

Review of the performance of CPS South East

July 2015



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Foreword

The performance of CPS South East Area was a cause for concern in 2013 and its ability to respond in an agile manner to changes within the CPS and in the wider criminal justice system was called into question. As part of the preparatory phase of this inspection, a growing overspend in South East's allocated budget became apparent. Lacking reliable financial data, the Area's managers attempted to reduce the potential deficit but made little headway until the arrival of a temporary manager with financial expertise.

Poor casework outcomes and radical savings exemplified by office closures and staff reductions contributed to low morale across the Area and a lack of confidence in CPS leaders from external stakeholders. These have been challenging times for South East's staff at all levels and it will take some time to instil a more positive culture.

This was the backdrop against which the current Chief Crown Prosecutor took on leadership of the Area in January 2014. It is with some caution, but also some sense of achievement, that the Area can point to the fact that overall performance has not deteriorated further and in some aspects has begun to show a more positive direction of travel.

From a low point in late 2013, the relative ranking compared to other CPS Areas has improved. However, HMCPSI's file examination results offer little comfort in respect of casework decision-making and preparation.

It was found during this inspection that whilst casework quality and financial management were poor, the Area's governance was fair. The efforts made to re-engage with stakeholders and realistic appraisal of the measures required to improve performance have led to this assessment. Observations carried out during the inspection demonstrated that an acceptable standard of advocacy was being delivered.

South East is still not functioning cohesively as one unit with consistent systems and processes. Until the key stakeholders operate more collaboratively, the CPS will find this difficult. However, a sound financial position and improving casework quality are essential to the Area's progress; unless these two aspects are dealt with during this business year, governance and leadership will be undermined.

Although many of the improvements cited by the Area have only been recorded at the very end of the inspection activity, the trend appears positive if these changes are sustained over the current business year. This is by no means certain and much hard work lies in store for the South East.

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1 Executive summary

The Crown Prosecution Service (CPS) South East Area has endured a difficult period over the last three years, during which it has lost its former position as one of the higher performing CPS Areas to a low point during the last two quarters of 2013-14 when performance deteriorated to such an extent that it found itself near the bottom of the ranking tables published by CPS Headquarters. The Area's senior managers were aware of the position occupied by South East, both in respect of stubbornly low successful outcome rates in its magistrates' court casework and a budget overspend, the true extent of which only became clear after this inspection had concluded.

It is to the Area's credit that there has been improvement in performance over the ensuing 12 months, such that it has reached a more favourable position. However, this inspection has found that casework, in terms of outcomes and decision-making, remains poor as does financial management and value for money. Encouragingly, the overall governance of the Area in terms of effective leadership, strategic planning and management of risk was fair.

South East's former Chief Crown Prosecutor (CCP) retired from the Service in mid-2013 at a point in time when the Area's plans for rationalising and modernising its infrastructure and estate to meet the demands imposed by CPS Headquarters' Re-focussing Programme¹ were still very much untested. It was then, and in the ensuing months before the appointment of the current CCP, that

an element of 'drift' developed, which not only delayed essential re-structuring but also heightened feelings of uncertainty within its staff and among some external stakeholders. This in turn fostered low morale in the CPS and a frustration that important inter-agency relationships were suffering from a lack of leadership.

Inspectors took the opportunity of familiarising themselves with some of the issues facing Area managers during a series of short visits in summer 2014 and engaged with the CCP and Area Business Manager (ABM) in a discussion during which a number of key themes were identified as aspects of particular concern if the Area's performance was to improve. Where appropriate this summary draws attention to those themes and any progress made at the end of the inspection visit.

The extremely challenging situation that faced the incoming CCP at the beginning of 2014 has been given full weight by inspectors in making our judgements. We recognise that in assessing overall governance as fair, we are giving credit for a sustained effort to unite disparate local units into a more efficient and resilient Area which shares a common ethos and culture. This is not yet embedded and in some cases far from accepted by all staff, but must be pursued if genuine progress is to be made.

Against a background of staffing reductions, budgetary pressure and the increasing demands of criminal justice projects such as digitisation,² it is not surprising that staff morale has been at a low level as shown both by the Civil

¹ The CPS has Headquarters in London and York and operates in a structure of 13 Areas across England and Wales. Each CPS Area includes more than one police force area. Before 2011 each CPS Area was aligned to one police force, except CPS London which has always included the Metropolitan Police Service and City of London Police.

² The process by which the police transfer prosecution case files electronically to the CPS in a digital format, allowing cases to be presented from tablet computers in court.

Service staff survey and Her Majesty's Crown Prosecution Service Inspectorate's (HMCPIS) own findings. However, the Civil Service survey in October 2014 did show an increase of 10% in levels of staff engagement and more importantly the staff response rate doubled from the 2013 survey. The Area has continued to devote time to involve staff in activities designed to offer opportunities to further their own development and to talk directly to senior managers.

The Area has done a lot to improve strategic relationships with some of its key stakeholders in the region. Particularly, several Crown Court judges and also local benches of magistrates reported that communications were good and the CCP was recognised as an effective contributor to local criminal justice partnerships. What is now required is a more business-like approach to the delivery of real change in systems and processes that influences real improvements in performance. A more collaborative style of engagement with all three police forces would bring benefits to the CPS, but achieving change requires engagement with all regional partners in a volatile landscape for criminal justice.

The Area's casework quality has been poor for some time and bringing about sustained improvement has been recognised by its managers as a long term project. Whilst in some respects, modest improvements in many of the measures used by the CPS have been achieved during the period of this inspection, the need to apply a relentless commitment to making better quality decisions more efficiently remains paramount. Different structures and managers have been tried to secure the best model for its casework teams and this must be a priority. Inspectors have rated the Area's casework as poor.

The delivery of charging decisions and advice was not impressive. The system was overloaded and bureaucratic so that the quality of decisions (albeit judged on a small number of cases) was not as good as the level achieved by CPS Direct. Backlogs in some Area cases had led to a decision to use self-employed counsel to provide pre-charge decisions and advice in some cases which incurred additional cost in terms of fees, although these costs were borne by the CPS nationally.

The Complex Casework Unit (CCU) was found to be a reliable and effective team but its small size carried with it a lack of resilience. No evaluation of CCU casework quality was carried out in this inspection, but performance in terms of achieving convictions was in line with national averages. As the CCU Head manages an equivalent unit in another CPS Area as well, it is appropriate that South East reconsiders the unit's referral criteria and re-negotiates protocols with the regional police squads that provide its casework.

The Magistrates' Court Team remains an area of concern for inspectors and indeed its performance has consistently failed to meet all of the CPS's own levels of ambition in most respects. The South East has often been ranked last out of the 13 CPS Areas in respect of conviction rates. There are many factors that have contributed to this situation, but unless effective action is taken now to deliver better quality and timeliness, we are not convinced that results will improve.

Police across the Area have acknowledged a degree of responsibility for this situation by failures to provide high quality case files. The CPS has invested resource in trying to help the police improve these files and significant work has taken place (especially in Surrey Police) to address poor quality, but the absence for many years of any effective process for the review of cases before the first court hearing has resulted in weak or incomplete cases entering the system. A lower than average rate of guilty pleas entered at the first hearing by defendants is an obvious symptom of poor initial case review.

Increasingly over this period, the number of trials has increased proportionately, but the time available to build cases to a sufficient standard to succeed at trial has reduced. The capacity of the CPS to review and prepare cases for summary trial has not been adequate, such that these cases have been prepared within days of the trial itself. Although targets were set for prosecutors to achieve an average daily output of reviews, these were rarely achieved.

The recently introduced Transforming Summary Justice (TSJ)³ initiative was at the top of the Magistrates' Court Team's agenda. This is intended to break the cycle of late review of cases, but there must be contingency measures available to cope with the transitional period until it is fully implemented and to evaluate the impact of the project on outcomes. For example, a backlog of some 700 trial files had built up awaiting review at the time of our inspection.

How these cases will be handled will still affect performance with or without TSJ.

The Crown Court Team was subject to a major restructure during the period of this inspection which in itself had led to some confusion among staff and stakeholders about where certain casework was dealt with. Trials in non-specialist or 'volume' cases were originally combined into one Area unit, but this was later divided into two units, one dealing with casework from Kent and the other with casework from Surrey and Sussex. Performance in terms of outcomes were much closer to national averages than in magistrates' court cases and some improvements were noted, albeit modest. This is to be welcomed and should be sustained. However, the quality and timeliness of reviews and case preparation was often poor with significant backlogs accumulating, particularly in Kent where the proportion of cases involving defendants remanded in custody was much higher than the rest of the Area. These cases will normally attract priority attention. Judicial comment recognised a renewed commitment on the part of senior managers, but continued to point out lack of preparation for plea and case management hearings and trial hearings.

In order to address these concerns, the Area had planned to reduce its in-house advocacy deployment and strengthen the review teams with former Crown Advocates. This approach has benefits in casework quality, as it will result in experienced prosecutors reviewing police submitted case files, but there are potential budgetary implications in terms of increased agency costs, as external counsel would have to be briefed to cover court hearings. This will

³ Transforming Summary Justice is an initiative led by Her Majesty's Courts and Tribunals Service but involving also both the CPS and the police designed to deliver justice in summary cases in the most efficient way by reducing the number of court hearings and the volume of case papers.

also result in a reduction of in-house counsels' fees savings. This balance must be carefully managed and monitored so that the budget overspend is minimised.

The quality of advocacy was rated as meeting or exceeding the CPS's national standards in both magistrates and Crown Court hearings and was mostly acknowledged by the judiciary as such. The reduced Crown Advocacy Unit must increase the level of monitoring, quality of its clerking and the rigour with which it controls prompt payment of counsels' fees.

The level of service provided by the CPS to victims and witnesses in the Area should be improved. The endemic problem of late review of trial files caused difficulties for police witness care units (WCUs) who were trying to assist witnesses, although practices differed between the three WCUs with which the CPS worked. The quality and timeliness of applications for special measures and communications with victims before and after charges were dropped all need improvement if South East's level of compliance with all the obligations on the CPS imposed by the Victims' Code is to climb above the 52% found in our file examination. More recent results are showing improved levels of communication since the launch of the Victim Liaison Unit.

The Rape and Serious Sexual Offences (RASSO) Unit was not included in this inspection because of a concurrent thematic review of such units being conducted by HMCPSI, which included the South East. Any relevant findings will be included within that published report in due course. Performance in respect of sensitive cases was mixed in that successful outcomes in cases of violence against women and girls

(mostly comprising offences of domestic violence) were some 3% below the national average. However, successful outcome rates in cases of hate crime were broadly the same as the national average.

Inspectors have rated the Area's financial management as poor and concerns first identified during 2014 remain. Early signs of a potential budget overspend were quickly confirmed and some actions were taken to reduce the overspend in administration costs, but the extent of the overspend of prosecution costs appears to have been much greater than originally estimated. It was clear to inspectors that there was a lack of robust financial stringency in accounting procedures that had created uncertainty surrounding expenditure. In particular, unrealised advocates' fees savings and unrecorded Graduated Fee Scheme⁴ payments to external counsel were allowed to accumulate.

With additional support from CPS Headquarters, a temporary manager with financial expertise and other staff were utilised by the Area and the full picture has gradually emerged. The Finance Plan published in February 2015 aimed to cut spending on salaries by £1.3 million if specific staff changes were implemented. Now that the size of the overspend has increased, it is imperative that further measures are devised to curb future spending.

⁴ This scheme regulates payment by the CPS to barristers instructed to prosecute most criminal cases in the Crown Court and includes an agreed regime of standard fees according to the importance and size of the case and other factors. Maintenance of the scheme is carried out electronically both by the CPS and counsel.

South East has managed to reduce its estate so that it now operates from three separate offices, but is prevented from further consolidation by contractual issues. This in itself has hindered the establishment of a single Area culture. Priority must continue to be accorded to projects such as streamlining magistrates' court listing and greater use of digital casework material, which will make more efficient use of resources.

There have been high levels of staff sickness absence throughout the Area so that the average exceeded the national figure of 9.7 days by one percentage point. This had been addressed by managers so that there were a large number of Attendance Improvement Notices in place, but by contrast the Area had not issued a single Performance Improvement Notice to any member of staff despite the poor performance ranking. A more robust approach to individual performance management is urgently required.

The prosecution costs budget was significantly overspent in 2014-15, partly due to an average cost per case figure of £1,289.00 which exceeded the national average by almost 20%. Unless this figure is reduced spending is not likely to be brought under control. As the inspection was coming to an end, the Area was putting plans in place to address its operational costs, but it is too soon to be sure whether these will achieve the desired impact.

Conclusions and recommendations

The findings of this inspection have confirmed to a large extent the preliminary views formed by inspectors during their early visits to CPS South East in the summer of 2014.

The Area's leaders and managers have had to cope with a culture of poor performance, a lack of engagement historically with stakeholders, increasing levels of budget overspend and a challenging criminal justice landscape both locally and nationally. Staff morale had fallen to a low point.

It was clear to inspectors that the CCP was confronted with significant challenges as soon as she was appointed at the start of 2014. For example, the Area's estate had to be rationalised, reductions in staff numbers had to be achieved and a more inclusive corporate style of leadership was required to change the culture from separate local units to one South East Area with consistent practices and common aims.

In some respects, progress has been achieved towards meeting these challenges, but the task is far from complete. This progress has been recognised in this report by rating governance as fair. Although recent data suggests that performance in many respects has shown a more positive trend, our findings from examining case files and processes were that casework quality was poor.

Of most concern was the Area's financial management which we also assessed as poor. The size of the budget overspend, made up principally of additional prosecution costs, was not realised until late in 2014 when a grip on financial matters began to take hold. The Area cannot afford to relax its grip on budgetary controls now introduced.

The report makes a number of recommendations and the implementation of these is crucial to the continued progress.

Recommendations

1 The Area's senior managers should review its resource deployment strategies in order to achieve the efficiencies that are essential if it is to operate within its budget allocation (paragraph 1.8).

2 Senior managers must work to improve both the quality and efficient processing of casework through a more realistic appraisal of staff skills and knowledge and prioritise training (paragraph 1.16).

3 The Area Strategy Board should satisfy itself that all line managers are fully cognisant of the performance management processes available to them and the point at which the Performance Improvement Notice process should be activated in any case of poor performance (paragraph 1.27).

4 The Area's Strategy Board should urgently improve the timeliness of response to the police when providing pre-charge advice and decisions by reviewing its processes (paragraph 2.8).

5 The Area should urgently open negotiations with the three local police forces in order to agree a common approach to the timeliness of service of upgrade files (paragraph 2.30).

6 The Area should put in place processes designed to raise the quality and consistency of disclosure handling in all types of casework. (paragraph 2.46).

7 The Area should work collaboratively with all three police forces to explore ways of introducing greater consistency in the way that the witness care units handle information and liaise with CPS staff (paragraph 2.102).

8 The Area should move swiftly to adopt and quality assure a more rigorous financial accounting process with a formal review to be undertaken by the end of September 2015 (paragraph 3.8).

9 The Area should review and evaluate the throughput targets for prosecutors operating in both magistrates and Crown Court teams and then use individual performance management processes to ensure that these are robustly monitored (paragraph 3.22).

10 The Area should urgently undertake a review of the use of staff based in CPS North East to ensure that they are providing value for money benefits (paragraph 3.27).

Part 1: Introduction

South East Area was formed as part of the national restructuring of the CPS in April 2011. It comprises the counties of Kent, Sussex and Surrey. There are offices in each county with the Operations Centre at Canterbury and CCU based at Brighton. As part of a rationalisation of its estate and changes to leasing arrangements, the substantial office at Maidstone in Kent was closed in December 2014. The future of all offices is not certain although contractual obligations mean that there are unlikely to be any further closures within the 2015-16 business year.

The previous CCP left the Service in 2013 and was replaced by the current CCP in January 2014. There are two Deputy Chief Crown Prosecutors (DCCPs) responsible respectively for Crown Court and magistrates' court casework. The Area has also retained two posts at level E comprising the Head of the CCU and the Lead on "Thematics" or ongoing projects with responsibility for improving casework quality; both these officers report directly to the CCP. With effect from April 2015, the South East CCU Head also assumed responsibility for the CPS East of England CCU.

There are five Crown Court and 18 magistrates' court centres within the Area. As such, coverage of all hearings and liaison with criminal justice partners requires substantial commitment.

In common with other CPS Areas there have been reductions in South East staff over the last three years with overall numbers falling by 22.6% between 2011-12 and the end of December 2014. This is close to the national level, but the South East's legal staff numbers have been reduced more significantly compared with non-legal. The number of prosecutors has decreased by approximately 55 full-time equivalent posts during that time.

At the same time, there has been a reduction in the Area's caseload, but by a much smaller proportion, so that the magistrates' court total of completed cases fell over the period by 11% although the number of those cases that were contested increased from 13.9% in 2012 to 17.5% at the end of 2014. By contrast, the Crown Court completed caseload has increased by some 7% but the proportion of contested cases remained broadly similar.

Background and context

HMCPPI uses a risk based approach to identify the comparative performance of CPS Areas. This informs the planning of future inspection activity. This inspection was included in HMCPPI's Business Plan for 2014-15 but the timing was adjusted due to other unplanned inspection activity, so that it was not commissioned until November 2014. As a result of concerns about performance that had been made to the Attorney General through external stakeholders and the Area's position in the CPS Databank comparative tables, it was decided to carry out a preliminary monitoring exercise in the South East during the summer of 2014.

Methodology

Three visits, each of two days' duration, were arranged in consecutive months from July to September when a number of interviews were conducted with CPS managers and staff in office locations in Kent, Sussex and Surrey. We also took the views of key external stakeholders and conducted some advocacy observations in the magistrates and Crown Court.

By agreement with the Area a 'management report' was prepared and shared with CPS Headquarters in October 2014. Inspectors identified 14 issues as causes for concern.

The full Area inspection was then commissioned including an Area Casework Examination Programme (ACEP)⁵ of 150 finalised cases before a two week site visit ending on 6 March 2015. The key findings from the file examination are at annex A. Inspectors also considered a range of performance data and other material.

Observations of prosecution advocacy and case progression at both Crown Court and magistrates' court centres were undertaken. The views of CPS staff, the judiciary, criminal justice partners and community groups were sought either by survey, questionnaire or interview. A detailed explanation of the methodology is at annex F.

⁵ HMCPSI has undertaken an annual programme of examining casework from across the CPS against a range of quality measures in order to provide an independent assessment of performance. This programme is known as "ACEP" and includes judgements on the compliance with the Code for Crown Prosecutors by the CPS when making decisions at the charging and subsequent review stages.

Part 2: Inspection findings

1 Area governance

Fair

The Area provides effective leadership

1.1 The CCP took up her role in January 2014 and soon established three key priorities for the Area – performance, people and Proceeds of Crime Act (POCA) although digitisation in the Crown Court was soon substituted for POCA, following the establishment of a national Proceeds of Crime Service by the CPS. At the strategic level it is clear that senior managers share a South East Area ethos and are embracing national working. However, this view is not always evident at the operational level where many staff still consider that they work for the county in which their office is located.

1.2 The management structure has undergone considerable change during 2013 and 2014. Experienced and capable leaders at Senior District Crown Prosecutor grade have left the Area or the CPS altogether, but only one new appointment at senior level has been made. In February 2015, a new staffing strategy was published and this aimed to rationalise the structure further with the purpose of reducing the current budget overspend.

1.3 Results from the annual Civil Service staff survey in 2014 showed that 21% of South East staff stated that they had personally experienced discrimination at work and 17% said they have personally experience bullying or harassment. These figures are a very slight improvement from the previous year, but still higher than for the CPS as a whole (14% and 13% respectively). The Area has conducted Dignity at Work Sessions with staff and has received some Headquarters assistance in supporting affected staff.

1.4 The HMCPSP staff survey⁶ revealed that just over half of all staff felt motivated to do a good job. Inspectors spoke to some staff who wanted to do the best job they can for victims of crime and for the public, but were under increasing pressure due to reducing resources. Senior managers understand that the recent office closures have had a detrimental effect on the level of staff morale. Continuing uncertainty engendered by discussion of further office closures and several changes of managers throughout the business year will have affected morale negatively.

1.5 The Civil Service survey revealed that 37% of South East staff felt valued for the work they do, which is 15% below the CPS as a whole and unchanged since the previous year. Despite this, the response rate doubled from 32% in 2013 to 63% in 2014 and a 10% increase in the Employee Engagement Index was noted. The Area celebrates good performance with letters being sent to staff from senior managers and recognition of good performance and individual achievement published in a local newsletter. The Area conducted two People Months during 2014 to increase understanding of different aspects of the business and to celebrate success.

1.6 Inspectors identified little meaningful consultation with staff prior to the publication of the Finance Plan which was sent to staff by e-mail during the first week of February 2015 with an accompanying spread sheet highlighting reductions in posts and re-grading of others. Although the ABM and CCP were operating within national constraints and conflicting

6 The response rate to the HMCPSP survey was 45% when distributed to staff in February 2015; the Civil Service staff survey conducted internally in October 2014 had a 65% response rate.

policies that limited the dissemination of information, they visited each office to explain the restructuring and staffing changes, but many felt it was too late for any of their comments and suggested changes to be taken into consideration.

1.7 Senior managers have acknowledged that stakeholder engagement has been a problem and have been working to improve this. External partners reported to inspectors improved levels of engagement, but this is still a work in progress. Liaison between the CPS and other agencies takes place through the Local Criminal Justice Boards (LCJBs) in Kent, Surrey and Sussex, with the CCP taking on the role of Vice Chair of both the Sussex and Surrey boards. This has been welcomed by several key stakeholders including the Police and Crime Commissioners (PCCs). Other opportunities for engagement have been taken including round table discussions with resident judges, regular meetings with magistrates' court bench chairs and chairing the Local Scrutiny and Implementation Panel which oversees the response to hate crime in the Area.

1.8 Although liaison at a strategic level has improved there needs to be a continued effort to achieve strong collaborative relationships. More work is required with the courts, particularly in respect of listing arrangements in parts of the region which need to be resolved to maximise efficient use of resources. Additionally inspectors found evidence of concerns at the operational level with both the police and witness care units experiencing difficulty contacting the CPS.

Recommendation

The Area's senior managers should review its resource deployment strategies in order to achieve the efficiencies that are essential if it is to operate within its budget allocation.

The Area plans effectively to deliver its strategic objectives

1.9 The weak financial position of the Area has been well known to all staff for some time, but the full extent of the budget overspend appears to have been something of a surprise to managers when it was first discussed in July 2014. Some strategic decisions during 2014 appear to be at odds with the desire to minimise expenditure. For example, payment of counsels' fees and increased use of agents in the magistrates' courts have not been tightly controlled at all times. On the other hand, South East is working with other CPS Areas to introduce shared services and 'future proof' processes.

1.10 Strategies and action plans have recently been implemented for each team in relation to casework and efficiency. A governance document is available which details the responsibilities of managers in respect of all meetings, their membership, standard agenda items and how decisions are to be fed back to staff. The Area publicised its people strategy in 2014 which consists of ten themes, including involving (and communicating to staff) wherever possible any major changes likely to affect them. The Risk Register sets out the risks, the risk owner and any mitigating actions and is reviewed monthly at the Area Strategy Board meeting.

1.11 In the survey conducted by HMCPSI only 30% of South East staff gave a positive response to the statement, “Managers communicate and engage with staff effectively”. The Area has recognised that communication is a key part of effective engagement and is needed to achieve the required change in culture. Because of this, the communication strategy has prioritised internal aspects, although an external communications strategy was developed during 2014.

1.12 Communication between the three South East offices and cross-county working by staff was found to be limited, partly due to their geographical spread and partly due to poor transport links. This is further compounded by new staff recruited from the CPS North East Area, who are located and managed in Newcastle. The increasing use of video conferencing should help to address some of these concerns.

1.13 The Area uses various methods to communicate with staff including the CCP’s fortnightly blog, the Infonet page, newsletters, emails and Question and Answer sessions with senior managers. Staff suggested to inspectors that they would like more face-to-face meetings with their managers and meetings between staff performing the same roles in different offices.

1.14 The Training Plan for 2014-15 was published in November 2014 and the learning and development strategy outlines staff training requirements. In April 2014, the Individual Learning Account (ILA) was launched nationally across the CPS.⁷

1.15 In the Civil Service survey 71% of South East staff said they did not have arrangements in place to ensure they spent at least five days on their personal development that year. Only 44, representing about one sixth of all eligible staff, had ILAs agreed by January 2015 even though all ILAs had to be spent by the end of March 2015. In respect of receiving training to enable staff to do their job effectively, 40% of staff gave a positive response to the HMCPSI survey. Inspectors were told by staff that the opportunities for appropriate training were created but that the overriding business need to carry out core functions had often prevented them from seizing these opportunities.

1.16 Inspectors found examples of staff resorting to completing work orientated learning and development in their own time and missing out on courses because the internal authorisation process was too slow. The Area relies heavily on the Prosecution College online courses to provide training for prosecutors. The Management Development Programme is ongoing and it was too early to assess its impact at the time of the inspection.

Recommendation

Senior managers must work to improve both the quality and efficient processing of casework through a more realistic appraisal of staff skills and knowledge and prioritise training.

⁷ ILAs provide each member of staff £350 to spend on their own learning and personal development each year. They support the CPS priority of having the right tools and skills for the job as well as the Civil Service Reform initiative that entitles all civil servants to a minimum of five days of learning each year.

1.17 There has been considerable collaborative work with Her Majesty's Courts and Tribunals Service (HMCTS) and the local police forces to plan for the implementation of TSJ, including the formation of local implementation teams and arranging additional courts to deal with transitional trials, as well as securing extra resource from CPS Headquarters to provide agents and using prosecutors from other CPS Areas to prepare trials.

1.18 Although almost all magistrates' court work is conducted digitally, the Area still struggles to gain the maximum benefit from this project because HMCTS has yet to make wi-fi available in all courtrooms. The CPS is not taking advantage of the 'click share' system for accessing digital media remotely and presenting its casework in a multi-media format. Crown Court digitisation is gradually being introduced, but again progress has been hard won due partly to differing approaches taken by key partners in HMCTS and the police.

1.19 Dealing with specialist work has caused some difficulties for the Area. Deployment of its Crown Advocate cadre has not been effective so that prosecutors have become frustrated and demoralised. Anticipated fees savings have not been realised adding further pressure to financial management. There have been crucial gaps in specialist knowledge in financial management and counsels' fees payments.

The Area effectively manages performance and risk

1.20 A Compliance Framework has been developed by the Area which outlines the specific responsibilities of all managers, but it had yet to be implemented at the time of the inspection in March 2015. It covers all responsibilities within CPS processes, systems and management checks. It does not cover outward responsibilities such as liaison arrangements with partner agencies.

1.21 In 2014 the Area created a business unit which was intended to provide an overview of resource deployment so that lawyers could be allocated to court coverage or casework review tasks according to the demands of the various units. Although there were clear guidelines and powers in place, the unit had not been able to develop into an effective resource deployment mechanism. Some operational managers continued to argue the needs of their units without acknowledging the Area's priorities.

1.22 Inspectors found a number of positive aspects to performance management. In the HMCPSI survey 69% of staff gave a positive response to the statement, "I have clear work targets and objectives" and 67% a positive response to "I understand how my Area/team is performing in comparison to other Areas and teams". These results support our findings that staff are aware of their targets and how they are performing.

1.23 The Area has access to a significant number of performance reports, produced by the Performance Manager and holds quarterly managers' events, focussing on performance. A weekly update on the CPS national casework quality monitoring tool known as "High Weighted Measures" is provided to managers via the weekly telekit conferences and performance reports are produced monthly. The Performance Manager also maintains regular contact with the Area Strategy Board in order to discuss performance and key trends.

1.24 Some performance monitoring and quality assurance was already in place including monthly quality checks, extensive use of local case management panels, assurance of judges' orders compliance and data quality dip sampling. Managers were required to provide feedback to their DCCP on issues discovered during their individual quality checks (IQAs) on their own prosecutors' performance. The Victim Liaison Unit was conducting compliance checks to improve performance in respect of letters to victims when cases are dropped.

1.25 In 2014 the Area had only undertaken 26 advocacy assessments on its prosecutors and Associate Prosecutors' performance in court. With the national introduction of IQA,⁸ expectations are that all lawyers and Associate Prosecutors will be assessed twice a year; this equates to around 198 assessments. Until March 2015 only two assessments had been undertaken.

⁸ The IQA scheme has been developed to ensure high casework quality. The assessments are conducted over a working day and include four standards: victims, witnesses and communities; legal decision-making; casework preparation; and presentation.

1.26 All staff should have had an interim appraisal of their performance carried out by their line manager before November 2014. However only 94.2% of these appraisals had been completed by November resulting in a comparative ranking of seventh of the 13 CPS Areas. The outstanding reviews were being actively managed through the Business Support Meeting.

1.27 Of particular concern were reports of some members of staff only seeing their line managers once a year at their final appraisal meeting. Inspectors were told that this was partly due to changes in managers, but also because the closure of local CPS offices had sometimes placed managers remotely from their staff. Additionally there were concerns expressed that the performance of some individuals was not being effectively tackled. Despite the Area's performance issues, there were no Performance Improvement Notices⁹ in place.

Recommendation

The Area Strategy Board should satisfy itself that all line managers are fully cognisant of the performance management processes available to them and the point at which the Performance Improvement Notice process should be activated in any case of poor performance.

⁹ A Performance Improvement Notice or PIN is a measure taken by managers when an individual job holder has not met objectives set or not delivered satisfactory levels of performance over a sustained period. Failure to comply with a PIN may lead to more direct disciplinary action.

1.28 The regional Prosecution Team Performance Management (PTPM) meetings with the police are the means of external engagement at the operational level used to drive quality and timeliness of case files and reduce attrition rates. A revised PTPM structure had been introduced, with the regional PTPM meeting twice a year attended by the Area DCCPs and county PTPM meetings attended by the District Crown Prosecutors (DCPs). The Area Performance Manager provides data to support these meetings and feedback on the information provided was that this was of great value.

2 Casework quality

Poor

Charging source	Code compliant cases	Percentage
CPS South East	22 out of 24	91.7%
CPS Direct and Daytime Direct	96 out of 102	94.1%
Police	20 out of 24	83.3%
Overall	138 out of 150	92.0%

Area charging delivery

2.1 We examined 150 cases from CPS South East as part of ACEP 2014. Area prosecutors took the charging decision in 24 of these representing 16% of the total, with the remainder charged by CPS Direct (CPSD), including the old Daytime Direct Scheme (102 cases), or the police (24 cases).

2.2 The Code for Crown Prosecutors (the Code)¹⁰ was applied correctly in respect of every charge directed in 22 of the 24 Area charged cases (91.7%). This compares with 92.0% overall in the sample examined. The table above sets out the comparative rates of Code compliance in the cases examined.

2.3 Inspectors also examined the quality of the CPS review and charging decision as set out on the MG3 (see table below).¹¹

¹⁰ *The Code for Crown Prosecutors*; CPS; January 2013. www.cps.gov.uk/publications/code_for_crown_prosecutors/index.html

¹¹ An MG3 is an electronic document designed to inform the police of the prosecutor's charging decision and the case analysis to support that decision.

2.4 The quality of Area charging decisions was worse than the assessment of the decisions made by CPSD. There were common aspects where improvement was needed, in particular setting out the case analysis and strategy and the quality of action plans. In a third of Area charged cases the most appropriate charges were not advised by the charging lawyer. This figure is of concern and particularly when Area charged cases would be more likely to be dealt with by a specialist lawyer (RASSO for example) so that higher quality decisions could reasonably be expected.

2.5 Inspectors were concerned by the delay in the provision of charging decisions by the Area. We observed an appointments-based system that seemed inflexible and built in delays. Cases were allocated to a prosecutor and then diarised for an 'appointment' eight weeks ahead. The police were not expected to attend the appointment. However, if the case was incomplete and had not been properly prepared then the CPS required the police to wait for a further eight weeks for a new appointment.

Quality of charging decision				
Charging source	Excellent	Good	Fair	Poor
CPS South East	0.0%	25.0%	33.3%	41.7%
CPS Direct	0.0%	51.5%	31.3%	17.2%

2.6 In order to reduce the backlog the Area selected a number of cases which were sent to external counsel for advice. This has produced its own challenges because when the cases are returned by counsel the provisional charging decision, as set out in their advice, had to be ratified by a Crown Prosecutor. This, of course, also increases South East's spending although inspectors were told by managers that these costs were met by CPS Headquarters. The Area has sent instructions on the application of the Code test and copies of the Code to chambers, but we were informed by staff that counsel often failed to properly consider the Code.

2.7 If the CPS instruct counsel to advise on charges the CPS must still ensure that they comply with their statutory responsibilities to satisfy themselves that the case passes the evidential and public interest stages of the Code test. In order to do this counsels' advice and key evidence needs to be considered and this must be properly recorded before the police are directed to charge.

2.8 So, for example, in our file sample inspectors found an allegation of rape which had been sent to external counsel for advice. The advice failed to address the evidential test, yet when allocated to a prosecutor for ratification the prosecutor stated on the MG3 "I have considered the advice provided by counsel and I adopt this as my review".

Recommendation

The Area's Strategy Board should urgently improve the timeliness of response to the police when providing pre-charge advice and decisions by reviewing its processes.

South East Complex Casework Unit

2.9 The unit (SECCU) is a small but experienced team. At the time of our visit, in addition to the level E Unit Head, there were three Senior Crown Prosecutors, three paralegal officers and two other administrative staff.

2.10 The unit has observed in broad terms the casework referral guidance in the CPS Blueprint¹² document but added to this list by including all homicide cases, including fatal road traffic incidents, and until part way through 2014 all cases investigated by the United Kingdom Border Force. As at the end of December 2014 the unit's caseload had risen to 387 which represents an increase of more than double its equivalent caseload of 165 in 2013.

2.11 Indeed the Unit Head assumed responsibility for the Area's RASSO team from the summer of 2014 until the end of the 2014-15 business year when it reverted to its original position within the Crown Court Unit.

2.12 The size of the unit in terms of its prosecutors and paralegal officers means that it lacks resilience in the absence of one or more team members. Moreover, the case referral criteria are likely to deprive prosecutors outside the unit of useful development opportunities that would occur with the prosecution of less complex homicides. The Area has preferred what it perceives as the security of knowing that its most complex cases are being handled by those with the greatest experience.

¹² A list of cases that would fall within the remit of a CPS CCU subject to specific regional variations.

2.13 The SECCU has achieved a successful outcome rate of 77.8% as at the end of December 2014 compared with a national average of all CCUs of 78.9%. This is not a significant gap in view of the relatively small number of cases. However, the unit's performance has declined since 2013-14 when the successful outcome rate was 84.8%. Only 16.7% of guilty pleas were recorded at hearings prior to the PCMH.

2.14 The SECCU takes its casework from police serious casework squads in both Kent (which has a collaborative arrangement with Essex Police) and Sussex and Surrey as both these forces are part of the South East Serious and Organised Crime Directorate. Inspectors were referred to some agreements with police partners, but not all of these accurately reflected current structures in both organisations.

2.15 Some police partners told inspectors that they had experienced considerable delays in securing casework advice and decisions from the unit and expressed some concern about its capacity and the need for clearer boundaries to be drawn between Area, CCU and Headquarters acceptance criteria.

2.16 Although the Unit Head clearly demonstrated his knowledge of the unit's casework, the arrangements for reporting progress by the allocated prosecutor to him, and indeed for the CCP to be fully appraised of each case, require some development and more consistent application.

2.17 The Unit Head is a member of the Area Strategy Board and reports directly to the CCP. The recent decision to bring the CPS East of England CCU under the management and leadership of the SECCU Head will increase the risks of stretched lines of communication internally and externally.

Magistrates' Court Unit

2.18 The magistrates' section is headed by a DCCP and at the time of inspection the Area had divided its resources between two units: a trial preparation review team (referred to as the "POD") and a magistrates' advocacy team comprised of Senior Crown Prosecutors, Crown Prosecutors and Associate Prosecutors.

2.19 The POD was managed by one DCP but staffed from lawyers and support teams across the Area. The advocacy unit is divided into three county-based teams, each managed by a DCP reporting directly to the DCCP. In previous restructures, the Area dispensed with level E posts. The advocacy teams prepare and present cases at first hearing as well as conducting a number of trials in the three counties of Kent, Sussex and Surrey.

Initial review

2.20 The quality and timeliness of a review are crucial to ensuring the most efficient case progression. Any review is dependent on a quality police file, but if the file is not submitted promptly or is inadequate to review and serve, delays and poor decision-making by the CPS are much more likely to occur. Police files generally across the Area were often inadequate in terms of content and quality.

2.21 Each police force had recognised this and some action had already been taken to rectify the position:

- Sussex Police had three separate Criminal Justice Units (CJUs) combined with their WCU and Quality Assurance (QA) team. A decision had been made to start deploying a QA officer to the case management hearing court to assist the prosecutor with file quality and case progression

- during the course of our inspection Surrey Police were undertaking a comprehensive review of the quality of their case submissions. A senior police officer was in charge of reforming police quality, along with direct input and assistance from local CPS senior lawyers. This had included working with police supervisors and charging officers to improve the quality of charging decisions and evidential content of case files
- Kent Police had recognised failings in police supervision and were working to address this by providing further training to officers. During 2014 the CPS had assisted police managers by deploying a DCP to train review officers in respect of decisions to prosecute and, in particular, how to apply the public interest stage of the CPS Code test.

2.22 All cases are identified by police as anticipated guilty pleas (GAP) and anticipated not guilty pleas (NGAP). The GAP cases are placed into a court staffed either by an Associate Prosecutor or a Crown Prosecutor. These were almost always charged by the police and would have benefited from an early review by the prosecutor. Although the advocates had prepared their list of cases in readiness for the court session, there was little evidence of any initial review on the digital file. Therefore, opportunities to adjust police charges and indicate acceptable pleas or to ask police to fill gaps in evidence or file quality before the hearing were being missed, leading to avoidable adjournments and trial listings.

2.23 There was a lack of consistency in the recording by CPS prosecutors of initial reviews in police charged cases. In NGAP cases, there was usually a review decision by a prosecutor, although in reality this was often no more than an endorsement of a pre-charge decision by CPSD.

2.24 In many cases it was apparent a review had been conducted (for example by reference to correspondence, or memoranda to the police) but there was no record of the lawyer's analysis, case strategy or decision-making. This is an aspect of concern which managers should address through case monitoring.

2.25 South East had suffered from a low rate of guilty pleas at first hearing throughout the previous 12 months and the failure to implement a robust initial review of all cases before first hearing is likely to have contributed substantially to this performance. Other contributory factors include poor quality police charging decisions, files that lacked important content such as video recorded evidence and some over-listing of cases for first hearing.

Contested case review

2.26 At the time of the inspection the unit was wholly digital allowing cases from all three police force areas to be assigned to any prosecutor wherever they were based.

2.27 Although this assisted with the distribution of caseload, it caused problems if the case relied in whole or in part on CCTV evidence or other types of so-called "hard media".¹³ For example, prosecutors working in Canterbury commented that if they were assigned cases from Sussex or Surrey Police, it was unlikely that they would be able to view the CCTV footage which resulted in work being delayed, or re-allocated to prosecutors based in Brighton.

¹³ Hard media is material which is not digitally stored on the CPS case management system such as CCTV, body worn video recordings etc.

2.28 Stakeholders commented that the hard media was often not available for court hearings and caused frequent delays and adjournments. Our file examination found that hard media was often poorly identified by the CPS and furthermore police CJUs stated that the CPS would sometimes send back hard media in live cases by mistake or make repeated requests for it, causing unnecessary work.

2.29 The Area must work collaboratively with its police force partners to streamline the sharing of evidential media and to make sure that it is available in a viewable format for review and court presentation.

2.30 The Area has concluded separate agreements with the police forces governing the timeliness of submission of upgraded files for summary trials. Police in both Surrey and Sussex were permitted a period of four weeks to deliver the upgrade file from the date when the not guilty plea was entered. Kent Police however have undertaken to deliver a file at least four weeks prior to the trial date itself no matter how far away that was. Both of these service times meant that the CPS would routinely be in breach of court directions to serve evidence within 28 days of a not guilty plea being entered.

2.31 As part of their file examination, inspectors noted that the quality of upgrade files received from the police was rated as poor in 29% of cases. This supports the Area's contention that there is variable file quality and suggests that they will need to continue to work with their police partners to improve performance and quality.

2.32 The Area has consistently struggled to prepare summary trials in a timely fashion. In November 2013, a decision was made to amalgamate county-based teams into one Area-wide POD. Little progress has been achieved throughout the intervening 12 months so that our file examination showed that only 26% of cases had been reviewed in a timely fashion.

2.33 As a means of improving the productivity of the unit, managers have tried to introduce measures to record the throughput of cases by each prosecutor, so that there is an expectation that on average seven cases per prosecutor will be reviewed and prepared for trial each working day. The average throughput of files has been closer to four per prosecutor per day. During the month of January 2015, the unit's own productivity figures revealed that the average per prosecutor per day was 4.45. As we state below, our examination of files showed that despite these throughput figures, the quality of review was satisfactory or better in just 23% of cases.

Recommendation

The Area should urgently open negotiations with the three local police forces in order to agree a common approach to the timeliness of service of upgrade files.

2.34 The unit has also attempted to reach a position where it is completing reviews at least ten working days before the allocated trial date. In fact, prosecutors have more commonly been preparing cases less than five working days before trial and often one or two days before. Stakeholders have gained the perception that the prosecution are responsible for many ineffective trials although more recently the proportion due to prosecution reasons has reduced, so that the Area performs better than national comparators.

2.35 In late February 2015 South East was carrying a backlog of over 700 files in the magistrates' court which required a full file

review. The backlog meant that files were being reviewed in response to how close they were to trial rather than when they arrived chronologically in the office. Although correspondence was promptly scanned and attributed to staff, according to their need, often mail and other applications simply sat on the file until it was reviewed for trial.

Outcomes

2.36 Performance data tells its own story in many respects and the most significant figures appear below. These figures are all based on magistrates' court outcomes and reflect performance up to the end of the calendar year 2014.

Magistrates' court outcomes					
	National	South East	Kent	Surrey	Sussex
<i>Successful outcomes</i>					
2010-11	86.50%	87.20%	87.1%	87.3%	87.1%
2011-12	86.70%	87.60%	87.5%	88.9%	87.1%
2012-13	86.20%	86.40%	84.8%	89.0%	86.5%
2013-14	85.60%	84.40%	83.4%	86.1%	84.3%
12 months to Dec 2014	84.60%	81.90%	81.8%	79.4%	83.7%
<i>Discontinuance</i>					
2010-11	9.60%	9.00%	9.2%	8.2%	9.2%
2011-12	9.60%	8.70%	9.0%	7.1%	9.3%
2012-13	9.70%	9.60%	11.3%	6.8%	9.5%
2013-14	9.80%	10.80%	12.2%	8.9%	10.6%
12 months to Dec 2014	10.34%	12.80%	13.1%	15.6%	10.7%

- for the year 2014, of the three counties comprising the Area Surrey's successful outcome performance was the worst. Since 2010-11 South East's rate has fallen steadily by over 5 percentage points
- at the same time, the discontinuance rate was 12.8% compared to a national average of 10.3%. In 2010-11 the figures were 9.0% and 9.7% respectively
- in cases where the CPS had made the pre-charge decision (not the police), the guilty plea rate was lower than the national one. As CPS pre-charge decision cases tend to be more frequently contested and generally more serious, a lower rate is not surprising but the trend is still downward
- the proportion of guilty pleas entered at the first hearing in the South East was lower than the national average. This is a significant risk to the successful implementation of the TSJ initiative, which relies on the maximum harvesting of guilty pleas at that first hearing.

2.37 More significantly, 8% of the review decisions made by the Area did not comply with the Code for Crown Prosecutors. For example, a decision to charge a defendant with an assault on a young child had been taken by external counsel to whom the CPS had referred the case for advice. This decision was evidentially flawed but this had not been challenged by lawyers in the POD, so that it was only days before the trial that the case was properly discontinued. However significant cost had already been incurred and both witnesses and the defendant adversely affected by the pre-trial process.

2.38 Inspectors reviewed 75 magistrates' court files. Seventeen involved a prosecution decision to stop or alter a charge. Of those, in five (29.4% of relevant cases) prosecutors did not consult the police investigator before doing so. However, the prosecution did correctly accept pleas, or pleas on an agreed basis, on all relevant cases in our file sample.

The quality of case preparation

2.39 Of the 75 magistrates' courts files only 23% were reviewed properly in the opinion of inspectors. This is a measure of the quality of the prosecutor's review and in some cases there will have been no recorded review or simply an acceptance of the charging lawyer's review without adding any value.

2.40 Of all relevant cases which proceeded to trial, 80.3% were tried on the correct charges. Our file reviews revealed that there was a lack of 'grip'¹⁴ on cases; in over a third (36.5%), inspectors considered that the CPS did not have a grip on the case nor did they exercise sound judgement in progressing it to trial. The late reviews of files meant that the Area fully met their obligations to the court and defence to comply with directions under the Criminal Procedure Rules in 12.3% of relevant cases. These late reviews often resulted in very late requests being made to the police for additional evidence or witnesses, which left little or no time for them to respond.

¹⁴ "Grip" is the assessment of whether the CPS progressed the case proactively, efficiently and effectively, including developing a sound case strategy, and taking all practicable and proportionate action to build strong cases and avoid unsuccessful outcomes.

2.41 Moreover, important pre-trial applications such as bad character¹⁵ and special measures¹⁶ were routinely made out of time. We were informed by advocates that although the court was sympathetic to the needs of the witness, many applications for special measures were being refused for timeliness reasons. Prosecutors reported that they would not make an application for bad character on the day of trial as they knew it would be refused by the court. This is supported by the file sample where only 52.6% of applications made for special measures were timely and of good quality.

Compliance with the duty of disclosure of unused material

2.42 Disclosure of unused material was also of concern. The inspection revealed that the prosecutor had complied fully with the duty of initial disclosure in just under half of the files (49.3%). That figure fell to 17.6% as the case proceeded and ongoing disclosure was required, although as there is no requirement that the defence serve a defence case statement in summary trials, the percentage figure represents a low number of cases.

2.43 The Area's overall performance was, in part, affected by delays in the provision of material by the police, or prosecutors not requiring the police to amend defective schedules. On a more positive note, there were no failures to disclose undermining or assisting material in our sample.

2.44 The handling of sensitive material and relevant schedules were fully complied with in 28.2% of cases. However, the handling of sensitive material is usually restricted to cases heard in the Crown Court. Although fewer than 30% of cases were handled correctly, over 80% of the remaining cases only failed because blank sensitive material schedules were not signed by prosecutors.

2.45 In only 16.9% was there an appropriate audit trail of disclosure decisions in the form of a disclosure record sheet. Prosecutors discharged their duties of disclosure in a timely manner in only 22.5% of cases in our sample.

2.46 Inspectors rated the overall quality of handling disclosure of unused material by the prosecutor as good in 21.1% of magistrates' court cases, fair in 32.4% and poor in 45.1%. In the few remaining cases, it was not possible to access the electronic records on files.

Recommendation

The Area should put in place processes designed to raise the quality and consistency of disclosure handling in all types of casework.

¹⁵ Bad character is an application to introduce the defendant's previous criminal record as part of the prosecution case.

¹⁶ Special measures applications are made on behalf of witnesses to assist them to give their evidence in court, such as behind a screen if intimidated by the accused, or via a video link if too young to sit in the court.

Crown Court Casework

2.47 The Crown Court Unit is managed by a DCCP who has overall responsibility for its casework and performance. Since his appointment in June 2014 good working relationships with the local judiciary have been established. This is a positive development as it allows the CPS and partner agencies the opportunity to discuss problems and possible solutions.

2.48 The overall structure of the unit was made up of several teams as follows:

- **Early Guilty Plea (EGP) Team** – based at Canterbury and Brighton
- **Kent Crown Court Trials Team** – Canterbury
- **Surrey/Sussex Crown Court Trials Team** – Brighton and Guildford
- **Complex Casework Unit (CCU)** – Brighton
- **Rape and Serious Sexual Offences (RASSO) Unit** – Canterbury and Brighton
- **Crown Advocacy Unit** – Canterbury, Brighton and Guildford

2.49 The CCU is considered elsewhere in the report. This report will not deal specifically with the work or structure of the RASSO Unit as there is a concurrent thematic inspection conducted by HMCPSI into the CPS national approach to these units. The South East is one of six CPS Areas selected for examination as part of that inspection and a review of its casework and structure will then be published.

EGP Team

2.50 The EGP Team was staffed by six Crown Advocates under the management of a DCP. Its main functions were to:

- identify cases suitable for inclusion in the EGP scheme

- complete all work necessary to obtain a guilty plea at the first hearing in the Crown Court and transfer cases promptly to the Trials Units where a not guilty plea is anticipated
- weed out weak cases where there is no realistic prospect of a conviction
- provide pre-charge advice to the police in all cases not referred to either CPSD or the RASSO Unit
- conduct preliminary hearings at the Area's Crown Court centres.

2.51 The proportion of Crown Court cases in the South East that resulted in guilty pleas at any hearing prior to a plea and case management hearing (PCMH) was 38.4%, which was higher than the 33.7% national equivalent figure. The South East Crown Court casework strategy has an aim of increasing guilty pleas at first and subsequent hearings in the Crown Court to over 40%. The courts in the South East list all cases for a preliminary hearing rather than an EGP hearing.

Trials Teams

2.52 At the time of HMCPSI's preliminary monitoring exercise in the summer of 2014, the Crown Court Trials Team had just been split into two units.¹⁷ One of these teams deals with the casework from Surrey and Sussex; it comprised a DCP managing the equivalent of seven full-time Senior Crown Prosecutors located in Guildford and Brighton. A temporary DCP manager was appointed to head the other team at Canterbury which has responsibility for casework from Kent. The Kent team had the equivalent of 4.4 Senior Crown Prosecutors.

¹⁷ CPS South East Area Refocusing and Digital Working Briefing July 2014.

2.53 The Crown Court Trials Team prosecutors were expected to meet throughput targets of four full file reviews¹⁸ per prosecutor per day. Inspectors were informed that a full file review is intended to include all the tasks required to prepare a case for service in the Crown Court. In addition each prosecutor has other tasks to complete including dealing with correspondence, continuing disclosure or responding to legal arguments. Prosecutors are required to complete a daily throughput sheet recording their productivity.

2.54 However, these targets were rarely met because of the associated administrative and other case management tasks expected of the prosecutor. It was pointed out to inspectors that completing disclosure of unused material responsibilities on many cases could occupy a substantial part of a working day and thus achievement of the throughput targets was affected.

2.55 For example throughout the four working weeks of January 2015, the average number of full file reviews completed by each Trials Team lawyer was 1.47, 1.24, 1.15 and 1.21 respectively. This was typical of the whole business year.

2.56 Until December 2014, most cases handled by the Trials Team were not individually allocated to prosecutors or paralegal officers and this was of concern to partners and stakeholders seeking information on specific cases. However, inspectors were told that individual allocation of all contested cases was now taking place so that duplication of work should be reduced to a minimum.

2.57 While the division of the teams may have been of practical advantage to the unit as a whole, it does not sit comfortably with CPS South East attempting to adopt an Area identity rather than operating as separate counties. During the inspection it was noted that in many respects, the Area effectively functioned in 'silos' with the teams dealing with work from their respective counties, although the teams did take work from each other when there was capacity. The increasing digitisation of Crown Court police files should make such transfers of work more cost effective.

2.58 The distance between the different offices appears to have been an influence on the decision to divide the teams; it was notable from interviews with staff at all grades that remote management is not popular. However, a full integration of the teams so that a pan-Area approach was adopted would allow for greater flexibility and resilience in addition to fostering a collective Area identity.

2.59 The Crown Court Unit has paralegal officers (POs) allocated to the teams. POs' duties involve working with prosecutors to prepare cases for trial. These include drafting indictments and preparing ancillary applications. However, as stated above, prosecutors are now completing these functions as part of the full file review. This practice results in POs being under-utilised as a resource and preventing prosecutors from devoting more time to considering evidential issues, although the Area is required to comply with the Crown Court casework national Standard Operating Practice (SOP).

¹⁸ A full file review involves a consideration of evidence applying the full Code test, complying with disclosure and the completion of any relevant applications i.e. bad character and special measures.

Decision-making

2.60 During our file examination we found that in 72 of the 75 cases (96.0%) finalised in the Crown Court, the Code test was applied correctly at the post-charge review stage.

2.61 One example of poor decision-making involved an allegation of arson. Although there was a fire and expert evidence was obtained it was not satisfactorily proved that it was started deliberately. Moreover there was insufficient evidence to prove who started the fire in any event. Independent counsel provided an advice in this case which concluded that there was no realistic prospect of conviction. The case still proceeded to trial where the judge ruled after hearing the prosecution case that the matter could not go to the jury and directed an acquittal.

2.62 Overall, 56% of Crown Court cases were reviewed to a fully satisfactory standard.¹⁹ This was better than found in magistrates' court cases, but clearly still requires substantial improvement. In 18.7% of Crown Court cases reviews were assessed as wholly inadequate. Some reviews were found to lack any consideration of evidential issues and added no value to cases.

2.63 The quality of indictments drafted by prosecutors was assessed and 92.9% were correctly drafted.

¹⁹ Fully met means that either all aspects of the task have been completed to the required standard and the work adds full value; or not all aspects of the task have been completed to the required standard, but the shortcomings are minor and do not reduce the value of the work, undermine the strength of the case, or prevent its being progressed.

Crown Court outcomes					
	National	South East	Kent	Surrey	Sussex
<i>Successful outcomes</i>					
2010-11	79.60%	80.20%	80.2%	77.5%	81.5%
2011-12	80.90%	80.90%	80.5%	80.4%	81.7%
2012-13	80.60%	80.90%	78.5%	83.4%	82.5%
2013-14	81.00%	82.10%	83.7%	80.1%	81.4%
12 months to Dec 2014	79.60%	79.20%	81.6%	76.9%	77.7%
<i>Judge ordered acquittals</i>					
2010-11	12.80%	10.50%	10.7%	11.4%	9.9%
2011-12	11.70%	9.80%	10.6%	10.0%	8.8%
2012-13	11.60%	9.70%	11.2%	9.0%	8.3%
2013-14	11.50%	10.10%	9.2%	12.3%	9.7%
12 months to Dec 2014	12.58%	12.00%	9.3%	15.2%	13.3%

Outcomes

2.64 During the year ending December 2014, the proportion of successful outcomes in Crown Court cases was 79.2% which just failed to match the national average of 79.6% for the same period. This represents a fall of approximately 3% from the equivalent figure for 2013-14.

2.65 The rate of discontinuances and judge ordered acquittals was 12.0% and this was lower than the national average of 12.6%. Again, the figure for the South East in the previous year was 10.1% and therefore 2% better than this year.

2.66 Of those cases that proceeded to trial, inspectors concluded that 84.5% (59 out of 75 cases) did so on the correct or most appropriate charges. Where the prosecution accepted pleas (or any basis of plea) offered by the defence, those decisions were all judged to be correct in all 12 relevant cases.

Case preparation

2.67 Timely and effective preparation of cases, including dealing promptly with issues as and when they arise, is essential to ensure trials are effective and the strongest possible case is presented to the court. Inspectors found that this was not happening consistently in Crown Court cases. This can result in wasted court time, unnecessary hearings and last minute work.

2.68 The findings from the file sample showed that there was full grip on case preparation in 37.8% of Crown Court cases. While this is better than the comparable figure for magistrates' court cases, improvement is clearly required.

2.69 Cases allocated or sent to the Crown Court have a preliminary hearing in the South East, regardless of the anticipated plea. If the defendant does not enter a guilty plea at the preliminary hearing a timetable is set for service of the prosecution case and the subsequent plea and case management hearing.

2.70 Members of the judiciary had concerns around the prosecution's compliance with judges' orders. Inspectors found that judges' orders were complied with fully in the timescale set down in 50.0% of cases in our finalised file sample; there was partial compliance in 40.9% of cases and no compliance in 9.1%.

2.71 We identified 16 ineffective hearings²⁰ in the Crown Court file sample. Of these the prosecution could have taken action to avoid six (37.5%), but the remaining cases were caused by defence or court reasons. There were 11 ineffective trials in the sample but the prosecution could only have taken action to avoid three (27.3%).

Trial effectiveness

2.72 Twelve of the 75 cases in our file sample were subject to custody time limits (CTLs). Our findings revealed that the handling of cases involving CTLs was not of a high standard. As we state in the executive summary chapter, Kent had a high proportion of custody cases which added to the volume of management checks. Inspectors found that preparation was prioritised in 54.5% of CTL cases and that only 45.5% were fully monitored and handled in accordance with national standards. This creates a risk of CTL failures which can result in defendants being released on bail who pose a danger to the victim or who are likely to reoffend.

²⁰ Ineffective hearings are those that do not proceed on the scheduled day and are adjourned to a later date.

Trial effectiveness					
	2010-11	2011-12	2012-13	2013-14	12 months to Dec 2014
<i>Magistrates' court</i>					
Cracked trial	37%	36%	32%	32%	32%
Effective trial	43%	45%	50%	42%	43%
Ineffective trial	21%	19%	18%	26%	24%
<i>Crown Court</i>					
Cracked trial	35%	31%	25%	26%	31%
Effective trial	48%	51%	59%	57%	49%
Ineffective trial	17%	18%	16%	17%	20%

Calculated using the Ministry of Justice statistics of court performance. Reflects the percentages of outcomes per trial in total. Does NOT reflect percentages due to prosecution reasons as measured by CPS performance figures.

The disclosure of unused material in Crown Court cases

2.73 Most aspects of disclosure handling were better in Crown Court cases than in the magistrates' court. Disclosure was considered timely in 62.7% of Crown Court cases in our file sample. Compliance with the duty of initial disclosure was achieved fully in 53.7% of cases and in 71.2% of those requiring the prosecution to consider continuing disclosure.

2.74 Common issues identified were poorly completed schedules of non-sensitive unused material; unsigned schedules and a lack of an appropriate audit trail of disclosure decisions contained on a disclosure record sheet.

2.75 There were delays in passing the defence statement to police, with receipt of the document not always being actioned promptly. In the majority of cases passing the document to the police was

conducted without any analysis of the defence statement in order to guide police to material that should be revealed to the prosecutor or which further lines of enquiry might be necessary.

2.76 Sensitive schedules and the related material were dealt with appropriately in 45.5% of cases. In more than half of the remaining cases, the issue was solely a failure to sign a blank schedule.

2.77 Disclosure is often more complex in Crown Court cases, requiring more informed decisions which should be recorded fully on the disclosure record sheet. There was full compliance with this requirement in 39.4% of cases. We found in many that the disclosure record sheet was completely absent from the file and thus there was no audit trail of decisions recorded.

2.78 Disclosure handling overall by the CPS was rated by inspectors as good in 43.9% of Crown Court cases, fair in 31.8% and poor in 18.2%. This is an aspect of performance that requires significant improvement.

Recording information

2.79 The use of the CPS electronic case management system (CMS) and general file housekeeping fully met the required standard in 38.7% of all cases (both magistrates and Crown Court files) leaving room for improvement. The action required includes the correct flagging of specialist categories of case, ensuring that cases are accurately finalised and adding all relevant pre-trial applications and correspondence to the electronic record.

2.80 Hearing record sheets were completed and uploaded to CMS in 72.0% of cases; most of the those where sheets were missing involved hearings conducted by agents or older Crown Court cases before the greater use of digital casework applications.

Area delivery at court

2.81 It was the view of the judiciary that in the magistrates' courts, prosecution advocates are effective at progressing cases and dealing with issues such as acceptable pleas and applications for remands in custody. Our limited observations supported this view. However, stakeholders expressed frustration at the delays that could occur when the prosecutor at court (even if experienced) had to get authority from a lawyer manager before accepting pleas or discontinuing a case on the day of trial.

2.82 The late preparation of trials by advocates (sometimes on the morning of the trial) hinders any discussion between them and the lawyer manager in advance of the hearing. Stakeholders also had concerns over the use of agents used by the Area. One criticism concerned the agents' inability to assist if work needed to move from one court to another due to their inability to access CMS.

2.83 Poor case progression in the magistrates' courts in contested cases, coupled with the fall in guilty pleas (71.4% down to 67.8% in just over a year), are resulting in trials being double or even treble listed in the same court session to ensure that court time is utilised fully. This can lead to an increased risk of ineffective trials where all cases are ready to proceed.

2.84 To progress cases at the first hearing in the magistrates' court it is generally assumed that the defendant will be unrepresented and the required initial disclosure of the prosecution case is printed for service at court. This can prevent unnecessary adjournments.

2.85 Observations in court showed that those who personally handed the papers directly to the defence advocates, rather than leaving them with the court, were able to have some meaningful discussion about the case prior to the hearing. This allowed the advocate to be better prepared for the presentation of the case.

2.86 Findings from our observations in the magistrates' courts and the Crown Court, as assessed against the CPS National Standards of Advocacy are set out in the following table:

Type of advocate	Assessment*						
	1	2	3+	3	3-	4	5
Crown Prosecutor	0	0	1	2	0	0	0
Associate Prosecutor	0	0	2	1	1	0	0
Agent	0	1	1	1	0	0	1
Crown Advocate	0	0	1	0	0	0	0
Senior Crown Prosecutor	0	1	0	4	1	0	0
Total	0	2	5	8	2	0	1

* The assessment ratings are set out in detail in annex E

2.87 Of the 18 advocates observed, 15 (83%) met or bettered the CPS National Standards of Advocacy. Those that required some improvement demonstrated a lack of preparation or had structured their presentations poorly.

2.88 In some instances the advocate did not receive the files until the morning of court, which might include a number of listed trials. It was therefore unsurprising that there was limited time for adequate preparation, particularly when late review by the CPS could mean there were still issues to resolve. This is an aspect of concern and the Area should ensure all advocates are allocated their courts as early as possible so that they have sufficient time to prepare their cases.

2.89 South East had a relatively high agent usage in the magistrates' courts with 35% of court sessions covered by agents in the 12 months to September 2014 compared to the national average of 28%. This has been occasioned by the re-deployment of advocacy resources to trial preparation and other areas of business, together with significant numbers of prosecutors leaving the organisation through voluntary redundancy.

2.90 There are mixed stakeholder reports on the agents used by the CPS in the magistrates' courts. For example, inspectors were told about advocates not receiving their digital files in time for court and being under-prepared. On one court visit inspectors observed one agent who had refused to work digitally and delayed proceedings whilst they awaited their hard copy papers to arrive by fax.

2.91 On another occasion, an experienced agent was monitored whose performance fell below the expected standard. He was reported to the local advocacy manager who took steps to remove that agent from the approved list.

2.92 The performance of prosecution advocates in the Crown Court was considered by the judiciary to have improved since summer 2014 when inspectors were in the Area for the preliminary monitoring exercise. Their overriding concern was the failure by many CPS advocates (in-house and external) to prepare adequately for hearings. One commented that it was rare to find a case listed for PCMH where the police had been asked to prepare a "time-line" or schedule of events or detailed plans that would assist a jury to grasp the prosecution case.

Crown Advocacy Unit

2.93 The Crown Advocacy Unit is headed by a DCP who is supported by a Crown Advocacy Business Manager. The Business Manager supervises the Crown Advocate (CA) clerking arrangements with two Advocacy Clerks allocating and managing the advocacy diary. Additionally the Business Manager acted as direct line manager of the paralegal assistants across the Area while the review of the role of staff at B1 and B2 grade was ongoing.

2.94 The Crown Court Advocacy Team at the end of December 2014 had a complement of 21.4 full-time equivalent CAs based at all three offices in the South East although the new finance plan calls for a reduction to ten. Although the Unit has been able to call on the services of both a Principal Crown Advocate (PCA) and a Senior Crown Advocate (SCA) neither of these options had been available on many occasions as a result of calls on the PCA by CPS Headquarters Central Casework Divisions and other CPS Areas but also due to absences. The SCA continues to be an Area resource deployed in London courts, but the PCA will in future be managed by the CCU Head.

2.95 The CAs were regarded by managers as a pan-Area resource but this approach had not been consistently or universally applied so that many of the CAs worked locally. However, there was an imbalance across South East with Kent having far fewer CAs than the other two counties. Inspectors were informed that some CAs were happy to work in other parts of the Area as they saw it as a development opportunity, but others were more resistant to travelling the distances involved. The advocates themselves

explained that the clerking arrangements in the unit were often inadequate and at times they had carried out their own clerking, but that this had not been allowed to continue beyond a short-term contingency measure.

2.96 Although one key aspect of using the CA resource has always been the savings in external counsels' fees, the Area failed to meet the targets set during the calendar year in 2014 and indeed a shortfall of over £250,000 was recorded. This shortfall was partly due to ineffective clerking arrangements which meant that the existing resource was not used efficiently, but also because the Area chose to deploy a significant proportion of its CA resource on review and advice work in order to try to improve casework performance outcomes in respect of quality and timeliness.

2.97 Additionally, the monitoring and payment of external counsels' fees in the majority of Crown Court casework was poorly handled during the year in 2014. The Graduated Fee Scheme (GFS) had been more closely supervised until the departure of certain key staff who were essential for the scheme to be maintained effectively. The Area was slow to identify the risks attached to this development and backlogs built up in payments leading to substantial overspending of its budget.

2.98 The morale of many of the CAs had been low and although the strategic aim of a centralised Crown Advocacy Unit is to be commended, a value for money approach that tightly controls both savings targets and fees payments is critical to budgetary restraint.

Area service delivery for users

2.99 Proper consideration is given to matters relating to bail and custody, including the risk posed to victims and the public and, where relevant, the need for a remand in custody to secure the defendant's protection or welfare. The file examination showed that bail was opposed appropriately in all relevant cases.

2.100 The responsibility for victim and witness care is shared by the police and CPS. The police will, for example, keep victims updated on the progress of a case, warn victims and witnesses to attend court and inform victims of the case outcome. These police functions are dealt with by the witness care units which are staffed by police personnel.

2.101 The CPS must inform the WCUs of trial dates and which witnesses are required to attend. The CPS will also make special measures applications on behalf of those witnesses that require them and, in appropriate cases, they will apply for restraining orders and ensure that victim personal statements are included in the file.

2.102 Therefore, accurate and timely communication is essential between the CPS and WCUs. Inspectors were informed that in Kent the CPS send completed hearing record sheets to the WCU and this enables the unit to contact victims and witnesses promptly. Kent WCU found this particularly helpful, but other units in Sussex and Surrey were concerned that their limited resources would be stretched if record sheets in all cases were to be sent.

Recommendation

The Area should work collaboratively with all three police forces to explore ways of introducing greater consistency in the way that the witness care units handle information and liaise with CPS staff.

2.103 The inspection considered the various aspects of victim and witness care provided by the CPS and the file examination revealed that compliance with The Code of Practice for Victims of Crime (Victims' Code)²¹ was fully met in only 52% of cases and not met at all in 14.6%.

2.104 Only two thirds (66.7%) of all special measures applications were found to be of sufficient quality and timely. The Magistrates' Court Unit's special measures applications were timely and of good quality in only 52.6% of cases while the figure for the Crown Court Unit was 75.9%. Inspectors were informed that in the magistrates' court it is not uncommon for special measures applications to be made and granted on the day of the trial, clearly this leads to uncertainty for the vulnerable witnesses who requested these measures.

2.105 Only 39.3% of relevant cases evidenced any communication with the victim about the acceptability of pleas or when the prosecutor had decided to discontinue charges. Additionally the late reviews meant that only 54.3% of relevant cases which were correctly discontinued were done so in a timely manner. The victim was not consulted in over half of the cases

²¹ *Code of Practice for Victims of Crime*; Ministry of Justice; October 2013. www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime

where a decision had been made to drop or alter the charges. This is an aspect of concern which should be addressed by Unit Heads through monitoring and dip checks.

2.106 Compliance with the Victim Communication and Liaison (VCL) scheme requires substantial improvement. Overall less than half of letters sent out to victims were timely (45.7%) and there were some instances where there was no evidence of any letter having been sent at all. Of those letters sent, only 32% fully met the required standard and in magistrates' court cases none was assessed as fully meeting the standard. Often letters were sent consisting of standard paragraphs with no attempt to tailor the information to particular circumstances.

2.107 South East has merged its Victim Liaison Unit with equivalent units in CPS London and CPS Thames and Chiltern. This is seen by senior management as a positive step and likely to improve the quality of service the Area provides to victims and witnesses. Indeed, more recently the Area's performance in respect of timeliness of communications to vulnerable and intimidated victims has improved.

Sensitive cases

2.108 The Specialist Domestic Violence Courts we observed had a range of cases listed from simple guilty pleas through to complicated case management hearings which required sensitive handling. Cases of violence against women, hate crime and youth cases are generally dealt with expeditiously and effectively, but they are not always handled by those with appropriate training and expertise.

2.109 As a result of the high levels of agent usage to prosecute summary trials, there were a significant number of domestic violence cases prosecuted by agents. Although our court observations did not discover any inappropriate handling of these cases by Area staff, CPS legal guidance on handling such cases states that they should, wherever practicable, be handled by specially trained prosecutors.

2.110 Performance during the year until the end of December 2014 in respect of these offence types is summarised in the table on the following two pages.

2.111 In South East the rate for successful outcomes in respect of all violence against women and girls cases was 70.6% compared with the national average of 73.5%. The largest constituent element of this casework is domestic violence, in respect of which the rate was again 70.6% with a national comparator of 73.9%. The respective rates for offences of rape are much closer with the Area's 57.6% exceeding the national figure of 57.2%.

2.112 The Area's successful outcome rate last year for all types of hate crime combined was 83.3%, which exactly matches the national rate. South East performed well in respect of homophobic/transphobic related offences and disability related offences, but poorly for racially and religiously motivated crimes. There were 733 recorded racially and religiously aggravated offences, but only 91 homophobic/transphobic and 30 disability related offences respectively.

	National	South East	Kent	Surrey	Sussex
Violence against women and girls					
Domestic violence conviction rate					
2010-11	71.9%	74.8%	75.8%	75.1%	73.9%
2011-12	73.3%	77.0%	77.8%	77.5%	76.2%
2012-13	74.3%	75.3%	74.7%	78.3%	74.9%
2013-14	74.6%	72.4%	73.2%	74.1%	70.7%
12 months to Dec 2014	73.9%	70.6%	71.1%	67.0%	72.1%
Sexual offences conviction rate					
2010-11	74.3%	78.9%	79.8%	77.0%	78.5%
2011-12	75.7%	76.3%	77.6%	77.6%	73.6%
2012-13	76.8%	77.4%	77.6%	79.2%	76.3%
2013-14	79.0%	83.0%	86.4%	78.9%	81.2%
12 months to Dec 2014	77.2%	76.4%	82.2%	67.3%	75.6%
Rape conviction rate					
2010-11	58.6%	55.2%	58.0%	50.0%	55.7%
2011-12	62.5%	63.9%	64.5%	62.5%	63.9%
2012-13	63.2%	64.0%	62.4%	80.5%	58.8%
2013-14	60.3%	59.6%	66.2%	69.6%	51.2%
12 months to Dec 2014	57.2%	57.6%	58.8%	61.8%	54.7%
Overall violence against women and girls conviction rate					
2010-11	71.5%	74.2%	75.5%	72.7%	73.5%
2011-12	73.1%	76.2%	77.0%	76.4%	75.3%
2012-13	74.1%	75.0%	74.6%	78.6%	74.1%
2013-14	74.4%	73.1%	74.6%	74.5%	70.7%
12 months to Dec 2014	73.5%	70.6%	71.7%	66.8%	71.5%

	National	South East	Kent	Surrey	Sussex
Hate crime					
Racially aggravated and religiously aggravated conviction rate					
2010-11	83.1%	87.2%	86.0%	89.3%	87.1%
2011-12	84.2%	87.1%	86.8%	84.6%	88.8%
2012-13	83.1%	82.6%	78.2%	91.7%	81.6%
2013-14	85.2%	82.3%	83.5%	77.3%	84.4%
12 months to Dec 2014	83.8%	72.5%	82.1%	77.2%	86.8%
Homophobic and transphobic conviction rate					
2010-11	80.7%	87.0%	95.0%	78.6%	86.2%
2011-12	78.7%	84.9%	73.9%	100%	87.8%
2012-13	80.7%	87.1%	80.0%	100%	87.5%
2013-14	80.7%	80.0%	85.7%	75.0%	79.1%
12 months to Dec 2014	81.0%	89.0%	95.5%	70.6%	92.3%
Disability hate crime conviction rate					
2010-11	79.8%	73.7%	76.2%	72.7%	72.0%
2011-12	77.3%	80.0%	87.5%	72.7%	76.0%
2012-13	77.2%	64.1%	43.7%	62.5%	86.7%
2013-14	81.9%	90.5%	100%	100%	80.0%
12 months to Dec 2014	78.3%	83.3%	76.5%	66.7%	100%
Overall hate crime conviction rate					
2010-11	82.8%	86.3%	85.9%	87.6%	86.0%
2011-12	83.4%	86.3%	85.9%	84.6%	87.6%
2012-13	82.6%	82.0%	76.2%	90.7%	82.6%
2013-14	84.7%	82.3%	83.9%	77.9%	83.5%
12 months to Dec 2014	83.3%	83.3%	82.8%	76.5%	88.1%

3 Financial management and value for money

Poor

Budgetary management

3.1 The budgetary allocation process has been unclear and strategic managers were not sure of the current budget status during the inspectors' visit. The 2014-15 budget was significantly over spent. An in-depth review of the budget to establish the overspend had revealed by the end of our visit that the Area would be reporting an outturn position overspend of £1.072 million. More recently this sum has been revised to reflect a final deficit of some £2.37 million.

3.2 This was made up of additional prosecution costs of £1.83 million, most of which was accounted for by Graduated Fee Scheme payments which had not been recorded on the accruals system. Additionally there was an overspend in the non-ring fenced costs of £540,000. This was caused by additional salary costs of £896,000, albeit reduced by savings of £355,000 of general administration costs.

3.3 Area managers have sought Headquarters' support. Consequently, meetings to agree support mechanisms had already taken place between the Head of Operations and Finance at CPS Headquarters and the South East CCP and ABM.

3.4 CPS Headquarters have been funding a temporary manager with financial expertise since November 2014 to help determine the accurate budget position and review financial systems. The Area had been without its substantive Finance Manager for several months which had placed greater burdens on the ABM, who was dealing with more operational matters including the impact of increased levels of sickness absence on key areas of the business.

3.5 The Acting Finance Manager was reviewing all financial delegation systems and processes in order to check their robustness. It was apparent that some systems needed adjustment to simplify them and close some gaps. For instance, there were no quality assurance checks or dip sampling in place for checking agent usage. Work has now commenced to undertake checks against flexi time reports, annual leave granted and audits of overtime payments.

3.6 There was a need to improve accountability mechanisms. We found a number of actions in progress to strengthen financial delegation and improve accountability. However, it was too early to establish whether the new systems and processes will deliver the necessary outcomes. The Area is also in the process of finalising a compliance model to outline the expectations and accountability of individual managers.

3.7 South East spent £460,000 in 2014-15 on agents to conduct advocacy on their behalf. The Area is aware of the need to reduce its spending in 2015-16, but the position will not be resolved unless reductions in court sittings can be negotiated. The overspend had been alleviated to some extent by the use of prosecutors employed by a neighbouring CPS Area and access to additional funding for overtime and external charging advice work by counsel of RASSO cases.

3.8 A number of meetings are in place where budget management is an agenda item, but lack of accurate financial information is hindering decision-making. The Area now needs to ensure that its financial management arrangements enable senior managers to make strategic decisions based on sound financial information.

Recommendation

The Area should move swiftly to adopt and quality assure a more rigorous financial accounting process with a formal review to be undertaken by the end of September 2015.

3.9 Although not directly linked to financial management the Area is constrained by its current accommodation. The office at Maidstone closed in December 2014 but three offices remain in Guildford, Brighton and Canterbury. The Area is currently reviewing its existing leases and break clauses to establish the minimum and most cost-efficient estate needed to meet its operational needs. However in some cases, there are no imminent break clauses and a number of options were being considered including the possibility of sub-letting part of their premises.

3.10 The Area has produced a Finance Plan for 2015-16 and now needs to implement this plan in order to achieve the reduction in budget that is required. Senior managers have produced a number of high-level plans for each of its operational units setting out the key actions and strategies. The high-level Finance Plan has as its starting point measures to reduce its expenditure by around £1.3 million from the forecast budget outturn. However the recent revised deficit figure may cause the plan to be evaluated afresh.

Resource deployment

3.11 Staffing levels have reduced in the South East Area by 22.6% between 2011-12 and December 2014. This compares with a 19.4% reduction nationally. Legal staff numbers have reduced by 32.5% over that period, which is significantly higher than the equivalent national reduction of 20.2%. Non-legal staff have only been cut by 12.5% in comparison with 18.7% nationally.

3.12 At the strategic level, the Area's Finance Plan forecasts its business requirements, which will further reduce overall headcount in both the legal and non-legal cadres. The plan considered the removal of both the Principal and Senior Crown Advocates and the reduction of the other Crown Advocates by a total of 11.4 posts; managers at level E grade will reduce by 0.7 and level D by 1.9.

3.13 Instead, there will be an increase the numbers of Senior Crown Prosecutors and Crown Prosecutors in the Crown Court and Magistrates' Court Units. The Area considers that its priorities are to strengthen review capacity in all aspects of its casework and thus to drive improvements in outcomes. They must, however, guard against the risk that court advocacy will be less robust and responsive through increasing use of agents, which will need to be financed.

3.14 With respect to the administrative roles, there will be reductions in the B2 and B1 grades, most of which are paralegal roles, with increases in the A2 paralegal and administrative roles. This suggests an intention to deliver casework processes more efficiently at a lower cost per case.

Staffing and caseload changes								
	2010-11	2011-12	2012-13	2013-14	% change 2013-14 to 2014-15	12 mths to Dec 2014	% change 2013-14 to Dec 14	2 yr average % change 2013-14 to Dec 14
South East								
Staff in post	361.3	340.2	327.6	277.8	-15.20%	263.3	-5.22%	-22.60%
Prosecutors in post	179.5	171.8	156.1	128.8	-17.49%	116.0	-9.94%	-32.47%
Administrators in post	181.8	168.4	171.6	149.0	-13.12%	147.3	-1.14%	-12.54%
Magistrates' court								
Completed cases	9,165	9,247	9,217	9,009	-6.51%	8,330	-7.54%	-9.62%
Contested cases	1,492	1,525	1,483	1,310	26.1%	1,295	-1.1%	-12.7%
Contested cases proportion of completed cases	16.3%	16.5%	16.1%	14.5%	4.18	15.5%	1.01	-0.54
Contested cases with conviction	945	1,025	970	828	0.7%	829	0.1%	-14.5%
Proportion of contested cases resulting in conviction	63.3%	67.2%	65.4%	63.2%	-16.19	64.0%	0.81	-1.39
Contested cases per prosecutor*	8.8	9.0	9.1	10.3	-	10.2	-	-
Crown Court								
Completed cases	1,214	1,121	1,063	1,134	1.69%	1,201	5.91%	12.98%
Contested cases	540	441	389	434	-11.89%	410	-5.53%	5.40%
Contested cases proportion of completed cases	44.5%	39.3%	36.6%	38.3%	-5.41	34.1%	-4.13	-2.46
Contested cases with conviction	299	255	245	278	-2.41%	231	-16.91%	-5.71%
Proportion of contested cases resulting in conviction	55.4%	57.8%	63.0%	64.1%	6.39	56.3%	-7.71	-6.64
Contested cases per prosecutor*	3.2	2.6	2.4	3.4	-	3.2	-	-

* Excludes CCP and Senior Civil Service staff

3.15 The Finance Plan also looks to provide value for money. In addition to reducing head count, the Area had available up to ten places in the VERS²² to help reduce those roles surplus to requirements. We are also informed of some ad hoc retirements which will further reduce salary costs. Additionally, by moving some of the existing staff within the Area, senior managers have sought to retain some of its skilled human resources. For example, the movement of Crown Advocates into the Crown Court Unit was seen as an opportunity to deploy their skills and experience of trial advocacy where it could be devoted to boosting the effectiveness of pre-charge advice, case review and preparation.

3.16 Inspectors were alerted to several ongoing reviews in the Area, including of the Area Operations Centre (AOC). This also forms part of the Finance Plan which aimed to merge the AOC Head with the Business Development and Change Manager post. One B3 Communication Manager role had replaced two B2 communication posts in the AOC already. South East was additionally exploring regionalisation of some of its shared services as part of the AOC review with neighbouring Areas, although this was still at the planning stage.

3.17 The resource changes for 2015-16 will necessitate a number of Organisational Change and Redeployment Policy exercises, most of which will need to be finalised in the first quarter of 2015-16 in order to realise the full savings. There was an understanding in the Area that the first quarter of the 2015-16 financial year was not likely to yield any savings and it

was a matter of concern that there appeared to be no contingency if the Area failed to achieve all the staff movements it had predicted.

3.18 Deployment planning has proved to be problematic. There were too many magistrates' court sittings in parts of the Area which meant an overspend on its agent budget, unplanned use of its Crown Advocates and some CPS Wessex lawyers for review work and payment of overtime to catch up with backlogs, although the Wessex lawyers were not paid from the Area's budget. Some staff were having to work excessive hours and accruing flexi time credit that they could never take as time off. Additionally, the Area was subject to a recruitment freeze and a number of apprenticeship contracts are coming to a close. This reduction was offset to some extent by recruiting displaced staff located in the CPS North East Area.

3.19 Additionally, the overall average spend on each case in terms of prosecution costs in the South East is £1,289, which is 19.6% higher than the national average. The Area has a lower number of contested cases so it ought to be translating this extra expenditure into more successful outcomes. There is an expectation that the TSJ project will assist in making costs savings, although we were not shown any evidence that a costed business case had been developed.

3.20 Some members of staff were unclear about the need for efficiency and productivity measures. Many prosecutors considered that the requirement to undertake an average of four reviews per day in Crown Court and seven reviews per day on magistrates' court work was not achievable without structural change in their teams. Nevertheless, these targets are not being

²² A central government funded scheme to allow for the "voluntary early exit" from the CPS of members of staff.

achieved and, in fact, performance falls well short. Our view is that this is typical of the expectation across the CPS as a whole and some Areas are working to higher expectations.

3.21 There had been extensive work to address levels of staff absence. At the time of inspection there were 21 Attendance Improvement Notices in place; training and awareness sessions have been provided to managers on dealing with sickness absence. The Area's HR Advisor has put in place a system to chase managers who do not adhere to the sickness policies. Sickness absence was increasing and is also higher than nationally (9.7 days) with an average of 10.7 working days lost per person for the 12 months to December 2014.

3.22 Individual performance management needs improvement. Whilst there were no Performance Improvement Notices in place at the time of inspection, it was clear that some managers and staff are not performing to the required standard. Whilst the Area has produced a number of documents on governance and compliance, and made clear its expectations of staff to hold them to account, it was puzzling that there were no Performance Notices in force.

Recommendation

The Area should review and evaluate the throughput targets for prosecutors operating in both magistrates and Crown Court teams and then use individual performance management processes to ensure that these are robustly monitored.

3.23 The anticipated crown advocacy fees savings had not delivered, partly due to the deployment decision to use advocates to undertake review work and partly due to inadequate clerking provision. The loss of advocate savings has contributed to the budget overspend. On reviewing the overall savings previously made by advocates, there is little evidence to suggest that the current cadre can achieve the savings to cover the costs of the scheme. Better clerking is essential to the Area in achieving savings to cover salary costs, including the cost of the level D and the clerk in addition to any advocates retained in crown advocacy roles.

Digital working

3.24 The Business Plan for 2014-15 aimed to maximise efficiency by utilising digital working in the Crown Court. In the HMCPSI survey less than a fifth of staff felt that implementation of the digital working programme of casework processes had been handled effectively. The majority of training has been through online courses with staff having to rely on each other for support.

3.25 South East had commenced the roll out of digital working in the Crown Court. The operation of digital working has been hindered by the lack of wi-fi provision at some courts, but this is out of the direct control of the CPS. In addition to this, the Area is also hampered by case files in Crown Court work being served by the police both digitally and in hard copy, resulting in unnecessary duplication.

3.26 Digital working in the magistrates' courts has been fully adopted and SOPs are, in the main, in place in the magistrates' court teams. There are some differences in recording across the counties, some are linked with the police forces using differing digital platforms; others are CPS internal practices. There has been some work on aligning processes across teams and quality assurance systems; however there remain some inconsistent recording practices.

3.27 The Area has been able to make use of staff located in CPS North East to undertake its magistrates' court administrative work digitally. There are some clear advantages to the Service nationally, such as being able to employ staff at a lower cost and utilising displaced but experienced staff in an effective way. However until the Area is fully digital it needs to remain alert to some issues around on-site cover, particularly when absence means there have been occasions when there is no one available to undertake matters that require handling of paper-based case material or correspondence.

Recommendation

The Area should urgently undertake a review of the use of staff based in CPS North East to ensure that they are providing value for money benefits.

3.28 In the HMCPSI survey 40% of staff gave a positive response to the statement "I have the tools I need to my job effectively". Considerable investment has been made in IT equipment to ensure all South East staff have the right equipment for the job. However inspectors were repeatedly told by Area staff at all grades about the lack of reliable photocopiers and printers to prepare court bundles which impacts on performance, time and resource.

Prosecution costs

3.29 Efficiency in managing prosecution costs in the South East compares unfavourably with national performance. Its average prosecution cost per case for the 12 months to the end of December 2014 was £1,289, an increase of £211 since 2010-11 and 19.6% higher than the national average (£1,078). Although the proportion of Crown Court contested cases had risen sharply in 2012-13, for the 12 months to December 2014 the proportion of contested cases in its overall caseload (38.4%) remains considerably below the national average (54.7%).

3.30 Prosecution costs expenditure forms part of the Area Strategy Board meeting agenda, and the ABM and Acting Finance Manager report to operational meetings chaired by the DCCPs on the financial position. The Area forecast that the prosecution costs expenditure for 2014-15 would be over spent.

3.31 Inspectors considered that there was a lack of understanding by many staff of prosecution costs, although this was being addressed at the time of inspection. A number of backlogs in GFS payments to chambers had occurred and payments were not timely. Additionally due to a lack of understanding of compliance controls of committed expenditure, a number of months of graduated fees had not been accounted for on the accruals system.

3.32 When the ABM became aware of the situation she instructed the Acting Finance Manager to identify the detail of the problem and implement solutions. Financial systems were being assessed at the time of inspection and some changes had already been agreed to improve recording methods and accuracy.

3.33 There have been increases in very high cost cases, GFS payments and interpreter fees. Very high cost case payments have increased almost three fold since 2014-15, mostly accounted for by using this budget code to pay counsels' fees for providing pre-charge advice in RASSO and other complex cases. For example 289 RASSO cases were briefed out to counsel in 2014 in a bid to remove backlogs. Although some reduction in the number of cases awaiting advice was achieved, the delays were often transferred to case preparation systems that were unable to keep up with the increased receipt of charged cases.

3.34 Reductions in expenditure have been achieved in the use of experts and witness expenses. However, all processes and systems to control costs and authorisation arrangements are part of the review being undertaken by the Acting Finance Manager. Additionally, there have been savings on stationery costs and the Area has revisited expert fees to ensure it is not picking up the costs, which ought to be covered by partner agencies.

South East	2010-11	2011-12	2012-13	2013-14	2014-15
	£'000	£'000	£'000	£'000	£'000
Very high cost cases	82.3	56.6	35.8	133.4	378.6
Graduated Fee Scheme	6,315.8	5,516.5	4,839.0	5,022.8	6,161.5
Interpreter/intermediary fees	111.9	114.1	101.0	108.6	171.2
Expert fees	441.9	560.6	333.4	398.5	325.0
Witness expenses	500.1	438.6	403.9	398.1	378.7



Annexes

A File examination results

Question	Answer	All cases	Charged by			Court type	
			CPSD	Area	Police	Mags	Crown
The decision to charge was compliant with the Code test	Yes	93.7%	94.0%	91.7%	NA	92.7%	94.4%
	No	6.3%	6.0%	8.3%	NA	7.3%	5.6%
The pre-charging decision applied the correct Code test (full or threshold)	Yes	98.4%	98.0%	100%	NA	98.2%	98.6%
	No	1.6%	2.0%	0.0%	NA	1.8%	1.4%
The police decision to charge was compliant with the Code test	Yes	83.3%	NA	NA	83.3%	80.0%	100%
	No	16.7%	NA	NA	16.7%	20.0%	0.0%
The police decision to charge was compliant with the Director's Guidance on Charging 5th edition	Yes	70.8%	NA	NA	70.8%	65.0%	100%
	No	29.2%	NA	NA	29.2%	35.0%	0.0%
All relevant CPS policies were applied at the pre-charge stage	Yes	81.2%	88.7%	59.1%	NA	77.1%	84.0%
	No	18.8%	11.3%	40.9%	NA	22.9%	16.0%
The MG3 included proper case analysis and case strategy	FM	48.8%	51.5%	37.5%	NA	38.9%	56.3%
	PM	32.8%	34.3%	25.0%	NA	40.7%	26.8%
	NM	18.4%	14.1%	37.5%	NA	20.4%	16.9%
The MG3 made reference to all relevant applications and ancillary matters	FM	56.6%	68.8%	8.3%	NA	64.8%	50.0%
	PM	22.1%	22.9%	16.7%	NA	27.8%	17.6%
	NM	21.3%	8.3%	75.0%	NA	7.4%	32.4%
The MG3 included appropriate instructions and guidance to the court prosecutor	FM	53.6%	63.6%	12.5%	NA	57.4%	50.7%
	PM	29.6%	30.3%	25.0%	NA	29.6%	29.6%
	NM	16.8%	6.1%	62.5%	NA	13.0%	19.7%
All factors relevant to mode of trial considered at pre-charge decision (PCD)	FM	67.0%	70.2%	55.0%	NA	68.2%	66.1%
	PM	17.9%	19.0%	15.0%	NA	18.2%	17.7%
	NM	15.1%	10.7%	30.0%	NA	13.6%	16.1%
Were the most appropriate charges advised at the PCD stage	Yes	81.5%	84.7%	66.7%	NA	77.8%	84.3%
	No	18.5%	15.3%	33.3%	NA	22.2%	15.7%

FM Fully met
NA Not applicable

NM Not met
PM Partially met

Question	Answer	All cases	Charged by			Court type	
			CPSD	Area	Police	Mags	Crown
The action plan met a satisfactory standard	FM	42.6%	46.4%	26.7%	NA	39.6%	45.3%
	PM	38.6%	42.9%	6.7%	NA	43.8%	34.0%
	NM	18.8%	10.7%	66.7%	NA	16.7%	20.8%
Rate the overall quality of the MG3/3A	Excellent	0.0%	0.0%	0.0%	NA	0.0%	0.0%
	Good	45.6%	51.5%	25.0%	NA	37.0%	52.1%
	Fair	32.8%	31.3%	33.3%	NA	37.0%	29.6%
	Poor	21.6%	17.2%	41.7%	NA	25.9%	18.3%
Rate the use of CMS, file endorsements and file housekeeping	FM	38.7%	42.0%	29.2%	37.5%	38.7%	38.7%
	PM	46.7%	45.0%	54.2%	50.0%	48.0%	45.3%
	NM	14.7%	13.0%	16.7%	12.5%	13.3%	16.0%
Hearing record sheets were completed in an accurate and timely manner (including uploading to CMS in digital files)	Yes	72.0%	71.0%	58.3%	91.7%	88.0%	56.0%
	No	28.0%	29.0%	41.7%	8.3%	12.0%	44.0%
Post-charge decisions complied with the Code	Yes	94.0%	95.0%	95.8%	87.5%	92.0%	96.0%
	No	6.0%	5.0%	4.2%	12.5%	8.0%	4.0%
The case was reviewed properly in the magistrates' court	FM	22.6%	28.6%	33.3%	8.3%	23.0%	20.0%
	PM	36.9%	41.1%	0.0%	33.3%	41.9%	0.0%
	NM	40.5%	30.4%	66.7%	58.3%	35.1%	80.0%
The case was reviewed properly in the Crown Court	FM	56.0%	53.2%	54.5%	100%	NA	56.0%
	PM	25.3%	31.9%	18.2%	0.0%	NA	25.3%
	NM	18.7%	14.9%	27.3%	0.0%	NA	18.7%
The lawyer or team exercised sound judgement, had a grip on the case and progressed it efficiently and effectively	FM	26.4%	24.2%	50.0%	8.7%	14.9%	37.8%
	PM	47.3%	51.5%	20.8%	56.5%	48.6%	45.9%
	NM	26.4%	24.2%	29.2%	34.8%	36.5%	16.2%

FM Fully met

NM Not met

NA Not applicable

PM Partially met

Question	Answer	All cases	Charged by			Court type	
			CPSD	Area	Police	Mags	Crown
The review of the upgrade file for trial in the magistrates' courts was timely	Yes	26.1%	32.0%	0.0%	11.8%	26.1%	NA
	No	73.9%	68.0%	100%	88.2%	73.9%	NA
Any decision to discontinue was made and put into effect in a timely manner	Yes	54.3%	53.8%	60.0%	50.0%	50.0%	58.8%
	No	45.7%	46.2%	40.0%	50.0%	50.0%	41.2%
The prosecution dealt promptly and efficiently with incoming communications, witness queries and other material	FM	33.8%	34.0%	56.5%	5.0%	12.9%	54.2%
	PM	40.8%	43.3%	26.1%	45.0%	44.3%	37.5%
	NM	25.4%	22.7%	17.4%	50.0%	42.9%	8.3%
There was timely compliance with court directions in the magistrates' courts	FM	12.3%	14.9%	0.0%	6.3%	12.3%	NA
	PM	23.1%	27.7%	0.0%	12.5%	23.1%	NA
	NM	64.6%	57.4%	100%	81.3%	64.6%	NA
There was timely compliance with judges' orders in Crown Court cases	FM	50.0%	51.2%	55.0%	0.0%	NA	50.0%
	PM	40.9%	41.5%	30.0%	100%	NA	40.9%
	NM	9.1%	7.3%	15.0%	0.0%	NA	9.1%
Could at least one ineffective hearing (other than ineffective trials) have been avoided by prosecution actions	Yes	48.6%	54.2%	37.5%	40.0%	57.1%	37.5%
	No	51.4%	45.8%	62.5%	60.0%	42.9%	62.5%
Could at least one ineffective trial have been avoided by prosecution actions	Yes	34.6%	35.0%	33.3%	33.3%	40.0%	27.3%
	No	65.4%	65.0%	66.7%	66.7%	60.0%	72.7%
The case proceeded to trial on the most appropriate charge(s)	Yes	81.5%	81.9%	82.4%	81.8%	80.3%	82.8%
	No	17.7%	18.1%	11.8%	18.2%	19.7%	15.5%
	NK	0.8%	0.0%	5.9%	0.0%	0.0%	1.7%
The indictment was correctly drafted in all respects	Yes	92.9%	90.7%	95.5%	100%	NA	92.9%
	No	7.1%	9.3%	4.5%	0.0%	NA	7.1%

FM Fully met
NA Not applicable

NK Not known
NM Not met

PM Partially met

Question	Answer	All cases	Charged by			Court type	
			CPSD	Area	Police	Mags	Crown
The prosecutor complied with the duty of initial disclosure, including the correct endorsement of the schedule (but not including timeliness of disclosure)	FM	51.4%	54.9%	39.1%	50.0%	49.3%	53.7%
	PM	35.5%	35.2%	30.4%	40.9%	42.3%	28.4%
	NM	8.0%	7.7%	13.0%	4.5%	5.6%	10.4%
	NK	5.1%	2.2%	17.4%	4.5%	2.8%	7.5%
The prosecutor complied with the duty of continuing disclosure, including the correct endorsement of the schedule (but not including timeliness of disclosure)	FM	59.2%	61.7%	59.1%	40.0%	17.6%	71.2%
	PM	19.7%	23.4%	9.1%	20.0%	41.2%	13.6%
	NM	13.2%	8.5%	18.2%	40.0%	41.2%	5.1%
	NK	7.9%	6.4%	13.6%	0.0%	0.0%	10.2%
The sensitive material schedule and any sensitive material were handled appropriately	FM	36.5%	37.8%	30.4%	36.4%	28.2%	45.5%
	PM	8.8%	10.0%	4.3%	9.1%	14.1%	3.0%
	NM	41.6%	43.3%	34.8%	45.5%	49.3%	33.3%
	NK	13.1%	8.9%	30.4%	9.1%	8.5%	18.2%
There was an appropriate audit trail of disclosure decisions on the disclosure record sheet	FM	27.7%	24.4%	39.1%	31.8%	16.9%	39.4%
	PM	19.7%	18.9%	21.7%	18.2%	22.5%	16.7%
	NM	50.4%	55.6%	34.8%	45.5%	59.2%	40.9%
	NK	2.2%	1.1%	4.3%	4.5%	1.4%	3.0%
The prosecution discharged its duties of disclosure in a timely fashion	FM	42.0%	40.7%	60.9%	27.3%	22.5%	62.7%
	PM	19.6%	23.1%	8.7%	18.2%	21.1%	17.9%
	NM	37.0%	36.3%	26.1%	50.0%	54.9%	17.9%
	NK	1.4%	0.0%	4.3%	4.5%	1.4%	1.5%
Was non-compliance a failure to disclose undermining or assisting material	Yes	1.4%	2.0%	0.0%	0.0%	0.0%	2.9%
	No	98.6%	98.0%	100%	100%	100%	97.1%

FM Fully met

PM Partially met

NM Not met

Question	Answer	All cases	Charged by			Court type	
			CPSD	Area	Police	Mags	Crown
Was the issue in the handling of sensitive material solely a failure properly to endorse a blank MG6D	Yes	71.6%	74.5%	55.6%	76.9%	82.2%	55.2%
	No	28.4%	25.5%	44.4%	23.1%	17.8%	44.8%
Rate the overall quality of handling of unused material by the CPS	Excellent	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Good	32.1%	32.2%	34.8%	31.8%	21.1%	43.9%
	Fair	32.1%	34.4%	26.1%	22.7%	32.4%	31.8%
	Poor	32.1%	32.2%	26.1%	40.9%	45.1%	18.2%
	NK	3.6%	1.1%	13.0%	4.5%	1.4%	6.1%
The prosecution was right to accept or reject the pleas offered and/or any basis of plea	Yes	100%	100%	100%	NA	100%	100%
	No	0.0%	0.0%	0.0%	NA	0.0%	0.0%
Any basis of plea was in writing and signed by the prosecution and defence	Yes	22.2%	20.0%	25.0%	NA	NA	22.2%
	No	77.8%	80.0%	75.0%	NA	NA	77.8%
When proposing to stop the case, or to alter the charges substantially (where it was practicable to do so) the police or other investigators were consulted before reaching a final decision	Yes	71.1%	73.1%	66.7%	66.7%	70.6%	71.4%
	No	28.9%	26.9%	33.3%	33.3%	29.4%	28.6%
The Victims' Code, Prosecutors' Pledge and any other policy guidance on the treatment of victims and witnesses was complied with	FM	52.0%	50.0%	60.0%	50.0%	45.2%	59.0%
	PM	33.3%	36.0%	25.0%	31.3%	38.7%	27.9%
	NM	14.6%	14.0%	15.0%	18.8%	16.1%	13.1%
Special measures applications were timely and of a good quality	Yes	66.7%	60.7%	81.3%	50.0%	52.6%	75.9%
	No	33.3%	39.3%	18.8%	50.0%	47.4%	24.1%
The attendance of victims and witnesses was secured appropriately	Yes	86.6%	83.3%	93.8%	94.1%	86.9%	86.3%
	No	13.4%	16.7%	6.3%	5.9%	13.1%	13.7%
The views of the victim were taken into account when deciding to discontinue one or more charges, accept lesser pleas or take a basis of plea	Yes	39.3%	31.8%	80.0%	0.0%	45.5%	35.3%
	No	50.0%	54.5%	20.0%	100%	36.4%	58.8%
	NK	10.7%	13.6%	0.0%	0.0%	18.2%	5.9%

FM Fully met

NA Not applicable

NM Not met

MG6D Sensitive unused material schedule

NK Not known

PM Partially met

Question	Answer	All cases	Charged by			Court type	
			CPSD	Area	Police	Mags	Crown
All necessary steps were taken throughout the case to protect the victim, witnesses and public from harm	FM	80.3%	79.3%	95.0%	66.7%	62.7%	96.8%
	PM	10.7%	12.6%	0.0%	13.3%	18.6%	3.2%
	NM	9.0%	8.0%	5.0%	20.0%	18.6%	0.0%
There was timely direct communication with the victim when required	Yes	44.7%	40.0%	83.3%	0.0%	46.2%	44.0%
	No	55.3%	60.0%	16.7%	100%	53.8%	56.0%
The communication was of a high standard	FM	32.0%	30.0%	40.0%	NA	0.0%	50.0%
	PM	44.0%	45.0%	40.0%	NA	66.7%	31.3%
	NM	20.0%	20.0%	20.0%	NA	33.3%	12.5%
	NK	4.0%	5.0%	0.0%	NA	0.0%	6.3%
There was reference to the Victims' Right to Review where appropriate	Yes	64.0%	76.5%	50.0%	0.0%	70.0%	60.0%
	No	36.0%	23.5%	50.0%	100%	30.0%	40.0%

FM Fully met
 NA Not applicable

NK Not known
 NM Not met

PM Partially met



B Casework outcomes data

	National	South East	Kent	Surrey	Sussex
Outcomes					
Magistrates' court					
<i>Successful outcomes</i>					
2010-11	86.50%	87.20%	87.1%	87.3%	87.1%
2011-12	86.70%	87.60%	87.5%	88.9%	87.1%
2012-13	86.20%	86.40%	84.8%	89.0%	86.5%
2013-14	85.60%	84.40%	83.4%	86.1%	84.3%
12 months to Dec 2014	84.60%	81.90%	81.8%	79.4%	83.7%
<i>Discontinuance</i>					
2010-11	9.60%	9.00%	9.2%	8.2%	9.2%
2011-12	9.60%	8.70%	9.0%	7.1%	9.3%
2012-13	9.70%	9.60%	11.3%	6.8%	9.5%
2013-14	9.80%	10.80%	12.2%	8.9%	10.6%
12 months to Dec 2014	10.34%	12.80%	13.1%	15.6%	10.7%
Crown court					
<i>Successful outcomes</i>					
2010-11	79.60%	80.20%	80.2%	77.5%	81.5%
2011-12	80.90%	80.90%	80.5%	80.4%	81.7%
2012-13	80.60%	80.90%	78.5%	83.4%	82.5%
2013-14	81.00%	82.10%	83.7%	80.1%	81.4%
12 months to Dec 2014	79.60%	79.20%	81.6%	76.9%	77.7%
<i>Judge ordered acquittals</i>					
2010-11	12.80%	10.50%	10.7%	11.4%	9.9%
2011-12	11.70%	9.80%	10.6%	10.0%	8.8%
2012-13	11.60%	9.70%	11.2%	9.0%	8.3%
2013-14	11.50%	10.10%	9.2%	12.3%	9.7%
12 months to Dec 2014	12.58%	12.00%	9.3%	15.2%	13.3%

	National	South East	Kent	Surrey	Sussex
Charging volumes					
Pre-charge decisions					
2010-11	466,611	29,917	10,865	4,783	14,269
2011-12	367,067	20,353	7,919	3,683	8,751
2012-13	299,345	18,310	7,520	3,834	6,956
2013-14	298,077	17,504	8,624	3,284	5,596
12 months to Dec 2014	298,657	17,604	8,036	3,469	6,099
Variance 2010-11 to 2013-14	-36.12%	-41.49%	-20.63%	-31.34%	-60.78%
Variance 2010-11 to Dec 2014	-35.99%	-41.16%	-26.04%	-27.47%	-57.26%
Magistrates' court					
<i>Guilty plea</i>					
2010-11	71.80%	73.50%	73.5%	74.7%	73.0%
2011-12	71.20%	71.40%	71.8%	75.8%	69.2%
2012-13	71.70%	71.40%	70.3%	76.0%	70.4%
2013-14	71.80%	68.80%	69.5%	71.7%	66.3%
12 months to Dec 2014	71.20%	67.80%	67.0%	66.4%	69.6%
<i>Court attrition</i>					
2010-11	21.80%	20.30%	21.1%	18.7%	20.2%
2011-12	21.80%	20.60%	21.1%	16.0%	21.9%
2012-13	22.00%	22.10%	23.8%	16.4%	22.7%
2013-14	21.60%	24.30%	23.9%	21.5%	26.3%
12 months to Dec 2014	22.30%	25.70%	26.5%	28.6%	22.9%

	National	South East	Kent	Surrey	Sussex
Crown court					
<i>Guilty plea</i>					
2010-11	72.30%	70.50%	73.0%	64.9%	70.0%
2011-12	72.40%	70.90%	71.2%	68.8%	71.5%
2012-13	71.80%	68.60%	65.0%	72.7%	70.9%
2013-14	72.80%	69.30%	71.0%	68.5%	67.5%
12 months to Dec 2014	72.00%	68.50%	71.2%	68.3%	64.9%
<i>Court attrition</i>					
2010-11	20.50%	20.20%	20.5%	22.7%	18.8%
2011-12	19.40%	19.40%	20.0%	20.5%	18.2%
2012-13	19.30%	19.30%	21.8%	16.2%	17.9%
2013-14	18.80%	18.20%	16.5%	20.0%	19.3%
12 months to Dec 2014	20.40%	21.30%	18.5%	24.6%	23.2%



C Civil Service staff survey 2014




SOUTH EAST

Civil Service People Survey 2014

Response rate : 63%

Returns : 187

Employee engagement is shaped by experience at work, as measured by nine themes in the survey shown below.  Strength of association with engagement  Statistically significant difference from comparison ^oParent = CPS AREAS





SOUTH EAST

Civil Service People Survey 2014

Response rate : 63%

Returns : 187

Strength of association with engagement

Strength of association with engagement



Statistically significant difference from comparison

The table below shows how you performed on each of the nine themes ranked by the strength of association with engagement. The themes which have the strongest association with engagement should be the focus for action. See the appendix for further details.

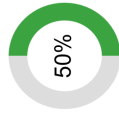
Drivers of Engagement

Theme	Strength of association with engagement ¹	Theme score % Positive	Difference from previous survey	Difference from Parent ²	Difference from high performing units
Leadership and Managing Change		20%	0	-9	-12
My work		60%	-2	-5	-7
My manager		43%	0	-14	-16
Resources and workload		51%	+1	-8	-11
Pay and benefits		34%	-3	+2	0
Organisational objectives and purpose		80%	+6	-1	-3
Learning and development		31%	+2	-6	-9
My team		67%	+9	0	-3
Inclusion and fair treatment		52%	0	-11	-13

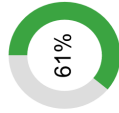
¹The table above shows the strength of association between engagement and the themes for CPS AREAS

²Parent = CPS AREAS

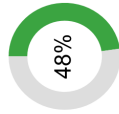
Wellbeing



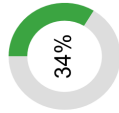
Overall, how satisfied are you with your life nowadays?



Overall, to what extent do you feel that the things you do are worthwhile?

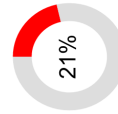


Overall, how happy did you feel yesterday?

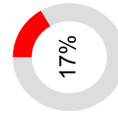


No or low anxiety yesterday?

Discrimination, bullying and harassment



During the past 12 months have you personally experienced discrimination at work?



During the past 12 months have you personally experienced bullying or harassment at work?

Your plans for the future

20%

I want to leave the CPS as soon as possible within the next 12 months

13%

I want to leave the CPS for at least the next year

24%

I want to stay working for the CPS for at least the next three years

44%



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SOUTH EAST

Civil Service People Survey 2014

Returns : 187

Response rate : 63%

All questions by theme

My work

60% -2

Difference from previous survey

Strength of association with engagement



Difference from previous survey

Difference from Parent¹

Difference from CPS

Difference from high performing units

Question	Strongly agree	Agree	Neither	Disagree	Strongly disagree	Difference from previous survey	Difference from Parent ¹	Difference from CPS	Difference from high performing units
B01 I am interested in my work	43	47	6	0	0	+1	0	0	-5
B02 I am sufficiently challenged by my work	34	40	17	7	0	-3	-4	-4	-14
B03 My work gives me a sense of personal accomplishment	25	42	15	14	0	-4	-5	-6	-16
B04 I feel involved in the decisions that affect my work	10	17	21	31	21	-2	-12	-16	-39
B05 I have a choice in deciding how I do my work	12	30	16	25	17	-2	-5	-9	-39

Organisational objectives and purpose

80% +6

Difference from previous survey

Strength of association with engagement



Question	Strongly agree	Agree	Neither	Disagree	Strongly disagree	Difference from previous survey	Difference from Parent ¹	Difference from CPS	Difference from high performing units
B06 I have a clear understanding of the CPS purpose	30	52	7	6	0	+3	-1	-2	-9
B07 I have a clear understanding of the CPS objectives	27	50	14	6	0	+6	-3	-4	-12
B08 I understand how my work contributes to the CPS objectives	26	56	11	0	0	+9	0	-1	-8



SOUTH EAST

Civil Service People Survey 2014

Response rate : 63%

Returns : 187

All questions by theme

*Parent= CPS AREAS
 † indicates statistically significant difference from comparison
 ‡ indicates a variation in question wording from your previous survey

My manager

43%

Difference from previous survey

Strength of association with engagement



% Positive
 Difference from previous survey
 Difference from Parent*
 Difference from CPS
 Difference from high performing units

Question	Strongly agree	Agree	Neither	Disagree	Strongly disagree	% Positive	Difference from previous survey	Difference from Parent*	Difference from CPS	Difference from high performing units
B09 My manager motivates me to be more effective in my job	13	26	27	22	11	40%	+2	-16 †	-19 †	-37 †
B10 My manager is considerate of my life outside work	20	36	25	11	8	56%	+6	-12 †	-15 †	-31 †
B11 My manager is open to my ideas	18	41	24	10	7	59%	+2	-8 †	-10 †	-28 †
B12 My manager helps me to understand how I contribute to the CPS objectives	12	28	33	20	7	40%	-1	-16 †	-19 †	-34 †
B13 Overall, I have confidence in the decisions made by my manager	16	30	27	17	10	47%	+2	-14 †	-17 †	-34 †
B14 My manager recognises when I have done my job well	14	39	25	14	8	53%	-5	-14 †	-17 †	-32 †
B15 I receive regular feedback on my performance	11	33	21	24	11	44%	+10 †	-12 †	-14 †	-33 †
B16 The feedback I receive helps me to improve my performance	11	22	29	24	13	34%	-3	-17 †	-20 †	-38 †
B17 I think that my performance is evaluated fairly	11	29	32	18	10	40%	-6	-13 †	-17 †	-32 †
B18 Poor performance is dealt with effectively in my team	5	14	37	24	20	19%	-4	-12 †	-14 †	-31 †

My team

67%

Difference from previous survey

Strength of association with engagement



% Positive
 Difference from previous survey
 Difference from Parent*
 Difference from CPS
 Difference from high performing units

Question	Strongly agree	Agree	Neither	Disagree	Strongly disagree	% Positive	Difference from previous survey	Difference from Parent*	Difference from CPS	Difference from high performing units
B19 The people in my team can be relied upon to help when things get difficult in my job	30	50	13	6	6	80%	+7	+3	+2	-11 †
B20 The people in my team work together to find ways to improve the service we provide	28	45	20	6	6	73%	+12 †	+2	0	-16 †
B21 The people in my team are encouraged to come up with new and better ways of doing things	15	34	24	19	7	49%	+7	-7 †	-11 †	-35 †



SOUTH EAST

Civil Service People Survey 2014

Returns : 187

Response rate : 63%

All questions by theme

Parent = CPS AREAS

↕ indicates statistically significant difference from comparison

↕ indicates a variation in question wording from your previous survey

Learning and development

31% +2

Strength of association with engagement



Question	Strongly agree	Agree	Neither	Disagree	Strongly disagree	Difference from previous survey	Difference from Parent	Difference from CPS	Difference from high performing units
B22 I am able to access the right learning and development opportunities when I need to	6	39	18	24	12	+8	-3	-7	-27
B23 Learning and development activities I have completed in the past 12 months have helped to improve my performance	8	25	25	33	10	-2	-8	-10	-29
B24 There are opportunities for me to develop my career in the CPS	15	19	31	32	3	0	-8	-11	-38
B25 Learning and development activities I have completed while working for the CPS are helping me to develop my career	5	22	25	28	20	+3	-4	-7	-27

Inclusion and fair treatment

52% 0

Strength of association with engagement



Question	Strongly agree	Agree	Neither	Disagree	Strongly disagree	Difference from previous survey	Difference from Parent	Difference from CPS	Difference from high performing units
B26 I am treated fairly at work	10	43	23	14	10	+1	-12	-14	-32
B27 I am treated with respect by the people I work with	18	55	17	6	6	+1	-5	-5	-18
B28 I feel valued for the work I do	8	28	19	26	18	0	-11	-15	-36
B29 I think that the CPS respects individual differences (e.g. cultures, working styles, backgrounds, ideas, etc)	10	35	34	10	11	-4	-16	-19	-37

CPS SOUTH EAST
Civil Service People Survey 2014

Returns : 187

Response rate : 63%

All questions by theme

*Parent = CPS AREAS
 † indicates statistically significant difference from comparison
 ‡ indicates a variation in question wording from your previous survey

Resources and workload 51% +1



Question	Strongly agree	Agree	Neither	Disagree	Strongly disagree	% Positive	Difference from previous survey	Difference from Parent*	Difference from CPS	Difference from high performing units
B30 In my job, I am clear what is expected of me	20	56	11	10		76%	+5	-6 †	-6 †	-15 †
B31 I get the information I need to do my job well	12	24	30	25	9	36%	-1	-15 †	-19 †	-41 †
B32 I have clear work objectives	16	49	17	14		65%	+5	-6 †	-8 †	-20 †
B33 I have the skills I need to do my job effectively	23	56	13	6		79%	-2	-5 †	-6 †	-13 †
B34 I have the tools I need to do my job effectively	9	27	18	30	17	35%	-2	-12 †	-16 †	-41 †
B35 I have an acceptable workload	5	25	13	30	27	30%	+1	-7 †	-12 †	-39 †
B36 I achieve a good balance between my work life and my private life	10	28	25	22	15	38%	+3	-6 †	-11 †	-38 †

Pay and benefits 34% -3



Question	Strongly agree	Agree	Neither	Disagree	Strongly disagree	% Positive	Difference from previous survey	Difference from Parent*	Difference from CPS	Difference from high performing units
B37 I feel that my pay adequately reflects my performance	7	25	14	35	18	32%	-2	+2	0	-6 †
B38 I am satisfied with the total benefits package	7	29	24	26	14	36%	-1	+1	0	-6 †
B39 Compared to people doing a similar job in other organisations I feel my pay is reasonable	8	26	22	29	14	34%	-5	+2	+1	0



SOUTH EAST

Civil Service People Survey 2014

Returns : 187

Response rate : 63%

All questions by theme

Leadership and Managing Change

20% 0

Difference from previous survey



Strength of association with engagement



% Positive

⬇ indicates statistically significant difference from comparison
⬆ indicates a variation in question wording from your previous survey

Question	Strongly agree	Agree	Neither	Disagree	Strongly disagree	% Positive	Difference from previous survey	Difference from Parent ¹	Difference from CPS	Difference from high performing units
B40 I feel that the CPS as a whole is managed well	15	18	28	36	36	18%	+5	-10	-14	-35
B41 Senior managers (DPP, Chief Executive, HQ Directors/Deputies, CCPs, DCCPs, ABMs, BCDMs) in the CPS are sufficiently visible	7	25	17	25	26	32%	+4	-7	-11	-28
B42 I believe the actions of senior managers (DPP, Chief Executive etc) are consistent with the CPS's values	7	21	39	12	21	28%	+4	-10	-14	-26
B43 I believe that the CPS Board has a clear vision for the future of the CPS	5	16	35	17	27	21%	+4	-8	-12	-30
B44 Overall, I have confidence in the decisions made by the CPS's senior managers (DPP, Chief Executive etc)	5	12	25	22	35	18%	+3	-10	-14	-31
B45 I feel that change is managed well in the CPS	7	17	34	40	40	10%	+1	-11	-13	-29
B46 When changes are made in the CPS they are usually for the better	8	17	35	38	38	10%	-2	-7	-9	-26
B47 The CPS keeps me informed about matters that affect me	5	27	24	26	18	32%	-4	-7	-10	-34
B48 I have the opportunity to contribute my views before decisions are made that affect me	13	16	35	31	31	17%	-3	-9	-11	-26
B49 I think it is safe to challenge the way things are done in the CPS	14	22	31	29	29	17%	-7	-12	-15	-33



SOUTH EAST

Civil Service People Survey 2014

Returns : 187

Response rate : 63%

All questions by theme

Parent = CPS AREAS

↕ indicates statistically significant difference from comparison

▲ indicates a variation in question wording from your previous survey

Engagement

Question	Strongly agree	Agree	Neither	Disagree	Strongly disagree	% Positive	Difference from previous survey	Difference from Parent ¹	Difference from CPS	Difference from high performing units
B50 I am proud when I tell others I am part of the CPS	11	25	26	25	14	36%	+8	-10	-12	-30
B51 I would recommend the CPS as a great place to work	6	13	28	26	26	20%	+6	-8	-11	-37
B52 I feel a strong personal attachment to the CPS	12	27	27	17	17	39%	-1	-11	-12	-17
B53 The CPS inspires me to do the best in my job	10	17	29	24	19	27%	+5	-8	-10	-25
B54 The CPS motivates me to help it achieve its objectives	9	14	29	27	21	23%	+6	-9	-12	-27

Taking action

B55 I believe that senior managers (DPP, Chief Executive etc) in the CPS will take action on the results from this survey	8	17	23	25	27	25%	-4	-7	-10	-28
B56 I believe that managers where I work will take action on the results from this survey	8	26	23	22	22	34%	0	-5	-9	-34
B57 Where I work, I think effective action has been taken on the results of the last survey	8	9	32	26	25	16%	-11	-10	-14	-34



SOUTH EAST

Returns : 187

Response rate : 63%

Civil Service People Survey 2014

All questions by theme

Organisational Culture

Question	Strongly agree	Agree	Neither	Disagree	Strongly disagree	% Positive	Difference from previous survey	Difference from Parent ¹	Difference from CPS	Difference from high performing units
B58 I am trusted to carry out my job effectively	21	52	10	11	5	73%	-6	-6	-7	-20
B59 I believe I would be supported if I try a new idea, even if it may not work	11	22	32	24	12	33%	-3	-13	-17	-45
B60 My performance is evaluated based on whether I get things done, rather than solely follow processes	8	24	34	22	12	32%	0	-12	-16	-40
B61 When I talk about the CPS I say "we" rather than "they"	18	37	25	13	7	55%	-1	-7	-8	-20
B62 I have some really good friendships at work	31	48	15			80%	0	-1	-1	-6

¹Parent = CPS AREAS
 ↕ indicates statistically significant difference from comparison
 ^ indicates a variation in question wording from your previous survey



SOUTH EAST

Civil Service People Survey 2014

Response rate : 63%

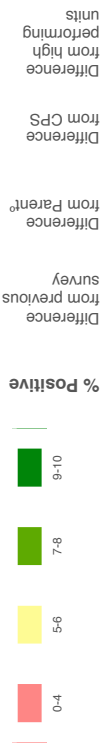
Returns : 187

All questions by theme

*Parent = CPS AREAS

↕ indicates statistically significant difference from comparison

▲ indicates a variation in question wording from your previous survey



Unlike the questions B01-B62 which ask people to rate their agreement from strongly agree to strongly disagree, the four wellbeing questions use a 11-point scale. The scale ranges from 0 to 10 for each question, where 0 is equivalent to 'not at all' (e.g. 'not at all satisfied' or 'not at all worthwhile') and where 10 is equivalent to 'completely' (e.g. 'completely satisfied' or 'completely anxious').

For questions W01, W02 and W03 the percent positive is the proportion answering 7, 8, 9 or 10 to each question. For question W04 the percent positive is the proportion answering 0, 1, 2 or 3 to the question.

Question	0-4	5-6	7-8	9-10	% Positive	Difference from Parent*	Difference from CPS	Difference from high performing units
W01 Overall, how satisfied are you with your life nowadays?	28	22	38	12	50%	+1	-6	-20
W02 Overall, to what extent do you feel that the things you do in your life are worthwhile?	19	20	41	20	61%	+6	-5	-15
W03 Overall, how happy did you feel yesterday?	29	23	33	14	48%	+3	-6	-19
W04 Overall, how anxious did you feel yesterday?	17	17	24	42	34%	-5	-7	-22



SOUTH EAST

Returns : 187 Response rate : 63% Civil Service People Survey 2014

All questions by theme

Your plans for the future

C01. Which of the following statements most reflects your current thoughts about working for the CPS?

Statement	% Yes	% No	Difference from previous survey	Difference from Parent ^a	Difference from CPS
I want to leave the CPS as soon as possible	20%	80%	-7	+6	+7
I want to leave the CPS within the next 12 months	13%	87%	-4	+2	+2
I want to stay working for the CPS for at least the next year	24%	76%	+6	+1	0
I want to stay working for the CPS for at least the next three years	44%	56%	+5	-9	-9

The Civil Service Code

Differences are based on '% Yes' score

Question	% Yes	% No	Difference from previous survey	Difference from Parent ^a	Difference from CPS
D01. Are you aware of the Civil Service Code?	86	14	-4	0	-1
D02. Are you aware of how to raise a concern under the Civil Service Code?	59	41	+1	+1	-1
D03. Are you confident that if you raised a concern under the Civil Service Code in the CPS it would be investigated properly?	46	54	+8	-6	-9

^aParent = CPS AREAS ↕ indicates statistically significant difference from comparison
 ▲ indicates a variation in question wording from your previous survey



SOUTH EAST

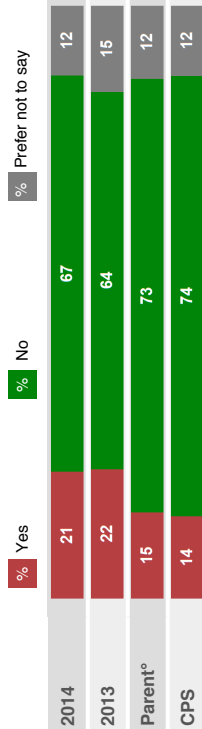
Response rate : 63% Civil Service People Survey 2014

Returns : 187

All questions by theme

Discrimination, harassment and bullying

E01. During the past 12 months, have you personally experienced discrimination at work?

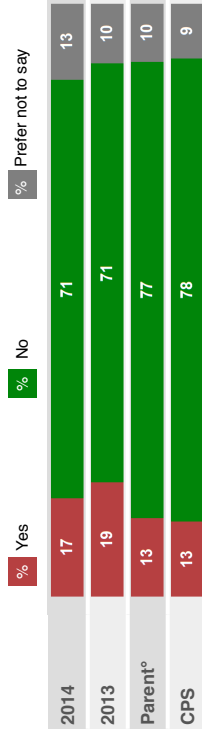


For respondents who selected 'Yes' to question E01.
E02. On which of the following grounds have you personally experienced discrimination in the past 12 months? (multiple selection)

	Response Count
Age	--
Caring responsibilities	--
Disability	--
Ethnic background	--
Gender	--
Gender reassignment or perceived gender	--
Grade, pay band or responsibility level	--
Main spoken/written language or language ability	--
Religion or belief	--
Sexual orientation	--
Social or educational background	--
Working location	--
Working pattern	--
Any other grounds	11
Prefer not to say	--

Please note: Counts of fewer than ten responses are suppressed and replaced with '...'

E03. During the past 12 months, have you personally experienced bullying or harassment at work?



For respondents who selected 'Yes' to question E03.
E04. Who were you bullied or harassed by at work in the past 12 months? (multiple selection)

	Response Count
A colleague	13
Your manager	--
Another manager in my part of the CPS	11
Someone you manage	--
Someone who works for another part of the CPS	--
A member of the public	--
Someone else	--
Prefer not to say	--

Please note: Counts of fewer than ten responses are suppressed and replaced with '...'



SOUTH EAST

Civil Service People Survey 2014

Response rate : 63%

Returns : 187

All questions by theme

CPS questions

Question	Strongly agree	Agree	Neither	Disagree	Strongly disagree	% Positive	Difference from previous survey	Difference from Parent ¹	Difference from CPS
F01 I demonstrate the CPS values through my actions	16	53	27			68%	-4	-9	-10
F02 My direct line manager demonstrates the CPS values through their actions	11	41	29	15		52%	0	-14	-16
F03 I believe the People Strategy has made a positive difference to me	7	9	35	28	22	16%	-2	-4	-7
F04 I know how to contact my FDA/PCS representative	Yes: 81% No: 19%					81%	-5	+2	+3
F05 I am aware of other places I can go for support (Workplace Wellness, Staff Networks: National Black Crown Prosecutors Association; Disabled Staff Network; Lesbian, Gay, Bisexual, Trans Network; Muslim Staff Network; Prosecution Christian Fellowship)	18	59	13	6		78%	0	+5	+3
F06 I believe that change is managed well in my Area/Directorate/Division	6	9	20	33	32	15%	0	-12	-16
F07 My local Senior Management Team is sufficiently visible (CCP and ABM/HQ Director/Casework Director/Head of Division)	9	24	21	27	20	33%	-2	-14	-19
F08 I have arrangements in place to ensure I spend at least five days on my personal development this year ²	Yes: 29% No: 71%					29%	-6	-1	-6
F09 I am kept informed of local and national CPS news through the use of Team Talk at regular team briefings/meetings	17	52	14	11	6	69%	0	+8	+6
F10 I understand what the CPS is trying to achieve through the Digital Business Programme	13	45	21	11	10	58%	-5	-5	-8
F11 My role contributes to providing a positive experience for Victims and Witnesses	21	47	20	8		68%	--	-2	+1
F12 I have discussed my Individual Learning Account (ILA) with my manager and agreed how that funding will be used to support my personal development	Yes: 47% No: 53%					47%	--	-6	-8
F13 I am committed to delivering high quality advice and services in the job that I do	44	48	8			92%	--	-1	-1

¹Parent = CPS AREAS
²Indicates a statistically significant difference from comparison survey
³Indicates a variation in question wording from your previous survey



SOUTH EAST

Civil Service People Survey 2014

Response rate : 63%

Returns : 187

Appendix

Glossary of key terms

% positive

The proportion who selected either "agree" or "strongly agree" for a question (or all questions within a theme in the case of **Theme score % positive**).

Previous survey

Comparisons to the previous survey relate to the results from the 2013 Civil Service People Survey. Where a question is flagged as changed since the last survey comparisons should be treated with caution as changes to wording may affect how people respond to the question.

High performing units

For each question, this is the upper quartile score across all units from all organisations that have taken part in the 2014 Civil Service People Survey.

Rounding

Results are presented as whole numbers for ease of reading, with rounding performed at the last stage of calculation for maximum accuracy.

Statistical significance: ✨

Statistical testing has been carried out on the comparisons between this year's results and your previous survey. CPS results, CPS AREAS results and high performing units results to identify differences that are statistically significant. You can therefore be confident that the difference represents a real difference in opinion between the results.

The employee engagement index

The survey includes five questions that make up the engagement index (B50-B54). The index score represents the average level of engagement in that unit and ranges from 0 to 100. An index score of 0 represents all respondents in that unit saying they strongly disagree to all five engagement questions and a score of 100 represents all respondents saying they strongly agree to all five engagement questions.

The drivers of engagement

While the engagement index shows the average level of engagement, it does not show what you can do to improve engagement. Nine themes have been included in the survey to measure employees' experiences at work. A statistical technique, stepwise regression, is used to identify the extent to which each of these themes has an association with engagement. The themes identified as having an association are called the 'Drivers of engagement'. The strength of association with engagement varies by theme and is illustrated by a 4-bar icon, as shown below. Themes with a full 4-bar icon have the strongest association with engagement.

strength of association with engagement



Confidentiality

The survey was carried out as part of the 2014 Civil Service People Survey, which is managed by the Cabinet Office on behalf of all participating organisations. The Cabinet Office commissioned ORC International to carry out the survey. ORC International is a member of the Market Research Society, and is bound by their strict code of conduct and confidentiality rules. These rules do not allow for the breakdown of the results to the extent where the anonymity of individuals may be compromised. Groups of less than 10 respondents will not be reported on, however their responses do contribute to the overall scores for the unit and organisation they belong to and the overall Civil Service results.



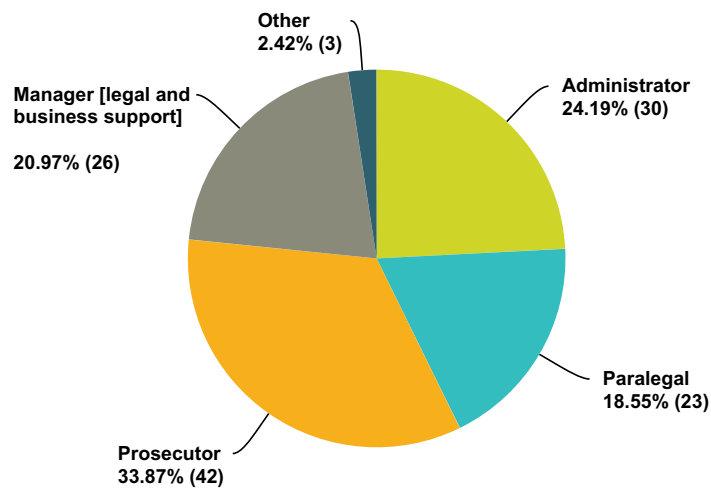
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D HMCPSI survey results

CPS South East AEI - All Staff Questionnaire

Q1 Which best describes your role?

Answered: 124 Skipped: 0

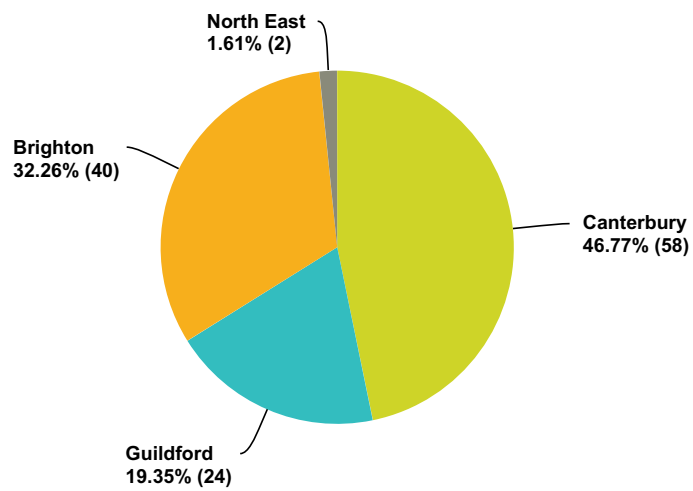


Answer Choices	Responses	
Administrator	24.19%	30
Paralegal	18.55%	23
Prosecutor	33.87%	42
Manager [legal and business support]	20.97%	26
Other	2.42%	3
Total		124

CPS South East AEI - All Staff Questionnaire

Q2 Where are you based?

Answered: 124 Skipped: 0

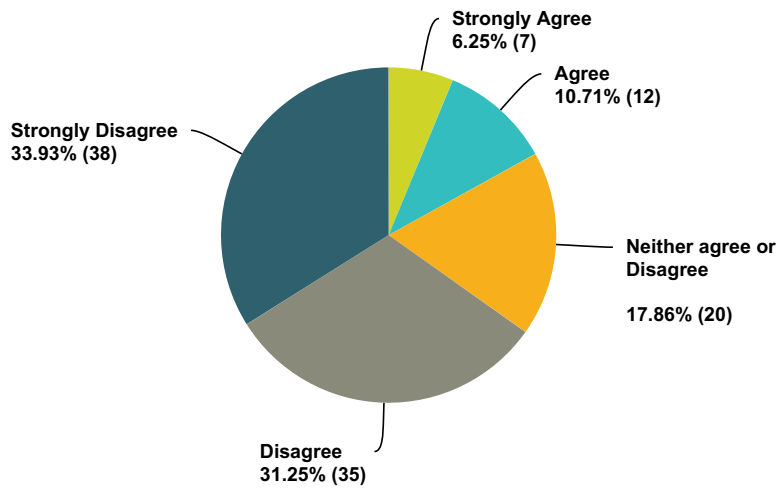


Answer Choices	Responses	
Canterbury	46.77%	58
Guildford	19.35%	24
Brighton	32.26%	40
North East	1.61%	2
Total		124

CPS South East AEI - All Staff Questionnaire

Q3 I feel that change is managed well in my Area.

Answered: 112 Skipped: 12

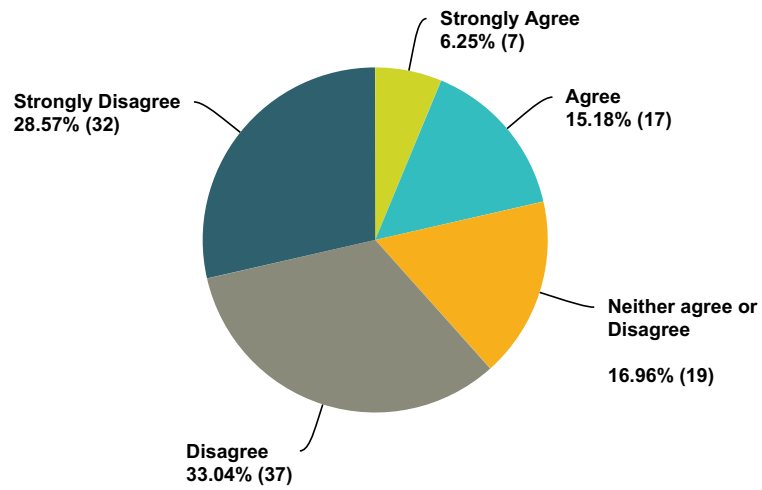


Answer Choices	Responses	
Strongly Agree	6.25%	7
Agree	10.71%	12
Neither agree or Disagree	17.86%	20
Disagree	31.25%	35
Strongly Disagree	33.93%	38
Total		112

CPS South East AEI - All Staff Questionnaire

Q4 Senior managers provide effective leadership in the Area.

Answered: 112 Skipped: 12

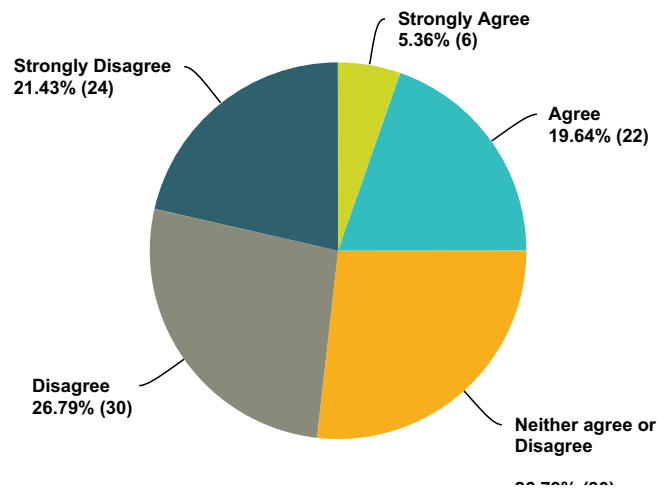


Answer Choices	Responses	
Strongly Agree	6.25%	7
Agree	15.18%	17
Neither agree or Disagree	16.96%	19
Disagree	33.04%	37
Strongly Disagree	28.57%	32
Total		112

CPS South East AEI - All Staff Questionnaire

Q5 The refocussing exercise and restructuring process for the Area was communicated effectively.

Answered: 112 Skipped: 12

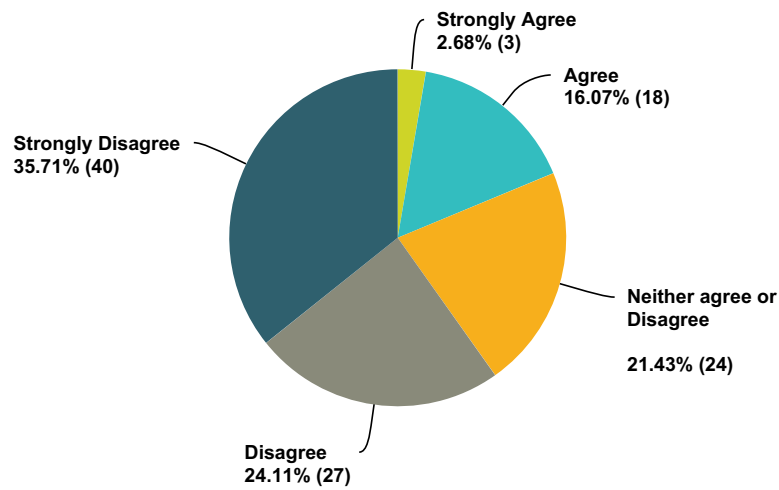


Answer Choices	Responses	Count
Strongly Agree	5.36%	6
Agree	19.64%	22
Neither agree or Disagree	26.79%	30
Disagree	26.79%	30
Strongly Disagree	21.43%	24
Total		112

CPS South East AEI - All Staff Questionnaire

Q6 The implementation of the digital working programme of casework processes was handled effectively.

Answered: 112 Skipped: 12

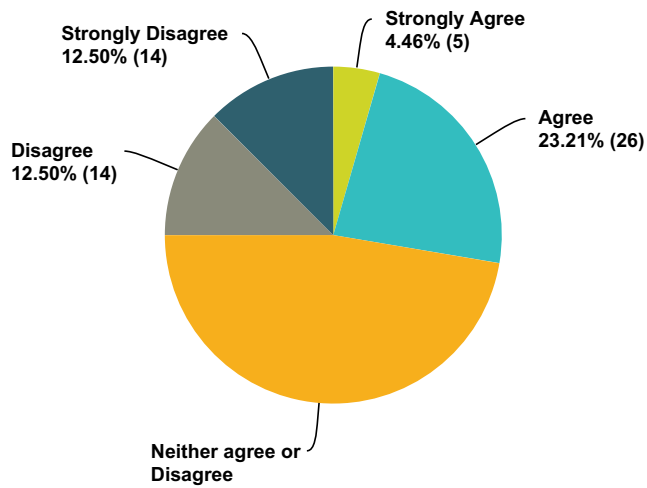


Answer Choices	Responses	
Strongly Agree	2.68%	3
Agree	16.07%	18
Neither agree or Disagree	21.43%	24
Disagree	24.11%	27
Strongly Disagree	35.71%	40
Total		112

CPS South East AEI - All Staff Questionnaire

Q7 The Area is influential with partner agencies.

Answered: 112 Skipped: 12

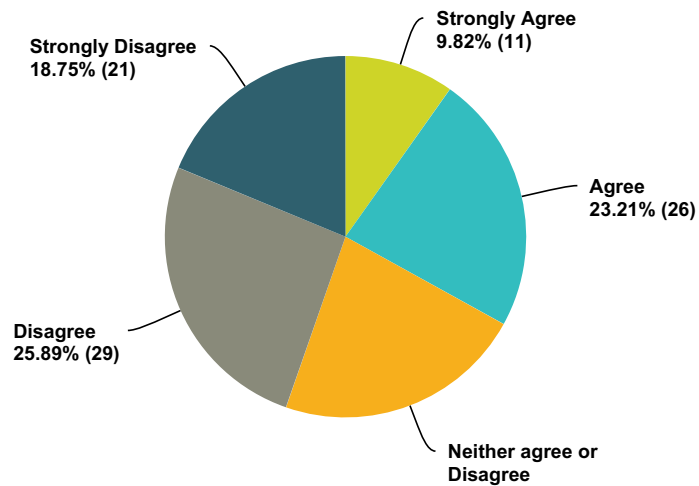


Answer Choices	Responses	
Strongly Agree	4.46%	5
Agree	23.21%	26
Neither agree or Disagree	47.32%	53
Disagree	12.50%	14
Strongly Disagree	12.50%	14
Total		112

CPS South East AEI - All Staff Questionnaire

Q8 I feel that change is managed well in my team.

Answered: 112 Skipped: 12

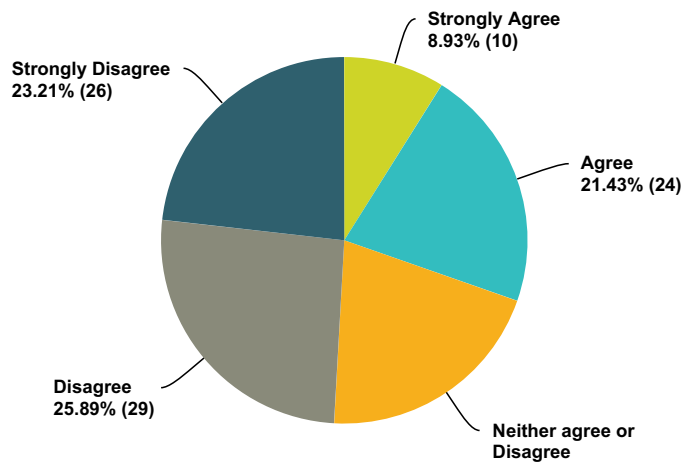


Answer Choices	Responses	
Strongly Agree	9.82%	11
Agree	23.21%	26
Neither agree or Disagree	22.32%	25
Disagree	25.89%	29
Strongly Disagree	18.75%	21
Total		112

CPS South East AEI - All Staff Questionnaire

Q9 Managers communicate and engage with staff effectively.

Answered: 112 Skipped: 12

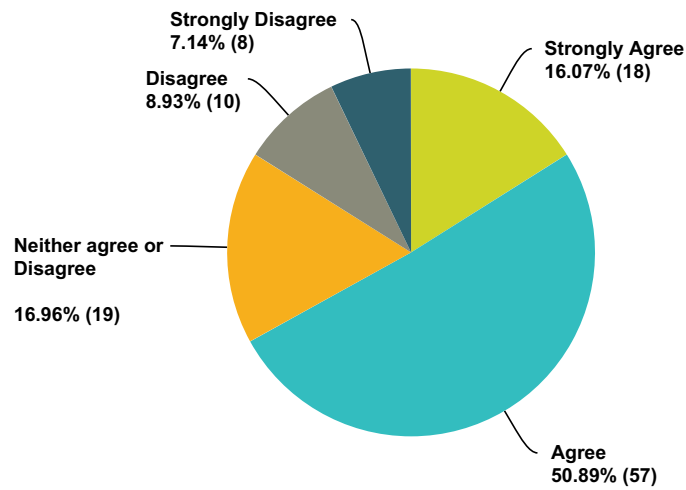


Answer Choices	Responses	
Strongly Agree	8.93%	10
Agree	21.43%	24
Neither agree or Disagree	20.54%	23
Disagree	25.89%	29
Strongly Disagree	23.21%	26
Total		112

CPS South East AEI - All Staff Questionnaire

Q10 I understand how my Area/team is performing in comparison to other Areas and teams.

Answered: 112 Skipped: 12

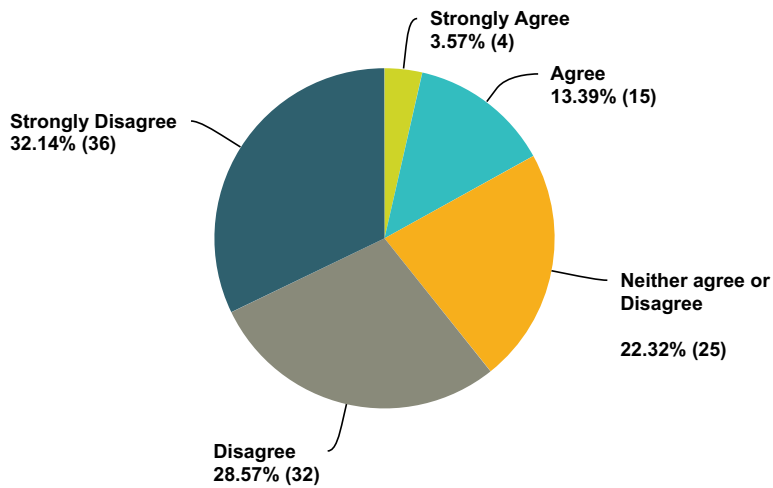


Answer Choices	Responses	
Strongly Agree	16.07%	18
Agree	50.89%	57
Neither agree or Disagree	16.96%	19
Disagree	8.93%	10
Strongly Disagree	7.14%	8
Total		112

CPS South East AEI - All Staff Questionnaire

Q11 The performance appraisal system in my Area is effective and worthwhile.

Answered: 112 Skipped: 12

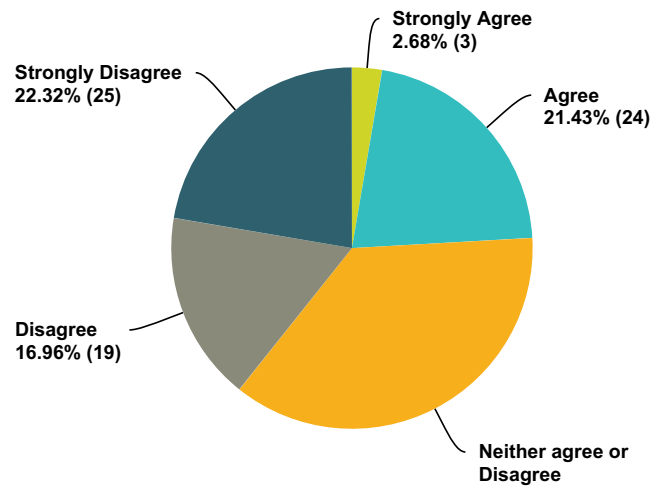


Answer Choices	Responses	
Strongly Agree	3.57%	4
Agree	13.39%	15
Neither agree or Disagree	22.32%	25
Disagree	28.57%	32
Strongly Disagree	32.14%	36
Total		112

CPS South East AEI - All Staff Questionnaire

Q12 I believe that workload is fairly balanced between teams in the Area.

Answered: 112 Skipped: 12

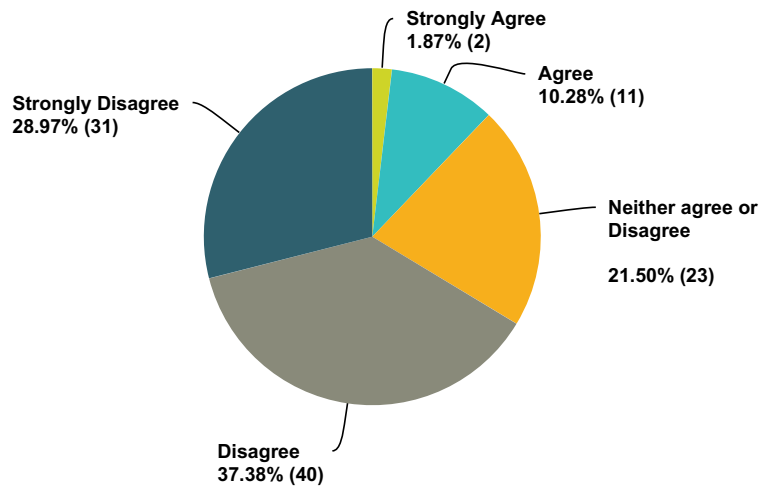


Answer Choices	Responses	
Strongly Agree	2.68%	3
Agree	21.43%	24
Neither agree or Disagree	36.61%	41
Disagree	16.96%	19
Strongly Disagree	22.32%	25
Total		112

CPS South East AEI - All Staff Questionnaire

Q13 Poor performance is managed effectively in my Area.

Answered: 107 Skipped: 17

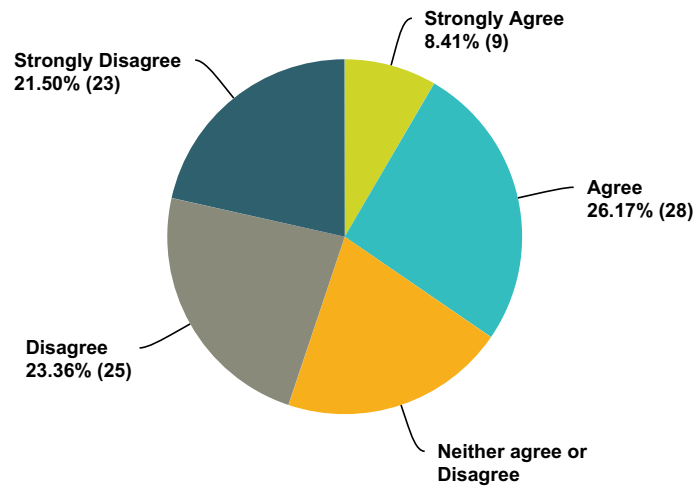


Answer Choices	Responses
Strongly Agree	1.87% 2
Agree	10.28% 11
Neither agree or Disagree	21.50% 23
Disagree	37.38% 40
Strongly Disagree	28.97% 31
Total	107

CPS South East AEI - All Staff Questionnaire

Q14 I receive regular and constructive feedback on my performance.

Answered: 107 Skipped: 17

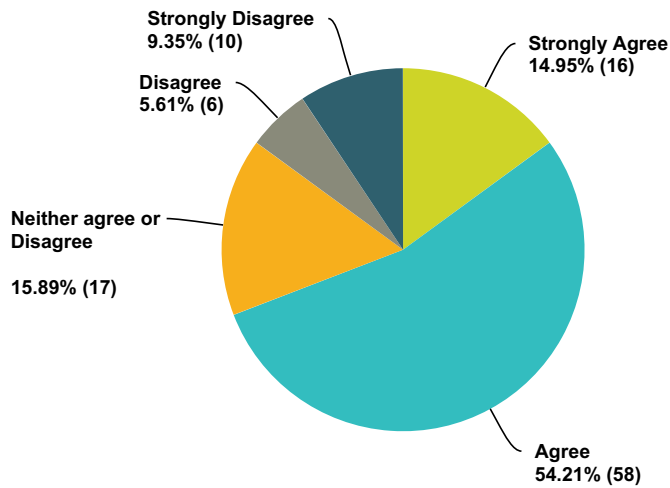


Answer Choices	Responses	
Strongly Agree	8.41%	9
Agree	26.17%	28
Neither agree or Disagree	20.56%	22
Disagree	23.36%	25
Strongly Disagree	21.50%	23
Total		107

CPS South East AEI - All Staff Questionnaire

Q15 I have clear work targets and objectives.

Answered: 107 Skipped: 17

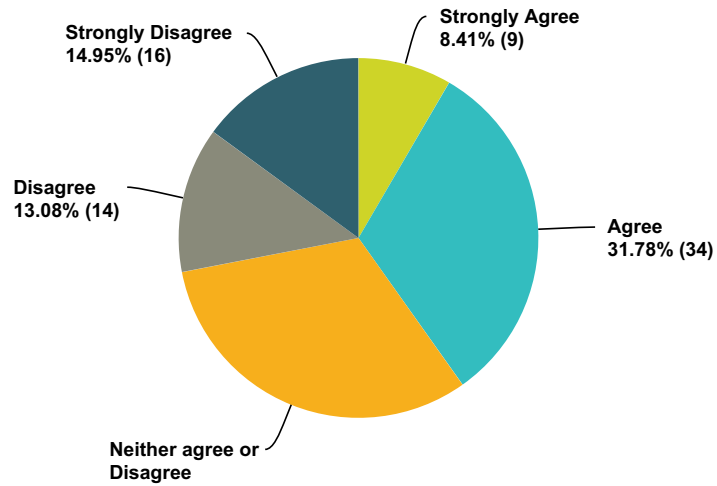


Answer Choices	Responses	
Strongly Agree	14.95%	16
Agree	54.21%	58
Neither agree or Disagree	15.89%	17
Disagree	5.61%	6
Strongly Disagree	9.35%	10
Total		107

CPS South East AEI - All Staff Questionnaire

Q16 I have received the training to enable me to do my job effectively.

Answered: 107 Skipped: 17

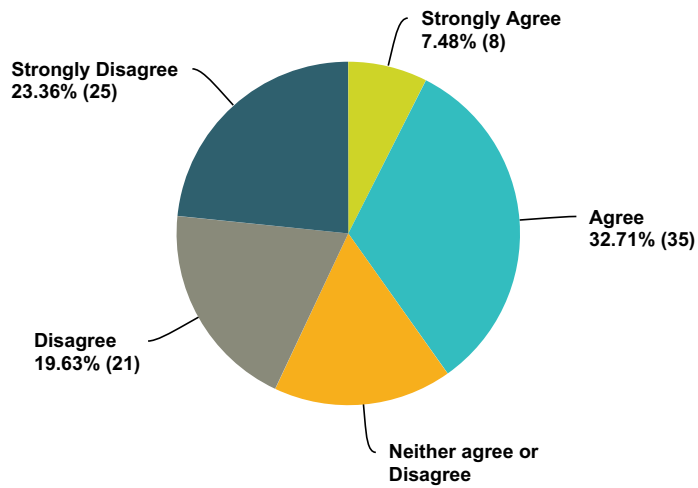


Answer Choices	Responses	
Strongly Agree	8.41%	9
Agree	31.78%	34
Neither agree or Disagree	31.78%	34
Disagree	13.08%	14
Strongly Disagree	14.95%	16
Total		107

CPS South East AEI - All Staff Questionnaire

Q17 I have the tools I need to my job effectively.

Answered: 107 Skipped: 17

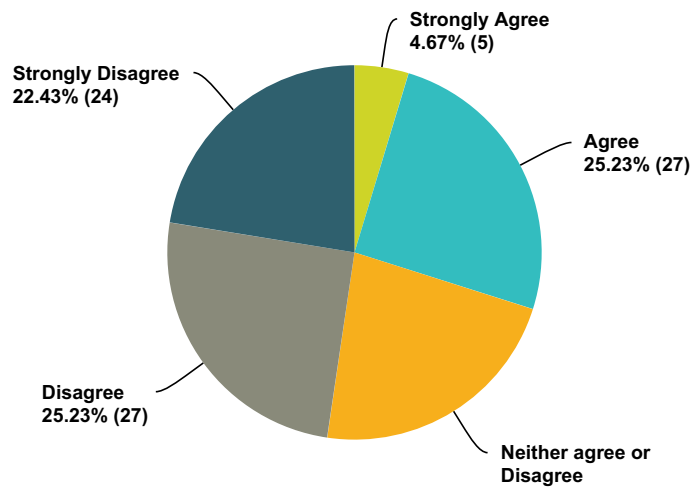


Answer Choices	Responses	
Strongly Agree	7.48%	8
Agree	32.71%	35
Neither agree or Disagree	16.82%	18
Disagree	19.63%	21
Strongly Disagree	23.36%	25
Total		107

CPS South East AEI - All Staff Questionnaire

Q18 I have an acceptable workload [for example allocation of cases or court sessions].

Answered: 107 Skipped: 17

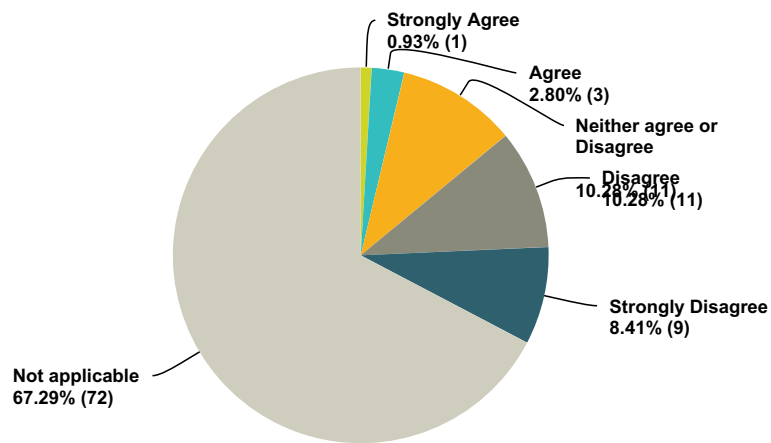


Answer Choices	Responses	
Strongly Agree	4.67%	5
Agree	25.23%	27
Neither agree or Disagree	22.43%	24
Disagree	25.23%	27
Strongly Disagree	22.43%	24
Total		107

CPS South East AEI - All Staff Questionnaire

Q19 I have adequate time to prepare my cases for court (Prosecutors and Crown Advocates only).

Answered: 107 Skipped: 17

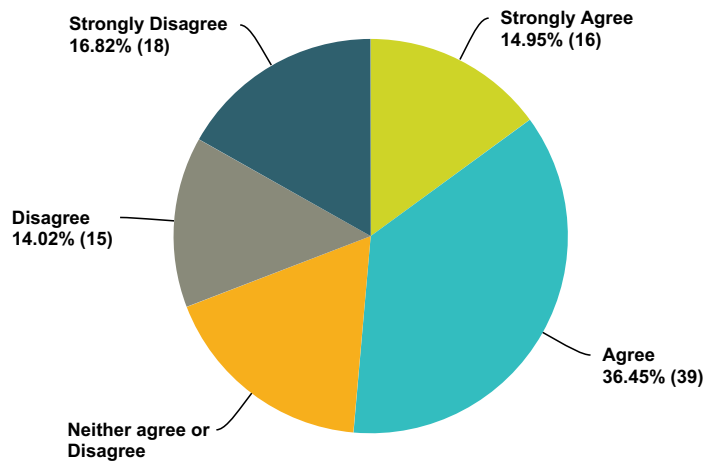


Answer Choices	Responses	
Strongly Agree	0.93%	1
Agree	2.80%	3
Neither agree or Disagree	10.28%	11
Disagree	10.28%	11
Strongly Disagree	8.41%	9
Not applicable	67.29%	72
Total		107

CPS South East AEI - All Staff Questionnaire

Q20 I feel motivated to do a good job.

Answered: 107 Skipped: 17

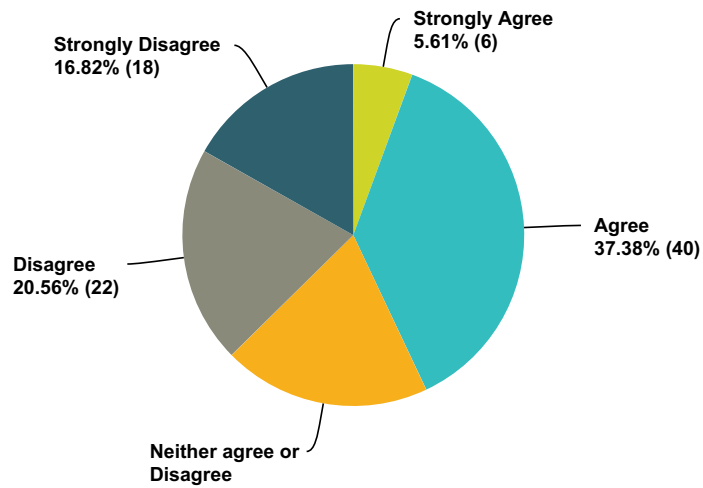


Answer Choices	Responses	
Strongly Agree	14.95%	16
Agree	36.45%	39
Neither agree or Disagree	17.76%	19
Disagree	14.02%	15
Strongly Disagree	16.82%	18
Total		107

CPS South East AEI - All Staff Questionnaire

Q21 I achieve a good balance between my work life and private life.

Answered: 107 Skipped: 17



Answer Choices	Responses	
Strongly Agree	5.61%	6
Agree	37.38%	40
Neither agree or Disagree	19.63%	21
Disagree	20.56%	22
Strongly Disagree	16.82%	18
Total		107



E HMCPSI advocacy assessment ratings

Grade:

Advocate:

TRIALS

Advocacy Assessment



Previous Scale	5	4	3-	3	3+	2	1	
	<p>More than minor errors made / Less serious errors made repeatedly</p> <p>Requirements fully met / no more than a few de minimis errors made</p>							
A. PROFESSIONAL ETHICS	<p>The advocate fell below the requirements of the relevant professional body in one or more respects.</p>	<p>The advocate acted substantially in accordance with the requirements of the relevant professional body. Any lapses did not detract from the advocate's overall professionalism.</p>	<p>The advocate acted intermittently in accordance with the requirements of the relevant professional body. Any lapses did not detract from the advocate's overall professionalism.</p>	<p>The advocate acted in accordance with the requirements of the relevant professional body. Any lapses were inadvertent and corrected immediately.</p>	<p>The advocate demonstrated little or no knowledge of the relevant fact, law & chronology of the proceedings.</p>	<p>The advocate demonstrated sufficient knowledge of the relevant fact, law & chronology of proceedings to be able to assist the court.</p>	<p>The advocate demonstrated adequate knowledge of the relevant fact, law & chronology of proceedings to be able to assist the court.</p>	<p>The advocate demonstrated excellent knowledge of the relevant fact, law & chronology of proceedings to be able to assist the court.</p>
B. PLANNING AND PREPARATION	<p>The advocate demonstrated little or no knowledge of the relevant fact, law & chronology of the proceedings.</p>	<p>The advocate demonstrated some knowledge of the relevant fact, law & chronology of the proceedings, but appeared to be underprepared.</p>	<p>The advocate demonstrated some knowledge of the relevant fact, law & chronology of the proceedings, but appeared to be underprepared.</p>	<p>The advocate demonstrated adequate knowledge of the relevant fact, law & chronology of the proceedings to be able to assist the court.</p>	<p>The advocate demonstrated adequate knowledge of the relevant fact, law & chronology of the proceedings to be able to assist the court.</p>	<p>The advocate demonstrated adequate knowledge of the relevant fact, law & chronology of the proceedings to be able to assist the court.</p>	<p>The advocate demonstrated excellent knowledge of the relevant fact, law & chronology of the proceedings to be able to assist the court.</p>	<p>The advocate demonstrated excellent knowledge of the relevant fact, law & chronology of the proceedings to be able to assist the court.</p>
C. APPLYING CPS POLICIES	<p>The advocate failed to apply a relevant policy.</p>	<p>The advocate failed to apply a relevant policy.</p>	<p>The advocate complicated with the essential aspects of a relevant policy.</p>	<p>The advocate complicated with the essential aspects of a relevant policy.</p>	<p>The advocate correctly applied a relevant policy.</p>	<p>The advocate correctly applied a relevant policy.</p>	<p>The advocate correctly applied a relevant policy.</p>	<p>The advocate correctly applied a relevant policy.</p>
D. WRITTEN ADVOCACY / LEGAL SUBMISSIONS	<p>The advocate's 1. Failure to elicit a s.10 Admission(s); 2. Ineffective legal submission - undetermined the prosecution case.</p> <p>The advocate's legal submission was either bad in law or misstated the prosecution case.</p>	<p>The advocate made some use of an appropriate s.10 Admission(s), but the document was poorly drafted, or lacking in important detail.</p> <p>The advocate made an appropriate legal submission, but its effect was undermined by poor presentation.</p>	<p>The advocate made some use of an appropriate s.10 Admission(s), but the document was poorly drafted, or lacking in important detail.</p> <p>The advocate made an appropriate legal submission, but its effect was undermined by poor presentation.</p>	<p>The advocate made adequate use of an appropriate s.10 Admission(s).</p> <p>The advocate, where appropriate, made an effective argument in support of legal submissions.</p>	<p>The advocate made adequate use of an appropriate s.10 Admission(s).</p> <p>The advocate, where appropriate, made an effective argument in support of legal submissions.</p>	<p>The advocate made adequate use of an appropriate s.10 Admission(s).</p> <p>The advocate, where appropriate, made an effective argument in support of legal submissions.</p>	<p>The advocate made adequate use of an appropriate s.10 Admission(s).</p> <p>The advocate, where appropriate, made an effective argument in support of legal submissions.</p>	<p>The advocate made adequate use of an appropriate s.10 Admission(s).</p> <p>The advocate, where appropriate, made an effective argument in support of legal submissions.</p>
F. PREPARATION FOR TRIAL	<p>The advocate was poorly prepared for trial, with insufficient consideration of the relevant issues, the defence case or resolving matters still outstanding.</p>	<p>The advocate was poorly prepared for trial, with insufficient consideration of the relevant issues, the defence case or resolving matters still outstanding.</p>	<p>The advocate was adequately prepared for trial, but more could have been done to determine the relevant issues, undermine the defence case or resolve outstanding matters prior to trial.</p>	<p>The advocate was adequately prepared for trial, but more could have been done to determine the relevant issues, undermine the defence case or resolve outstanding matters prior to trial.</p>	<p>The advocate was adequately prepared for trial, but more could have been done to determine the relevant issues, undermine the defence case or resolve outstanding matters prior to trial.</p>	<p>The advocate was adequately prepared for trial, but more could have been done to determine the relevant issues, undermine the defence case or resolve outstanding matters prior to trial.</p>	<p>The advocate was adequately prepared for trial, but more could have been done to determine the relevant issues, undermine the defence case or resolve outstanding matters prior to trial.</p>	<p>The advocate was adequately prepared for trial, but more could have been done to determine the relevant issues, undermine the defence case or resolve outstanding matters prior to trial.</p>
G. TRIAL ADVOCACY	<p>Trial advocacy was ineffective or conducted inappropriately. The advocate lacked the required level of skill in all, or the most important, disciplines observed.</p>	<p>Trial advocacy was substantially effective and conducted appropriately during the most of the observation. The advocate demonstrated a suitable level of skill in some, but not all, the disciplines observed.</p>	<p>Trial advocacy was substantially effective and conducted appropriately during the most of the observation. The advocate demonstrated a suitable level of skill in some, but not all, the disciplines observed.</p>	<p>Trial advocacy was effective and conducted appropriately. The advocate demonstrated a suitable level of skill in all the disciplines observed.</p>	<p>Trial advocacy was effective and conducted appropriately. The advocate demonstrated a suitable level of skill in all the disciplines observed.</p>	<p>Trial advocacy was effective and conducted appropriately. The advocate demonstrated a suitable level of skill in all the disciplines observed.</p>	<p>Trial advocacy was effective and conducted appropriately. The advocate demonstrated a suitable level of skill in all the disciplines observed.</p>	<p>Trial advocacy was effective and conducted appropriately. The advocate demonstrated a suitable level of skill in all the disciplines observed.</p>
H. THE ADVOCATE IN COURT	<p>The advocate appeared inappropriately before the court; failed to act with courtesy at all times; made no proper record of the hearing.</p> <p>The advocate failed to engage the respect & confidence of the court throughout. Some aspects of advocacy were not conducted fairly or robustly, or lacked appropriate delivery. Presentation was not altogether authoritative and lacked elements of professional practice.</p>	<p>The advocate appeared inappropriately before the court, although some elements of dress, manner or presentation were inappropriate; acted with courtesy at all times; an accurate record of the hearing was completed.</p> <p>The advocate engaged the confidence of the court, but lacked presence. Advocacy was conducted fairly & robustly, but on occasion lacked the appropriate style, language, tone or pace. Presentation was acceptable, but lacked professional polish.</p>	<p>The advocate appeared inappropriately before the court, although some elements of dress, manner or presentation were inappropriate; acted with courtesy at all times; an accurate record of the hearing was completed.</p> <p>The advocate engaged the confidence of the court, but lacked presence. Advocacy was conducted fairly & robustly, but on occasion lacked the appropriate style, language, tone or pace. Presentation was acceptable, but lacked professional polish.</p>	<p>The advocate appeared appropriately before the court; acted with courtesy at all times and appeared at ease; produced an accurate, concise & legible record of the hearing.</p> <p>The advocate engaged the interest, respect & confidence of the court. Advocacy was conducted fairly & robustly, using an appropriate style, language, tone and pace. Presentation was professional and authoritative.</p>	<p>The advocate appeared appropriately before the court; acted with courtesy at all times and appeared at ease; produced an accurate, concise & legible record of the hearing.</p> <p>The advocate engaged the interest, respect & confidence of the court. Advocacy was conducted fairly & robustly, using an appropriate style, language, tone and pace. Presentation was professional and authoritative.</p>	<p>The advocate appeared appropriately before the court; acted with courtesy at all times and appeared at ease; produced an accurate, concise & legible record of the hearing.</p> <p>The advocate engaged the interest, respect & confidence of the court. Advocacy was conducted fairly & robustly, using an appropriate style, language, tone and pace. Presentation was professional and authoritative.</p>	<p>The advocate appeared appropriately before the court; acted with courtesy at all times and appeared at ease; produced an accurate, concise & legible record of the hearing.</p> <p>The advocate engaged the interest, respect & confidence of the court. Advocacy was conducted fairly & robustly, using an appropriate style, language, tone and pace. Presentation was professional and authoritative.</p>	<p>The advocate appeared appropriately before the court; acted with courtesy at all times and appeared at ease; produced an accurate, concise & legible record of the hearing.</p> <p>The advocate engaged the interest, respect & confidence of the court. Advocacy was conducted fairly & robustly, using an appropriate style, language, tone and pace. Presentation was professional and authoritative.</p>
Overall Grading:	NOT COMPETENT (Aspects requiring immediate improvement)	COMPETENT (Aspects requiring attention)	COMPETENT (Aspects requiring attention)	COMPETENT (Aspects requiring attention)	COMPETENT (Aspects requiring attention)	COMPETENT (Aspects requiring attention)	COMPETENT (Aspects requiring attention)	



F Methodology

The inspection was preceded by a focussed series of three visits to the Area where key managers and staff were interviewed. Inspectors also took the opportunity to speak to as many of the main local stakeholders as possible and conduct some limited observations of CPS prosecuting advocates in both Crown and magistrates' courts.

Following this process, which was concluded in September 2014, a management report was shared with both the Area's managers and CPS Headquarters. A number of issues that inspectors viewed as causes for concern were brought to the attention of the CPS and it was confirmed that a full inspection would be taking place in the Area during the final quarter of 2014-15.

As is customary, HMCPSI's Area effectiveness inspection methodology comprised a mix of file examination; on-site process checks, interviews with Area managers; key criminal justice partners and members of the judiciary; consideration of Area documentation and a staff survey.

File examination

Inspectors examined 150 finalised files, which contained a mix of magistrates' court and Crown Court cases. A range of case outcomes, both successful and unsuccessful were included, together with a mix of case types, for example allegations of rape, child abuse and offences within a domestic violence context. The findings from the file examination have informed this report, and will also contribute to the HMCPSI 2014 Annual Casework Examination Programme.

Process checks

While on-site inspectors examined some live files to assess how well they were being progressed. These included cases prepared for first hearing, magistrates' court and Crown Court trial files.

Area interviews

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

Stakeholder interviews

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

Area documentation

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

Staff survey

Each member of staff was asked to complete an anonymous on-line survey. The questions were wide ranging and included comments on leadership, governance and casework and in some respects complemented the 2014 Civil Service staff survey. Findings from the survey responses are referenced at relevant parts of the report.



G Glossary

Agents

Advocates instructed on a case by case basis to prosecute a court list or individual case on behalf of the CPS. They can either be barristers or solicitors.

Area Business Manager

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

Associate Prosecutor

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

Case management system (CMS)

IT system for case management used by the CPS. Through links with police systems CMS receives electronic case material.

Central Casework Divisions

Departments at CPS Headquarters dealing with casework of national or international importance

Code for Crown Prosecutors (the Code)

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

Code test failure

By agreement with the CPS, any case is treated as a "Code test failure" where at least one charge against one defendant fails the test, even though other charges may satisfy it. This accords with paragraph 4.4 of the Code.

Complex Casework Unit (CCU)

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

Contested case

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

CPS Casework Quality Standards (CQS)

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

CPS Direct (CPSD)

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

Court orders/directions

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

Cracked trial

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

Criminal Procedure Rules (CPR)

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

Crown Advocate (CA)

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

Custody time limits (CTLs)

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

Discontinuance

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

Early Guilty Plea scheme (EGP)

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

Either way offences

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

File endorsements

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

Indictable only, indictment

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

Ineffective trial

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

Instructions to counsel

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

Judge directed acquittal (JDA)

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

Judge ordered acquittal (JOA)

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

No case to answer (NCTA)

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

Plea and case management hearing (PCMH)

A Crown Court plea and case management hearing takes place in every case which does not proceed as an Early Guilty Plea. Its purpose is twofold: to take a plea from the defendant, and to ensure that all necessary steps are taken in preparation for trial or sentence and that sufficient information has been provided for a trial date or sentencing hearing to be arranged.

Pre-charge decision (PCD)

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

Pre-trial application

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

Principal Crown Advocate and Senior Crown Advocate

Both these descriptions are applied to CPS Crown Advocates who prosecute cases of particular complexity or sensitivity and may operate across CPS Area boundaries.

Prosecution Team Performance Management (PTPM)

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

Prosecutor's duty of disclosure

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

Rape and Serious Sexual Offences (RASSO) Unit

A dedicated CPS team of specially trained prosecutors and other staff who review and prosecute offences of rape and other serious sexual offences in each Area.

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

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

Sensitive material

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

Standard Operating Practices (SOPs)

A CPS national standard way of performing a task or series of tasks. It describes the best and most efficient method for performing those tasks, ensuring that the commitments to quality are met and the most cost effective approach is taken.

Streamlined process (Director's guidance)

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

Summary offences

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

Threshold Test

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

Unused material

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

Upgrade file

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

Victim Communication and Liaison (VCL) scheme

VCL has replaced the Direct Communication with Victims (DCV) scheme. It reflects the CPS's approach to targeting services on those victims in greatest need, taking account of the revised Victims' Code. Under the scheme the CPS is responsible for communicating to victims decisions not to prosecute or to discontinue, withdraw or substantially alter a charge and the reasons for doing so.

Victim Liaison Unit

A dedicated team of CPS staff in every Area responsible for all direct communication with victims, administering the Victims' Right to Review scheme, complaints, and for overseeing the service to bereaved families.

Witness Care Unit (WCU)

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



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