

Area Assurance Inspection of CPS West Midlands

October 2017

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1 Headlines

1.1 There is an Area ethos that has been created by the vision of the Chief Crown Prosecutor (CCP) and the rest of the senior team of 'people first'. The CCP was described as motivational, inspirational and supportive by numerous staff members. This has led to staff feeling supported and has eradicated a culture of blame that once permeated the Area. Leadership and engagement in local teams was effective, bar some small pockets of the administrative teams where further work remains to be done.

1.2 West Midland's overall progress has been signified by a clean sweep of improved measures in its latest Civil Service People Survey (2016), apart from those for pay and benefits, where the Area has little control. The Engagement score improved by 2% to 56%, while the biggest increase was with respect to Leadership and Managing Change, which improved by 7% to 39% from 2015.

1.3 There are regular quarterly all manager days. The senior management team use these meetings to engage effectively, set out the Area vision, consolidate the culture and ethos that it expects managers to demonstrate, and also to hold training sessions on Area priorities. Senior management decisions were supported by Area managers and corporately disseminated to frontline staff.

1.4 The Area has taken a lead and been proactive in establishing constructive partnerships to improve the outcomes for victims, witnesses and users of the service. It engages effectively with all Local Criminal Justice Boards and other senior partners. The CCP regularly meets with senior judiciary and attends the regional Chief Constables' Council meetings. Clear expectations have been communicated by the Area to stakeholders. With excellent relationships it has also worked with criminal justice partners to establish effective governance arrangements.

1.5 The CPS has been clear at all levels with police partners about the need to drive up police file quality and has committed significant resources to provide meaningful partnership information, to help forces direct training and supervision. Performance outcomes have shown a noticeable improvement, linked to an improvement with the quality and timeliness of police files.

1.6 Comprehensive performance packs are supplied to the Area's management teams to promote performance awareness and drive improvements. Senior management performance and compliance meetings are mirrored at all management levels and the Area effectively holds teams to account for their performance, distilling a culture of continuous improvement. Effective governance has been developed to support the importance of casework. The Casework Quality Committee, legal teams and training all provide a good base for driving improvement. The Area has stepped up the pace with implementation of stricter adherence to the Individual Quality Assessment (IQA) process. Staff receive one to one feedback from

managers about their performance, but managers accepted they struggled in the past to keep on top of the number of assessments required. The Area has taken a thematic approach to IQA, which has targeted aspects of casework it needs to improve.

1.7 There is a range of training for support staff to enable them to undertake their roles more effectively. There has been effective use of Individual Learning Accounts (ILAs) and the Area has made a significant investment in legal learning in an attempt to drive up the quality of casework and legal decision-making.

1.8 Average working days lost to sickness have improved from 11.0 days to 9.2 over the past three years. West Midlands has dedicated resources to addressing the high level of sickness, providing training and support for managers, and offering one to one support for staff. Although this has not seen it achieve numbers in line with national performance, the trend is in the right direction.

1.9 In 2016-17 overspend had reduced to an acceptable level of less than 0.5% of overall budget. At the strategic level, the Area has a good awareness of the issues it faces with respect to recruitment and resourcing. However, there was a lack of awareness of value for money at the operational level. Agent spend in the magistrates' courts was high, however this had been recognised and plans were in place to delegate budget responsibilities back to unit managers. The Area was also trying to influence local court sessions to drive efficiencies.

1.10 CPS West Midlands leads and engages with criminal justice partners in a number of joint performance meetings, effectively contributing to joint performance arrangements. Senior managers take the lead across the criminal justice partnerships and chair the regional Transforming Summary Justice (TSJ) meeting, providing extensive performance data. There are good examples of joint performance leading to improved outcomes across a range of measures, with West Midlands being rated as second highest CPS Area against national joint measures for TSJ outcomes.

1.11 Despite legal decisions in the magistrates' court being sound, Area charging advices showed weaknesses and we found aspects for improvement. The Area has recently recognised this themselves and work has been conducted to address the issues. Shortage of resources in the legal teams appears to be a cause for poor timeliness of review, which was revealed by our file sample and court observations. Notwithstanding this, significant improvements in some magistrates' court measures have been made.

1.12 Case progression in the magistrates' court requires further attention. We found a large number of cases where there was a lack of 'grip' on casework. Court orders were often not adhered to fully and some task lists on the case management system (CMS) were not fully managed. Successful outcomes were good but there is a low effective trial rate. There was improved performance with respect to cases involving domestic abuse, but there is still a higher than acceptable level of cases failing due to victim and witness issues.

1.13 The Area has ensured that Better Case Management principles run throughout its casework in the Crown Court, however the quality of initial reviews and their timeliness required improvement. The Area has commenced the use of IQAs to improve casework quality but the process has not been fully embedded at the frontline, although inspectors heard how managers adopted a number of other measures to address casework feedback to lawyers. Inspectors had little confidence that the disclosure record sheets provided a solid audit trail of the disclosure of unused material in Crown Court cases. The Area has conducted numerous training sessions with respect to disclosure, but a focus needs to be placed on disclosure in 'volume' crime cases.

1.14 There is a good effective trial rate in the Crown Court and good performance with respect to cracked and ineffective trials due to prosecution reasons. First hearings were also effective. Our file read revealed issues with grip on cases that were set down for trial and unsuccessful outcomes due to victim and witness issues remained high. As with the magistrates' court, task lists on CMS required attention to bring down the numbers and there was some evidence that more training and awareness was needed by lawyers on how to work digitally more effectively.

1.15 The Area performs well at addressing victim and witness issues at the first hearing, but was let down recently with under resourcing of the unit which communicates with victims. This has now been resolved and the focus now needs to be on the quality of communications. There is strong performance with the use of Victim Personal Statements and consultation with victims of serious sexual offences.

1.16 Hate crime case outcomes have improved. The Area engages with the community and there is an effective two way dialogue to increase performance and successful outcomes in specialist aspects of casework, specifically hate crime and violence against women and girls. The CPS has close links with agencies dealing with victims and witnesses and has dedicated senior management resources to this priority.

1.17 We set out here our headline findings in respect of our inspection of CPS West Midlands. The Area's performance as assessed against the inspection framework modules was as follows:

Criteria	Score
<i>Part A: The success of CPS people</i>	
Senior management demonstrates effective leadership and engages with staff to identify and utilise opportunities to deliver a quality of service	Good
Senior managers work effectively and are influential with criminal justice partners	Excellent
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	Good
Overall score for the success of CPS people	EXCELLENT
<i>Part B: Continuously improving</i>	
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	Good
Resources are systematically managed and deployed effectively	Fair
Joined-up working is effective and delivers improvements in outcomes for users	Good
Overall score for continuously improving	GOOD
<i>Part C: High quality casework</i>	
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 (magistrates' courts)	Good
Case preparation and progression is effective and timely (magistrates' courts)	Fair
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)	Fair
Case preparation and progression is effective and timely (Crown Court)	Fair
Overall score for high quality casework	FAIR

Criteria	Score
<i>Part D: Public confidence</i>	
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	Fair
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	Good
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
Overall score for public confidence	GOOD

Strengths

1.18 We identified the following strengths:

- 1 The Area has established excellent relationships with stakeholders and takes a significant lead in criminal justice partnerships to drive up performance (paragraph 2.15).
- 2 There is an effective performance management regime across the Area designed to engender accountability, enable constructive challenge to the wider management team and produce improved outcomes (paragraph 3.4).
- 3 The Area Data Integrity Group, which has resulted in a focus at all levels of data integrity and has improved its accuracy (paragraph 3.7).
- 4 The Area's prioritisation of hate crime cases has led to an improvement in the conviction rates (paragraph 5.25).

Issues to address

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

- 1 Increase awareness of the vision of the Area within the administrative cadre (paragraph 2.7).

- 2 The Area needs to focus on creating a more effective training programme for non-legal staff, which improves the focus on the professionalisation of the administrative cadre (paragraph 2.21).

- 3 The Area needs to raise awareness of value for money principles amongst its operational managers, especially with regard to the impact of agent spend and use of external counsel (paragraph 3.17).

- 4 The Area needs to work with Her Majesty's Courts and Tribunals Service to address the current listing practices and to work systematically to reduce the number of court sessions, which would allow it to reduce its reliance on prosecutor agents (paragraph 3.19).

- 5 The Area needs to ensure that cases are reviewed in accordance with Transforming Summary Justice timescales (paragraph 4.13).

- 6 The Area needs to improve the handling of unused material and ensure that decisions are recorded on the disclosure record sheet where appropriate (paragraph 4.22).

- 7 The Area needs to ensure that all staff manage their task lists effectively (paragraph 4.69).

- 8 The Area needs to ensure adherence to Victim Communication and Liaison processes, that they are fully understood by all legal staff in the Area and that steps are implemented to improve the quality of the letters sent (paragraph 5.10).

Context and methodology

1.20 CPS West Midlands has offices at Birmingham and Stoke and is aligned with Staffordshire, Warwickshire, West Mercia and West Midlands police forces. It also deals with all British Transport Police (BTP) casework after this was centralised in the Area, although BTP work was excluded from our inspection. The Area covers 13 magistrates' courts and nine Crown Court centres. In the 12 months to March 2017 it had the full-time equivalent of 414.4 staff and the budget for 2016-17 was £36,612,835.

1.21 In the 12 months to March 2017 the Area finalised 57,746 magistrates' court cases and 9,095 Crown Court cases. Its overall magistrates' court caseload is increasing, while in the Crown Court it is declining.

1.22 During the same period the Area secured convictions, either after trial or by a guilty plea, against 85.2% of defendants in magistrates' court cases and 79.9% of defendants in the Crown Court. Magistrates' court performance was better than national CPS performance (84.7%), as was Crown Court performance (nationally 78.8%).

1.23 Further information on the Area's performance data is at annex D.

1.24 Inspectors examined 150 magistrates' court and Crown Court files finalised between January and March 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.

1.25 Our fieldwork took place in July and 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.

1.26 We set out at annex D key Area data, compared against CPS national average performance. Where available, the most recent performance data is for the 12 months to March 2017.

1.27 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

1.28 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.

1.29 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 leadership and engages with staff to identify and utilise opportunities to deliver a quality of service	Good
Senior managers work effectively and are influential with criminal justice partners	Excellent
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	Good
Overall score for the success of CPS people	EXCELLENT

Performance against the Part A criteria

Criteria	Score
A1 Senior management demonstrates effective leadership and engages with staff to identify and utilise opportunities to deliver a quality of service	Good

Summary: There has been a significant culture change brought about by the CCP and senior managers over the past three years, changing the Area ethos to one of people first. The CCP was regularly praised by staff as being motivational, inspirational and supportive. Staff now work in a supportive environment, where the previous blame culture has been eradicated. Leadership and engagement within local teams was strong, however there were some small pockets of administrative teams where the strong feeling of support and effective engagement had not quite permeated.

2.1 The Area has had the benefit of improved measures in the latest Civil Service People Survey (the CS survey), apart from those for pay and benefits, where it has little control. The Engagement score improved to 56% (up 2% from the previous survey) compared to the national score of 59%. Over half (53%) of West Midlands staff agreed that senior leaders demonstrated the CPS values and 51% were proud to work for the Area, an improvement of 6% from the 2015 survey. The highest improvement from 2015 was for Leadership and Managing Change, which improved by 7% to 39%.

2.2 We found there was effective senior management visibility across the Area, with regular meetings with local senior management teams. Most staff felt that the CCP, Deputy Chief Crown Prosecutors (DCCPs) and Area Business Manager (ABM) were visible, a finding confirmed in the CS survey where 47% agreed, improving 6% from 2015.

2.3 There is a tangible ethos within all levels of Area management of the people first priority. Managers were keen to set out how engaged members of staff understood how their actions impacted the service to the community and could contribute to better outcomes for users. We were also informed that those same individuals fully understood the rationale behind the Area's priorities. Managers were clear that it is important to communicate effectively and to explain decisions. The Area has invested in a substantial monthly newsletter, The Brief, which has sections on each of the teams across the Area. Staff talked about this in a positive way and viewed the newsletter as an effective means of communication.

2.4 Senior managers engaged effectively with staff during the proposals for rotation of lawyers across the Area into and out of the Rape and Serious Sexual Offences (RASSO) unit.

2.5 Managers had engaged with administrative staff and were aware of a concern that they felt disengaged, as they did not fully understand how their roles fitted. In both the magistrates' court and Crown Court teams administrators have started a programme of court visits to understand and see the consequences of their roles. The Area has also ensured that all court based Paralegal Assistants have had time with the fees team to understand how this interaction fits and the importance of completion of fee logs and information in the process.

2.6 DCCPs hold regular focus groups with all staff. These discussions have been used to address issues identified. In the magistrates' court teams, feedback from apprentices at the focus group resulted in changes to training and induction. The Crown Court DCCP has more recently held 'coffee morning' focus groups with administrators and Paralegal Officers. In our interviews, staff indicated that they had found these sessions helpful and were able to be open and honest about concerns. Many felt that their roles were just about clearing tasks but senior managers had recognised this disconnect and outlined effective plans to tackle this feeling.

2.7 There were regular team meetings in all units. These meetings were effective in updating staff and engaging them in their understanding of the Area's priorities, how it was performing and in identifying issues, as well as supporting changes to systems and processes. The Area acknowledged that meetings were less frequent in some administrative units, which may have been partly due to the lack of permanent managers in some roles.

Issue to address

Increase awareness of the vision of the Area within the administrative cadre.

2.8 We were told by staff across all roles that the culture of the Area had changed. They no longer feel there is a blame culture and they are now supported. In many interviews the CCP's personal leadership, and her ability to motivate and support staff, was praised and singled out as an example of how the Area had changed for the better. We heard from a number of sources of the CCP's effective engagement with stakeholders, senior staff and administrative staff, including apprentices.

2.9 There are regular quarterly all manager days. The CCP and senior team use these meetings to engage effectively, set out the Area vision, consolidate the culture and ethos that it expects managers to demonstrate and also to hold training sessions on Area priorities. More recently the Area used the all managers' training day to raise the awareness of stress in the workplace. There were good levels of corporacy demonstrated by all managers and examples given to show that once decisions were made, managers supported these when communicating to staff.

2.10 Managers were able to demonstrate numerous examples of how inappropriate behaviour had been tackled, including how feedback had been given on an individual and team level.

Criteria	Score
A2 Senior managers work effectively and are influential with criminal justice partners	Excellent

Summary: Senior managers, led by the CCP, have worked effectively with criminal justice partners. The Area has taken a lead and been proactive in establishing constructive partnerships to improve the outcomes for victims, witnesses and users of the service.

2.11 The CCP has built a series of effective relationships with all key senior criminal justice stakeholders. There are regular meetings between CPS senior managers and criminal justice partners and the judiciary. The CCP meets quarterly with the Recorders and Chief Constables across all forces. The CCP and/or the DCCPs attend the Local Criminal Justice Boards (LCJBs) and there are effective working relationships with all Police and Crime Commissioners (PCCs) in force areas. The CCP also attends the quarterly regional Chief Constables' Council meeting and uses this forum to set out CPS expectations, as well as discussing force performance.

2.12 There are a number of LCJBs in the Area. The CCP has worked with senior criminal justice colleagues and the West Midlands PCC to re-establish the West Midlands Board. Having produced the terms of reference and personally engaged with all stakeholders, the first meeting of the West Midlands LCJB will take place in August 2017, chaired by the Chief Constable.

2.13 One of the DCCPs has taken the lead on the Area's Victims and Witnesses Committee and has effectively engaged with partners to agree a number of joint actions. Citizens Advice Bureau feedback highlighted that they felt the CPS lead was inclusive, effective and solution focused.

2.14 The level of engagement at the LCJBs is positive and the CPS plays a key role in many of the LCJB sub-groups. The Transforming Summary Justice Regional Board is chaired by the CPS and this has been effective in improving police file quality across the region. The CPS has been clear with partners of the standards expected, and has implemented an escalation process to work with forces to ensure that it receives files that meet the agreed standards.

2.15 Criminal justice partners reported that there were excellent relationships. They said they were able to talk openly and honestly, and that the CPS was responsive and delivered on promises it had made. The fact that the Area has taken a very firm line on police file quality has meant that some stakeholders interviewed felt they were being pushed to deliver a service that did not always recognise the pressures they faced. The Area has been clear at all levels with police partners about the need to drive up police file quality and has committed significant resources to provide meaningful partnership information, to help forces direct training and supervision. Performance outcomes have shown a noticeable improvement, linked to an improvement in the quality and timeliness of police files.

Strength

The Area has established excellent relationships with stakeholders and takes a significant lead in criminal justice partnerships to drive up performance.

2.16 The Area has worked with Her Majesty's Courts and Tribunals Service (HMCTS) at a strategic level on the Section 28 Youth Justice and Criminal Evidence Act 1999 pilot. There are effective arrangements in the Crown Court and the roll out of the Better Case Management (BCM) initiative has produced good results, with performance in the Crown Court showing an improving trend. The Area is working with senior partners in the magistrates' courts to look at the effectiveness of case progression. This has included a series of joint observations by senior managers and weekly attendance by legal managers at court.

2.17 64% of staff who responded to our survey said that there was a good or excellent working relationship with the police and 82% thought that partnership working was delivering positive results.

Criteria	Score
A3 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	Good

Summary: The Area has supported staff with a range of training to help them undertake their roles more effectively. Over the last year there has been a focus within the Crown Court unit of supporting staff to become more 'digital' and to explain how working in line with the Standard Operating Practices can produce efficiencies. There has been effective use of Individual Learning Accounts and the Area has made a significant investment in legal learning in an attempt to drive up the quality of casework and legal decision-making.

2.18 The Area had an Inclusion and Fair Treatment score of 68% in the CS survey (national figure is 72%), with 73% of staff agreeing that they are treated fairly at work.

2.19 70% of respondents to the HMCPSI survey noted that they had taken up the opportunity to use their Individual Learning Account (ILA) and a further 18% said that there was a good reason why it had not been used. This is in line with the CS survey results where 68% of staff said they had discussed ILA with their manager, which is 4% better than the CPS national average. ILAs have been used on a wide variety of training opportunities, including a joint course with police on prosecuting drink driving offences, time management, health check assessments, and handling cases where there are mental health issues involved.

2.20 The Area has invested in legal training. There is a wide programme of 'lunch and learn' sessions, master classes and legal leadership forum training sessions. These have covered a wide range of subjects and have been delivered by a variety of methods, including 'webinars', face to face training and during legal team meetings. Lawyers and lawyer managers were able to demonstrate how this focus had resulted in improved casework outcomes and better decision-making. Lawyers were positive about the focus on legal decision-making and nearly all staff were keen to learn from feedback. There is a culture of continuous improvement across the Area. There are regular Casework Quality Committee meetings to discuss casework issues.

2.21 The Area learning and development plan sets out a programme for legal and non-legal staff for 2017-18. The legal elements in the plan are focused on weaknesses identified by casework analysis. The non-legal programme does not appear to be as strong in terms of identifying effective training for non-legal staff.

Issue to address

The Area needs to focus on creating a more effective training programme for non-legal staff, which improves the focus on the professionalisation of the administrative cadre.

2.22 In the CS survey, 60% of staff thought that they were able to access the right level of training and development (4% better than the CPS average). There has been a 2% improvement from 2015. The overall Training and Development score has improved by 4% compared to the previous survey.

2.23 The Area has improved the average number of working days lost to sickness from 11.0 days in 2013-14 to 9.2 in 2016-17, with a further reduction to 8.7 days for the 12 months to June 2017. Despite this improvement West Midlands is worse than the CPS national average of 7.4 days for the same period. The proportion of stress related absence in 2016-17 was 43.4% (national figure was 33.0%). The ABM and Human Resources (HR) team have supported managers to deal with the more complex absence cases and hold HR casework conferences. The Area has also focused training activity to improve managers' awareness of wellbeing, stress and mental health in the work place. It has worked with external mental health providers to offer a range of wellness and counselling services to all staff who may have needed them as a result of a traumatic event that took place in the Area in 2016.

2.24 The CS survey produced some varying results, in that 13% of staff felt they had personally experienced discrimination at work, which is worse than the national figure of 12%. However 10% personally experienced bullying or harassment at work, which is better than the national figure of 11%.

2.25 Inspectors found that there is a culture of reward and recognition. There were numerous examples of staff praise, thanks and recognition. We found examples in emails from managers, mentions at staff meetings and in The Brief newsletter, and were told by staff that managers regularly said thank you. The Area uses the CPS 'Simply Thanks' scheme widely. However in the CS survey West Midlands was 8% behind the average of other CPS Areas (73%) in response to "my manager recognises when I have done a job well". The Area's own assessment identified that more could be done to recognise and praise administrative staff. Inspectors found that there was a bias towards recognition for casework, which may have caused an imbalance.

2.26 Only 28% of staff in the CS survey felt that poor performance would be addressed, 7% behind the CPS average, although managers were able to demonstrate to us how they were tackling cases of poor performance. The Area issued one formal and one informal Performance Improvement Notice in the last year, although we heard directly from managers of numerous informal measures to address poor performance.

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 performance data is analysed effectively and used to inform resource allocation, to robustly identify the Area's strengths and weaknesses and to drive improvement	Good
Resources are systematically managed and deployed effectively	Fair
Joined-up working is effective and delivers improvements in outcomes for users	Good
Overall score for continuously improving	GOOD

Performance against the Part B criteria

Criteria	Score
B1 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	Good

Summary: There is good awareness across the Area of performance outcomes. Managers are provided with a comprehensive performance pack and this is used to identify aspects for improvement. The majority of staff were aware of how West Midlands was performing and where they were doing well, or needed to improve. There is a robust performance management regime with DCCPs holding their units to account and quarterly performance meetings where the CCP and ABM hold units to account. The Area has consistently improved performance outcomes over the past three years.

3.1 Managers have access to reliable and timely performance management information produced by the Performance Manager. A monthly performance pack is sent to all managers and published on the West Midlands Knowledge Information Management (KIM) system, broken down into high weighted measures, Area comparison data and benchmarks against national performance. To aid stakeholder discussions the pack is also broken down into court and police force area levels.

3.2 The pack provides detailed commentary, high level analysis and identifies aspects of risk. A recent review of the performance pack's value was undertaken. It was identified as too detailed for strategic purposes and that an over concentration on negative outcomes and failures to reach targets may be demotivating. Amendments have been made as a result of the feedback and the Performance Manager now produces a one page strategic overview document, with all detailed performance and commentary lying behind this. Additionally they prepare a performance presentation of the data which DCCPs and other senior managers use to deliver briefings to their units.

3.3 To hold managers to account for performance both DCCPs have monthly performance meetings, which they use to challenge local performance. Legal managers all have specific aspects of responsibility for which they provide a report, with analysis of adverse cases or performance data and suggested actions to improve. This approach has resulted in improved processes and outcomes. Conviction rates in domestic abuse cases in the magistrates' court unit have improved from 71.0% (2013-14) to 75.4% (2016-17) as the Area has worked with the police and courts to use evidence led prosecutions (cases proceeding without the victim's support) and improve file quality standards.

3.4 As well as holding units to account at monthly meetings, the DCCPs use these to develop their briefing for quarterly performance meetings with the CCP. This process is also effective and efficient in preparing West Midlands for the CPS Headquarters Area Performance Review meetings. Each of the DCCPs has been assigned a thematic responsibility within the Area and this has resulted in improvements in hate crime and violence against women and girls outcomes, as the DCCPs drive the agenda across their areas of responsibility.

Strength

There is an effective performance management regime across the Area designed to engender accountability, enable constructive challenge to the wider management team and produce improved outcomes.

3.5 The Area demonstrated that its performance management arrangements have led to change and improvement and we were provided with good examples, such as in magistrates' court domestic abuse conviction rates, hate crime convictions and sentence uplift performance. The CPS has also worked with West Midlands Police and aligned magistrates' courts to pilot a proof in absence approach for cases of shoplifting with a value of less than £200. West Midlands has also looked for good practice in other CPS Areas and will be setting up a correspondence unit to improve performance in aspects such as the timeliness of dealing with witness care unit queries.

3.6 The majority of Area staff have an awareness about performance. However, there was limited awareness of the declining trend in some measures, but this may be a result of Area performance being presented as a monthly comparison rather than covering a longer period. Those who were aware of the decline thought this may be as a result of a number of 'blitz' courts. These additional court sittings, used to assist in clearing backlogs of older cases, had led to an increase in unsuccessful outcomes due to victim and witness issues. In our survey 82.4% of staff felt that performance information was shared in a format that was easily accessible and understandable. Almost three quarters (74.3%) felt that the exchange of information with teams had led to improvements in performance.

3.7 There are good mechanisms in place to check data integrity (compliance, timeliness and accuracy). Operational managers had specific responsibilities for checking Resource and Efficiency Measures (REM), principal offence categories, use of appropriate electronic case management flags, finalisations, flexi-time records, BCM and Standard Operating Practice (SOP) compliance, and check 10% of each. The Area has invested heavily in training all staff on the importance of data accuracy and recording and there is a Data Integrity Group, which analyses the data integrity checks, addresses issues and implements improvement activity. Some managers thought that this group could be utilised further and have a role in task management and driving further performance improvements.

Strength

The Area Data Integrity Group, which has resulted in a focus at all levels of data integrity and has improved its accuracy.

3.8 Area checks have identified that some aspects of REM data are still inaccurate. To improve accuracy and understanding West Midlands has benchmarked itself against similar metropolitan CPS Areas. The Area has determined that, on its current REM data, it has more administrative staff than other Areas, but the inaccuracy of the data makes it difficult for the Area to reliably determine its correct staffing numbers. In focus groups, staff raised concerns that they did not fully understand REM, that they were not always simple to complete and, in some instances, staff felt the measures did not fully capture all the work that they undertake. The Area recognises that more awareness training about REM is needed and the ABM has developed a plan to start training administrative and legal managers, as there is a widely held poor perception of the accuracy of REM in the Area.

3.9 There is regular and robust consideration of cracked and ineffective trials and Judge directed acquittals (JDAs), with accompanying analysis and identification of trends. This had led to some training, such as on wasted costs, ways to reduce JDAs and witness communications. Almost two thirds of staff (65.7%) felt there were some mechanisms in place to learn lessons and to make improvement.

3.10 Most staff had been set personal and team objectives; our survey confirmed this with 91.4% of staff indicating they had relevant work objectives. Two thirds (66.4%) said they had regular meetings to discuss their performance with their managers. Of those who did not have meetings, many indicated that they were new to their role and had not yet had time to discuss objectives with their managers.

3.11 IQA checks have increased recently and managers are now undertaking two assessments per week. The Area has decided to concentrate on a thematic approach to work on specific issues of weakness. More recently, IQAs have targeted Area based charging decisions as the responsibility for more charging has returned to the Area from CPS Direct. Assessments provided as part of our evidence were, on the whole, very positive and identified some process issues, but there was limited development for lawyers identified. However, lawyers did confirm that they receive feedback. We found a culture of staff being open to feedback and recognising how this could be used to improve performance.

Criteria	Score
B2 Resources are systematically managed and deployed effectively	Fair

Summary: West Midlands has historically overspent its allocated budget, but in 2016-17 had reduced the overspend to an acceptable level of less than 0.5% of overall budget. At the strategic level the Area has a good awareness of the issues it faces, such as recruitment challenges and the imbalance in the lawyer and administrator resource mix. There are good systems in place for workforce planning. The Area recognises more could be done to influence its partners around court sessions and listing, so its agent and counsel spend can be reduced. The management cadre in the magistrates' court unit has been increased to bolster work with the courts. Due to historical issues, inspectors noted a lack of awareness of value for money at the operational level. This had been recognised by the Area, which had already agreed to delegate budget responsibilities back to unit managers.

3.12 West Midlands has overspent its allocated budget for the past three years. In 2016-17 the budget was £36,612,835, which it overspent by £164,301, but this was an improved position from 2015-16 where the overspend was 3.9%. In 2016-17 the Area underspent Non-Ring Fenced Administration Costs (NRFAC) by £188,641.

3.13 West Midlands has, as with other large metropolitan CPS Areas, struggled to recruit legal staff to fill vacancies. To manage the resource gap it utilised overtime and used lawyer agents in the magistrates' court. During the year the Area successfully negotiated with CPS Headquarters Finance Department an additional uplift to its prosecution costs budget of £1million. Despite the uplift, the Area overspent its prosecution costs budget by £352,942.

3.14 The Area has a process of systematic monthly monitoring of its NRFAC and prosecution costs budget, with the Finance Manager presenting an extensive monthly budget management report to the Area Strategic Board (ASB). There is a clear strategic approach to its workforce planning which is discussed at the Business, Finance and Resource Committee, chaired by the ABM, before being delivered to the ASB.

3.15 The Area has undertaken a review and created a strategic resource plan outlining its required structure and staffing levels in line with its casework. In comparison to other CPS Areas West Midlands has fewer prosecutors in post, with prosecutors being 44.6% of total staff compared to 46.8% nationally. Administrative staff make up 55.4% of the total, which is higher than the national figure of 52.3%. To address its recruitment challenge, the Area has invested extensively in raising its profile and has worked with the local Bar to look at short term secondments. It held a careers fair which was well publicised and attended. In the most recent round of recruitment, 39 applicants were interviewed and seven new lawyers are starting in September 2017. There are also 11 legal trainees who have indicated that West Midlands would be their first choice for a posting.

3.16 As part of its workforce strategy, and to be able to manage the change in the national CPS advocacy strategy, the Area has been innovative in finding opportunities to reduce the number of Associate Prosecutors. Some Associate Prosecutors have been successfully utilised in other roles, for example some have indicated that they would like to become managers and the Area has provided an opportunity for a number to deputise as temporary managers. Others have expressed an interest in becoming lawyers and are being supported by the Area to undertake the required training.

3.17 Due to a historical incident of fraud in the Area a decision was taken that financial delegation authority would be retained only at the CCP, ABM and Finance Manager level. Operational managers therefore had very limited financial delegation, restricted to signing off travel and subsistence and training spend. Senior managers are aware that this approach has led to a lack of understanding of the consequences of spend and in 2015 initiated some training to reinforce awareness around resource and financial matters. Additionally, the Area has recently made some improvements to its processes around the use of experts and management of Very High Cost Cases, introducing trackers to capture accruals and spend. However despite this, inspectors found during interviews that there

was a lack of awareness by managers of the consequences of committing to expenditure and the impact that may have on the Area's budgetary position. The CCP and ABM had identified this weakness and had already planned to return delegated authority back to legal and administrative managers for agent and prosecution budgets. The plan was complemented with a series of budgetary training events.

Issue to address

The Area needs to raise awareness of value for money principles amongst its operational managers, especially with regard to the impact of agent spend and use of external counsel.

3.18 In 2016-17 British Transport Police cases were centralised across the CPS in West Midlands. As a result the Area's caseload increased, as did its budget. Whilst the Area received the extra budget, because of recruitment difficulties this increase in workload added additional pressures to current resource levels. As set out above the Area has started to recruit lawyers and has worked effectively to 'sell' itself as an employer of choice. Even so, on average 36.7% of cases dealt with by prosecutors in the magistrates' court unit are contested, compared with 26.2% nationally. In the magistrates' courts the number of completed cases dealt with nationally has fallen by 11.2% from 2014-15 to 2016-17, while in West Midlands it has increased by 15.4%. To plug resource gaps there has been extensive use of prosecutor agents, with 46.0% of magistrates' court sessions covered by agents in 2016-17, compared to 30.8% nationally.

3.19 Whilst agents have been used to cover shortfalls, we observed a number of magistrates' court sessions that were not entirely efficient or effective in terms of resources used. In some busy court centres the number of cases listed in some courtrooms was low and not in line with TSJ principles or expectations. Additionally, we found some courtrooms where cases were not exclusively anticipated guilty pleas or anticipated not guilty pleas and also included non-CPS work. The Area recognises that there is more to do with partners to improve the efficient use of resources and has put more managers in place within its magistrates' court teams to begin more effective local liaison. The Area needs to better influence session scheduling and reduce the number of court sessions which, unlike the national trend, have been increasing.

Issue to address

The Area needs to work with Her Majesty's Courts and Tribunals Service to address the current listing practices and to work systematically to reduce the number of court sessions, which would allow it to reduce its reliance on prosecutor agents.

3.20 West Midlands has seen a higher increase in its contested caseload than nationally in both the magistrates and Crown Court. Contested cases in the magistrates' court have increased by 38.1% from 2014-15 to 2016-17, against 2.1% nationally. In the Crown Court over the same period the contested caseload increased by 17.2%, against 1.1% nationally. On average 8.9% of prosecutors' Crown Court cases are contested, compared with 8.1% nationally.

3.21 Staff turnover remains relatively low and in 2016-17 was lower than the national average, at 5.9% compared with 6.5%. West Midlands has seen a fall of 8.8% in overall staff numbers from 2014-15 to 2016-17, which is less than the national fall of 9.4%. The Area offers a wide range of working patterns and has rolled out 'smarter working', securing laptop security devices for all its administrative staff that allow remote connection to the CPS computer system. In interviews the majority of staff reported that there was a wide range of working patterns, which allowed for flexibility, and generally felt that managers were fair when considering requests for changes in working patterns.

3.22 Overall spend per completed case, at £550, is significantly lower than the national figure of £657 per case for 2016-17. While nationally costs have risen significantly, by £69 per case since 2014-15, in the West Midlands they have only increased by £4 over the same period. However, overall spend per total full-time equivalent staff member remains higher in the Area than nationally, at £88,746 compared with £84,641. This is due in part to overtime costs and the higher cost of longer serving staff.

3.23 Utilisation of Crown Advocates on Crown Court advocacy in 2016-17 stood at 54.6%, compared with 53.1% nationally. This has reduced over the past two years, in the main as a result of the Area using Crown Advocates in the RASSO and Crown Court units to help ease its shortage of lawyers. Crown Advocate savings, based on the CPS figures, are also significantly lower than the national average for 2016-17. When comparing West Midlands against salary costs of Crown Advocates it made a notional loss of £926,000 in 2016-17. The Area has not set target savings for Crown Advocates in order to concentrate on the quality of the work allocated, as opposed to the volume.

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

Summary: The Area leads and engages with criminal justice partners in a number of joint performance meetings, effectively contributing to joint performance arrangements. Senior managers take the lead across the criminal justice partnerships. An Area manager chairs and manages the regional TSJ meeting, providing an extensive data set and performance information for each police force. The CPS has also taken a regional lead for developing an action plan to improve the outcomes for victims and witnesses. It has committed extensive resources to drive up police file quality, which is effective and has delivered improved outcomes. There are good examples of joint performance leading to improved outcomes across a range of measures, with West Midlands being rated second highest CPS Area against national joint measures for TSJ outcomes, although there remains further work regarding magistrates' court listings.

3.24 There are well developed Prosecution Team Performance Management (PTPM) arrangements in place with each police force area. PTPM meetings are chaired by the CPS and are provided with a good range of performance data produced by the CPS through an extensive collation of file quality data. These arrangements are complemented by fortnightly 'keep in touch' meetings with all police force areas where file quality, adverse cases and case escalations¹ are discussed. These arrangements are effective and have resulted in improvement in police file quality, which has produced improved user outcomes. Conviction rates in the magistrates' court have improved year on year since 2013-14.

3.25 At the operational level the CPS provides performance data to partners that is used by the LCJBs and their sub-groups. Data is provided at force area level, which allows for comparison and identification of aspects of learning and good practice.

3.26 There have been regular exchanges between police CJU staff and CPS operational administrative staff in an attempt to understand the needs and demands of the other organisation. Staff interviewed talked positively about this, in that it helped them build relationships and improve processes. The Area has worked with all the police forces it covers to deliver joint training on disclosure.

¹ Case escalations are notifications to supervising or senior managers from other organisations when outstanding matters are not resolved.

3.27 The Area has committed an extensive amount of resource to assessing police file quality. Administrative staff assess all files received and lawyers complete a further assessment when they review the case. This data is then shared with the police. This provides an effective evidence base for discussions and has resulted in forces changing internal quality assurance processes, as well as increasing resources to assure files prior to receipt by the CPS. There was a drive by the CPS to engage effectively and all forces in the Area were keen to improve what they provided. There was evidence of a culture of joint performance improvement, with commitment being driven from the Chief Constable level throughout all forces.

3.28 The CPS effectively engages with HMCTS at the Crown Court Better Case Management Implementation Group, court user groups and local joint performance improvement groups. The judiciary, who lead BCM, were praiseworthy of the data the CPS provides and quoted examples of how having this data allowed for improvements to be made and practice from across the Area to be examined and shared. These joint arrangements have resulted in improved outcomes with early guilty pleas in Crown Court cases, at 46.9%, being 7% better than the national average of 39.9%. The Area has also reduced hearings per case in both contested and guilty plea cases and is performing well above the national average. The number of Crown Court cases that are cracked and ineffective due to prosecution reasons has also reduced.

3.29 The Area also works effectively with partner specialist teams, providing performance information and meeting monthly with the public protection units in all forces (RASSO and child abuse). This has resulted in agreements being reached about file quality, material held by third parties and the disclosure of unused material. It also allowed the Area to keep police colleagues up to date on timeliness of CPS review and resource issues.

3.30 We found evidence that the Area has an ongoing dialogue about magistrates' court listings at a strategic level. Operationally, this remains to result in a reduced number of court sessions. Agent spend remains high, with 46.0% of magistrates' court sessions covered by agents compared to a national figure of 30.8%. We were informed of recent changes in the CPS magistrates' court teams management and stakeholders were confident that the change is likely to drive more meaningful conversations.



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>	
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 (magistrates' courts)	Good
Case preparation and progression is effective and timely (magistrates' courts)	Fair
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)	Fair
Case preparation and progression is effective and timely (Crown Court)	Fair
Overall score for high quality casework	FAIR

Performance against the Part C criteria

4.1 In accordance with the Director's Guidance on Charging² 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 for Crown Prosecutors (the Code),³ 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.

4.2 In our file sample the Code was applied correctly at the charging stage in 98 out of 103 CPS charged cases (95.1%).

² Director's Guidance on Charging (5th edition); CPS; May 2013.
www.cps.gov.uk/publications/directors_guidance/index.html

³ Code for Crown Prosecutors; CPS; January 2013.
www.cps.gov.uk/publications/code_for_crown_prosecutors/

4.3 Twenty of the 103 CPS charged cases were Area based charging decisions and in all but two of these the Code was applied correctly (90.0%)

4.4 We assessed 5.0% of Area charging decisions as excellent as recorded on the MG3 (record of charging decision), 35.0% good, 40.0% fair and 20.0% as poor. Out of the 20 cases, the charging decision failed to refer to all relevant applications and ancillary matters in five (25.0%) and five also lacked sufficient instructions to the court prosecutor.

4.5 Post-charge, the Code was applied correctly in 144 out of 150 cases (96.0%).

Criteria	Score
C1 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 (magistrates' courts)	Good

Summary: Legal decision-making is sound, however timeliness of reviews remains an issue. Our file sample indicated that there are still too many police files which fall below the expected standards. However, this is being addressed through joint meetings, where the CPS are driving change. With the return of more charging decisions back to the Area, a focus on increasing the quality of charging decision records is required.

4.6 In our file sample the Code was applied correctly at the charging stage in 28 out of 31 CPS charged magistrates' court cases (90.3%). Area based lawyers provided charging advice on four magistrates' court cases and the Code was applied correctly in three.

4.7 The police decision to charge was compliant with the Code in 43 of the 44 magistrates' court cases (97.7%). The sole case where the police decision was flawed evidentially was identified by the Area at an early stage, but the necessary action to discontinue it was not taken and the case failed at court. Six out of the 44 cases (13.6%) were found to have been charged by the police in breach of the Director's Guidance. There was no clear evidence on these cases of this being identified and fed back to the police, however we found evidence at recent stakeholder meetings of discussion about this type of performance issue.

4.8 Post-charge, the Code was applied correctly in 72 out of 75 relevant magistrates' court cases (96.0%).

4.9 Of all the files submitted by the police for first hearing, our examination concluded that only 32 out of 71 applicable cases (45.1%) fully complied with the National File Standard (NFS).⁴ The main failing was ‘overbuild’, which accounted for nearly half of the cases that fell below the NFS (48.7%). In many of them, this was due to the police supplying material unnecessarily where there was an anticipated guilty plea (GAP). In our file sample, 52 out of 62 (83.9%) police files (applicable only to defendants on bail) were received in a timely fashion. The files examined as part of our court observations showed an even better timeliness result at 92.9%.

4.10 We observed 15 cases prosecuted in three not guilty anticipated plea (NGAP) courts and found similar data on police file quality. In 13 cases (86.7%) the files only partially met the NFS, with the remaining two (13.3%) not meeting the standard at all.

4.11 Our file examination indicated that there was challenge to the police in 12 out of 34 cases (35.3%) where the prosecutor identified and raised with the police any lack of compliance with TSJ. We also heard in our interviews with police representatives and CPS staff that the CPS were raising issues of non-compliance and other similar file quality issues at every opportunity, through active use of an escalation system when defects were not promptly addressed by police. Additionally, the CPS identifies inadequate police files through the national file quality monitoring process, which provides an overview of police file quality to the national Criminal Justice Board. Inspectors found ample evidence that police file quality was being addressed at the strategic and operational levels.

4.12 Of the 66 magistrates’ court cases requiring an initial review before the first hearing 44 (66.7%) received a proportionate initial review, but in a further 18 (27.3%) there was no review. In 32 out of 48 cases (66.7%) the review was timely. Our ‘reality checks’ derived from observations at NGAP courts reinforced the Area’s challenge to deliver timely reviews, as we found that only 46.2% of initial reviews were timely in those cases.

4.13 In our file sample, the prosecutor had prepared the file effectively to ensure progress at first hearing according to TSJ principles in 41 of 53 relevant cases (77.4%).

Issue to address

The Area needs to ensure that cases are reviewed in accordance with Transforming Summary Justice timescales.

⁴ *National File Standard*; CPS; May 2015.
www.cps.gov.uk/publications/directors_guidance/dpp_guidance_5_annex_c.pdf

4.14 The Code test was successfully applied in 28 of the 31 cases (90.3%) charged by the CPS and three cases (9.7%) failed the test. CPSD were responsible for the charging decision in two of these failed cases. In one of these the Area carried out a prompt and effective initial review and discontinued the case at the first hearing. The other CPSD case and the Area charged case were not effectively reviewed after charge. They were allowed to go to trial, where magistrates ruled there was no case to answer against the defendants.

Case study

CPSD provided advice for charging. The defendant (D) and his partner went to a hotel with three very young children. Both parents got drunk and D also smoked cannabis. They left the children unattended and the police were called. When arrested the defendant's partner had a small amount of cannabis in her bag which she said belonged to D. The only evidence against him was that he smelt of cannabis. Both were rightly charged with child neglect and convicted after the female co-defendant pleaded guilty and the male was convicted after trial. However, the prosecutor also charged both with joint possession of cannabis and this decision was confirmed by a later review. There was no evidence to prove that the male was ever in possession of the cannabis. It would appear that the charges remained on the case to force a plea from one or other defendant. At trial, the female co-defendant was acquitted but the case against the male was dismissed at the end of the prosecution case.

4.15 In the one case where the police charged the defendant and the Code test was not met, it too was pursued to trial before a defence submission of no case to answer was upheld. This reinforces the need for effective quality driven reviews.

4.16 In our magistrates' court file sample, we assessed the overall quality of the MG3 charging decision records made by Area prosecutors as fair in three of the four relevant cases and poor in one. None were considered to be excellent or good. The requirement for proper case analysis and strategy in the MG3 was fully met in only one of the four. The Area recognised that the quality of charging decisions needs to improve.

4.17 Area managers are all tasked with completing analysis of the work produced by their staff through IQA. Most of the lawyers we spoke to were aware of the process and its purpose and confirmed that they had received feedback as appropriate when their cases were assessed. However, the burden of completing all IQA cases required by the Area was considered heavy by some managers, whilst others had been creative by combining IQA duties with other essential assurance checks on specific aspects such as custody time limits. Frontline managers accepted that they struggled to keep up with the numbers required for IQA.

4.18 The Area acknowledged that the IQA process might, in the past, have been too generously marked so that mediocre performance was tolerated, but we were assured that a more robust attitude had now been instilled in managers. Additionally, we were told by managers that the proportion of live cases assessed was now greater, so that remedial action could still be taken to avoid unsuccessful outcomes.

4.19 The file examination findings with regard to the quality of the Area's handling of disclosure of unused material in magistrates' court cases are set out below:

Venue	Excellent	Good	Fair	Poor
Magistrates' court (out of 49 applicable cases)	0% (0 cases)	38.8% (19 cases)	55.1% (27 cases)	6.1% (3 cases)

4.20 In our file sample of 49 relevant cases, the Area had fully complied with the duty of initial disclosure in 35 (71.4%), partially in 12 (24.5%) and not at all in two (4.1%). Our checks on live cases in the NGAP courts showed that the prosecution had complied with its disclosure obligations before the first hearing in nine out of 11 cases (81.8%).

4.21 The service of disclosure on the defence was assessed as timely in 33 out of 47 cases (70.2%). Where applicable, in our file sample the Area complied with the duty of continuing disclosure fully in four out of seven relevant cases (57.1%) and partially in the remaining three (42.9%).

4.22 Our file examination showed that where completion of a disclosure record sheet (DRS) was required, the standard was fully met in 21 out of 49 cases (42.9%), partially met in 12 (24.5%) and not met in 16 (32.7%). No cases were examined where prosecutors had endorsed the file to confirm that a DRS was not required.

Issue to address

The Area needs to improve the handling of unused material and ensure that decisions are recorded on the disclosure record sheet where appropriate.

4.23 During our interviews with stakeholders and CPS staff we were informed of various methods that the Area employs to address disclosure issues. A well-established working group looks specifically at disclosure issues, including the appropriate handling of sensitive unused material and improving communications between the disclosure officer and

prosecutor. There is also a Casework Quality Committee, legal leadership forums, joint disclosure training and consideration of the recommendations outlined by the recent joint report on disclosure.⁵

4.24 We were informed that the Area has provided and facilitated training on disclosure, both to its own staff and also to large numbers of police staff. This was done through imaginative use of technology such as webinars, so that abstraction of prosecutors and officers from frontline duties is kept to a minimum.

4.25 The Area performed better than the national CPS level of ambition for the average number of hearings for both contested and guilty plea cases in the magistrates' court. The average number of hearings in contested cases was 2.77 in 2016-17, compared with the national average of 2.92 and the level of ambition of 3.00. The average number of hearings in guilty plea cases was 1.58 in 2016-17, against the national average of 1.69 and the level of ambition of 1.75 or below.

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

Summary: Successful outcomes are good but there is a low effective trial rate. There is improved performance with respect to cases involving domestic abuse, but the Area still had a high number of cases failing due to victim and witness issues. We found a lack of grip both on casework and adherence to court orders.

4.26 TSJ has been embedded and the Area has taken steps to incorporate its principles into domestic abuse cases by using NGAP domestic abuse courts. Court managers and the judiciary considered that TSJ works well, with well brigaded courts. However our live court observations indicated that this was not always happening.

4.27 Of the 74 relevant cases in our file sample, 58 were effective at the first hearing (78.4%). The agency primarily responsible for the ineffective hearing was just as likely to be the police, defence or the CPS. Of the 15 cases observed court, only one was ineffective and this was caused by the non-appearance of the defendant.

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

4.28 Another consequence of late review was often seen as the failure to serve the initial details of the prosecution case (IDPC) within the accepted timeframe. In our court observations we noted that in four out of nine relevant cases (44.4%) the IDPC package was not sent to the defence in a timely fashion. Some IDPC bundles were only served on the court on the morning of the hearing, which led to extra burden falling on advocates at court.

4.29 During court observations inspectors noted a lack of full compliance with completion of preparation for effective trial (PET) forms, assessing three out of eight (37.5%) as fully completed and the remaining five only partially so. Inspectors did note, however, that the use of s10 admissions to avoid the unnecessary attendance of witnesses was a strong aspect of case preparation, with several examples of robust application of TSJ principles.

4.30 Our file examination results showed that the CPS maintained a grip on 15 out of 52 relevant cases (28.8%) fixed for trial. The requirement was partially met in 23 (44.2%) but of concern was the fact that the remaining 14 cases (26.9%) did not benefit from any grip by the prosecution. Another aspect for concern was that in the 22 cases where magistrates had issued directions, the Area had fully complied on time in six (27.3%), partially in seven (31.8%) and not at all in nine (40.9%). On the other hand, where a decision to discontinue a case was taken, it was implemented in a timely fashion in eight of the ten relevant cases (80.0%).

Case study

The victim (S) was drinking at a public house while watching an England football match on a large TV screen. He cannot remember how, but came round to find he had been assaulted and had sustained a head injury. The only evidence available to police was a CCTV recording of an incident where the defendant (L) was seen to punch S. In interview L says he did hit S, but only in self-defence after S had threatened and goaded him. The case went to court where a not guilty plea was entered and a trial date fixed some six weeks ahead. There was an upgrade review recorded but it took place only the day before trial, so no additional material had been served on the defence, nor could the reviewing lawyer watch the CCTV footage. Due to late service of material, the trial became ineffective and was vacated. A new date was arranged and at the second trial L was acquitted.

4.31 Hearing record sheets (HRSs), which should contain all necessary details of a court appearance, were completed fully in 69.9% of cases in our sample and partially in 20.5%, but in 9.6% there was no HRS at all.

4.32 In 2016-17 85.2% of magistrates' court cases resulted in a successful outcome, which was better than the national average of 84.7% and the CPS level of ambition (85.0%). (Moreover results for the first quarter of 2017-18 show an improving trend, with the rate climbing to 85.9%). The domestic abuse conviction rate in the magistrates' court shows an improving trend in the last three years with a 75.4% conviction rate in 2016-17, compared with the national average of 75.7% and the 76.5% level of ambition.

4.33 However, in a number of aspects West Midlands performs less favourably than national averages. The magistrates' court effective trial rate in 2016-17 was 44.3% against the national average of 47.0% and the level of ambition of 55.0%. The rate of cracked and ineffective trials in the magistrates' court due to prosecution reasons was 23.3% in 2016-17, and 22.4% nationally, while the level of ambition is 20.0% or less.

4.34 The rate of unsuccessful outcomes due to victim issues in the magistrates' court was 30.4% in 2016-17, with the national average at 29.0% and the level of ambition of 25.0% or lower.

4.35 There were no custody time limit (CTL) failures in 2016-17, which continues an improving trend over the last three years. Systems were examined on-site and found to be reliable and effective.

4.36 Task lists on CMS were being effectively used by most staff, however we were informed that some were still getting to grips with working from task lists. We were told of training in the Area, but when we examined task lists found that there were high numbers of outstanding tasks such as checking new police information, new communications, new correspondence and witness care unit communications, and outstanding review tasks. This can impact adversely on effective case progression and trials.

Criteria	Score
C3 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)	Fair

Summary: Decision-making is sound in the Crown Court and Area charging advices showed strengths, however the grip on contested cases and audit trails of disclosure decisions needs improvement.

4.37 Of the 75 Crown Court cases in our file sample, the police charged three cases and the Code test was met in each of them. Seventy two out of 75 (96.0%) post-charge review decisions made by CPS prosecutors applied the Code correctly. Of the 72 cases, 16 were charged by Area based lawyers and the remaining 56 by CPSD. The Code was applied correctly in 15 (93.8%) of the Area charged cases and 55 of the 56 (98.2%) where the decision was taken by CPSD.

Case study

This was a very large and complex operation carried out by the police. They identified a 17 year old girl as the victim of exploitation by the two defendants, who controlled her on the streets of Coventry and elsewhere as a child prostitute. They creamed off the profits that she brought in and allowed her treats and other favours. This was a difficult case and was assisted ably by the initial police contact with the CPS RASSO unit, where an Area prosecutor provided excellent pre-charge advice including a full exploration of the law, possible offences, admissible evidence and how the case might be built. Once before the court a second RASSO prosecutor took conduct of the case and counsel were brought in early. Despite a late decision by one of the defendants to sack his legal team on the eve of the four week trial, the Judge was able to preserve the hearing within the custody time limit period. Guilty verdicts were returned on two significant counts and substantial custodial sentences imposed. Everything was handled competently and the obviously challenging issues involving witness care and unused material managed successfully.

4.38 Our assessment of the quality of the MG3 created by Area based charging lawyers was that one was excellent (6.3%), seven were good (43.8%), five fair (31.3%) and three were poor (18.8%). A key element of the MG3 is the inclusion of a prosecution case theory and a realistic analysis of all evidence and other case material. This aspect was found to have been fully met in eight cases (50.0%), partially in three (18.8%) and not met in five (31.3%).

4.39 In seven out of the 16 Area based charging cases (43.8%) the requirement to identify all appropriate ancillary orders or other applications necessary for trial and sentencing on the MG3 was fully met, partially so in six cases (37.5%) and not met in three (18.8%). The charging lawyer fully met the requirement to give instructions to the court prosecutor at first hearing in seven cases (43.8%), partially in a further six (37.5%) and in three (18.8%) it was not met.

4.40 The Code was applied correctly in each of the three police charged cases, but one was charged in breach of the Director's Guidance. The case file did not contain any reference back to the police with regard to this issue. Police files were timely in 29 of 47 cases (61.7%).

4.41 Lawyers in the Crown Court section are divided into three teams: RASSO, Allocated Trials Unit (ATU) and High Volume Gateway Not Guilty. In both the RASSO and ATU teams, a 'triage' system had been introduced so that incoming files requiring a pre-charge decision were of the necessary minimum standard with regard to content and quality before they were accepted as a new case. We were informed of the high rejection rate of advice cases not achieving the standard required, which contributed to some backlogs in these cases when the files were returned to the police for further work.

4.42 Of the Crown Court cases received from the police, we found that 30 out of 47 relevant cases (63.8%) fully complied with the NFS, 13 (27.7%) partially complied and the remaining four (8.5%) did not comply at all.

4.43 Inspectors attended several Crown Court centres to observe Plea and Trial Preparation Hearings (PTPHs) for eight cases. We found that four of the eight complied with the NFS and Crown Court BCM initiative.

4.44 There were a variety of issues that caused police files to fail to meet the standard. Where these were identified by reviewing lawyers they were fed back to the police through completion of police casework quality forms, allowing managers to raise them at joint performance and other regular meetings. Escalation processes were used with some frequency and we were told that performance had improved as a result.

4.45 Inspectors found that there was a proportionate initial review completed in 36 out of 58 relevant Crown Court cases (62.1%), no review in 18 (31.0%) and in the remaining four (6.9%) it was either not considered proportionate, or not appropriately recorded. The initial reviews were assessed as timely in 25 of 40 relevant cases (62.5%). However, our reality checks during court observations of eight PTPH cases showed that all had the benefit of a timely and proportionate initial review.

4.46 In 32 out of 74 cases (43.2%) in our file sample the reviewing lawyer or team demonstrated sound judgement and maintained grip on the case throughout. This requirement was partially met in 26 (35.1%) and not met in 16 (21.6%). Those cases that lacked grip in the way described above often resulted in unsuccessful outcomes.

4.47 As in the magistrates' court section, lawyer managers are expected to undertake a minimum number of IQA reviews of case files every week. With the competing demands of legal managers' time this was often difficult to achieve and IQA checks were often combined with other assurance checks, such as CTLs or Case Management Panels. Although this is a practical solution to a demanding workload the Area should consider whether this method will, in the long term, improve casework at the same rate as a separate IQA process.

4.48 The quality of the Area's disclosure of unused material handling in our file examination of Crown Court cases is set out below:

Venue	Excellent	Good	Fair	Poor
Crown Court (out of 62 applicable cases)	3.2% (2 cases)	35.5% (22 cases)	50.0% (31 cases)	11.3% (7 cases)

4.49 With regard to the police handling of disclosure, our file examination found that they fully complied with their obligations in 32 of 75 cases (42.7%), partially in 39 (52.0%) and not at all in four (5.3%).

4.50 The CPS had fully complied with the duty of initial disclosure in 43 out of 62 cases (69.4%), partially in 17 (27.4%) and not at all in two (3.2%). Where applicable, it complied with the duty of continuing disclosure fully in 38 cases (76.0%), partially in six (12.0%) and not at all in a further six (12.0%). The timeliness of service of disclosure was assessed as satisfactory in 37 out of 61 relevant cases (60.7%). Factors influencing the quality assessment of disclosure handling by the Area included failures to challenge poor schedules prepared by the police, accepting inadequate defence statements, failing to chase police disclosure officers effectively to obtain further relevant material in sufficient time, and frequently inadequate or non-existent record keeping in the form of the mandatory disclosure record sheet (DRS).

4.51 Our file examination showed that where completion of a DRS was required, in 16 (25.8%) out of 62 cases it was completed fully, 23 (37.1%) partially and the other 23 (37.1%) assessed as wholly inadequate or missing.⁶ Further attention is required to address this aspect of performance and we were assured that senior managers are working with police colleagues to draw up a plan to address the recommendations made by the recently published joint inspection report on the disclosure of unused material.

4.52 There were 17 cases where the police had supplied the CPS with sensitive unused material. We found that the Area had fully met the requirement to handle it appropriately in 12 cases (70.6%), partially in two (11.8%) and it was not met in three (17.6%).

4.53 There were nine cases where the Area was handling unused material in the possession of a third party, such as a local authority children's services department. We considered that the Area had fully met the requirement to deal appropriately with such material in seven of these (77.8%) but not met it in the other two.

⁶ See issue to address at paragraph 4.22.

4.54 As part of the role of the Area’s disclosure champion, there is a strong and effective working relationship with relevant police managers in all forces in the Area. There is a well-established working group looking specifically at disclosure issues, such as the appropriate handling of sensitive unused material and consequences of failures in disclosure, as well as improving communications between the disclosure officer and prosecutor.

4.55 The CPS has provided and facilitated training on disclosure both to its own staff and large numbers of police staff. Meetings have also taken place with members of the judiciary and local authority legal departments across the Area to try to eliminate rubbing points in the process of disclosure, particularly in sensitive and complex cases.

4.56 The Area acknowledges that until the publication of the joint inspection report, the focus had been predominantly on disclosure handling in serious and complex casework, but has now commenced turning its attention more to volume cases. The Casework Quality Committee is used as the vehicle for delivering the right messages to CPS staff.

Criteria	Score
C4 Case preparation and progression is effective and timely (Crown Court)	Fair

Summary: Our file read revealed issues with grip on cases that were set down for trial and the successful outcome rate in rape cases was in decline. However, there is a good effective trial rate in the Crown Court and good performance with respect to cracked and ineffective trials due to prosecution reasons. First hearings were also effective in the Crown Court, assisting with the guilty plea rate.

4.57 BCM is well established across the Area and stakeholders were complimentary about the CPS’s contribution to its success. The view commonly expressed to inspectors was that further advances would occur if there was more defence engagement with the prosecution at the earlier stages of the case.

4.58 New cases are almost always allocated to a prosecutor, but we were informed that reviews and preparation of service bundles including the prosecution case are often delayed because of increasing caseloads among Crown Court Gateway team members and some delay in transferring cases from the magistrates’ team to the Crown Court team. New desk training notes for lawyers have been devised in order to improve their levels of compliance with SOPs, which should assist with timeliness of reviews.

4.59 Although the Area has committed to deploying as many Crown Advocates as possible to conduct PTPH cases, staffing issues in the casework teams have resulted in some being re-assigned to other aspects of casework for temporary periods, which limits their court availability. Notwithstanding this, in 2016-17 the Area secured a guilty plea rate at first hearing of 46.9% compared with the national average of 39.9% and the CPS level of ambition of 37.5%. The Area has worked hard with partners to drive this performance improvement and has been proactive in working with the regional Better Case Management Board to maintain and secure further improvements.

4.60 Our court observations showed that seven out of the eight cases seen were effective at PTPH, whilst the eighth was adjourned to secure defence representation. In our file sample, 62 out of 71 relevant cases (87.3%) were effective at first hearing and 47 out of 62 (75.8%) had been effectively prepared for that hearing, allowing progress to be made when possible.

4.61 Our file examination showed that the lawyer or team fully exercised sound judgement and grip in 32 out of 74 relevant cases (43.2%). Unfortunately this meant that over half of the cases were likely to have suffered from delay and a lack of attention once a trial had been fixed or placed in a warned list.

4.62 We found that in 12 out of 15 file sample cases (80.0%) discontinuance, where appropriate, was timely.

4.63 In eight out of 12 cases (66.7%) where the defence had proposed a plea or a basis of plea to at least one of two or more charges or counts, it was correct to accept the offer.

4.64 Although by the CPS measurement of performance the Area complied with Judge's orders in 91.2% of cases in 2016-17, our file sample produced a fully met compliance rate of only 45.8%, which may reflect the stricter application of the criteria by inspectors.⁷ We were told by staff that if it was likely a direction could not be complied with on time, then a letter to the court incorporating a new date was regarded as compliance, unless the court responded.

4.65 The Crown Court effective trial rate was 51.9% in 2016-17, representing an improvement from 50.8% in 2013-14. The national average in 2016-17 was 50.7%. The rate of Crown Court cracked and ineffective trials due to prosecution reasons was 11.4% in 2016-17, which is a significant improvement from 2013-14 when it was 14.0%. The national average was 12.5% and the CPS level of ambition is 11.0%.

⁷ The CPS considers a court order to have been extended at the time of the application to extend the order. However, HMCPSI does not consider it to have been extended until there is evidence on the file that the court has granted the application.

4.66 The average number of hearings per contested case was 4.29 in 2016-17, an improvement from 4.55 in 2013-14 and better than the national average of 5.25 and the 5.30 level of ambition.

4.67 The percentage of successful outcomes in the Crown Court was 79.9% in 2016-17, which is a slight decline since 2013-14. While this is still above the national average of 78.8%, both are below the 82.5% level of ambition. (West Midlands' figure for the first quarter of 2017-18 was 81.2%). The successful outcome rate for rape cases in the Crown Court was 52.9% in 2016-17, representing a significant decline from 65.1% in 2013-14 and below the national average of 56.9%. The 2016-17 rate of unsuccessful outcomes in the Crown Court due to victim issues, at 26.8%, is an improvement from 30.6% three years before. However it is still well below the national average of 22.9%.

4.68 As with the findings in the magistrates' court, there were no CTL failures in 2016-17, continuing an improving trend over the last three years. Systems were examined on-site and found to be reliable and effective.

4.69 It was acknowledged by the Area that there was a backlog of outstanding tasks in the Crown Court team caused, in part, by the nervousness of some staff to manage their work by tasks. Our on-site reality checks of live files showed that, as in the magistrates' court team, the greatest number of outstanding tasks were those associated with case progression.

Issue to address

The Area needs to ensure that all staff manage their task lists effectively.

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>	
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	Fair
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	Good
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
Overall score for public confidence	GOOD

Performance against the Part D criteria

Criteria	Score
D1 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	Fair

Summary: The Area needs to focus on the quality of communications with victims and ensure all staff are aware of the process and that there is consistency across the Area. Recent resolving of resourcing issues in the Victim Liaison Unit (VLU) has enabled an increase in the number of Victim Communication and Liaison (VCL) scheme letters and their timeliness.

5.1 In 58 out of 79 relevant file sample cases (73.4%) the prosecutor considered the needs of victims and witnesses by engaging them in the court process. Stakeholders informed us that applications for special measures were made appropriately and were usually timely. This was supported in our file examination, where applications were made at first hearing in 38 out of 42 relevant cases (90.5%) and were timely in 28 (73.7%). Our observations of domestic abuse cases also indicated that there was effective consideration of victim and witness needs at the first hearing.

5.2 A significant number of Area staff who responded to our survey (69.8%) thought that the standard of service given to victims and witnesses by West Midlands is good or excellent. Many staff we spoke to in focus groups were able to outline how what they did on a daily basis supported the needs of victims and witnesses.

5.3 Inspectors found that the timeliness of responses to witness care unit (WCU) communications needed to improve. Partners had raised concerns with the CPS about late or no response, which often resulted in the WCU having to chase and escalate issues. Late consideration of cases by lawyers resulted in delays for victims and witnesses being notified of information about their cases. The Area has recognised that there is an issue and has tried to address this by using Associate Prosecutors to filter and manage requests. It has also invested in meeting with WCU managers regularly to discuss and clarify what should be raised as communications. More recently the Area has decided to set up a correspondence unit to deal with the more simple communications. Our file sample and interrogation of CMS confirmed that there were still problems with timeliness, which in many instances delayed victims and witnesses being informed of details about their cases. We were assured by Area managers that there is work in progress to address the problem, but while the Area struggles to review cases in a timely manner, as discussed in chapter 4, there is a risk that this matter will not be fully resolved.

5.4 Unsuccessful outcomes due to victim issues (all case types) was 26.8% in 2016-17, compared to the CPS level of ambition of 27.5%.

5.5 The nationally implemented Speaking to Witness at Court (STWAC)⁸ process has been embedded. The Area undertook a period of compliance monitoring and used this to remind staff and external counsel of their obligations. It has received positive feedback from criminal justice partners and uses feedback from court users to improve its service. As a result of comments received that some external counsel and agents were not complying with their duty and expectations, the Area has held one to one discussions and, in other instances, has decided not to use some agents as their services were falling below the expected standard.

⁸ *Speaking to Witnesses at Court*; CPS; March 2016.
www.cps.gov.uk/Publications/Prosecution/speaking-to-witnesses-at-court-guidance-mar-2016.pdf

5.6 We found that in 66 out of 95 relevant file sample cases (69.5%) prosecutors took full account of the rights, interests and needs of victims and witnesses, including consulting them where appropriate. The Area also confirmed that in cases which are to be discontinued, victims and witnesses will be consulted by the police prior to the decision being made. When the case involves a bereaved family, meetings will be held at various stages as required and the Area tailors this service to take account of the family's wishes.

5.7 The Area has implemented a policy in RASSO cases where, if the prosecutor makes a decision to not proceed with an offence, they will write to the complainant giving them the opportunity to make representations, before finalising such a decision.

5.8 The timeliness and quality of communications sent to victims needs to be improved. In our file sample, we found that a VCL letter was not sent when required in seven out of 26 cases (26.9%) and, of the letters sent, 69.2% (18 out of the 26) were timely. Inspectors assessed 47.4% of letters sent as meeting the required standard.

5.9 The Area appreciates that there is more to do to provide letters of higher quality. In too many instances lawyers or agents provide inadequate guidance to VLU staff to enable letters to be tailored. VLU staff said that this resulted in some letters being sent that were no more than standard paragraphs. Managers told us that the local process was for all letters to be sent from the VLU. This allowed for effective quality assurance and also to ensure that letters were being sent in all relevant cases. However, we were provided with a number of examples when this did not happen and in our interviews with staff there was a lack of clarity about who was responsible for sending letters, drafting paragraphs to be included in them, or generally about how the process for VCL worked.

5.10 The Area undertakes dip sampling of VCL as part of the weekly assurance process and Victims' Right to Review and complaint responses are quality assured by Senior District Crown Prosecutors. The VLU managers also dip sample a number of letters to ensure quality, however the numbers were very small. RASSO team lawyers have a varied approach to the drafting of their letters but this is as a result of views from an Independent Sexual Violence Advisor (ISVA) who has worked with the Area to make letters more appropriate.

Issue to address

The Area needs to ensure adherence to Victim Communication and Liaison processes, that they are fully understood by all legal staff in the Area and that steps are implemented to improve the quality of the letters sent.

5.11 There was a significant decline in the number of letters sent on time, from 84.8% in 2015-16 to 69.2% in 2016-17. Additionally, the Area has also had a declining trend with timeliness of responses to complaint letters. The decline in performance can be attributed to the staffing levels of the VLU. A decision was taken to remove over half of the resources from the team to cover for other absences. It seems that lessons have been learnt as a result and numbers in the unit have been re-enforced; the Area is assured that timeliness will improve as a result. VLU managers run three separate reports on a daily basis to ensure that in relevant cases letters were being captured in a timely fashion.

Criteria	Score
D2 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	Good

Summary: The Area has worked with the police and courts to improve its handling of Victim Personal Statements (VPSs) and follows the procedure in the Victims' Code. Bail and custody casework aspects are handled well, although there is some room for improvement with identification of victim and witness needs at the outset of cases.

5.12 The CPS MG3 made full reference to all relevant applications and ancillary matters (for example consideration of special measures and restraining orders) in 63 of the 101 relevant cases (62.4%). In cases charged by Area prosecutors, seven out of 19 (36.8%) made full reference to relevant applications. These findings were supported by comments made by some interviewees, who said the relevant information was not always available to prosecutors at the first hearing. The Area has used IQA to specifically address cases which are now being charged in-house since the return of charging back to the Areas from CPSD.

5.13 During our court observations inspectors noted that applications for bail were dealt with effectively and we found that this was especially well handled in the Specialist Domestic Violence Court. In one case observed, we saw effective interaction between the prosecutor and an Independent Domestic Violence Advocate (IDVA), who was asked to liaise with the victim to agree a named third party for child contact arrangements.

5.14 The Area has worked with all its police forces to strengthen arrangements for cases to include VPSs. It has also worked jointly with partners to undertake a pilot which gives victims the opportunity to record their personal statement using police body worn cameras. This footage can then be played in court, giving those sentencing the opportunity to hear at first hand the impact of the crime, but without the victim having to attend in person.

Inspectors found that the provision and updating of VPSs in relevant cases was effective. In our file sample, only nine out of 56 relevant cases (16.1%) submitted by the police did not have a VPS.

5.15 Restraining orders are usually applied for appropriately but on occasions are not prepared in advance, which can lead to delays at sentence hearings. Applications for compensation are made appropriately, but comments from interviewees suggested that delays can be caused by the police not providing an address for the awardee. This means that the order cannot be lodged on the court system and delays the court, as prosecutors need to seek time to resolve the issue.

5.16 There is a strong link with IDVAs, ISVAs and community groups, who report that the CPS is responsive and supportive. Links with these groups have resulted in feedback which has been used to improve the levels of service.

Criteria	Score
D3 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

Summary: The Area is committed at the senior level to improve the quality of service given to victims and witnesses through joint working with stakeholders, witness care/services and community groups. The Area has prioritised hate crime, which has led to improved conviction rates.

5.17 The Inclusion and Community Engagement Manager is responsible for co-ordinating Area engagement, based upon the direction set by senior management and CPS Headquarters. Inspectors found that the Area undertakes extensive engagement with stakeholders and community groups, along with speaking at events at schools and universities. West Midlands does not have the necessary resources to attend every community engagement event, but prioritises hate crime and violence against women and girls (VWAG) related meetings and conferences, and has built up a good rapport with many community groups.

5.18 The Area Performance Manager provides reports on hate crime and VWAG which are shared with scrutiny panel partners. These have helped identify aspects that require improvement and helped devise targeted action plans.

5.19 Stakeholder feedback is that since the change in senior management, the CPS has demonstrated an increased and sustained commitment to community engagement. The Area is seen as open and accepting of feedback and will use this to learn and change processes and systems. Senior managers are actively involved in engagement with community groups, one DCCP chairs the Hate Crime Local Scrutiny and Involvement Panel and the other chairs the VAWG Local Scrutiny and Involvement Panel. The Area has also recently set up a joint Victims and Witnesses Committee which focuses upon improvements and engagement with partners to find solutions. This is chaired by a DCCP and feedback is that this proactive action has been positive in creating effective relationships with key partners. The Area has incorporated the service to victims and witnesses into its core business plans through its community engagement strategy.

5.20 The CCP holds a bi-annual meeting with the local authorities in the Area, which is pivotal in maintaining a good working relationship to ensure adherence to the third party disclosure protocol. Through this engagement the CPS has been able to agree local protocols with respect to the early provision of material in serious cases.

5.21 The Area uses complaints and Victims' Right to Review feedback to identify lessons that can be learnt to improve decision-making and the quality of correspondence. The RASSO team brought in an ISVA to examine a number of RASSO VCL scheme letters and provided constructive feedback to the team. This resulted in a guidance document being produced and the RASSO unit revising its letters to be more empathetic.

5.22 West Midlands is one of the few remaining CPS Areas with staff working in the police WCUs. There were some concerns raised by stakeholders regarding the removal of these staff from the police units back to the CPS. Senior management assured us that discussions had taken place at strategic levels between the two organisations and the rationale behind the decisions was openly shared.

5.23 There is generally good communication between the CPS, WCU and Witness Service. Regular meetings are held to ensure matters can be discussed and solutions found. The Area provided a number of examples of how this engagement is allowing it to improve its service. When the Witness Service raised a concern that the late arrival of prosecutors at court was impacting on the service being delivered, the Area ensured that this was resolved almost immediately and feedback was received that there had been a positive change.

5.24 The Area has worked to improve its performance in respect of hate crime. It has developed a Hate Crime Service Level Agreement which has been signed by all the Area police forces. Hate crime conviction rates have improved in all categories, including sentence uplifts. Through the creation of community engagement managers and hate crime champions on each legal team, the Area has utilised learning from the community and has an effective process to share this within legal teams.

5.25 The introduction of a hate crime checklist for cases, internal training and guest speakers delivering key messages have all raised awareness and demonstrated the priority the Area has afforded hate crime. Good news stories from 'lower level' cases are shared with the community to improve confidence and encourage reporting of such offences. The DCCP with responsibility for hate crime has also considered cases where no further action has been taken to identify lessons that can be learnt and deal with under-reporting. VAWG conviction rates are not as positive as hate crime, however there has been improvement in case outcomes for those involving domestic abuse.

Strength

The Area's prioritisation of hate crime cases has led to an improvement in the conviction rates.

5.26 The Area is working closely with HMCTS to improve the experience for victims and witnesses at court. An example of this was the piloting of different systems to reduce witness waiting times, such as using handheld devices so that the Court can see how long the witness had been waiting, so case priorities could be re-considered.



6 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.

This aspect was not scored.

6.1 The Area has a history of overspending against its budget but in 2016-17 had reduced the overspend to an acceptable level, less than 0.5% of overall budget.

6.2 West Midlands has, as with other large metropolitan Areas, struggled to recruit legal staff to fill vacancies. At the strategic level it has a good awareness of the issues it faces, such as recruitment challenges and the imbalance in the lawyer/administrator resource mix. There are good systems in place for workforce planning.

6.3 The Area has built up excellent relationships with the police and has utilised this to drive up the quality of files received. This ensures that less remedial work is required and cases can be front loaded in line with the principles of TSJ and BCM. However, there is further work to do to ensure the timeliness of case reviews and to improve grip in contested cases.

6.4 The Area recognises more could be done to influence its partners around court sessions and other aspects of scheduling so it can reduce agent and counsel spend. It has increased the number of magistrates' court unit managers to allow for more effective engagement with HMCTS about the effectiveness and efficiency of court session listings. Delegating the budget for agent spend should result in unit managers scrutinising more carefully the number of court sessions which have to be covered. The Area continues to cover just under half of sessions in the magistrates' court using agents (46.0%) which is well in excess of the national average (30.8%).

6.5 Partnership working has reaped benefits with hate crime casework. Outcomes have improved as a direct result of focussed energy by the Area. There has been effective use of resources to ensure that local units have hate crime champions, who disseminate learning to improve core business.

6.6 Due to a historical issue financial delegation was centralised with the CCP, ABM and Finance Manager holding the only levels of delegated financial authority. This may have resulted in many managers losing their understanding of resource and financial matters, although the Area did some training in 2015 to raise awareness.

6.7 Inspectors found that frontline managers had no real awareness of the consequences of committing expenditure on agents or counsel spending. Managers did not demonstrate an effective understanding of value for money and made decisions about spending on agents and counsel without considering if there was a more efficient way to plug resource gaps. The Area has recognised this gap and had already put things in place to raise awareness and delegate the responsibility for budget management.

6.8 The Area has undertaken work to ensure that its resources are balanced and has used overtime, lawyer agents and reassigned Crown Advocates to plug resource gaps. There has been a reduction in staff numbers in 2016-17, compared with 2014-15. The Area has undertaken analysis of staffing and identified that it is over resourced at administrative levels and under resourced in the legal cadre.

6.9 The Area has worked with the Bar, undertaken a series of recruitment events and has more recently been successful in recruiting large numbers of lawyers. There are effective processes in place to ensure that resources allocated are being distributed in accordance with the caseload demands within units, but taking account of shortfalls.

6.10 West Midlands has seen a higher increase in its contested caseload than nationally, in both magistrates and Crown Court cases. Contested cases in the magistrates' court have increased by 38.1% from 2014-15 to 2016-17, compared to a 2.1% increase nationally. In the Crown Court over the same period the contested caseload increased by 17.2%, against 1.1% nationally.

6.11 REM data contains a number of inaccuracies. To improve accuracy and understanding West Midlands has benchmarked itself against similar metropolitan Areas. In focus groups, staff raised concerns that they did not fully understand REM, that they were not always simple to complete and, in some instances, felt they did not fully capture all the work that staff undertake. The Area recognises that more awareness training about REM is needed and it needs this to be accurate before it can forecast staffing with any accuracy.

Annexes

A Glossary

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.

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.

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.

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.

High weighted performance measures

Measures of performance CPS Headquarters specifically regards as highly important.

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. The National Criminal Justice Board is the primary forum for setting direction for the criminal justice system.

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.

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.

No case to answer

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

Non-ring fenced budget

Money which the CPS is free to allocate to any service that requires it.

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.

Police and Crime Commissioner (PCC)

PCCs are elected by their constituents. Their primary role is to set the strategic direction of local policing and to hold the Chief Constable to account for the performance of the police force. They now also have responsibility for the commissioning of support services for victims.

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*.

Section 10 (s10) admissions

Admissions made between the parties under section 10 of the Criminal Justice Act 1967 can be used to avoid unnecessary witnesses attending court to give evidence and shorten the length of trials.

Section 28 Youth Justice and Criminal Evidence Act 1999

Permits the victim's cross-examination to be pre-recorded in advance and then played to the court at the trial.

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.

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*.

Victim Communication and Liaison scheme (VCL)

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)⁹

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 (VWAG)

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.

9 *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

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.

Witness Service

An independent charity which is run in the main by volunteers. It now comes under Citizens' Advice. It helps victims, witnesses, their families and friends when attending any criminal courts in England and Wales. This includes facilitating pre-trial visits and support on the day of the court hearing.



B Area Assurance Programme inspection framework

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.

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.

- 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
Pre-charge decision by the police		
The police decision to charge was compliant with the Code for Crown Prosecutors	Yes	97.9%
	No	2.1%
The police decision to charge was compliant with the Director's Guidance	Yes	85.1%
	No	14.9%
The police MG3 correctly identified whether a guilty or not guilty plea was anticipated	Yes	83.0%
	No	17.0%
Pre-charge decision by the CPS		
The CPS decision to charge was compliant with the Code for Crown Prosecutors	Yes	95.1%
	No	4.9%
The MG3 included proper case analysis and case strategy	Fully met	47.1%
	Partially met	38.2%
	Not met	14.7%
The MG3 made reference to all relevant applications and ancillary matters	Fully met	62.4%
	Partially met	31.7%
	Not met	5.9%
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	62.7%
	Partially met	28.4%
	Not met	8.8%
The CPS MG3 correctly identified whether a guilty or not guilty plea was anticipated	Yes	90.7%
	No	9.3%
The action plan met a satisfactory standard	Fully met	53.7%
	Partially met	40.0%
	Not met	6.3%

Question	Answer	All cases
Rate the overall quality of the MG3	Excellent	1.0%
	Good	51.0%
	Fair	35.3%
	Poor	12.7%
Code compliance after charge		
The police file submission complied with the National File Standard for the type of case	Fully met	52.5%
	Partially met	40.7%
	Not met	6.8%
The main failing in the police file was in relation to	VPS	16.1%
	MG5	7.1%
	MG11	14.3%
	Overbuild	35.7%
	Other	26.8%
Police file submission was timely	Yes	74.3%
	No	25.7%
All Code decisions after charge complied with the Code for Crown Prosecutors	Yes	96.0%
	No	4.0%
Initial case review and preparation for the first hearing		
The case received a proper and proportionate initial case review where appropriate	Yes	64.5%
	No	6.5%
	Not done	29.0%
The initial case review was carried out in a timely manner	Yes	64.8%
	No	35.2%
The prosecutor prepared the case effectively in accordance with TSJ/BCM to ensure progress in court at the initial hearing(s)	Yes	76.5%
	No	23.5%

MG5 Police report including case file summary

MG11 Statement made by a witness to be used as evidence

Question	Answer	All cases
The prosecutor identified and raised with the police any lack of compliance with TSJ/BCM	Yes	30.0%
	No	70.0%
The first hearing was effective, complied with TSJ/BCM expectations (where appropriate) and resolved all outstanding issues	Yes	82.8%
	No	17.2%
Any issues with the effectiveness of the TSJ/BCM hearing were primarily occasioned by whom	Police	36.0%
	CPS	24.0%
	Court	4.0%
	Defence	32.0%
	Probation	4.0%
Case progression after the first hearing		
The lawyer or team exercised sound judgement and grip on the case	Fully met	37.3%
	Partially met	38.9%
	Not met	23.8%
There was timely compliance with court directions or Judges' orders	Fully met	40.7%
	Partially met	37.0%
	Not met	22.2%
Any decision to discontinue was made and put into effect in a timely manner	Yes	80.0%
	No	20.0%
The decision to accept pleas or a basis of plea was sound	Yes	75.0%
	No	25.0%
Any basis of plea was in writing and signed by the prosecution and defence	Yes	66.7%
	No	0.0%
	Not known	33.3%

Question	Answer	All cases
Hearing record sheets were completed accurately, contained sufficient instructions to progress the case and were uploaded to CMS in a timely manner	Fully met	66.9%
	Partially met	27.0%
	Not met	6.1%
Disclosure		
The police complied with their disclosure obligations	Fully met	53.3%
	Partially met	42.0%
	Not met	4.7%
The main failing in the police disclosure was in relation to	Listing items wrongly	7.1%
	Poor description of items	61.4%
	Lack of schedule	11.4%
	Wrong schedules	2.9%
	Witness pre. convictions	2.9%
	Other	14.3%
The prosecutor complied with the duty of initial disclosure, including the correct endorsement of the schedules (but not including timeliness of disclosure)	Fully met	70.3%
	Partially met	26.1%
	Not met	3.6%
The prosecutor complied with the duty of continuing disclosure (but not including timeliness of disclosure)	Fully met	73.7%
	Partially met	15.8%
	Not met	10.5%
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	64.8%
	No	35.2%

Question	Answer	All cases
Sensitive unused material was dealt with appropriately	Fully met	68.4%
	Partially met	10.5%
	Not met	21.1%
Third party material was dealt with appropriately	Fully met	77.8%
	Partially met	0%
	Not met	22.2%
The disclosure record sheet was properly completed with actions and decisions taken on disclosure	Fully met	33.3%
	Partially met	31.5%
	Not met	35.1%
Rate the overall quality of handling of unused material by the CPS	Excellent	1.8%
	Good	36.9%
	Fair	52.3%
	Poor	9.0%
Victims and witnesses		
Where appropriate the prosecutor took all necessary steps to secure victim engagement in the court process	Fully met	73.4%
	Partially met	22.8%
	Not met	3.8%
The prosecutor took account of the rights, interests and needs of victims and witnesses including consulting with them where appropriate	Fully met	69.5%
	Partially met	25.3%
	Not met	5.3%
The appropriate special measures were applied for	Yes	90.5%
	No	9.5%
The application was timely	Yes	73.7%
	No	26.3%

Question	Answer	All cases
There was a timely Victim Communication and Liaison (VCL) when required	Yes	69.2%
	No	3.8%
	Not done	26.9%
The VCL was of a high standard	Fully met	47.4%
	Partially met	36.8%
	Not met	15.8%
Police service quality		
Rate the overall quality of the service from the police	Excellent	0.7%
	Good	43.3%
	Fair	46.7%
	Poor	9.3%
CPS service quality		
Rate the overall value added by the CPS	Excellent	2.2%
	Good	37.7%
	Fair	44.9%
	Poor	15.2%

D Area performance data

Outcomes	National			West Midlands			Variance 2014-15 to 2016-17
	2014-15	2015-16	2016-17	2014-15	2015-16	2016-17	
Magistrates' court							
Successful outcomes	84.2%	83.8%	84.7%	83.5%	83.9%	85.2%	-
Discontinuance	10.5%	10.3%	9.6%	12.6%	10.8%	9.4%	-
Crown Court							
Successful outcomes	79.4%	79.2%	78.8%	80.9%	81.9%	79.9%	-
Judge ordered acquittals	12.5%	12.2%	11.6%	12.2%	10.9%	10.9%	-
Charging volumes							
Number of pre-charge decisions	307,037	276,696	265,275	33,600	24,542	25,708	-23.5%
Magistrates' court							
Guilty pleas	71.2%	71.2%	72.5%	67.3%	68.5%	70.7%	-
Attrition	22.4%	21.8%	20.5%	25.1%	23.2%	21.0%	-
Crown Court							
Guilty pleas	71.9%	71.4%	70.2%	74.0%	74.1%	71.2%	-
Attrition	20.5%	20.6%	21.0%	19.4%	18.6%	20.3%	-

Staffing and caseload changes						
	2014-15	2015-16	% change 2014-15 to 2015-16	2016-17	% change 2015-16 to 2016-17	2 yr average % change 2014-15 to 2016-17
Areas and CPS Direct plus Proceeds of Crime						
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%
Magistrates' court						
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%	-0.06	1.5
<i>Contested cases with conviction</i>	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
Crown Court						
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
<i>Contested cases with conviction</i>	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	% change 2014-15 to 2015-16	2016-17	% change 2015-16 to 2016-17	2 yr average % change 2014-15 to 2016-17
West Midlands						
Staff in post	454.6	420.8	-7.4%	414.4	-1.5%	-8.8%
Prosecutors in post	199.1	182.9	-8.1%	184.8	1.0%	-7.2%
Administrators in post	255.5	237.9	-6.9%	229.6	-3.5%	-10.1%
Magistrates' court						
Completed cases	50,061	56,291	12.4%	57,746	2.6%	15.4%
Contested cases	4,907	6,432	31.1%	6,776	5.3%	38.1%
Contested cases proportion of completed cases	9.8%	11.4%	1.6	11.7%	0.3	1.9
<i>Contested cases with conviction</i>	3,311	4,432	33.9%	4,591	3.6%	38.7%
Proportion of contested cases resulting in conviction	67.5%	68.9%	1.4	67.8%	-1.1	0.3
Contested cases per prosecutor*	24.7	35.2	10.5	36.7	1.5	12.0
Crown Court						
Completed cases	9,817	9,517	-3.1%	9,095	-4.4%	-7.4%
Contested cases	1,403	1,447	3.1%	1,645	13.7%	17.2%
Contested cases proportion of completed cases	14.3%	15.2%	0.9	18.1%	2.9	3.8
<i>Contested cases with conviction</i>	793	836	5.4%	904	8.1%	14.0%
Proportion of contested cases resulting in conviction	56.5%	57.8%	1.3	55.0%	-2.8	-1.5
Contested cases per prosecutor*	7.0	7.9	0.9	8.9	1.0	1.9

* Excludes CCP and senior staff

Contested cases figures include mixed plea cases

Efficiency, costs and quality	National				West Midlands				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	
Efficiency									
Completed cases per administrator (FTE)	239.3	254.8	242.1	Det	234.3	276.6	291.1	Imp	Better than
Completed cases per prosecutor (FTE)	293.0	298.7	275.0	Det	300.8	359.8	361.7	Imp	Better than
In-house magistrates' court sessions	72.4%	70.5%	69.4%	Det	68.5%* (69.55%)	54.1%* (58.81%)	53.1%* (53.14%)	Det	Worse than
Associate Prosecutor magistrates' court sessions	27.0%	25.1%	24.5%	Det	26.7%* (25.76%)	25.0%* (22.35%)	22.9%* (22.92%)	Det**	Worse than
Cases dropped at 3rd or subsequent hearings (magistrates' court)	34.1%	30.5%	29.6%	Imp	25.3%	19.8%	23.7%	Det	Better than
Average sessions per Associate Prosecutor per week	5.59	6.50	6.72	Imp	5.27	5.22	6.21	Imp	Worse than
Hearings per magistrates' court case (guilty plea)	1.87	1.80	1.69	Imp	1.80	1.65	1.58	Imp	Better than
Hearings per Crown Court case (guilty plea)	3.84	3.97	3.65	Imp	3.15	3.15	3.22	Det	Better than
Percentage of magistrates' court guilty pleas at first hearing	70.8%	70.7%	70.0%	Det	75.8%	73.9%	70.9%	Det	Better than
Percentage of Crown Court guilty pleas at first hearing	33.1%	31.8%	39.9%	Imp	49.2%	48.0%	46.9%	Det	Better than
CPS savings per Crown Advocate	£65,389	£65,550	£63,193	Det	£73,912	£74,310	£55,801	Det	Worse than

* Discrepancies are due to incorrect recording by the Area, which was discovered by them after the figures had been uploaded. The figures in brackets are the correct ones

** Improvement, see * explanation

Efficiency, costs and quality	National				West Midlands				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	
Cost									
Prosecution cost per defendant (Crown Court)	£1,080	£1,124	£1,223	Det	£978	£1,130	£1,222	Det	Better than
Overall spend per completed case	£588	£602	£657	Det	£546	£523	£550	Det	Better than
Overall spend per total staff (FTE)	£77,404	£82,767	£84,641	Det	£71,944	£81,781	£88,746	Det	Worse than
Outcomes									
Magistrates' court successful outcomes	84.2%	83.8%	84.7%	Imp	83.5%	83.9%	85.2%	Imp	Better than
Crown Court successful outcomes	79.4%	79.2%	78.8%	Det	80.9%	81.9%	79.9%	Det	Better than
Magistrates' court discontinuances	10.5%	10.3%	9.6%	Imp	12.6%	10.8%	9.4%	Imp	Better than
Crown Court Judge ordered acquittals	12.5%	12.2%	11.6%	Imp	12.2%	10.9%	10.9%	No change	Better than

FTE Full-time equivalent



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