

# Area Assurance Inspection of CPS East of England

October 2017





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# 1 Headlines

1.1 We set out here our headline findings in respect of our inspection of CPS East of England. The Area's performance as assessed against the inspection framework was as follows:

Criteria	Score
<i>Part A: The success of CPS people</i>	
Senior management demonstrates effective <b>leadership</b> and engages with staff to identify and utilise opportunities to deliver a quality of service	Fair
Senior managers work effectively and are influential with criminal justice partners	Good
The Area is committed to <b>CPS values</b> , equality and diversity policies and staff development to deliver improvement in staff engagement, effectiveness, well-being and morale	Fair
<b>Overall score for the success of CPS people</b>	<b>GOOD</b>
<i>Part B: Continuously improving</i>	
The Area's key <b>performance data</b> is analysed effectively and used to inform resource allocation, to robustly identify the Area's strengths and weaknesses and to drive improvement	Good
<b>Resources</b> are systematically managed and deployed effectively	Good
<b>Joined-up working</b> is effective and delivers improvements in outcomes for users	Good
<b>Overall score for continuously improving</b>	<b>GOOD</b>
<i>Part C: High quality casework</i>	
<b>Reviews and decisions</b> (including charging decisions, the use of applications, and acceptance of plea) are proportionate; properly recorded; comply with the Code for Crown Prosecutors and any relevant policy and guidance; include consultation with the police; and contribute to successful outcomes and victim and witness satisfaction (magistrates' courts)	Good
<b>Case preparation and progression</b> is effective and timely (magistrates' courts)	Fair
<b>Reviews and decisions</b> (including charging decisions, the use of applications, and acceptance of plea) are proportionate; properly recorded; comply with the Code for Crown Prosecutors and any relevant policy and guidance; include consultation with the police; and contribute to successful outcomes and victim and witness satisfaction (Crown Court)	Good
<b>Case preparation and progression</b> is effective and timely (Crown Court)	Good
<b>Overall score for high quality casework</b>	<b>GOOD</b>

Criteria	Score
<i>Part D: Public confidence</i>	
<b>Communications</b> with victims under all applicable initiatives, the Victims' Code or policies (including consulting victims on discontinuance or pleas, letters under the Victim Communication and Liaison scheme, communications with bereaved families, and the Victims' Right to Review) occur where required, and are timely and of a high standard	Fair
The <b>views and interests</b> of the victim, witnesses and public are reflected and protected by the appropriate use of remand or bail conditions, Victim Personal Statements and ancillary orders at sentencing	Good
The Area is <b>responsive</b> to community groups, victims and witnesses, complainants, other stakeholders and the public and uses their feedback robustly to identify strengths and weaknesses and to improve service delivery	Good
<b>Overall score for public confidence</b>	<b>GOOD</b>

**1.2** CPS East of England experienced a drop in performance across a range of measures in 2015-16. Whilst some measures have yet to reach the level they were at in 2014-15, there have been clear improvements in 2016-17. The fall in performance came at or after a period of considerable change in the Area, including embedding of the Transforming Summary Justice initiative in the magistrates' courts and implementation of the Better Case Management scheme and Digital Case System in the Crown Court. Changes to the criminal justice arrangements in one police force and the introduction of a new IT system in the other three forces in 2015 impacted on police file quality, significantly enough in one of the forces that it was still affecting the work the Area needed to do on cases in the period of this report. This coincided with a time when East of England was significantly below the number of prosecutors required according to the CPS's national resourcing model. The Area is still struggling to recruit sufficient staff to those posts, although a three stage plan for resourcing is in place and numbers are increasing. In the meantime, workloads are high for some functions and some staff are working additional hours to try to deliver the level of service they would want to achieve, some of which is paid overtime. The Area has dedicated staff who work well with their colleagues and recognise the importance of the work that they do.

**1.3** At the time of our inspection in August 2017, a new management structure had just been introduced in accordance with a CPS national directive, following a review of Area structures. The long-standing single Deputy Chief Crown Prosecutor (DCCP) has moved to another part of the CPS and there are now two DCCPs, both new in post. There are



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also a number of District Crown Prosecutors (DCPs) who are new to their roles, and two temporary or acting Senior District Crown Prosecutors (SDCPs). One of the SDCPs is still covering their DCP role alongside the SDCP work, and the other has only recently ceased to cover a DCP role at the same time. There is more stability in management on the business side. The Area needs a period of sustained stability in legal management roles to enable them to address the issues identified in this report.

**1.4** Staff engagement, as measured in the Civil Service People Survey, improved considerably last year but is not yet at the same level as the CPS nationally. Leadership is good: managers model and promote CPS values and good performance is recognised. Despite this, morale is low in places. The work that has gone into improving communications and links across this geographically large Area has yet to be completely successful and there are aspects, such as staff awareness of how the Area is performing, that show lack of consistency. This is despite the comprehensive performance information that is available and circulated.

**1.5** When we visited, the new post-holders were still getting to know the Area's stakeholders. They are building on a strong base; stakeholders speak very positively of the CPS and there are sound and constructive relationships at strategic and operational levels. Area and police joint training on disclosure and the police commitment to staffing gatekeeper and housekeeping roles are good examples of the productive and supportive relationships which, with the regular sharing of performance data, have facilitated improvements in performance, such as more guilty pleas at first hearings in the magistrates and Crown Court. Bespoke or ad hoc reports for specific aspects of casework are provided to partners and the local scrutiny and involvement panels. The Area uses quality assurance such as dip sampling, failed case reports, case management panels and Individual Quality Assessments to identify and address weaker aspects of performance. This, with partnership working, has demonstrably led to improvement, for example rape convictions in the Crown Court have improved significantly in the last year after much work by the police and Area to build better cases.

**1.6** East of England operated within its budget in 2016-17 for the first time in three years. There are effective internal controls on what the Area spends and the forecasts and spend against budget are monitored regularly. Savings per Crown Advocate (CA) are the worst in the CPS, a situation which has come about because of CAs being used for review work in the Crown Court and Rape and Serious Sexual Offences (RASSO) units to cover the significant shortfall in prosecutor numbers. The Area has evaluated various options to mitigate problems caused by the shortfall and the three stage resource plan includes steps to return CAs to advocacy work. We do not examine the extent to which individual CAs are deployed, or how CAs are used on individual cases.

**1.7** Successful outcomes in the magistrates' courts and Crown Court are better than the national average. There has been improvement since last year in the number of guilty pleas at first hearing in the magistrates and Crown Court and the number of hearings per case in all courts is better than the national average. Unsuccessful outcomes due to victim issues are slightly worse than average in the magistrates' courts, but better than average in the Crown Court.

**1.8** In our file sample, all the charging decisions made by the Area complied with the Code for Crown Prosecutors (the Code). Post-charge, the Area complied with the Code in all but three cases in the magistrates' courts (95.0%) and in all but two in the Crown Court (96.7%). Four of the cases were flawed police or CPS Direct charges which the Area did not rectify promptly, or at all, and the fifth was a flawed decision to discontinue a case.

**1.9** Weaknesses in police file quality and housekeeping in parts of the Area have impacted on prosecutors' ability to review and progress cases effectively, but lack of compliance is not fed back to the police as often as it should be, which risks hampering the Area's work with partners to improve.

**1.10** Proper and proportionate initial reviews were carried out in nearly three-quarters of the applicable magistrates' courts cases in our file sample, but just over a third were not timely. 'Reality checks' on-site showed initial reviews were more timely and of a better standard. The introduction of a Word document as the preparation for effective trial form makes its use by the defence and court more streamlined and efficient. Initial reviews in the Crown Court needed improvement in the file sample, but reality checks on-site showed a better standard of work.

**1.11** The disclosure of unused material has benefited from a comprehensive review of its handling in the police forces and Area, including joint dip sampling, although it is too early to see significant impact. Better descriptions of items on unused material schedules by the police would assist. There is room to improve the handling of initial and continuing disclosure and recording actions, but sensitive and third party material were handled well in most cases. There were no cases with a complete failure to disclose material that ought to have been disclosed.

**1.12** The first hearing was effective in most of the cases in our file sample and, where it was not, it was the fault of the Area only a third of the time. The effective trial rate in the Crown Court is better than the national average, but that in the magistrates' courts is worse and declining. Of the trials that crack or are ineffective, the proportion due the prosecution is worse than the national average in both the magistrates and Crown Court.

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**1.13** The timeliness of uploading hearing record sheets to the case management system (CMS) and the quality of the information they contain, especially in Crown Court cases, need improving. Weaker performance in this aspect impacts on case progression and on the service provided to criminal justice partners and victims and witnesses. The Area needs to ensure that case progression after the first hearing and before the trial is effective and timely in all venues and is supported by proper task management. We found there was no proper 'grip' in six out of ten cases, be they magistrates' courts or Crown Court, and stakeholders' feedback confirmed this was an issue.

**1.14** Despite some obstacles in casework, the Area provides a good service to victims and witnesses, although there is more to do to improve the timeliness and quality of communications to victims. Victims and witnesses' needs are taken into account when prosecutors deal with bail, offers of pleas and orders made at sentencing. The Speaking to Witnesses at Court initiative is embedded and feedback from a witness survey about the service they received at court showed good results. Community engagement is focused on business need and targets those who have protected characteristics under the Equality Act 2010, with the feedback we received from community groups largely very positive. The local scrutiny and involvement panels are used effectively to review cases and give feedback and views on local performance and policy. The panels' reviews of cases are conducted with the benefit of robust case reports provided free of charge by a well-respected law firm and post-graduate students from a local university, which adds assurance and independence.

### **Good practice**

**1.15** We identified the following good practice:

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**1** The Area produces a weekly newsletter for advocates who are in the office infrequently to keep them informed about important information and developments (paragraph 2.10).

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**2** The Area has developed a template for initial reviews in cases where a not guilty plea is anticipated, to ensure that the reviewing lawyer develops a strong case strategy and addresses everything that is required for effective case progression (paragraph 4.16).

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**3** The inclusion of the preparation for effective trial form in Word format in the initial details of the prosecution case, so that the defence can complete it electronically and send it to the court legal advisor (paragraph 4.18).

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**4** The extended use of case management panels to identify learning and good practice (paragraph 4.55).

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## **Strengths**

1.16 We identified the following strengths:

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- 1 The Area makes good use of specific task and finish groups for defined improvement projects (paragraph 3.4).

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  - 2 The CPS Crown Court manager's work with prosecution advocates and stakeholders at Basildon Crown Court to ensure that plea and trial preparation hearings are effective (paragraph 4.61).

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  - 3 The Area's commitment to ensuring that sentencing uplifts are applied in relevant hate crime cases (paragraph 5.17).

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  - 4 The Area's commitment to engaging with local community groups (paragraph 5.29).

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## **Issues to address**

1.17 The following issues need to be addressed by the Area:

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- 1 The Area should review the numbers, composition and focus of the various performance meetings held across the Area to ensure that all are delivering the required value and benefits relative to the management time committed to them (paragraph 3.5).

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  - 2 The Area needs to ensure that headline performance information is disseminated to staff so that they are aware of the Area's performance trends and how it compares to other Areas' performance, and in a way that improves the CPS East of England Area identity (paragraph 3.12).

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  - 3 The Area must work with partners to ensure that witness availability is complete and provided in good time for the first hearing (paragraph 4.31).

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  - 4 The Area must ensure that, in the magistrates' courts, case progression activity after the first hearing is prompt, addresses witness issues and facilitates effective trials and fewer unsuccessful outcomes due to witness issues (paragraph 4.37).

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  - 5 The Area must ensure that effective task management is embedded (paragraph 4.38).

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6 The Area must ensure that reviews in Crown Court cases are timely, set out a clear trial strategy and facilitate effective grip (paragraph 4.42).

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7 The Area must ensure that lawyers are consistently identifying and raising file quality issues appropriately with the police, both through formal file monitoring and through use of the escalation process (paragraph 4.45).

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8 The Area must ensure that appropriate feedback is given to the police where unused material schedules are defective, and that disclosure record sheets provide a full record of disclosure decisions and actions (paragraph 4.51).

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9 The Area should liaise with its police partners to ensure that personal details of victims and witnesses are only endorsed on the correct part of the witness statement form (paragraph 5.7).

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10 The Area should ensure it continues its work to improve the quality of Victim Liaison Unit letters, including making sure that feedback on communications with victims is focused and clear, and drives improvement (paragraph 5.11).

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## **Context and methodology**

1.18 East of England has offices at Chelmsford, Ipswich and Norwich, with some staff deployed for the majority of the time in CPS rooms at Cambridge and Peterborough Crown Court centres. It is aligned with Essex Police and Cambridgeshire, Norfolk and Suffolk Constabularies. It covers 11 magistrates' courts and seven Crown Court centres, two of which also sit at other sites. In 2016-17, there were the full-time equivalent of 217 staff and the budget was £19,993,556.

1.19 In 2016-17, the Area finalised 30,664 magistrates' court cases and 4,944 Crown Court cases; its overall magistrates and Crown Court caseloads are declining. During the same period it secured convictions, either after trial or by a guilty plea, against 87.2% of defendants in magistrates' court cases and 80.8% of defendants in the Crown Court. Both were better than national performance and have improved since 2015-16, but have yet to reach the rate they were at in 2014-15. Rape convictions in the Crown Court have increased by more than 7% since 2015-16 and are better than they were in 2014-15.

1.20 Further information on performance data is at annex D.

**1.21** The national review of CPS Area structures and other changes have had a significant impact on East of England's senior and middle legal management. The long-standing single DCCP has moved to another part of the CPS and there are now two DCCPs, one of whom is temporary and the other new to the Area. There are also a number of DCPs who are new to their roles and two temporary or acting SDCPs. One of the SDCPs is still covering their DCP role alongside the SDCP work and the other has only recently ceased to cover a DCP role at the same time. The Area is significantly understaffed at the prosecutor level and is struggling to fill posts quickly, which impacts on the use it can make of lawyer resources.

**1.22** It is in this context that some of the findings of this report must be considered.

**1.23** Inspectors examined 120 magistrates' courts and Crown Court files finalised between February and April 2017. We refer at the relevant parts of the report to the key findings from this examination. The full findings, together with a detailed breakdown of the file sample, can be found at annex C.

**1.24** Our fieldwork took place in late July and early August 2017. We spoke with members of the judiciary, representatives of partner agencies and CPS staff, both formally and informally. Court observations were undertaken to assess the effectiveness of case progression.

**1.25** We set out at annex D key Area data, compared against CPS national average performance. The performance data is for the financial year 2016-17.

**1.26** The report sets out our findings in respect of each section of the inspection framework. The framework, including the more detailed sub-criteria, is set out at annex B.

### **Scoring**

**1.27** Inspectors assessed how well the Area met the expectations in each section of the framework as assessed against the criterion and the sub-criteria. Performance against each of the criteria was assessed as Excellent, Good, Fair or Poor. A glossary of the terms used in the report is at annex A.

## 2 Part A: The success of CPS people

### Performance expectation

*The Area is led and managed effectively to ensure it has the right people equipped with the appropriate tools and skills for the job to deliver a high quality service. This is achieved by ensuring all staff have the right technology, systems and skills, to enable decisions to be made fairly, at the right time and at an appropriate level.*

Criteria	Score
<i>Part A: The success of CPS people</i>	
Senior management demonstrates effective <b>leadership</b> and engages with staff to identify and utilise opportunities to deliver a quality of service	Fair
Senior managers work effectively and are influential with criminal justice partners	Good
The Area is committed to <b>CPS values</b> , equality and diversity policies and staff development to deliver improvement in staff engagement, effectiveness, well-being and morale	Fair
<b>Overall score for the success of CPS people</b>	<b>GOOD</b>

### Performance against the Part A criteria

*Summary: Area managers are committed to improving staff engagement, which is 5% below the national average, and there is evidence of sound leadership. Managers actively promote and model CPS values in the workplace and good performance is recognised. Despite this, morale is low in places. Workloads are high and staff are working extra hours to cover what needs to be done. Communications are patchy and the full engagement of all staff is not yet in place. The effectiveness of communication needs to be assessed and plans revised to ensure all staff feel that they are engaged and informed. The Area has sound and constructive relationships at the strategic and operational level with criminal justice partners. These are facilitating work with partners to identify issues and improve specific aspects of performance. Work is being undertaken to improve further the level of staff engagement and the Area needs to ensure that staff are able to undertake training and use their Individual Learning Accounts.*

Criteria	Score
<b>A1</b> Senior management demonstrates effective <b>leadership</b> and engages with staff to identify and utilise opportunities to deliver a quality of service	Fair

**2.1** The employee Engagement level as measured by the 2016 Civil Service People Survey (CS survey) is 54%, which is worse than the national CPS average of 59%. Improving this score is an objective for the Area (the score has improved each year since 2013, but has yet to do better than the CPS average) and action has been taken to address it. The 2015-16 Area Communications and Engagement Strategy focused on this issue and, whilst the Area had managed to achieve a creditable 6% increase in the score from the 2015 survey, further work is needed and, in the meantime, morale is low in places.

**2.2** Senior managers ensure that they are visible and accessible to staff across the Area by attending team meetings when possible and regularly working at the various offices. This effort was reflected in a score of 57% of staff believing that senior managers in the Area were sufficiently visible, an 11% increase on the 2015 survey result, and now in line with the national average. Senior managers were felt to act in accordance with the CPS values by 52% of staff, which is also in line with the national figure. The HMCPSI staff survey showed that 73.7% of staff felt that most or all senior managers acted as role models for CPS values and equality and diversity policies. The CCP received particular praise from criminal justice partners and staff for her approachability, responsiveness and commitment to modelling values and tackling inappropriate behaviour.

**2.3** The 2016 CS survey score for Leadership and Managing Change increased by 9% to 38% in 2016-17, but this is still 5% worse than the national CPS average and Area managers acknowledge that it needs to improve further. There are a number of factors which add to the challenge of improving staff engagement. East of England covers a large geographical area, with three main offices and satellite offices at two Crown Court centres, and there are significant distances between the sites. The Area operational structure includes a magistrates' courts unit, Crown Court unit, RASSO unit, Complex Casework Unit and an advocacy unit. Staffing is spread across the Area, which brings challenges for the managers of these units in being available to staff. There are also pay differentials, with the Chelmsford office attracting higher metropolitan rates and the Norwich and Ipswich offices being on national pay scales. Office closures are a particular challenge to morale, but staff commented favourably about communication with them around the pending Ipswich closure. The appointment of a number of new legal managers, some on a temporary basis and others taking on new roles whilst keeping their old roles, together with a change in the senior management structure, will take some time to fully settle.



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**2.4** In response to the CS survey, managers have taken action to improve staff engagement. The Area People Board (APB), which is chaired by the Area Business Manager (ABM) and made up of a mix of managers across the Area, has oversight of the work undertaken in response to the survey and monitors the actions taken. Meetings have been held in each of the teams to identify concerns that staff felt were priorities in their team and tailored action plans drawn up. Team managers are to be responsible for delivering the actions and a monthly report is required by the APB.

**2.5** The Area Communication and Engagement Strategy and action plan set out the aims and objectives for improving staff engagement. Senior managers have a staff engagement programme in place which schedules meetings with staff in all the offices. These discussions have recently focused on the new national CPS 2020 vision, giving staff the opportunity to influence how this initiative can be delivered locally. The Area engagement plan acknowledges the importance of two-way communication between managers and staff. Our survey of East of England staff indicated that 85.9% of respondents felt that they were given the opportunity most or some of the time to contribute to changes made in the Area. However, in strategic matters some staff felt that consultation with them did not always appear to be taken on board in the decisions made. Further work to explain why the Area has not been able to put their views into effect may assist staff in understanding that it is not always possible to act on all feedback. On an operational level, the Area has implemented problem solving hubs which involve the staff using their knowledge and experience to produce workable solutions. These are being used as an effective means to improve processes and to engage a wider range of staff.

**2.6** Good communication in an Area with staff based in several locations and at significant distances is difficult, but key to keeping staff feeling engaged as part of one Area. There has been a lack of resource dedicated to communications for almost a year, with only one of two part-time Area communications managers (ACMs) being in post and that person also covering the vacant Inclusion and Community Engagement Manager post. This has limited the Area's ability to concentrate on its communications. The Communications and Engagement Strategy also mentions that it will continue to recognise the importance of "county identity". Whilst this may be useful to recognise the allegiance to the counties, particularly amongst long-serving staff, it may not be helpful in creating a "one Area" identity for staff.

**2.7** Senior managers recognise that staff in the various offices responded differently to different styles of communication, so adapt their style accordingly. There is a structure of internal meetings with staff including daily operational meetings and team meetings, but the regularity of these varies. Minutes of team meetings are not always being published on the Area's Knowledge Information Management (KIM) site. There are mixed views on the effectiveness of the meetings. The use of video link to ensure all team members could attend the same meetings remotely has been tried but with mixed success, especially where more than one remote location participates. This partial lack of contact with other offices hampers a team spirit across the Area, which is important when work is moved digitally between the offices.

**2.8** Our staff survey indicated that only 45.3% felt that they were kept informed of matters that impacted on them directly. The feedback we had from staff indicated that some felt information that affected them was not always communicated in a timely manner. There is evidence that managers have kept staff affected by the office move up to date and a local implementation group has been established. However, staff and some external stakeholders raised concerns regarding changes in the Area’s operations which were notified at a late stage.

**2.9** There is an intranet page (called PEEK) which is used to post articles of interest and important information for staff. However, the design of the page and the difficulties staff experience when accessing it (which is out of the Area’s control), mean that it is not as well used as it could be. The page was re-designed with input from staff almost a year ago, but they are still not enthusiastic about using it. Further development of the page is due to be undertaken as part of a national website review.

**2.10** The over-use of emails was clearly a matter of concern amongst staff. For those who could not attend team meetings regularly, a note of the meeting may be emailed to them. Performance information and updates are also emailed regularly. However, staff often felt that the number of emails and the time available to look at them could result in them not being able to read messages at the time and missing important information. To help tackle communication difficulties there is a weekly newsletter designed for the lawyers on the advocacy team who were in the office infrequently. This was well-received by the lawyers. In addition, the ACM sends a weekly email with key changes, staff news, media coverage and links to any new PEEK articles.

**Good practice**

The Area produces a weekly newsletter for advocates who are in the office infrequently to keep them informed about important information and developments.

Criteria	Score
<b>A2</b> Senior managers work effectively and are influential with criminal justice partners	Good

**2.11** The CPS is represented at all strategic meetings with criminal justice partners. The CCP is an active member of the Local Criminal Justice Boards (LCJBs), was chair of one until recently and is currently vice chair of another. The CPS is represented at LCJB sub-groups by managers at an appropriate level and, though attendance had previously been inconsistent, this has improved over the past year. The CCP regularly meets the

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local judiciary in the Crown Court and has effective communications with the four Chief Constables of the forces that fall within the Area. Representatives from other agencies welcomed the fact that CPS senior managers are also receptive to engagement with partners and stakeholders outside the formal meeting structure and it is apparent that they take effective action on any issues raised. Where issues are identified the Area works in partnership with other agencies, using data and specific examples where relevant, to clarify the problems and provide solutions.

**2.12** There is an effective relationship with Her Majesty's Courts and Tribunals Service (HMCTS) with open communication between the agencies and we were told that any issues raised with the Area's senior managers were dealt with effectively. Work had been undertaken by the two agencies to reduce trial backlogs and this has substantially reduced the number of cases awaiting trial. There is a mutual understanding of resource issues faced by the agencies and the positive approach by CPS staff and managers to resolving issues was valued. The Area played a full role in implementing Better Case Management (BCM) in the Crown Court. The same level of commitment was being displayed in relation to the introduction of video recorded cross-examination in the Crown Court, including the CPS's full participation in the local implementation group.

**2.13** The Area worked effectively with the magistrates' courts it covers to implement the Transforming Summary Justice (TSJ) initiative. The focus is now on creating more efficiency in the courts. The lines of communication did not appear to be as consistently effective as with the Crown Court and this had led to actions being taken that did not always offer the most suitable solution for both agencies. However, efficiencies have been achieved through reducing the number of court sessions and a new initiative in Essex to run three trial courts simultaneously has provided the flexibility to make more efficient use of court time and to reduce the waiting times for trials. The Area is now seized of the communication issues; managers who are new to the posts will need to build strong relationships with the Area's magistrates' courts.

**2.14** There are effective relationships with the police forces at both strategic and operational levels. There are three operational Prosecution Team Performance Management (PTPM) meetings for the police (Norfolk and Suffolk share a meeting), at which managers monitor aspects of performance and identify those that need to improve. In addition, there is a regional PTPM chaired by the Area which brings together all four forces to tackle more strategic issues.

**2.15** The operational PTPM meetings are attended by senior managers and identify issues to be taken forward locally. There are examples of the Area's participation which demonstrate the success of this working relationship. CPS managers have worked closely with the police to improve the quality of files generally, but also specifically in relation

to RASSO work in the Essex Police. In both instances, this has resulted in the police committing more resource to improving the quality of files sent to the CPS. The Area has also spearheaded work on improving disclosure, including by arranging a bilateral disclosure day and by delivering training sessions for the police. These have been well received. As a result of the working relationship's success the CPS has been invited to participate in the Essex Police's senior board. The work with file quality has showed some results; the disclosure training was relatively recent so sustained progress has yet to be seen, but there are indications that quality is improving.

**2.16** In response to our survey, 71.2% of Area staff felt that the working relationship between their unit and the police was good or excellent and the relationship with the courts was rated as good or excellent by 74.1%. Only 11.3% felt that partnership working in relation to initiatives such as BCM, TSJ and digitisation had not delivered positive results.

**2.17** The new Area management structure and the installation of a number of new managers, some of whom have been appointed temporarily, means that it will take some time for those newly in post to build established working relationships with their counterparts in other agencies, although the goodwill from partners that has been established by their predecessors will assist in the process.

**2.18** The CPS has also established contacts with prosecution agencies outside the usual criminal justice partners. Senior managers liaise effectively with the US Air Force, which has a significant presence in parts of the Area, on strategic issues and at an operational level, and the Area was praised for its positive and constructive relationship.

Criteria	Score
<b>A3</b> The Area is committed to <b>CPS values</b> , equality and diversity policies and staff development to deliver improvement in staff engagement, effectiveness, well-being and morale	Fair

**2.19** The commitment of managers to the CPS values and equality and diversity policies is reflected in the Area training plan for 2016-17 and in its business plan, which also sets out aspects to be taken forward from the 2016 CS survey. These include improving staff engagement, improving staff take up of Individual Learning Accounts (ILAs) and continuing to focus on inclusion and fairness. The Area has been without an Inclusion and Community Engagement Manager since 2015, a role which is involved in promoting equality and diversity, and engagement within the Area and externally.

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**2.20** The CS survey staff Engagement score, at 54%, is amongst the worst in the CPS. The Area People Board, chaired by the ABM and attended by managers from across the Area, has oversight of action taken to improve the score. Managers felt that involving staff in identifying ways in which to improve the score would be productive and encourage 'buy in' from staff for the actions taken, so sessions were held for teams to identify the priorities they would choose to take forward. This has resulted in action plans for the different teams which have been incorporated into the Area Communication and Engagement Strategy and action plan for 2017-18. Progress against the actions is being monitored at senior management team meetings.

**2.21** The score for Inclusion and Fair Treatment in the 2016 CS survey was 68%, which is an improvement of 4% on the previous survey but still 4% below the CPS national average. Ten per cent of respondents said they had experienced bullying and harassment and 14% that they had experienced discrimination at work; these are among the highest scores in the CPS. In our survey, 82.0% of respondents felt that inappropriate behaviour was challenged most or all of the time. As a result of the CS survey findings, the Area used its conference in April (held twice a year and attended by all managers) to raise awareness of inappropriate behaviour and bullying and to issue guidance on how to deal with it.

**2.22** Training is delivered in accordance with the Area training plan and national priorities, and all mandated face-to-face training has been delivered. However, the Area is failing to ensure that staff complete mandatory e-learning. There is a significant shortfall in staff spending of their ILAs. In the CS survey, only 22% of staff said that arrangements were in place for them to spend five days on their personal development. During 2016-17, CPS national Headquarters reclaimed £5,000 of East of England's ILA allocation, reducing the amount available to £87,750. However, by the end of the financial year only 16.0% of the available total had been spent. Many staff we spoke to felt that they did not have the time to search for suitable courses and some felt that taking time out for training would only increase the pressure on colleagues, who were already dealing with challenging workloads. Area managers have taken action to improve the take up of ILAs this year, which has included ILA workshops aimed at encouraging staff to use their allocation, guidance on the KIM site to explain how to use their ILA and encouraging staff to pool their resource to facilitate group training sessions. In relation to the completion of mandatory e-learning courses by staff, the Area monitors compliance and requires an explanation from managers as to why their staff have not completed courses.

**2.23** The Area monitors compliance with the requirements of the staff appraisal procedures, including checking that there have been timely mid and end of year reviews, and dip sampling the quality of reports, with feedback to report-writers where appropriate.

**2.24** The Area has been successful in reducing its sickness absence significantly from 9.1 average working days lost in 2015-16 to 5.9 days in 2016-17. This is the second-best rate in the CPS nationally. It is an aspect on which East of England has focused, seeking advice from another Area as to what has worked for them and supporting managers to take a more proactive and consistent approach. The Area business plan for 2017-18 has an aim to minimise sick absence by understanding the causes of it and promoting health at work. Issues with understaffing in parts of the Area, when combined with other factors impacting on the work needed on cases, results in high workloads in some units and some grades working over their regular hours of employment, particularly in relation to preparing for courts. Overtime payments have regularly been made, covering some of the additional hours.

**2.25** A workshop to help staff cope with stress was run last year and more are planned this year. Sick absence due to stress rose in 2016-17 to 31.2% from 23.1% in the previous year. This is an increased proportion of a reducing level of absence overall and the number of days lost to stress absence has decreased. Sick absence figures were being monitored on a monthly basis by the Area Senior Management Board and appropriate action taken. In the CS survey, 70% of staff indicated that their managers were considerate of their life outside work, which is 8% less than the national average.

**2.26** In the CS survey, only 38% of staff felt that poor performance was dealt with effectively. This has risen by 7% from the previous year's survey and is 1% better than the national average. Some staff accepted that it would not necessarily be apparent where action was being taken. The Area did not have any Performance Improvement Notices (PINs) in place at the time of our visit. We were told that some instances of poor performance were being dealt with on an informal basis and if improvement did not result, then PINs would be issued.

**2.27** In our survey, 84.4% of staff reported that they had contact with their manager at least once a week and 64.1% said they had a meeting with their manager to discuss their performance at least once a quarter. Some staff mentioned the challenges associated with managers being based in a different office and that meetings may have to be held over the phone.

**2.28** Good performance is recognised in a number of ways. The Area uses the national Simply Thanks scheme to acknowledge outstanding performance and the senior management team for each of the teams recognises a 'star of the month'. The Area has also nominated staff for national awards. The CCP writes to staff involved in particularly difficult cases resulting in successful outcomes to thank them for their hard work. Our survey and meetings with staff clearly showed that the Area has a dedicated staff who work well with their colleagues and, above all, recognise the importance of the work that they do.

### 3 Part B: Continuously improving

#### Performance expectation

*The Area continuously improves how it works, deploying resources to work effectively and using efficient processes.*

Criteria	Score
<i>Part B: Continuously improving</i>	
The Area's key <b>performance data</b> is analysed effectively and used to inform resource allocation, to robustly identify the Area's strengths and weaknesses and to drive improvement	Good
<b>Resources</b> are systematically managed and deployed effectively	Good
<b>Joined-up working</b> is effective and delivers improvements in outcomes for users	Good
<b>Overall score for continuously improving</b>	<b>GOOD</b>

#### Performance against the Part B criteria

*Summary: Performance information compiled by the Area for managers is comprehensive and there is clear evidence that it has been used to identify and address aspects of poor performance, such as in RASSO cases where successful outcomes are increasing. Its use of Individual Quality Assessment (IQA) has helped to improve the standard of reviews in the Crown Court and the handling of unused material. The proportion of Crown Court guilty pleas in CPS charged cases has seen a steady improvement. However, staff awareness of overall Area performance and cross-county issues is patchy. Team information board and staff meetings are not held consistently across the Area.*

**3.1** East of England had not operated within its allocated budget prior to 2016-17, but in 2016-17 it underspent by 1.0%. There is an effective system of internal controls in place, with the budget and spend monitored on a monthly basis. The savings per Crown Advocate (CA) is the worst figure nationally because CAs are having to be used for review work in the Crown Court unit to cover a significant shortfall in prosecutor numbers. The Area has evaluated various options to improve recruitment and to mitigate the problems caused by the shortfall, and we were impressed with the efforts made to consider options and possible solutions.

**3.2** The Area works well at both a strategic and operation level with its criminal justice partners. Its work with the LCJBs and at PTPM meetings has led to improvement. Work with local police forces has seen improvement in police file quality, particularly with Essex Police where an improvement plan is in place. Working with HMCTS has also secured improvements, for example in reducing the number of hearings per case and the proportion of cases that are dropped after three or more hearings in the magistrates' courts.

Criteria	Score
<b>B1</b> The Area's key <b>performance data</b> is analysed effectively and used to inform resource allocation, to robustly identify the Area's strengths and weaknesses and to drive improvement	Good

**3.3** There is a formal governance structure in place. The Area Senior Management Board (ASMB) meets monthly and is supported by a series of sub-committees. ASMB meetings are chaired by the CCP and attended by key managers. The ASMB is governed by formal terms of reference and follows a structured agenda, covering key operational aspects alongside updates from the sub-committees. To help drive progress, an action log is created from each meeting which is reviewed at the start of subsequent meetings.

**3.4** The ASMB has four sub-committees: an Area casework committee (ACC), the Area people board, and the magistrates' courts and Crown Court management teams. The sub-committees are set up with similar formal governance arrangements to the ASMB and have clearly-defined terms of reference and structured agendas. The Area makes good use of specific "task and finish" groups for defined improvement projects. Recent examples of this are the setting up of groups to review the closure of the Ipswich office and to simplify the recording and ensure the accuracy of Resource and Efficiency Measures (REM).

### Strength

The Area makes good use of specific task and finish groups for defined improvement projects.

**3.5** The focus on performance is maintained via monthly performance review meetings, chaired by the CCP, with the magistrates' courts and Crown Court teams, CCU and RASSO team. These meetings are attended by the appropriate managers. In addition the CCP, DCCPs and ABM have weekly meetings for an up to date check on the service of cases and other operational and performance matters. Whilst the Area believes that the different performance meetings each fulfils a discrete role, it does accept that the large number of meetings uses significant manager time and carries a risk of duplication. In the context



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of recent changes to the management structure, the Area plans to carry out a review of meetings to ensure that all are delivering the required value and benefits. We agree that this is clearly necessary.

### Issue to address

The Area should review the numbers, composition and focus of the various performance meetings held across the Area to ensure that all are delivering the required value and benefits relative to the management time committed to them.

**3.6** The Area is routinely analysing performance data to inform its strategic meetings and facilitate challenge. Comprehensive performance information is used, with the level of detail varying from local unit analysis for unit managers to higher level Area wide comparisons for ASMB. To assist with the analysis and review of this the ASMB is provided with a breakdown of issues in each of the units.

**3.7** There are examples of the Area responding to poor performance. A persistent low level RASSO conviction rate drove the Area to revisit its approach to charging. Through the use of pre-charge case management panels it has identified specific categories of case where conviction rates were lower (such as student post-party allegations) and analysed common issues within each category. The work has resulted in more robust charging decisions, leading to improved outcomes. The conviction rate for rape cases in the Crown Court has improved from 55.2% in 2015-16 to 62.3% in 2016-17. In the same period, successful outcomes in RASSO overall improved from 80.1% to 82.6%. This moved East of England from worse than the national average for rape convictions to one of the top performing Areas. There has also been focus on the standard of reviews in the Crown Court using IQA sampling. This has resulted in a steady improvement in the proportion of Crown Court guilty pleas for cases that have been subject to a pre-charge decision, from 70.1% in the first quarter of 2016-17 to 75.0% by the fourth quarter.

**3.8** In our survey of Area staff, 78.3% felt that the exchange of information, at team meetings for example, does sometimes lead to improvement in performance. However, only 28.3% were clear that was routinely the case.

**3.9** The Area uses a range of mechanisms such as reality checks and dip sampling to assess performance and compliance, and identify areas where improvement is needed. These include IQA checks, national police file quality (PFQ) compliance, REM compliance and outstanding tasks lists. During the last financial year the Area has been focusing on casework quality improvement and all results and trends from IQA are considered and

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discussed at the ACC. Principal Offence Category (POC) compliance checks on CMS are routinely conducted using the POC calculator to ensure they are being correctly applied, with targeted emails sent to lawyers and Associate Prosecutors where errors are found. Accurate recording of the POC was one of the issues to address we identified in our inspection of case finalisations on CMS,<sup>1</sup> published in May 2017.

**3.10** National file quality statistics are routinely reviewed and the Area has regularly encouraged its lawyer cadre to ensure that they consistently complete the PFQ feedback where necessary, although this encouragement has met with mixed results. Dip sampling of file quality returns has seen incremental improvements of around 2% at each round of checking. The Area has taken steps to improve compliance levels by identifying individuals with unexpectedly low numbers of cases flagged and managers are then tasked to follow this up with those lawyers to ascertain the reasons. The Area amended its review template to remind prosecutors to complete the assessment and to require them to confirm that a monitoring form was not required, or to confirm they have completed one. Formal objectives have been set for managers and lawyers with regards to the PFQ scheme for the new reporting year. Compliance is expected to increase with the recent inclusion of monitoring within CMS.

**3.11** In our staff survey, 51.6% believed that there are mechanisms or systems in place to learn lessons in the Area (for example learning from mistakes, identifying good practice, and undertaking regular performance quality checks). A further 21.9% thought that there are some mechanisms in place. Nearly two-thirds (64.1%) said they had regular meetings to discuss performance and 85.7% that they are regularly set performance targets.

**3.12** Staff awareness of overall Area performance and cross-county issues is patchy. Some seemed reasonably aware of overall performance, but others were unaware of receiving any information on performance recently. Staff appear to gain an overview of performance generally from team information board meetings or staff meetings, neither of which are held consistently across the Area. PEEK does not display either an overview of performance or detailed analyses of different units and Area performance. It also does not benefit from a regular blog by the CCP or ABM. Our findings on-site are supported by the results of our survey, where only 54.0% were of the view that there are mechanisms or a regular forum where staff and managers can exchange information and updates and share performance, issues and news. In addition, only 50.0% thought that performance information is frequently shared with them in a format that is easily accessible and understandable. However, 35.9% did think that this was sometimes the case.

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<sup>1</sup> *Case finalisations: An inspection into the timeliness and accuracy of recording case finalisations onto the Crown Prosecution Service case management system*; HMCPSI; May 2017.  
[www.justiceinspectorates.gov.uk/hmcpsi/inspections/case-finalisations/](http://www.justiceinspectorates.gov.uk/hmcpsi/inspections/case-finalisations/)

### Issue to address

The Area needs to ensure that headline performance information is disseminated to staff so that they are aware of the Area's performance trends and how it compares to other Areas' performance, and in a way that improves the CPS East of England Area identity.

**3.13** The Area values the Area Performance Review (APR) process carried out by CPS Headquarters and uses this as a means to focus assessment of its performance. The APR process has also led to East of England learning from other CPS Areas to its benefit, such as liaising with another Area on good practice to tackle staff attendance levels, which helped improve sickness absence as noted previously (para 2.24).

**3.14** Systemic benchmarking with other Areas is not routinely being used, although there are some examples of ad-hoc benchmarking, such as in the use of REM. East of England has compared its REM data recording with that of other Areas, to improve accuracy before relying on it as a management tool. A task and finish group then developed processes to simplify the recording of REM and improve accuracy, which is now being rolled out across the Area.

Criteria	Score
<b>B2 Resources</b> are systematically managed and deployed effectively	Good

**3.15** The Area overspent against its allocated budget for the two financial years 2014-15 and 2015-16. In the most recent year, 2016-17, it benefited from an increase in allocated budget of 6.9%. It subsequently managed to operate within the allocated budget of £19,993,556 and underspent by £195,046 (1.0%). The 2017-18 budget, at £19,277,630, is £715,926 (3.6%) less than the previous year's end of year budget.

**3.16** There is an effective system of internal finance controls, with appropriate budget monitoring.

**3.17** Appropriate delegation for spend is in place, which is routinely monitored. Delegation is tailored to what people need to be efficient in their roles. Prosecution costs and lawyer agent budgets are devolved to the teams. The teams are responsible for commitment recording and controlling these spends within budget. Again, these are monitored by the finance group and ASMB.

**3.18** The National Resourcing Model (NRM) has been used to allocate resources to the teams. Against the NRM, there is a significant shortfall of 26.4 Senior Crown Prosecutors (SCPs). The Area has identified funds for an increase of 14 lawyers, using a reduction in agent spend, savings on general administration costs and salary savings through appointing Crown Prosecutors rather than SCPs. Some new lawyers have been recruited, but most have matched departures, thus keeping the Area static in resourcing terms. The Area is struggling to recruit sufficient good quality lawyers, even with the assistance of a recruitment agency, and filling vacant posts is taking longer than it would wish.

**3.19** There was a large increase in agent spend between 2013-14 and 2014-15, which has slowly reduced since then. Between 2015-16 and 2016-17 spend on agents reduced by £80,571 (19.7%). Current spend is around £350,000 per year; the Area has limited opportunities to reduce this further until it can increase its lawyer cadre.

**3.20** As a result of the shortage of lawyers, the Area is failing to make best use of its Crown Advocate (CA) resource. Our review of the utilisation of CAs identified that 30% of their available time is spent on Crown Advocacy work (this places East of England as the worst Area nationally). This has had a negative impact on their fee earnings, leading to a £1,259,404 notional loss. Using CPS calculations, the Area's savings per CA is £29,275, significantly below the national average of £63,193 and, again, the worst figure when compared to other Areas. CAs are covering some of the plea and trial preparation hearings and sentencing in the Crown Court centres, but are also allocated to review work in the Crown Court and RASSO units. When urgent cover is needed, CAs are also used as advocates in the magistrates' courts. This is an inefficient use of a high cost resource, but has come about as a result of the recruitment difficulties and after careful consideration of a range of alternatives, such as working with CPS London to secure secondments from the self-employed Bar.

**3.21** The Area has engaged with the court to reduce the number of CPS sessions. Use of agents for non-trial courts has been ruled out and the Area is reluctant to rely on overtime too heavily because of the risk of overwork and burnout. In a longer-term measure, and as part of its three stage plan to increase staffing levels and maximise the fee earning by and appropriate use of CAs (which is in its first year), the Area is taking on four or five legal trainees. Inspectors were impressed with the efforts made by the Area to consider options and possible solutions to address its resourcing issues.

**3.22** The Area is conscious of the risk of deskilling advocates that flows from current deployment choices and has plans to address this as the year progresses with bespoke personal development plans for each advocate; it is too early to see how effective these will be.

**3.23** Combining victim liaison functions with other Areas has been considered, but ruled out. There are potentially opportunities to merge other non-frontline tasks, but talks have not progressed. East of England is also in discussion with CPS Yorkshire and Humberside about establishing a review team based in the latter Area, an approach that is made possible by digital working and which is working well in other CPS Areas across the country.

Criteria	Score
<b>B3</b> Joined-up working is effective and delivers improvements in outcomes for users	Good

**3.24** There is a clear and long-standing structure for communication and liaison with criminal justice partners, which we discuss in more detail in chapter 2. The Area furnishes the LCJB and PTPM meetings with comprehensive suites of data, which are supplemented by commentary and analysis. It supports these with ad hoc and bespoke data analysis as required. The recent focus on data quality in Essex Police has been supported by the Area providing the Essex LCJB with detailed information on quality to aid in identifying key themes and trends.

**3.25** The police are provided with a performance ‘dashboard’ and commentary which is produced monthly, with a mid-month update. Data on hate crime outcomes is also provided to the police. Police file quality data is provided fortnightly by the Area from the national monitoring scheme and updated following any successful appeals by the police against ratings recorded by prosecutors.

**3.26** The operational and strategic PTPMs are considered key by partners in helping identify and resolve issues. The PTPMs have identified issues relating to individual forces and those which are universal in the Area, including specific file quality concerns. These represent a significant risk to the Area’s casework, particularly in Essex and Cambridgeshire.

**3.27** The challenge in Essex has been long-standing and has the greater impact, since about half of the Area’s work derives from this police force. The introduction of a new computer system by Essex Police caused significant problems in the transfer of evidence and other information from the police to the CPS, both with the IT itself and how it was used. The former have largely been resolved, but it has taken longer to see progress on the latter. The quality of material transferred is still not where it should be, but with the introduction of national police file quality monitoring, differences in the standards across the Area and country have been thrown into sharper relief. Closer working between Essex Police and the CPS, supported by the PFQ data, has led to an Essex Action Improvement Plan which, as a structured tool, appears to be delivering improvements. The error rates

(in national PFQ monitoring) for the magistrates' courts cases from Essex Police have improved from 23.6% in the third quarter of 2016-17 to 15.2% in the final quarter of 2016-17, although clearly there is still work to do, particularly in persuading all prosecutors to report on defects consistently. The partners' focus has now moved on to the Crown Court, as error rates there for the same periods were 20.5% and 33.2% respectively.

**3.28** In Cambridgeshire, the recent merger of the Constabulary's criminal justice unit (CJU) with those of Hertfordshire Police and Bedfordshire Police has impacted significantly on file quality, which previously had been of a high standard. The Area is working with the police to address this, but has yet to see significant benefits. Learning from the new computer system in Essex has been shared with Cambridgeshire Constabulary, who are due to adopt the same system in 2018.

**3.29** The Area's work with the LCJBs has delivered benefits. A recent focus on disclosure in Essex Police case files has resulted in the police setting up a force wide disclosure action plan, with a focus on skilling up officers and supervisors. Essex Police have also committed to the secondment of a Detective Sergeant to the CPS RASSO team, who is responsible for tackling any deficiencies in file quality and various housekeeping issues, such as proper uploading of documents and compliance with naming protocols. This has enabled RASSO prosecutors to focus more efficiently on the review task. Norfolk and Suffolk Constabularies now have a dedicated 'trouble shooter' in their joint CJU to help ensure good housekeeping and who is tasked to respond to prosecutor requests within agreed timescales. This approach is also now being put in place in Essex Police's CJU, with four members of staff due to commence that work shortly.

**3.30** The Area has worked in partnership with HMCTS to support improvements they have made to reduce the workload in Chelmsford Crown Court, for example, changing the path for cases from Colchester Magistrates' Court to Ipswich Crown Court instead. The recent judicial decision which enables murder cases to be heard at Basildon Crown Court will also assist future workloads. Better use of court hearings has led to a gradual reduction in the number of court sessions in the magistrates' courts, and a focus on the number of hearings per case in Norfolk has led to a reduction in the proportion of cases that are being dropped after three or more hearings in the magistrates' courts.

## 4 Part C: High quality casework

### Performance expectation

*The Area delivers justice through excellent, timely legal decisions, casework preparation and presentation, leading to improved outcomes.*

Criteria	Score
<i>Part C: High quality casework</i>	
<b>Reviews and decisions</b> (including charging decisions, the use of applications, and acceptance of plea) are proportionate; properly recorded; comply with the Code for Crown Prosecutors and any relevant policy and guidance; include consultation with the police; and contribute to successful outcomes and victim and witness satisfaction (magistrates' courts)	Good
<b>Case preparation and progression</b> is effective and timely (magistrates' courts)	Fair
<b>Reviews and decisions</b> (including charging decisions, the use of applications, and acceptance of plea) are proportionate; properly recorded; comply with the Code for Crown Prosecutors and any relevant policy and guidance; include consultation with the police; and contribute to successful outcomes and victim and witness satisfaction (Crown Court)	Good
<b>Case preparation and progression</b> is effective and timely (Crown Court)	Good
<b>Overall score for high quality casework</b>	<b>GOOD</b>

### Performance against the Part C criteria

*Summary: The Area uses quality assurance to evaluate and improve the quality of casework. Successful outcomes in the magistrates' courts are higher than the national average and improving. Those in the Crown Court are also better than average, but have declined slightly since 2015-16. There has been improvement since 2015-16 in the number of hearings per case in the magistrates' courts (for contested cases and guilty pleas) and in the number of guilty pleas at first hearing in the magistrates' courts and the Crown Court. Unsuccessful outcomes due to victim issues are slightly worse than average in the magistrates' courts, but better than average in the Crown Court. Crown Court rape conviction rates have improved significantly in 2016-17, which has come about after significant work to build better cases.*

**4.1** All the charging decisions made by the Area complied with the Code for Crown Prosecutors (the Code).<sup>2</sup> Post-charge, the Area complied with the Code in all but three cases in the magistrates' courts (95.0%) and in all but two in the Crown Court (96.7%).

**4.2** Police file quality and housekeeping are weak in parts of the Area and this impacts on prosecutors' ability to review and progress cases effectively. Lack of compliance by the police is not fed back to them as often as it should be, which hampers the Area's work with partners to improve. The introduction of a seconded Detective Sergeant from Essex Police to the RASSO unit has improved the team's ability to review and progress cases properly.

**4.3** Proper and proportionate initial reviews were carried out in nearly three-quarters of the applicable magistrates' courts cases, but just over a third were not timely. Reality checks on-site showed initial reviews were more timely and of a better standard. Initial reviews in the Crown Court were not done properly in just under a quarter of cases and seven (of 52 applicable cases) had no initial review at all, but more were done in cases checked on-site.

**4.4** The disclosure of unused material has benefited from a comprehensive review of its handling in the police forces and Area. Initial disclosure was handled properly by prosecutors in just over half the cases and continuing disclosure in over two-thirds. Sensitive material and that held by third parties were handled well in most cases. There is work to be done to ensure that there is a full audit trail of disclosure decisions and actions.

**4.5** The first hearing was effective in most of the cases in our file sample. The effective trial rate in the Crown Court is better than the national average, but that in the magistrates' courts is worse than the national average and declining. Of the trials that crack or are ineffective, the proportion due the prosecution is worse than the national average in the magistrates' courts and Crown Court.

**4.6** The timeliness of uploading hearing record sheets to CMS and the quality of the information they contain, especially in Crown Court cases, need improving. Weaker performance in this aspect impacts on case progression and on the service provided to criminal justice partners, and victims and witnesses.

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<sup>2</sup> *Code for Crown Prosecutors*; CPS; January 2013.  
[www.cps.gov.uk/publications/code\\_for\\_crown\\_prosecutors/](http://www.cps.gov.uk/publications/code_for_crown_prosecutors/)



**4.7** In our file sample, there was better compliance with court directions in magistrates' courts cases than with Judges' orders in the Crown Court, but CPS data shows timely compliance in nearly nine out of ten Crown Court cases. The Area needs to ensure that case progression after the first hearing and before the trial is effective and timely in all venues and is supported by proper task management. We found that six out of ten cases were not properly gripped, be they magistrates' courts or Crown Court cases, and stakeholders' feedback confirmed this was an issue.

**4.8** In accordance with the Director's Guidance on Charging<sup>3</sup> cases may be charged by the police without reference to the CPS, or as directed by CPS Direct (CPSD) or Area based lawyers. In assessing Area performance in this aspect, including compliance with the Code, we only consider those cases where the charge is directed by an Area lawyer. However, in order to give a full picture we comment on the quality of all charged cases, regardless of how initiated.

Criteria	Score
<b>C1 Reviews and decisions</b> (including charging decisions, the use of applications, and acceptance of plea) are proportionate; properly recorded; comply with the Code for Crown Prosecutors and any relevant policy and guidance; include consultation with the police; and contribute to successful outcomes and victim and witness satisfaction (magistrates' courts)	Good

**4.9** Sixty cases in our file sample were finalised in the magistrates' courts. Forty-one of these were charged by the police, with the police decision to charge compliant with the Code in 38 of the 41 (92.7%). Two of the magistrates' courts files in our sample were charged by the Area, both in accordance with the Code. The remaining 17 cases were charged by CPSD and the decision to charge complied with the Code in all but one (5.9%).

**4.10** The police complied with the Director's Guidance in 35 of the 41 cases (85.4%). The six cases which should have been referred to the CPS for charging advice included domestic abuse and hate crime. In three of the six the reviewing lawyer recorded the lack of compliance on the initial review and noted in the review that it was recorded on the national PFQ monitoring site. There was no record of feedback of non-compliance in the initial review of two of the six cases and no review had been conducted in the final one.

<sup>3</sup> *Director's Guidance on Charging (5th edition)*; CPS; May 2013.  
[www.cps.gov.uk/publications/directors\\_guidance/index.html](http://www.cps.gov.uk/publications/directors_guidance/index.html)

**4.11** The quality of the police file can have a significant impact on the way a case is prepared by the prosecution and progressed at the first hearing and beyond. Police file quality is an issue in the Area. Only 51.9% of magistrates' courts cases in our file sample fully complied with the National File Standard (NFS)<sup>4</sup> and a further 9.6% partially met the NFS requirements. There were no significant geographical variations in our file sample between the police force areas. There was, however, a marked difference in the PFQ in cases which resulted in successful outcomes (59.3% fully met) compared to unsuccessful outcomes (18.6% fully met). The main failings in standards were missing or poor quality key statements (35.1% of those cases that were not fully met), other reasons such as not providing evidential hard copy media (36.8%), or 'overbuild' (14.0%).

**4.12** In only half of the magistrates' courts cases in our file sample did the prosecutor identify and raise lack of compliance with the police. Prosecutor reluctance in some quarters to complete the national PFQ monitoring form was said to be because of lack of time, or lack of confidence that change would result. The Area has more to do to ensure that prosecutors realise the impact of failure to identify flaws on efforts to improve the cases and therefore their workload. Reporting rates should increase now that the feedback mechanism has been incorporated into CMS as part of the initial review of a case.

**4.13** Police file submissions were timely in 86.8% of relevant cases. In our reality checks on-site, inspectors found that all police file submission was timely but only 20.0% fully met the NFS. A further 70.0% partially met the standard and 10.0% did not meet it.

**4.14** The Code was applied correctly in post-charge reviews in 57 out of the 60 cases (95.0%) in our file sample. Of the three that did not comply, two were police charged cases that had not met the Code at the charging stage and which the Area failed to rectify post-charge; both resulted in acquittal after a full trial. The third was a flawed decision to discontinue.

**4.15** The Area has a dedicated review team and not guilty anticipated plea (NGAP) cases are allocated to a specific lawyer to carry out the review. A timely and quality initial review is essential if a case is to be dealt with effectively at the first hearing and make the progress expected under TSJ. In our file sample, there was a proper and proportionate initial review in nearly three-quarters (74.6%) of applicable cases. The review did not meet the required standard in 13.6% and there was no review in the remaining cases (11.9%).

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<sup>4</sup> *National File Standard*; CPS; May 2015.  
[www.cps.gov.uk/publications/directors\\_guidance/dpp\\_guidance\\_5\\_annex\\_c.pdf](http://www.cps.gov.uk/publications/directors_guidance/dpp_guidance_5_annex_c.pdf)

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**4.16** The Area uses a template for initial reviews in NGAP cases to provide a structure. It includes among other things case strategy, what sort of evidence the prosecution will rely on, which witnesses it proposes to call, what evidence could potentially be agreed with the defence, any applications it proposes to make, proper completion of the preparation for effective trial (PET) form and the preparation of initial disclosure. The aide memoires assist in ensuring that the reviewing lawyer addresses the required aspects for case progression and produces a strong case strategy.

#### Good practice

The Area has developed a template for initial reviews in cases where a not guilty plea is anticipated, to ensure that the reviewing lawyer develops a strong case strategy and addresses everything that is required for effective case progression.

**4.17** In our file sample, reviews were timely in less than two-thirds (65.4%) of applicable cases. Although the Area allows 20% of advocates' time for preparation, it is not uncommon for court prosecutors to have to prepare their cases the night before court or on the day itself, because they are doing back to back courts, so unreviewed cases add unnecessarily to this work. Our reality checks on-site suggest better compliance more recently with the magistrates' courts Standard Operating Practice (SOP), in that all 20 cases were reviewed before the first hearing and in all but three (85.0%), the review was done in a timely manner.

**4.18** The reviewing lawyer completes the PET form electronically as a Word document and this is included in the initial details of the prosecution case (IDPC). This means that the defence representative can fill in the form electronically and send it to the court. The form can then be used by the legal advisor during case management at the first hearing. Inspectors found examples of this in practice in our reality checks on-site and noted that it avoided the delay we have seen in court observations in other Areas, where the form is done on paper which then has to be scanned and sent to the parties. Disappointingly, in none of the relevant cases in our checks on-site did the PET form fully meet the expected standard, but in 75.0% it partially met expectations. Lack of proper contact information was a contributory factor.

#### Good practice

The inclusion of the preparation for effective trial form in Word format in the initial details of the prosecution case, so that the defence can complete it electronically and send it to the court legal advisor.

**4.19** In our file sample, only 65.0% of cases (39 out of 60) had accurate hearing record sheets (HRSs) which had been uploaded to CMS in a timely manner. HRSs partially met the required standard in 20.0% (12 cases) and in 15.0% (nine) they either did not contain accurate and sufficient information to progress the case, or were not uploaded in a timely fashion, or at all. This impacts on case progression and on victim and witness care (which we discuss in chapter 5). It is also contributing to the number of overdue tasks to record hearing outcome we found in our process checks. There was evidence of HRSs being chased.

**4.20** East of England has shown steady improvement over the last three years in the average number of hearings in contested cases. In 2016-17 it was 2.79, which is better than the national level of ambition of 3.00. For guilty pleas, the average number of hearings per case is 1.56, which is improving and makes it one of the top performers amongst CPS Areas.

**4.21** The Area recognises that police understanding of, and compliance with, disclosure is a real risk and has actively engaged with the police to improve quality through discussions and training. It is too early to say whether the quality of compliance with the duties of disclosure of unused material is showing significant improvement in cases charged since the work was carried out.

**4.22** In our file sample, the police complied fully with their disclosure obligations in 68.3% of cases (41 out of 60) and complied partly in a further 21.7% (13). There were six cases with a complete lack of compliance. The primary reasons for marking down police files were inadequate descriptions of items of unused material, lack of schedules and listing items incorrectly.

**4.23** Initial disclosure is usually done at the time of the initial review and was properly and fully met in 54.8% of cases (23 out of 42) and partly in a further 40.5% (17). There were two cases where the standard was not met at all, but there was no failure to disclose undermining material or material which would assist the defence. In our reality checks on-site, initial disclosure was fully met in 64.3% of cases (nine out of 14) and partially met in the remainder.

**4.24** Continuing disclosure was required in only eight magistrates' court cases in our file sample and was carried out to the required standard in all of them. There were no cases in our sample involving sensitive material and only one with third party material, where disclosure was handled to the required standard. Disclosure was timely in 85.0% of cases.

**4.25** The CPS guidance on disclosure in the magistrates' courts is that prosecutors need not complete a disclosure record sheet (DRS) where the case is straight forward and there is nothing to disclose, provided a note to that effect is made, and the Area's review template includes this option. In the file sample, 47.6% of cases had a properly completed DRS and a further 26.2% had one that was partly completed.

**4.26** In our file sample, the handling of disclosure was rated as excellent in no applicable magistrates' courts cases, good in 50.0%, and fair in 35.7%. In the remaining 14.3% it was rated as poor.

Criteria	Score
<b>C2 Case preparation and progression</b> is effective and timely (magistrates' courts)	Fair

**4.27** In the sample, police correctly identified the likely plea in 80.5% of cases and CPSD did so in 82.4%. Where the police or CPSD incorrectly anticipate a guilty plea, fewer details are provided in the case file and IDPC, which impacts adversely on the defence, prosecution and court's ability to prepare the case to the required standard for a not guilty plea. The Area has effective arrangements in place to allow for delivery of the IDPC to represented and unrepresented defendants and the contact information for defence practitioners to obtain IDPC is clearly displayed in court.

**4.28** The Criminal Procedure Rules 2015 Rule 3.3(2) imposes an obligation on the prosecution and the defence to communicate "*at the first available opportunity and in any event no later than the beginning of the day of the first hearing*". There was little evidence of engagement with the defence in NGAP cases before the first hearing. Our reality checks on-site showed that engagement often takes place on the morning of the first hearing. In our court observations, the prosecutor at court was present in the courtroom sufficiently early to allow for effective engagement.

**4.29** The proportion of cases where the defendant pleads guilty at the first hearing was 74.2% in 2016-17, which is better than the level of ambition and makes the Area one of the best performers.

**4.30** The first hearing was effective in 77.8% of magistrates' courts cases (42 out of 54) in our file sample. Of the 12 hearings that were not effective, 41.7% were ineffective because of the police, primarily due to poor police file quality such as missing key evidence.

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**4.31** Under TSJ the intention is that the case is effectively managed at the first hearing, so the courts only need to issue directions when there is additional evidence to be served, or other outstanding matters. In our file sample, magistrates' courts directions were complied with fully and in a timely manner in 84.6% of relevant cases (11 out of 13). Our reality checks on-site showed that where there were witness availability forms on file (MG10s), they had no dates to avoid recorded for civilian witnesses. Where this is the case, the court usually makes a standard 14 day direction for the prosecution to apply to move the trial date if needs be. However, in the cases we observed no actions to check the date of trial with witnesses were raised. Given the problems with 'drift' after the first hearing (discussed below), it is unlikely that an application would be made within 14 days. We were told that the police in Norfolk and Suffolk ought to send the MG10s direct to court for NGAP cases, but that they do not always arrive with the legal advisor in court. Dip sampling last year produced better compliance for some time, but this appears to have declined. The practice of sending MG10s direct to the court does not accord with the requirements of the NFS and the Area should consider whether this process should continue.

#### Issue to address

The Area must work with partners to ensure that witness availability is complete and provided in good time for the first hearing.

**4.32** The one-touch approach envisaged by TSJ is realistic where police file quality meets the NFS, issues are addressed at the initial review stage and nothing changes thereafter. Where that is not the case, however, work remains to be done after the first hearing such as dealing with additional material from the police, witness queries and defence communications. Despite issues with PFQ and setting trial dates without witness availability, reviews between the first hearing and trial were rare in our file sample. The Area benefits from having retained a number of non-lawyer staff, previously categorised nationally as Case Progression Managers, who carry out some case management tasks such as straightforward witness issues and other communications as set out in the CPS's SOP. Despite this, there was adequate grip in only 40.0% of cases in our file sample, which supports what we were told by stakeholders about apparent inactivity between the first hearing and trial. There was partial grip in a further 45.5% of cases and none at all in 14.5%. Another indicator of lack of grip is that in 50.0% of cases in our file sample (five out of ten), the decision to discontinue was not timely. CPS data shows that, of cases discontinued in 2016-17, 30.7% were discontinued at or after the third hearing, which is worse than the national average of 29.6%.

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**4.33** Reviews are conducted in non-TSJ cases (youth and custody cases) based on trial date, but we were told that reviews were often very close to the trial date, which accords with what we saw in our file sample. Efforts to move the trigger for the review to the receipt of the upgrade file had been hampered by sickness and other absences in the spring of 2017. Lawyers prioritise custody cases, so those where a defendant has been bailed at the first hearing which did not receive a TSJ review before the first hearing may not be reviewed at all until two weeks before trial.

**4.34** In custody cases, there has not been a time limit failure since 2014-15. Systems are in place to minimise the risk of failures and our reality checks on-site demonstrated that assurance logs were being completed and signed off by casework and legal managers.

**4.35** The high number of outstanding witness care unit (WCU) queries which were not receiving timely replies led to discussions with the WCU and the development of a protocol to ensure that only essential queries requiring action are put through to the Area. In the meantime, there was a moratorium on chasing overdue queries to allow for the backlog to be reduced. This was meant to be temporary, but discussions to finalise the arrangements seem to have stalled. Late reviews and lack of proper case management can result in late requests for evidence and short notice witness warnings, putting pressure on police and WCU partners. It can also, particularly when combined with lack of prompt applications to vacate trials, mean that witnesses cannot or do not attend the trial.

**4.36** The waiting time for trial dates was eight to 12 weeks in Essex, Norfolk and Suffolk at the time of our visit (late July/early August), but trials were being listed into April 2018 in Cambridgeshire. The Area is working with HMCTS to tackle delays, but the longer the gap between first hearing and trial, the greater the chance of problems arising with witnesses. This exacerbates the risk of cases failing for witness reasons. In East of England, the proportion of unsuccessful outcomes due to victim and witness issues was 31.6% in 2016-17; this is worse than the national average of 30.5% and performance has steadily declined over the last three years.

**4.37** The effective trial rate in the magistrates' courts in 2016-17 was 46.2%, which is slightly worse than the national average of 47.0% and has declined since 2014-15, when it was 48.1%. Cracked and ineffective trials due to prosecution reasons are worse than the national average of 22.4%. Just under a quarter of all cases that cracked or were ineffective in 2016-17 were due to the prosecution (24.2%) and this has declined steadily over the last three years.

### Issue to address

The Area must ensure that, in the magistrates' courts, case progression activity after the first hearing is prompt, addresses witness issues and facilitates effective trials and fewer unsuccessful outcomes due to witness issues.

**4.38** Before visiting the Area we carried out CMS process checks. These showed 1,288 case progression based tasks, of which 902 were overdue tasks to check incoming material, correspondence or communications. Of these tasks, 658 (72.9%) were flagged as red on CMS with some dating as far back as April 2017. Tasks for cases originating in Essex and Cambridgeshire were more numerous than Norfolk and Suffolk. Delays in addressing lawyer tasks are impacting on the ability of administrators to complete their tasks. All the prosecutors and administrators that we spoke with understood how the system flagged the cases on CMS, but it was apparent that not all are able to manage these tasks effectively, either through lack of training on task management or insufficient time to carry them out. Managers in the magistrates' courts teams are fairly new to the role, but are aware of the issue and plan to address it with their teams.

#### Issue to address

The Area must ensure that effective task management is embedded.

**4.39** In 2016-17, the proportion of magistrates' courts cases which resulted in a successful outcome was 87.2%, higher than the CPS level of ambition of 85.0% and the national average of 84.7%. This shows improvement since 2015-16, when the successful outcome rate was 83.9%. There were successful outcomes in 78.9% of domestic abuse cases in the magistrates' courts in 2016-17, which is better than the national average of 76.1%.

Criteria	Score
<b>C3</b> Reviews and decisions (including charging decisions, the use of applications, and acceptance of plea) are proportionate; properly recorded; comply with the Code for Crown Prosecutors and any relevant policy and guidance; include consultation with the police; and contribute to successful outcomes and victim and witness satisfaction (Crown Court)	Good

**4.40** We examined 60 Crown Court cases, of which 55 were charged by the CPS and five by police. The Code was applied correctly by the CPS at the charging stage in 53 out of the 55 cases (96.4%). Nine of these were decisions made by Area lawyers and the Code was applied correctly in each. Inspectors assessed none of the nine Area charging decisions as excellent, four (44.4%) good, three (33.3%) fair and two (22.2%) poor. All five police charged cases complied with the Code but one should, in accordance with the Director's Guidance, have been sent to the CPS for charging advice. There was no indication on the file that this had been raised with the police.



**4.41** Post-charge, the Code was applied correctly in 58 out of the 60 cases (96.7%). Both the cases where it was not complied with were failures by the Area to rectify lack of compliance with the Code at the charging stage. One was discontinued after the plea and trial preparation hearing (PTPH) but before trial and in the other, no evidence was offered on the day of the trial.

**4.42** A good quality review is essential to ensure that the reviewing lawyer has a grip on the case. In our file sample, a proper and proportionate review took place in 33 out of 52 relevant cases (63.5%). Seven (13.5%) did not have an initial review. Initial reviews were timely in 86.7% of applicable cases. Our on-site reality checks of live files showed that only one case out of 14 (7.1%) was not reviewed before the PTPH, one (7.1%) had been reviewed within five days of sending, as required, but the remaining 12 cases (85.7%) had been reviewed late. None of the reviews were rated as excellent and only three out of 14 (21.4%) were rated as good.

### Issue to address

The Area must ensure that reviews in Crown Court cases are timely, set out a clear trial strategy and facilitate effective grip.

**4.43** Overall, the police complied with the NFS in 13 out of 45 relevant cases (28.9%) in our file sample. The main defect (in 43.8% of the files that did not meet the standard) was the lack or standard of key evidential witness statements. We discuss this issue in the magistrates' court section. There has been an improvement in the standard of police files in RASSO cases, which staff in the RASSO team acknowledge, assisted by the secondment of a Detective Sergeant from Essex Police, who carries out the role of file gatekeeper for Essex cases.

**4.44** A common issue raised by interviewees was the housekeeping of police files, such as duplicate entries, data breaches (eg inappropriate inclusion of a witness's address in the statement) and a failure to use the file naming convention or manage exhibits. This results in Area staff spending a perceived disproportionate amount of time on housekeeping, rather than reviewing the evidence and formulating a strategy in a timely manner. In the RASSO unit, the seconded Detective Sergeant is also addressing housekeeping issues and feeding back to Essex Police.

**4.45** Where police files are missing key items the Area has implemented an escalation process, but it is not always followed, with some staff choosing instead to contact the officer direct. In addition, the escalation process does not attach time limits to each stage and it does not support the timescales required in BCM, although the Area is now taking steps to include BCM-compliant timescales. Staff are empowered to make appropriate decisions to discontinue where the police repeatedly fail to provide adequate evidence or other information.

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### Issue to address

The Area must ensure that lawyers are consistently identifying and raising file quality issues appropriately with the police, both through formal file monitoring and through use of the escalation process.

**4.46** We found that too many HRSs were either absent from CMS or failed to contain the necessary detail. Only 46.7% fully met the quality and timeliness requirement. In many instances, the HRS contained timetabling dates alone and did not record the trial issues, any matters discussed with the defence or court, or any action needed.

**4.47** Individual Quality Assessments (IQAs) are being done regularly. The Area is currently focusing on the handling of disclosure of unused material and previously focused on the quality of initial reviews.

**4.48** The Area has recognised that the handling of the disclosure of unused material needs to improve and has been carrying out considerable work with the police and prosecutors, although it is too early to say that improvement has ensued. Stakeholders in interview attributed the problems in part to poor performance and lack of understanding by the police and counsel, but indicated that often issues were resolved by effective Crown Advocates. The steps taken include a CPS-police action plan and joint training. The Area led a disclosure open day for the police with training and speakers including a Resident Judge. East of England has completed training days for lawyers and has also compiled a number of aide memoires for the police and CPS teams to assist in improving what is included in the schedule and how it is described.

**4.49** In our file sample, the police fully complied with their disclosure obligations in only 30 out of 60 cases (50.0%). There were differences between the four police forces, Cambridgeshire and Norfolk being fully compliant in only about half their cases (48.3% and 54.5% respectively), but Essex in 62.5% and Suffolk in 73.1%. The principal issue was the poor description of items, accounting for 40.0% of the weaker cases. There was little evidence in the file sample of challenge to the police in respect of poor compliance with disclosure obligations. An Area and police dip sample showed that in none of the 11 cases reviewed were poor schedules challenged by lawyers. Legal managers, as part of the joint action plan, are challenging poor schedules and reminding lawyers to raise issues directly with the police.

**4.50** In our file sample, initial disclosure was dealt with correctly by prosecutors in only 32 out of 56 relevant cases (57.1%) and continuing disclosure in only 25 out of 41 (61.0%). Sensitive material was dealt with correctly in 19 of the 23 applicable cases (82.6%) and third party material in ten of the 13 applicable cases (76.9%). There were no cases in which there was a complete failure to disclose undermining or assisting material. Some stakeholders indicated that, in their experience, the more complicated cases were prepared and dealt with to a higher standard than the ‘volume’ Crown Court cases. This is supported by the findings of the joint thematic inspection of disclosure<sup>5</sup> on which we reported in July 2017 and by our file sample in this inspection, which shows that initial and continuing disclosure were handled better in sensitive cases<sup>6</sup> than non-sensitive.

**4.51** On each Crown Court file, where the disclosure provisions are triggered there should be a disclosure record sheet which provides a decision-making audit trail. It also assists the prosecutor at court if they are challenged as to whether material has been served. We found that the DRS was completed correctly in only 12 out of 56 relevant cases (21.4%).

### Issue to address

The Area must ensure that appropriate feedback is given to the police where unused material schedules are defective, and that disclosure record sheets provide a full record of disclosure decisions and actions.

**4.52** Overall, we rated the handling of disclosure as excellent in 3.6% of the applicable Crown Court cases, good in 46.4%, fair in 39.3% and poor in 10.7%.

Criteria	Score
<b>C4 Case preparation and progression</b> is effective and timely (Crown Court)	Good

**4.53** The overall conviction rate in the Crown Court has consistently been above the national average since 2014-15. The proportion of Crown Court cases which result in a successful outcome was 80.8% in 2016-17. This is better than the national average of 78.8%, but represents a slight decline since 2014-15.

5 *Making it Fair: The disclosure of unused material in volume Crown Court cases*; HMCPSI and HMIC; July 2017. [www.justiceinspectorates.gov.uk/cjji/inspections/making-it-fair-the-disclosure-of-unused-material-in-volume-crown-court-cases/](http://www.justiceinspectorates.gov.uk/cjji/inspections/making-it-fair-the-disclosure-of-unused-material-in-volume-crown-court-cases/)

6 Sensitive cases include fatalities; rape; other serious sexual offences; child abuse; domestic abuse; racially or religiously aggravated offences; homophobic, bi-phobic and trans-phobic offending; disability hate crime and elder abuse.

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**4.54** There has been an improvement in the proportion of guilty pleas at first hearing from 35.0% in 2015-16 to 41.1% in 2016-17. The Area was above the national average of 39.9% in 2016-17 and has been so since 2014-15. The proportion of unsuccessful outcomes which are due to victim issues was 22.1% in 2016-17, which was slightly better than the national average of 22.9%, but represents a decline in performance since 2014-15 when it was 16.0%. There are significant delays at Chelmsford Crown Court between cases being sent to the Crown Court and the trial being heard and this may impact on victims' willingness to attend court.

**4.55** Convictions for offences of rape in the Crown Court have increased from 55.2% in 2015-16 to 62.3% in 2016-17, which is significantly above the national average of 56.9%. The improvement comes after considerable focus on RASSO work and outcomes. This included widening the use of case management panels (CMPs) to the pre-charge stage in RASSO cases. As well as those undertaken in line with the national policy, the Area uses CMPs on other complex or sensitive cases and encourages prosecutors to suggest their cases for a CMP where they think they would benefit from one. This ensures that cases have input and strategy from more experienced lawyers and the management team. CMPs have also been used following successful outcomes to ensure learning and good practice are captured, for example, one of the legal managers undertook a CMP on a successful attempted murder with the attendance of counsel as well as the lawyer, Paralegal Officer and police officer in the case to review what went well and what could have been done better. The use of CMPs is effective and is embedded as a casework learning tool.

### Good practice

The extended use of case management panels to identify learning and good practice.

**4.56** In our file sample, we found that of the 60 Crown Court cases only 24 (40.0%) demonstrated fully sound judgement and grip, 28 (46.7%) partially did and eight (13.3%) had none. The lack of grip was also evidenced in the timeliness of discontinuance; in our file sample only seven of the 12 applicable cases (58.3%) were discontinued in a timely fashion.

**4.57** There was an example in our file sample where the failure by the lawyer to get to grips with the issue of the mental fitness of a defendant (who was in custody) to enter a plea contributed to the 22 hearings. In a further case CPSD charged a firearms offence that did not meet the evidential test in the Code. Three separate reviews of the case by two Area lawyers failed to identify the issues in the case and bring the matter to a timely end. Once the issue was identified it took four months until the case was finally discontinued, following advice from counsel. On the other hand, we also saw examples where Area lawyers had worked well to compensate for poor police files or weak charging decisions.

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**Case study**

The defendant was subject to a court order prohibiting her from attending the police station except in an emergency. She breached the order twice only a week after it was imposed. Following a police charge, the defendant elected Crown Court trial. The police file was poor and the schedule of unused material was defective, but the reviewing lawyer put good work into getting everything ready for the PTPH. At the PTPH and subsequent hearings, the prosecution and court made every effort to assist the defendant, who was unrepresented, in understanding the proceedings. Thorough notes of hearings were made by the advocates at all stages.

**4.58** Stakeholders considered there was little consideration of trial strategy by the reviewing lawyers, but that this was rectified by good Crown Advocates and counsel. There were cases where the CPS had failed to deal with document heavy or technical evidence, such as phone downloads or computer analysis. However, we also found a number of cases where Area lawyers had worked well to build cases after poor charging decisions. The following example illustrates the variable quality of the casework:

**Case study**

The case involved two defendants charged with drugs offences. Despite being a custody case, the post-sending review was only completed 21 days after the first hearing. The review was confused and left the consideration of the witnesses to counsel. At the PTPH, a well prepared Crown Advocate was able to assist the Judge's exploration of the Crown and defence cases, witness requirements and other key matters, leaving no issue outstanding or unresolved. Only witnesses essential to the issues in the case were warned, avoiding unnecessary attendance by those who were not essential.

**4.59** CPS data shows that compliance with Judges' orders (JOs) was timely in 89.5% of cases in 2016-17. Our file examination indicates 26 out of 43 cases (60.5%) showed full compliance and 15 (34.9%) partial compliance. The Area has adopted the commendable practice of serving the Crown's case in full, where possible, for the PTPH. All relevant parties are written to, confirming that there has been completion, but our file examination and court observations identified that this was overlooked at the PTPH and a JO was still being raised to complete the work already done. The number of JOs would more accurately reflect what work is outstanding if prosecution advocates were more robust at challenging such orders at the PTPH. Stakeholders and staff indicated that defence compliance with JOs was also an issue, which adds to the case progression pressures on the CPS.

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**4.60** Issues with grip are evidenced in the rate of trials which do not go ahead for reasons connected to the prosecution. The effective trial rate, 52.5% in 2016-17, was better than the national average of 50.7%, but of the trials that were cracked or ineffective, 12.7% were for prosecution reasons in 2016-17, which was worse than the national average of 12.5% and the Area's performance in 2015-16 (11.9%).

**4.61** The Area has introduced Crown Court managers at each of their Crown Court centres to help tackle the cracked and ineffective trial rate and improve case progression. We observed that this was particularly effective at Basildon Crown Court. Stakeholders involved were supportive of this practice and identified improvements since the introduction.

### Strength

The CPS Crown Court manager's work with prosecution advocates and stakeholders at Basildon Crown Court to ensure that plea and trial preparation hearings are effective.

**4.62** Because of the delays in trials at Chelmsford Crown Court, there are cases that have taken more than a year from sending to come to trial. The Area has twice undertaken a review of all cases over a year old, to see if they were still viable and to build cases where possible. This led to a number of cases being discontinued, which impacted adversely on the timely discontinuance rate, but also prevented those cases contributing further to the churn in the court.

**4.63** The Area monitors BCM compliance through dip sampling of the timeliness of service of the prosecution case and the quality of bundles and duty of direct engagement (DDE) with defence practitioners. In our reality checks and observations at court, 11 out of 14 cases showed that the CPS had attempted DDE (78.6%), with calls to or messages left with defence representatives and letters sent, but there was no indication of any response in the majority of cases. The timing of attempts at DDE normally coincided with the preparation of the case for service. In our court observations we noted that only eight of 14 cases (57.1%) had been prepared prior to seven days before the PTPH, so where that is the case the DDE is done only days before the hearing, or by counsel at court.

**4.64** Our checks of CMS task lists indicated a shortfall in understanding of the SOP operation across the legal grades. Many cases had duplicate or multiple tasks, with some incorrectly raised without dates for completion or escalation. This leads to an excess of tasks, which has an impact upon the effectiveness of task based working. The Paralegal Officers' (POs) tasks to check new material showed many overdue. This, coupled with POs' erroneous belief that they are not involved in activity under the SOP until post-PTPH, impacts upon effective case progression.

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**4.65** The Area accepted that there is work to do on the effective use of task management to drive better case progression and are in the process of identifying a training package that is specific to the various roles. The Crown Court unit's Senior District Business Manager leads on the SOP and Digital Case System (DCS); there is less consistent understanding amongst the unit's legal managers of these aspects.

**4.66** There have been no Crown Court custody time limit failures since 2014-15 and our checks on-site confirmed that appropriate monitoring was taking place.





## 5 Part D: Public confidence

### Performance expectation

*The service to victims and witnesses is central to the work of the Area. It ensures that decisions are appropriately explained and its interaction with victims and witnesses takes account of their needs, is open and direct, and shows empathy. The Area works with and learns from local communities to build confidence in the criminal justice system.*

Criteria	Score
<i>Part D: Public confidence</i>	
<b>Communications</b> with victims under all applicable initiatives, the Victims' Code or policies (including consulting victims on discontinuance or pleas, letters under the Victim Communication and Liaison scheme, communications with bereaved families, and the Victims' Right to Review) occur where required, and are timely and of a high standard	Fair
The <b>views and interests</b> of the victim, witnesses and public are reflected and protected by the appropriate use of remand or bail conditions, Victim Personal Statements and ancillary orders at sentencing	Good
The Area is <b>responsive</b> to community groups, victims and witnesses, complainants, other stakeholders and the public and uses their feedback robustly to identify strengths and weaknesses and to improve service delivery	Good
<b>Overall score for public confidence</b>	<b>GOOD</b>

### Performance against the Part D criteria

*Summary: Despite obstacles caused by case progression and police file quality, East of England provides a good service to victims and witnesses. There is more work to do on communications with victims and with the police to reduce the risk of inadvertent disclosure of witnesses' personal details. Prosecutors take account of victims and witnesses' needs in dealing with bail, offers of pleas and orders at sentencing, and the Speaking to Witnesses at Court initiative is embedded. Area management meetings and those with criminal justice partners have a victim focus. Community engagement is balanced with business need and targets those most at risk of discrimination or exclusion through an appropriate range of activity. There are examples of feedback from engagement being used to identify good practice and to drive improvement. The local scrutiny and involvement panels are comprehensive in their membership and agenda. They review cases with the benefit of robust case reports supplied free of charge by a well-respected law firm and post-graduate students from a local university, which adds assurance and independence to the process. Feedback from community groups is largely very positive.*

Criteria	Score
<b>D1 Communications</b> with victims under all applicable initiatives, the Victims' Code or policies (including consulting victims on discontinuance or pleas, letters under the Victim Communication and Liaison scheme, communications with bereaved families, and the Victims' Right to Review) occur where required, and are timely and of a high standard	Fair

**5.1** In our file sample, we found that in 65 out of 72 applicable cases (90.3%) the prosecutor took all necessary steps to secure victim and witness engagement in the court process. There were greater efforts to engage victims and witnesses in cases that were complex or sensitive (96.0%).

**5.2** Special measures were sought in all but one appropriate cases (96.4%). Special measures applications were timely in 70.4% of applicable cases. Applications were more timely in magistrates' courts cases and less timely in those cases that fell into a sensitive category than where they did not.

**5.3** East of England carried out monitoring of compliance with the Speaking to Witnesses at Court (STWAC)<sup>7</sup> initiative over a six-month period in 2016. Since many of the trial courts are prosecuted by agents, the Area has produced a newsletter for them and reminders of the need to follow STWAC have appeared there. The Area follows up where a prosecutor (agent or in-house) has failed to note action on STWAC, to ensure that victims and witnesses are spoken to and to make sure that the hearing record accurately records the STWAC conversation, where it has taken place. The last monitoring exercise in December showed 80% compliance, an improvement on previous dip sample results.

**5.4** Three of the Area's courts were included in a national witness satisfaction survey in 2016, carried out as part of the implementation of STWAC. This showed that the vast majority of witnesses were spoken to at court (91.6%), got a chance to ask questions (90.2%) and were given enough support to prepare them for cross-examination (89.0%).

**5.5** A significant proportion of staff (66.1%) who responded to our survey thought the Area provided a good or excellent service to victims and witnesses and 77.8% thought generally the Area worked well with the WCUs and agencies such as Victim Support. Staff cited the lack of resources and police file quality as obstacles to an excellent service, but commended the Area's commitment to victims and witnesses.

<sup>7</sup> *Speaking to Witnesses at Court*; CPS; March 2016. [www.cps.gov.uk/Publications/Prosecution/speaking-to-witnesses-at-court-guidance-mar-2016.pdf](http://www.cps.gov.uk/Publications/Prosecution/speaking-to-witnesses-at-court-guidance-mar-2016.pdf)

**5.6** There have been two data security breaches whereby discs of evidence have been lost in transit; these may include digitally recorded interviews with victims and young and/or vulnerable witnesses. The Area has introduced encryption of all discs and secure transit and is working with their four police forces on IT solutions to enable electronic evidence to be shared using a 'cloud' based solution, although there are no imminent prospects for this to be enabled.

**5.7** There has also been one unauthorised disclosure of a witness's address to the defence. Prosecutors preparing papers for service on the defence are very conscious that personal details may be included erroneously by the police in witness statements, so check them carefully, but this adds to the time it takes to prepare cases and puts an unnecessary burden on Area staff. The Area has done a great deal of work on police file quality, which we discuss above, but should ensure that this is included in those discussions.

### Issue to address

The Area should liaise with its police partners to ensure that personal details of victims and witnesses are only endorsed on the correct part of the witness statement form.

**5.8** The timeliness of communications with victims across all relevant criteria is monitored rigorously by the Victim Liaison Unit (VLU), with assistance from the performance officer in tracking cases where letters are due. National CPS data shows that there have been substantial improvements in performance in relation to the timeliness of letters to victims and witnesses who, because of the nature of the offence, are entitled to an enhanced service. In 2016-17, 77.2% of letters in this category were sent on time, compared with 53.7% in 2014-15. However, the rate of improvement has slowed since 2015-16 and the Area has yet to reach the national average of 81.4%.

**5.9** Our findings, which do not distinguish between the required levels of service, were that 13 of the 17 applicable cases (76.5%) had letters sent, all of which were timely. In the remaining four cases (23.5%), we could find no evidence of any letter being sent. In two of those four cases, the letters should have been sent after substantial changes to the charges, rather than the case being dropped entirely. Compliance with the requirement to write to victims was markedly better in magistrates' court cases (88.9%) than in those finalised in the Crown Court (62.5%), which supports what we were told about mixed standards in the quality of information sent to the VLU after hearings in the Crown Court.

**5.10** The quality of letters was variable, with only six of the 13 (46.2%) fully meeting requirements. A further five cases (38.5%) partially met the expected standard, but two failed completely. In one of these, the same letters were sent to two victims despite changes to the case which meant that a new charge no longer related to the second victim. The letter incorrectly told her that it did. In the other, the paragraph from the lawyer explaining why the case had been discontinued misrepresented both the facts and the applicable law.

**5.11** Considerable work has been done to quality assure letters sent to victims and witnesses, including feedback from the Area's local scrutiny and involvement panels (LSIPs) and dip samples by its casework committee. The VLU manager assesses nine letters a month in accordance with a national scheme that began in June 2017 and keeps a bank of letters and paragraphs that reflect good practice, which are available to all staff on the Area's shared drive. The casework committee is also reviewing the letters assessed as part of the national scheme. The amount of assurance work is generating a risk that clear messages about quality get lost in the quantity of feedback, some of which may concern style rather than substance, and that the confidence of the victim liaison officers and other letter-writers will be undermined.

### Issue to address

The Area should ensure it continues its work to improve the quality of Victim Liaison Unit letters, including making sure that feedback on communications with victims is focused and clear, and drives improvement.

Criteria	Score
<b>D2</b> The <b>views and interests</b> of the victim, witnesses and public are reflected and protected by the appropriate use of remand or bail conditions, Victim Personal Statements and ancillary orders at sentencing	Good

**5.12** The CPS record of the charging decision (MG3) made full reference to all relevant applications and ancillary matters (for example, consideration of special measures and restraining orders) in 42 of the 74 relevant cases (56.8%). Issues with police file quality, which we have discussed above, mean that the relevant information may not be available to prosecutors at the time of charging. Area-based charging decisions were weaker in this respect than those delivered by CPSD. There was very little difference in the quality between sensitive and non-sensitive cases.

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**5.13** The police have recognised in the past that they could do more to ensure that the first file submission includes a Victim Personal Statement (VPS) and the work done appears to have borne fruit; of the 57 cases where the police file fell below the agreed standard, only two (3.5%) were primarily because of the absence of a VPS.

**5.14** In 2016-17 the witness attendance rate was 86.5%, slightly above the national average of 86.3%. However this is a 'snap shot' survey taken over a short period of time so may not reflect the true position. Its accuracy is also called into question by the Area's worse than average rate of cases failing due to victim and witness issues (29.7% compared to a national rate of 29.0%).

**5.15** The prosecutor took account of the rights, interests and needs of victims and witnesses, including consulting them where appropriate, in 81.7% of applicable cases in our file sample.

**5.16** Prosecutors' decisions on acceptance of plea were right in all seven applicable cases in our file sample and in our reality checks at court we noted that offers of plea were correctly rejected in several cases. In the court observations, we also noted that prosecutors dealt firmly but fairly with bail issues and made appropriate applications for ancillary orders on sentence.

**5.17** The Area has worked to increase the number of cases where the appropriate hate crime uplift in sentencing is referred to by prosecutors and properly recorded on the hearing record sheet as having been applied by the court. A representative of the CPS visited chambers to remind barristers of their duty to apply for the uplift and to ask the court to specify the uplift applied. In addition, the performance officer produced reports of finalised hate crime cases which the DCPs then checked to ensure the uplift was recorded, with feedback to prosecutors where it was not.

### Strength

The Area's commitment to ensuring that sentencing uplifts are applied in relevant hate crime cases.

Criteria	Score
<b>D3</b> The Area is responsive to community groups, victims and witnesses, complainants, other stakeholders and the public and uses their feedback robustly to identify strengths and weaknesses and to improve service delivery	Good

5.18 The VLU allocates and monitors the timeliness of the handling of complaints and requests under the Victims' Right to Review (VRR) scheme. However, timeliness of responses to complaints has declined, from 82.9% in 2014-15 to 77.1% in 2016-17, although performance remains better than the national average, which was 72.4% in 2016-17.

5.19 In 2016-17, 38.1% of complaints were upheld partly or in full at stage 1,<sup>8</sup> which is slightly worse than the national average of 36.0%. The Area commissioned a training session for managers and VCL staff on complaints handling and the quality of letters to complainants.

5.20 The CPS Headquarters Appeal and Review Unit (ARU) reviewed East of England's handling of VRRs in the fourth quarter of 2016-17 and noted that no decisions made by the Area had been overturned by the ARU since July 2015. The average rate of overturning VRR decisions for all Areas was 7.1% in the same period. The report said: "*the Area benefits from a highly competent and communicative VLU/VRR co-ordinator and the senior managers appear to be fully engaged with their VRR casework.*"

5.21 The Inclusion and Community Engagement Manager left in March 2015 and the role has been covered since then by the job-sharing holders of the communications manager role, one of whom is on maternity leave. Despite this obstacle, the Area has engaged effectively with the communities it serves. Key priorities within the Area business plan are aimed at improving public confidence and there is a clear community engagement policy, which balances community engagement with business need.

5.22 We were told that the Area, along with other agencies, could do more to ensure that the impact on victims and witnesses is considered when policy changes are being made, but equally, it is apparent that victim and witness issues are routinely considered in the Area's various management meetings. In Essex, one of the recent multi-agency workshops held to improve processes focused on witness care.

8 The CPS complaints process has three stages; stage 1 is its response to a complaint, dealt with by the office where the problem happened.  
[www.cps.gov.uk/contact/feedback\\_and\\_complaints/](http://www.cps.gov.uk/contact/feedback_and_complaints/)

**5.23** Externally, meetings are held with criminal justice partners and community groups which are focussed on improving public confidence. With partners, this includes regular meetings of the victim and witness sub-groups of the three LCJBs which cover the four police forces serving the Area, performance meetings with the police at force level and at the four-force strategic performance meetings, and an Essex-based victim and witness action team (VWAT) which meets every six weeks and includes the WCU. Comments we received indicate that the right staff attend these meetings regularly and that they are engaged and supportive. An issue with consistent attendance at the VWAT has been resolved in the last few months.

**5.24** The CCP has met with local MPs, with follow-up actions documented and completed. Parliamentary correspondence is dealt with in a timely manner.

**5.25** Rape fora, to which the relevant agencies, local chambers, judiciary, independent sexual violence advisers and community groups were invited, used to be held twice a year and are being reintroduced from September 2017.

**5.26** There are two LSIPs, one of which focuses on hate crime (HC) and the other on violence against women and girls (VAWG). Membership of the HC LSIP is targeted at groups representing people with protected characteristics under the Equality Act 2010, such as race, disability and sexual orientation. The panels meet twice a year and discuss performance, training, policy and legal developments in the Area or nationally, media activity, and issues of concern to the attendees. They are supported by relevant performance information, with bespoke reports prepared if the panels make a request. The panels scrutinise relevant cases, supported by a report on each case.

**5.27** The Area has secured the services firstly, of a law firm who work without charge to provide a report on each VAWG case and to facilitate the VAWG panel's discussions, and secondly of post-graduate students from a local university to prepare reports for the HC LSIP. The reports include issues to discuss or potential improvements to practice, as well as a thorough outline of the case and evidence. The panels' discussions are summarised in a review form for each case, which is then discussed by the Area's casework committee and shared with all DCPs and the team that handled each case. Securing the use of external reviewers for the cases provides a valuable independent perspective and a greater level of assurance.

**5.28** There is robust discussion at the LSIPs and good practice and actions to improve are identified and followed up. Examples include feedback on the quality of VCL letters leading to dip samples by the casework committee and concerns about domestic abuse reporting rates leading to investigation by the LCJBs. The panels also work with the CPS outside the formal meetings, for example the HC LSIP co-ordinated a press release publicising their work with the Area's release of hate crime data. We were told that where people raised issues via a community group there were delays in responding, which undermined the impact of engagement, but the feedback from community groups was generally extremely positive.

**5.29** Media engagement has covered key aspects of the Area's sensitive casework, such as coercive and controlling behaviour, forced marriage and the improving rate of successful outcomes in rape allegations. The CCP is particularly active in media and community engagement but engagement, especially with the LSIPs, is undertaken by a range of Area staff.

### Strength

The Area's commitment to engaging with local community groups.



## 6 Part E: Efficiency and value for money

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### **Performance expectation**

*The Area ensures it delivers the maximum benefit for users and stakeholders with the resources available. It has the right people doing the right things at the right time for the right cost, and delivering the right outcome. It is focussed on ensuring that successful outcomes and quality service delivery are achieved through proper governance, casework quality, the effective use of resources, and efficient and effective processes that avoid unnecessary, duplicated or additional work.*

**This aspect was not scored.**

**6.1** There are firm budgetary controls, with appropriate monitoring and risk assessment. Financial delegations are clear and tailored to the requirements of the holder's role. The Area stayed within budget in 2016-17 for the first time in three years. It has reduced its spend on agents, at a time when it is struggling to fill a significant number of prosecutor vacancies.

**6.2** The Area is not maximising its use of Crown Advocates and has the worst results in the CPS for notional fee savings. This has come about as a result of recruitment problems and the Area has considered and ruled out some possible solutions, such as increased overtime and more agent usage, both for sound reasons. Other solutions, such as working with another Area to second temporary staff from the self-employed Bar and use of a recruitment agency, were not as successful as hoped. Crown Advocates are being allocated to review work in the Crown Court and occasionally as emergency cover for the magistrates' courts. There is a three stage plan aimed at addressing this issue.

**6.3** The Area is well-respected by partners in the criminal justice system and other stakeholders and this has underpinned good work at the strategic and operational levels with partners to deliver benefits for users of the justice system. The Area has seen improved successful outcomes and fewer hearings per case in both magistrates' courts and Crown Court cases. Rape convictions have improved considerably in the Crown Court after much work with the police and within the Area on the quality of that casework, including a thorough review of reasons for cases failing, the secondment of a police officer to the CPS team to act as gatekeeper, and pre-charge case management panels.

**6.4** Aspects of initial reviews and case progression need to improve to add more value and improve outcomes further. An effective review template has been introduced and there are signs in our reality checks that review work has begun to improve. Disclosure of unused material has been systematically evaluated with police partners, with actions identified and implemented, although this is too recent to show significant improvement in the finalised cases we examined.

**6.5** The monitoring of custody time limits is efficient, as is evidenced by the lack of a time limit failure since 2014-15.

**6.6** There are processes in place to monitor the timeliness of letters sent to victims and those who make complaints, and sampling of the quality of letters to victims is carried out. Despite this, there is room for improvement in the quality of the letters. Speaking to Witnesses at Court is embedded and victims and witnesses' needs are reflected in key aspects of casework, such as bail and sentencing. The Area has strived to drive up the number and recording of sentencing uplifts in hate crime offending.

**6.7** Through its work with hate crime and VAWG scrutiny panels and other related activities the Area engages effectively with local communities, which has led to improvements in how aspects of casework are handled. The panels benefit from the services provided free of charge by a law firm and post-graduate students to support their evaluation of cases.

**6.8** As we stated at the outset of this report, what the Area now needs is a period of sustained stability in its lawyer manager cadre if it is to deliver the improvements we have identified and increasingly add value to its casework.

# Annexes

## A Glossary

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### **Adverse case**

An adverse result is a case which is either discontinued by the prosecution or stopped by the court because of a lack of evidence.

### **Agent**

Agents are lawyers who are not employed by the CPS but who are booked, usually on a daily basis, to prosecute cases in court on its behalf. They are not empowered to take decisions under the Code for Crown Prosecutors and have to take instructions from CPS lawyers in this regard.

### **Area Business Manager (ABM)**

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

### **Area Performance Review (APR)**

A review of key performance indicators to assess an Area's performance which is used to drive improvement.

### **Associate Prosecutor (AP)**

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.

### **Barrister/counsel**

Member of the independent Bar who are instructed by the CPS to prosecute cases at court.

### **Basis of plea**

When the defendant pleads guilty to the charge, but does not agree the full facts as set out by the prosecution. The prosecution must then decide whether to accept the basis on which the defendant is pleading guilty.

### **Better Case Management (BCM)**

The single national process for case management of Crown Court matters. It is led by Her Majesty's Courts and Tribunals Service (HMCTS) and involves the CPS and police. The aim is to deal with cases more efficiently.

### **Case management system (CMS)**

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

### **Casework Quality Standards**

Set out the benchmarks of quality that the CPS seeks to deliver in prosecuting crime for the public. They cover treatment of victims and witnesses, legal decision-making, casework preparation and advocacy.

### **Charging decision**

The process by which the police and the CPS decide whether there is sufficient evidence for a suspect to be prosecuted. The process is governed by the Director's Guidance on Charging 5th edition which came into effect in May 2013.

### **Chief Crown Prosecutor (CCP)**

The most senior legal manager at CPS Area level and the person who is held to account for its assurance controls and performance.

### **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' (DPP) power to determine cases delegated, but must exercise them in accordance with the Code and its two stage test – the evidential and 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.

### **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.

### **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. See also *Criminal Procedure Rules*.

### **CPS Direct (CPSD)**

The CPS Area which takes the majority of CPS decisions as to charge under the charging scheme. Lawyers are available on a single national telephone number so that advice can be obtained at any time.

**Cracked trial**

On the trial date, the defendant offers acceptable pleas or the prosecution offers no evidence. A cracked trial requires no further trial time, but as a consequence the time allocated has been wasted and witnesses have been unnecessarily inconvenienced, thus impacting confidence in the system. See also *offer no evidence*.

**Criminal Procedure Rules (CPR)**

The Criminal Procedure Rules determine the way a criminal 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). See also *court orders/directions*.

**Crown Advocate (CA)**

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

**Custody time limit (CTL)**

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

**Digital Case System (DCS)**

An online system used in the Crown Court which reduces the paper flowing through the criminal justice system by enabling all parties to access the same electronic case file.

**Director of Public Prosecutions (DPP)**

Senior Civil Servant who is the head of the CPS.

**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. There are various regimes and the type of case determines which one applies. See also *streamlined disclosure* and *unused material*

**Discontinuance**

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

**Effective trial**

The trial goes ahead as a contested hearing on the date that it is listed.

**Guilty anticipated plea (GAP)**

A guilty anticipated plea involves a case whereby the defendant is expected to admit the offence at court following an assessment of the available evidence.

**Hate crime**

An offence aggravated by hostility based on race, disability or sexual orientation.

**Hearing record sheet (HRS)**

A CPS electronic record of events at court. If completed correctly it acts as a continual log of court proceedings and court orders.

**Individual Learning Account (ILA)**

The ILA gives every member of CPS staff access to £350 a year for professional development to ensure all staff have the tools and skills to do their job.

**Individual Quality Assessment (IQA)**

The CPS scheme to assess the performance of individuals and compliance with the CPS's Casework Quality Standards. See also *Casework Quality Standards*.

**Ineffective trial**

The trial does not go ahead on the trial date due to action or inaction by one or more of the prosecution, defence or the court and a further listing for trial is required.

**Initial details of the prosecution case (IDPC)**

The material which the prosecution is obliged to serve on the court and the defendant before the first hearing. Documents to be included vary dependent upon the type of case and anticipated plea, but always include the charge sheet and the police report (MG5).

**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. See also *offer no evidence*.

**Knowledge Information Management (KIM)**

The method by which an organisation gathers, categorises, shares and maintains its resources, documents and other electronically stored materials.

**Local Criminal Justice Board (LCJB)**

There are a number of Local Criminal Justice Boards (or partnerships) in England and Wales, which bring together the chief officers of all the criminal justice agencies

and partnerships in order to co-ordinate delivery of the criminal justice system (CJS). The National Criminal Justice Board is the primary forum for setting direction for the CJS.

### **Manual of Guidance (MG) forms**

National forms used by the police and CPS to prepare a case file.

*MG3*: used to record the charging decision.

*MG5*: used to detail the police report – a case file summary setting out the circumstances of the offence(s) and the evidence that is relied upon in the case.

*MG6*: a series of forms previously used in relation to the disclosure of unused material, they have been replaced by the Streamlined Disclosure Certificate. See also *Streamlined disclosure*

*MG11*: used to record a witness's statement and other information such as their contact details and witness care requirements, for example if there are any special measures considerations.

### **National File Standard (NFS)**

This document details what must be included in the police file for particular types of cases. The latest version was published in May 2015.

### **Not guilty anticipated plea (NGAP)**

A not guilty anticipated plea involves a case whereby the defendant is expected to deny the offence at court following an assessment of the available evidence.

### **Offer no evidence**

Where the prosecution offer no evidence in relation to an offence for which the defendant has been arraigned. This results in a finding of not guilty.

### **Paralegal Officer/Assistant**

A member of CPS staff who deals with, or manages, day-to-day conduct of a prosecution case under the supervision of a Crown Prosecutor and, in the Crown Court, attends court to assist the advocate.

### **Plea and Trial Preparation Hearing (PTPH)**

This is a first hearing before the Crown Court at which cases should be effectively managed and listed for trial. There is a specific PTPH form which should be completed as far as possible prior to the hearing and completed at that hearing. This is part of the BCM initiative.

### **Pre-charge decision (PCD)**

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 on Charging.

### **Preparation for effective trial (PET) forms**

Completed by the defence, prosecution and the court, they are used in the magistrates' court to manage cases due for trial.

### **Prosecution Team Performance Management (PTPM)**

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

### **Rape and Serious Sexual Offences (RASSO)**

Includes rape, sexual assault, sexual activity offences, abuse of children through prostitution or pornography, and trafficking for sexual exploitation.

### **Resource and Efficiency Measures (REM)**

Created a standardised way of measuring the resources needed to carry out work across the CPS. By measuring how long tasks take and how many are processed a CPS Area can obtain an overview of the resources required to complete key processes.

### **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. See also *Code for Crown Prosecutors*.

### **Sentence uplift**

Section 146 Criminal Justice Act 2003 allows the court to increase a sentence when specified aggravating features exist.

### **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. See also *disclosure*.

### **Special measures applications**

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

### **Standard Operating Practices (SOPs)**

National CPS processes that apply consistency to business practices. They provide a set procedure for all Areas to adhere to. Examples of SOPs are those for Transforming Summary Justice, Better Case Management and custody time limits.



### **Streamlined disclosure**

The new streamlined disclosure process was introduced as part of Transforming Summary Justice. The main principle is that an unused material report is to be available for the defence at the first hearing in magistrates' courts cases:

- in GAP cases, a standardised form of written confirmation is to be provided to the defence, which confirms that the prosecution understand their common law duties
- in NGAP cases, there is to be early provision of unused material. An unused material report, called the Streamlined Disclosure Certificate (SDC), replaces the MG6 series and is served as soon as a not guilty plea is entered. See also *disclosure* and *unused material*

### **Transforming Summary Justice (TSJ)**

A cross-criminal justice agency initiative which aims to reform the way in which criminal casework is undertaken in the magistrates' courts and to create a swifter criminal justice system, with reduced delay and fewer hearings. The initiative is based on ten characteristics to be implemented by all the agencies to achieve its aims.

### **Unsuccessful outcome**

Cases which result in an acquittal or are discontinued.

### **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. See also *disclosure* and *streamlined disclosure*.

### **Victim Communication and Liaison scheme (VCL)**

Formerly known as Direct Communication with Victims (DCV), this is a CPS scheme under which victims are informed of decisions to discontinue or alter substantially any charges. The CPS must notify the victim within one working day if they are vulnerable or intimidated and within five working days for all other victims. In some case categories a meeting will be offered to the victim or their family to explain these decisions.

### **Victim Liaison Unit (VLU)**

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.

### **Victim Personal Statement (VPS)**

This gives victims a voice in the criminal justice process by helping others to understand how a crime has affected them. If a defendant is found guilty, the court will take the VPS into account, along with all the other evidence, when deciding upon an appropriate sentence.

### **The Code of Practice for Victims of Crime (the Victims' Code)<sup>9</sup>**

A statutory code of practice for the treatment of victims of crime, with which all criminal justice agencies must comply. Its aim is to improve victim contact with the criminal justice agencies by providing them with the support and information they need.

### **Victims' Right to Review scheme (VRR)**

Under the scheme a review of the following CPS decisions can be sought: not to charge; to discontinue (or withdraw in the magistrates' courts) all charges thereby ending all proceedings; to offer no evidence in all proceedings; and to leave all charges in the proceedings to "lie on file" (this is the term used in circumstances where the CPS makes a decision not to proceed and requests that the charges be allowed "to lie on the file" marked 'not to be proceeded with without the leave of this Court or the Court of Appeal').

### **Violence against women and girls (VAWG)**

The umbrella term under which rape and serious sexual assaults sit for work undertaken internationally, across government, across the agencies and within the CPS.

### **Vulnerable and intimidated witnesses**

Witnesses who may be vulnerable or intimidated for the purposes of special measures assistance include, all child witnesses (under 18) and any witness whose quality of evidence is likely to be diminished because they are suffering from a mental disorder (as defined by the Mental Health Act 1983) or have a significant impairment of intelligence and social functioning, or have a physical disability or are suffering from a physical disorder. Complainants to sexual offences are automatically defined as an intimidated witness unless they wish to opt out.

### **Witness care unit (WCU)**

Unit responsible for managing the care of victims and prosecution witnesses from the 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 may have a combination of police and CPS staff (joint units), but most no longer have CPS staff.

### **Youth**

A defendant or witness under the age of 18. Special considerations apply when dealing with youths.

### **Youth Court**

Part of the magistrates' court which deals with defendants under the age of 18.

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<sup>9</sup> *The Code of Practice for Victims of Crime* [the Victims' Code]; Ministry of Justice; December 2015. [www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime](http://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime)

## B Area Assurance Programme inspection framework

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### Introduction

The framework is split into five sections: The success of CPS people; Continuous improvement; Delivering high quality casework; Ensuring public confidence; and Efficiency and value for money. Each section has a performance expectation and a number of criteria against which evidence will be gathered. Sub criteria have been identified for each section which can be used as a guide to help assess performance.

The framework aligns significantly with the current CPS priorities and takes account and considers other key initiatives such as Standard Operating Practices (SOPs), Transforming Summary Justice (TSJ) and Better Case Management (BCM).

Overall, inspectors are looking to see that the CPS delivers the maximum benefit for users and stakeholders with the resources available. This means the right people doing the right things at the right time for the right cost, and delivering the right outcome. The focus will be on ensuring that successful outcomes and quality service delivery are achieved through proper governance, casework quality, the effective use of resources, and efficient and effective processes that avoid unnecessary, duplicated or additional work.

### Part A: The success of CPS people

#### Performance expectation

*The Area is led and managed effectively to ensure it has the right people equipped with the appropriate tools and skills for the job to deliver a high quality service. This is achieved by ensuring all staff have the right technology, systems and skills, to enable decisions to be made fairly, at the right time and at an appropriate level.*

### Criteria

- 1 **Senior management demonstrates effective leadership and engages with staff to identify and utilise opportunities to deliver a quality of service.**
  - 1.1 Senior managers act as role models demonstrating commitment to CPS values and equality and diversity policies.
  - 1.2 Senior managers have effective engagement with staff on strategic and operational matters.
  - 1.3 Senior managers effectively communicate the vision, values and direction of the CPS.
  - 1.4 All managers motivate staff, build effective teams, and challenge inappropriate behaviour.

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- 1.5 All managers understand and take responsibility for implementing senior management decisions.
  - 1.6 Regular and open dialogue occurs through team meetings, with feedback to senior managers of relevant information.
  - 1.7 Senior managers take time to make themselves available to staff at key points in the business calendar or during change processes.
- 2 Senior managers work effectively and are influential with criminal justice partners.**
- 2.1 Senior managers promote an open and constructive approach with criminal justice colleagues.
  - 2.2 The Area works effectively with Local Criminal Justice Boards (or similar where applicable).
- 3 The Area is committed to CPS values, equality and diversity policies and staff development to deliver improvement in staff engagement, effectiveness, well-being and morale.**
- 3.1 The Area has integrated equality into all relevant strategies and plans, including the Area training plan, and there is equality of access to training.
  - 3.2 The Area is implementing a plan to improve staff engagement levels which is delivering results.
  - 3.3 Sick absence reduction targets have been set and actions taken to meet them.
  - 3.4 Good performance is identified and rewarded, and poor performance tackled appropriately.

## Part B: Continuously improving

### **Performance expectation**

*The Area continuously improves how it works, deploying resources to work effectively and using efficient processes.*

### **Criteria**

- 1 The Area's key **performance data** is analysed effectively and used to inform resource allocation, to robustly identify the Area's strengths and weaknesses and to drive improvement.

- 1.1 There is regular and robust analysis of performance by the Area Management Team, which is based on reliable and timely performance data and other relevant information.
- 1.2 Analysis of performance informs decision-making and resource allocation, leads to remedial action being taken where appropriate, and contributes to improving performance.
- 1.3 There is effective benchmarking of performance across the Area, with other Areas, national performance and CPS levels of ambition, which informs decision-making and resource allocation.
- 1.4 Performance information is disseminated in a readily understood format to staff.
- 1.5 Area quality assurance and performance monitoring measures identify aspects for improvement and good practice, which are shared with staff and which drive improvements in service delivery.
- 1.6 Teams are held to account for their performance.
- 1.7 Senior managers assess performance robustly, using regular reality checks (such as dip samples, reviews of failed cases and court observations) to inform their understanding of front-end delivery levels.
- 1.8 The APR process is applied robustly and openly and used to improve performance.

**2 Resources are systematically managed and deployed effectively.**

- 2.1 The Area's budget is systematically controlled through appropriate delegation, proper monitoring, and accurate knowledge of committed expenditure.
- 2.2 The Area's budgetary allocation and planning support strategic and operational delivery.
- 2.3 The Area has an effective and transparent system of allocating funds to budget holders. There are clear financial delegation limits, which are understood by staff.
- 2.4 Area managers are effective in negotiating financial matters with Headquarters and partners.
- 2.5 The Area has effective systems for assessing the most appropriate staffing structure and staffing levels across the Area, which are used to ensure that work is conducted by staff at the right level.
- 2.6 The balance between in-house prosecutors and agents' usage represents a good use of resources.

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**3 Joined-up working is effective and delivers improvements in outcomes for users.**

- 3.1 There are effective arrangements for joint performance management with criminal justice partners, which include robust quality assurance processes.
- 3.2 Relevant performance information, areas for improvement and good practice are shared between criminal justice partners and used to identify strengths and weaknesses.
- 3.3 Joint improvement strategies are implemented, actions are followed up and improvement results.

**Part C: High quality casework**

**Performance expectation**

*The Area delivers justice through excellent, timely legal decisions, casework preparation and presentation, leading to improved outcomes.*

**Criteria**

*Magistrates' courts casework*

- 1 Reviews and decisions (including charging decisions, the use of applications, and acceptance of plea) are proportionate; properly recorded; comply with the Code for Crown Prosecutors and any relevant policy and guidance; include consultation with the police; and contribute to successful outcomes and victim and witness satisfaction.**
  - 1.1 The Area checks that all files received from the police comply with National File Standard and the principles of Transforming Summary Justice (TSJ). Unresolved issues are escalated when appropriate.
  - 1.2 The Area feeds back effectively to the police where they do not comply with the Code for Crown Prosecutors or the Director's Guidance on Charging (5th edition).
  - 1.3 The Area ensures that there is a timely and proportionate review in all cases requiring one, which is appropriately recorded.
  - 1.4 Reviews and decisions comply with the Code and any relevant policy or guidance; include a prosecution case theory or trial strategy to maximise the prospects of a successful outcome; and identify when ancillary orders or additional information may be requested at sentencing.

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- 1.5 Reviews and decisions are robustly quality assured.
  - 1.6 The Area complies with its duties of disclosure in relation to unused material.
  - 1.7 Disclosure is robustly quality assured, aspects for improvement are identified, and performance improves as a result.

**2 Case preparation and progression is effective and timely.**

- 2.1 Area systems support the effective progression of cases, including compliance with the Criminal Procedure Rules and SOPs.
- 2.2 The Area ensures that cases progress at the first magistrates' court hearing in accordance with TSJ principles.
- 2.3 The Area ensures that the number of effective trials and successful outcomes are increasing through effective case preparation and progression.
- 2.4 The Area has an effective system for the management and monitoring of custody time limits.
- 2.5 CMS task lists and reports are used robustly to manage, monitor and improve case progression.

*Crown Court casework*

**3 Reviews and decisions (including charging decisions, the use of applications, and acceptance of plea) are proportionate; properly recorded; comply with the Code for Crown Prosecutors and any relevant policy and guidance; include consultation with the police; and contribute to successful outcomes and victim and witness satisfaction.**

- 3.1 The Area checks that all files received from the police comply with National File Standards and the principles of BCM. Unresolved issues are escalated when appropriate.
- 3.2 The Area feeds back effectively to the police where they do not comply with the Code for Crown Prosecutors or the Director's Guidance on Charging.
- 3.3 The Area ensures that there is a timely and proportionate review in all cases requiring one, which is appropriately recorded.
- 3.4 Reviews and decisions comply with the Code and any relevant policy or guidance; include a prosecution case theory or trial strategy to maximise the prospects of a successful outcome; and identify when ancillary orders or additional information may be requested at sentencing.
- 3.5 Reviews and decisions are robustly quality assured.

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- 3.6 The Area complies with its duties of disclosure in relation to unused material.
  - 3.7 Disclosure is robustly quality assured, aspects for improvement are identified, and performance improves as a result.

**4 Case preparation and progression is effective and timely.**

- 4.1 Area systems support the effective progression of cases, including compliance with the Criminal Procedure Rules and SOPs.
- 4.2 The Area ensures that cases progress in the Crown Court in accordance with BCM principles.
- 4.3 The Area ensures that the number of effective trials and successful outcomes are increasing through effective case preparation and progression.
- 4.4 The Area has an effective system for the management and monitoring of custody time limits.
- 4.5 CMS task lists and reports are used robustly to manage, monitor and improve case progression.

**Part D: Public confidence**

**Performance expectation**

*The service to victims and witnesses is central to the work of the Area. It ensures that decisions are appropriately explained and its interaction with victims and witnesses takes account of their needs, is open and direct, and shows empathy. The Area works with, and learns from, local communities to build confidence in the criminal justice system.*

- 1 **Communications with victims under all applicable initiatives, the Victims' Code or policies (including consulting victims on discontinuance or pleas, letters under the Victim Communication and Liaison scheme, communications with bereaved families, and the Victims' Right to Review) occur where required, and are timely and of a high standard.**
  - 1.1 The needs of victims and witnesses are fully considered and there is timely and appropriate liaison and support throughout the prosecution process.
  - 1.2 The Area ensures compliance with the requirement to consult victims in appropriate cases, including discontinuance and acceptance of pleas.



- 1.3 The Area ensures that communications with victims and bereaved families are sent where required and are of a high standard, with reference to sources of support or additional rights (including the Victims' Right to Review) where appropriate.
  - 1.4 Area training plans give appropriate priority to training on victim and witness issues and relevant policies and guidance.
- 2 The views and interests of the victim, witnesses and public are reflected and protected by the appropriate use of remand or bail conditions, Victim Personal Statements and ancillary orders at sentencing.**
- 2.1 The Area ensures that victim and witness issues are considered at the pre-charge stage and clear instructions are provided to advocates for all hearings.
  - 2.2 The Area ensures that applications to refuse bail, seek bail conditions or appeal the grant of bail are appropriate and proportionate and are effective in protecting the victim and the public.
  - 2.3 The Area ensures that the opportunity to make a Victim Personal Statement has been provided in applicable cases and that prosecutors take the necessary steps to present it to the court in the way that the victim chooses, as far as possible.
  - 2.4 Area processes ensure that the right ancillary orders are sought at sentencing or other disposal to protect the victim, witnesses or public.
- 3 The Area is responsive to community groups, victims and witnesses, complainants, other stakeholders and the public and uses their feedback robustly to identify strengths and weaknesses and to improve service delivery.**
- 3.1 Senior managers are committed to engaging with, and securing the confidence of, victims and witnesses, other stakeholders and the public.
  - 3.2 The needs of victims and witnesses are identified, addressed and incorporated into the core business of the Area.
  - 3.3 The Area prioritises engagement with stakeholders or community groups at the greatest risk of exclusion and discrimination.
  - 3.4 Complaints, Victims' Right to Review communications, and other feedback from stakeholders, community groups and the public are used to identify aspects for improvement.
  - 3.5 Actions identified from feedback are implemented effectively and followed up robustly.

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- 3.6 The Area can demonstrate improvement in service delivery, engagement or community confidence as a result of actions taken on feedback received.
  - 3.7 The Area engages effectively with witness care units, victim and witness support agencies, and other criminal justice partners to deliver improvements in victim and witness care at court.

## Part E: Efficiency and value for money

### **Performance expectation**

*The Area ensures it delivers the maximum benefit for users and stakeholders with the resources available. It has the right people doing the right things at the right time for the right cost, and delivering the right outcome. It is focussed on ensuring that successful outcomes and quality service delivery are achieved through proper governance, casework quality, the effective use of resources, and efficient and effective processes that avoid unnecessary, duplicated or additional work.*

- 1.1 Area managers actively promote the concept of value for money throughout the Area.
- 1.2 Effective and efficient case progression is avoiding duplication and minimising waste by ensuring that only appropriate cases are brought to court in an expedient manner.
- 1.3 High quality casework is maximising the likelihood of a successful result.
- 1.4 Partnership working is delivering positive results in outcomes for users.
- 1.5 The Area, through effective management, makes best uses of its resources to optimise their effectiveness and delivers successful outcomes.

## C File sample composition and examination findings

Question	Answer	All cases
<b>Pre-charge decision by the police</b>		
The police decision to charge was compliant with the Code for Crown Prosecutors	Yes	93.5%
	No	6.5%
The police decision to charge was compliant with the Director's Guidance	Yes	84.8%
	No	15.2%
The police MG3 correctly identified whether a guilty or not guilty plea was anticipated	Yes	73.9%
	No	26.1%
<b>Pre-charge decision by the CPS</b>		
The CPS decision to charge was compliant with the Code for Crown Prosecutors	Yes	95.9%
	No	4.1%
The MG3 included proper case analysis and case strategy	Fully met	36.5%
	Partially met	55.4%
	Not met	8.1%
The MG3 made reference to all relevant applications and ancillary matters	Fully met	56.8%
	Partially met	36.5%
	Not met	6.8%
There were appropriate instructions and guidance to the court prosecutor contained in either the MG3 or the PET or PTPH created with the MG3	Fully met	52.7%
	Partially met	41.9%
	Not met	5.4%
The CPS MG3 correctly identified whether a guilty or not guilty plea was anticipated	Yes	86.5%
	No	13.5%
The action plan met a satisfactory standard	Fully met	40.3%
	Partially met	44.4%
	Not met	15.3%

Question	Answer	All cases
Rate the overall quality of the MG3	Excellent	1.4%
	Good	37.8%
	Fair	41.9%
	Poor	18.9%
<b>Code compliance after charge</b>		
The police file submission complied with the National File Standard for the type of case	Fully met	41.2%
	Partially met	35.1%
	Not met	23.7%
The main failing in the police file was in relation to	VPS	3.5%
	MG5	5.3%
	Defendant previous convictions	5.3%
	MG11	35.1%
	Overbuild	14.0%
	Other	36.8%
Police file submission was timely	Yes	85.6%
	No	14.4%
All Code decisions after charge complied with the Code for Crown Prosecutors	Yes	95.8%
	No	4.2%
<b>Initial case review and preparation for the first hearing</b>		
The case received a proper and proportionate initial case review where appropriate	Yes	69.4%
	No	18.0%
	Not done	12.6%
The initial case review was carried out in a timely manner	Yes	75.3%
	No	24.7%

MG5 Police report including case file summary

MG11 Statement made by a witness to be used as evidence

Question	Answer	All cases
The prosecutor prepared the case effectively in accordance with TSJ/BCM to ensure progress in court at the initial hearing(s)	Yes	71.6%
	No	28.4%
The prosecutor identified and raised with the police any lack of compliance with TSJ/BCM	Yes	62.5%
	No	37.5%
The first hearing was effective, complied with TSJ/BCM expectations (where appropriate) and resolved all outstanding issues	Yes	83.3%
	No	16.7%
Any issues with the effectiveness of the TSJ/BCM hearing were primarily occasioned by whom	Police	33.3%
	CPS	33.3%
	Court	5.6%
	Defence	27.8%
<b>Case progression after the first hearing</b>		
The lawyer or team exercised sound judgement and grip on the case	Fully met	40.0%
	Partially met	46.1%
	Not met	13.9%
There was timely compliance with court directions or Judges' orders	Fully met	66.1%
	Partially met	26.8%
	Not met	7.1%
Any decision to discontinue was made and put into effect in a timely manner	Yes	54.5%
	No	45.5%
The decision to accept pleas or a basis of plea was sound	Yes	100%
	No	0%
Any basis of plea was in writing and signed by the prosecution and defence	Yes	20.0%
	No	60.0%
	Not known	20.0%
Hearing record sheets were completed accurately, contained sufficient instructions to progress the case and were uploaded to CMS in a timely manner	Fully met	55.8%
	Partially met	28.3%
	Not met	15.8%

Question	Answer	All cases
<b>Disclosure</b>		
The police complied with their disclosure obligations	Fully met	59.2%
	Partially met	35.0%
	Not met	5.8%
The main failing in the police disclosure was in relation to	Listing items wrongly	12.2%
	Poor description of items	36.7%
	Lack of schedule	16.3%
	Wrong schedules	2.0%
	Witness previous convictions	4.1%
	Other	28.6%
The prosecutor complied with the duty of initial disclosure, including the correct endorsement of the schedules (but not including timeliness of disclosure)	Fully met	56.1%
	Partially met	40.8%
	Not met	3.1%
The prosecutor complied with the duty of continuing disclosure (but not including timeliness of disclosure)	Fully met	67.3%
	Partially met	28.6%
	Not met	4.1%
The failure to comply with the duty of disclosure was a complete failure to disclose undermining or assisting material (late disclosure is not a complete failure)	Yes	0%
	No	100%
The prosecution complied with its duty of disclosure in a timely manner	Yes	83.3%
	No	16.7%
Sensitive unused material was dealt with appropriately	Fully met	82.6%
	Partially met	13.0%
	Not met	4.3%

Question	Answer	All cases
Third party material was dealt with appropriately	Fully met	78.6%
	Partially met	21.4%
	Not met	0%
The disclosure record sheet was properly completed with actions and decisions taken on disclosure	Fully met	32.7%
	Partially met	40.8%
	Not met	26.5%
Rate the overall quality of handling of unused material by the CPS	Excellent	2.0%
	Good	48.0%
	Fair	37.8%
	Poor	12.2%
<b>Victims and witnesses</b>		
Where appropriate the prosecutor took all necessary steps to secure victim engagement in the court process	Fully met	90.3%
	Partially met	1.4%
	Not met	8.3%
The prosecutor took account of the rights, interests and needs of victims and witnesses including consulting with them where appropriate	Fully met	81.7%
	Partially met	11.3%
	Not met	7.0%
The appropriate special measures were applied for	Yes	96.4%
	No	3.6%
The application was timely	Yes	70.4%
	No	29.6%
There was a timely Victim Communication and Liaison (VCL) when required	Yes	76.5%
	No	0%
	Not done	23.5%
The VCL was of a high standard	Fully met	46.2%
	Partially met	38.5%
	Not met	15.4%

Question	Answer	All cases
<b>Police service quality</b>		
Rate the overall quality of the service from the police	Excellent	1.7%
	Good	37.5%
	Fair	43.3%
	Poor	17.5%
<b>CPS service quality</b>		
Rate the overall value added by the CPS	Excellent	1.7%
	Good	30.8%
	Fair	52.1%
	Poor	15.4%



## D Area performance data

Casework outcomes	National		East of England				Variance 2014-15 to 2016-17	
	2014-15	2015-16	2016-17	Variance 2014-15 to 2016-17	2014-15	2015-16		2016-17
<b>Magistrates' court</b>								
Successful outcomes	84.2%	83.8%	84.7%	0.5	87.4%	83.9%	87.2%	-0.2
Discontinuance	10.5%	10.3%	9.6%	-0.9	8.3%	10.5%	8.0%	-0.3
<b>Crown Court</b>								
Successful outcomes	79.4%	79.2%	78.8%	-0.6	81.6%	80.1%	80.8%	-0.8
Judge ordered acquittals	12.5%	12.2%	11.6%	-0.9	9.7%	10.8%	10.2%	0.5
<b>Charging volumes</b>								
Number of pre-charge decisions	307,037	276,696	265,275	-13.6%	20,203	16,561	17,295	-14.4%
<b>Magistrates' court</b>								
Guilty pleas	71.2%	71.2%	72.5%	1.3	77.8%	72.5%	75.8%	-2.0
Attrition	22.4%	21.8%	20.5%	-1.9	16.8%	21.2%	18.6%	1.8
<b>Crown Court</b>								
Guilty pleas	71.9%	71.4%	70.2%	-1.7	74.7%	71.1%	72.4%	-2.3
Attrition	20.5%	20.6%	21.0%	0.5	18.7%	20.7%	19.3%	0.6

<b>Staffing and caseload changes</b>						
	<b>2014-15</b>	<b>2015-16</b>	<b>Variance 2014-15 to 2015-16</b>	<b>2016-17</b>	<b>Variance 2015-16 to 2016-17</b>	<b>Variance 2014-15 to 2016-17</b>
<b>Areas and CPS Direct plus Proceeds of Crime</b>						
Staff in post	4,983.7	4,585.1	-8.0%	4,513.6	-1.6%	-9.4%
Prosecutors in post	2,240.3	2,110.7	-5.8%	2,113.0	0.1%	-5.7%
Administrators in post	2,743.4	2,474.5	-9.8%	2,400.6	-3.0%	-12.5%
<b>Magistrates' court</b>						
Completed cases	557,887	534,121	-4.3%	495,235	-7.3%	-11.2%
Contested cases	54,167	59,964	10.7%	55,323	-7.7%	2.1%
Contested cases proportion of completed cases	9.7%	11.2%	1.5	11.2%	0.0	1.5
Contested cases with conviction	33,075	37,513	13.4%	35,685	-4.9%	7.9%
Proportion of contested cases resulting in conviction	61.1%	62.6%	1.5	64.5%	1.9	3.4
Contested cases per prosecutor*	24.2	28.4	4.2	26.2	-2.2	2.0
<b>Crown Court</b>						
Completed cases	98,505	96,338	-2.2%	85,881	-10.9%	-12.8%
Contested cases	16,847	17,351	3.0%	17,028	-1.9%	1.1%
Contested cases proportion of completed cases	17.1%	18.0%	0.9	19.8%	1.8	2.7
Contested cases with conviction	9,568	9,862	3.1%	9,675	-1.9%	1.1%
Proportion of contested cases resulting in conviction	56.8%	56.8%	0.0	56.8%	0.0	0.0
Contested cases per prosecutor*	7.5	8.2	0.7	8.1	0.1	0.6

\* Excludes CCP and senior staff

Contested cases figures include mixed plea cases

Staffing and caseload changes						
	2014-15	2015-16	Variance 2014-15 to 2015-16	2016-17	Variance 2015-16 to 2016-17	Variance 2014-15 to 2016-17
<b>East of England</b>						
Staff in post	265.0	224.4	-15.3%	216.7	-3.4%	-18.2%
Prosecutors in post	116.8	95.7	-18.1%	93.4	-2.4%	-20.0%
Administrators in post	148.3	128.7	-13.2%	123.2	-4.3%	-16.9%
<b>Magistrates' court</b>						
Completed cases	34,375	32,704	-4.9%	30,664	-6.2%	-10.8%
Contested cases	2,746	3,337	21.5%	3,056	-8.4%	11.3%
Contested cases proportion of completed cases	8.0%	10.2%	2.2	10.0%	-0.2	2.0
Contested cases with conviction	1,734	2,050	18.2%	2,042	-0.4%	17.8%
Proportion of contested cases resulting in conviction	63.1%	61.4%	-1.7	66.8%	5.4	3.7
Contested cases per prosecutor*	23.5	34.9	11.4	32.7	-2.2	9.2
<b>Crown Court</b>						
Completed cases	5,773	5,506	-4.6%	4,944	-10.2%	-14.4%
Contested cases	975	1,035	6.2%	948	-8.4%	-2.8%
Contested cases proportion of completed cases	16.9%	18.8%	1.9	19.2%	0.4	2.3
Contested cases with conviction	514	584	13.6%	536	-8.2%	4.3%
Proportion of contested cases resulting in conviction	52.7%	56.4%	3.7	56.5%	0.1	3.8
Contested cases per prosecutor*	8.4	10.8	2.5	10.1	-0.7	1.8

\* Excludes CCP and senior staff

Contested cases figures include mixed plea cases

Efficiency, costs and quality	National			East of England			Comparison to national average 2016-17		
	2014-15	2015-16	2016-17	Improvement/deterioration 2015-16 to 2016-17	2014-15	2015-16		2016-17	
<b>Efficiency</b>									
Completed cases per administrator (FTE)	239.3	254.8	242.1	Det	270.7	296.9	289.0	Det	Better than
Completed cases per prosecutor (FTE)	293.0	298.7	275.0	Det	343.9	399.4	381.1	Det	Better than
In-house magistrates' court sessions	72.4%	70.5%	69.4%	Det	73.7%	73.5%	74.7%	Imp	Better than
Associate Prosecutor magistrates' court sessions	27.0%	25.1%	24.5%	Det	33.1%	30.5%	31.7%	Imp	Better than
Cases dropped at 3rd or subsequent hearings (magistrates' court)	34.1%	30.5%	29.6%	Imp	35.1%	29.8%	30.7%	Det	Worse than
Average sessions per Associate Prosecutor per week	5.59	6.50	6.72	Imp	4.82	6.41	6.79	Imp	Better than
Hearings per magistrates' court case (guilty plea)	1.87	1.80	1.69	Imp	1.67	1.60	1.56	Imp	Better than
Hearings per Crown Court case (guilty plea)	3.84	3.97	3.65	Imp	3.38	3.53	3.33	Imp	Better than
Percentage of magistrates' court guilty pleas at first hearing	70.8%	70.7%	70.0%	Det	75.8%	73.0%	74.2%	Imp	Better than
Percentage of Crown Court guilty pleas at first hearing	33.1%	31.8%	39.9%	Imp	40.6%	35.0%	41.1%	Imp	Better than
CPS savings per Crown Advocate	£65,389	£65,550	£63,193	Det	£47,775	£32,658	£29,275	Det	Worse than

Efficiency, costs and quality	National				East of England				Comparison to national average 2016-17
	2014-15	2015-16	2016-17	Improvement/deterioration 2015-16 to 2016-17	2014-15	2015-16	2016-17	Improvement/deterioration 2015-16 to 2016-17	
<b>Cost</b>									
Prosecution cost per defendant (Crown Court)	£1,080	£1,124	£1,223	Det	£1,094	£1,076	£1,285	Det	Worse than
Overall spend per completed case	£588	£602	£657	Det	£514	£501	£556	Det	Better than
Overall spend per total staff (FTE)	£77,404	£82,767	£84,641	Det	£77,788	£85,299	£91,381	Det	Worse than
<b>Outcomes</b>									
Magistrates' court successful outcomes	84.2%	83.8%	84.7%	Imp	87.4%	83.9%	87.2%	Imp	Better than
Crown Court successful outcomes	79.4%	79.2%	78.8%	Det	81.6%	80.1%	80.8%	Imp	Better than
Magistrates' court discontinuances	10.5%	10.3%	9.6%	Imp	8.3%	10.5%	8.0%	Imp	Better than
Crown Court Judge ordered acquittals	12.5%	12.2%	11.6%	Imp	9.7%	10.8%	10.2%	Imp	Better than

FTE Full-time equivalent





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