purposes.
- 2.13 The service provided to victims and witnesses is commendable. Lawyers have adopted a proactive approach to communicating with victims and victims' families at all stages in the prosecution process, and often exceed their obligations under the direct communication with victims scheme and the Victims' Code, whereby prosecutors notify victims of the outcome of the case within certain timescales. Good quality letters are sent in a timely manner and meetings are

frequently offered to explain decisions. However the role of the Witness Care Unit requires clarification and steps need to be taken to assess its effectiveness against the No Witness No Justice measures and Victims' Code.

- 2.14 SCD is generally regarded as an elite division by CPS areas and external partners, The services provided to the areas are valued and recent steps have been taken to engage more proactively with them through the complex casework units. This should provide managers with the opportunity to move away from their previously rather insular approach and explore good practice across the CPS and elsewhere, for example as identified in HMCPSI reports. Effective partnerships have been developed with criminal justice partners by managers and specialists and the advisory role provided by co-ordinators in respect of specialist casework is highly regarded.
- 2.15 Leadership is respected internally and externally and managers have adopted a more visible approach. Staff are very committed and take pride in the quality of their casework. Morale within the offices is good, which means that the division is in a strong position to build upon on its current successes to progress the recommendations and aspects for improvement contained in this report.

Recommendations

- 2.16 We make recommendations about the steps necessary to address significant weaknesses relevant to important aspects of performance, which we consider to merit the highest priority, and have made 13 to help improve the division's performance.
-
- 1 Prosecutors should keep a written record of any advice provided - whether case-specific or generic - which sets out the nature of the enquiry, information upon which the advice is based, advice given and the reasons for this (paragraph 3.18).
-
- 2 Prosecutors should agree an action plan with the investigator whenever material or further investigation is requested at the pre-charge stage (paragraph 3.21).
-
- 3 Prosecutors and caseworkers at court should endorse clearly the file jacket of cases which they present or observe with the chronology of court hearings, bail status, court directions and necessary next steps. Where court attendance notes are compiled they should be stored systematically in the file (paragraph 4.5).
-
- 4 Managers should:
- implement the use of a public interest immunity applications log;
 - ensure all inadequate schedules of unused material are returned to the police;
 - implement the use of the disclosure record sheet;
 - ensure all lawyers and caseworkers have received up-to-date training on unused material; and
 - consider appointing a disclosure champion (paragraph 4.18)
-
- 5 Post-case analysis forms should be completed in all contested cases by the reviewing lawyer, analysed by managers and lessons to be learned should be shared formally with staff (paragraph 4.28).
-

- 6 Special Crime Division should adopt the CPS national custody time limit framework and appoint a champion to oversee compliance (paragraph 4.35).
-
- 7 The Head of Special Crime Division should address how the CPS advocacy strategy can be delivered and implemented by the division so as to make best use of the prosecutor resources available (paragraph 5.9).
-
- 8 Managers should implement Special Crime Division's guidance on instructions to counsel and undertake systematic monitoring to ensure a consistent quality (paragraph 5.14).
-
- 9 We recommend that Special Casework Division, in conjunction with the Counter Terrorism and Organised Crime Divisions, should:
- set out definitive guidelines as to the role and responsibilities of the Witness Care Unit and ensure all staff are familiar with them;
 - ensure all witness care officers receive appropriate training as soon as practicable to enable them to perform their functions effectively; and
 - develop systems to enable the divisions to undertake analysis of No Witness No Justice measures and compliance with the Victims' Code (paragraph 8.11).
-
- 10 The staff resource model needs to be developed to ensure the correct distribution of resources and work (paragraph 9.14).
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- 11 The Senior Management Team should ensure an effective performance management framework is in place by 1 April 2009 and thereafter should undertake formal reviews of performance and provide regular feedback to staff (paragraph 10.4).
-
- 12 Managers should work with Business Information Systems Directorate to improve the functionality of the case management system (xCMS) and in particular should ensure:
- all charging decisions are recorded;
 - files are updated and finalised promptly;
 - custody time limits are recorded and monitored;
 - all other core actions are recorded on the system; and
 - management reports are generated and utilised for performance management purposes (paragraph 10.8).
-
- 13 Managers should improve the business planning process to ensure that:
- objectives are given target dates;
 - current and previous plans are reviewed regularly;
 - the impact of CPS national initiatives are included in the planning process; and
 - successes and lessons learned are identified (paragraph 11.14).
-

2.17 We additionally identified seven aspects for improvement within the division's performance.

- 1 Unit heads should, through the monthly case reporting process, assess the timeliness of decision-making at the pre-charge stage and instigate remedial action where necessary (paragraph 3.33).

- 2 The Head of Special Crime Division should issue guidance to CPS areas on when, and at what stage, cases should be referred to the National Domestic Extremism Co-ordinator for advice and guidance (paragraph 6.6).

- 3 Managers should consider adopting a consistent approach to the length of letters to victims or victims' families (paragraph 8.22).

- 4 Managers should monitor the timeliness of graduated fees scheme payments and ensure that the appropriate payment scheme is applied to the payment of fees to ensure value for money (paragraph 9.7).

- 5 Managers should devise and implement a succession planning strategy to ensure specialist knowledge is retained within the division (paragraph 9.17).

- 6 Managers should undertake a training needs analysis based upon business needs, current skill levels and developmental issues (paragraph 9.27).

- 7 The Head of Division and Senior Business Manager should define the roles and responsibilities of all job holders (paragraph 11.4).

2.18 We identified five strengths within the division's performance.

- 1 The high quality of decision-making, review notes and process of supervision at the pre-charge stage (paragraph 3.28).

- 2 The practice of a joint debrief in police misconduct cases post-trial with police and counsel (paragraph 4.26).

- 3 The service provided to victims and witnesses at court by caseworkers, lawyers and advocates (paragraph 5.18).

- 4 The proactive approach to offering meetings to victims and victims' families (paragraph 8.24).

- 5 The constructive relationships which have been established with partner agencies (paragraph 11.17).

3 ADVICE, REVIEW AND DECISION-MAKING

Introduction

- 3.1 In this chapter we discuss the quality of decision-making and provision of advice and charging decisions by SCD, together with the processes for managing cases at the pre-charge stage and how the division assesses its performance in respect of this aspect of its work. In essence SCD has always provided advice from a very early stage in the majority of its criminal cases. This pre-dates the statutory charging scheme provided by the areas, whereby the CPS has taken over the responsibility from the police for deciding whether or not a suspect should be charged in all but the most minor cases.
- 3.2 We examined 50 cases which had been referred for advice, of which there were 15 where SCD had advised there was sufficient evidence to charge the defendant (16.7% of the total file sample).

Referral of cases

- 3.3 Cases may be referred directly from police investigators, CPS areas or other public authorities such as the Electoral Commission or the IPCC. The criteria and procedure for referral of cases is clearly set out on the SCD 'home page' on the CPS internal electronic intranet. It is self explanatory and sets out the type of casework that must be handled by the division and the procedures for submission. There is also a list of lead contacts for specific offences with their telephone details. If areas or police officers are in any doubt whether a case should be referred to SCD or dealt with locally they are advised to consult the division's unit heads.

Referral by the police

- 3.4 In the last report we commented that some police officers were unsure whether cases should be referred to SCD or be dealt with by their local CPS and suggested that the guidance on where cases should be handled be promulgated to police forces to ensure prompt referral. The guidelines are available to police officers on the CPS website and the closer working relationships that have been developed through the specific points of contact within the division have led to a greater level of awareness amongst police as to when cases should be referred. In most instances it is relatively clear where the case will be handled but some categories, such as complaints against police officers, may be handled by any area or by SCD. The division encourages investigators to err on the side of caution when considering whether a case falls within the referral criteria and where they are unsure to contact the SCD crime unit head for a decision on location. This arrangement seems to be working satisfactorily.

Referral by CPS areas

- 3.5 Recent steps have been taken by the division to engage more proactively with the areas. Since the creation of CPS Group complex casework units (CCUs) a number of presentations have been delivered by SCD lawyers to them with the aim, amongst other things, of clarifying the referral guidelines. This engagement has been positively received and most areas understand the referral guidelines. Occasionally cases are still submitted late to SCD once the proceedings are underway and perhaps when particular issues have arisen which have then prompted the area to seek advice. In our sample of 28 cases which were referred from areas, the referral was timely in 23 (82.1%).

- 3.6 There is less clarity about when areas should seek guidance in respect of cases that do not have to be referred but which would be more appropriately dealt with by SCD. We noted one case in our file examination where the charging decision was properly taken at area level, but which would have benefited from SCD guidance at that stage. Another ongoing case was drawn to our attention where both the area and division agreed that earlier engagement would have assisted the investigative process. This aspect needs to be considered as part of the development of the liaison arrangements between the division and the CCUs.
- 3.7 Once a case has been referred there is no agreement that SCD will provide feedback on progress or the outcome. Prosecutors who have referred cases will undoubtedly retain an interest in them and, additionally, this is a missed learning opportunity for area prosecutors, particularly in respect of unduly lenient sentences when the decision by the Attorney General is not to refer the case to the Court of Appeal. Feedback from questionnaires completed by areas was that although SCD lawyers are extremely helpful if approached to find out what has happened in a case, information is not routinely provided and would be welcomed. In our file sample feedback was provided in 16 out of 28 cases (57.1%).

Allocation of cases within the division

- 3.8 Generally work is split between the London and York offices according to the location of the investigating police force, with a map of CPS areas denoting the split available on the intranet. However some categories of case for instance House of Lords appeals, unduly lenient sentences, extradition and civil proceedings against the CPS are dealt with only in London.
- 3.9 SCD has adopted a strong ownership approach to casework so that the lawyer who is allocated the case at the pre-charge decision stage will retain it until conclusion. Within the units managers allocate cases taking account of particular specialisms, its complexity and sensitivity, individuals' development needs and current caseloads. In some categories there are approved levels of decision-making, for example death in custody cases can only be allocated to lawyers of level E and above who have been approved by the DPP.
- 3.10 The way files are allocated has not changed since the last report despite our recommendation that the system within units should be reviewed to ensure a more even distribution of work and that managers should regularly monitor the caseloads of individual lawyers. Staff did not feel there was an imbalance in caseloads, albeit there is a tendency by some individuals to take on too much work.
- 3.11 With the exception of election offences, where the workload obviously peaks around the time of an election, the volume of other types of work being referred cannot be predicted. A number of lawyers have been nominated as specific points of contact for particular offences such as domestic extremism, police misconduct and election offences. Police officers and CPS areas will often contact the named individual direct either for advice or in an attempt to ensure that individual will handle their case. The service they are providing has been highly commended, but managers need to ensure that these staff do not become overburdened.

- 3.12 Case lists are not necessarily indicative of how busy individual lawyers are or what capacity they have to take on new work because much is dependent on the stage each case has reached. A number of cases may appear to be inactive at any given time, perhaps because further investigation is being undertaken or experts' reports are awaited. Unit heads therefore prefer to use the monthly progress reports completed by lawyers on their workload as an indicator of capacity and will always speak to individuals about this before allocating a new case.
- 3.13 Once the lawyer has been chosen the file is passed to the office manager to allocate a caseworker. The lawyer and caseworker will invariably retain the case until conclusion, if it is subsequently charged. This assists in developing a good prosecution team ethos, which is valued by police partners. In our sample there was good continuity of lawyer and caseworker in all the files we examined.

The provision of early advice

- 3.14 The complex nature of many aspects of the division's work requires the provision of advice at an early stage to ensure that essential lines of enquiry are identified, for example the requirement for expert evidence in medical manslaughter cases. Inspectors found, both from their file examination and interviews, that this was taking place appropriately and the availability of prosecutors to provide early advice was welcomed by investigators. Early advice was given in 33 of the 50 relevant cases (66.0%) examined which were subject to the pre-charge decision process.
- 3.15 In some cases the provision of early advice resulted in the investigation being stopped at an early stage because no potential offence was revealed, saving resources for investigators and reducing the time that suspects had to wait before a decision was made. In complex cases the early advice may be given in conference with the investigators, which assists in identifying what further evidence is required before a full Code test decision can be made. Prosecutors are now more involved at this stage in setting the terms of reference for experts, which should reduce delay.
- 3.16 However not all advice was recorded either on cases where a file was submitted, or where informal telephone advice was given that no further action should be taken without a police file. Files examined contained reference to earlier telephone conversations when it was clear that aspects of the case had been discussed, but there was no formal record of the conversation or the advice given.
- 3.17 It is important that a written record is kept of all advice provided and the information on which that advice is based, whether or not an investigator's file is submitted. This is necessary to ensure that the prosecutor can justify the basis of any advice if, for example, their decision is subsequently challenged. In our experience this also helps to raise the quality of the advice and decisions taken. There needs to be a clear audit trail of the decision-making process.
- 3.18 The division used to operate a process whereby any ad hoc advice that was formally recorded was kept in a folder, however this appears to have fallen into disuse. It was apparent, in the light of the findings, that there was an under-recording of advice. The case management system is not used routinely to record the provision of early advice. Where the early advice was recorded some managers were unsure about how the case should be finalised on xCMS. We comment further on this in paragraph 9.5.

RECOMMENDATION

Prosecutors should keep a written record of any advice provided - whether case-specific or generic - which sets out the nature of the enquiry, information upon which the advice is based, advice given and the reasons for this.

The involvement of counsel at the pre-charge stage

- 3.19 Counsel was instructed to provide advice prior to charge in seven of the 56 cases (12.5%) in the file sample which were referred to SCD. In some the initial file submission to the division had been up to two years before this inspection. SCD now rarely instructs counsel to advise whether to charge and any request to do so must be authorised by the unit head. However, as with a number of aspects of its work, no data is kept on the proportion of cases subject to advice by counsel at this stage.

Case building

- 3.20 As discussed above the complex nature of some the division's casework requires its prosecutors to have an input at the early stages of an investigation. In some instances this may be as early as the intelligence gathering stage. In each case examined the referral by the police had taken place at an appropriate stage in the investigation and conferences were held between the investigators and the allocated lawyer. Prosecutors were proactive in helping to build the case at this early stage, identifying further lines of enquiry and issues that experts needed to be asked to consider.
- 3.21 However there needs to be more robust management of cases once the further work has been identified. Under the statutory charging scheme - developed by the CPS and Association of Chief Police Officers (ACPO) - at CPS area level the additional work required to be undertaken before a pre-charge decision can be made will be set out in an action plan, which should specify the material required, why it is required and a target date for submission. This plan forms part of the MG3 document which is created for every charging decision recorded on the CPS case management system (CMS). All area pre-charge decisions should be recorded in this way. Due to the nature of SCD work, including the need to prepare very extensive review notes, it is not always appropriate to use the CMS process. However whether or not that process is used any advice to investigators should include a formal action plan with agreed dates for the submission of material. This will allow prosecutors to manage this stage more effectively and should assist in reducing avoidable delay.

RECOMMENDATION

Prosecutors should agree an action plan with the investigator whenever material or further investigation is requested at the pre-charge stage.

- 3.22 We examined a number of monthly progress reports, which prosecutors compile in respect of their allocated cases. In some cases it was unclear why there had been no progress month on month. The nature of the investigation and the material requested may have meant that the elapse of time was appropriate for investigative work. However this was not set out clearly, leading to a perception that cases were drifting. The structured use of action plans, as recommended, would lead to tighter monitoring of case progress and enable prosecutors to assess whether action should be taken to expedite the submission of material.

The quality of review and decision-making

- 3.23 As SCD have adopted a strong case ownership approach to file allocation it means that decision-making and review often becomes a continuous process from initial advice to charging decision stage, to conclusion of the case.
- 3.24 The quality of decision-making is very good. The evidential and public interest stages of the full Code test were applied correctly in each case examined. There were no cases in the file sample where the investigator had disagreed with the Code test decision by the prosecutor and interviewees could not recall when this had last occurred. Prosecutors were alert to the need to consider ancillary issues at the pre-charge stage, for example the need to apply for special measures for victims and witnesses, the admissibility of hearsay evidence and the possibility of applying to adduce evidence of bad character. Ancillary issues were considered appropriately in 13 of the 14 relevant cases (92.9%).
- 3.25 Overall the quality of the review note setting out the prosecutor's decision was very good, in some cases excellent. The review note set out all the relevant aspects of the decision in 45 of the 50 files examined (90.0%) in which the SCD prosecutor gave substantive advice. This is an improvement in performance since the last inspection of Casework Directorate, when 85% of review notes examined were of average quality or better. In cases involving allegations of manslaughter or deaths in custody the prosecutor's review notes were of a consistently high quality. They were very full and set out all aspects of the prosecutor's reasoning, together with the relevant law. In high profile cases prosecutors are particularly alert to the possibility that their decisions may be challenged by way of judicial review, which reinforces their awareness of the need to provide full review notes. In five cases the investigators were informed of the decision but this was not recorded appropriately on a review note or an MG3.
- 3.26 The policy of completing thorough and detailed review notes prior to charge means that subsequent or additional reviews are less likely to occur unless there is a change in circumstances in the case. The formal decision to proceed to summary trial or Crown Court is therefore not always endorsed on the file and it was recorded in seven out of 15 cases (46.7%) in our file sample. In all seven the review note met the high standard set for them. Subsequent reviews were recorded in only four out of 12 relevant cases (33.3%).
- 3.27 All the cases in our file sample (100%) were dealt with at the appropriate decision-making level and proceeded on the correct charges in 13 out of 15 (86.7%). Our findings were supported by interviews with external stakeholders who highly regard the service provided by SCD, particularly in respect of those offences where individuals have been appointed as specific points of contact. We saw a number of examples of cases where difficult decisions were supported by thorough and well reasoned review notes.
- 3.28 The division has rigorous processes for quality assuring review notes and charging decisions. In the London office each decision, and the review note of that decision, is assessed by the head of the crime unit. Constructive feedback is given on the quality of the review note and, where necessary, there is discussion of the pre-charge decision. In complex cases the allocated prosecutor will confer with the relevant expert in the division before the review note is submitted. A similar process operates in the York office, although the quality assurance process is undertaken by the level E lawyers. Copies of the review notes are forwarded to the unit head. Examples of this process were noted in the files examined in the course of the inspection. The specific process for quality assuring the review decision in death in custody cases is discussed at paragraph 6.11.

STRENGTH

The high quality of decision-making, review notes and process of supervision at the pre-charge stage.

The timeliness of review and decision-making

- 3.29 There was avoidable delay in the process prior to charge in 20 of the 50 relevant cases (40.0%) examined. In 11 of the 20 (55.0%) the prosecutor could have done more to reduce the delay either by a more timely review decision or being more proactive in managing requests for further information from the investigator. Investigators also expressed concern about the timeliness of decisions, although some considered that it was improving.
- 3.30 Some of the cases dealt with will take a long time before the stage is reached where a final decision can be made and the need to obtain expert evidence was cited as a primary cause. Prosecutors also become involved at an earlier stage of the investigative process, which may be many months before it can reasonably be expected that the cases will be ready for a final decision. However we noted straightforward cases where no additional material was required and there was no apparent reason for the delay.
- 3.31 Cases involving, for example, alleged offences against CPS employees and election offences may involve the consideration of summary only offences where, subject to certain limited exceptions, the proceedings must be started within six months of the date of the offence. It is therefore important that these cases are monitored to ensure that the statutory time limit is not missed or decisions taken at the last minute. Concerns were expressed about the impact on resources in the London office as a result of a number of prosecutors being on long term sick absence, which was resulting in cases being reallocated at short notice to ensure they were reviewed before the expiry of statutory time limits.
- 3.32 The policy of case building before the charging decision is taken means that cases are ready to proceed in a timely manner once charged. Cases are well managed by caseworkers and lawyers and in 13 out of 15 (86.7%) in our sample it was apparent from conference notes and correspondence that the case had been kept under continuous review. However it can appear from the lack of endorsement of post-charge reviews that in some there has been little activity for relatively lengthy periods of time.
- 3.33 Performance information on the timeliness of decision-making is not collated. Managers rely on the monthly progress reports completed by lawyers and use of local case management panels to monitor casework progress. However we noted some reports where little progress appeared to have been made for some time. It is intended that the current recording system used within the division to measure the amount of time spent on cases will be linked to the monthly reports, so where the report indicates no progress has been made the lawyer will be asked to account for time recorded against that case. The primary purpose of the panels is perceived to be to control and monitor counsel fee expenditure rather than case progression. Whilst it may not be appropriate to set specific timescales in which decisions should be taken due to the nature of the casework, managers should more proactively assess whether cases are being dealt with expeditiously.

ASPECT FOR IMPROVEMENT

Unit heads should, through the monthly case reporting process, assess the timeliness of decision-making at the pre-charge stage and instigate remedial action where necessary.

Benefits realisation

- 3.34 Our analysis of cases indicated that most of those referred to SCD for advice result in advice to take no further action. Owing to the nature of some aspects of the division's work, its very early involvement in some investigations, and that it takes cases from a variety of investigative sources, it would not be appropriate to consider the no further action to charge ratio as an indicator of performance, but it would provide a measure and a longer term indicator of consistency of approach. Whilst we have assessed the standard of decision-making as very good, and we found no dissatisfaction on the part of the police, the proportion needs to be regularly considered by managers to check that prosecutors are not risk averse in their decision-making.
- 3.35 Additionally the division should consider on a regular basis its overall successful outcome rate in cases where the decision is that the suspect should be charged, whilst bearing in mind there are few appropriate comparators within the CPS for this data.
- 3.36 This aspect of performance is not discussed at senior management or unit team meetings. We have made an overarching recommendation in respect of the need to improve the division's performance management framework at paragraph 10.4. This aspect of performance should be included in that framework.

4 CASE MANAGEMENT

Introduction

- 4.1 In this chapter we consider the way SCD manage cases once proceedings have been instituted. The number of prosecutions are relatively small and the cases themselves range from relatively straight forward to complex ones with immense personal or public interest.

File management and endorsement

- 4.2 All files should be organised according to the SCD file format guidance, which requires documents to be kept in specific coloured folders within the file according to their category. These systems were rarely adhered to in full although we found that most files were sufficiently well organised to be followed, but sometimes with difficulty.
- 4.3 Case files are not endorsed in court or after court hearings even where division lawyers conduct the hearing or where caseworkers attend court to support counsel. The advantage of using the case file to record court hearings is that it can provide an advocate with an easily accessible audit trail of the history of the case in court. Detailed attendance notes are made of court hearings and are invariably typed. These should be placed in a red folder within the file but in many of the those examined they were found with the correspondence or elsewhere.
- 4.4 Case outcomes are also not routinely endorsed on the file but are usually found on the court attendance note within it. The failure to endorse the outcome can lead to incorrect finalisation codes being recorded on xCMS.
- 4.5 HMCPSI's audit report of CPS performance in file endorsements and the administration of cases (May 2008) found this to be an issue in most CPS areas and recommended the use of designated minute sheets for Crown Court cases to be stored in an agreed place in the file. The report highlighted the good practice of endorsing the designated part of the file jacket with brief notes of the hearing and any actions required.

RECOMMENDATION

Prosecutors and caseworkers at court should endorse clearly the file jacket of cases which they present or observe with the chronology of court hearings, bail status, court directions and necessary next steps. Where court attendance notes are compiled they should be stored systematically in the file.

Use of experts

- 4.6 The nature of the casework handled by SCD necessarily involves frequent expert witness evidence being gathered at the investigation stage. This needs to be considered to determine that the case meets the evidential stage of the full Code test and also how it will be best presented in the course of trial. Experts are often now selected in consultation with police investigators and we saw examples of cases where detailed 'terms of reference' drafted by reviewing lawyers had formed the basis of the request to expert witnesses for reports. In all cases in our sample where there was a need for expert evidence it was considered at the appropriate time by the reviewing lawyer.

- 4.7 Lawyers' previous experience of individual expert witnesses was found to be of crucial importance and the need for this type of evidence is increasingly forming part of lawyers' review notes. The expert witness reports on files examined by inspectors were of a consistently high standard.
- 4.8 The prosecution expert evidence was served on the defence in all cases where it was intended to rely on this evidence in court and similarly when received from the defence was passed to the prosecution expert. In one major case an expert witness engaged by the prosecution had been very slow in providing a response to defence expert witness evidence at the pre-trial stage. This led to the trial judge ordering the expert to attend court to explain the delay.

Case progression

- 4.9 Although the post-charge caseload is relatively small and may be distributed across different court centres nationwide, the principles of efficient case progression should not be ignored. Indeed the temptation to let cases drift is likely to be greater as SCD is not subject to the sort of regular inter-agency scrutiny and constructive challenge that most other CPS areas will recognise.
- 4.10 Caseworkers regard themselves as case progression officers on their own cases and clearly carry out the liaison role efficiently with the court, prosecution counsel, defence representatives, police or other investigatory bodies. Timeliness of response to incoming correspondence from defence representatives was good and was acknowledged and dealt with appropriately in 94.4% of cases. In all those where additional material was received from the police it was correctly logged, reviewed and served or disclosed.
- 4.11 The caseworkers, nevertheless, see the allocated lawyer as taking the lead in chasing or pushing those other parties for essential actions to move a case forward against the background of court imposed case timetables or Criminal Procedure Rules deadlines generally. Although cases are well progressed, there was some uncertainty amongst staff as to the respective roles and responsibilities of the lawyer and caseworker. Some clear guidelines ought perhaps to be set out and communicated to staff and we have noted this as an aspect for improvement in paragraph 11.4.
- 4.12 The prosecution was ready to proceed at the plea and case management or pre-trial review hearing in all cases in our sample. Feedback from counsel regularly instructed by the division confirmed that court orders and directions were promptly and comprehensively complied with in most instances. Although there are no formal standardised systems within the division for ensuring compliance with directions, inspectors found adherence with timetables set by the court was satisfactory. Court orders were complied with or the case referred back to court in ten out of 14 relevant cases (71.4%) in our file sample. However the failure to record case hearing outcomes fully and accurately at court does create an obvious and serious risk that some directions or the detail of them will be missed.

Disclosure of unused material

- 4.13 Disclosure of unused material is the process by which the prosecution will disclose to the defence any material obtained in the course of the investigation which does not form part of the prosecution case and which may undermine the prosecution case or may assist that of the defence.
- 4.14 A high proportion of the cases presented by SCD involve large volumes of material and complex issues of disclosure. The range of police forces and other investigatory bodies with which it deals and the complex nature of the cases handled, which often involve third parties, means that a clear adherence to the CPS/ACPO Disclosure Manual and associated CPS policy guidance is of

vital importance. The extensive use of counsel is also a factor which can increase the likelihood of so called 'blanket' disclosure that threatens the integrity of protocols issued by the senior judiciary. The majority of cases examined demonstrated that the issues of disclosure were well understood by lawyers and that they properly discharged their duties.

- 4.15 There were 14 cases in our file sample where the duties of disclosure of unused material were triggered. The prosecutor's duty of initial disclosure was properly complied with in 11 out of 14 (78.6%) and continuing disclosure was dealt with correctly in nine out of ten (90.0%). This is a higher proportion than was achieved for the CPS nationally (56.6% and 71.3% respectively) at the time of HMCPSI's thematic review of the duties of disclosure of unused material (May 2008). Non-compliance issues related to procedural matters as opposed to a failure to disclose material. For example a record should be kept of all decisions relating to the disclosure to the defence, withholding material or inspection of material and should be noted on the disclosure record sheet. A sheet was completed and attached to the file in only 9% of cases in this inspection. In two cases the quality of police unused material schedules was poor, but went unchallenged by the prosecutor. In one of these the MG6 series of forms used was an old version no longer in compliance with the Disclosure Manual.
- 4.16 Sensitive material is that which, if disclosed, creates a real risk of serious prejudice to an important public interest and may include, for example, details of informants or undercover police officers. SCD have clear systems for the receipt and secure storage of sensitive material. However in five out of nine cases (55.6%) we found that the overall treatment of sensitive material was not wholly in accordance with the manual. The shortcomings mainly involved poor quality sensitive material schedules prepared by the police which included items that were not sensitive and were not challenged by prosecutors. Public interest immunity (PII) applications¹ were made in two cases, but a strategy had been agreed with the police to deal with the outcome of an adverse ruling by the court in only one. No log is maintained to record the incidence and outcome of PII applications to the court to withhold sensitive unused material. This needs to be addressed without delay.
- 4.17 As a consequence of their existing skills and experience, all lawyers have the necessary level of knowledge to discharge their duties properly and fully under the Criminal Procedure and Investigations Act 1996 (CPIA). However little training has been provided for lawyers and caseworkers since the Criminal Justice Act 2003 revised the CPIA's provisions, although lawyers have delivered training on disclosure to police colleagues, which was well received. In the light of the nature and seriousness of casework regularly undertaken by the division it is important that all lawyers should receive at least the advanced disclosure training provided by the CPS, as well as other specialist disclosure-related training such as that on covert surveillance.
- 4.18 The division has no recognised national champion or specialist on disclosure although the York office has identified a lead lawyer. The London office has no official lead, although it appeared that it was fulfilled by default. It would be a more coherent approach for SCD to consider nominating a lawyer to assume the role of disclosure champion for both offices and for that individual to adopt the standard job profile to be determined by the CPS Business Development Directorate in the wake of the publication of the 2008 HMCPSI disclosure thematic report.

¹ Public interest immunity applications are the process by which the Crown may apply to the court to withhold material from the defence which is discloseable, but the Crown claims there is a public interest in not disclosing it.

RECOMMENDATION

Managers should:

- implement the use of a public interest immunity applications log;
 - ensure all inadequate schedules of unused material are returned to the police;
 - implement the use of the disclosure record sheet;
 - ensure all lawyers and caseworkers have received up-to-date training on unused material; and
 - consider appointing a disclosure champion.
-

Effective, ineffective and cracked trials

4.19 It is beneficial for many reasons to reduce the rate of ineffective² trials, not least because they adversely affect victims and witnesses who attend court unnecessarily and delay the conclusion of the case. SCD generally performs well in respect of cracked³ and ineffective trials. The quarterly performance report lists each trial and the reasons why the case has not proceeded on the anticipated date. Trials are rarely ineffective because of SCD or the police and the most common reason for them cracking is due to the defendant entering a late guilty plea, as illustrated below. This data was extracted from SCD's performance data for the nine month period September 2007-June 2008.

	Number	%
Cracked	7	28
Ineffective	2	8
Effective	16	64
Total	25	100

Successful outcomes

4.20 The CPS has set itself a combined target for reducing the rate of unsuccessful outcomes in both magistrates' courts and Crown Court cases. SCD does not have a target for unsuccessful outcomes, although attrition is discussed in the division's quarterly performance review with the DPP and Chief Executive in the same way as CPS area performance is discussed. The information contained in the two tables below was obtained from the SCD quarterly performance review in June 2008.

Successful outcomes (as a percentage of completed Crown Court cases)

National target 2007-08	National performance 2007-08	SCD performance 2007-08
80.0%	80.0%	63.6%

4.21 SCD achieved a successful outcome rate of 63.6% in the year 2007-08. This is significantly below the national target and national performance over the same period. It should, however, be borne in mind that the contentious nature of some of the cases handled by the division means that they are more likely to result in contested trials. Furthermore SCD have a smaller number of cases that proceed to trial than the smallest CPS area, and therefore one or two failed cases can have a

2 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.

3 A case listed for a contested trial which does not proceed either because the defendant changes his pleas to guilty, pleads to an alternative charge or the prosecution offers no evidence.

disproportionate affect on the overall figure. In this period there was one case involving six defendants which resulted in a judge directed acquittal. If this case was discounted on the basis that this was an unusual occurrence, the overall conviction rate would have been 71.4%.

4.22 SCD do not monitor either the overall successful outcome rate or draw comparisons with other prosecuting divisions with similar profiles or caseloads, preferring to consider outcomes on a case-by-case basis. Bearing in mind the caseload this may be appropriate on a monthly or quarterly basis, but there may be scope for bi-annual consideration of data and comparison with other divisions. For example, during 2007-08 the Counter Terrorism Division had an overall conviction rate of 92%, Organised Crime Division 91%, the (CPS) Fraud Prosecution Service 82%, and the Serious Fraud Office 61%.

4.23 The following table illustrates SCD's case outcomes and shows the number of defendants in each category for 2007-08.

Case outcomes in the Crown Court	Number 2007-08	Percentage 2007-08
Judge ordered acquittals ⁴	4	7.3
Judge directed acquittals ⁵	8 ⁶	14.5
Acquittals after trial	8	14.5
Guilty pleas	23	41.8
Conviction after trial	12	21.8
Total	55	100
Overall conviction rate	35	63.6

Discharged committals and discontinuance

4.24 It is extremely unusual for cases not to be ready for committal or to be discontinued following charge. There were no committals discharged because they were not ready to proceed in 2007-08. Only one case was discontinued in our file sample; an election case where further information led to the defendant being cautioned. There was timely consultation with the police which was properly recorded.

Learning lessons

4.25 In the last report we recommended that the caseworker and lawyer should prepare formal written reports in all cases with adverse outcomes (that is those that result in judge ordered or judge directed acquittals) and that managers should analyse and circulate the results to ensure staff can learn appropriate lessons. SCD have since devised post-case analysis forms which should be completed by the reviewing lawyer on all contested cases regardless of the outcome. The form contains a helpful list of potential issues to remind the lawyer what should be covered in the report and if used correctly would be a useful tool for learning lessons. However these are not always completed with sufficient detail. The forms are not circulated amongst the lawyers and caseworkers, nor a summary of content on a monthly or quarterly basis compiled. Where lessons could be learned they are not always discussed in team meetings.

4 Where the judge dismisses a case as a result of the prosecution offering no evidence before a jury is empanelled.

5 Where the judge directs a jury to find the defendant not guilty after the trial has started.

6 This figure relates to two cases, one of which involved six defendants.

- 4.26 The system for sharing information for the purpose of learning lessons with criminal justice partners is also inconsistent. In some categories of offences such as police misconduct a joint debrief is frequently held with the police, and often counsel, to discuss what went well and what could be improved upon. This is of considerable benefit in building the prosecution team and informing future handling of these types of cases. However these are not routinely held for all types of offences.

STRENGTH

The practice of a joint debrief in police misconduct cases post-trial with police and counsel.

- 4.27 Although performance in respect of outcomes is discussed on a case-by-case basis this is not translated into performance data. The rationale for this is that the number of cases proceeding to trial is so few that any adverse outcome could disproportionately affect overall performance figures and would not necessarily provide an accurate assessment of the quality of work.
- 4.28 In any event, as we discuss in chapter 10 limited use is made of the reports that can be obtained on outcomes from xCMS, and therefore managers rely on individuals to provide reports on outcomes on a monthly basis. These then form the basis of the division's quarterly performance reports.

RECOMMENDATION

Post-case analysis forms should be completed in all contested cases by the reviewing lawyer, analysed by managers and lessons to be learned should be shared formally with staff.

Use of the case management system

- 4.29 Some of the work undertaken by SCD is of a particularly sensitive or confidential nature and as a result the case management system (CMS) used nationally by the CPS has been adapted for use by SCD and is known as xCMS. Only authorised users are able to log into xCMS and points of access are limited.
- 4.30 Correspondence and documents are rarely generated on xCMS and it does not lend itself to all aspects of the division's work. For example the field available for the review decision is small and there is insufficient space to input details in cases involving high numbers of witnesses in order to generate the witness warning forms. Some prosecutors have adopted the approach of endorsing the xCMS review box with comments such as "see paper file" but others have become disillusioned with the system and do not use it at all. This is discussed further in chapter 10 where we have made a recommendation.
- 4.31 CPS areas have targets to update and finalise 75% of cases on CMS within one day of the court hearing. SCD do not have targets for updating and finalising cases. A number of those in our sample had not been updated or finalised for several weeks after the last date of hearing and further checks undertaken on xCMS revealed some had not been updated for several months.

Custody time limits

- 4.32 There have been no custody time limit (CTL) failures since the division was set up. It deals with very few cases where defendants are in custody and there were only four in 2007-08. It is still incumbent upon the division to monitor CTLs in accordance with CPS national guidance. Although in the last report we made two recommendations in respect of these limits no progress has been made to address the weaknesses in the system. It is important this is now actioned and we have made a further recommendation below.
- 4.33 During the course of this inspection we examined three files where CTLs applied. In one case the expiry date was clearly displayed on the file jacket and a well researched and argued application for an extension had been drafted by the reviewing lawyer. In the other two it was difficult to ascertain the history of the CTLs and current position. In the course of xCMS checks carried out on another case the outcome of CTL extension hearings had not been recorded.
- 4.34 Although there was good general awareness of the importance of CTLs, and the division has published on the intranet a brief one page guide to calculating and recording them, not all staff were aware of this guide or indeed of the recently published CPS guidance on essential actions for time limit monitoring.
- 4.35 CTLs are monitored using a manual diary and a white board which are maintained by the Unit Business Manager, but individual accountability for monitoring individual cases and maintaining the office system is lacking. There has not been any recent training provided for divisional staff nor is there a designated CTL champion for either office or for the division as a whole.

RECOMMENDATION

Special Crime Division should adopt the CPS national custody time limit framework and appoint a champion to oversee compliance.

5 THE CASE AT COURT

Introduction

5.1 The relatively small number of SCD cases which proceed as prosecutions meant that the opportunities to observe cases at court has been limited. Nevertheless we observed seven at courts across the country emanating from both the London and York offices. Counsel instructed by SCD and in-house advocates have been seen conducting a range of hearing types including trials, plea and case management hearings and sentencing hearings. In addition to that a full day's court list at the City of Westminster Magistrates' Court was observed where both counsel agents and seconded barristers employed by the CPS were presenting a variety of extradition hearings before the District Judge.

Choice of advocate

5.2 The majority of cases are dealt with in the Crown Court and many of the SCD trials are of such length and complexity, or take place geographically a long way from the office, so as to present some logistical barriers to using the division's own lawyers to prosecute the cases in court. The crime units are relatively small and the regular abstraction of lawyers to undertake lengthy trials would require careful planning so as not to adversely affect the quality of case review and preparation.

Selection and use of counsel

5.3 SCD does not have a system of preferred sets of chambers, nor do they maintain a list of approved or recommended counsel for particular type of cases. Counsel is usually selected by the caseworker in consultation with the reviewing lawyer and sometimes the police. The division instructs Treasury Counsel in a number of cases, in particular for unduly lenient sentence referrals where they are chosen on a rotational basis and will draft the reference, advise the Attorney General and appear before the Court of Appeal. In cases such as extradition where there are fewer counsel specialising in this area of law, counsel are selected from a small number of sets of chambers.

5.4 In respect of the other areas of work caseworkers and lawyers tend to brief counsel based on knowledge built up within the division over a period of years and whom they know from experience and can rely upon to comply with timescales for delivery of work and to engage with victims and witnesses at court.

5.5 We examined some cases that were not of a complex or serious nature but were dealt with by SCD because of the identity of the defendant, for example an employee of the CPS. As these do not require specialist counsel they would provide the division with the opportunity to expand the pool of counsel whom they are willing to instruct.

5.6 The policy of instructing counsel at an early stage in the proceedings and the high profile and significance of much of SCD's casework means that there are very few returned briefs and that instructed counsel will cover all court hearings save in unavoidable circumstances.

Use of crown advocates

5.7 SCD currently employs 12 crown and senior crown advocates in total, (although not all of these have yet completed stage two of the CPS higher court advocate training programme that would equip them to conduct trials), and up to six barristers on short term contracts at any given time. The Head of Division appears regularly in court to conduct hearings including trials. The division does not maintain detailed data giving the number of court hearings covered in-house or by instructed counsel or agents. Nevertheless it is apparent that hearings conducted by in-house lawyers represent only a very small minority of the total.

- 5.8 The arrangement within the extradition unit (described in chapter 7) whereby counsel employed on short term contracts cover the majority of hearings at the City of Westminster Magistrates' Court is an effective way of ensuring that a significant proportion of hearings are covered 'in-house', albeit not by the permanent lawyers within the unit.
- 5.9 In the last report in 2002 we recommended that senior managers should devise a strategy to provide greater opportunities for lawyers to maintain and develop their advocacy skills. Since then the CPS has developed its advocacy strategy which provides for increased deployment of crown advocates. Little progress has been made in respect of our recommendation and there is clearly a tension apparent within the division between the desire to implement the CPS advocacy strategy and the practical issues raised above. On the one hand the lawyers would be best developed by prosecuting their own cases, but on the other the logistical issues mentioned above and the nature of their cases do make this difficult (see paragraph 5.2). There would also be a significant risk in using the division's caseload, which are by definition some of the most difficult and sensitive handled by the CPS, for inexperienced advocates to 'cut their teeth'. This is recognised by managers who are considering a scheme whereby SCD's crown advocates might be 'loaned' to CPS areas to maintain their advocacy skills. This has met with a mixed response by the lawyers likely to be affected and it is important that this is now resolved as otherwise they risk losing their basic advocacy skills.

RECOMMENDATION

The Head of Special Crime Division should address how the CPS advocacy strategy can be delivered and implemented by the division so as to make best use of the prosecutor resources available.

Advocacy monitoring

- 5.10 Lawyers and caseworkers are well informed concerning the ability and skills of particular counsel, but there is no formal system of advocacy monitoring. As caseworkers invariably cover their cases in court they are able to provide feedback to managers where necessary if they have concerns over counsel's level of preparation or ability to present the case. There are also adequate arrangements to monitor the performance of seconded counsel based in the extradition unit.

Instructions to counsel

- 5.11 Instructions to counsel are usually prepared by the caseworker with variable input from lawyers. The standardised CPS Instructions to Prosecution Advocates package for briefing counsel is not always used and this, coupled with reluctance to use xCMS by some staff, places a greater responsibility on the division to ensure that the quality of instructions to counsel is consistent and to a high standard.
- 5.12 In the last report we recommended that guidance should be provided to lawyers and caseworkers on the preparation of instructions to counsel to ensure they are detailed, informative and adequately reflect the case issues, and that briefs should be monitored to ensure a consistent quality.

- 5.13 There has been limited progress in respect of this recommendation. Earlier this year a Briefs to Counsel page was added to the Divisional Systems link on SCD's intranet pages. This is a useful addition to existing office practice but it has not yet been embedded into current procedures. For example the case analysis section, which is intended to alert counsel to the lawyer's strategic view of the prosecution and the acceptability of any pleas to alternative offences, is frequently omitted. Although the reviewing lawyer's detailed review note is usually included in the instructions this does not adequately fulfil this section of the CPS package.
- 5.14 In the file sample 89.4% of cases had complete instructions to the prosecution advocate in terms of the detail and issues in the case. In the past casework managers would routinely check the quality of committal papers before they were despatched but this practice ceased some time ago. Senior managers accept that no monitoring of the quality of instructions currently takes place.

RECOMMENDATION

Managers should implement Special Crime Division's guidance on instructions to counsel and undertake systematic monitoring to ensure a consistent quality.

Attendance at court by the caseworker

- 5.15 The division attempts to ensure that all significant hearings are covered at least by the allocated caseworker and often by the reviewing lawyer as well. Caseworkers cover hearings to support counsel at courts remote from their permanent work station and often for lengthy periods. Feedback from senior counsel and other court users concerning the quality of casework support provided at court has been very positive and there have been commendations from the judiciary praising the work of London office caseworkers during the last year.
- 5.16 By contrast there is no regular casework support provided to cover extradition hearings at the City of Westminster Magistrates' Court. It is unusual for a caseworker to be allocated an extradition case unless there are Appellate Court proceedings.
- 5.17 Level A2 caseworkers always attend the Court of Appeal to cover unduly lenient sentence cases referred by the Attorney General. Similarly any House of Lords appeal hearings are covered by the caseworker with special responsibility for this work.

The care and treatment of victims and witnesses at court

- 5.18 We were impressed by the service provided by SCD in all the cases observed at court. The caseworker in the case was present for all of them. There was good liaison with the Witness Service and in all cases the caseworker, lawyer and prosecuting advocate took time to introduce themselves and explain the proceedings to the witnesses before court, and at the end of the case explained the outcome of the court proceedings.

STRENGTH

The service provided to victims and witnesses at court by caseworkers, lawyers and advocates.

- 5.19 In October 2005 the Attorney General introduced the Prosecutors' Pledge. It sets out the level of service that victims, or in cases involving a death their families, can expect to receive from prosecutors. The pledge underpins the Attorney General's guidelines on the acceptability of pleas and outlines the role that all prosecutors have to play in protecting victims' interests.
- 5.20 There is good compliance with the Prosecutors' Pledge by SCD. The Witness Care Unit are proactive in arranging pre-trial familiarisation visits for civilian witnesses and they are well supported when attending court to give evidence. The order in which it is planned witnesses will give evidence, including likely date and times, are routinely agreed prior to the court hearing to minimise witness waiting times.

6 SPECIALIST CASEWORK

Introduction

- 6.1 SCD is regarded as an elite casework division and as such handles a number of categories of specialist casework. In this chapter we discuss the different types of offences and how well they are handled.

Use of specialists

- 6.2 The division has a list of specialists for various aspects of work who are usually the single point of contact for outside agencies and CPS area prosecutors, although work may be allocated to non-specialists. Where this occurs the specialist will be consulted before the decision whether to charge is made and examples of this were seen in the file examination.

Domestic extremism

- 6.3 Domestic extremism cases are those that involve extreme left and right wing political activity and animal rights extremism.
- 6.4 The division does not usually have responsibility for the cases but acts as a co-ordinator between CPS areas where there is related unlawful activity across the country, for example when animal rights extremists target suppliers to companies involved in the pharmaceutical business. The post of CPS National Domestic Extremism Co-ordinator (which has been established since our last inspection) is sited in the division. The post holder works closely with the police national domestic extremism unit.
- 6.5 Two files were examined during the course of the inspection where there had been input by SCD. In one involving low level protest activity the division had, unusually, conducted the proceedings. The case was well handled including good support to the witnesses, some of whom were foreign embassy staff. The other case had come to the division after a complaint from a victim over a CPS area decision to advise no further action against a suspect at the pre-charge stage. The specific activity was apparently part of a much wider campaign of economic disruption and would have benefited from SCD's advice before the decision was taken.
- 6.6 Whilst the role of the co-ordinator is defined, there is a need to clarify when cases involving domestic extremism should be referred by CPS areas to SCD for its advice and guidance. At the moment this is ad hoc and relies primarily on referral by the police.

ASPECT FOR IMPROVEMENT

The Head of Special Crime Division should issue guidance to CPS areas on when, and at what stage, cases should be referred to the CPS National Domestic Extremism Co-ordinator for advice and guidance.

Deaths in custody

- 6.7 The division is responsible for advising on all cases where proceedings are contemplated arising out of a death in custody. Cases may be referred either by the Independent Police Complaints Commission (IPCC), or the police where the death arises in a custodial establishment other than a police station. The definition of a death in custody is widely drawn and includes fatal shootings where police officers fire the fatal shots and those that occur during or following other types of contact with the police. In respect of deaths in prison custody the definition relates to those who die in prison where the acts or omissions of an agent of the prison authority may have been more than a minimal cause of death.
- 6.8 This a highly sensitive aspect of the division's work which can involve it advising on the highest profile cases, for example the shooting of Jean Charles de Menezes. It is therefore essential that its decision-making is of the highest quality, capable of withstanding challenge by way of judicial review⁷.
- 6.9 A protocol signed recently between SCD and the IPCC provides that the division will be notified at an early stage of every case involving a fatality where the investigation is managed by the IPCC. There is a single point of contact in SCD to whom each notified case is allocated in the first instance. However very few of the investigations notified reach the point where an evidential file is referred by the IPCC to the division for them to provide advice as to whether a case can proceed to prosecution. This process can therefore give a misleading impression of caseload, as all notifications are registered on xCMS regardless of whether they eventually become substantive files. If there is no requirement for any substantive consideration of the case it is finalised as a no further action (NFA) pre-charge decision. This would, if done, significantly distort any performance information on the ratio of NFA to charge cases. Managers will wish to consider whether it would be more appropriate to record these cases as administratively finalised or under a customised category.
- 6.10 We examined seven files that met the definition of a death in custody, including three that were only notifications by the IPCC and so did not involve any substantive consideration of the evidence by SCD. Two of the four substantive cases examined related to deaths in prison custody. In each of the four the full Code test was applied correctly. Counsel was asked to advise in each, which in one contributed to significant delay. However the division now only seeks advice from counsel in exceptional cases.
- 6.11 The overall standard of casework review and the division's systems to quality assure review work generally is considered in detail at chapter 3. In respect of death in custody cases there are very strict quality assurance processes in place which ensure that they are only allocated to 'ticketed' crown prosecutors. To be ticketed a prosecutor must submit a review decision to the DPP (who oversees all cases arising from a death in custody) who will determine whether it meets the required standard and, if so, authorise the prosecutor to undertake this type of work in the future. Whilst there may be advice and guidance provided by senior lawyers in SCD they will not amend the review note before submission, or if they do it will be clearly marked. Ticketing is not automatically granted and it may take more than one attempt before the required standard is met. Divisional managers put significant value on this objective assessment, which ensures that these cases are dealt with to a consistently high standard.

7 *R (on the application of Da Silva) v DPP* [2006]EWHC 3204 (Admin).

- 6.12 The then Attorney General's review of the role and practices of the CPS in cases arising from a death in custody (July 2003) concluded that statistical information should be compiled that would enable the CPS to demonstrate its performance and identify any patterns and scope for improvement. Whilst there are few such cases this statistical information is not compiled. The division's overall approach to performance management is discussed in chapter 10 and a recommendation made. The statistical information referred to here should be included in SCD's response to that recommendation.

Election offences

- 6.13 Cases alleging breaches of the law governing national and local elections are dealt with on a geographical basis, split between the London and York offices. All level D lawyers have been trained to provide advice in these cases although there is a lead lawyer for the division. The types of case referred range from alleged minor infractions of technical electoral regulations to serious malpractice.
- 6.14 Workload increases at the time of either national or local elections, including requests for early telephone advice either from the police or the Electoral Commission. Whilst the provision of early advice may not result in a file being submitted, it is important that there is a clear audit trail of any advice given and the division's recording processes need to be improved. We have made a recommendation in respect of this at paragraph 3.18.
- 6.15 SCD has a very good working relationship with the Electoral Commission and the lead lawyer has had substantial involvement in the drafting of a joint document published by the ACPO and the Electoral Commission: *Guidance on preventing and detecting electoral malpractice* (London edition 31 January 2008). This includes SCD's points of contact for alleged offences.

Gross negligence manslaughter

- 6.16 This term is used to define a group of offences of homicide where the death of a person or persons is due in whole or in part to the negligent breach of the duty of care owed to them by an individual or corporate entity. Because the degree of negligence required to establish culpability is substantial or "gross", these offences are commonly referred to as gross negligence manslaughter. Corporate manslaughter and medical manslaughter come within this definition and, due to the complex and sensitive nature of these type of cases, they must be referred to SCD by CPS areas.
- 6.17 Corporate manslaughter is the term for an offence of gross negligence manslaughter committed by an organisation including a company, partnership, government department or police force. Where the conduct or events alleged to constitute the offence occurred on or after 6 April 2008, the new Corporate Manslaughter and Corporate Homicide Act 2007 will apply. This legislation was intended to address perceived difficulties in the pre-existing law where identification of senior individuals within corporations as so called "controlling minds" was essential for a successful prosecution.
- 6.18 Medical manslaughter is not defined by statute, but is a term used by the CPS to identify those individuals with a medical qualification who are acting in that capacity when the act or omission occurs that causes the patient's death. It will include doctors, nurses, paramedics, dentists and pharmacists, but excludes others involved in a medical setting such as porters and receptionists. It also excludes medical staff who have allegedly murdered or deliberately harmed their patients. Gross negligence medical manslaughter cases are in the process of being devolved to CPS areas and will only be dealt with by ticketed lawyers. In order to be authorised for these cases lawyers must undergo training provided by SCD and must undertake the review of a case under its supervision. The final review must be approved by the DPP's Principal Legal Adviser before the lawyer is authorised to deal with these type of cases.

- 6.19 We examined a total of 13 files where manslaughter was the suggested offence. These ranged from an investigation into the death from electrocution of a scaffolder employed to work on a construction site where the employer's record of discharging their duties under health and safety legislation was called into question (corporate) to the death of an infant following an emergency caesarean section in circumstances where allegations concerning the competence of hospital professionals had been made (medical).
- 6.20 Inevitably these cases are distressing. They can generate much publicity and are frequently the subject of examination by other tribunals where CPS decision-making will be open to questions of criticism from those disappointed by its consequences. In all these cases we agreed with the review decisions made and were impressed both by the quality and thoroughness of the review notes prepared by the division's lawyers and also by the degree of empathy demonstrated by their willingness to meet with victims' families in order to explain decisions.

Police misconduct

- 6.21 Most criminal allegations against persons serving with the police are handled under well established arrangements which allow for adjoining CPS areas to review and prosecute any appropriate offences charged. However local police forces are required to submit to SCD allegations of seriously corrupt activity against such persons. This responsibility is in addition to their obligation to deal with the death in custody cases discussed above.
- 6.22 We examined a total of six cases involving alleged police misconduct that fell into the categories set out in the referral criteria. Examples included the unauthorised disclosure of confidential material by a serving police officer to defendants prosecuted for drug trafficking offences, and the theft by officers of property handed in to police stations by members of the public detected as part of a larger operation to deal with such corrupt activity.
- 6.23 In all these cases we agreed with the review decisions taken and considered that the prosecutions which ensued were handled appropriately and in a way that would be likely to promote public confidence in the criminal justice system.

High profile people

- 6.24 These cases involve individuals who are in the public eye, for example Members of Parliament, either as potential defendants or as witnesses and include cases which may have political or constitutional implications. The highly confidential and sensitive nature of some of these offences and the fact that they tend to attract a high level of media attention means they are more appropriately handled by SCD rather than CPS areas. Also included within this category are cases involving allegations of criminal conduct by CPS employees.
- 6.25 We examined five cases that fell within this category. We were very impressed with the high quality of decision-making and case preparation in all of them. In one involving a CPS employee all the court hearings were conducted by in-house lawyers.

7 OTHER SPECIFIC PROCEEDINGS

Introduction

- 7.1 In this section we evaluate how SCD handles those specific aspects of its work which do not fall within the Code for Crown Prosecutors' acceptance criteria.

Unduly lenient sentences

- 7.2 Section 36 of the Criminal Justice Act 1988 allows the Attorney General to refer certain cases to the Court of Appeal to review the sentence if it appears that the sentence imposed is unduly lenient. Notice of an application for leave to refer the case must be lodged with the registrar of Criminal Appeals within 28 days of sentence. There is no power to extend the limit or to make application for leave to apply out of time.
- 7.3 The Attorney General may take action on her own initiative or upon the matter being referred by a victim, victim's relative or Member of Parliament on behalf of a constituent. The most usual procedure is for cases to be submitted by the CPS area which had conduct of the case. Many cases are identified promptly as appropriate for reference if the sentence is regarded as being unduly lenient.
- 7.4 If the area wishes to refer the case it should submit the appropriate papers to SCD within ten days of sentence. It is the personal responsibility of each Chief Crown Prosecutor to ensure that submissions by areas are complete and made within the time guidelines. At the time of our inspection of Casework Directorate in 2002 the then Attorney General was concerned about the timeliness and quality of the submission of papers.
- 7.5 It is apparent that SCD has undertaken a significant amount of work to improve this aspect of performance since our last inspection, which was reflected in very positive comments from the Attorney General's Office (AGO).
- 7.6 We examined six potentially unduly lenient sentence cases which had been sent to SCD by CPS areas for submission to the Attorney General. The sending of the papers by the areas was timely in five of the six and in each the appropriate documentation was included. All subsequent stages of the process, managed by SCD, were timely. The files examined indicated that caseworkers were proactive in ensuring that the referrals met the required standard before submission and there was effective liaison between SCD and the AGO in respect of all aspects of case handling.
- 7.7 An SCD caseworker attends the Court of Appeal hearing to assist counsel and liaise where necessary with the victim or their family. The result of the hearing is communicated to the area by SCD, which is another aspect of the work that has improved since our last inspection.
- 7.8 The possible outcomes are that the AGO decides not to seek leave to refer the case; the Court of Appeal declines to give leave; the Court of Appeal does not consider the sentence to be unduly lenient; the Court of Appeal considers the sentence is unduly lenient but does not increase it; or the Court of Appeal increases the sentence. SCD does not keep any performance data in respect of this aspect of its casework, relying on the data kept by the AGO. The table overleaf illustrates outcomes for 2007⁸.

8 A break down by offence type is available at www.attorneygeneral.gov.uk/attachments/2007%20Performance%20Chart.doc.

Applications to refer	Leave to refer refused by Court of Appeal	Not unduly lenient	Unduly lenient	Sentence increased
106 (offenders)	10 (9.4%)	10 (9.4%)	86 (81.1%)	75 (70.8%)

7.9 This data does not include those cases sent by SCD to the AGO but in respect of which the Attorney General decides not to seek a referral. SCD managers may wish to collate this information to assist in determining whether there are any wider learning points that might usefully be shared with the areas.

Extradition cases

Introduction

7.10 Extradition work is the formal legal process by which individuals who have been located in one jurisdiction and are wanted in connection with a criminal offence or have been convicted in another jurisdiction are returned to the requesting state in order to be put before the courts. Extradition work is divided into 'import' and 'export' cases. Import involves securing the return of individuals who are wanted in connection with criminal offences in England and Wales from foreign jurisdictions. In export cases the CPS acts on behalf of foreign states seeking the return from England and Wales of individuals wanted for crimes committed in the foreign jurisdiction.

7.11 Since our last inspection the extradition unit has been established as a discrete section within SCD to deal with the increase in work as a result of the Extradition Act 2003. The introduction of the European Arrest Warrant (EAW) in 2004, which now applies in all the member states of the European Community, has streamlined the process for both the import and export of extradition cases which come within this category (referred to here as Tier 1 cases). As a result of this streamlining the import of Tier 1 cases has been devolved to CPS areas. The SCD unit now handles Tier 1 export cases and the import and export of cases relating to non-EC jurisdictions (Tier 2).

7.12 In export cases (Tier 1 and Tier 2) the relationship between the unit and the requesting judicial authority or foreign government is akin to that of a solicitor-client relationship. The unit must therefore, at all times, act in the best interests of the 'client'. They have no power to discontinue extradition proceedings and if, for example, two judicial authorities are seeking the extradition of the same person different lawyers must be allocated to each case and they are prohibited from conferring. The role of the lawyers in the unit is therefore fundamentally different from that of other crown prosecutors.

Caseload

7.13 The caseload of the extradition unit (based in London) is increasing. In 2006 it dealt with 416 extradition cases, which rose to 813 in 2007. This is likely to increase further in 2008, with 517 cases dealt with in the six months to September 2008, of which 471 were Tier 1.

7.14 The unit predicts that its caseload may increase dramatically when the government implements the Schengen Information System, which is currently planned for late 2009 or early 2010. This system is similar to a European police national computer and carries alerts in respect of individuals wanted for extradition. This means that as soon as an individual who is the subject of an alert comes to the attention of the authorities they will be arrested and the extradition process will be initiated. The procedure under the system is intended to be proactive rather than reactive.

- 7.15 An Extradition Rising Pressure working group has been set up and consists of representatives from across government departments, including the SCD. The group is tasked with assessing the implications for when the system goes 'live' in the United Kingdom. It is working on a figure of 1,500 EAW arrests in England and Wales per year. However it is possible that the actual figure could be anywhere between 2,000-4,000.

Structure

- 7.16 The unit comprises 12.7 full-time lawyers including the unit head, together with five caseworkers who may undertake work for other parts of the division. There is a very high level of commitment, which is exemplified by the lawyers making themselves available around the clock to deal with urgent enquiries. Additionally the unit employs on a short term contract basis at any one time up to six barristers. They undertake a six month secondment after which they return to their chambers. This initiative is designed to enable the unit to cover a substantial amount of advocacy in-house, and also to build up a wider pool of experience in this aspect of work at the private Bar. A number of barristers who have been through the scheme are now instructed by the unit to undertake some of the more complex cases. There is now a waiting list of barristers seeking secondment.
- 7.17 An additional permanent crown advocate has recently been recruited, which should assist in reducing individual caseloads and also allow the unit to deal with aspects of case preparation and advocacy in the more complex proceedings which are currently undertaken by counsel.

Tier 1 cases - export of foreign nationals

- 7.18 All Tier 1 export cases are dealt with at the City of Westminster Magistrates' Court (CoWMC). These cases commence with the issuing of an EAW by the judicial authority of the relevant member state. An EAW may be issued in respect of convicted and unconvicted persons. The legal process in some member states can make it difficult to determine the exact status of the person in respect of whom the extradition is requested. The warrant is routed through the police Serious and Organised Crime Agency (SOCA) who make an initial assessment to ensure it complies with the legislative requirements. There may be initial contact at this stage between SOCA and the extradition unit where the case is likely to be sensitive or attract media interest.
- 7.19 Execution of the warrant may be carried out by a local police force or the Metropolitan Police Service Extradition Squad. Once the named person has been arrested there are very strict time limits governing their appearance at court. The unit will not know in the majority of cases when a person is going to be arrested on an EAW and these cases will appear as 'overnighters' at CoWMC. The CPS deals with these first hearings, including making representations about whether the person should be granted bail or remain in custody (custody time limit provisions do not apply in extradition cases).
- 7.20 The person may consent to be extradited at the first hearing, following which SCD will have no further involvement unless an application has to be made to extend the time allowed for the extradition to take place. This is not uncommon particularly in respect of Polish nationals who, due to the large numbers involved, are collected by the Polish authorities on specially arranged flights.
- 7.21 However issues may be raised on the face of the warrant that require clarification with the judicial authority of the requesting member state. In these cases the unit will liaise, through SOCA, with the authority to seek clarification. A number of cases were examined where this was necessary, all of which were dealt with expeditiously by the unit, although there could be a delay in receiving a response from the foreign authority.

- 7.22 The Code for Crown Prosecutors does not apply to extradition export cases. The EAW process should not require, in pre-conviction cases, consideration of the strength of the evidence against the named person or public interest factors. This can become blurred where the suspect raises issues under the Human Rights Act, for example the right to a fair trial. Hearings in this type of case can be lengthy and complex. We observed such a case at CoWMC which raised sensitive issues about the quality of the investigation undertaken in the requesting member state.
- 7.23 These cases can lead to tensions with other judicial authorities, particularly where they operate an inquisitorial system as opposed to the adversarial system which operates in England and Wales. The unit is conscious of this and undertakes significant liaison with other judicial authorities.
- 7.24 Where the person does not consent to extradition at the first hearing a lawyer in the unit, or instructed counsel, will draft an opening note setting out the grounds for extradition and the facts to show that there is compliance with the EAW process. A number of these opening notes were examined in the course of the inspection and were found to be of a good quality. The previous report on Casework Directorate contained a suggestion that lawyers should prepare a review note in each case setting out the relevant factors and issues. The content of the opening note, which sets out relevant factors and issues and enables subsequent advocates to identify the key points, fulfilled this and provided all the necessary information. There was an opening note in 17 of the 24 (70.8%) relevant cases examined but in the other seven there was no note.

Tier 1 cases - import of individuals wanted in England and Wales

- 7.25 Responsibility for Tier 1 import cases has been devolved to CPS areas. Extradition unit lawyers were responsible for preparing and delivering a training package to area crown prosecutors on the practice and procedures associated with the EAW process. The unit will provide guidance to areas on a case-by-case basis and is considering how best to ensure that area lawyers remain up-to-date with current practice and developments in this aspect of work. There was an appreciation in the area questionnaire responses of the ongoing assistance provided by the unit. There are no court hearings in England and Wales for Tier 1 import cases.
- 7.26 Areas are not required to notify the unit of these cases and no data on actual numbers is held centrally.

Tier 2 cases – export

- 7.27 Extradition requests in Tier 2 cases (non-European Community) are submitted by the government of the requesting state to the Home Office, who then forward them to the unit. Whilst these cases may be straightforward - particularly if the person consents - they may involve many points of law, evidence and procedure of a technical nature, including consideration of the judicial process in the requesting state. Frequently rulings in the magistrates' courts will be subject to challenge on appeal to the Administrative Court and occasionally, to the House of Lords and onwards to the European Court of Human Rights. Such cases may continue for a protracted period. The frequency of appeals in Tier 2 cases is one of the factors that influence the unit's decision to instruct counsel at an early stage. Counsel may have a substantial involvement in the case including undertaking tasks that would normally be done by CPS staff, such as drafting letters.
- 7.28 Tier 2 cases can require consideration of the evidence provided by the requesting state against the person whom they wish to extradite. This can raise very sensitive issues in some cases, for example certain requests from the Russian Federation and the United States of America. The unit has substantial expertise in handling these cases, which contributes to the high regard in which it is held by those with whom it deals with on a regular basis. These include the judiciary assigned specifically to deal with extradition cases, the staff at City of Westminster Magistrates' Court and counsel.

Tier 2 cases - imports

7.29 Whilst the unit handles Tier 2 imports before they are forwarded to the relevant foreign state, it is the responsibility of the CPS area requesting extradition to ensure that the full Code test is met and evidence is available, or that the individual stands convicted of an offence before the case is submitted to the unit. However formal depositions (known as a jurat) have to be taken before a magistrate, which involves the witnesses confirming that the content of their statement is true. This process is undertaken by the unit's lawyers, who will if necessary travel to the CPS area to oversee the taking of the witness's deposition.

The presentation of cases

7.30 The unit presents cases on behalf of the requesting state or judicial authority either by its secondees barristers or by instructing counsel. The pressures on the permanent lawyers to deal with casework means that they now rarely undertake case presentation. At the time of our inspection of Casework Directorate the unit's lawyers performed much of their own advocacy, had no secondees, and there were fewer counsel who specialised in this type of casework. Data produced by the unit indicates that there can be about 270 extradition hearings a month at CoWMC.

7.31 The pool of counsel with sufficient expertise to deal with extradition cases is limited, but more extensive than at the time of our last inspection. Nevertheless the unit is able to instruct counsel of sufficient expertise, including some previous secondees. We noted that, whilst maintaining professional relationships, this led to a high degree of camaraderie between those involved in this work.

7.32 We attended CoWMC to observe extradition cases. All were presented well and advocates demonstrated good case preparation. In addition we observed one significant set of proceedings which involved a long-running and sensitive contested Tier 1 extradition and the facts and the issues in the case were well presented.

File examination findings

7.33 We examined 26 extradition cases comprising a mix of Tier 1 export and Tier 2 import and export. Each was proactively managed with requests for further information to the judicial authority or foreign government made promptly. In those where counsel were instructed there was good communication between them and the unit.

Casework processes

7.34 A permanent lawyer, secondee and caseworker are allocated to every case. Assigning specific caseworkers is a recent introduction and, whilst their involvement in the straightforward cases is minimal, this has helped to develop ownership for them in the more complex and long running ones.

7.35 Caseworkers are also responsible for the court rota and the allocation of secondees to court sessions. The unit uses xCMS and a manual diary system to identify which cases are in court, assisted by lists provided by CoWMC. Cases can be adjourned for short periods of time and the maintenance of this part of the process is essential. We had some concerns that this aspect of the process was not sufficiently understood by enough caseworkers so as to ensure its smooth running in the absence of the person normally responsible for the relevant tasks.

7.36 The results of court hearings and the necessary next steps are not endorsed on the file jacket. At the end of each day the advocate at court will compile a composite e-mail indicating the outcome of each case they have presented. A copy of this e-mail, with the relevant case highlighted, is put on each file. In the files examined it was difficult to ascertain the case chronology as the e-mails were filed in the general correspondence folder, with some

ad hoc endorsements on the inside of the file. Recently the unit has amended the process so that all case hearing e-mails are kept in a red folder on the file. Whilst this assists in determining the case chronology, the relevant part of the e-mail still has to be identified. More effective use of the file jacket to record hearings would assist advocates to see at a glance the chronology of the case and we have made a recommendation in respect of file endorsements at paragraph 4.5.

Performance management

7.37 The unit head collates data on a number of aspects of the unit's performance including caseload and counsel usage. However this is not part of any overall divisional performance management framework nor does the data reflect any qualitative aspects of the unit's work, for example the proportion of persons extradited and the number of appeals successfully resisted. SCD's performance management regime is discussed in detail at chapter 10. Key aspects of the extradition unit's work should be included in any revised performance management framework, including expenditure on instructed counsel.

Relationship with other agencies

7.38 There are very good relationships with the other agencies involved, including Her Majesty's Court Service staff at CoWMC, the judiciary assigned to deal with extradition cases and SOCA. There are regular Extradition Liaison Group meetings with the judiciary and the permanent lawyers are members of the recently formed Extradition Lawyers Group.

Civil cases

7.39 At the time of this inspection SCD was responsible for dealing with civil claims against the CPS which arise out of its casework functions, some of which may be very complex for example claims of malicious prosecution or negligence. These cases are referred to the division by the areas. At the time of our inspection SCD was handling approximately 65 civil claims, including those where the Treasury Solicitor's Department had been instructed to defend the CPS.

7.40 Once a case is referred to the division it may be settled or defended, in which case the division instructs the Treasury Solicitor to handle the case. The responsible officer within SCD has authority to settle cases involving small amounts, which are paid from the relevant area budget. Payment of Treasury Solicitors comes out of Headquarters funding and is not reflected in SCD's budget.

7.41 We examined a small sample of civil cases and found that these were handled robustly and promptly. The benefit of the assistance of SCD was commented upon favourably in the area questionnaire responses.

Appeals to the Judicial Committee of the House of Lords

7.42 The division manages all appeals and potential appeals to the House of Lords arising out of CPS casework, either as appellant or respondent.

7.43 Since 2003 there have been on average 12 appeals a year arising out of CPS casework, of which the CPS was the respondent in about three quarters. SCD has a very good working relationship with the Judicial Office of the House of Lords. The division has met recently with the Judicial Office to discuss its proposals to increase the number of staff with the expertise to handle appeals. This should ensure that the timeliness of this aspect of casework, which is good, is maintained during periods of absence by the main post holder.

7.44 We examined two cases which were potential referrals to the House of Lords, either by the CPS or the defendant, and each was well handled.

8 THE SERVICE TO VICTIMS AND WITNESSES

Introduction

- 8.1 Since the last report a number of changes have been introduced to the criminal justice system in order to deliver the government's commitment to improve the service to victim and witnesses. These were contained in the Justice for All White Paper.
- 8.2 The CPS strategy for 2008-11 aims to deliver excellent standards of victim and witness care. SCD has demonstrated a high level of commitment to delivering and implementing current CPS initiatives to improve the standards of care afforded to victims and witnesses in all cases.

Meeting the needs of victims and witnesses

- 8.3 In the last report we commended the level of information and care afforded to victims and witnesses, particularly in cases involving fatalities and those where victims have suffered serious injuries. SCD have successfully built upon this and continue to delivery a high quality service to victim and witnesses.
- 8.4 There was a significant focus on victim and witness issues at the division's annual planning day for the 2008-09 Business Plan. The plan includes four objectives in respect of championing justice and the rights of victims and witnesses. However entire categories of staff (for example lawyers) are named as the accountable person for delivering the objectives rather than specific individuals and no milestones or target dates for delivery have been set. Whilst these are appropriate personal objectives it does not sit easily with a divisional business plan.
- 8.5 Two champions have been appointed for victim and witness issues, one each in London and York, both of whom have recently received training to enable them to conduct pre-trial interviews with witnesses. Staff are regularly kept informed of developments in victim and witness care at team meetings.

No Witness No Justice

- 8.6 The No Witness No Justice (NWNJ) scheme was introduced in 2003-04 and is based on two main principles: a needs assessment approach for all witnesses (in cases where there is a not guilty plea) and the introduction of dedicated witness care units (WCUs). The initiative sets out 14 minimum requirements to support witnesses through the criminal justice process, underpinned by a number of primary and secondary measures against which performance should be monitored.
- 8.7 A Central Casework WCU was set up in 2006 to undertake care in respect of civilian witnesses for the three divisions (caseworkers have retained the responsibility for warning police witnesses). The unit is based in the London office and is staffed by four witness care officers (WCOs) who are part of the shared Secretariat. They are responsible for assessing the needs of witnesses and provide information on the progress of the case directly to the victim or their family, or via the police family liaison officer where there has been a fatality, and notifying victims and families of the outcome of each court hearing and the date of the next one. This arrangement means that the WCOs undertake other unrelated work as well as witness care. At times this has led to some difficulties over which work should take precedence and there have been occasions when the WCU have been unable to take on a case due to pressure of other work.

- 8.8 Cases should be referred to the WCU by caseworkers and lawyers or identified from xCMS or monthly reports. The WCOs are then responsible for undertaking an initial needs assessment with witnesses, establishing with the police who will be the point of contact for the witnesses, arranging a pre-trial familiarisation visit, checking whether a victim personal statement needs to be made, and dealing with all ancillary matters such as arranging transport and accommodation.
- 8.9 There was a lack of understanding by other staff within SCD, and particularly within the York office, as to the role and responsibilities of the WCOs as distinct from that of the caseworkers. This is exacerbated by the different processes for civilian and police witnesses. Some staff indicated they would prefer to use local CPS area WCUs as they have better knowledge of the area and transport links to the court where the case is to be heard. We have made a recommendation in respect of this below.
- 8.10 The WCOs themselves are dedicated and enthusiastic, but the only training they have received has been an e-learning course through the CPS Prosecution College. The 2008-09 Business Plan includes an objective to develop the witness care function to meet all requirements under the Victims' Code. Managers are aware of the need to develop the WCOs and are in the process of arranging court visits to shadow the Witness Service and reserving places on the CPS witness care courses. Staff may also benefit from shadowing an established WCU within an area.
- 8.11 The WCOs are aware of the timescales and their obligations under the Victims' Code and NWNJ. The WCU does not have access to the CPS national Witness Management System (WMS) and therefore has had to develop its own systems. This, coupled with the lack of data that can be generated from xCMS, means that it is very difficult for SCD to undertake any performance monitoring of compliance with the Victims' Code or the primary and secondary measures under NWNJ. Although it is accepted that the number of SCD trials involving civilian witnesses is small there is a need for analysis of performance across the three divisions.

RECOMMENDATION

We recommend that Special Casework Division, in conjunction with the Counter Terrorism and Organised Crime Divisions, should:

- set out definitive guidelines as to the role and responsibilities of the Witness Care Unit and ensure all staff are familiar with them;
 - ensure all witness care officers receive appropriate training as soon as practicable to enable them to perform their functions effectively; and
 - develop systems to enable the divisions to undertake analysis of No Witness No Justice measures and compliance with the Victims' Code.
-

Communication with victims and victims' families

- 8.12 The Victims' Code, issued under the Domestic Violence, Crime and Victims Act 2004, came into force on 1 April 2006. It sets out the minimum level of service to be provided to all victims of criminal conduct in order to support them through the criminal justice process. One of the aims is to provide a joined-up multi-agency approach to victim care. It clarifies who is responsible for keeping victims or victims' families informed of the progress in the case at each stage of the proceedings and sets out the appropriate timescales within which communication should take place. The families of victims who have died as a result of criminal conduct are also to be provided with an enhanced level of support.

- 8.13 All communication with victims and victims' families prior to the first appearance at court is the responsibility of the police and this is invariably undertaken by their family liaison officer. Following the first appearance at court, the responsibility for keeping the family informed of the outcome of the court hearing and the next hearing date is that of the WCUs, but in a number of cases handled by SCD this is undertaken by the family liaison officer, often because they have established a relationship with the victim or family.

Direct communication with victims

- 8.14 Under the direct communication with victims initiative (DCV) the CPS should write to victims where a charge is dropped or substantially altered to explain the decision and in certain categories of cases the prosecutor will also offer a meeting. In cases involving a death, such as gross negligence manslaughter, the scheme extends to the family of the victim.
- 8.15 Only a small number of cases are discontinued by SCD and charges are altered in very few. There was only one case in our file sample that was discontinued and that did not involve an 'identifiable' victim. However there were two cases where pleas were accepted to lesser offences at court, but a letter was not sent in either of these.
- 8.16 The Victims' Code extended the DCV initiative to those cases where prosecutor has decided there is insufficient information to bring any proceedings for a criminal offence at the pre-charge stage and has not had a face-to-face or telephone discussion with the police officer in the case about the decision (that is, where the advice has been provided in writing). In cases involving a death the family must also be offered a meeting to explain the decision.
- 8.17 Ten cases were examined in which there was an identifiable victim and the advice had been to take no further action. In each there was full recorded discussion with the police prior to the decision being made and, as a result, none of them strictly fell within the Victims' Code. However in all cases a detailed letter was written to the family explaining the decision and offering a meeting. The willingness of SCD prosecutors to be accountable for decisions at an early stage in the proceedings is commendable.
- 8.18 We were also impressed to find examples of letters being sent to victims and families outside the DCV scheme. There were several cases where the prosecutor had taken the trouble to write a letter of introduction to the victim's family explaining the prosecution process, and in another case after civilian witnesses had given evidence on three separate occasions a letter of thanks was sent to each of them.

Quality and timeliness of letters

- 8.19 The overall quality of letters written to victims and families is good and of a higher standard than those found in other inspections. Inspectors examined ten letters, all of which were of the appropriate standard. This compares favourably with the findings in the HMCPSI audit of CPS performance in keeping victims informed (September 2007), which found adequate explanations were provided in 84% of cases.
- 8.20 Clearly a great deal of thought and care had gone into drafting the letters, with minimal reliance on standard paragraphs, and we were impressed with the empathetic tone in most of them. It is the approach of some lawyers to write extremely long letters incorporating most of the file review note whereas others prefer to write shorter, less detailed - but nevertheless entirely satisfactory - letters. Some were in excess of ten pages in length. Whereas it is commendable that lawyers wish to give the fullest possible explanation some recipients may find the lengthy letters are over complicated.

- 8.21 It was explained to us that in those cases involving complex legal reasoning, such as corporate manslaughter, it is necessary to explain legal definitions in lay terms which necessarily adds to the length of the letter. Secondly lawyers are aware that their decisions can be judicially reviewed and therefore endeavour to ensure that any letters sent are in the same terms as their review note so to avoid any legal challenge. Consideration will need to be given as to how best to present a clear and concise explanation which is both coherent and will withstand any challenge. This may vary from case to case but in any event managers should ensure that there is a broadly consistent approach as to the level of detail within the letters.
- 8.22 Although SCD are not set targets for the timeliness of letters in the same way as CPS areas, lawyers demonstrate a good awareness of the importance of notifying victims and victims' families of their decisions in a timely manner. Many of the cases handled by SCD involve a distressing set of circumstances, often with the death of a loved one. It is crucially important in these types of cases that victims' families are notified of any decision to take no further action or to discontinue a case at the same time, if not before, the accused. We were given examples of cases where great efforts were made to ensure there was a co-ordinated approach to notifying all the interested parties at the same time.

ASPECT FOR IMPROVEMENT

Managers should consider adopting a consistent approach to the length of letters to victims or victims' families.

The victim focus scheme

- 8.23 The victim focus scheme (VFS) came into force on 1 October 2007. Under it the CPS will offer to meet victims' families in homicide cases, usually after charge. The purpose of the meeting is to deal with any questions and concerns the family may have, outline the court process, progress in the case, explain the role of the CPS, the legal basis on which the case is proceeding, and the purpose of providing a victim personal statement.
- 8.24 SCD has adopted a proactive approach to meeting victims and victim's families and frequently prosecutors go beyond their obligations under the VFS and will routinely offer meetings in those sensitive cases where the prosecutor feels the victim or family would benefit from a face-to-face meeting to explain their decision. In particular the division has extended the scheme in respect of death in custody cases where they will offer three opportunities to meet the reviewing lawyer: firstly to explain the role of the CPS, secondly to enable the family to bring any issues to the attention of the reviewing lawyer and thirdly to explain the decision and answer any questions the family may have. There were several cases in our file sample where the reviewing lawyer had held an introductory meeting with the members of a bereaved family at a very early stage in the investigation.

STRENGTH

The proactive approach to offering meetings to victims and victims' families.

9 MANAGING RESOURCES

Management of financial resources

- 9.1 In the two year period 2006-07 and 2007-08, SCD has received an increase in its non-ring fenced administrative costs (NRFAC) budget allocation amounting to 15.5%. Over the same period of time the prosecution budget has been reduced by 26.5%.
- 9.2 SCD underspent on its NRFAC budget by £13,040 (-0.37%) during 2007-08, having overspent during 2006-07 by £1,168 (0.03%). A new profiling system to estimate budget costs and record commitment against budget has recently been introduced by the Senior Business Manager (SBM) and is completed by the office manager on a monthly basis.
- 9.3 Unlike CPS areas prosecution costs are inclusive of all high cost and very high cost cases. Although the budget allocation has decreased, and notwithstanding the fluctuation of costs which can occur with the variety of cases the division deal with, there was an overspend of £15,235 (0.37%) during 2007-08 and an underspend of £12,841 (-0.25%) in 2006-07.
- 9.4 The three Central Casework divisions are able to adjust the budget between themselves with the mutual agreement of the Heads of Division and SBM and also across any sections within their divisions. Consequently during the financial year 2007-08 SCD were able to use some of their underspend in the crime units to reduce the overspend in the extradition unit.
- 9.5 SCD's funding is not assessed using the activity based costing method used for CPS areas as this is not suitable for the nature of the casework. Unlike the areas the division is not funded by what is recorded on xCMS and so there is no financial incentive to record early advice cases in which the decision is that there should be no further action, or to ensure the system is generally kept up-to-date.
- 9.6 The budget is monitored at both the crime and extradition unit levels within the division. Within the crime units caseworkers have historically held responsibility for estimating the costs of prosecutions and find the use of a dummy fees information sheet beneficial in estimating them. These are then recorded on monthly fees sheets which are submitted to the SBM, who will discuss any irregularities with the unit heads. It is planned to implement a similar system for the extradition cases, although it is accepted that expenditure will be difficult to predict.
- 9.7 Graduated fees scheme payments are not always timely, ranging from 99% paid within one month in June 2007 to 0% in September 2008. Fees were paid within four months of the hearing in 100% of cases in May 2007 compared with 79% in September 2008. The number of cases dealt with is low and therefore SCD ought to be able to process the payments promptly. Staff dealing with payments also need to ensure that they are being applied through the appropriate scheme to achieve value for money, for example counsel agents in extradition cases are paid under the auspices of the very high cost case scheme for their travelling time, which can be the most expensive means of payment.

ASPECT FOR IMPROVEMENT

Managers should monitor the timeliness of graduated fees scheme payments and ensure that the appropriate payment scheme is applied to the payment of fees to ensure value for money.

- 9.8 SCD has sought to achieve value for money through introducing better monitoring of extradition costs, has undertaken a fees audit and is currently pooling its resources for training across the three divisions to achieve better economies of scale. The management team will also consider the grades of staffing required when filling vacancies.
- 9.9 Funding was successfully bid for which enabled the recruitment of a domestic extremism co-ordinator. SCD has now taken the lead for advising CPS areas and the police on all animal rights extremism cases. A business case has been submitted to Headquarters for funding to cover the anticipated increase of work when the Schengen Information System comes into force in 2009. Additional funding has yet to be agreed.

Management of human resources

Staffing and deployment

- 9.10 At the time of the last inspection in 2002 it was recommended that the staffing strategy should be revised to create closer links between the forecasts of work received and the business planning and budgeting process and that work allocation arrangements be reviewed.
- 9.11 In respect of the recommendation there has been limited progress. We have discussed the method of allocation of work at unit level in paragraph 3.10. Timesheets have been introduced which caseworkers and lawyers should complete to indicate how much time is being spent on each case. Over a period these should assist SCD in determining some of their average costs based on case type. However the forms are not currently being used to best effect and some staff do not understand the reasons for completing the timesheets.
- 9.12 There still appears to be a disparity in the numbers of cases being handled by individuals and between the London and York office. More significant is the lack of accurate information on the total number of cases being handled by the division. The table below shows the number of cases received and finalised by the crime units in London and York between 1 April 2007-31 March 2008. This data is collated by SCD and was provided to us by them.

London		York		Total
Received	140	Received	112	252
Finalised	231	Finalised	135	366

- 9.13 However the data contained in the quarterly review with the DPP shows 470 cases received and 537 finalised in both crime units over the same period. The staff in post figures over the same period show a relatively even split of lawyers between the offices.
- 9.14 The number of cases itself is not always and indicator of how busy any individual may be and some will be of significant size and complexity. Even taking account of the under recording on xCMS of election offences (which are mainly dealt with in York) and the system by which all IPCC notification cases are registered, even if no work is undertaken on them by SCD it would appear on the data provided by the division that lawyers will have been allocated an average of 12 cases each between 1 April 2007-31 March 2008.

RECOMMENDATION

The staff resource model needs to be developed to ensure the correct distribution of resources and work.

- 9.15 There is no clear structure in place for the planning and review of staffing numbers. The activity based costing models on the CPS Corporate Information System is not appropriate to determine SCD's staffing levels and the model does not fit its requirements, because of the unpredictability of the numbers of cases that are referred and the size and complexity of the casework. The division is subject to particular peaks and troughs of work. A flexible approach to cross-unit work might assist, for instance having trained staff who have moved to other units undertake some extradition work and associated advocacy.
- 9.16 The success of overall succession planning is mixed. Funding was obtained for the recruitment of an additional level E lawyer to deal with corporate manslaughter work. However there are a number of very experienced individuals within the division at lawyer and caseworker grade who have developed particular specialisms, and bearing in mind the time it can take to train staff to this level this can present a risk if the individuals leave without a replacement in situ. Stakeholders expressed concern about this and there was an instance of this occurring during this inspection. Recent steps have been taken to share knowledge, for example the pool of lawyers dealing with election offences has been increased. There is a 'buddy' system in place at caseworker grade which works well but lawyers gave examples of occasions when they had to take over casework from sick colleagues at short notice.
- 9.17 There needs to be some form of repository of such expertise in written or electronic form by way of detailed guidance, gathering of precedents and case reports.

ASPECT FOR IMPROVEMENT

Managers should devise and implement a succession planning strategy to ensure specialist knowledge is retained within the division.

- 9.18 Managers are looking at ways to implement the CPS strategy on advocacy. As we have discussed in paragraph 5.2 the type of cases handled by SCD lawyers are not always suitable to be prosecuted by them. Nevertheless the Head of Division is keen to increase the level of in-house advocacy and is intending that this will be taken account of in any new recruitment.

Managing attendance

- 9.19 Sickness absence is increasing and was 11 days in 2007-08 against a CPS average of 8.7 days. At various times during 2007-08 the division has been under resourced by four lawyers, due in part to periods of long term sickness. All long term sickness is dealt with by the SBM in conjunction with CPS Headquarters Human Resources department, in line with CPS policies.
- 9.20 SCD previously had a number of secondees to cover periods of long term sick absence but has recently had no cover for these lawyers. The division is managing with the current level of resources, although there is little resilience in the London crime unit should there be a sudden increase in the number of large cases referred to it.

Flexible working

- 9.21 In the last inspection we suggested that the policy in respect of part-time working should be reviewed and restated. The division now works hard to ensure that flexible working arrangements harmonise with the business need. In practice the absence of daily court coverage and the need to prepare daily court lists allows scope for flexible working.

Training

- 9.22 Training for SCD has been reviewed through a tripartite group for the three Central Casework divisions, but the group has not met for some time. There are no systems in place to measure the effectiveness of any training which is provided.
- 9.23 There is a limited training plan for 2007-08 which outlines five objectives, three of which relate to training on specific subjects, and the other two are over-riding objectives to train staff effectively without specifically stating what they are to be trained in. The plan contains no start or completion dates and there is no reference to any CPS mandatory training such as the Proactive Prosecutor Programme. Advocacy training is not included and some lawyers would be interested in this as part of their development. Some management training is to be undertaken, but this is not indicated on the plan.
- 9.24 Managers and staff confirmed that much of their legal training is provided in-house and that they provide training externally to CPS areas and other criminal justice agencies. Whilst much of this was hailed as excellent and SCD consider themselves the experts in certain types of casework, there may be benefits in attending some CPS national courses.
- 9.25 Administrative training is relatively limited. Experienced administrative staff have received little training apart from that done in-house on fees to the extradition caseworkers. Witness care staff are yet to receive the appropriate level of training for their role.
- 9.26 Development training is varied. A significant proportion of staff stated that if they wanted some they could ask their manager as part of their appraisal review and were confident that SCD would be supportive. Other staff indicated that their development was rarely discussed and were unaware of how to take this forward.
- 9.27 Induction is generally good. New staff are provided with a buddy and there is an induction book which contains relevant information and a systems guide. There is a lack of desktop instructions which would help many members of staff.

ASPECT FOR IMPROVEMENT

Managers should undertake a training needs analysis based upon business needs, current skill levels and developmental issues.

10 MANAGING PERFORMANCE TO IMPROVE

Accountability for performance

- 10.1 Managing performance is about practical ways to improve how things are done in order to deliver better quality services and to improve accountability. It is not just about information systems, targets, indicators and plans; it is also about getting the right focus, leadership and culture in place. There are some key issues in developing effective performance management arrangements:
- focus and strategy;
 - defining and measuring achievement;
 - reviewing and learning to sustain improvement; and
 - managing activities and resources.
- 10.2 At the time of the last inspection we recommended that the division should consider its needs in respect of performance information to establish a system of indicators which best assist management of casework performance. Managers recognise this is now a priority and some recent work has been undertaken to develop a performance pack based on the 'red, amber, green' system used by the CPS nationally and to link into the CPS key performance indicators. Overall, however, limited progress has been made on this recommendation and the division has some way to go before it achieves a product that will inform the Senior Management Team (SMT) of the key issues it needs to address.
- 10.3 Limited information on performance is considered on a monthly basis at SMT. Discussion tends to be restricted to the information contained in the quarterly performance report, which is collated from data supplied by each of the unit heads, some individual case discussion, and budget and staffing figures. There is no discussion or feedback provided to staff about performance at the unit and team level. SCD is subject to a quarterly review with the DPP, where again discussion is based on the data supplied by the unit heads.
- 10.4 The quarterly performance report lacks data on a range of aspects such as the conviction rates, charging decisions, NWNJ measures and Victims' Code compliance. It does not include reference to national data, other divisions, or external agency data with which SCD could make comparison for benchmarking purposes.

RECOMMENDATION

The Senior Management Team should ensure an effective performance management framework is in place by 1 April 2009 and thereafter should undertake formal reviews of performance and provide regular feedback to staff.

- 10.5 Whilst staff job plans capture relevant objectives from the SCD business plan, objectives relating to personal performance and development are uncommon. According to the 2008 staff survey only 77% of staff had a performance development review (PDR) in 2007-08. Although a significant proportion felt that the PDR is used to review and monitor operational and personal performance, others felt the system was not used to best advantage. At the time of the survey a number of respondents reported that a number of PDRs had yet to be completed.

Performance information and analysis

- 10.6 We have discussed the lack of use of xCMS by staff at paragraph 4.20. Although a number of performance reports and tasking lists are available to managers on xCMS very little use is made of these as part of the quality assurance regime. Some managers also have access to the data available on xMIS, which is a secure management information system limited to use by the Central Casework divisions. Performance data can be generated from xMIS, but this is reliant on the accurate input of data into xCMS.
- 10.7 A significant proportion of staff confirmed that they either do not use xCMS or simply use it to record the minimum amount of information. Few understood the need to update the system or why it was important that the information was accurate, and some staff require retraining.
- 10.8 Almost all the managers and staff feel that xCMS does not fully meet the division's requirements and the Head of Division and SBM are in discussion with CPS Business Information Systems Directorate on how to take this issue forward. Regardless of the system used SCD need to ensure the accuracy of their systems. Managers have taken steps to encourage staff to use the system, but will have to enforce the message more robustly if it is to be used to best advantage as part of performance management arrangements.

RECOMMENDATION

Managers should work with Business Information Systems Directorate to improve the functionality of the case management system (xCMS) and in particular should ensure:

- all charging decisions are recorded;
 - files are updated and finalised promptly;
 - custody time limits are recorded and monitored;
 - all other core actions are recorded on the system; and
 - management reports are generated and utilised for performance management purposes.
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- 10.9 Adverse case reports are rarely completed but the division does make extensive use of a post-case analysis record. The form is clear and concise and provides the user with clear descriptions on what the record could include such as lessons learned, resource and disclosure issues, investigation problems or relationship with the police. The forms are seldom completed fully which precludes meaningful analysis of issues.

Joint performance management

- 10.10 The Head of Division attends strategy groups such as the IPCC Advisory Board, police Gold Command Liaison Groups and ACPO Professional Standards, amongst others. This has facilitated discussion of strategic matters and established good liaison links with external partners. Verbal discussion and sharing of success of operations takes place at such meetings.
- 10.11 Whilst it is clear that SCD works well with its partner agencies on a case-by-case basis, there is little evidence of joint improvement strategies or that performance information or lessons learned are shared amongst partners. However the involvement of the Head of Division in the IPCC Advisory Board has resulted in the new referral system of all death in custody cases and this has helped to forge a closer working relationship.

Casework quality assurance and improvement

10.12 Unit heads undertake a dip sample of one case per lawyer per quarter and carry out an in-depth analysis of the quality of advice, review and case progression. The unit head in London and the unit head or level E mentors in York also examine every review note prepared by the lawyers. Individual feedback is provided, both positive and in respect of lessons to be learnt, but the dip sampling is not used to inform the PDR appraisal system.

11 LEADERSHIP

- 11.1 The Head of Division is relatively new in post and is considering SCD's priorities for the future, although this is unlikely to involve any major change to the structure of the division. The Head of Division has spoken to every member of staff on a one-to-one basis as part a three month review he has undertaken of the current processes and procedures.
- 11.2 The SMT comprises all the managers within the division and meets on a monthly basis. There is a set agenda and progress and actions are recorded in the minutes. Discussion takes place on matters such as confidential staffing issues, budget, key objectives from the business plan, risks, sickness and other arising matters requiring strategic input. The meetings tend to focus on operational issues rather than strategy or performance. The SBM is the business manager for all three Central Casework divisions and therefore is required to attend all three of the strategic monthly meetings.
- 11.3 There has been some devolvement of decision-making for such matters as resource planning and staff recruitment to level E managers. However the indications are that these will now be dealt with at Head of Division and SBM level. The remit of the SBM and office manager is very wide; this has been recognised and it is intended to recruit an additional administrative manager. Overall responsibilities for operational effectiveness, quality assurance and continuous improvement have yet to be defined as part of the senior and middle managers' roles and responsibilities.
- 11.4 There is a lack of clarity of some roles and responsibilities, for example in the WCU, and the caseworker/lawyer role. Although the systems handbook is available on the intranet, which should promote corporacy, few staff were aware of its existence. The lack of desktop instructions and standard proformas means there is inconsistency in applying systems both within grades of staff and between the London and York office.

ASPECT FOR IMPROVEMENT

The Head of Division and Senior Business Manager should define the roles and responsibilities of all job holders.

- 11.5 Although the unit heads work well together and endeavour to ensure a corporate approach to running the two teams, staff in the two sites tend to operate independently of each other. Even where specialists have been established in both offices dealing with the same aspect of casework there is little discussion between them to promote best practice. The annual planning day provides the main opportunity for integration of staff and more needs to be done to promote this.

Communication

- 11.6 Managers make themselves available to staff at key points in the business calendar and more generally on a daily basis. The Head of Division and SBM regularly visit the York office and have a visible approach.

- 11.7 There is good morale and recognition of staff performance. Staff are highly committed and take pride in the quality and type of casework handled. According to the staff survey 2008, 71% of those in the division felt that other members of the team acknowledged each other's efforts. All felt that they were treated with respect.
- 11.8 There are regular team meetings which all staff are required to attend. Some are not minuted and subsequently there is no record of actions and dates for completion. The meetings tend to focus on operational issues and feedback on the overall performance of SCD is rarely provided.
- 11.9 Meetings are often used to acknowledge individual's performance. In most instances good, but occasionally poor, performance or minor disciplinary issues have been raised in a team meeting, which ought to have been dealt with privately. On the whole most staff felt that poor performance was dealt with appropriately.

Strategy and planning

- 11.10 SCD's business plan for 2007-08 sets out its priorities and objectives for the year and reflects relevant CPS and joint criminal justice objectives. Owners for each objective have been established but in some instances there may be more than one responsible individual, which may lead to a lack of accountability for delivery.
- 11.11 Although the expected outcomes are stated there are no dates for completion nor have any targets or performance indicators been identified from the plan. Additionally there has been no review of previous business plan objectives to identify any success or lessons learned. Reviewing progress generally is a weakness in the division. As well as the lack of review of the previous year's business plan, the action plan from the inspection in 2002 has lost impetus and a number of actions have not been taken forward.
- 11.12 There has been little recognition of national change in the CPS and its potential effect on SCD, with the only recognition being of some impact from the development of the complex casework units and the proposed move of the London units to another location. The division needs to explore more fully the impact national projects and training may have on them and integrate these into their business planning processes. Most managers confirmed that they had not sought out good practice within the CPS or externally nor do they make use of Inspectorate reports - particularly thematic work - even when directly affected by the findings, such as in the joint review of the handling of cases involving an allegation of a criminal offence by a person serving with the police (January 2007). There are early signs that the new Head of Division is committed to developing this side of SCD's role.
- 11.13 The division has developed an extensive risk register which covers the expected local issues and some national ones such as the impact on the extradition section of the introduction of the Schengen Information System. The business plan, together with the risk log, is reviewed at the SMT meetings on a monthly basis. Although this has been ad hoc recently the division have already identified that this needs improvement.
- 11.14 All staff were engaged in the planning process through a consultative away day. This proved a success with almost all staff indicating that they felt included in the process, as well providing the opportunity to mix with their colleagues from other locations. However no review of the previous plan was undertaken, which was a missed opportunity for managers to celebrate any success with staff against the previous plan or learn any lessons from its failures.

RECOMMENDATION

Managers should improve the business planning process to ensure that:

- objectives are given target dates;
 - current and previous plans are reviewed regularly;
 - the impact of CPS national initiatives are included in the planning process; and
 - successes and lessons learned are identified.
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Complaints

11.15 At the time of the last report there was a lack of consistency in the way complaints from members of the public were handled and a recommendation was made that a uniform system of handling complaints be introduced. SCD recently took part in an HMCPSI thematic inspection on handling complaints in the CPS. As part of the inspection nine external complaint files were reviewed. Five (55.6%) were dealt with within the target deadline of ten days set by CPS. The quality of the response was good in six cases (66.7%) and adequate in the other three (33.3%). The complaints procedure complies with current CPS policy.

Equality and diversity

11.16 The Head of Division and SBM are the equality and diversity champions for SCD. Equality and diversity is not yet an integral part of the strategies and plans in the division. The division confirmed that in their London office 34% of staff are from black and minority ethnic (BME) backgrounds, which compares favourably against a CPS London figure of 29%. There are no BME staff in the York office compared to the local community figure of 1.5%.

External liaison

11.17 Senior managers are respected externally and have a reputation amongst other criminal justice agencies and stakeholders for their constructive approach. Regular meetings take place with the IPCC, Electoral Commission and specialist police departments. Managers and specialists make themselves available when needed for advice, often out-of-hours, and contribute effectively to external training events.

STRENGTH

The constructive relationships which have been established with partner agencies.

11.18 Although due to the nature of work undertaken it is difficult to identify specific parts of the community to engage with, SCD is seeking to develop its own community engagement strategy and has appointed a member of staff to lead on this. Staff have attended a number of events during the course of the year which included visits to schools, press interviews and delivering talks to visiting delegations of foreign prosecutors.

ANNEX A: PREVIOUS RECOMMENDATIONS AND SUGGESTIONS FOR IMPROVEMENT

Recommendation	Progress by 2008
<p>1 The system of file allocation should be reviewed to ensure a more even distribution of work. Branch Crown Prosecutors should regularly monitor the caseloads of individual lawyers and caseworkers.</p>	<p>Limited progress although no concerns were raised by staff regarding file allocation.</p>
<p>2 Guidance should be issued setting out the criteria which determine the point at which a full file of evidence is to be treated as submitted to ensure a consistent approach in monitoring the timeliness of review.</p>	<p>Time scales for submission of files no longer apply, but limited progress in monitoring timeliness of review.</p>
<p>3 The directorate should review the level of detail supplied to the police when explaining decisions not to proceed, including references to the relevant evidential and public interest factors which have influenced the decision and which reflect the considerations of the reviewing lawyer.</p>	<p>Substantial progress. Decisions not to proceed contained in review notes, which are of good quality.</p>
<p>4 The caseworker and lawyer should prepare formal written reports in all adverse cases. The reports should be submitted to the BCP, analysed and the results of the analysis published to all directorate staff to ensure that appropriate lessons are learned from casework.</p>	<p>Limited progress. Post-case analysis forms are completed but lack detail and no analysis takes place.</p>
<p>5 Guidance should be provided to lawyers and caseworkers on the preparation of instructions to counsel to ensure that they are detailed and informative and adequately reflect the case issues. BCPs should monitor briefs to ensure a consistent quality.</p>	<p>No progress.</p>
<p>6 All calculations of custody time limit expiry dates should be checked and initialled by a senior caseworker. Cases should be checked periodically against the monitoring diary to ensure that details are entered correctly.</p>	<p>No progress. Further recommendation made.</p>
<p>7 The directorate should review its custody time limits system to ensure that monitoring procedures are effective. Training should be provided for all relevant staff in CTL procedures and the application of the Custody Time Limits Regulations.</p>	<p>No progress. Further recommendation made.</p>

Recommendation	Progress by 2008
8 Senior managers should devise a strategy which will provide greater opportunities for lawyers, who wish to do so, to maintain their advocacy skills and including the training and deployment of higher court advocates in the Crown Court.	Limited progress. Further recommendation made.
9 The directorate should consider its role in fraud cases to determine whether its current involvement should continue and, if so, review the existing criteria for its handling of fraud cases to ensure that they represent the most efficient use of the expertise and resources of the directorate and CPS areas.	No longer relevant.
10 Senior managers should take steps to improve arrangements for the review of plans and become <u>more focused on the delivery of actions.</u>	Limited progress. Further recommendation made.
11 Directorate senior managers should seek clarification of its role in relation to that of the Policy Directorate.	No longer relevant.
12 The directorate should consider its needs in respect of performance information to establish a system of indicators which will best assist management of its casework performance.	Limited progress. Further recommendation made.
13 The directorate should revise its staffing strategy to create closer links between the forecasts as to the mix and volume of work received, and the business <u>planning and budgeting process.</u>	No progress.
14 The directorate should review the work allocation arrangements at both branch and individual level.	No progress.
15 The directorate should further develop its strategy for performance appraisal which ensures the best development of individual potential and that under performance is effectively dealt with.	Achieved.

Suggestion	Progress by 2008
<p>1 The directorate should consider methods of promulgating the Casework Referral Guidelines to police forces to ensure that cases are referred promptly by the police, either to the directorate or to the local CPS office as appropriate, and that progress of cases is not delayed or otherwise prejudiced.</p>	<p>Achieved, now available on the CPS intranet.</p>
<p>2 Directorate lawyers should prepare, in every extradition case, a review note which sets out the factors taken into account in the decision and discusses the case issues, or makes reference to them when they can be found elsewhere within the file.</p>	<p>Achieved. Comprehensive opening notes are prepared.</p>
<p>3 The directorate should further develop its communications strategy, including the use of IT.</p>	<p>Achieved in respect of communication strategy, no progress on IT.</p>
<p>4 The directorate should review and restate its policy in relation to part-time working arrangements.</p>	<p>No longer relevant.</p>
<p>5 The directorate develop a uniform system for the handling of complaints drawing on guidelines issued recently by the Joint Standing Committee on Good Practice.</p>	<p>Achieved.</p>

ANNEX B: TOTAL NUMBER OF FILES EXAMINED

	Number of files examined
Death in custody	7
Police misconduct	6
Election offences	20
Extradition	26
Unduly lenient sentences	5
Appeals	3
Manslaughter	13
CPS employees	1
High profile people	4
Domestic extremism	1
Public corruption	2
Criminal Cases Review Commission	1
Civil claims	6
National disasters	0
Other	2
Custody time limits	3
Live cases*	5
Total	105

* We also observed an additional five live cases in court but as we did not undertake a detailed analysis of the files they are not included in the data quoted in the report.

ANNEX C: FILE READING ENTRIES

	Y	N	NA	%Y	%N
Pre-charge decision-making					
Was investigative advice given before the case was submitted for pre-charge decision	33	23	34	58.93	41.07
Was the charging decision made at the earliest opportunity	37	13	40	74.00	26.00
Was the charging decision properly recorded on the MG3 or review note	45	5	40	90.00	10.00
If appropriate was the threshold test properly applied	0	0	90	-	-
If appropriate was the threshold test followed up with a full Code test	0	0	90	-	-
Was specific SCD guidance adhered to	54	1	35	98.18	1.82
Was the case sent to counsel to advise upon	7	49	34	12.50	87.50
Was the reviewer proactive in building the case	33	1	56	97.06	2.94
Were ancillary matters such as bad character, hearsay, Proceeds of Crime Act, special measures, disclosure, victim and witness issues considered	13	1	76	92.86	7.14
Was the charging/initial review decision in accordance with the Code evidential test	50	0	40	100	0
Was the charging/initial review decision in accordance with the Code public interest test	50	0	40	100	0
Was there any avoidable delay in the progress of the case at the pre-charge stage	20	30	40	40.00	60.00
If there was avoidable delay, was any delay attributable to the CPS	11	9	70	55.00	45.00
If the advice was to take no further action was the decision justified in accordance with the Code evidential test	36	0	54	100	0
Trial/Crown Court review					
Was the decision to proceed to the Crown Court/summary trial properly recorded	7	8	75	46.67	53.33
Was the decision to proceed in accordance with the Code evidential test in respect of the main charge	15	0	75	100	0
Was the decision to proceed in accordance with the Code public interest test in respect of the main charge	15	0	75	100	0
Did the review note at this stage comply with the standard for review notes	7	0	83	100	0
Was the case kept under continuous review	14	1	75	93.33	6.67
Charges/indictments					
Did the indictment/charges reflect the seriousness of the case and provide adequate sentencing powers	15	0	75	100	0
Did the case proceed on the charges/indictment determined by the prosecutor without significant amendment	13	2	75	86.67	13.33
Disclosure of unused material					
Was the duty of initial disclosure properly complied with	11	3	76	78.57	21.43
Was the duty of continuing disclosure properly complied with	9	1	80	90.00	10.00
Was any sensitive material dealt with properly (including completion of schedules)	4	5	81	44.44	55.56
Did any unused material give rise to questions of public interest immunity	2	8	80	20.00	80.00
If so, did the prosecutor devise a strategy to deal with any potential adverse ruling	1	1	88	50.00	50.00
Was the appropriate type of PII application made	0	1	89	0	100
Did the lawyer/counsel take the appropriate action (if any) in respect of any third party material	3	0	87	100	0
Was the disclosure record sheet used so there was a clear audit trail of decisions and actions	1	13	76	7.14	92.86
Use of experts					
Was the need for expert evidence considered at the appropriate time	12	0	78	100	0
Was the expert called to give oral evidence at court	2	1	87	66.67	33.33
Where expert evidence was required, were instructions clear and comprehensive	5	1	84	83.33	16.67
Was the prosecution expert evidence served on the defence	4	0	86	100	0
Was the defence expert evidence sent to the prosecution expert	3	0	87	100	0
Did the expert attend any conferences with counsel	2	2	86	50.00	50.00

	Y	N	NA	%Y	%N
Case progression					
Was the prosecution ready for any pre-trial review/plea and case management hearing	12	0	78	100	0
Were all orders complied with on time or the case referred back to court	10	4	76	71.43	28.57
Was correspondence from the defence acknowledged and dealt with appropriately	17	1	72	94.44	5.56
Was additional material from the police correctly logged reviewed and served/ disclosed as appropriate	16	0	74	100	0
Was overall post-charge case progression by the CPS expeditious	18	0	72	100	0
Were subsequent review notes completed by prosecutors	4	8	78	33.33	66.67
Were those subsequent review notes of a satisfactory quality	4	0	86	100	0
Instructions to advocate					
Were instructions to counsel or advocate complete containing a case summary and dealing adequately with the issues	17	2	71	89.47	10.53
Did the instructions contain satisfactory guidance on the acceptability of lesser or alternative pleas and action to be taken when pleas are offered	4	6	80	40.00	60.00
Trial					
Was there a cracked or ineffective trial in this case	0	15	75	0	100
Was it foreseeable that the trial would crack or be ineffective	0	0	90	-	-
If the trial was cracked or ineffective did the CPS take action to avoid this	0	0	90	-	-
Cracked trial					
Were pleas accepted to lesser offences/charges	2	10	78	16.67	83.33
If pleas were accepted was this justified	1	1	88	50.00	50.00
If a basis of plea was agreed was this set out in accordance with the guidance	1	0	89	100	0
If pleas were accepted was this at the earliest opportunity					
Attrition					
Where the case was discontinued did further evidence/information result in the decision to discontinue	1	0	89	100	0
If the case was discontinued was there appropriate consultation and explanation to police	1	0	89	100	0
Was the decision properly recorded	1	0	89	100	0
Victim and witness care					
Was a meeting offered to the family where the CPS advice was that there was insufficient evidence or it was not in the public interest to prosecute (where no face-to-face or telephone consultation with the police)	10	0	80	100	0
Where the victim focus scheme applies did the prosecutor offer to meet the family after charge to explain the processes and procedures	5	1	84	83.33	16.67
Was a victim personal statement made	2	2	86	50.00	50.00
If there was no VPS in the file from the police, did the CPS request one	0	2	88	0	100
If the charge was reduced/dropped or the advice at PCD was no further action (no face-to-face) was the victim/victim's family notified in accordance with direct communication with victims and where appropriate a meeting offered	7	3	80	70	30
Was any DCV letter of the appropriate quality	10	0	80	100	0
Was any DCV letter timely	9	1	80	90.00	10.00
Custody time limits					
Where CTLs applied was the case monitored and handled in accordance with divisional systems	1	0	89	100	0
xCMS					
Was the case information completed on xCMS adequately	6	4	80	60.00	40.00

ANNEX D: LOCAL REPRESENTATIVES OF CRIMINAL JUSTICE AGENCIES AND ORGANISATIONS WHO ASSISTED IN OUR INSPECTION

Police

Detective Chief Superintendent Heseleden
Detective Superintendent Levett
Detective Superintendent Tottman
Detective Superintendent Butler
Detective Chief Inspector Wallace
Detective Sergeant Oakes
Detective Chief Superintendent Young
Detective Constable Norris

Attorney General's Office

Mr G Segal

House of Lords Judicial Office

Mr N Cross, Office Manager

Defence solicitors

Peters and Peters

Counsel

Mr H Keith QC
Ms C Montgomery QC
Mr R Thatcher
Mr A Waterman QC

Health and Safety Executive

Ms A Brett-Holt, Director of Legal Services

Independent Police Complaints Commission

Ms J Furniss, Chief Executive Officer
Mr J Tate, Director of Legal Services
Mr P Geering, Director of Strategy and Business Improvement
Ms K Wood, Policy Officer

The Electoral Commission

Mr A Scallan, Director of Electoral Administration and Boundaries
Ms K Quaintmere, Head of Electoral Administration
Mr R Jordan, Senior Adviser (Electoral Integrity)



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