



HM Crown Prosecution
Service Inspectorate

Review of the performance of CPS East of England

Follow-up

October 2014



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Chief Inspector's foreword

HMCPSP is committed to promoting improvement, and this principle is embedded in all our work. I am particularly aware that a follow-up inspection has a key role in helping the CPS focus on our recommendations, and I am pleased that CPS East of England has responded to this approach.

I am encouraged by the progress the Area has made in achieving the recommendations made in my 2012 report. I am also pleased to note that the East of England was the top performing Area in 2013-14 when assessed against CPS national performance measures.

However, this follow-up has identified a number of concerns about East of England's direction of travel. The findings from my inspectors' file examination indicate a decline in aspects of casework quality.

High level outcomes are declining in some aspects, in some cases at a greater rate than found nationally, although a change to the Area's case mix has had an adverse impact. Performance is still better than the national average but the gap is closing. I do acknowledge that in some instances, for example the conviction rate for hate crime, performance continues to improve and is highly creditable.

Other aspects of performance are holding up well; the Area is on target to achieve its required 2014 counsel's fee savings and magistrates' court coverage by in-house prosecutors is extremely high. However, the Area will need to make some hard choices as to whether this is the most effective deployment of its limited resources.

At the time of the 2012 inspection the East of England was better resourced than some other Areas. Over the last two years there has been a reduction in staff numbers, in some categories at a greater rate than nationally. The Area is now in a similar position to the rest of the CPS. These reductions are starting to have an impact on performance and on staff levels of engagement which have dropped since our full inspection.

Continued uncertainty about the structure of the Area, including the imminent closure of the Cambridgeshire office, has undoubtedly contributed to a decline in overall staff morale. The necessary reduction of managers at local offices has also contributed to staff concerns about the visibility of senior managers, which the Area is seeking to address.

The timeliness of case preparation in magistrates' court contested cases is a concern, as are the administrative backlogs at some process stages. There have also been three recent custody time limit cases where the court declined to extend the time limits because they were not satisfied the prosecution had acted with due diligence; although in two of the cases CPS Headquarters assessed that this was because of circumstances outside the Area's control.

Relations with criminal justice agency partners remain good and there is a constructive attitude to solving issues. These include a 'trial holiday' in the magistrates' court to enable the Area to catch up on case preparation and work with the police to improve file quality.

In common with many Areas there have been considerable changes to senior management over the last two years. Both now, and at the time of the full inspection, the Area was awaiting a new Chief Crown Prosecutor (CCP). The new appointee, to replace the CCP who has moved to another Area, will face considerable challenges in maintaining East of England's standing in the current operational climate. However, despite the current difficulties, inspectors found that there remained a substantial commitment by staff to deliver good casework quality.



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Her Majesty's Chief Inspector

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1 Follow-up inspection context

1.1 This report sets out the findings of Her Majesty's Crown Prosecution Service Inspectorate's (HMCPsi) June 2014 visit, following on from a previous inspection of the Crown Prosecution Service (CPS) East of England Area conducted in June 2012.¹

1.2 A detailed account of the methodology used to gather evidence and data can be found at annex F.

1.3 The East of England Area was formed as part of the national restructuring of the CPS in April 2011. It comprises the counties of Cambridgeshire, Essex, Norfolk and Suffolk. There are offices in each county, with the Operations Centre and Complex Casework Unit based in Essex. However, the Cambridgeshire office will close in autumn 2014, with the majority of staff deployed to Her Majesty's Courts and Tribunals Service (HMCTS) premises at the Crown Court at Cambridge and Peterborough.

1.4 In 2012 inspectors found that East of England was a good performing Area, which was reflected in its casework outcomes. The inspector's assessment of performance is set out below:

Inspection criteria	Assessment
Governance	Good
Casework quality	Good
Efficiency and value for money	Good

1.5 Four recommendations were made, designed to improve performance further. Additionally, five aspects of concern were noted. Progress in achieving the recommendations is set out in chapter 5. The level of progress is measured against five criteria which, together with the descriptors, are set out in the following table:

¹ www.justiceinspectorates.gov.uk/hmcp/inspections/east-of-england-inspection/

Excellent progress

The CPS has either achieved or made real, sustained and successful progress in taking forward its planned actions in relation to the recommendation. Impact has been demonstrated by the required performance improvement having been secured and sustained improvement having been shown.

Good progress

The CPS has made effective progress in taking forward its planned actions in relation to the recommendation although this needs to be sustained to realise success. Impact has been demonstrated by performance improvements having been made.

Fair progress

The CPS has made some progress towards addressing the recommendation, but progress has either been slow, or has produced mixed or inconsistent results and more needs to be done to realise success. Impact has not been demonstrated; performance improvements have occurred but have not been sustained.

Poor progress

The CPS cannot demonstrate that any progress has been made, or it has been largely ineffective. Impact has not been demonstrated and there has been no substantial performance improvement.

No longer applicable

Where there has been a change in circumstance which makes the issue no longer relevant.

1.6 Inspectors also considered how effectively the Area had addressed the aspects of concern identified, although these are not subject to formal progress assessments. Our findings in respect of these can be found at chapter 6.

1.7 A number of key environmental factors which contribute to a successfully performing Area were identified in the 2012 full inspection; in particular staff motivation and engagement, and effective partnership working with other criminal justice agencies and the defence community. At the time East of England was also benefiting from a smaller reduction in staff numbers compared with the CPS nationally, together with a larger reduction in contested cases in the magistrates' courts.

1.8 The Chief Crown Prosecutor (CCP) had just retired at the start of the full inspection and East of England was working with a temporary structure. The position was similar at the time of the follow-up. The CCP, who took up post shortly after our full inspection, was just leaving to take up post in another Area.

1.9 The impact of staff reductions and uncertainty about where some would be based when the Cambridgeshire office closes has led to a worrying decline in staff engagement over the last two years as measured by the annual Civil Service People Survey.² This is compounded by concerns about the future of the Suffolk office. However, whilst morale is not as high as found in 2012, there has been no lessening of staff commitment to deliver a high quality casework service. Additionally, management have implemented a number of initiatives to address staff concerns.

1.10 We discuss specific aspects relating to current performance and resources in chapter 3. However, the combination of continuing reduction in staff numbers - a fall which is now close to the national average - and a contested caseload that is not falling as much as the national average, was starting to impact on aspects of case preparation, particularly in the magistrates' courts. This was also starting to affect the previous good relationship with the defence community, although this was also influenced by aspects outside the CPS's control.

1.11 There was, however, still effective partnership working with the other criminal justice agencies across the Area, for example a specific initiative in Essex to improve police file quality.

1.12 Although the Area is starting to experience the effects of resource reductions, it has maintained a credible performance in securing successful outcomes. In 2013-14 it was the best performing CPS Area when assessed against national high level performance measures. Whilst there has been a decline in some aspects, it still outperforms the national average in most measures, although the gap is closing.

² This has declined from 57 per cent in 2011 to 46 per cent in 2013.

2 Executive summary

2.1 East of England has made good progress in achieving the recommendations made in the 2012 report. It was the top performing Area in 2013-14 when assessed against CPS national performance measures.

2.2 However this follow-up inspection has identified a number of concerns about its direction of travel. The findings from inspectors' file examination indicate a decline in aspects of casework quality.

2.3 The proportion of successful outcomes is declining in a number of aspects. In some, for example magistrates' courts successful outcomes, at a greater rate than found nationally although this is attributable to a change in the Area's case mix. Performance is still better than the national average, but the gap is closing. However in some instances, such as the conviction rate for hate crime, performance continues to improve and is highly creditable.

2.4 Other aspects of performance are holding up well; the Area is on target to achieve its required 2014 counsel's fee savings and magistrates' court coverage by in-house prosecutors has been extremely high. However, the Area will need to make some hard choices as to whether this is the most effective deployment of its limited resources. We understand that agent usage in the magistrates' courts has now increased significantly.

2.5 At the time of the 2012 inspection the East of England was better resourced than some other Areas. Over the last two years there has been a reduction in staff numbers, in some categories at a greater rate than nationally, and it is now in a similar position to the rest of the CPS. These reductions are starting to have an impact on performance and on staff levels of engagement which have dropped since our full inspection.

2.6 Continued uncertainty about the Area's structure, including the imminent closure of the Cambridgeshire office, has undoubtedly contributed to a decline in overall staff morale. The necessary reduction of managers at local offices has also contributed to staff concerns about the visibility of senior managers. However, despite the current difficulties, inspectors found that there remained a substantial commitment by staff to deliver good casework quality.

2.7 The timeliness of preparation in magistrates' court contested cases is a concern, as are the administrative backlogs at some process stages. There have also been three recent custody time limit cases where the court declined to extend the time limits because they were not satisfied the prosecution had acted with due diligence. However, in two of the cases CPS Headquarters determined that the delay was not attributable to CPS actions.

2.8 Relations with criminal justice agency partners remain good and there is a constructive attitude to solving issues. These include a 'trial holiday' in the magistrates' court to enable the Area to catch up on case preparation and work with the police to improve file quality.

2.9 The quality of Area MG3s (record of charging decisions) had improved, but had yet to reach a fully acceptable level of performance. There also needed to be an improvement in the quality of post-charge reviews. The last minute preparation of magistrates' court cases was affecting the 'grip' prosecutors had on ensuring all necessary actions were carried out and compliance with those courts' directions was particularly poor.

2.10 Process checks on live files showed that in the Crown Court units, correspondence or information from the police which might impact on the case was not considered promptly. In one example it took four weeks before a prosecutor considered a statement from the victim saying she no longer supported the prosecution.

2.11 The Area has made good progress in respect of how it digitally allocates magistrates' court casework, although there are some significant backlogs. Overall, work is now moved within the Area to where there is available resource.

2.12 The Area is still hampered by different police digital interfaces and this will not be resolved until the four police forces it works with³ adopt a common operating system. This has not progressed as quickly as was anticipated.

2.13 There was a good analysis of unsuccessful outcomes,⁴ although this was frequently not by way of an adverse case report in individual cases, but as part of the legal managers' assessment of casework quality. The deficiencies identified were similar to those found by inspectors during their file examination.

³ Cambridgeshire, Essex, Norfolk and Suffolk.

⁴ These include cases dropped and where there is an acquittal after trial.

2.14 The Area does not yet have a comprehensive set of throughput targets⁵ covering all work and staff types, but it is clear that these are being introduced and used within various key teams. This is particularly so in the magistrates' court trial preparation teams and administrative sections. These are also being used to monitor and manage performance, although this is at a more informal level within some teams.

2.15 The Crown Court Early Guilty Plea team is carrying out timely reviews, including weeding out weak cases. In the magistrates' court the timeliness of discontinuance has improved when measured against the number of hearings before this takes place. Further improvement could be made once the process for reviewing police charged cases before the first hearing is working fully effectively.

Conclusion

2.16 The Area has made good progress in addressing the recommendations in our 2012 report, but there are now concerns about the overall direction of travel in respect of casework quality.

2.17 Performance is declining in respect of some key outcomes and the overall quality of some aspects of casework need to improve. East of England is now feeling the impact of resource reductions and will face considerable challenges if it is to remain a high performing Area.

⁵ These can include an expectation as to how many tasks an administrator can undertake in a day, or reviews a prosecutor can complete.

Progress against recommendations

Progress against recommendations	Position as at June 2014
The Area should review all current Transforming Through Technology processes in each operational unit and ensure that by the time of full paperless transfer of police files there are standard operating procedures across the Area, to facilitate better alignment of resources and workload.	Good progress
The Area should ensure Core Quality Standards Monitoring assessments reflect fully the requirements of the national standards, that they are robustly and consistently applied and reflect accurately casework performance.	Good progress
The Area should set clear productivity targets and expectations for all staff working in case progression units and managers should monitor and manage individual performance against these.	Good progress
Area case progression units should implement an initial screening of cases adjourned for committal or service of the prosecution case to ensure that unnecessary work is not carried out on cases which clearly cannot proceed.	Good progress



3 Casework outcomes and resources

3.1 In this section we provide a brief commentary on the Area's casework outcomes and resources. A detailed breakdown is at annex B.

Casework outcomes

3.2 Successful outcomes⁶ in the magistrates' courts have declined from 89.3 per cent in 2012-13, the year of our inspection, to 87.9 per cent in 2013-14. This compares with 86.2 and 85.7 per cent nationally. The proportion of cases discontinued in the magistrates' court has changed slightly (7.9 per cent compared with 7.1 in 2012-13), but continues to be much better than average CPS performance (9.8 per cent in 2013-14).

3.3 The Area has returned to the police responsibility for prosecuting a substantial number of summary only motoring cases, which has impacted on their case mix and the proportion of magistrates' court contested cases. If those within this category which are still retained by the CPS are excluded, then the successful outcome rate remains stable at 87.7 per cent.

3.4 Crown Court successful outcomes have declined slightly from 83.7 per cent to 83.0, but again compare favourably with the national figure (80.9 per cent in 2013-14). Cases dropped increased from 9.0 per cent to 9.7, but this is significantly better than national performance (11.4 per cent in 2013-14). We discuss at paragraph 5.23 the context in which this is occurring.

3.5 There was a successful outcome in 79.6 per cent of cases involving violence against women and girls,⁷ which was a slight decline in performance compared with 2012-13 (80.1 per cent). This is still better than the national performance of 74.4 per cent in 2013-14, when East of England was the second best performing Area, but nationally the direction of travel is positive, whilst East of England's performance has been in decline for the last three years.

3.6 The Area performed well in 2013-14 in the level of successful outcomes it achieved in hate crime cases,⁸ with a successful outcome in 87.3 per cent of cases compared with 84.7 nationally. Area performance improved by 3.6 per cent compared with the previous year.

⁶ HMCPSI includes all case types in the outcome data used to enable the public to have a full picture of CPS performance. We recognise that the CPS excludes summary only motoring offences from its internal performance data.

⁷ Offences of rape, serious sexual assault and those within the context of domestic violence.

⁸ Racially or religiously aggravated offences, homophobic/transphobic, and disability hate crime.

Caseload and resources

3.7 We commented in our 2012 report that the Area had benefited from a slower reduction in overall staff numbers than the CPS nationally. During the last two years the position has evened out and the overall staff reduction is 15.3 per cent compared with 15.5 nationally.⁹ East of England has lost a slightly higher proportion of its prosecutors, but slightly fewer administrators, when compared with the national picture.

3.8 Over the period 2011-12 to 2013-14 the Area has seen its magistrates' court caseload fall by 25.8 per cent,¹⁰ which is considerably higher than the national average (19.6 per cent). However, the number of contested cases has risen by 1.4 per cent compared with a decline nationally of 7.3,¹¹ although the East of England continues to secure a higher percentage of guilty pleas at the first hearing than any other Area. It is contested cases which require the most preparation and this rise may be a contributory factor to the decline in some aspects of casework noted during this follow-up inspection.

3.9 Crown Court finalised caseload fell by 14.7 per cent over same the two year period, compared with 12.8 per cent nationally. However, there is a similar picture in respect of contested cases as in the magistrates' courts. Although they fell by 3.2 per cent, this is significantly less than the national reduction (11.7).¹² Data produced by the Area indicates that the volume of live Crown Court caseload increased by 5.6 per cent in the 12 months to May 2014. This will undoubtedly impact on its resources.

3.10 The average number of contested magistrates' court and Crown Court cases per prosecutor is very close to the national average.¹³

⁹ Based on a two year average from 2011-12 to 2013-14 inclusive. Our figures are taken from the CPS corporate information system and reflect full-time equivalent remunerated staff. Figures quoted for prosecutors also include CCPs. Figures quoted may differ from other published CPS data due to different specifications and data sources.

¹⁰ Data provided by the Area suggests that approximately 50 per cent of this reduction is attributable to the return to the police of the power to prosecute a number of summary only motoring offences.

¹¹ This data relates to cases where all charges are contested. If those where there are mixed pleas are included, the Area's caseload has fallen by 0.5 per cent compared with 8.0 per cent nationally.

¹² This data relates to cases where all charges are contested. If those where there are mixed pleas are included, the Area's caseload has fallen by 3.0 per cent compared with 12.1 per cent nationally.

¹³ This is based on the number of contested cases divided by the number of prosecutors, excluding Senior Civil Servants and CCPs. It does not distinguish between whether prosecutors deal with magistrates' courts or Crown Court casework. We recognise that at the individual level there may be significant variations in caseload.

4 Casework overview

4.1 In this section we set out the main findings from our examination of finalised files. A more detailed breakdown is at annex C. We also include our assessment of the effectiveness of Area processes based on a sample of live files examined during the on-site phase.

The provision of pre-charge decisions

4.2 Since the 2012 inspection, the CPS nationally has restructured the provision of charging advice with the majority of charging decisions now taken by CPS Direct (CPSD). Of the 100 files examined, in 69 the charging advice was provided by CPSD, 21 by Area lawyers (including six by Daytime Direct which dealt with charging advice prior to the changeover to CPSD), and ten cases were charged by the police.

4.3 Overall, in 93.3 per cent of files examined the Code for Crown Prosecutors (the Code) was applied correctly at this stage in respect of each charge directed.¹⁴ This compares with 93.8 per cent at the time of our full inspection. In 66 of the 69 CPSD cases (95.7 per cent), the Code test was applied correctly and in 18 of the 21 Area charging decisions (85.7). Inspectors were concerned that some of the Area charging decisions demonstrated a lack of understanding of the relevant law. Joint enterprise was particularly poorly understood.

4.4 All police charged cases complied with the Code at this stage, although in two the case should have been referred to the CPS for charging advice in accordance with the Director's Guidance on Charging 5th Edition (May 2013).

4.5 As at the time of the full inspection there remains a wide variation in the quality of Area lawyers' MG3s.¹⁵ Overall 66.6 per cent of MG3s were assessed as good or better and 28.6 as fair. Only 4.8 per cent were poor.¹⁶ One of the Area charging advices was poor, but there were two cases where an excellent charging advice was provided; one involved allegations of rape and the other related to a fatal road traffic incident.

4.6 There is currently a significant backlog of cases awaiting CPS review and charging decisions and a significant proportion of these are now being sent out to counsel to advise, in order to expedite the process and assist the prosecutor in their review and decision-making. The problem has also been exacerbated by one police force submitting general cases for advice which should have been dealt with by police supervisors.

4.7 East of England has now formed a Rape and Serious Sexual Offences unit, although some of the files we examined pre-dated the creation of this specialist unit. Many of the cases awaiting advice are from this unit, which is sending about a third of them to counsel to advise. The unit is monitoring this process carefully. However, it creates some duplication as the charging decisions have to be made by a prosecutor following careful consideration of counsel's advice.

¹⁵ Area and Daytime Direct combined. The figures for the full inspection were: excellent 12.9 per cent; good 35.3; fair 28.4; poor 23.3.

¹⁶ There was very little variation in the overall quality of charging advice which includes CPS Direct – see annex C.

¹⁴ Excluding charges which are wholly insignificant when compared with the overall offending, known as 'de minimis'.

The quality of decision-making

4.8 In accordance with the Director's Guidance, police charged cases should be reviewed by the CPS before the first hearing. In some cases we looked at there was no review recorded on the CPS's electronic case management system (CMS) and we are not assured that such a review is always being consistently applied. In cases where it is anticipated that the defendant will plead not guilty the file should be reviewed by a lawyer before the first hearing. This process had only recently been introduced and at the time of our inspection it was too early to determine how effective it was, particularly in weeding out weak cases at an early stage.

4.9 The overall quality of review at the post-charge stage needs to improve and has declined since our 2012 inspection, particularly in respect of magistrates' court cases. Only 35.1 per cent of relevant magistrates' court files had a fully adequate review compared with 70.8 per cent in our 2012 inspection. There was a fully adequate review in 51.9 per cent of the Crown Court files examined compared with 57.0 in 2012.

4.10 The Code was applied correctly post-charge in 91.0 per cent of cases. In five of the nine cases where it was not applied correctly, there had also been a Code test failure at the charging stage. Examples included discontinuing a case which should have proceeded to trial and allowing charges to proceed to the next stage when there was no realistic prospect of conviction.

4.11 Sixteen cases in our file sample were discontinued,¹⁷ and the police were consulted appropriately on the decision in over three quarters. In five (31.3 per cent) the discontinuance process was not timely. This can cause extra work for both prosecutors and the police. It can also unrealistically raise the expectations of the victim. In cases set down for trial it can mean that the court cannot utilise the time that had been allocated for another case.

4.12 Cases proceeded to trial on the most appropriate charges in 86.6 per cent of files examined and the indictment was drafted correctly in 89.8 per cent of Crown Court cases. This compares with 90.7 and 81.6 respectively in our 2013 Annual Casework Examination Programme (ACEP).¹⁸

Case progression

4.13 It is important that progress is made at the first hearing either by taking a plea or, if appropriate, sending the case to the Crown Court. Inspectors found that the process for providing the initial disclosure of the prosecution case (IDPC)¹⁹ to the court and defence was not fully effective.

¹⁷ The combined number for magistrates' courts and the Crown Court, and includes cases in the Crown Court where the prosecution offered no evidence.

¹⁸ The Annual Casework Examination Programme looks at the quality of CPS casework. The programme draws its file sample from across a range of Areas and provides an overall assessment of CPS casework quality.

¹⁹ The IDPC package will include a summary of the case; important statements, for example that of the victim; and other material including the defendant's previous convictions.

4.14 Whilst the IDPC package was checked and prepared in good time, it was then being passed to an administrator for despatch. This could be very close to the court date, usually the day before. HMCTS representatives confirmed that performance had declined in this aspect. The Area needs to consider whether there is a more efficient way of dealing with this process to reduce the delay.

4.15 Requests for upgrade files from the police following the entering of a not guilty plea in the magistrates' courts were delayed due to significant backlogs in updating court hearing outcomes and inputting hearing record sheets. This caused delay down the line which was compounded by lengthy periods of time between receipt of the upgrade file and it being reviewed by a prosecutor.

4.16 Inspectors undertook process checks on live files. They found that on average there was a delay of 32 days between receipt of the upgrade file and review by a prosecutor in the magistrates' court team; a review which on average took place ten days before the trial date. The Area was prioritising cases that were seven days from trial and ensuring these were reviewed. Therefore upgrade files were being prioritised by trial date, rather than chronologically as they arrived, or by the sensitive case category, or urgency or complexity of the work required to prepare for trial.

4.17 In our 2012 inspection there was an average delay of 28 days between receipt of the upgrade file and review. However the crucial difference at that time was that the review took place, on average, 42 days before the trial. Therefore there was a substantial period of time in which to rectify any deficiencies.

4.18 The process left little time for prosecutors to take remedial action if further evidence or information was required from the police. Where such a request was made, our checks showed it took an average of 19 days from receipt of the upgrade file from the police to the request. There is no comparative data in our 2012 report.

4.19 The Area accepted that it struggled to comply with magistrates' court directions, even though the courts had tried to assist by adjusting how the timescales were set. Our file examination confirmed this; only 19.2 per cent of files had timely compliance. HMCTS is working with the CPS to try and improve the situation by agreeing a trial holiday in the magistrates' court to enable the Area to catch up on case preparation.

4.20 Cases sent to the Crown Court are initially reviewed by the Early Guilty Plea (EGP) team. Their function is to carry out a triage, by assessing in which cases there is likely to be a guilty plea, transfer those which they anticipate will be contested to the trial preparation team and discontinue promptly those where there is no realistic prospect of conviction.

4.21 The team is reviewing on average 400 files per month²⁰ and identifying on average 165 files (41 per cent) as being suitable for the scheme. They are also discontinuing an average of six cases per month. Of those cases that were entered into the EGP scheme, 54 per cent resulted in an early guilty plea. In those where a guilty plea was not entered, there could be considerable pressure on the police and prosecutors to provide and review the upgrade file within the timescales set down.

²⁰ January-April 2014, data provided by the Area.

4.22 The EGP team was working effectively, although there were delays in transferring cases from the magistrates' court unit to them. However, once received the cases were reviewed promptly. The team resource is shortly to be reduced due to retirement and the Area needs to ensure it maintains the current level of service delivery. We discuss this aspect further as part of our assessment of progress against the relevant recommendation.

4.23 There was insufficient grip²¹ on trial preparation, in both the magistrates' courts and the Crown Court. Overall, only 33.3 per cent of cases in our file sample fully met the requirement. This compares with 55.8 per cent at the time of our full inspection. Whilst performance was better in the Crown Court (37.3 per cent) than in magistrates' courts cases (29.2 per cent) in the file sample, our process checks on live files showed that in the Crown Court units correspondence or information from the police which might impact on the case was not considered promptly. In one example it took four weeks before a prosecutor considered a statement from the victim saying she no longer supported the prosecution.

4.24 Compliance with judges' orders needs to be improved. Only 48.6 per cent of files examined demonstrated timely compliance. This was not assessed specifically in our 2012 inspection, but at that time we found that there was compliance with court directions (which included judges' orders) in 67.5 per cent of cases.²²

4.25 Our process checks showed that the prosecution case was being served in the Crown Court in compliance with the courts' directions. On average this took place two days before the date set down by the court. However, in the majority of files examined this took place either the day before or on the due date.

4.26 CPS national policy post-charge in sensitive or complex casework was complied with fully in only 67.5 per cent of applicable cases. This compares with 74.9 per cent in our 2013 ACEP file sample. Cases in the magistrates' courts showed much higher compliance, as did those featuring allegations of violence against women and girls or homophobic offending.

Custody time limits

4.27 At the time of our follow-up inspection there had been three recent custody time limit (CTL) cases where the court was not satisfied the prosecution had acted with due diligence, although in two of the three CPS Headquarters determined that the delay was not the fault of the Area.

4.28 In 94.4 per cent of relevant cases in our file sample the preparation of the cases was prioritised to take account of the fact that CTLs applied. CTL files were monitored and handled in accordance with national standards again in 94.4 per cent of cases. This compares favourably with our 2013 ACEP findings when only 84.2 per cent of cases nationally were prioritised appropriately and only 68.8 were handled in accordance with national standards. Comparative data was not included in our 2012 report.

21 This will include the prompt service of applications and compliance with Criminal Procedure Rules, court directions and judges' orders.

22 We recognise that CPS produced data indicates a higher level of compliance than found in our file sample.

The disclosure of unused material

4.29 Overall the handling of the disclosure of unused material has declined. Inspectors assessed the overall quality as good in 59.6 per cent of the cases examined (none were excellent). This compares with 65.7 per cent which were good or better in our 2012 report.

4.30 The prosecutor complied fully with the duty of initial disclosure, including the correct endorsement of the schedule, in 35.6 per cent of relevant cases and in 36.1 per cent as part of its continuing disclosure obligations. This compares with 74.4 and 76.6 per cent respectively in our 2012 file sample.

4.31 The sensitive unused material schedule and any sensitive material were handled appropriately in 65.6 per cent of cases. We discuss the handling of sensitive unused material in the section on aspects of concern arising from the 2012 inspection.

4.32 In 3.6 per cent of the cases examined undermining or assisting material was not disclosed at any stage of the proceedings. However, none of the cases gave rise a potential miscarriage of justice through material non-disclosure. The handling of the previous convictions of prosecution witnesses was problematic, as they were often omitted from the relevant schedule by the police disclosure officer.

4.33 The prosecution discharged its duties of disclosure in a timely way in only 31.1 per cent of cases examined. In our 2012 inspection we measured the timeliness of initial and continuing disclosure separately. Then we found initial disclosure was timely in 82.7 per cent of cases and continuing disclosure in 75.8 per cent. In some parts of the Area there were delays in obtaining material from relevant local authorities, for example social services records.

Victims and witnesses

4.34 Victim and witness care was generally of an acceptable standard. The Victims' Code, Prosecutors' Pledge and other relevant guidance were fully complied with in 63.8 per cent of cases compared with 86.7 per cent in our 2012 report. File examination showed prompt and clear contact from witness care units (WCUs) to victims and witnesses in most cases, which was properly recorded on CMS.

4.35 However, delays in preparing trials in the magistrates' courts led to reduced efficiency in dealing with WCU queries. This was a significant factor in the much lower standard of victim and witness care in magistrates' court cases, where 46.3 per cent were fully compliant compared to 82.1 per cent of Crown Court cases.

4.36 Special measures applications were timely and of good quality in 65.5 per cent of relevant cases (93.5 in 2012). The attendance of victims and witnesses was secured appropriately in 85.3 per cent of the files examined. All necessary steps were taken throughout the case to protect the victim, witnesses and public from harm in 72.9 per cent of cases. These latter two aspects were not measured in our 2012 inspection, or as part of the 2013 ACEP.

4.37 Direct communication with the victim (DCV) was provided in a timely fashion in 88.2 per cent of relevant cases in our file sample (71.1 per cent in 2012). In the other cases no letter was sent. All correspondence included reference, where appropriate, to the Victims' Right to Review.²³ However the standard of DCV correspondence was mixed with only 53.3 per cent fully meeting the required standard (57.6 in 2012); the better quality letters tended to be found in magistrates' court cases.

4.38 In common with other Areas, the East of England is setting up a Victim Liaison Unit which will deal centrally with victim and witness issues including DCV letters, which the CPS believes should improve performance.

²³ This gives the victim the right to ask the CPS to review certain decisions, including when they direct no further action at the charging stage, or discontinue proceedings.

5 Progress against recommendations

5.1 In this section we assess the progress the Area has made in achieving the recommendations made in our 2012 report. We also comment on how the effective the Area has been in addressing the aspects of concern. A table collating the overall progress in achieving the recommendations is at annex A.

Recommendation 1

Good progress

The Area should review all current Transforming Through Technology processes in each operational unit and ensure that by the time of full paperless transfer of police files there are standard operating procedures across the Area, to facilitate better alignment of resources and workload.

5.2 The Area has made good progress in respect of this recommendation, particularly in respect of how it allocates magistrates' court casework, although there are some significant backlogs. Whilst there has been improvement in performance as measured against the recommendation, other concerns were identified by inspectors which need to be addressed.

5.3 The magistrates' court casework processes are now wholly digital and although prosecutors are based at different locations they prepare casework across the Area. This has had an impact on the Area's performance, by helping to alleviate the imbalances in workload which we identified in our 2012 report. It is, however, of concern that only 11 per cent of staff who responded to our survey considered that work was evenly balanced across the teams. This suggests strongly that managers need to ensure that staff are better informed as to overall workloads and how they are distributed.

5.4 Management of the process ensures that the work is aligned to the available resource, although there were significant backlogs in aspects of trial preparation and provision of pre-charge advice. The latter is being addressed by instructing counsel to advise at the pre-charge stage. However this creates some duplication as the charging decisions have to be made by a prosecutor following careful consideration of counsel's advice. This approach, whilst helping reduce the problem, carries an additional cost.

5.5 These backlogs are not attributable to the process, but to the overall staff resource currently available to undertake this work. Other prosecutors are currently deployed to successfully achieve the Area's counsel fee savings requirements and, until the last quarter of 2013-14, in maintaining a very high level of magistrates' court in-house prosecutor coverage. We understand East of England has made a bid to increase its complement of Crown Prosecutors. Until that comes to fruition it needs to make hard choices as to where its resources are currently deployed to achieve maximum efficiency.

5.6 The Area is still hampered by different police digital interfaces, and this will not be resolved until the police forces adopt a common operating system (ATHENA). This has not progressed as quickly as was anticipated, with the first force (Essex) not going live until 2015. Currently forces still upload material onto the CPS case management system in different ways. However the Area has worked with their police partners to ensure so far as is practicable that there is a commonality of approach. There is also constructive work being undertaken with the police, particularly in Essex and Cambridgeshire, to improve file quality.

5.7 In common with all CPS Areas, the East of England has implemented most of the national Standard Operating Practices. However, there are local variations to fit with the Area's way of working. At the time of the follow-up inspection the Area had recently introduced a process to enable police charged cases to be reviewed before the first hearing. Managers will need to maintain a close oversight of the effectiveness of this aspect, to ensure successful implementation of the Transforming Summary Justice initiative.

5.8 The Area also needs to review the effectiveness of its processes for serving the initial disclosure of the prosecution case. Whilst there is usually timely review and preparation, there is then a delay before it is despatched. Inspectors found that this was occurring because the preparation and despatch functions were undertaken at different stages of the process of preparing for the first hearing. If this was all done at the same stage it should improve efficiency and address some of the concerns expressed by HMCTS with regard to the timeliness of receipt.

5.9 There were also backlogs in updating CMS with court hearing record sheets. This is having a significant impact on subsequent stages (particularly where the defendant is in custody), including requesting upgrade files from the police and passing relevant cases to the Crown Court.

5.10 Since our 2012 inspection East of England has created an Early Guilty Plea team in the Crown Court. As with magistrates' court work, this is wholly digitised. Whilst prosecutors are based at different locations they cover work from across the Area. This was evident from our on-site process checks on live files. The timeliness of reviews by this team was good.

5.11 Crown Court trial preparation is still primarily paper based, although files from the Norfolk and Suffolk Constabularies were almost wholly electronic. However, the Area was moving physical files from one location to another to fit with the resources available. Some aspects of this process needed slight improvement, to ensure that when the physical file was transferred systems for aligning material received subsequently were effective.

Recommendation 2

Good progress

The Area should ensure Core Quality Standards Monitoring assessments reflect fully the requirements of the national standards, that they are robustly and consistently applied and reflect accurately casework performance.

5.12 As part of our 2012 inspection we examined a sample of files²⁴ which had also been assessed by Area legal managers as part of the requirements of the CPS Core Quality Standards Monitoring (CQSM) regime. We were concerned about the variance between our respective assessments of quality.²⁵

5.13 During the intervening period there have been some significant changes to this aspect of our methodology. We have again looked at a file sample as part of the follow-up; however we no longer include a sub-set of cases which have been subject to CQSM. This is primarily because the CPS has replaced its Core Quality Standards with Casework Quality Standards²⁶ and, importantly, is developing a different approach to monitoring. This new approach has not yet been implemented fully and it is therefore not possible to make a like for like comparison.

5.14 However, inspectors assessed how robustly legal managers were assessing casework quality through a variety of current Area mechanisms. These included the analysis of cases which resulted in unsuccessful outcomes and the use of case management panels.

5.15 We found that there was a good analysis of unsuccessful cases. Although this was frequently not by way of an adverse case report in individual cases, but would be included as part of legal managers' overall quality assurance. The deficiencies identified were similar to those we found when examining our file sample. Spreadsheets were used which set out clearly where casework handling fell short. Importantly they also identified what remedial action was needed and that it had been taken.

5.16 The focus of legal managers is now clearly on driving up casework quality which, as our findings demonstrate, is in some aspects in need of substantial improvement.

²⁴ This was also undertaken as part of our national 2012 ACEP.

²⁵ See paragraphs 1.37 to 1.40 of the 2012 report.

²⁶ www.cps.gov.uk/publications/casework_quality_standards/index.html

Recommendation 3

Good progress

The Area should set clear productivity targets and expectations for all staff working in case progression units and managers should monitor and manage individual performance against these.

5.17 Whilst the Area does not yet have a comprehensive set of throughput targets covering all work and staff types, it is clear that these are being introduced and used within various key teams. This is particularly so in the magistrates' court trial preparation teams and administrative sections. These are also being used to monitor and manage performance, although this is at a more informal level within some teams. There are no specific throughput targets in the Crown Court trial preparation units, but the legal managers had undertaken a comprehensive assessment of how work was being progressed. This assessment confirmed that work was appropriately distributed and throughput, when averaged out, was consistent between the team members.

5.18 The responses to our survey confirm that the Area is progressing the setting of clear targets and that these are being used to manage performance. Of those staff who responded, 63 per cent believed that they had clear targets and objectives.

5.19 Despite this, very few staff (13 per cent) who responded to our survey agreed that poor performance was managed well. The figure was 20 per cent in the 2013 Civil Service People Survey, which was 15 per cent less than the CPS national average. We recognise that this is something that is not done in public view and concerns are likely to be exacerbated at time when staff are under work pressures. It is clearly not appropriate to publicise the throughput of individual prosecutors, nor does it always provide a full explanation, for example when dealing with more complex casework. However, managers will want to ensure that throughput and quality monitoring is carried out across all processes, and necessary remedial action taken promptly.

Recommendation 4

Good progress

Area case progression units should implement an initial screening of cases adjourned for committal or service of the prosecution case to ensure that unnecessary work is not carried out on cases which clearly cannot proceed.

5.20 Since our 2012 inspection committal proceedings have been abolished. All cases destined for the Crown Court are now sent, usually at the first magistrates' court hearing. Weak cases can therefore quickly enter the Crown Court process unless there are effective systems either to strengthen them or, if this is not possible, to discontinue them as soon as possible.

5.21 There are two early stages where this should occur, either at initial review before the first hearing in the magistrates' courts or as part of the Early Guilty Plea team review in the Crown Court. The process for initial review in the magistrates' court was in the early stages of development and it was too early to draw any firm conclusions. However it is of note that the proportion of cases discontinued at the third or subsequent hearing is reducing. In 2013-14 this reduced to 32.1 per cent compared with 34.1 per cent the previous year. Nationally in 2013-14 it was 35.8 per cent, improving from 38.1.

5.22 The EGP team collates data on the proportion of cases they discontinue. This data indicates that from January to April 2014 they discontinued 26 cases. Representatives of the judiciary also commented that they now saw more cases discontinued before they progressed substantively in the Crown Court.

5.23 The proportion of judge ordered acquittals rose slightly in 2013-14 to 9.7 per cent from 9.0 per cent in 2012-13.²⁷ Whilst not conclusive, this is indicative that although weak cases are going to the Crown Court, they are being stopped by the prosecution.

5.24 The findings from our on-site process checks confirm that the EGP team is reviewing cases promptly. On average it took five days to review cases once received from the magistrate's court unit.²⁸ Overall it took eight days from the first hearing in the magistrates' court to the review. Additionally, we noted good examples of proactivity to ensure cases would proceed as early guilty pleas, for example ensuring all necessary evidence and other material was available.

²⁷ Judge ordered acquittals will include cases discontinued by the prosecution before the defendant is asked to enter a plea and those where the prosecution offers no evidence after a plea is entered and asks the court to dismiss the case.

²⁸ Calculated by calendar day, based on ten files.



6 Aspects of concern

6.1 In this section we set out briefly our assessment of how the Area has addressed the aspects of concern identified in our 2012 report.

Aspect 1

The majority of Area staff surveyed or interviewed did not believe that the individual performance appraisal system was working effectively or was worthwhile.

6.2 Little has changed over the last two years. Staff continued to see little benefit in the system, although it was apparent that managers had worked to ensure objectives in forward job plans were relevant to staff. Pay constraints undoubtedly contribute to overall staff views, together with local uncertainties about future office locations.

6.3 Only 14 per cent of staff who responded to our survey strongly agreed or agreed that the performance appraisal system was effective and worthwhile. Further findings from our survey are set out at annex E.

6.4 Just over half the staff (53 per cent) who responded to the 2013 Civil Service People Survey thought that their performance was evaluated fairly. This was a decline from the previous year's survey (58 per cent) and six per cent less than the national CPS average.

Aspect 2

The quality of the MG3 (record of charging decision).

6.5 Since our 2012 inspection the CPS has substantially restructured how it delivers pre-charge advice. Almost all is now provided by CPS Direct, with Area charging decisions limited to the more serious and complex, and those where the type of evidence needed to be considered cannot be assessed by CPS Direct. This will include cases where there is video recorded evidence from the victim or extensive CCTV material.

6.6 As a consequence there were fewer cases in our file sample where the charging decision was made by an Area lawyer. Overall 21 of the 100 cases in our file sample involved a charging decision by Area prosecutors, including six by CPS Daytime Direct which was staffed by local prosecutors until the restructure of charging delivery.

6.7 We assessed the quality of the MG3 as good or better in 14 of the 21 cases (66.7 per cent), almost identical to the finding in respect of the overall sample (66.6 per cent). This is a significant improvement from the findings in our 2012 report, where only 48.2 per cent were assessed as good or better. However, this still leaves significant room for improvement; most of these cases are serious allegations which should receive a high quality service from the Area's most experienced lawyers. In our 2012 report we were also concerned that nearly a quarter of MG3s were considered poor. There has been a significant improvement in this, as only one file (out of 90) in the follow-up was assessed as such.

6.8 There have been improvements in key aspects of the charging decision including case analysis and determining the appropriate strategy, and the quality of action plans.

Aspect 3

The absence of a record of the lawyer's analysis, case strategy or decision-making at the full file or ad hoc review stage.

6.9 The position in respect of this aspect of concern is not encouraging. Only 35.1 per cent of magistrates' court reviews fully met all the necessary criteria. This compares with 70.8 per cent in our full inspection. Often they were done at the last minute with little opportunity to take any necessary remedial action identified. This is supported by our finding that only 40.8 per cent of upgrade trial file reviews were timely.

6.10 In 14.0 per cent of relevant files examined, the review was wholly unsatisfactory (16.1 per cent in 2012). We were concerned to note that in some instances there was merely a reference to the review being carried out on the paper file. In these instances we could find no digital record of the review, including on the hearing record sheet.

6.11 The position was better in respect of Crown Court reviews, although performance had declined and there was a need for substantial improvement. Inspectors found that 51.9 per cent of relevant files fully met all the necessary criteria, compared with 57.0 per cent in 2012. However only one file had a review which was wholly deficient. Some reviews copied the charging review decision and added only limited value in respect of any further case analysis.

Aspect 4

A lack of recording of the reasons for the acceptance of a basis of plea (to demonstrate compliance with policy) and a lack of a signed written basis of plea.

6.12 There has been an improvement in performance in respect of this aspect. There were 16 cases in our file sample where the prosecution accepted or rejected the pleas offered by the defence. In every case inspectors considered the prosecutor made the correct decision. This compares with 79.2 per cent in our 2012 inspection.

6.13 There were only four cases in our file sample where there was a written basis of plea. The CPS policy for recording the basis of plea was followed in two of the cases. In one it was not and in the fourth case we could not determine whether it was followed. Although based on a very small file sample, this was better than found previously, when over half the cases examined did not comply.²⁹

6.14 Overall our findings reflect the views of the members of the judiciary we interviewed. They commented that there were occasions when they found it hard to understand why the prosecution had accepted pleas, but generally they were satisfied that pleas were being accepted appropriately.

6.15 We are aware that CPS Crown Court legal managers monitor this aspect of performance as part of their overall quality assurance of casework.

²⁹ Based on a sample of 24 relevant cases.

Aspect 5

The proper endorsement of the sensitive material disclosure schedule and the disclosure record sheet.

6.16 It is important that the sensitive unused material schedule is endorsed to indicate the prosecutor has considered the police disclosure officer's assessment. This is equally important if the schedule is blank, indicating that the disclosure officer considers there is no sensitive material. The disclosure record sheet should provide a full audit trail of disclosure decisions throughout the life of a case.

6.17 There has been little change in performance since our full inspection in respect of the handling of the sensitive unused material schedule, but a considerable decline in respect of completing fully the disclosure record sheet.

6.18 There were 59 relevant cases (65.6 per cent) in our file sample where the requirements for considering the sensitive material schedule or the material itself were fully met. Performance was almost identical to that found in the full inspection (65.7 per cent). In almost 76.5 per cent of cases that did not fully meet the requirement the sole failure was to endorse a blank schedule. Although the schedule is provided digitally in magistrates' court cases and some Crown Court cases, there is nothing to prevent the prosecutor endorsing the schedule with their electronic signature. We noted that this was done in cases which complied with the requirements.

6.19 Last minute trial preparation undoubtedly contributes to the lack of compliance, as prosecutors are focussing on actions needing to be taken to make the case trial ready.

6.20 There was a full audit trail of disclosure decisions in 52.2 per cent of relevant cases, and a partial one in 36.7 per cent. In those which were partially met the initial disclosure was usually endorsed, but compliance would then tail off during the continuing disclosure stage. This is a considerable decline in performance from our earlier findings where 77.4 per cent of cases complied fully.

6.21 Legal managers need to ensure there is full compliance with these aspects and should scrutinise performance in case management panels.



Annexes

A Progress against recommendations

Progress against recommendations	Position as at June 2014
The Area should review all current Transforming Through Technology processes in each operational unit and ensure that by the time of full paperless transfer of police files there are standard operating procedures across the Area, to facilitate better alignment of resources and workload.	Good progress
The Area should ensure Core Quality Standards Monitoring assessments reflect fully the requirements of the national standards, that they are robustly and consistently applied and reflect accurately casework performance.	Good progress
The Area should set clear productivity targets and expectations for all staff working in case progression units and managers should monitor and manage individual performance against these.	Good progress
Area case progression units should implement an initial screening of cases adjourned for committal or service of the prosecution case to ensure that unnecessary work is not carried out on cases which clearly cannot proceed.	Good progress



B Key performance outcomes and resourcing information

Casework outcomes	National					East of England				
	2009-10	2010-11	2011-12	2012-13	2013-14	2009-10	2010-11	2011-12	2012-13	2013-14
Magistrates' court										
Successful outcomes	86.8%	86.5%	86.7%	86.2%	85.7%	88.4%	89.2%	89.6%	89.3%	87.9%
Discontinuance	9.0%	9.6%	9.6%	9.7%	9.8%	7.9%	7.4%	7.1%	7.1%	7.9%
Guilty plea rate	70.3%	71.8%	71.2%	71.7%	71.8%	74.8%	78.7%	79.2%	78.7%	77.3%
Crown Court										
Successful outcomes	80.6%	79.6%	80.8%	80.5%	80.9%	82.0%	82.4%	83.8%	83.7%	83.0%
Judge ordered acquittals	11.7%	12.8%	11.6%	11.5%	11.4%	10.3%	10.2%	9.2%	9.0%	9.7%
Guilty plea rate	70.8%	72.3%	72.4%	71.8%	72.8%	74.3%	75.1%	77.0%	76.5%	74.5%
Violence against women and girls										
Successful outcomes	71.8%	71.5%	73.1%	74.1%	74.4%	77.9%	79.0%	81.8%	80.1%	79.6%
Hate crime										
Successful outcomes	81.9%	82.8%	83.4%	82.6%	84.7%	83.7%	86.0%	88.7%	83.7%	87.3%

Resourcing

Staffing and caseload changes							
	2010-11	2011-12	2012-13	% change 2011-12 to 2012-13	2013-14	% change 2012-13 to 2013-14	2 year % change 2011-12 to 2013-14
Areas and CPS Direct							
Staff in post	6,712.9	6,251.9	5,807.0	-7.1%	5,285.1	-9.0%	-15.5%
Prosecutors in post	3,041.3	2,876.8	2,643.9	-8.1%	2,413.8	-8.7%	-16.1%
Administrators in post	3,671.6	3,375.1	3,163.1	-6.3%	2,871.3	-9.2%	-14.9%
Magistrates' court							
Completed cases	840,968	787,529	700,405	-11.1%	633,294	-9.6%	-19.6%
Contested cases*	54,392	50,904	46,761	-8.1%	47,171	+0.9%	-7.3%
Contested cases per prosecutor*	18.2	18.0	17.9	-	19.9	-	-
Crown Court							
Completed cases	116,310	106,794	95,556	-10.5%	93,167	-2.5%	-12.8%
Contested cases*	16,134	15,708	15,093	-3.9%	13,875	-8.1%	-11.7%
Contested cases per prosecutor*	5.3	5.5	5.8	-	5.6	-	-
East of England							
Staff in post	368.3	350.0	323.3	-7.6%	296.6	-8.3%	-15.3%
Prosecutors in post	158.8	152.8	142.3	-6.9%	126.6	-11.0%	-17.1%
Administrators in post	209.5	197.2	181.0	-8.2%	170.0	-6.1%	-13.8%
Magistrates' court							
Completed cases	54,431	50,821	43,789	-13.8%	37,709	-13.9%	-25.8%
Contested cases*	2,997	2,537	2,477	-2.4%	2,572	+3.8%	+1.4%
Contested cases per prosecutor*	19.4	17.0	17.7	-	20.7	-	-
Crown Court							
Completed cases	6,031	6,005	4,952	-17.5%	5,125	+3.5%	-14.7%
Contested cases*	828	756	679	-10.2%	732	+7.8%	-3.2%
Contested cases per prosecutor*	5.3	5.1	4.8	-	5.9	-	-

* This excludes cases where there are mixed pleas

	National					East of England				C/W national average	
	2010-11	2011-12	2012-13	2013-14		2010-11	2011-12	2012-13	2013-14		
Efficiency											
Completed cases per administrator (FTE)	260.7	265.0	251.6	253.0	↑	288.6	288.2	269.3	252.0	↓	◀
Completed cases per prosecutor (FTE)	319.6	315.5	305.5	305.9	↑	390.6	380.6	347.9	344.9	↓	➤
In-house magistrates' court sessions	90.3%	91.2%	80.0%	74.4%	↓	88.6%	88.7%	84.3%	90.0%	↑	➤
Associate Prosecutor magistrates' court sessions	32.2%	33.7%	31.9%	28.8%	↓	29.7%	33.6%	31.8%	37.3%	↑	➤
Cases dropped at 3rd or subsequent hearings	44.2%	42.6%	38.1%	35.8%	↑	37.7%	39.1%	34.1%	32.1%	↑	➤
Average sessions per Associate Prosecutor per week	6.1	5.9	5.4	5.3	↓	5.1	5.1	4.8	5.3	↑	➤
Hearings per magistrates' court case (guilty plea)	2.1	2.0	1.9	1.9	↑	1.8	1.8	1.7	1.7	↓	➤
Hearings per Crown Court case (guilty plea)	3.5	3.5	3.5	3.6	↓	3.2	3.3	3.3	3.0	↑	➤
Percentage of magistrates' court guilty pleas at first hearing	63.4%	64.9%	67.1%	68.1%	↑	69.6%	70.9%	73.4%	73.3%	↓	➤
Percentage of Crown Court guilty pleas at first hearing	39.6%	39.8%	38.8%	35.8%	↓	42.2%	45.0%	43.9%	44.4%	↑	➤
Savings per Crown Advocate	£41,901	£49,309	£55,404	£61,936	↑	£35,651	£41,172	£44,728	£51,463	↑	◀
Cost											
Prosecution cost per defendant (Crown Court)	£955	£945	£1,008	£1,044	↓	£894	£804	£857	£905	↓	➤
Overall spend per completed case	£483	£477	£516	£536	↓	£398	£384	£425	£456	↓	➤
Overall spend per total staff (FTE)	£68,852	£68,174	£70,689	£73,682	↓	£65,388	£62,319	£64,112	£65,828	↓	➤

C/W Compared with

FTE Full-time equivalent

↑ Improvement between 2012-13 and 2013-14

↓ Deterioration between 2012-13 and 2013-14

➤ East of England performed better than the national average

◀ East of England performed worse than the national average



C File examination findings

The following table sets out the key findings from the examination of 100 finalised case files. A direct comparator, where available, with the

findings from the Annual Casework Examination Programme (2013) is also shown.

Question		Inspection file sample	ACEP (2013) file sample
The CPS decision to charge complied with the Code test		93.3%	91.0%
The police decision to charge complied with the Code test		100%	83.1%
The record of the charging decision included proper case analysis and case strategy		63.3%	49.2%
The overall quality of the charging decision	Excellent	2.2%	0.5%
	Good	64.4%	38.6%
	Fair	28.9%	43.4%
	Poor	4.4%	17.5%
The quality of service received from the police, across all stages of the case, was	Excellent	4.0%	No comparator
	Good	61.0%	
	Fair	31.0%	
	Poor	4.0%	
The case was reviewed properly (magistrates' court)		35.1%	45.7%
The case was reviewed properly (Crown Court)		51.9%	52.3%
There was compliance with the duty of continuous review in accordance with the Code		91.0%	90.4%
There was timely compliance with court directions		19.2%	45.3%
There was timely compliance with judges' orders in Crown Court cases		48.6%	55.1%
There was sound judgement, a grip on the case and it was progressed efficiently and effectively		33.3%	46.3%
There was post-charge compliance with the relevant CPS policy		67.5%	74.9%
The prosecution discharged its duties of disclosure in a timely fashion		31.1%	52.9%
The overall quality of handling of unused material by the CPS	Excellent	0.0%	0.0%
	Good	59.6%	23.5%
	Fair	36.0%	46.9%
	Poor	4.5%	29.6%
Custody time limits applied, were monitored and handled in accordance with national standards		94.4%	68.8%
There was compliance with the Victims' Code, Prosecutors' Pledge and any other policy guidance on the treatment of witnesses		63.8%	80.9%
The Direct Communication with Victims was of a high standard		53.3%	27.2%



D Findings from on-site process checks

June 2014	
Magistrates' court	
<i>Initial case review</i>	
Average days between papers being received and first hearing	18
Average days between papers being received and first review	13
Average days between initial review and first hearing	3
Average days between service of initial disclosure of the prosecution case and first hearing	3
<i>Trial preparation</i>	
Average days between plea and request for file	3
Average days between request for file and file receipt	22
Average days between receipt and file review	32
Average days between file review and trial	10
Average days between file receipt and request for further material	19
Crown Court	
<i>Early Guilty Plea</i>	
Average days between first hearing and transfer to EGP team	5
Average days between file transfer to EGP team and EGP review	5
Average days between first hearing and EGP review	8
Average days between EGP review and contact with defence	21
Average days between EGP review and EGP (or relevant) hearing	35
<i>Trial preparation</i>	
Average days between case sending to file request	4
Average days between request for file and file receipt	38
Average days between review of file and service of the case	2
Average days between service of the case and trial	145
Average days between receipt and file review	24
Average days between file receipt and chasing of outstanding material	21
Average days between file review and trial	135

Note: All references are to calendar days.

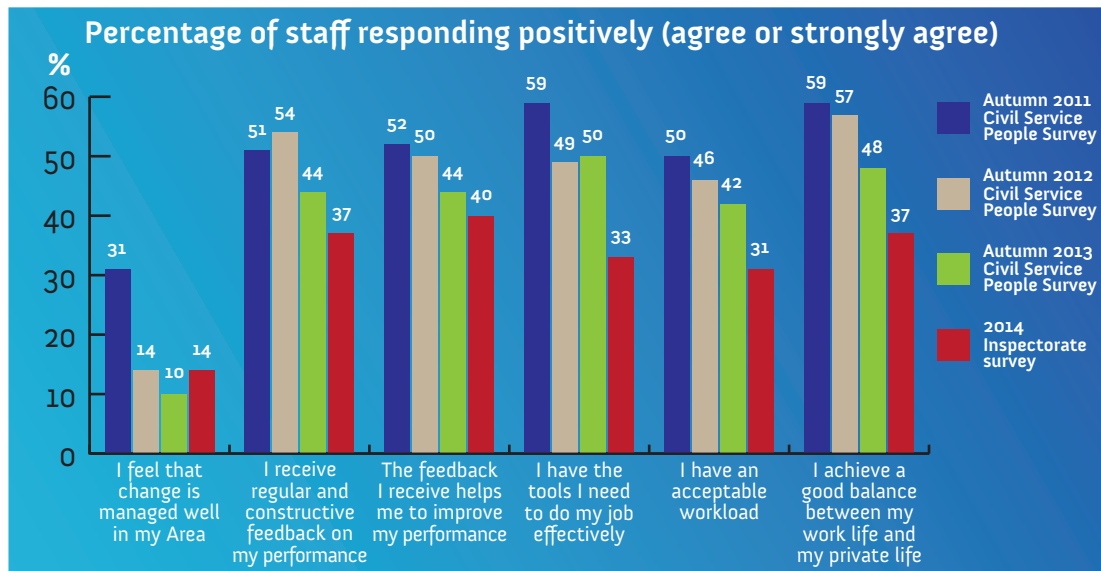


E Survey results

	Percentages			
	Autumn 2011 Civil Service People Survey	Autumn 2012 Civil Service People Survey	Autumn 2013 Civil Service People Survey	2014 Inspectorate survey
Response rate	75	62	53	23
Engagement	57	53	46	N/A
	Percentage agreed or strongly agreed			
I feel that change is managed well in my Area	31	14	10	14
I feel that change is managed well in my team	N/A	N/A	N/A	28
I understand how my Area/team is performing in comparison to other Areas and teams	N/A	N/A	N/A	44
The performance appraisal system in my Area is effective and worthwhile	N/A	N/A	N/A	14
I believe that workload is fairly balanced between teams in the Area	N/A	N/A	N/A	11
Poor performance is managed effectively in my Area	N/A	N/A	N/A	13
I receive regular and constructive feedback on my performance	51	54	44	37
The feedback I receive helps me to improve my performance	52	50	44	40
I have clear work targets and objectives	N/A	N/A	N/A	63
I have the tools I need to do my job effectively	59	49	50	33
I have an acceptable workload	50	46	42	31
I feel motivated to do a good job	N/A	N/A	N/A	39
I achieve a good balance between my work life and my private life	59	57	48	37

N/A Not applicable

Note: The Inspectorate response rate was based on the number of questionnaires sent out for the Autumn 2013 Civil Service People Survey. Civil Service People Survey responses have been included in the table where these link to the questions raised in the Inspectorate survey.



F Methodology

The follow-up inspection methodology comprised a mix of file examination; on-site process checks; interviews with Area managers, key criminal justice partners and members of the judiciary; consideration of Area documentation and a staff survey.

File examination

Inspectors examined 100 finalised files, which contained a mix of magistrates' court and Crown Court cases. A range of case outcomes, both successful and unsuccessful were included, together with a mix of case types, for example allegations of rape, child abuse and offences within a domestic violence context. The findings from the file examination have informed this report and will also contribute to the HMCPSI 2014 Annual Casework Examination Programme.

Process checks

While on-site inspectors examined 40 live files to assess how well they were being progressed. These included cases prepared for first hearing, magistrates' court and Crown Court trial files and those reviewed by the Crown Court Early Guilty Plea team. The findings from those checks are referred to at the relevant parts of the report.

Area interviews

A range of Area managers, both legal and business, were interviewed. In addition inspectors talked informally with a mix of staff.

Stakeholder interviews

The views of a range of stakeholders were gathered, including members of the Crown Court judiciary, Her Majesty's Courts and Tribunals Service staff and police force representatives. Written comments were also received from senior police officers.

Area documentation

A range of East of England's documentation was considered. This included performance management information, the minutes of team and management meetings and Area guidance across a range of aspects.

Staff survey

Each member of staff was asked to complete a short anonymous online survey. The questions focussed primarily on aspects relating to the recommendations in the 2012 report and in part aligned to those asked in the 2013 Civil Service People Survey. Findings from the survey responses are referenced at relevant parts of the report.



G Glossary

Area Business Manager

The most senior non-legal manager at CPS Area level.

Associate Prosecutor

A CPS employee who is trained to present cases in the magistrates' court on pleas of guilty, to prove them where the defendant does not attend or to conduct trials of non-imprisonable offences.

Case management system (CMS)

IT system for case management used by the CPS. Through links with police systems CMS receives electronic case material. Such material is intended to progressively replace paper files as part of the T3 implementation. *See also Transforming Through Technology (T3).*

Case progression manager (CPM)

An administrative member of CPS staff who manages the progression of cases through the Optimum Business Model system. They oversee and manage the prioritisation of OBM cases; ensuring cases are ready for trial on their trial date. *See also Optimum Business Model (OBM).*

Code for Crown Prosecutors (the Code)

The public document that sets out the framework for prosecution decision-making. Crown Prosecutors have the Director of Public Prosecutions' power to determine cases delegated to them, but must exercise them in accordance with the Code and its two stage test - the evidential and the public interest stages. Cases should only proceed if, firstly, there is sufficient evidence to provide a realistic prospect of conviction and, secondly, if the prosecution is required in the public interest. *See also Threshold Test.*

Committal

Procedure whereby a defendant in an either way case is moved from the magistrates' court to the Crown Court for trial, usually upon service

of the prosecution evidence on the defence, but occasionally after consideration of the evidence by the magistrates. *See also either way offences.*

Complex Casework Unit (CCU)

A unit set up within each CPS Area which handles the most serious cases, such as organised crime, people or drug trafficking, and complex frauds.

Conditional caution

A caution which is given in respect of an offence committed by the offender and which has conditions attached to it (Criminal Justice Act 2003).

Contested case

A case where the defendant elects to plead not guilty, or declines to enter a plea, thereby requiring the case to go to trial.

CPS Core Quality Standards (CQS)

Standards which set out the quality of service that the public are entitled to expect. The standards reflect legal and professional obligations.

CPS Direct (CPSD)

This is a scheme to support Areas' decision-making under the charging scheme. Lawyers are available on a single national telephone number so that advice can be obtained at any time. It is available to all Areas.

Core Quality Standards Monitoring (CQSM)

A system of internal monitoring against the standards, whereby each Area undertakes an examination of a sample of completed cases to assess compliance.

Court orders/directions

An order or direction made by the court at a case progression hearing requiring the prosecution to comply with a timetable of preparatory work for a trial. These orders are often made under the Criminal Procedure Rules.

Cracked trial

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

Criminal Justice: Simple, Speedy, Summary (CJSS)

An initiative introducing more efficient ways of working by all parts of the criminal justice system, working together with the judiciary, so that cases brought to the magistrates' courts are dealt with more quickly. In particular it aims to reduce the number of hearings in a case and the time from charge to case completion.

Criminal Procedure Rules (CPR)

Criminal Procedure Rules determine the way a case is managed as it progresses through the criminal courts in England and Wales. The rules apply in all magistrates' courts, the Crown Court and the Court of Appeal (Criminal Division).

Crown Advocate (CA)

A lawyer employed by the CPS who has a right of audience in the Crown Court.

Custody time limits (CTLs)

The statutory time limit for keeping a defendant in custody awaiting trial. May be extended by the court in certain circumstances.

Direct Communication with Victims (DCV)

A CPS scheme requiring that victims be informed of decisions to discontinue or alter substantially any charges. In some case categories a meeting will be offered to the victim or their family to explain these decisions.

Discharged committal

A case where the prosecution is not ready to commit the defendant to the Crown Court, but the magistrates' court refuses to adjourn the case.

Discontinuance

The formal dropping of a case by the CPS through written notice (under section 23 Prosecution of Offences Act 1985).

Early Guilty Plea scheme (EGP)

A scheme introduced by the Senior Presiding Judge in a number of Crown Court centres which aims to identify cases where a guilty plea is likely. The aim is to separate these cases into EGP courts which expedite the plea and sentence thereby avoiding unnecessary preparation work.

Either way offences

Offences of middle range seriousness which can be heard either in the magistrates or Crown Court. The defendant retains a right to choose jury trial at Crown Court but otherwise the venue for trial is determined by the magistrates.

File endorsements

Notes on a case file that either explain events or decisions in court or that provide a written record of out of court activity.

Indictable only, indictment

Cases involving offences which can be heard only at the Crown Court (e.g. rape, murder, serious assaults). The details of the charge(s) are set out in a formal document called the "indictment".

Ineffective trial

A case listed for a contested trial that is unable to proceed as expected and which is adjourned to a later date.

Instructions to counsel

The papers which go to counsel setting out the history of a case and how it should be dealt with at court, together with case reports. These are sometimes referred to as the "brief to counsel".

Judge directed acquittal (JDA)

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

Judge ordered acquittal (JOA)

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

No case to answer (NCTA)

Where magistrates dismiss a case at the close of the prosecution evidence because they do not consider that the prosecution have made out a case for the defendant to answer.

Optimum Business Model (OBM)

A CPS initiative for handling its casework. The model sets out a framework of structures, roles and processes, and aims to standardise these across different units and Areas to improve efficiency and effectiveness.

Paralegal Career Family Structure

A new CPS career structure which defines the roles and responsibilities for non-legal staff from paralegal assistant to Associate Prosecutor.

Paralegal officer (PO)

A member of CPS Crown Court staff who deals with, or manages, day-to-day conduct of prosecution cases under the supervision of a CPS lawyer. The PO often attends court to assist the advocate.

Plea and case management hearing (PCMH)

A plea and case management hearing takes place in every case in the Crown Court and is often the first hearing after committal or sending in indictable only cases. Its purpose is twofold: to take a plea from the defendant, and to ensure that all necessary steps are taken

in preparation for trial or sentence and that sufficient information has been provided for a trial date or sentencing hearing to be arranged.

Pre-charge decision (PCD)

Since the Criminal Justice Act 2003, this is the process by which the police and CPS decide whether there is sufficient evidence for a suspect to be prosecuted. The process is governed by the Director's guidance, the latest edition of which came into effect in early 2011.

Pre-trial application

An application usually made by the prosecution to the court to introduce certain forms of evidence in a trial (e.g. bad character, hearsay etc).

Proceeds of Crime Act 2002 (POCA)

Contains forfeiture and confiscation provisions and money laundering offences, which facilitate the recovery of assets from criminals.

Prosecution Team Performance Management (PTPM)

Joint analysis of performance by the CPS and police locally, used to consider the outcomes of charging and other joint processes.

Prosecutor's duty of disclosure

The prosecution has a duty to disclose to the defence material gathered during the investigation of a criminal offence, which is not intended to be used as evidence against the defendant, but which may undermine the prosecution case or assist the defence case. Initial (formerly known as "primary") disclosure is supplied routinely in all contested cases. Continuing (formerly "secondary") disclosure is supplied after service of a defence statement. Timeliness of the provision of disclosure is covered in the Criminal Procedure Rules. *See also unused material.*

Review, (initial, continuing, summary trial, full file etc)

The process whereby a Crown Prosecutor determines that a case received from the police satisfies and continues to satisfy the legal test for prosecution in the Code for Crown Prosecutors. One of the most important functions of the CPS.

Section 51 Crime and Disorder Act 1998

A procedure for fast-tracking indictable only cases to the Crown Court, which now deals with such cases from a very early stage - the defendant is sent to the Crown Court by the magistrates.

Sensitive material

Any relevant material in a police investigative file not forming part of the case against the defendant, the disclosure of which may not be in the public interest.

Special measures applications

The Youth Justice and Criminal Evidence Act 1999 provides for a range of special measures to enable vulnerable or intimidated witnesses in a criminal trial to give their best evidence. Measures include giving evidence through a live TV link, screens around the witness box and intermediaries. A special measures application is made to the court within set time limits and can be made by the prosecution or defence.

Streamlined process (Director's guidance)

Procedures agreed between the CPS and police to streamline the content of prosecution case files; a restricted amount of information and evidence is initially included where there is an expectation that the defendant will plead guilty.

Summary offences

Offences which can only be dealt with in the magistrates' courts, e.g. most motoring offences, minor public order and assault offences.

Threshold Test

The Code for Crown Prosecutors provides that where it is not appropriate to release a defendant on bail after charge, but the evidence to apply the full Code test is not yet available, the Threshold Test should be applied.

Transforming Through Technology (T3)

A national CPS programme introducing electronic working and aiming to provide, through the use of enhanced technology, a more efficient Service. The CPS proposes to change its business processes by moving to full digital working by April 2013.

It involves electronic files being put together by the police and being sent digitally to the CPS. Cases will then be prepared electronically and prosecuted from laptops or tablets in court.

Unused material

Material collected by the police during an investigation but which is not being used as evidence in any prosecution. The prosecutor must consider whether or not to disclose it to the defendant.

Upgrade file

The full case file provided by the police for a contested hearing.

Witness Care Unit (WCU)

Unit responsible for managing the care of victims and prosecution witnesses from a point of charge to the conclusion of a case. Staffed by witness care officers and other support workers whose role it is to keep witnesses informed of progress during the course of their case. Units have often a combination of police and CPS staff (joint units).

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