



HM Crown Prosecution
Service Inspectorate

Thematic review of the CPS advocacy strategy and progress against the recommendations of the follow-up report of the quality of prosecution advocacy and case presentation

March 2015



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HM Chief Inspector's foreword

This is the third thematic review of prosecution advocacy and case presentation. The purpose of this review was to examine the implementation of the Crown Prosecution Service (CPS) Advocacy Strategy 2012/13 to 2015/16 and follow-up progress against the recommendations in my March 2012 report.

This review took place against a background of significant change for the CPS. Further budget restrictions have been imposed since the last review and a new business model has been devised under the Refocusing the CPS programme. This has resulted in a reduction in the workforce and office closures, all of which impact on the ability to deliver advocacy services which are truly value for money.

This period of uncertainty also created an opportunity for the CPS to drive a change programme enabling the Service to determine the business needs and best operating model for advocacy locally; this was identified as the way forward in the 2012 review. Unfortunately the opportunity has not been taken nationally or at Area level. As a consequence there has been little progress since my 2012 report and the Service has taken a step backwards in some aspects of delivery.

I welcomed the new advocacy strategy which was launched following my last report; it was very positive that the strategy group had considered the issues raised and the strategy was a good start to addressing the concerns highlighted in that report. It is unfortunate that little was done to drive the advocacy strategy forward and support the Areas in delivering the stated aims and expectations. Not only was there limited capacity to do so at the national level, there appeared to be little appetite for it at a time when the national focus was on numerous other aspects of change. In this context it is hardly surprising that there has been such limited progress against all of the recommendations I made in 2012.

Recently there has been renewed interest and a reinvigoration at national level. This is most welcome but now needs to be sustained in order to progress against the five recommendations, which remain valid. There must be a focus on delivering quality prosecution advocacy and case presentation which, in turn, offers value for money.



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Her Majesty's Chief Inspector



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1 Executive summary

1.1 In March 2012 Her Majesty's Crown Prosecution Service Inspectorate (HMCPsi) published a follow-up report¹ to its 2009 thematic review of the quality of prosecution advocacy and case presentation.² The follow-up assessed the strength of the strategy at that time and progress against the recommendations made during the earlier review. The five recommendations made in 2012 superseded the earlier 12 recommendations and ten aspects for improvement dating back to 2009 (see annex A).

1.2 In turn this review assesses progress against the five recommendations made in 2012. It also examines the impact and effectiveness of the Crown Prosecution Service Advocacy Strategy 2012/13 to 2015/16, introduced following the 2012 report.³

Key findings

1.3 The CPS' national strategy was launched following publication of HMCPsi's 2012 report and contained stated aims and expectations which went some way to addressing the report's recommendations. However, there were a number of omissions and the document failed to articulate the longer term vision for the CPS, in particular any reference to a succession strategy or planning. It was clear that local issues relating to capacity, business need and capability required solution at the local level, but there was little guidance

how this could be achieved and limited oversight and support at national level.

1.4 Following the launch of the strategy some progress was made, such as establishing a Crown Advocate Clerk forum; this was received positively, but after a small number of meetings was abandoned. Similarly, the national Advocacy Strategy Group became less active and with it the direction to the 13 CPS Areas which cover England and Wales. With limited national capacity to drive the strategy forward, and national and local attention on the refocusing programme, progress stalled with advocacy treated as business as usual at local level. This was a missed opportunity to put the Area advocacy operating models (then configured as Groups⁴) at the heart of the local resourcing models to deliver the refocusing programme. Instead most Areas have ended up working with an operating model based on what staff they have rather than what resource is needed to deliver the business over the short and longer term.

1.5 Due to the localised nature of some of the requirements of the national strategy, Areas also produced individual strategies. However, at the time of the fieldwork for this inspection there were no fully updated advocacy strategies, although some Areas were in the process of reviewing them. There was limited evidence in the Areas of local strategies for the business model, plans for succession, development of individuals or ensuring quality of advocacy. Only one Area has undergone the difficult change management process to arrive at the number of advocates required to meet its business needs.

1 Follow-up report of the thematic review of the quality of prosecution advocacy and case presentation, March 2012. www.justiceinspectorates.gov.uk/hmcpai/inspections/cps-advocacy-thematic-follow-up/

2 Report of the thematic review of the quality of prosecution advocacy and case presentation, July 2009. www.justiceinspectorates.gov.uk/hmcpai/inspections/cps-advocacy-thematic/

3 Fieldwork for the 2012 follow-up report was undertaken in the first quarter of 2011, with progress against the recommendations rated as at June 2011. Further fieldwork was undertaken in relation to the good practice model in CPS West Midlands during January 2012.

4 In 2013-14 the CPS moved from 42 Areas arranged into 13 regional Groups to 13 large Areas and as part of their refocusing programme introduced new ways of working and structures.

1.6 Since the 2012 report there has been a significant reduction in staffing commensurate with the reduced budget, particularly of Crown Advocate and Associate Prosecutor numbers, but also Crown Prosecutors to a lesser degree. Caseload numbers have also reduced nationally leading to a change in the profile of work. As a consequence there has been a decrease in Crown Advocate deployment of 19.8 per cent from March 2011 to March 2014.

1.7 In the Crown Court the majority of advocates are classified as full-time and are expected to be ring-fenced, although some are deployed to other work which can impact on fee savings. However, there are other qualitative benefits that flow from early guilty plea review work or advocacy in complex cases in the Youth Court. Crown Advocates are also deployed to the magistrates' courts where there are insufficient prosecutors to cover the courts. Other benefits highlighted in the advocacy strategy are now less valid in the current climate, such as the CPS being the employer of choice or enhanced victim and witness satisfaction.

1.8 In the magistrates' courts there has been a reduction in both Crown Prosecutor and Associate Prosecutor deployment between 2011 and 2014 with external agent usage rising from 9.7 per cent to 25.6 per cent. This high level of agent deployment to trial advocacy, combined with the current rota systems whereby prosecutors can work for extended periods on the magistrates' courts hub rather than presenting cases in court, poses a real risk of prosecutors becoming deskilled. This is compounded by the lack of exposure to any Crown Court advocacy and the lack of opportunity to progress to crown advocacy. The CPS needs to look at advocacy provision holistically, ensuring that the model employed

considers advocacy in both the Crown Court and the magistrates' courts to balance the use of existing skills and assist the progression of advocates.

1.9 At this stage it is not known how the Transforming Summary Justice (TSJ) programme will affect magistrates' courts listing and what work will be retained by the CPS, so as yet it is unclear how Associate Prosecutors can and will be deployed in the future. There is no national strategy for the deployment of Associate Prosecutors; it is seen as an Area issue with any action flowing from TSJ to be addressed locally. Few Areas have entered into discussions with criminal justice system partner agencies about the future role of the Associate Prosecutor. In view of the fact that TSJ is a national programme, and against a background of the CPS seeking to standardise operating procedures nationally, it would assist Areas to have a national steer and some support on the way forward.

1.10 The reduction in deployment has impacted on the ability to maximise savings. According to CPS data the level of Crown Advocate savings has dropped by 9.7 per cent since 2010-11 and the net savings, taking into account salary costs, has decreased by 39.6 per cent.

1.11 In the 2012 report, significant differences of recorded preparation time and deficiencies in data accuracy were highlighted; such inaccuracies have the potential to make a substantial difference to the savings claimed. It was recommended that the CPS re-examine the method for calculating the net savings generated. Despite this, there is a continued reliance nationally on the existing method to calculate fee savings; this is disappointing in light of the results from Area audits undertaken by the CPS which confirm the data inaccuracies.

1.12 An integral part of delivering value for money is quality. During this inspection, inspectors did not undertake individual advocacy observations, but examined advocacy assessments provided by the Areas and feedback from interviews and questionnaires. From this it appeared that there has been little change in the quality of advocacy in the Crown Court. Some individuals had improved at the upper end, but overall there was a slight deterioration in quality. The themes highlighted for improvement in the March 2012 review remain, particularly in relation to contested advocacy, with Crown Advocates struggling to cross-examine effectively and having a tendency to present rather than prosecute cases.

1.13 In the magistrates' courts the standard has remained broadly static since 2012 with similar themes apparent as in Crown Court advocacy for contested work, and issues such as better preparation, improved presentation skills and 'court craft' for non-contested work.

1.14 The formalised CPS Advocacy Quality Management Project, which began in 2009, was a commendable system of quality assurance. Over time the number of assessments undertaken has reduced in size significantly, to reflect the reduction in budget, and expectation that the CPS would move across to the joint quality assurance scheme known as QASA (Quality Assurance Scheme for Advocates, see paragraphs 8.10-8.11). However, this has been since been delayed due to a legal challenge. Assessments are in the main undertaken externally with only one Area retaining an internal quality assurer role and thereby having the benefits of co-ordinated quality assurance, such as the ability to capture themes of lessons learned to inform training and ensure appropriate follow-up of assessments.

1.15 Each Area has an overall target set by CPS Headquarters for the number of assessments to be undertaken, but this is not split into type of court or category of advocacy. Of the assessments examined by inspectors only 20 per cent captured the quality of contested advocacy in the Crown Court. Assessments are an expensive but limited resource, which would be better directed at the advocacy shown to be weakest or subject to the most criticism, and where greatest improvements can be made.

1.16 In the absence of QASA, the CPS needs to consider what is required of the internal advocacy assessment programme in the interim and how best to maximise return from the investment. The approach needs to take account of the new Individual Quality Assessment⁵ whereby line managers will undertake assessment of their advocates against the presentation standard aspects of the Casework Quality Standards, in particular service delivery and case progression at court.

1.17 The advocacy strategy notes that a high quality training and development regime had supported deployment thus far and there were some very positive examples of training which were captured in the last report. The action plan provided by the CPS in response to the 2012 report suggests that there is a high level of commitment to investment in quality training and support, but there is little evidence of this in practice. Training is an integral part of progression and succession planning, but other than limited use of mentoring, none of the learning tools proposed in the 2012 report have been adopted for the development of individual

⁵ A new scheme of assessment of individual performance.

advocates. Although this requires investment of time at the expense of fee savings, it is a missed opportunity; with development and improved advocacy skills come greater fee savings from more complex work.

1.18 It was highlighted in the 2012 report that the Crown Advocate Clerk is pivotal to the effective deployment of Crown Advocates, ensuring they undertake appropriate work. Yet, despite this, the role was not consistent nationally, contingency cover was limited and there was little in-house training available. Although the clerks spoken to during this inspection appeared to be clear about the expectations of them, there are still some differences in tasks, levels of responsibility and working, and there is little support outside their teams. There continue to be issues about continuity and contingency planning, there is no national training and the forum that was established for and welcomed by clerks has not been active for a significant period.

1.19 At the time of the last follow-up the use of paralegal officers and assistants was inconsistent across Areas. Paralegal staff indicated that their roles lacked clarity in terms of the type of courts covered and the nature of support given to the advocate. Little has changed and feedback from paralegals suggested that the policy of multi-court coverage is preventing them from giving their full attention to victims and witnesses, who are consequently not receiving the service and support that they should.

1.20 More recently there has been some reinvigoration from the centre. The CPS' Advocacy Strategy Group has discussed the national strategy and a forum for Unit Heads has been established to exchange ideas and good practice. This is a positive if somewhat belated response that needs to maintain momentum if real progress is to be made in consolidating the routine delivery of in-house advocacy in the magistrates' courts, Crown Court, Youth Court and the Court of Appeal, building on quality and delivering value for money.

Conclusion

1.21 There has been poor progress against all five recommendations; there has been no substantial improvement in performance and where any action has been taken to address them there is no demonstrable business impact. In light of this there are no new recommendations and the five recommendations remain outstanding.

2 Introduction

Background

2.1 The CPS began to focus its attention on in-house advocacy as early as 1998 when legislation was introduced that enabled CPS Crown Advocates to present cases in the Crown Court and Associate Prosecutors to present a limited range of cases in the magistrates' courts. Initially there was a cautious approach; numbers undertaking these new roles were comparatively low and gradual progress was made. The CPS approach began to change in 2004 and in 2006 a five year strategy was implemented. It was aimed at ensuring that the Service became "*an organisation that routinely conducts its own high quality advocacy in all courts efficiently and effectively*". This led to a significant growth in the level of in-house advocacy in both courts and particularly so in Crown Court work. The findings reported in the thematic review undertaken in 2009 reflected this change of approach: the CPS had made considerable progress in the volume of work undertaken, but there were significant concerns over the quality of advocacy.

2.2 Following publication of the 2009 report, it was recognised that a fresh approach was needed to consolidate the expansion of the Crown Advocate cadre with a change of emphasis from quantity to quality. In the intervening period leading up to publication of the follow-up report in 2012, the number of Crown Advocates had remained fairly constant, although there was an increase in the numbers of Principal and Senior Crown Advocates, and two Queen's Counsel (QCs) who became so whilst employed by the Service. Latterly, an initiative was launched to address the high number of Crown Advocates by enabling them to revert to the Crown Prosecutor cadre. There

had also been significant investment in the formalised advocacy assessment programme, which commenced in October 2009. At that time the intention was to continue with the programme on a smaller scale until 2013 when it was anticipated the QASA joint scheme for all publicly funded advocates would commence. However QASA has still to be introduced and has been subject to legal challenge. The new CPS panel system for prosecution advocates was introduced at the start of 2012; this is detailed further at chapter 8.

2.3 At the start of 2012 many Areas considered that they had more Crown Advocates than required. Headway had already been made in restricting the access to training for new candidates, thereby limiting growth in the overall numbers, and currently there are no courses running or plans to re-start training. The first initiative enabling those Crown Advocates who wished to revert to Crown Prosecutor to do so, without the loss of previous guarantees (in relation to employment terms and conditions), was conducted during 2011. In addition, a number of voluntary exit schemes have been operated as part of wider CPS restructuring plans. The restructuring of the Areas has led to remodelling of the operating and deployment systems, with the move to a full-time Crown Advocate cadre.

CPS prosecutors: national					
	March 2011	March 2012	March 2013	March 2014	% reduction March 2011 to March 2014
Crown Advocates	887.0	789.2	734.7	605.2	-31.8%
Crown Prosecutors	1,500.7	1,496.4	1,401.6	1,376.6	-8.3%
Associate Prosecutors	429.0	403.5	362.2	301.5	-29.7%

2.4 The Crown Prosecution Service Advocacy Strategy 2012/13 to 2015/16 was launched following the publication of the 2012 report. Although the Central Advocacy Strategy Team had already been disbanded there continued to be an Advocacy Strategy Group and a nominated Chief Crown Prosecutor champion. Decisions about how best to implement the strategy were devolved to Areas, so in turn most of the Areas drafted a local advocacy strategy.

2.5 There has been a substantial change in the overall level of in-house prosecutors in post since the last report. The table above shows the number of advocates in each role across the CPS Areas.

2.6 There has also been a reduction in caseload for the period March 2011 to March 2014, in the magistrates' courts by 24.7 per cent and in the Crown Court by 20.1 per cent. Magistrates and Crown Court caseloads per prosecutor have both decreased as a result, although the changing profile of work means there is a higher proportion of more serious cases.

2.7 In the Crown Court the CPS is currently undertaking work that amounts to about 25 per cent of the total spend on Graduated Fee Scheme (GFS)⁶ advocacy, in effect showing no change in proportion from the 2012 report. However, the level of savings has dropped by 9.7 per cent (see annex C) and there has been a decrease in Crown Advocate deployment for the period March 2011 to March 2014 by 19.8 per cent.

2.8 In the magistrates' courts the role of appearing in non-contested hearings had shifted from Crown Prosecutors to Associate Prosecutors but latterly there has been an increased use of agents. During 2013-14 about 29 per cent of magistrates' courts hearings were conducted by Associate Prosecutors and almost 46 per cent by Crown Prosecutors; both have reduced since the last review.

⁶ The system by which advocates are paid for representing the CPS in all but the most complex cases in the Crown Court.

CPS magistrates' court coverage: national				
	2010-11	2011-12	2012-13	2013-14
Crown Prosecutors	58.1%	57.5%	48.1%	45.6%
Associate Prosecutors	32.2%	33.7%	31.9%	28.8%
Agents	9.7%	8.8%	20.0%	25.6%

CPS magistrates' court sessions: national			
	Total magistrates' court sessions	Total sessions covered by CPS %	Covered by agents %
2010-11	334,939	90.3%	9.7%
2011-12	299,614	91.2%	8.8%
2012-13	265,533	80.0%	20.0%
2013-14	243,090	74.4%	25.6%

2.9 The remaining courts continue to be covered by agents. This had reduced over time to less than 9 per cent during 2011-12, but has now risen significantly to nearly 26 per cent of hearings during 2013-14 (see annex C).

Context

2.10 Budget reductions have been in place since 2009-10, with the Government's Comprehensive Spending Review requiring the CPS to reduce spend by 25 per cent by the end of 2014-15. The cuts have continued to bite and further budget restrictions have been imposed. Since the fieldwork for the previous inspection a Refocusing the CPS programme was launched, in July 2011, to provide a new business model for the CPS and with it "*a new service for a new time*". Although this has resulted in a reduction in the workforce and office closures, it also presented an opportunity to drive a change programme and determine the business needs and operating model for advocacy, but most Areas have not taken advantage of the opportunity. Other changes that created a period of uncertainty include the Prosecutor Structure Review and the development of Standard Operating Practices (SOPs), to be followed by the introduction (post the period covered by this inspection) of the Transforming Summary Justice initiative which will impact on court coverage as well as pre-court preparation.

The report structure

2.11 This report examines the current national strategy and governance arrangements and how this has been translated to service delivery in the Areas. It then assesses the value for money of the overall strategy and arrangements for deployment in the Crown Court and magistrates' courts before considering current quality assurance measures, training that underpins the strategy and data recording. Progress against the 2012 report's recommendations can be found at annex A. A sample of fee savings is at annex B and national CPS data at annex C. The methodology used in this review is detailed at annex D, types of advocates undertaking the role in the Crown Court and magistrates' courts at annex E and the glossary is at annex F.



3 Strategy and governance

The CPS advocacy strategy

3.1 The original CPS advocacy strategy dating back to 2008 was driven centrally; it was primarily based around deployment and savings targets and there was limited emphasis on quality. Whilst the overarching aim included a reference to “*high quality advocacy*” it was not clear how this was defined or measured.

3.2 There was then a strategic change of approach; from 2010-11 there were no nationally imposed financial targets for advocacy, although there was an overriding target on budget compliance. There was a stronger focus on, and a greater commitment to, quality with the implementation of the advocacy quality assessment scheme. However, the original strategy was not formally reviewed, updated and promulgated. In the 2012 follow-up report we highlighted that the lack of clear national direction brought some risks. As Crown Advocate deployment became business as usual, the Areas (at the time configured as Groups) were responsible for developing and maintaining their own local approach to advocacy, but there was wide variation in the practices, with many still being driven by local targets. The quality of some of the plans seen was questionable.

Advocacy Strategy 2012/13 to 2015/16

3.3 Following publication of the 2012 report the CPS devised the Advocacy Strategy 2012/13 to 2015/16, which was launched in September 2012. The main aim of the strategy was to consolidate the CPS as a Service that routinely delivers in-house advocacy in the magistrates’ courts, Crown Court and Court of Appeal. The strategy can be summarised as follows:

- To strengthen the CPS position by improving the quality of advocacy
- To promote a best practice model
- To provide opportunities for progression
- To further develop the skills and capabilities of Crown Advocate Clerks
- To continue investment in high quality training
- To ensure digital working supports the delivery of advocacy
- To build and maintain effective relationships with external advocacy providers
- To ensure the Advocacy Strategy Group provides national support and governance to the advocacy strategy.

3.4 It is clear that whilst pursuing the strategic aims, all local issues concerned with advocate capacity and capability, geography, establishing the business need and local liaison required solutions at Area level.

3.5 The new advocacy strategy was welcomed by HMCPSI. The Advocacy Strategy Group had considered the issues in the follow-up report, which was a clear and positive move. This was a good start to addressing the concerns highlighted.

3.6 The strategy had a stated expectation that Crown Advocates would be deployed in complex magistrates’ courts or Youth Court trials. At the time of the follow-up it was clear they were under-utilised or deliberately excluded from this type of advocacy, because it was not fee earning work; this new expectation was a positive step for development and delivering quality in the Areas. Equally, it was helpful that there is a stated expectation that Crown Advocates at levels 2, 3 and 4 would be required to undertake trial advocacy (see annex E).

3.7 In contrast, the strategy did not acknowledge that there were still too many Crown Advocates to meet the business need and that there was still work to be done to tackle this issue. It would have been helpful if there was some recognition that this was a key strategic issue still to be addressed either at, or with direction from, Headquarters rather than leaving Areas to resolve it as a local issue.

3.8 There are a number of aspects in the strategy that would have benefitted from further clarification to assist the Areas in implementation. These include defining the selection criteria in order to identify ring-fenced advocates, thereby ensuring consistency of approach across the Service and preventing suggestions of unfairness; and guidance on allocation and deployment ensuring that advocates are not utilised in a way which runs the risk of adversely impacting on the quality of their work.

3.9 In addition, there are a number of strands which are identified as requiring further work but no timescales were provided, namely:

- A separate model for the Central Casework Divisions
 - Best practice guidance for Crown Advocate Clerks
 - Advice on the Crown Advocate Clerk role.
- To date none of this work has been developed.

3.10 HMCPSP was concerned in the last review about the flexible funding transfer from prosecution to administration costs budgets. This perversely drove some Areas to use this to make up a shortfall in the administration costs budget and then use inappropriate deployment and allocation of work to maximise fee savings to facilitate the transfer of funds between budgets; this was at the expense of quality.

3.11 Following a review of internal funding arrangements for in-house Crown Court advocacy, the CPS proposed a pilot of the merger of the administration and prosecution budgets at Area levels to run in North East and Mersey-Cheshire for 12 months from April 2014. Guidance is provided on the general principles when assigning a Crown Advocate which reflect the expectations in the advocacy strategy. However, the risks identified include continuing deployment of advocates based on financial drivers and deterioration in advocacy quality, if not correctly managed; these reflect the risks that are not managed effectively under the current budgetary arrangements.

3.12 A key failing of the strategy is that it lacks provision for how to monitor, measure and evaluate success. Although it is stated the strategy will be reviewed at least 12 months before it is due to conclude, it is not set out how and when the strategy will be monitored, how the strategy group will ensure the strategy is achieved, how Areas will be held accountable and what success criteria they will be measured against.

3.13 Although the written strategy addresses many aspects of the five recommendations, there are clear omissions about what action is going to be taken to address those not covered adequately or at all in the strategy. Recommendation 2 (ii) is not clearly articulated (establishing effective national support and oversight); recommendation 2 (iii) has not been addressed (aligning the grading system); recommendation 4 (i) and (ii) have not been addressed (recording of advocacy data and the method of calculating savings); and recommendation 5 (i) and (iii) are not fully articulated (the impact of training and mentoring). These issues are also not dealt with elsewhere as part of other plans or initiatives.

3.14 There is no reference to succession planning. If, as it appears, action in this regard is not a viable option for the CPS at the current time, it would be helpful if the strategy clarified this. Equally, the strategic vision for in-house advocacy in the longer term needs to be considered and expressed. During the fieldwork for this inspection we were informed that the strategy was considered recently by the Advocacy Strategy Group and a decision made that it did not require any amendment.

3.15 Given that there has been little progress against a number of the aims and with some of the current thinking, practices and the various local approaches, and significant spending cuts, it is unlikely that all the original stated aims can be pursued or achieved.

Governance

3.16 There is an Advocacy Strategy Group which is responsible for the current strategy and provides a steer in relation to national policy. There is also a nominated national champion for advocacy (although the role appears to be restricted to the Crown Court) and a national lead for Transforming Summary Justice, which captures magistrates' courts advocacy, but both have significant other duties. The advocacy champion has no support in the role and has little influence on the Areas and the strategic group does not have the capacity to provide national support. The refocusing programme has at times been a distraction from the strategic lead that was required.

3.17 For a significant period there was a vacuum at national level in terms of providing oversight and support to Areas. National support was originally provided by the Central Advocacy Strategy Team, but this was disbanded prior to publication of the 2012 follow-up report, partly on financial grounds but also because advocacy was seen as business as usual.

3.18 Following publication of the 2012 report a Crown Advocate Clerk forum was established, but there were few meetings and it has since been replaced by the advocacy Unit Heads forum.

3.19 It is unfortunate that the forum for the Crown Advocate Clerks has been lost. It was a mechanism for sharing ideas and clerking practices and in the absence of any national guidance or training for this role, was very useful. The new Unit Heads forum met for the first time just prior to the inspection fieldwork and is a welcome addition as a tool to share ideas and practices across the Areas. To date there have been discussions at the forum on roles, tasks and grades, but little action has flowed from this yet. The new forum needs to ensure operational issues relating to Area clerking arrangements are identified and managed effectively.

3.20 It is important that there is some national oversight and guidance in relation to advocacy, particularly where operational responsibility sits with the Areas. A better steer from Headquarters is necessary to gain at least a degree of consistency in the approaches taken by Areas and to ensure that the advocacy strategy is not left to drift as other issues take priority.

Area strategies

The Crown Court

3.21 At Area level there are no fully updated advocacy strategies, not all Areas have them and many of the original ones are now out of date due to the refocusing programme. Some Areas are in the process of reviewing their plans. The information provided to inspectors by Headquarters detailed how the advocacy units are run on a day to day basis. There was limited evidence of local strategies in terms of a business model, plans for succession, the approach to development of individuals or ensuring quality of advocacy.

3.22 From the information provided to inspectors it appears that the structures across all Areas are broadly similar, with some variation based on size. In the Crown Court the number of Crown Advocates varies depending on the size of the Area and other factors, such as the number taken on in recent years and the number who have reverted back to Senior Crown Prosecutors, or left the organisation under the voluntary early release (VER) scheme.

3.23 All of the Areas cite the aims of value for money and quality. The advocates are in general aware of financial expectations and the savings target for their crown advocacy units and some Areas also have individual targets.

3.24 The position is less clear in terms of expectations for quality. From the information provided individual development is considered as part of the rationale behind the allocation of cases and there are personal objectives relating to performance. However, there is a lack of clarity about what is expected of advocates on a practical level in terms of quality and progression and there are no succession arrangements or plans; this was borne out by the fieldwork.

3.25 In the Areas visited there is no standard operating model. Two Areas have determined their models, but only one has undergone the difficult change management process to arrive at the number of advocates required to meet its business needs. The remaining Areas have not considered recently what they require. All Areas have lost staff from the various prosecutor and advocate cadres through the VER scheme, natural wastage and movement of individuals, but the remainder of current operating models are based around the staff they have rather than what they need as a model to deliver the business. One Area visited had identified that they needed to reduce Crown Advocate numbers and increase the number of prosecutors deployed to the Crown Court hub, but had not begun the change management necessary to achieve this.

3.26 The majority of advocates are classed as full-time advocates and there is an expectation that they would be in court every day. However, some Crown Advocates are undertaking reviews as part of the early guilty plea initiative and are therefore not available for court advocacy. This can impact on counsel fee savings, although Areas feel there are other worthwhile qualitative benefits that flow from this type of deployment, we discuss these 'softer' benefits in chapter 4.

The magistrates' courts

3.27 In the magistrates' courts Associate Prosecutors are deployed in the main to deal with uncontested work. Senior Crown Prosecutors (SCPs) and agents generally cover contested cases, as do those Associate Prosecutors qualified at level 2 (AP2s).⁷ Most SCPs are on a rotation system, covering back to back courts for a number of weeks followed by

⁷ Associate Prosecutors at level 2 can also cover a limited range of contested trial work.

a period of office based review work. However, Areas are not always able to accommodate the rotation of prosecutors and some SCPs are left for long periods without any advocacy work; this can result in a degree of deskilling.

3.28 In some Areas Crown Advocates are also deployed in the magistrates' courts. They prosecute more serious matters in the Youth Court, which can aid development and be valuable experience for those Crown Advocates wishing to progress, but also continue to be deployed where there are insufficient prosecutors to cover the courts. This undermines the ring-fenced model, although this type of deployment was much less evident than during the 2012 follow-up review. It was apparent that there are no particular local strategies for magistrates' courts advocacy in terms of quality and succession, with lawyers deployed to review work in the office for significant periods, which can lead to deskilling with increased agent usage and costs rising.

3.29 Feedback from the Areas suggested that for the most part staff were aware of the national advocacy strategy, but certainly not all of them. Fewer were aware of any local Area strategy. There was limited awareness amongst criminal justice partners.



4 Value for money

Quality expectations

4.1 Presentation of cases is one of the four new CPS Casework Quality Standards; this covers the work of prosecutors and paralegals at court, is not limited to appearances in trials, and includes all written and oral representations.

The stated benchmarks of quality are:

- Taking control of the case, commanding the confidence of the court and being decisive and proactive
- Assisting the court throughout the proceedings, including sentence, being fair and professional at all times
- Preparing properly so that each hearing can be suitably progressed
- Engaging with defendants and their representatives fairly and effectively
- Effectively engaging with victims and witnesses
- Understanding and properly representing the interests of victims, witnesses and the public
- Opposing bail where it is appropriate to do so, taking account of the risk posed to victims, the public and the course of justice
- Anticipating and responding effectively to challenges
- Presenting the prosecution case clearly, effectively and persuasively
- Recording digitally court hearing events, outcomes and actions, promptly, in a way which is accurate and proportionate, so the position is clear and work is not duplicated.

4.2 This underpins the already established CPS National Standards of Advocacy, which cover professional ethics, planning and preparation, written advocacy, advocacy in court (from bail, guilty pleas and sentencing, to trial issues and the trial) and applying CPS policies. The overarching standard is that “... *prosecution advocates ... act, and are seen to act, fearlessly, in a manner that supports a*

transparent system that brings offenders to justice, respects the rights of defendants, and protects the innocent.” Advocates “... *should act in accordance with the Criminal Procedure Rules and the overriding objective to deal with cases justly.*” The CPS may wish to revisit the advocacy standards to ensure they are still fit for purpose and are endorsed by the current Director of Public Prosecutions, rather than one of her predecessors.

4.3 Compliance with the national standards and assurance of quality has been central to the advocacy assessment programme, which is now undertaken for the most part by external assessors. Compliance with the presentation standards will form part of the new Individual Quality Assessment (IQA) scheme whereby managers will conduct periodic assessments of the work of each of their team over a working day, and will include assessments of advocates on the presentation standard. Areas need to ensure that these separate systems complement each other rather than duplicate work, for example by considering whether IQA should be focused on non-contested work and service delivery, leaving advocacy assessors to observe and report on contested advocacy. We deal with the assessment programme further at chapter 8.

Quality

4.4 In the earlier thematic reviews, inspectors undertook advocacy assessments in the Crown Court and magistrates’ courts. During the fieldwork for this review inspectors did not undertake observations, but instead have analysed the advocacy assessments provided by the Areas visited during fieldwork. We also considered feedback provided from internal and external interviews and questionnaire responses in determining the quality of prosecution advocacy delivered.

Crown Court

4.5 During the fieldwork for the follow-up review in 2011 it was clear there had been little change in the overall quality of advocacy in the Crown Court since the original thematic review in 2009. The basic competence in advocacy of some in-house advocates who appeared regularly had got better and the quality of a number of individual Crown Advocates had also improved. This is to be expected with greater exposure to Crown Court practise and procedure over time. However, when comparing the assessments conducted by inspectors overall, there had not been any significant improvement. There continued to be a lack of presence, self-confidence, flair and imagination, and many lessons had not been learned. The gap in ability between Crown Advocates and counsel from the Bar had widened since the first review and the difference in quality between the two was noticeable in a greater number of cases than in 2009.

4.6 Of the 486 assessments undertaken by the CPS nationally of Crown Advocates during 2010-11, 13 advocates (2.7 per cent) required improvement. Of the 185 assessments undertaken during 2013-14, 12 advocates (6.5 per cent) required improvement and one of these was graded as poor. This indicates some deterioration in quality. That said, six advocates were graded as outstanding during 2013-14 and there were no outstanding grades during 2010-11. However, the data needs to be treated with some caution. During the last review inspectors discovered some inaccuracies and the national data did not reflect what we were told by Area assessors. In view of the continuing inaccuracies (highlighted in chapter 10), there are risks in relying on the advocacy assessment data.

4.7 Of the 185 advocacy assessments undertaken by Areas and considered by inspectors during this fieldwork, 21 Crown Advocates⁸ were observed undertaking non-contested work. All were fully competent with four at the upper end of the quality assessment. In contested work 28 advocates⁹ were assessed, of those 22 were fully competent, but six were less than competent in many respects.

4.8 The assessments indicate that some advocates encountered difficulties in relation to law and procedure, which appeared to derive from a lack of confidence; advocates knew what they wanted to achieve, but were not clear how to achieve it. In contested hearings there were issues with regard to opening and closing speeches, cross-examination and examination-in-chief. There were instances of letting the witnesses 'run away' and in particular unstructured cross-examination. The assessors saw examples of an advocate failing to put the prosecution case, allowing the defendant too much leeway to reiterate the defence case, and being unaware of how to introduce a 'no comment interview' in evidence. There was also a lack of structure in some of the submissions.

4.9 In contrast, there were examples of good cross-examination and examination-in-chief, and structured and effective submissions. Some advocates adapted well to circumstances changing during proceedings whilst some were slower to react when they were required to change direction or focus. In non-contested work a common theme was the importance

⁸ Three advocates at level 4, five at level 3 and 13 at level 2.

⁹ Eight advocates at level 4, nine at level 3 and 11 at level 2.

of preparation and the impact of the lack of it on presentation. The aspects for improvement reflect the issues highlighted in the earlier thematic reviews.

4.10 It was positive to see that there was improvement by some advocates who were assessed on more than one occasion, but disappointing that one advocate dropped a grade in a subsequent assessment; the latter highlights the importance of continued assessments to ensure consistency and continuous improvement.

4.11 Feedback to inspectors from interviews and questionnaires was mixed, but included themes such as poor preparation, a magistrates' courts style of advocacy being deployed in the Crown Court with the effect of 'losing' the jury during a trial, and presenting cases rather than prosecuting them. Other issues with no reported improvement included the inability to use bad character¹⁰ or late alibi evidence effectively in cross-examination, or just 'putting' a case to a defendant. In one Area we were told that members of the judiciary who had attended QASA training considered that advocates rated as poor under the new scheme were better than the advocacy in their Area. The judiciary suggested that many of the issues for improvement could be addressed through learning by observation of quality advocacy in court.

¹⁰ Bad character evidence is evidence of, or a disposition towards, misconduct; other than evidence which has to do with the alleged facts of the offence with which the defendant is charged or is evidence of misconduct in connection with the investigation or prosecution of that offence. Misconduct is defined as "*the commission of an offence or other reprehensible behaviour*".

4.12 File data from our Annual Casework Examination Programme (ACEP)¹¹ shows that in only 62.8 per cent of the 546 files read by our inspectors in 2014, counsel or the Crown Advocate provided input where it would be expected and in 18.3 per cent of files inspectors rated the contribution as not meeting the expected standard. This is disappointing performance although in rape cases performance was better, the advocate providing input in 78.6 per cent of the 15 cases.

Magistrates' courts

4.13 In 2012 there was mixed quality in advocacy in the magistrates' courts. The proportion of advocates graded as not competent had decreased, but the proportion of advocates graded at the upper end of quality had also declined reducing the overall percentage of advocates graded as fully competent. Three common themes emerged: the quality of cross-examination still needed improvement, advocates were also failing to prepare properly in non-contested advocacy and were not presenting the case engagingly, or making proper use of tone and pace.

¹¹ The files are rated (against each question) as fully met, partially met and not met. Fully met indicates that all aspects of work have been completed to the required standard and add value, or any shortcomings are minor and do not undermine the value of the work or impact on case progression. Partially met and not met indicate that there are shortcomings which undermine the value of the work and/or strength of the case or inhibit proper case progression. The importance of the task, degree to which the work has fallen short and impact on the case determine whether the aspect is rated as partially or not met.

4.14 Of the 541 assessments undertaken by the CPS nationally in the magistrates' courts during 2010-11, 20 advocates (3.7 per cent) required improvement. Of the 338 assessments undertaken during 2013-14, 12 advocates (3.6 per cent) required improvement and one of these was graded as poor. This indicates little improvement at the lower end of the spectrum. There are signs of improvement at the other end with proportionately more advocates graded very good (34.6 per cent in 2013-14 compared to 14.9 per cent in 2010-11). Again the accuracy of the data is questionable.

4.15 During this review we analysed 97 assessments in the magistrates' courts. Of these 59 were assessments of non-contested advocacy (28 Senior Crown Prosecutors and 31 Associate Prosecutors), of which 56 were fully competent with only three less than competent in many respects. All 38 observations of contested work were of Senior Crown Advocates; 35 were fully competent and three were not.

4.16 Common themes arising in non-contested work were the need for: better case preparation; greater awareness and use of the sentencing guidelines; and improved presentation skills and court craft. The assessments highlighted the importance of preparation, with assessors noting effective preparation by those graded at the upper end of quality. Common themes in weaker advocates were lack of preparation and the advocate not fulfilling their duty to assist the court. This was for the most part failure to direct the court to sentencing guidelines and providing sufficient information to justify representations to the court.

4.17 In contested work the assessors noted that those who had properly prepared their cases performed better than those who appeared not to have done so. There were individual aspects of presentation where improvement was needed, such as the need to use appropriate speed and to improve in the structure of opening and closing speeches, and cross-examination technique, again these were themes that were highlighted in the earlier reviews.

Benefits realisation

Utilisation

4.18 Most of the Areas visited during the fieldwork in 2011 were of the opinion that they still had more Crown Advocates than are needed for the level of work that could reasonably be undertaken; this resulted in poor utilisation. The Areas (at the time configured as Groups) were at different stages in identifying the most appropriate staffing levels and structures to get the most out of Crown Advocate deployment. This meant that a number of Crown Advocates were undertaking a high proportion of their work at Crown Prosecutor level, including a combination of magistrates' courts advocacy, charging, allocation to the optimum business model¹² and review work, but being paid as Crown Advocates. This was an expensive resource allocation, particularly at a time of reducing budgets. There were limited systems in place at Area level to record and understand what Crown Advocates had been doing when not undertaking Crown Advocate work.

¹² The magistrates' courts and Crown Court case progression system. This involved the transfer of responsibility for individual cases from individual staff members to a team with rolling membership. Each member performs set functions.

4.19 Since the last review the resourcing environment has changed; there has been a significant reduction in staffing, 31.8 per cent in Crown Advocates, 29.7 per cent in Associate Prosecutors and a smaller reduction in Crown Prosecutors of 8.3 per cent. This cut in staffing has had real impact on Areas. That said, caseload numbers have also reduced nationally by 24.7 per cent in the magistrates' courts and 20.1 per cent in the Crown Court, with the caseload per prosecutor also reducing in both Crown Court and magistrates' courts work. The profile of the work has also changed with a reduction in 'volume' casework, which means that an individual caseload, whilst smaller, will contain a larger proportion of more serious and demanding cases.

4.20 There has been a move to ring-fence Crown Advocates and there is greater clarity about the expectation for time spent in court for advocates and prosecutors. However, these have been undermined by the reductions in staff. During 2013-14 about 29 per cent of magistrates' courts hearings were conducted by Associate Prosecutors and 46 per cent by Crown Prosecutors; both have reduced since the last review and there has been a significant increase in agent usage nationally, from 9.7 per cent to 25.6 per cent. There has also been a decrease in Crown Advocate deployment for the period March 2011 to March 2014 by 19.8 per cent with the level of savings dropping by 9.7 per cent (see annex C).

Fee savings

4.21 At the time of the last review the CPS had increased its Crown Advocate deployment and had made significant savings as a result, but the reduction in deployment referred to above has impacted on the ability to maximise savings. According to the CPS data, there were £28.66 million in savings during 2013-14 compared with £31.74 million in 2010-11; this is a fall of 9.7 per cent. This sum represents what would have been paid to counsel had a Crown Advocate not prosecuted the case. The cost of providing the same service in-house has been calculated by the CPS as £21.53 million. This takes account of actual salary costs based on the time recorded by Crown Advocates for preparing and presenting the cases with an additional 10.5 per cent uplift to cover corporate costs.¹³ The net saving of £7.13 million is a 39.6 per cent decrease on the savings made in 2010-11 (see annex C).

4.22 In the last review there were significant differences in recorded preparation time, which can make a substantial difference to the savings claimed. Generally, the lower the preparation time the higher the savings made based on an average hourly rate, regardless of the conditioned hours that should be worked. If preparation time increases, savings are reduced. No Areas considered the full cost of advocates as part of their calculations nor the time individuals spent on crown advocacy work, although some Areas at that time were looking to provide training for Crown Advocates to try and improve the accuracy of recording.

¹³ This covers a range of direct overheads such as training and recruitment as well as travel and subsistence costs.

4.23 The average time recorded by advocates for preparing and presenting the case has increased by 1.3 hours (22.5 per cent) per session, which is probably more realistic, although it appears that there is still a significant under-recording of preparation time, with advocates preparing cases in their own time and not recording this on the corporate information system (CIS). This was the subject of a recommendation in the 2012 report.

4.24 The CPS calculations still do not take account of the increased salary costs of those Crown Advocates who do not undertake any, or do only limited, crown advocacy and most Areas are not covering the full cost of the units, which include the Crown Advocates, clerks and managers. There are still issues around the type of trials being undertaken by advocates and most Areas have not placed sufficient importance on developing their advocates, which would in turn enable them to undertake more lucrative work. The CPS need to drive the Crown Advocate programme forward to recoup the considerable investment, enhance the reputation of the Service and attract talented advocates.

4.25 We have analysed data relating to 30 ring-fenced Crown Advocates across the four Areas visited, examined what proportion of their hours¹⁴ have been utilised on crown advocacy work and considered the results both in terms of deployment and the savings achieved. This can be found at annex B. There is a significant difference in how much time is spent on crown

advocacy work, which ranged from 8.1 per cent to 129 per cent. Only eight of the 30 spent 80 per cent or more of their time undertaking advocacy; 19 spent less than 70 per cent of their working time undertaking their full-time role.

4.26 The total fees saved, net of costs, by the 30 ring-fenced Crown Advocates, based on CPS current calculation methods during the 12 months up to September 2014 was £1,180,008.52. The fees saved calculated on the (minimum) CPS annual salary cost of the Crown Advocate, including the 10.5 per cent uplift, is £176,924 a difference of £1,003,083.63. The data suggests a number of Crown Advocates are under-utilised and the savings figures are inflated significantly, although the figures cannot be regarded as entirely accurate because of the inaccuracies in data recording.

4.27 The last report highlighted deficiencies in data accuracy and recommended that the CPS re-examine the method for calculating the net savings generated. It is disappointing to see the continued reliance nationally on the method to calculate fee savings in view of the fact this is financial information and comprises inaccurate data. In contrast, it was positive to see that three of the four Areas visited were now using full-time equivalent salary costs when calculating their fees savings, in addition to the CIS data.

¹⁴ The Civil Service average of 210 days availability multiplied by 7 deployable hours per day, less abstractions such as training equates to 1,400 deployable hours per year. (The CPS calculation uses 210 days at 7.5 deployable hours per day.)

Softer benefits

4.28 In the advocacy strategy the CPS acknowledged that the quality of advocates deployed reflects on the quality of the CPS as a whole. It also highlights a number of benefits flowing from the strategy, including:

- Securing just and timely outcomes, appropriately progressing cases, reducing the level of unnecessary hearings and reducing avoidable post-court remedial work
- Respecting the interests of victims and witnesses and enhancing their satisfaction
- Maintaining overall value for money in the provision of advocacy services
- Building confidence in the CPS through the eyes of the public, victims and witnesses, the judiciary, media and other court users
- Creating greater staff satisfaction through widening opportunities for the most able to develop their careers as advocates, with opportunities for legal traineeships and high-quality training and development programmes
- Increasing the attractiveness of the CPS as the major legal employer of criminal advocates to the most able and ambitious graduates and experienced advocates from outside the Service
- Reinforcing the case for the most able employed prosecutors to take up judicial appointment.

4.29 File data arising from ACEP shows that in terms of having 'grip' on a case and progressing it appropriately there has been a steady decline in the required standard being fully met. During the 2012 programme 53.7 per cent of the 2,690 files examined were fully met and 13.8 per cent not met, in 2013 46.3 per cent of 776 files were fully met and 16.8 per cent not met and, of the 546 files read to date in 2014, only 38.8 per cent were fully met with 23.1 per cent not.

4.30 In terms of securing just and timely outcomes and building confidence in the CPS, 27.7 per cent of adverse cases¹⁵ in 2012 had an adverse outcome report, or other evidence on the file indicating that lessons learned had been noted. In 2014, of the files read only 9.3 per cent fully met the standard in this regard and 81.4 per cent did not. Again there has been a decline in the quality of casework and it appears there is now minimal use of one of the key mechanisms to learn lessons which can be fed back to drive improvement.

4.31 There has also been a decline in the service to victims and witnesses. In 2012, 91.1 per cent of files fully met the standard in terms of compliance with the Victims' Code, Prosecutors' Pledge and any other policy guidance on the treatment of witnesses. In 2013 this had dropped to 80.9 per cent of files fully meeting it with a further decline in 2014, where only 76.7 per cent of files did.

4.32 In view of some of the current deployment practices, the tension between fee savings and development, and in the absence of any succession strategy, it is hard to see how the opportunity for the most able staff to develop their careers can be claimed as a deliverable benefit. These factors also impact on whether the CPS can continue to promote itself as an employer of choice for criminal advocacy.

¹⁵ Adverse cases are all those with unsuccessful outcomes, apart from acquittals.

4.33 There are other benefits that have been highlighted by Areas such as deploying Crown Advocates to early guilty plea work and rape and serious sexual assault work. This can enhance the quality of decision-making in the casework unit by providing opportunities to disseminate learning from the Crown Court and provide advice based on experience gained. These benefits can have a positive impact on casework but are dependent on good quality feedback. More importantly many state the strategy of covering Crown Court advocacy in-house is in fact the right thing to do for a national prosecution service.

4.34 It is clear that not all the softer benefits are being realised. The Advocacy Strategy Group needs to consider if the benefits detailed in the strategy are still valid and if not what action needs to be taken to ensure they are delivered or pursue new ones. In turn, the strategy itself needs to be revisited.

5 The Crown Court

Deployment and allocation of work

5.1 Deployment can have a significant impact on the ability of advocates to present cases efficiently and effectively. There is also a strong link between deployment and value for money, which is dealt with in chapter 4. Since the last inspection Crown Advocate numbers (including Principals and Seniors) have reduced by 31.8 per cent overall but the figure varies across the Areas from 27.5 per cent to 58.2 per cent.

5.2 The biggest reduction outside of the geographical Areas was CPS Direct, at 61.2 per cent; however, there are still 12.9 Crown Advocates in post in a part of the organisation where advocacy is not required. Some parts of the organisation have seen a significant increase in advocates; the Central Casework Divisions have increased their numbers by amounts ranging from 10.9 per cent to 144.2 per cent between March 2011 and March 2014.

5.3 Three Areas have increased their Principal Crown Advocate (PCA) cadre, one has reduced its number and four now have no PCAs. The position in the remaining five Areas has not changed. The Senior Crown Advocate (SCA) cadre has increased in five Areas and reduced in three. One Area now has no SCAs at all while the other four remain the same as previously. Crown Advocates have reduced in number, ranging from 29.8 per cent to 62.5 per cent across the Areas.

5.4 For the most part, Areas are fully resourcing the non-contested lists in the Crown Court, with units aiming to cover all preliminary hearings and plea and case management hearings in-house where possible; they are currently achieving 25 per cent nationally. Crown Advocates at levels 2 and 3 are usually expected to cover a mixture of

work including trials, but from the information provided it is not clear if this is being achieved. It is also clear that Areas are deploying PCAs and SCAs for trials, but again it is difficult to ascertain what proportion of trials are covered.

5.5 An issue that is raised consistently by Areas is the timing and availability of the final court list, which often bears little resemblance to the earlier drafts. This causes problems with early allocation and court deployment and impacts on the preparation undertaken by the allocated advocate. Some Areas told us they were working with the court centres with varying degrees of success, although there is little evidence of conversations with partners about listing, or of attendance at listing meetings. The Criminal Practice Direction provides that *“When setting the listing practice, the Resident Judge or the Judicial Business Group should take into account principles....(f) Provide where practicable: ii for the efficient deployment of advocates, lawyers and associate prosecutors of the Crown Prosecution Service, and other prosecuting authorities, and of the resources available to the independent legal profession, for example by trying to group certain cases together.”*¹⁶ Areas need to work with the courts to maximise adherence to this direction.

5.6 In some Areas Crown Advocates are reviewing cases prior to the preliminary hearing and then prosecuting them in court; this occurs where cases can be allocated early enough to allow for review. There are also instances where Crown Advocates are extracted from their

¹⁶ Criminal Practice Direction Amendment No2 23.07.14, Criminal Practice Direction XIII A3 (f) ii. www.justice.gov.uk/courts/procedure-rules/criminal/docs/crim-practice-directions-XIII-listing-2014.pdf

advocacy units to undertake general review and preparation work due to a shortage of resources in the hubs, thus reducing the numbers of advocates available for court. Crown Advocates are also allocated to early guilty plea work; this is based on the added value it can bring to the units which Areas consider is of greater value than the opportunity to make fee savings. This is appropriate where it is an informed decision.

5.7 There are opportunities to maximise fee savings by allocating longer trials in-house, but there are also risks that advocates are allocated cases that are beyond their competence. We were told that there have been instances of serious cases that were handled poorly by in-house advocates. Advocates themselves have also raised concerns that they are given cases beyond their capabilities. Advocates need to prosecute cases which stretch them if they are to improve and develop through the grades, and for the Areas to maximise fee savings, but this must be balanced with the need to deliver quality in the interests of justice. Areas need to balance the need to undertake what is in effect the ‘loss leader’¹⁷ work of short trials for development and to identify longer trials, which are not complex, but deliver better savings and stretch advocates. Areas also need to maximise opportunities to undertake junior work in-house, which not only delivers better fee savings, but provides the added value in terms of preparing serious or complex cases for trial. It is something that was encouraged by the judiciary who were spoken to during this review.

¹⁷ Service sold at below cost price.

5.8 There are differing models for allocating work by clerks across the Areas; these have understandably developed in the absence of national guidance. There is also a different expectation in relation to preparation undertaken by Crown Advocates. Advocates told us that there is a significant amount of preparation at home, some of which is to be expected and similar to the self-employed Bar. However, some managers expect Crown Advocates to attend the office during core hours when not undertaking advocacy at court whilst also expecting them to undertake preparation work in the evening. Other managers are more mature in their approach to managing professional advocates. All managers should prioritise the need to ensure advocates deliver quality and value for money ahead of other less significant considerations.

5.9 Feedback from the Crown Advocate questionnaires was mixed; some felt they are given work appropriate to their abilities, whereas others felt that they are given work which is beyond their abilities. Views were similarly mixed in terms of whether work is allocated with an eye on development. It is clear that there is still confusion in Areas over who has responsibility for the file, and instructions to the advocate are reported to be poor; both are issues that were raised in the last review which still need to be addressed. Proper allocation to the self-employed Bar is equally important, not only giving due regard of the grade of advocate from the panel, but the areas of expertise they offer. Counsel fed back that at times cases in their field of expertise are briefed elsewhere whilst receiving instructions outside their area of expertise.

Late and returned instructions to the advocate

5.10 The last review criticised the high level of late returns. These often came about because cases were initially allocated to a unit rather than an individual and the advocate (in-house or external counsel) was only named at the stage of returning the case. There was little consideration about the effect on the thoroughness of preparation and the unnecessary duplication of work.

5.11 It is prudent, with regard to fees saving, to keep as much work as possible in-house, although this can lead to late returns when the final list is issued and it becomes clear that the work cannot be covered in-house. We are aware of some complaints from the Bar with regard to late returns, but also that such complaints are less vocal than they have been in the past. Late allocation is dealt with above.

Crown Advocate Clerks

5.12 The 2012 report commented that the Crown Advocate Clerk is pivotal to the effective deployment of Crown Advocates and to ensuring they undertake appropriate work. Despite this, the role was not consistent nationally, contingency cover was limited and there was little in-house training available.

5.13 In the course of this inspection Crown Advocate Clerks appeared to be clear about the expectations of them, although there were some differences in numbers, tasks, levels of responsibility and working grade, because there is no national guidance. The duties of a clerk stretch far beyond simply the allocation of cases to advocates in Crown Court cases. There is little support outside their teams and there have been issues about continuity of personnel and contingency planning for this specialist role.

5.14 A Crown Advocate Clerk forum was established and this met three times, but has since been replaced by the newly formed Crown Advocate Unit Head forum. The clerk forum was a positive step and we were told by some they would have liked to see it continue. However, the opportunity to maximise its potential in terms of disseminating good practice was not taken due to the limited number of meetings held. Whilst it is a useful device to exchange information between those attending it is difficult to see what longer term benefit it has provided to the clerks from the feedback received and the fact that no action flowed from the meetings. A more formalised structure and process would provide those benefits.

5.15 There is no national support for the clerking role and few clerks have contact with their counterparts in other Areas. The Institute of Barristers' Clerks holds an annual conference for clerks to chambers, and it may be beneficial to secure a number of places at the conference to learn and share experiences. In addition, a similar event for the CPS could provide a mechanism to sustain a network across the Areas. The forum was not used to establish delivery of training to clerks and there is still no national training for what is a difficult and exacting role.

Paralegal coverage at court

5.16 At the time of the last follow-up inspection the use of paralegal officers and assistants was inconsistent across Areas. Paralegal staff indicated that their roles lacked clarity in terms of the type of courts covered and the nature of support given to advocates, often differing between Crown Advocates and the self-employed Bar.

5.17 Little has changed since. There is widespread concern over what is seen as the service provided at court and it is not at the level it should be. The approach varies across the Areas; some deploy paralegals for administrative lists¹⁸ whilst others require the advocates to complete the relevant forms and deal with ancillary duties. It appears that Areas generally have an allocated paralegal for the most sensitive trials, but in other matters trial coverage is variable. Most Areas seem clear on the role and coverage of their paralegals and it is also clear the role is not what it previously was.

5.18 Inspectors received feedback from advocates about the lack of paralegal support in court impacting on the quality of service, including that it caused delays in trials, judges' orders were missed and witness issues were not attended to; this presents a risk of reputational damage to the Service.

5.19 Feedback from paralegals for the most part suggested that they felt they are stretched too thinly and cannot fulfil their duties as they would like. The policy of multi-court coverage is preventing them from giving the proper attention to things they feel are important and of greatest concern is that victims and witnesses are not receiving the attention and support that they should. The final point is significant given that victims and witnesses are at the forefront of the new Casework Quality Standards.

¹⁸ Non-contested work such as matters listed for mention, preliminary hearings, and plea and case management hearings.

6 The magistrates' courts

Allocation of work

6.1 The greatest impact of the 25 per cent reduction in the CPS' national budget has been the reduction of staff. Crown Prosecutors have reduced nationally by 8.3 per cent from March 2011 to March 2014, although this ranges in Areas from an increase of 3.2 per cent to a reduction of 29.8 per cent. Given the overall reduction of advocates and the fall in caseloads, most Areas have seen a decrease in magistrates' courts caseload per prosecutor. However, Areas needed more lawyers to undertake reviews and case preparation so had to engage agents to cover the shortfall in magistrates' courts advocacy. As a consequence, there is a tension between staffing the magistrates' courts hub and court coverage.

6.2 Caseloads in the magistrates' court have fallen by almost 25 per cent nationally, so the impact differs considerably across the Areas, ranging from a reduction of 14.5 per cent up to 31.0 per cent. This has meant that some Areas have been able to absorb the impact of the cut in number of Crown Prosecutors (and Associate Prosecutors) better than others. At the national level the CPS needs to review staffing cuts against caseload numbers to determine which Areas are likely to suffer the most impact. This should include expectations for average productivity for out of court work, such as reviews.

6.3 Some prosecutors undertaking advocacy courts local to them were travelling from home to court and working from either an office at court or from home, outside of court session time. This is a sensible approach given the considerable times and costs in travelling to the increasingly centralised offices within the Areas.

Agent usage

6.4 During 2010-11 in-house magistrates' courts coverage by CPS staff had increased to 90.3 per cent but the level dropped back to 74.4 per cent in 2012-13. This reduction of magistrates' court coverage in-house has led to a significant increase in the use of agents. Agent usage has increased nationally from 9.7 per cent in 2010-11 to 25.6 per cent in 2013-14 with the range across the Areas varying from 4.2 to 45.4 per cent. Over that period of time Areas have lost staff, particularly through the various early release schemes, which has led to a shortage of staff to cover courts and prepare cases. Agents are increasingly employed to cover magistrates' courts sessions, particularly contested work, whilst Senior Crown Prosecutors and Associate Prosecutors are deployed to prepare and review cases. This high level of agent deployment to trial advocacy, combined with the current rota systems whereby prosecutors can work for extended periods on the magistrates' courts hub rather than presenting cases in court, poses a real risk that prosecutors can become deskilled. This is compounded by the lack of exposure to any Crown Court advocacy and the lack of opportunity to progress to crown advocacy. There is also a cost implication with increased agent usage and most of the Areas are overspent on their agent budget, although this could be offset with savings elsewhere. The CPS needs to look at advocacy provision holistically ensuring that the model employed considers advocacy in the Crown Court and magistrates' courts to balance the use of existing skills.

Associate Prosecutors

6.5 The CPS advocacy strategy recognised and applauded, rightly, the growth in the number of Associate Prosecutors to “*about 450*”. The number has since reduced significantly to 301.5. At this stage it is not known how the Transforming Summary Justice (TSJ) programme will affect magistrates’ courts listing and what work will be retained by the CPS, so as yet it is unclear how Associate Prosecutors can and will be deployed in the future. At this time it seems unlikely the number will increase.

6.6 There is no national strategy for the deployment of Associate Prosecutors, it is seen as an Area issue with any action flowing from TSJ to be addressed locally. In three of the Areas visited there has not been any strategic discussion about Associate Prosecutor deployment given the expected reduction in summary work and there had not been any discussion with criminal justice partners. All Areas had reduced their numbers through the voluntary early release scheme and natural wastage and some were looking to encourage applications for legal trainee posts. In one Area some Associate Prosecutors are undertaking review work and others paralegal work, which has mixed budgetary implications. Few Areas have entered into discussions with partner agencies about the future role of the Associate Prosecutor. In view of the fact TSJ is a national programme it would assist Areas to have a national steer and some support on the way forward.

6.7 The advocacy strategy acknowledges the progress made in terms of Associate Prosecutors now being regulated by CILEX (Chartered Institute of Legal Executives) as their professional body and the extension of Associate Prosecutor powers to a wider range of non-contested and contested advocacy. Deployment of Associate Prosecutors is dependent on good and collaborative listing arrangements. At present court listing allows for deployment of AP2s without too many difficulties, although not all Areas pursued the route of developing Associate Prosecutors to level 2 (AP2). However, the decision-making powers of Associate Prosecutors are limited and they must therefore defer to a Senior Crown Prosecutor for advice. With the reduced deployment of Senior Crown Prosecutors at court and greater use of agents, advice is getting increasingly difficult to seek out at court. This can cause delay on the day and on occasions cases need to be adjourned for a decision. In some instances matters that could be agreed with the defence if a lawyer was in court are not, and as a result of this cases are listed for trial only to be resolved at a later stage. Earlier resolution would have reduced cost, saved work and provided a better service to victims and witnesses.

6.8 Area advocacy assessments show that there are no significant issues in terms of quality. Most Associate Prosecutors were graded as competent and there has been improvement in the use of sentencing guidelines since the follow-up review in 2011. On the whole Associate Prosecutors were found to be enthusiastic, professional and to have the respect of the court. They are well prepared and are able to deal with matters brought into court at short notice effectively.

7 Digitisation

7.1 The CPS has improved the administration of advocacy by the development and implementation of the electronic Crown Advocate diary. However, during the last review a number of Areas were not keen to adopt the diary and there were issues such as inaccurate and out of date entries on the system. Some Areas were using duplicate systems because of their concerns about how information was displayed. Areas are now utilising the diary fully and have overcome many of the difficulties. Some also use it as a quality assurance tool when checking fee payments and savings.

7.2 Electronic tablet devices have been introduced since the last review which enable advocates to present cases in court from electronic files. Electronic presentation is now common place in the magistrates' courts for all Senior Crown Prosecutors and Associate Prosecutors. A service level agreement for magistrates' courts agents has been prepared for adoption at local level to establish a requirement for the service, receipt and presentation of digital information by counsel and solicitor agents when acting for the CPS in the magistrates or Youth Court. Agents who prosecute are sent the material electronically but retain the option to print off a hard copy for use in court. In Areas where CJSM (Criminal Justice Secure eMail) defence take up is low, use of hard copy is still common place. In the Crown Court there is some electronic presentation of non-contested work but this is quite limited. At the other end of the scale there is use of bespoke electronic presentation of evidence (EPE) for the most complex cases to assist in presentation to the jury.

7.3 Archbold 2014¹⁹ is now available electronically allowing Crown Advocates to access it as an e-book, but only via their own personal devices for now. Feedback from advocates is a preference for a hard copy text in court and these are now more readily available because of the reduction in number of Crown Advocates. It is intended that electronic access on CPS devices should be made available in the near future and access to other digital material is also being considered.

7.4 CPS offices are properly equipped to allow digital case preparation and most advocates have broadband access at home enabling them to prepare out of the office on their own CPS tablet or laptop. However, from the feedback received there are issues at court centres; facilities are inadequate and connectivity for wi-fi is slow, impacting on the abilities of advocates and paralegal officers to carry out necessary preparation and tasks, which in turn brings about delay in cases. Work is ongoing at court centres to improve digital access, but there is still some way to go to resolve all the issues.

¹⁹ The standard text used by practitioners and the judiciary in relation to law and procedure in the Crown Court.



8 Quality assurance

8.1 In the last published report HMCPSI commended the formal Advocacy Quality Management Project (AQMP), which commenced in October 2009, as a mechanism for undertaking quality assurance. It was an extensive, albeit expensive, programme by the CPS and demonstrated the commitment to quality, producing an in-depth assessment of an advocate's level of performance. In the advocacy strategy it is described as a robust system of evidence based assessment for all advocates in the CPS. There was a stated undertaking to continue funding the scheme at a reduced level for 2011-12 and 2012-13; this was despite financial pressures on the budget following the Comprehensive Spending Review, but in anticipation that the joint quality assurance scheme for publicly funded advocates would become operational in early 2012 and supersede the project.

8.2 Most Areas (at the time configured as Groups) utilised dedicated internal advocacy assessors to undertake the majority of assessments. Assessors were required to complete the City Law School training and were seen as being of a generally good standard, thorough and robust in their judgements. External assessors were used for a minimum of ten per cent of assessments across all Areas, except in one where all assessments were carried out externally. Work undertaken by the assessors was comprehensive, borne out by the depth and quality of assessments; this was good practice. A number of parallel assessments were undertaken by the internal and external assessors to ensure consistency of assessment.

8.3 Areas were given the flexibility to decide if they wished to retain advocacy assessors or use other in-house lawyers, Unit Heads or external assessors for assessment. Price reductions were negotiated with the external provider to make external assessors a more attractive option. Where internal assessors were retained there was an expectation that they would allocate more of their time to court advocacy. Most Areas used external assessors and looked to managers to undertake more assessments. Over time the number of dedicated Area assessors has reduced and by the stage of our fieldwork there was only one based in the North West undertaking advocacy assessments and able to provide a co-ordinating role for advocacy quality assurance across the Area. This assessor divides his time between assessment work and crown advocacy.

8.4 Targets for the number of assessments undertaken are set by CPS Headquarters. For 2013-14 Areas had targets of between 40 and 80 assessments dependent on their size. Four Areas achieved the target and the Area which continues to have its own assessor exceeded the target by 80 per cent, showing a commitment to quality assurance. The remainder did not reach their target, with five achieving a significant shortfall, up to 72.5 per cent in one Area.

8.5 There is no stipulation as to what percentage of assessments should be of contested work or even which court venue. In view of the concerns raised in the last report in relation to contested advocacy it would have been helpful for the targets to be weighted in favour of contested matters, particularly in the Crown Court, with particular consideration of the effectiveness of cross-examination.

8.6 During 2010-11, 1,027 assessments were undertaken. Of these 47.2 per cent were observations of contested advocacy in all courts and only 25.2 per cent of assessments captured contested advocacy in the Crown Court. During 2013-14, 523 assessments were undertaken with only 30.6 per cent of observations capturing contested advocacy in all courts and 14.7 per cent of contested advocacy in the Crown Court. Inspectors examined 146 assessments during the fieldwork of which 80 were for non-contested advocacy and 66 for contested advocacy. Less than 20 per cent of these were of trial advocacy in the Crown Court. One Area did not provide any magistrates' courts contested assessments and another Area was unable to provide any Crown Court assessments because none had been conducted during the current year.

8.7 The quality of the assessments examined is variable. The detailed evidence in the majority of assessments is helpful to individual advocates and to Areas, assisting the former in identifying individual strengths and weaknesses and the latter issues of concern or possible good practice across the Area. However, in the magistrates' courts some assessments were based on very short observations and many were very brief.

8.8 We had concerns in relation to the completeness or accuracy of individual assessments. In one instance it was unclear whether the advocate was a Senior Crown Prosecutor or an Associate Prosecutor, so we excluded this assessment from our analysis. In an assessment in the Crown Court the level of advocate was omitted and in a further assessment no overall grade was recorded. Data is collated nationally, so Areas need to ensure the assessment is quality assured before submission, particularly when the Area is paying external resource to undertake the exercise.

8.9 There were a small number of assessments where the judgement of the assessor was questionable, for example an advocate in the magistrates' courts was graded as 1 (outstanding) for non-contested advocacy although many of the assessment criteria were not applicable and preparation, the key to good advocacy, was graded as 2. In the Crown Court two advocates received a grade of 1 for contested work, yet one trial cracked as a result of a guilty plea, and in the other the assessor noted that they were unable to watch a significant section of the trial. It is difficult to see how the advocates achieved the highest score of quality given the limited scope of those assessments.

Quality Assurance Scheme for Advocates

8.10 The Bar Standards Board, CILEX Professional Standards and Solicitors Regulation Authority established a Joint Advocacy Group (JAG) which is developing the Quality Assurance Scheme for Advocates (QASA). All those proposing to practice in the Crown Court and magistrates' courts will be required to enter the scheme in order to be able to continue to practice in criminal courts, including those advocates only wishing to work in the magistrates' court. It is the first scheme that systematically assures the quality of advocates appearing in criminal courts in England and Wales. At present the scheme is subject to a legal challenge and there is no timescale for its introduction. At the time of the last report the CPS was anticipating QASA would become operational at levels 3 and 4 in early 2012, with roll out at all levels to follow. This would have superseded the CPS advocacy assessment programme, but has not proved to be the case.

8.11 Until QASA's implementation is assured, the Advocacy Strategy Group needs to consider what is required of the internal advocacy assessment programme in the interim and how best to maximise the return from investment. The CPS launched the new Casework Quality Standards (CQS) on 1 October 2014 and an Individual Quality Assessment (IQA) scheme is being trialled as a tool to measure compliance with the standards. As part of the IQA scheme it is proposed that line managers will undertake assessment of their advocates against the presentation standard, in particular service delivery and case progression at court. This should not be a replacement for advocacy assessments but would be an appropriate mechanism to assess, in particular, non-contested work leaving the emphasis for assessment of advocacy on contested work where there are still strong criticisms with regard to quality.

Learning from experience

8.12 At the time of the last report copies of assessments produced by the assessors were provided to the individual advocate and relevant Unit Head to manage individual performance. However, few of the assessors had been asked to identify trends or aspects for improvement which might have proved useful for more general training and development. At national level, following the disbanding of the advocacy team, there was no focal point for issues arising out of the assessments, much of the work remained fragmented which did not support the commitment to quality. It was suggested that the move from Groups to 13 Areas would provide the flexibility to deliver a quality output and adopt best practice. However, this has not proved to be the case and, in the absence of national support, there is no focal point to collate and disseminate good or best practice.

8.13 One of the benefits of a dedicated Area resource is the ability to co-ordinate assessments and quality assurance. The only Area that has continued to submit assessments to an external provider for quality assurance and consistency is the Area with an in-house dedicated advocacy assessor. The Area assessor also has oversight of all assessments and is able to note themes arising, which can inform training and ensure resource is directed appropriately in terms of follow-up assessments. Other Areas, without such a resource, managed assessments through the various line managers in different units, thus making it difficult to identify themes and have a holistic picture of quality across the Area. There has been and continues to be considerable investment in quality assurance, but it is unclear what has actually been achieved by the often piecemeal approach and it has not been used to develop individuals effectively over the longer term.

Counsel panel system

8.14 The CPS' General Crime Advocate Panel became effective from 1 February 2012 and the Specialist Panel from 16 April 2013. From this date all new instructions for Crown Court and higher courts advice and advocacy had to be sent to advocates on the appropriate panel.²⁰ The panel does not apply to magistrates' courts work and non-panel advocates can be still instructed for agent sessions. The Joint Advocate Selection Committee (JASC) oversees selection and appointment to the panel and recently the JASC guidance for dealing with errant conduct and poor performance of external advocates was redrafted and reissued. The panel system should go some way to ensure fairness and deliver quality.

²⁰ Subject to some exceptions which are detailed in the scheme.

8.15 The review by Sir Bill Jeffrey²¹ recommended that the Government consider whether the Legal Aid Authority should maintain a list of approved defence advocates in publicly funded cases based on the CPS model to address over-supply, diversity and quality. The panel system is seen as an exemplar and appears to be working well in practice.

Grading

8.16 A unified system is necessary within a joint assessment system; it gives confidence to external stakeholders of a consistent and transparent system. At the time of publication of the last report there had been no progress in bringing the grading system for Crown Advocates into line with the Bar grading system and converging to a unified system, as was recommended in both the 2009 and 2012 reports. It was hoped that the new panel system for prosecution advocates would be the opportunity to work towards this unified system but there remain some differences in the grades, particularly at grades 3 and 4. There is no business reason why expectations for employed and self-employed advocates do not align and this should be addressed immediately.

²¹ Paragraph 5.30, Independent Criminal Advocacy in England and Wales, May 2014. www.gov.uk/government/publications/independent-criminal-advocacy-in-england-and-wales

9 Training

9.1 The advocacy strategy highlights that a high quality training and development regime has supported deployment and we agree that there were some very positive examples of training which were captured in the last report. However, since then Areas report that there have been some difficulties in obtaining training.

9.2 The action plan provided to us by the CPS as a result of the last report suggests that there is a high level commitment to investment in quality training and support, but there is little evidence of this. Feedback from Crown Advocates is mixed, some stating that there are opportunities for training and development and others saying there are not. Inspectors are aware of examples of good quality training in individual Areas which has been organised locally, for example in magistrates' courts advocacy that was delivered internally by a trained advocacy assessor and training by local chambers which was funded by joining together Individual Learning Account allocations. Some Crown Advocates have observed other more senior advocates in court, but for the most part there is insufficient time set aside for this.

9.3 There is still no evaluation of the impact on quality of advocacy following the delivery of any training or development opportunities, other than formal advocacy assessments. The assessments themselves have reduced in number and are not co-ordinated with the delivery of training. The Individual Quality Assessment is an opportunity for managers to build a stronger link between training, the development of advocate skills and, ultimately, the delivery of increased quality.

Progression

9.4 The last report recommended that the CPS re-examines its arrangements for progression. Although the Crown Advocate Progression Framework has been implemented, this in itself does not begin to address the recommendation, nor does it express a strategic vision.

9.5 Progression of Crown Advocates is dependent on several factors, which include training, mentoring, observing and junior work. It is important that advocates are allocated suitable cases within their competence that will develop them. We recommended that a system of learning and development for Crown Advocates be introduced where they can observe others in court, complete learning logs and development plans and, where appropriate, adopt a 'buddy' system to facilitate development. Feedback from the judiciary stressed the significant benefits to be achieved from observing different styles of advocacy and seeing cases presented well. None of the learning tools proposed have been adopted for the development of individual advocates. We recognise development is at the expense of fee savings work in the short term, but a longer term approach is required; development and improved advocacy skills provide the environment to increase fee savings and improve quality.

Succession

9.6 The last report recommended that the CPS re-examine progression in its approach to crown advocacy. The national advocacy strategy is silent on progression arrangements and it appears there are no plans at Area level; as a result there is no long term vision. The CPS is undergoing a period of consolidation and therefore will not require any new Crown Advocates to be trained and developed over the shorter term; this needs to be articulated and clarified to staff. Thought needs to be given to the longer term and where the Service sees itself, succession planning has to be an integral part of the strategy to enable new advocates to join and existing advocates to progress as far as their talents allow.

9.7 The CPS also needs to consider how it is going to address those advocates currently stranded at level 1. The strategy states that all Crown Advocates need to undertake trial advocacy, so either level 1 advocates need to be given the opportunity to undertake training so they can qualify, or another progression and succession strategy needs to be articulated with regard to them, as part of the overall vision.

9.8 For the most part Areas are seeking to reduce their Crown Advocate cadre in the light of budgetary constraints. This heightens the risk that there will be a shortage of suitable qualified candidates to deliver advocacy in the Crown Court effectively. This concern is echoed by members of the judiciary, some of whom are of the view that there will be a lack of suitable advocates both in-house and at the Bar in the longer term. With the exception

of a limited number of entrants to the legal trainee scheme it is hard to see where future Crown Advocates will come from if they are to have the appropriate skills. Feedback from Principal and Senior Crown Advocates suggests there is some dissatisfaction about the lack of opportunity to progress at the upper end; this cadre also voiced concerns over the absence of a succession strategy.

Mentoring

9.9 Senior advocates are an important resource, not only to prosecute serious cases and make fee savings, but also to offer support and guidance to other advocates. This importance was recognised in our last review with a recommendation that Crown Advocates are embedded and best use is made of the Principal and Senior Crown Advocates in the mentoring role. Areas told us that the significance of mentoring is recognised and is a substantial benefit regardless of fee savings earned by the most senior and experienced advocates. However, in practice mentoring is rare; of the 42 Crown Advocates who responded to questionnaires, only three had mentors and three were mentors, and of the 32 Senior Crown Advocates who responded only 14 were mentors. Other feedback suggested that many mentoring arrangements are informal and ad hoc. Advocates who were co-located with Senior Crown Advocates benefitted most to the detriment of those located elsewhere in an Area. The CPS needs to do more to maximise the benefits of mentoring.

Crown Advocate Clerks

9.10 At the time of the last review there was no formal training for Crown Advocate Clerks and little evidence of any shared approach or discussion on good practice, even within the same Area (then configured as a Group) and few felt they were given the opportunity to learn from other clerks. HMCPSI recommended that there was appropriate training of Crown Advocate Clerks for a common approach and contingency cover. Subsequently a Crown Advocate Clerk forum was established, but as mentioned above, only met three times and has since been replaced by the Unit Head forum. The clerk forum was a positive step, its demise means the opportunity to share good practice at the operational level has been lost. There is still no formal training programme and most staff appointed to the role learn on the job, which explains the differences in approach across the Areas. In one Area we were told about a training matrix for its apprentice clerks, devised by its head clerk; this is a positive response to the lacuna in training.

Magistrates' courts

9.11 In our last inspection we recommended delivery of the planned magistrates' courts advocacy training programme. Since then the work required to review existing courses has been completed, including recent updating of the court trials skills course. There is currently a paper based magistrates' courts training programme and there are two practical courses in place for new starters who are monitored. Trainees can also benefit from material available from CPS Learning and Development.

9.12 Since April 2014 it has been possible to access training for a given role, including the magistrates' courts, on the online Prosecution College; this details all training and development available for the role and how this fits in with the new Individual Quality Assessments. However, the view of those prosecuting in the magistrates' courts, reflected in questionnaire responses, is that there is insufficient time for training, because prosecutors are either in court or preparing cases. In addition, there is no co-ordinated mechanism to evaluate the impact of training on the quality of advocacy delivered.

9.13 There are risks that advocates in the magistrates' courts are being de-skilled from the limited advocacy they are exposed to. This is compounded by the absence of training to address issues raised in the last report and to those highlighted by the advocacy assessors. This in turn can impact on the ability to progress to crown advocacy in the future, although as already discussed there is no succession planning at a national or local level.



10 Data recording

Advocacy assessments

10.1 During our last review it was apparent there were issues in relation to data recording. Flaws with the electronic system for recording assessments meant it did not indicate whether work was undertaken in the Crown Court or the magistrates' courts, so it did not lend itself to analysis by advocate type. This has been addressed and it is now possible to undertake analysis by advocate type.

10.2 In the 2012 report, we identified obvious recording issues in some categories of data and the risk of incorrect categorisation of the competence of advocates. From the advocacy assessments considered by inspectors during the fieldwork for this inspection it is clear that risks remain. We noted errors in the hard copy assessments, which would lead to inaccuracies on CIS, for example, where it was unclear whether the advocate was a Senior Crown Prosecutor or an Associate Prosecutor, where the level of advocate was omitted and where no overall grade was recorded. Data is collated nationally in relation to the assessments, so Areas need to ensure the detail contained in them is quality assured before submission, particularly when procuring external resource to undertake the exercise.

Advocacy data

10.3 There are a number of elements that affect the accuracy of some of the figures used to calculate savings. In the last report it was apparent that there were a number of disparities across the Areas in data recording, for example some Areas did not record travelling time, one was recording preparation of briefs as preparation time, some were recording only preparation undertaken during work hours and not outside work hours and others were recording both. Recording of preparation time can have a significant impact on net savings. It was clear there was limited quality assurance of the data recorded and, in turn, further errors when data was input electronically. We recommended Areas ensure that advocacy data was consistently and properly recorded.

10.4 In March 2013 the CPS undertook a series of court business unit audits across all 13 Areas for the period 2012-13. Twenty files were requested from each Area for audit; however, not all Areas provided the requisite number of files and some contained insufficient information for the file to be audited. Overall from a total of 242 files that were suitable for audit 165 were accurate (68 per cent). In one Area as few as eight files could be audited and of these only six were accurate. Performance varied across the Areas, but common problems were inaccuracies in recording hearing and offence types, poor use of fees folders, incorrect outcome codes and incorrect Crown Advocate grades. Some Areas completed the fees folders well, but there were examples of missing, blank or incomplete folders. Recording of travelling time varied with different practices across the Areas, some were accurate and some were not.

Preparation time recorded by Areas was broadly on a par with national averages, however there was often a significant difference in recording of preparation time for trial work. Some claimed substantially less but it was more common to record greater preparation time than the national average.

10.5 There were instances when the information recorded on the knowledge information management (KIM) system differed from that on the forms submitted by advocates. In most cases there was no evidence of management checks of the accuracy of data recorded, although some Areas indicated they undertook some checks and one Area demonstrated good practice in this regard.

10.6 In the files audited overall there was an under-claim of fees in the region of £13,600, and an over-claim in the region of £11,600. There were further amounts that could not be verified from the information provided during the audit.

10.7 The audit confirmed the Inspectorate findings from the last inspection, yet there is still no evidence that these have been addressed. Further work needs to be done to improve accuracy of data recording for savings and fees, particularly where Area budgets and planning are reliant on this information.

10.8 CPS Headquarters maintains a list of financial management and assurance checks. These include a requirement for Areas to undertake a monthly check of Crown Advocate daily logs against the CIS data recorded. If utilised, the check would provide assurance of the accuracy of preparation and presentation of advocacy hours recorded on CIS, but it is not routinely occurring in all Areas. This is disappointing because the importance of accurate recording cannot be under-estimated, the information recorded has a financial impact in calculating costs and savings.

Annexes

A Progress against recommendations

Recommendation	Progress
<p>1 Expectations and working practices should be made clear and significantly improved including:</p> <ul style="list-style-type: none"> i arrangements for the allocation of work and returned briefs; ii arrangements and expectations for preparation, including the use and availability of IT for preparation out of the office; iii the role of the Crown Advocate Clerk; and iv arrangements for paralegal coverage at court (paragraph 5.25). 	<p>Poor progress. There has been no substantial improvement in performance and there is no demonstrable business impact.</p> <p>Arrangements for allocation of work are variable across Areas and the driver is often fee savings rather than development. Allocation is often delayed by the late availability of daily lists and as a consequence there are also late returns of instructions to the advocate.</p> <p>IT is more widely available in terms of individual tablets and laptops.</p> <p>The role of the Crown Advocate Clerk has not been clarified and no guidance has been given.</p> <p>There is less paralegal coverage in court than in 2012.</p>
<p>2 The CPS should review the purpose of its advocacy strategy and articulate it clearly, in particular:</p> <ul style="list-style-type: none"> i set out expectations for quality of advocacy and case presentation; ii establish effective support and oversight of the strategy at national level; and iii ensure that progress is made on the grading system applied to Crown Advocates to bring it into line with the Bar grading system and converge to a unified system (outstanding from the 2009 review) (paragraph 7.33). 	<p>Poor progress. There has been no substantial improvement in performance and there is no demonstrable business impact.</p> <p>Although the CPS advocacy strategy was redrafted and launched it has not been driven by the centre or implemented effectively locally.</p> <p>The expectations for quality are not clear and there remains a tension between delivering fee savings and improving the quality of case presentation.</p> <p>There is limited national oversight in the Advocacy Strategy Group, it has not been effective in driving forward the strategy and does not have the capacity to provide any support to Areas.</p> <p>The opportunity to align the two grading systems upon the introduction of the panel system was not taken.</p>

Recommendation	Progress
<p>3 The CPS should define a preferred operating model for its Crown Court advocacy units which exemplifies best practice and in which it:</p> <ul style="list-style-type: none"> i determines numbers to meet the business need; ii sets expectations for Crown Advocate deployment, in particular its full-time cadre; iii ensures deployment practices represent value for money; and iv re-examines arrangements for progression and determines a succession strategy (paragraph 7.33). 	<p>Poor progress. There has been no substantial improvement in performance and there is no demonstrable business impact.</p> <p>Only two Areas have undertaken the difficult task to determine and achieve the numbers that meet the business need to fit into the overall resourcing model.</p> <p>There has been no national steer as to the criteria to use to determine and achieve the optimum number of Crown Advocates for an Area.</p> <p>The national strategy expects all Crown Advocates to be ring-fenced and undertake trial work but this is not reflected in practice.</p> <p>Deployment is driven by fee savings in the current financial climate; some regard is given to development but not generally at the expense of fee savings. There is no clear picture of quality from the limited assessments undertaken and few were directed at contested advocacy in the Crown Court. There are clear inaccuracies in the recording and calculations underpinning fee savings data.</p> <p>The national strategy is silent as to progression and succession arrangements; there are no local strategies in the absence of a national steer.</p>
<p>4 To ensure it has a clear understanding of the value for money offered by its advocacy strategy the CPS should:</p> <ul style="list-style-type: none"> i take steps immediately to ensure advocacy data is consistently and properly recorded in all Areas and units particularly in relation to preparation and travelling time; and ii re-examine the method for calculating the net savings generated and the value for money offered by full-time Crown Advocates (paragraph 7.33). 	<p>Poor progress. There has been no substantial improvement in performance and there is no demonstrable business impact.</p> <p>Data recording remains inaccurate which is borne out by the audit work undertaken by the CPS.</p> <p>The CPS continues to use the same method for calculating net savings despite the inaccuracy of the data required to generate the figures, although a number of Areas are using full salary costs to understand fee savings and costs for the Area.</p>

Recommendation	Progress
<p>5 The CPS should review its approach to training and development to ensure:</p> <ul style="list-style-type: none"> i there is an evaluation of the impact on the quality of advocacy following the delivery of training and development opportunities; ii the mentoring of Crown Advocates is embedded and best use is made of the Principal and Senior Crown Advocates in the mentoring role; iii that a system of learning and development for Crown Advocates is introduced where they can observe others in court, reflect and complete learning logs and development plans, and where appropriate adopt a buddy system to facilitate development; iv there is appropriate training of Crown Advocate Clerks for a common approach and contingency cover; and v the delivery of the magistrates' courts advocacy training programme (paragraph 8.20). 	<p>Poor progress. There has been no substantial improvement in performance and there is no demonstrable business impact.</p> <p>There is limited availability of training to address weaknesses and limited quality assessments of advocacy where there are the greatest identified risks. There is no evidence of evaluation of the impact of training on the quality of advocacy.</p> <p>Some formal mentoring schemes are in place and there are also a number of ad hoc arrangements but not to the level expected and many Senior and Principal Crown Advocates are not involved at all.</p> <p>There is no evidence of formal structured processes for observing in court, learning logs and buddying systems.</p> <p>There is no formal training for Crown Advocate Clerks and no national support.</p> <p>The magistrates' courts advocacy training programme has been developed – delivery of training is an Area issue.</p>



B Sample of 30 Crown Advocates' counsel fee savings September 2013-August 2014

	Full-time equivalent	Level	Total number of hours spent on preparation and presentation of cases	% of time spent on CA work Inspectorate column*	Average CA hours per session	Cost of CPS advocate time on preparation and presentation of cases plus 10.5% uplift (£)	Counsel fee savings (excluding VAT) (£)	Counsel fee savings less full cost of CPS CA time on preparation and presentation of cases (£)	Counsel fee savings less full salary cost of CA plus 10.5% uplift (£) Inspectorate column**	Difference in net position (£)
1	1.00	SCA	197	118.8%	8.4	103,134	120,730	27,392	37,895	10,502
2	1.00	SCA	179	55.4%	4.3	48,072	115,065	71,558	32,230	-39,329
3	1.00	CA	164	71.0%	6.1	53,877	96,252	47,495	13,417	-34,078
4	1.00	CA	106	58.0%	7.7	44,054	58,967	19,099	-23,868	-42,967
5	1.00	CA	126	72.2%	8.0	55,770	59,440	8,876	-23,395	-32,271
6	0.86	CA	110	55.5%	6.1	36,242	69,455	36,657	-1,783	-38,440
7	1.00	CA	196	56.3%	4.0	42,704	156,653	118,007	73,818	-44,189
8	1.00	CA	55	24.9%	6.3	18,727	27,463	10,515	-55,373	-65,888
9	1.00	CA	197	87.8%	6.2	66,291	105,696	45,704	22,860	-22,843
10	1.00	CA	185	84.9%	6.4	64,650	122,039	63,530	39,204	-24,326
11	1.00	PCA	167	69.1%	5.8	68,138	98,321	36,643	15,486	-21,157
12	0.91	CA	115	68.6%	7.6	47,130	51,483	8,831	-23,517	-32,347
13	0.86	CA	141	66.2%	5.7	43,272	68,799	29,639	-2,843	-32,481
14	1.00	CA	158	67.9%	6.0	42,568	83,552	45,020	717	-44,303
15	1.00	CA	158	149.4%	13.2	114,257	147,151	43,751	64,316	20,565
16	1.00	SCA	158	114.6%	10.2	102,074	112,384	20,009	29,549	9,539
17	1.00	CA	184	129.1%	9.8	98,552	142,774	53,587	59,939	6,352
18	1.00	CA	170	60.7%	5.0	46,353	115,999	74,051	33,164	-40,887
19	1.00	CA	142	69.1%	6.8	52,844	98,709	50,871	15,874	-34,997
20	1.00	PCA	170	33.6%	2.8	53,184	159,551	111,421	76,716	-34,705
21	1.00	CA	170	69.2%	5.7	52,496	109,881	62,373	27,046	-35,327
22	1.00	CA	13	8.1%	8.8	12,766	18,633	7,080	-64,203	-71,282
23	1.00	CA	158	57.7%	5.1	43,765	109,262	69,656	26,427	-43,229
24	1.00	CA	14	7.0%	7.0	5,292	5,771	982	-77,064	-78,047
25	1.00	CA	43	23.0%	7.5	17,566	17,660	1,763	-65,175	-66,938
26	0.61	CA	149	91.0%	5.2	42,281	80,298	42,034	29,768	-12,266
27	0.92	CA	139	70.3%	6.5	49,214	64,139	19,601	-12,070	-31,671
28	0.80	CA	68	30.3%	5.0	18,493	43,908	27,173	-22,360	-49,532
29	1.00	PCA	139	90.5%	9.1	80,744	92,196	19,125	9,361	-9,764
30	1.00	CA	45	23.2%	7.2	17,745	23,625	7,566	-59,210	-66,777
Total			4,016	66.1%	6.8	1,542,254	2,575,855	1,180,009	176,925	-1,003,084

* For the purposes of calculation in the inspectorate column " % of time spent on CA work " we have assumed 1,400 full-time equivalent deployable hours for a 12 month period. Figures in red are up to 70%, amber 70.1%-79.9%, and green 80%+.

** For the purposes of calculation in the inspectorate column "Counsel savings less cost of advocate" we have used the CPS nation salary cost for a CA £74,964 plus 10.5% CPS enhancement. We have used the salary costs for the CA role regardless of whether the advocate is a PCA, SCA or CA.



C National CPS data

Crown Court sessions

	CA sessions	Total CA hours	CA hours per session	Total CA full cost*	Counsel fees saved (ex VAT)**	Counsel fee savings net of full costs
2010-11	63,505	371,201.27	5.85	19,938,544.93	31,743,619.64	11,805,074.71
2011-12	62,519	367,685.42	5.88	20,611,774.57	32,808,535.27	12,196,760.70
2012-13	55,558	353,477.80	6.36	20,115,151.34	30,443,130.80	10,327,979.46
2013-14	50,932	364,604.28	7.16	21,533,038.13	28,657,843.09	7,124,804.96

* Full salary cost plus 10.5 per cent allowance to cover a range of direct overheads such as training and recruitment, as well as travel and subsistence costs.

** The calculations for counsel fees savings are based on what it would have cost the CPS had they outsourced the cases.

Magistrates' court sessions

	Total mags' court sessions	Total CPS staff court sessions	Total sessions covered by CPS %	Total sessions covered by CPS lawyers		Total sessions covered by CPS Associate Prosecutors		Total sessions covered by agents	
				number	%	number	%	number	%
2010-11	334,939	302,417	90.3%	194,433	58.1%	107,984	32.2%	32,522	9.7%
2011-12	299,614	273,302	91.2%	172,331	57.5%	100,972	33.7%	26,312	8.8%
2012-13	265,533	212,427	80.0%	127,731	48.1%	84,696	31.9%	53,106	20.0%
2013-14	243,090	180,804	74.4%	110,784	45.6%	70,020	28.8%	62,286	25.6%

Advocacy assessments for 2013-14

Area	Target	Assessment undertaken	Difference
Cymru-Wales	40	38	-2
East of England	40	40	0
East Midlands	40	38	-2
London	80	79	-1
Mersey-Cheshire	40	11	-29
North East	40	13	-27
North West	60	108	+48
South East	40	41	+1
South West	40	41	+1
Thames and Chiltern	40	26	-14
Wessex	40	33	-7
West Midlands	60	36	-24
Yorkshire and Humberside	60	19	-41

Advocacy assessed

	Appeal against sentence	Appeal against conviction	Committal for sentence	Application/S.51/mention/BW	PCMH	Guilty plea	Newton hearing	Trial (as sole advocate)	Trial part-heard (as sole advocate)	Trial (with leader)	Trial part-heard (with leader)	Trial (leading)	Trial part-heard (leading)	For sentence/POCA	Other
Cymru-Wales	-	-	2	2	1	19	-	3	3	-	2	-	-	1	5
East of England	-	-	-	-	-	-	-	13	-	-	-	-	-	-	27
East Midlands	-	-	-	-	2	1	-	3	-	-	-	-	-	1	31
London	1	2	-	1	19	21	1	20	1	1	-	-	-	3	9
Mersey-Cheshire	-	-	-	-	1	4	-	5	1	-	-	-	-	-	-
North East	-	-	-	1	4	4	-	2	-	-	-	-	-	-	2
North West	-	-	-	-	11	-	-	45	-	-	-	-	-	-	52
South East	-	-	-	-	3	13	-	14	1	-	-	2	-	-	8
South West	-	-	-	1	1	29	1	4	-	-	-	-	-	1	4
Thames and Chiltern	-	-	-	-	9	6	-	3	1	-	-	-	-	3	4
Wessex	-	-	-	-	1	14	-	11	-	-	-	-	-	-	7
West Midlands	-	-	-	-	4	1	1	12	-	-	-	-	-	2	16
Yorkshire and Humberside	-	-	-	-	3	6	-	8	-	-	-	-	-	-	2
CPS Direct	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
CPS Proceeds of Crime	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Organised Crime Division	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Special Crime and Counter Terrorism Division	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Central Fraud Division	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Welfare, Rural and Health Division	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

BW bench warrant

PCMH plea and case management hearing

POCA Proceeds of Crime Act

S.51 section 51 (preliminary hearing)

D Methodology

The aim of the review was to examine implementation of the CPS Advocacy Strategy 2012/13 to 2015/16. In addition, it follows up on the report of the thematic review of the quality of prosecution advocacy and case presentation published in March 2012; progress made against the recommendations in that report is evaluated.

The team

The team was comprised of two legal inspectors, one of whom led the review, and one business management inspector.

Analysis and surveys

The inspection team reviewed the national advocacy strategy as well as information available from Headquarters in relation to the local strategies employed in all Areas. This also informed the decision about which sites to include in the fieldwork phase. The team considered the advocacy assessments relating to both Crown Court and magistrates' courts contested and non-contested work undertaken in the previous 12 months in the four fieldwork Areas.

Questionnaires were sent to Crown Advocates of all levels, Senior Crown Prosecutors, Associate Prosecutors, Crown Advocate Clerks, trained advocacy assessors, the independent Bar and the judiciary.

The fieldwork

The inspection team visited four CPS Areas: East Midlands, North West, West Midlands, and Yorkshire and Humberside, speaking to managers involved in both Crown Court and magistrates' courts advocacy and operational staff dealing with Crown Advocate clerking. The team spoke to Area Business Managers and Area advocacy leads. They interviewed members of the judiciary sitting in the Areas visited and spoke to national leads from CPS Headquarters, including CPS Learning and Development.

The team reviewed the relevant CPS systems and processes that underpin the advocacy strategy and support delivery of high quality advocacy. Data analysis included caseloads, court sessions, costs and savings, deployment of advocates, and any quality targets and measures. An assessment of training was undertaken including the approach to training and development, the process for delivery, arrangements for mentoring, and systems of learning and development for Crown Advocates.



E Advocacy in the courts

Crown Court advocacy

Prosecution advocacy in the Crown Court is carried out by barristers in private practice (counsel), or by Crown Advocates employed by the CPS. Since the introduction of the new CPS advocate panel system, solicitors who are higher court advocates in private practice are able to apply for inclusion on the panels to prosecute in the Crown Court as well.

There are four levels of advocate grading for self-employed barristers, not including Queen's Counsel (QCs), which are set according to general ability or specialism. Level 1 is the starting point for prosecution advocacy in the magistrates' courts and Crown Court. In July 2008 the CPS implemented a progression framework which also included four levels, to characterise the skill and experience of its own Crown Advocates and provide a clearer career path. Unfortunately, the levels within the two grading systems do not coincide exactly.

Magistrates' courts advocacy

CPS advocates in the magistrates' courts fall into three main categories. Crown Prosecutors, as qualified solicitors or barristers, have full rights of audience in the lower courts as do the solicitors and self-employed barristers who act as CPS agents.

In-house Associate Prosecutors have more limited rights of audience which were extended in 2008 to cover most types of non-trial hearing, including committals. In February 2009 they were extended again to cover a limited range of contested trial work, known as Associate Prosecutor level two (AP2). This was subject to a 'pathfinder' project in CPS West Yorkshire, London, and Hampshire²² at the time of the thematic review. Evaluation concluded the initiative was positive and there were tangible benefits to the pathfinder Areas; despite this AP2s had not been rolled out beyond these Areas at the time of the follow-up. As a consequence we were only able to observe a limited number of AP2s in the original pathfinder sites. Following the announcement that the national CPS structure was to be revised with effect from 1 April 2011, some of the new Areas decided to introduce AP2s as part of their workforce strategy and underwent a selection process to appoint staff. Training of the new appointees was underway during the follow-up.

22 As part of the pathfinder in CPS Hampshire one AP2 was appointed in CPS Dorset.



F Glossary

Annual Casework Examination Programme (ACEP)

Examination of a range of CPS files undertaken annually by HMCPsi. Files are taken from across the CPS and cover a range of serious and less serious casework.

Advocacy assessors

In-house or external suitably qualified people who assess an advocate's performance in court and provide feedback.

Agent

A solicitor or barrister not directly employed by CPS but instructed by them to represent the prosecution in court.

Associate Prosecutor

An advocate employed by the CPS and deployed in the magistrates' courts. An Associate Prosecutor is not a qualified solicitor or barrister but is trained to present cases in the magistrates' courts. Their rights of audience are limited to certain types of cases dependant on their level of training (see annex E).

Advocacy Strategy Group

A CPS national management group with responsibility for advocacy.

Central Casework Divisions

CPS Headquarters Divisions dealing with specialised work such as counter-terrorism and fraud.

Casework Quality Standards

Standards that set out the benchmarks of quality that the CPS strives to deliver in prosecuting crime for the public.

Corporate information system (CIS)

CPS computer system used to store information and data.

Criminal Justice Secure eMail (CJSM)

Email network which enables secure communication between criminal justice system organisations and defence practitioners who have joined the network.

CPS Direct (CPSD)

Service providing charging advice to the police. Cases are dealt with digitally and by telephone.

Counsel

Barristers in practice at the independent Bar who are instructed to present cases for the CPS.

Crown Advocate

In-house CPS lawyer who, by qualification and CPS designation, has a right of audience in the higher courts (see also *Senior Crown Advocate* and *Principal Crown Advocate*).

Crown Advocate Clerk

A member of staff who deals with the allocation of Crown Court cases to advocates and undertakes ancillary tasks such as diary management.

Director of Public Prosecutions (DPP)

Senior Civil Servant who heads the CPS.

Individual Learning Account (ILA)

Sum of money allocated to an individual which can be spent on appropriate training or learning opportunities.

Independent Bar

The professional body for self-employed barristers (counsel).

Individual Quality Assessment (IQA)

The CPS' new scheme to assess the performance of individuals and compliance with the CPS' Casework Quality Standards.

Joint Advocate Selection Committee/

Advocate Panel

The Joint Advocate Selection Committee is responsible for selection of external counsel who will then be appointed to the Advocate Panel. The panel consists of advocates who can be instructed by the CPS to prosecute cases. Counsel are appointed at a certain grade which dictates the type of work they can undertake.

Joint Advocacy Group (JAG)

Established by the Bar Standards Board, CILEX Professional Standards and Solicitors Regulation Authority it comprises senior managers and has responsibility for advocacy.

Knowledge information management (KIM)

CPS computer system used to store information and data.

National Advocacy Strategy

Documented CPS strategy for 2012/13 to 2015/16 dealing with the use of in-house advocates in the magistrates' courts and Crown Court.

National Standards of Advocacy

A document outlining the key principles and aims in providing quality advocacy.

Paralegal

Member of CPS staff who assists with the preparation and presentation of cases under the supervision of a Crown Prosecutor. A paralegal does not have rights of audience, but attends the Crown Court to assist the advocate.

Plea and case management hearing (PCMH)

The purpose of the hearing is twofold: to take a plea from the defendant and ensure that all necessary steps have been taken in preparation for trial or sentence.

Preliminary hearing

First hearing of a case sent to the Crown Court at which pleas may be taken and a timetable for the case set.

Principal Crown Advocate

The most senior grade of Crown Advocate who prosecutes the most serious and complex of cases, with the exception of those requiring a QC (see also *Queen's Counsel*).

Quality Assurance Scheme for Advocates (QASA)

Developed by the Joint Advocacy Group, which comprises representatives from the Bar Standards Board, Solicitors Regulation Authority and CILEX Professional Standards. It is the first scheme that systematically assures the quality of advocates appearing in criminal courts in England and Wales.

Queen's Counsel (QC)

A senior barrister recognised for their considerable experience and ability.

Refocusing the CPS

Operational change undertaken by the CPS intended to allow it to work more effectively with reduced resources.

Senior Crown Advocate

A level 4 Crown Advocate who is able to represent the prosecution in the most serious and complex cases, save for those where a Principal Crown Advocate or QC is required.

Senior Crown Prosecutor

A lawyer employed by the CPS entitled to represent it in all types of magistrates' courts cases and a limited number of circumstances in the Crown Court.

Standard Operating Practice (SOP)

Standardising processes set nationally by the CPS to allow for a consistent approach.

Transforming Summary Justice (TSJ)

New scheme with regard to the prosecution of offences in the magistrates' courts. Concerns work being taken on by different prosecuting bodies and methods of disposal other than prosecution.

Voluntary early release (VER) scheme

Used to reduce staff numbers in the CPS.

Wi-fi

Wireless technology that allows an electronic device to exchange data with other devices locally or connect to the internet.



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