

Area Assurance Inspection of CPS South East

January 2018

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1 Headlines

1.1 We set out here our headline findings in respect of our inspection of the Crown Prosecution Service (CPS) South East Area. Performance as assessed against the criteria of the inspection framework 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	Fair
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	Fair
Overall score for the success of CPS people	GOOD
<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	Fair
Resources are systematically managed and deployed effectively	Fair
Joined-up working is effective and delivers improvements in outcomes for users	Fair
Overall score for continuously improving	FAIR
<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)	Poor
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)	Poor
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	Fair
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	Fair
Overall score for public confidence	FAIR

1.2 The Area has made year on year improvements in staff engagement of 23% since 2013, as measured by the Civil Service People Survey and the employee Engagement score is better than the national CPS average. An engagement strategy has been developed, which is supporting delivery. The majority of staff have a good understanding of Area priorities and there is a good use of reward and recognition. However, there is still not a 'one Area' ethos. Many staff still see CPS South East as made up of distinct geographical units. This can create tensions amongst staff and makes the movement of work around the Area more difficult to achieve.

1.3 There is engagement with criminal justice partners which has led to some improvement, however there are some ongoing performance issues with partner agencies where there has been little evidence of progress. Staff struggle to regularly see the results of engagement and there remain significant challenges which have yet to be addressed.

1.4 Comprehensive performance information is provided to managers. There is, however, a lack of consistency as to how robustly this is used by the magistrates' court and Crown Court teams to manage performance. Staff are generally aware that the performance is improving but comparative analysis with other Areas is less clear. There is a track record of quarterly improvement over the last 12 quarters, but there are a number of measures that are still consistently worse than national averages.

1.5 Casework quality assurance monitoring is not consistently applied to identify aspects for improvement or good practice. The Area has not been consistently undertaking Individual Quality Assessments, which are a missed opportunity to help improve casework quality.

1.6 There is a varied track record of operating within budget, with both overspends and underspends against budget allocated in the last two financial years. Financial control, assurance and management processes have not been consistently applied and, until recently, routine periodic assurance checks were not being done. There have been instances of payments not correctly authorised and significant backlogs of fees awaiting payment.

1.7 The Area now has the benefit of a full-time Finance Manager seconded from CPS Headquarters to help address such concerns. This has resulted in a clearer reporting process and appropriate budget monitoring, and assurance and compliance checks are now being carried out.

1.8 Recruitment has been prioritised with a focus on filling vacant posts. However, the Area remains under resourced in the number of lawyers in post according to the CPS National Resourcing Model, which is having an impact on the use of agents, but it is over resourced in respect of administrative staff. To compound resourcing issues, average working days lost through sickness are the worst in the CPS, although there has been a significant programme of support and training rolled out over the past nine months to address this issue.

1.9 Staff indicated that training and development is effective, although we found a number of staff were unable to actually take the time to attend training and utilise their Individual Learning Accounts. The Area has invested in significant amounts of training for both legal and non-legal staff, however we found that it is much less digitally capable than other Areas. We therefore question whether its overall training needs are being met.

1.10 Much needs to be done to improve both magistrates' court and Crown Court casework before it can be considered of high quality. Successful outcomes in the magistrates' courts are improving and are now better than the national average, while in the Crown Court they were just below and have seen little change over the last three years. However, much needs to be done to add value to how casework is handled.

1.11 In the magistrates' courts too many cases are proceeding to the first hearing with either no review or a late review and too many do not meet the required standard. The handling of the disclosure of unused material was not satisfactory and still needs improvement. After the first hearing there is an inadequate 'grip' on cases, with a lack of compliance with court directions. However, the effective trial rate in the magistrates' courts

is one of the best nationally. There is also a similar positive level of performance with regard to the proportion of cracked and ineffective trials due to prosecution reasons and unsuccessful outcomes attributable to prosecution witness issues.

1.12 In the Crown Court, the quality of some pre-charge Rape and Serious Sexual Offences (RASSO) advice from counsel fell short of the required standard. As in the magistrates' court, the proportion of initial case reviews needs improving significantly. Again too many cases had either no review or one was carried out too late to enable impact on the case. Some aspects of the disclosure process must also improve, particularly the accuracy and completeness of disclosure record sheets. As with the magistrates' courts, the effective trial rate is better than the national average.

1.13 The Area has set out clear priorities to increase awareness of hate crime and has worked effectively with local media. However the extent of feedback from, and engagement with, the Local Scrutiny Involvement Panel is limited. There has been some good learning from the experiences of victims shared across the Area and an increased focus on the Gypsy, Roma and Traveller community and 'honour' based violence. The Area has recognised that more work is needed to improve the communication with witness care units and is taking steps to address this. Police file quality deficiencies are having an impact on the CPS's ability to meet the needs of victims and witnesses.

1.14 Despite evidence of partnership liaison, and some evidence of better working in units like RASSO, there is little evidence of significant improvement in performance across the Area on a range of measures.

Strengths

1.15 We identified the following strengths:

1 Senior managers have continuously improved the Area's staff engagement (paragraph 2.7).

2 Senior managers are clearly visible and have set out and communicated their vision and priorities to the Area (paragraph 2.9).

3 The Area has successfully utilised a peer review approach in its Rape and Serious Sexual Offences team to improve performance (paragraph 3.4).

4 The Area's commitment to ensuring that sentencing uplifts are applied in relevant hate crime cases (paragraph 3.5).

Issues to address

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

1 Senior managers need to develop a programme of training and support to ensure that all staff are fully digitally proficient and effectively manage cases in accordance with the Standard Operating Practices (paragraph 2.26).

2 The Area must ensure that casework performance is appropriately analysed, compared and challenged and improvement driven consistently across all teams (paragraph 3.2).

3 The Area needs to ensure that all operational managers are included in performance analysis and improvement delivery (paragraph 3.8).

4 All legal managers should comply fully with the requirement to carry out Individual Quality Assessment of lawyers' work, and use the findings to provide feedback and secure performance improvement where required (paragraph 3.12).

5 Senior managers must develop a systematic plan to deliver an Area wide structure that allows it to efficiently manage its workload (paragraph 3.20).

6 The Area must work with its police forces to ensure that the quality of files submitted meet the National File Standard (paragraph 3.29).

7 Legal managers must ensure lawyers comply with the Standard Operating Practice to ensure a timely and qualitative review takes place in every case (paragraph 4.14).

8 Legal managers must ensure hearing record sheets are completed correctly and submitted within one day of the hearing in accordance with the Standard Operating Practice (paragraph 4.46).

9 Legal managers must ensure:

- police are asked to rectify defective unused material schedules
 - there is quality assurance of disclosure record sheets
 - full compliance with the prosecution's disclosure obligations (paragraph 4.52).
-

10 The Area should liaise with its police partners to ensure that appropriate guidance is given to police officers to ensure personal details of victims and witnesses are only endorsed on the correct part of the witness statement form (paragraph 5.6).

11 The Area needs to improve its interaction with the Victim Liaison Unit (VLU) and set up an effective quality assurance system to feed back issues and learning to the joint VLU (paragraph 5.10).

12 The Area needs to increase the extent of community representation at the Local Scrutiny and Involvement Panel (LSIP) and also ensure that there are effective mechanisms developed to share views and findings from the LSIP (paragraph 5.22).

13 The Area needs to develop an effective engagement plan with its witness care units to improve the provision of victim and witness care (paragraph 5.25).

1.17 South East has offices at Canterbury, Brighton, Guildford, Middlesbrough and Newcastle. The latter two are referred to as the South East Team in the North East (SETINE). The Area is aligned with Kent, Surrey and Sussex Police forces. It covers 13 magistrates' courts and six Crown Court centres. In the 12 months to June 2017 it had the full-time equivalent of 225.1 staff, and its budget for 2017-18 is £22,220,288. The Area also regularly receives work from other law enforcement agencies, including Immigration Enforcement and the Port of Dover Authority.

1.18 In the 12 months to June 2017 the Area finalised 25,687 magistrates' court cases and 5,417 Crown Court. Its overall magistrates' court caseload is declining at a greater rate than found nationally. The volume of contested cases has increased in the Crown Court, despite decreasing nationally.

1.19 During the same period South East secured convictions (either after trial or by a guilty plea) against 86.6% of defendants in magistrates' court cases and 78.5% of defendants in the Crown Court. Magistrates' court performance is better than the national average and improving, but in the Crown Court is static and worse than nationally.

1.20 The vacated trial rate in the magistrates' courts is significantly worse than the national average, and we discuss this in detail in chapter 4.

1.21 Further information on performance data is at annex D.

1.22 South East has recently undergone a significant change to its senior management team and, at the time of our inspection in November 2017, had just introduced a new management structure in accordance with a national directive, which followed a review of CPS Area structures. A number of the senior management posts, including one Deputy Chief Crown Prosecutor and the Area Business Manager, are temporary appointments.

1.23 What would assist the Area now is a period of sustained stability to enable the new management team to address the issues identified in this report.

Methodology

1.24 Inspectors examined 120 magistrates' court and Crown Court files finalised between May to July 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 November 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 June 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	Fair
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	Fair
Overall score for the success of CPS people	GOOD

Performance against the Part A criteria

2.1 South East has made year on year improvements in staff engagement since 2013, as measured by the Civil Service People Survey. The employee Engagement score in the 2017 survey was 63%, which is 2% better than the overall CPS Engagement score. The Area has developed an engagement strategy and effective systems to support and deliver the strategy. The majority of staff have a good understanding of Area priorities and there is a good use of reward and recognition.

2.2 Although the Area has undertaken a significant programme of activity many staff see that it is still made up of distinct geographical units and is not one Area. This can create tensions and makes the movement of work around the Area more difficult to achieve. Work needs to be done on creating a one Area ethos, and there are some units where team meetings are not consistently held.

2.3 There is engagement with criminal justice partners, which has led to some improvement, however there are some ongoing partnership issues where there has been little evidence of progress. Staff do not regularly see the results of engagement and there remain significant challenges which have yet to be addressed.

2.4 Despite significant time and resource invested by the Area and indications of some recent improvement, sickness levels remain the worst in the CPS. Over the past year the Area has worked with managers to offer a significant programme of support and training on how sickness absence should be managed.

2.5 Staff indicate that training and development is effective, although a number of staff were unable to take the time to attend training and utilise their Individual Learning Accounts (ILAs). South East is much less digitally capable than other Areas.

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

2.6 The employee Engagement score, as measured by the Civil Service People Survey (CS survey), has increased from 40% in 2013 to 63% in 2017 and is now better than the national average of 61%. Similarly, the response (completion) rate has improved from 32% in 2013 to 78% in 2017. Between the 2013 and 2017 surveys all individual aspects of engagement have also improved, with some significant gains in Inclusion and Fair Treatment (+21%), Leadership and Managing Change (+31%), and Learning and Development (+29%).

Strength
Senior managers have continuously improved the Area's staff engagement.

2.7 The majority of staff with whom we spoke indicated that there was good visibility at the senior manager level. The Chief Crown Prosecutor (CCP) and Area Business Manager (ABM) regularly visit all the Area offices and make an effort to see staff, including those based in the North East. In some instances staff felt that more could be done to make the visits more engaging. In the 2017 CS survey 63% of staff strongly agreed or agreed that senior managers were visible, which is 2% better than that found nationally. 62% believed that the actions of senior managers were consistent with CPS values, which has improved by 12% since 2016, and 84% that their direct line manager demonstrated CPS values through their actions, an increase of 17% from 2016 and 4% better than the CPS overall score.

2.8 In our survey, 44.1% of staff who responded said they strongly agreed or agreed that most managers act as role models. Inspectors were given a number of examples of where managers had challenged inappropriate behaviours and in our survey, 67.0% of staff agreed this would happen.

2.9 There is a staff engagement strategy which is reviewed regularly and also includes specific actions to address the findings and aspects for improvement highlighted in the annual CS survey. The engagement strategy objectives are clearly linked to the people objectives outlined in the Area Business Plan. Staff were generally positive about the levels of engagement, they liked the fact that they could see where managers were and also thought that the staff forum was a good means of communicating, as well as consulting on issues. The major issue remained that staff did not always find time to read what was contained on the intranet site and thought that, in some cases, regular dialogue through team meetings was a better way to communicate, although the Area's geography makes this difficult to facilitate.

Strength

Senior managers are clearly visible and have set out and communicated their vision and priorities to the Area.

2.10 There was evidence that staff were generally aware of the Area priorities, with good awareness of the four CPS pillars.¹ Managers, as well as most staff, were aware that improving hate crime outcomes and staff wellbeing were the top Area priorities and that there was regular communication and action to support this. In the CS survey, 53% of staff thought that the CPS Board has a clear vision, an increase of 36% since 2013 and 5% better than found nationally. In our survey, 73% said that they were at least mostly clear on the CPS vision and Area priorities.

2.11 There is culture of praise and recognition, with good use of the national Simply Thanks scheme and CCP commendations. The Area has responded to staff concerns around recognition raised at a staff forum meeting earlier in 2017 and inspectors found that since this meeting a concerted effort to praise and recognise continues. A monthly note from the CCP and ABM sets out the recipients of all Simply Thanks awards, including why the award had been made, and CCP commendations are also publicised. Staff said that they were regularly thanked for good work and also for going the extra mile. Some indicated that it was motivational to be named. There were also examples of managers sending notes

¹ These are the CPS 2020 priorities: public confidence; success of our people; high quality casework and continuously improving.

of thanks to staff. In the CS survey 73% of staff strongly agreed or agreed that managers motivated them to be more effective in their job, 3% better than CPS nationally, with 77% agreeing that their manager recognises if they have done a good job.

2.12 A corporate approach is demonstrated by all managers and examples given to show that once decisions were made, managers supported these when communicating to staff. Managers also gave examples of how they test whether corporate messages have been communicated effectively when they speak to operational staff. Some terms of reference for Area meetings also set out in clear terms expected behaviours and corporate expectations. Managers were clear on their corporate responsibilities.

2.13 Staff and managers indicated that the geography and team structure of South East meant that it was not always straightforward to consistently hold regular or effective team meetings. The Area has utilised video conferencing facilities and has clear rules for making the most of meetings over the video link, but inspectors were told that even so, using these facilities was not always conducive to an effective meeting.

2.14 Team meetings were held more regularly in the magistrates' court and RASSO units, than in the Crown Court unit. Staff from the Crown Court unit confirmed that meetings were infrequent and also that the communication of key messages was not always consistent or effective.

2.15 There was evidence that South East was still made up of a number of distinct offices and in some instances this resulted in a lack of one Area approach. Inspectors were told of tensions between offices where it came to the transfer of work and tasks. Managers have responded to these issues, but the current structure of teams based in county groupings (including SETINE) perpetuates the problem. At the time of our inspection senior managers planned to move to a one team approach in the magistrates' court unit, with a review team and an advocacy team. The Area has also recently started to train and support all administrative staff in the unit to allow them to undertake all aspects of the role. It is hoped that this change will also break down some of the barriers created by the Area geography. Inspectors were not clear if the plans for change to the structure of magistrates' court work were to be replicated across the whole Area. Whilst staff engagement levels continue to increase, a risk remains that the geography and structures will perpetuate a 'them and us' culture. The Area needs to consider how it can tackle this to increase operational resilience and effectiveness.

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

2.16 There are regular meetings between CPS senior managers and criminal justice system (CJS) stakeholders, partners and most of the senior Crown Court judiciary. The CCP meets the Chief Constables and Police and Crime Commissioners of all the police forces quarterly and works with the three Criminal Justice Boards which the Area covers. CPS managers at various levels attend the Criminal Justice Boards and Partnership and sub group meetings.

2.17 However, the inability of the Area to influence police partners has resulted in internal inefficiencies leading to duplication, the renaming of documents and lawyers not being able to make effective decisions in a timely way. This has had a significant impact on the quality of casework and on the service provided to victims and witnesses.

2.18 There is little evidence of effective feedback from partnership meetings, with staff unable to indicate whether any engagement at a senior level was having an impact. Managers were aware that police file quality was being discussed at the highest levels, but there was no evidence of improvement. In most interviews staff and managers expressed a view that police file quality, especially for Kent cases, was getting worse and that this had a significant impact on efficiency. Our file sample highlighted significant concerns, which we discuss in chapter 4.

2.19 The ABM has raised some of the local challenges with Kent Police file quality with CPS Headquarters. Support has been provided from Headquarters to work with the Area and Kent Police to identify the IT issues and work to develop a technical solution. The view of inspectors is that although the Area has raised with the police issues around poor file quality, it has not been consistent in recording accurate information about these files; we discuss this further in chapter 3. Inspectors found that the Area has been able to influence Sussex Police and that there has been some noted improvement in file quality, however, the fact that the issue is longstanding and is seemingly getting worse with some of the other forces is a concern.

2.20 More recently local Prosecution Team Performance Management (PTPM) meetings have been reinvigorated. They are now held regionally and also at force level. The Area has yet to establish the right levels of police attendance at the meetings to make these effective. The Deputy Chief Crown Prosecutors (DCCPs) have raised this with force Assistant Chief Constables (ACCs) and hopefully this may result in a change of personnel attending the meeting.

2.21 The CCP has worked with Local Criminal Justice Boards and Partnerships (LCJB/Ps) to gain a commitment to improving the handling and support for RASSO cases. The CCP has also used the recent HMCPSI Transforming Summary Justice (TSJ) inspection report² to gain support to run a joint partnership event on TSJ. The event was held at the end of November 2017 and it is planned to engage and reinvigorate CJS partners to address some of the local weaknesses. In advance of the event there has been a series of joint magistrates' court observations with Her Majesty's Courts and Tribunals Service (HMCTS) and the police to identify issues that may be causing disparities in performance. The CCP and DCCPs are keen to replicate the embedding of police officers into CPS units similar to the RASSO model (discussed in chapter 3) to improve file quality across all units and have raised this at Chief Constable and ACC levels in advance of the TSJ event.

2.22 Most CJS partners reported that there were positive relationships. They said they were able to talk openly and honestly and that the CPS was responsive, and easy to get hold of when needed. There was a good level of CPS and police strategic engagement for hate crime. The impact is discussed further in chapter 4.

2.23 In our survey 49.5% of staff said that there was a good or excellent working relationship with the police, 44.0% with HMCTS and 74.5% thought that partnership working was delivering positive results. The Area has worked with all of its police forces to deliver joint training.

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	Fair

2.24 As set out above, the Area has been successful in driving up its staff engagement levels since 2013, with year on year improvement in its engagement score. It also improved the CS survey score for supporting staff with learning and development by 29% between 2013 and 2017, with 69% of staff now indicating that they had access to the right learning and development opportunities.

² *Business as usual? A follow-up review of the effectiveness of the Crown Prosecution Service contribution to the Transforming Summary Justice initiative*; HMCPSI; June 2017. www.justiceinspectors.gov.uk/hmcpsi/inspections/business-as-usual-transforming-summary-justice-follow-up-report/

2.25 The Area has pushed the use of ILAs and has set out examples of how others have used them as a means of prompting ideas for staff to use their accounts in a meaningful way. During interviews however, a number of staff indicated that they found securing time to train difficult as the pressures of work and resources meant that they could not be released to attend training. Our survey supports this, as 53.1% of respondents stated they had utilised their ILAs.

2.26 The Area has recognised that a number of staff are not fully digitally proficient, as there are too many ‘work arounds’ being operated, which is inefficient. Support from CPS Headquarters to commence a training programme for administrative staff has been received. Inspectors found that, in many instances, staff were not working effectively through the Standard Operating Practices (SOPs) or using tasks to manage and progress cases. The Area thought that some of this lack of understanding was as a result of moving digital work to the team in the North East, resulting in de-skilling of administrators outside of SETINE. Some managers believed that not following the SOP or working around the system was acceptable. We were regularly told that there were no consequences to SOP non-compliance. In many instances it appeared that non-compliance was as a result of not fully understanding how cases progressed through the case management system (CMS). The Area needs to address this with some urgency, as work arounds outside the SOP and CMS are resulting in duplication of effort and causing issues with case progression.

Issue to address

Senior managers need to develop a programme of training and support to ensure that all staff are fully digitally proficient and effectively manage cases in accordance with the Standard Operating Practices.

2.27 There has been one instance of poor performance resulting in formal action. During discussions with managers in focus groups there was a view that the frequent change of managers across certain grades meant that poor performance could not be gripped. Inspectors were concerned to note that in some instances managers’ highlighted longstanding cases of poor performance that had not been tackled. Although 48% of staff in the CS Survey felt that poor performance would be addressed, which is 9% better than found nationally and an increase of 25% since 2013.

2.28 The Area is investing significant time and resource in improving the management of sickness absence, however, these levels are the worst in the CPS. In 2016-17, an average of 11.4 days per member of staff was lost, which was worse than the national average of 7.7 days. Stress related absence was 25.3% compared to 33.0% nationally. In the 12 months to June 2017 sickness absence marginally improved to 11.3 days compared to the national

figure of 7.4, however the gap has increased. In March 2017, the ABM developed a sickness absence action plan to address this. The Area rolled out mandatory face to face training for all line managers, which included how to manage sickness absence. It has also developed a support package that includes simple guides to managing sickness back to work meetings. Managers are also supported by a Human Resource (HR) advisor who sends out prompts and will chase actions. The ABM has reviewed all long term sickness cases, holding case conferences with managers to offer mentoring and support. We understand that as a result of this work, the number of days lost to sickness absence has recently shown some reduction. There is evidence of some recent improvement in the level of days lost due to staff sickness but performance remains significantly worse than the national average.

2.29 The Area has invested in workplace wellness and offered support to all staff. Staff were aware that wellbeing was one of South East's key priorities and in the 2017 CS survey 57% strongly agreed or agreed that the CPS is committed to supporting health and wellbeing, which is 2% better than found nationally.

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	Fair
Resources are systematically managed and deployed effectively	Fair
Joined-up working is effective and delivers improvements in outcomes for users	Fair
Overall score for continuously improving	FAIR

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	Fair

3.1 The Business Plan, designed to help drive the direction of the Area, clearly aligns with the national CPS 2020 pillars. South East has set a number of performance targets aligned to these aims which should be used to help assess improvement. However some do not appear to be challenging, for example, hate crime sentence uplifts had a nationally set target of 55% when the Area was already achieving 60.4% in 2016-17.

3.2 Performance is reviewed and driven by the Area Strategy Board (ASB) which meets on a monthly basis, led by the CCP and dealing with issues under the four CPS 2020 pillars. Decisions and expectations from each ASB are communicated to the operational business through the Operational Delivery Meetings (ODMs) which are clearly key to ensuring there is a consistent focus on performance improvement. To help drive this approach the focus on performance is now led by a DCCP with analysis and support provided by the Area Performance Manager (APM). There is a stronger focus on performance, accountability and greater challenge in the magistrates' court ODM than in the Crown Court ODM. Although

issues are discussed, there is an apparent lack of focus on what actions are being taken to improve, with a general feeling from staff that performance is “not that bad”.

Issue to address

The Area must ensure that casework performance is appropriately analysed, compared and challenged and improvement driven consistently across all teams.

3.3 It is recognised that the Area continues on a journey of general improvement and by the CPS’s own assessment of quarterly performance, it has continued to improve since December 2014. However, there are a number of measures that are still consistently worse than the national average. For example: the overall conviction rate in the Crown Court; the rape conviction rate in the Crown Court; and the number of hearings in contested cases in both the Crown Court and the magistrates’ courts.

3.4 However, the Area has successfully responded to longstanding poor performance in its RASSO conviction rates. Following a benchmarking exercise and peer review by CPS East Midlands, South East has managed to improve its overall sexual offences conviction rate from 77.5% in 2015-16 to 79.9% in the 12 months to June 2017 compared to 78.0% and 79.6% nationally. In addition, the rape conviction rate has increased from 50.3% to 54.6%, compared to 57.9% and 58.5% nationally.

Strength

The Area has successfully utilised a peer review approach in its Rape and Serious Sexual Offences team to improve performance.

3.5 Additionally, the Area has worked well to increase the number of cases where the hate crime uplift is applied. Performance has improved substantially and the uplift was applied in 60.4% of cases in 2016-17, against the national average of 52.2%.

Strength

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

3.6 A range of performance information is produced and distributed weekly to managers at all levels. Weekly and monthly performance reports are produced and an Area performance scorecard is provided to all managers monthly, accompanied by weekly performance updates. To help with interpretation of this information, the scorecard uses a red, amber, green “RAG” rating against the CPS high weighted measures³ to illustrate how its performance is changing over time.

3.7 There is a range of mechanisms to help increase awareness and understanding of performance information by staff across the Area. Staff are generally aware of where performance information is obtainable and there was a general awareness of a quarter by quarter performance improvement. Comparative performance with other Areas was less clear, with some staff believing that “*they were in the green across most of the measures*” despite, for example, being significantly worse than average in a number of the Crown Court measures. Disappointingly, this lack of recognition applied to both staff and managers.

3.8 There appears a variance between how well performance is disseminated across teams and the level of understanding between the magistrates’ court and Crown Court management teams as a whole. One crucial means of discussing and challenging performance and raising issues is at the unit Operational Delivery Meetings. Inspectors found an inconsistency in attendance at ODMs, with all managers attending the magistrates’ court unit meeting, but business support managers not attending the Crown Court equivalent. Whilst this is a matter for the Area, inspectors noted that unit objectives, performance challenges and work priorities were more clearly understood on the magistrates’ court unit side of the business. Managers also indicated that they felt they were not always clear on objectives and performance issues. Some could not understand why there was a difference of approach between the two units.

Issue to address

The Area needs to ensure that all operational managers are included in performance analysis and improvement delivery.

3.9 Our staff survey indicated that 84.2% thought performance information is shared with them in an easily understandable format at least some of the time. Over 50% thought this occurred frequently. Staff views on the availability of mechanisms to exchange information, such as the intranet and meetings, were that 60.0% thought these were regularly used and a further 28.0% at least sporadically used. In the survey, 31.7% thought that there are a

³ Performance measures given high priority by CPS Headquarters.

number of mechanisms and systems in place in which the Area can learn lessons and these have led to improvement. A further 30.7% believed that there were mechanisms in place, but these were rarely used to make improvements.

3.10 The local intranet contains the minutes from various meetings across the Area. These can be a useful source of performance updates to staff. However, the latest minutes for the magistrates' courts and Crown Court ODMs date back to the start of 2017. The latest ASB minutes were from June 2017 (five months prior to the inspection). They were therefore of limited value. However, the top three issues from each monthly Area Strategy Board are made available to staff through Team Talk.

3.11 Most staff and managers with whom we spoke had either had a Performance Development Review (PDR) or were on course for these being carried out. The 2017 CS survey noted a big improvement in understanding and learning from performance feedback from 2016. In the 2017 CS survey, 69% of staff agreed that they receive regular feedback on their performance, which was 9% better than 2016. In addition, 67% thought that feedback helped them improve their performance, again an improvement of 8%. Our survey identified that, regarding the frequency of contact with a line manager to discuss performance, 41.6% agreed that this happened at least quarterly. Disappointingly, 24.8% said that, at best, this rarely happened. In response to the question *"Are you and your team set any performance objectives or targets to achieve on a regular basis?"* 55.5% agreed that this was done frequently and a further 18.8% agreed this was at least quarterly.

3.12 The Area applies a range of mechanisms such as 'reality' checks and dip sampling to assess performance. These checks include Individual Quality Assessment; national file quality compliance; Resource and Efficiency Measures (REM) compliance and CMS outstanding tasks lists. However, casework quality assurance monitoring is not consistently applied to identify aspects for improvement or good practice. The frequency and coverage of these is inconsistent. Compliance checks on the accurate recording of the Principal Offence Category (POC) on CMS are routinely reviewed using the POC calculator. A Casework Quality Committee (CQC) has recently been formed. Meetings are held monthly to provide the ASB with a mechanism to discuss and assess casework quality. The Area does, however, acknowledge that it has not been consistently undertaking IQAs in line with the level required by CPS Headquarters. Inspectors believe this is a missed opportunity to help improve the quality of casework. The overall completion rate in 2016-17 was 74.1%. There has been an increased focus on completing IQAs and, at the mid-year point in 2017-18, the Area had completed 61.8% and 47.4% in the magistrates' court and Crown Court teams respectively. The quality of these assessments is covered later in the report under the section on case file quality.

Issue to address

All legal managers should comply fully with the requirement to carry out Individual Quality Assessment of lawyers' work, and use the findings to provide feedback and secure performance improvement where required.

3.13 The level of police file quality checks undertaken by the Area's lawyers was wholly unrepresentative of the actual quality. In 2016-17 they identified an error rate of 6.8%, which did not reflect the Area's opinion of file quality received from the police. The current year has seen a significant increase in reporting, helped by the introduction of the new method of reporting linked to CMS. In July to September 2017 the error rates identified on file quality have increased from 10.4% to 33.0%. This is still understating the file quality issues that inspectors found during our file examination and also the level of issues the Area believes exist. Without comprehensive recording of file quality errors, South East has little evidence to review with its police partners to help improve police file quality overall.

Criteria	Score
B2 Resources are systematically managed and deployed effectively	Fair

3.14 The Area has a varied track record of operating within budget. In the 2015-16 financial year there was an overspend of £583,020 against its allocated budget of £21,216,622, but in 2016-17 had a £412,033 level of underspend. In the current year, against the budget of £22,220,288 it is currently overspent by £267,067, which is attributable to the prosecution costs spend. Any extra budget financing of this due to caseload changes and mix will be the subject of discussions at national level.

3.15 The Area has struggled to employ a permanent Area Finance Manager (AFM) which has had implications in the financial control, assurance and management process and resulted in routine periodic assurance checks not previously being done. There have been instances of payments not being correctly authorised. For example, recently an expert witness fee of £19,000 was not picked up, not authorised properly and not recorded on the Area monitoring system. There were similar occasions where around half a dozen smaller amounts were not tracked. The Area now has the benefit of a full-time AFM seconded from Headquarters to help address such concerns. This has resulted in a better method of reporting to the ASB, through the ABM, to ensure that the appropriate budget monitoring, assurance and compliance checks are being carried out.

3.16 South East's previous backlog of around £2million of outstanding fee payments to counsel has been reduced by 81%, aided by a fees action plan and closer compliance with the Standard Operating Practice. The introduction of a dedicated process for recording new case finalisations has identified previously unlogged and non-invoiced debt (again an indication of poor financial controls). There now appears to be improved accuracy and completeness of the Area's log of fees and it also appears now to have better management of budgets generally. The AFM and ABM have ensured that the budgeted areas of spend are now better aligned and more reflect expectations, which will enhance control and accountability.

3.17 To support better understanding of financial control, the AFM is providing advice and general finance guidance personally to managers and has also provided presentations on financial control and accountability generally at team meetings. The AFM attends the operational group meetings to help update managers on financial performance and explain the forecast. The Area now has a clear responsibility framework in place. This includes facility for separation of duties, with responsibility for overseeing this sitting with the ABM. There is also a set financial delegation review process in place. Delegations were confirmed as up to date and as a result of frequent manager changes are reviewed more frequently than the half yearly requirement.

3.18 The National Resourcing Model (NRM) indicates the Area is under resourced in the number of lawyers it has in post, with specific issues at the Senior Crown Prosecutor (SCP)/Crown Prosecutor (CP) level. The recruitment challenges have been raised with Headquarters as a priority issue and continue as a risk to maintaining performance. The NRM indicates that South East is 17 lawyers under capacity. However, the Area accepts that this may be slightly out of date due to caseload changes and is more likely to be in the region of 12 to 13 lawyers. Some parts of the Area have struggled to recruit external candidates to posts due to their geographical location.

3.19 The Area has responded to this shortfall by attempting to develop its own management staff in-house where possible. This issue around recruitment was also instrumental in the setting up of the SETINE. This has grown since May 2014 and is now made up of 14 administration officers and a legal team of seven lawyers managed by a LM1.⁴ While this approach appears to work well, the type of work undertaken by the SETINE is restricted by the longstanding problem of the CPS's ability to digitally transfer hard media⁵ effectively. The Area is currently part of the Egress pilot of a secure email and file transfer service, which could have a significant positive impact on its ability to use this resource to better effect.

4 Legal managers in the CPS previously known as Level D line managers.

5 Items which can be used for recording, storage, communication and/or transfer of data, such as DVDs and external hard drives.

3.20 The NRM indicates that South East is over resourced with administrative staff, which does not reflect the feedback the inspection team obtained from staff. The Area is taking steps to multi skill its administrative staff so they can be used in a more flexible way and moved to where shortages are identified. The Area recognises that it needs to make better use of its administrators to help address these pressures. For example, when compared to national averages the REM timings for some administrative operations, such as putting together digital bundles of case papers, take twice as long as any other Area. The Area's own investigation has identified that remedial work on Kent Police files is impacting adversely on administration task timings. Senior management have been stressing the need to look at task timings with its front line managers. These issues have a negative impact on resourcing and efficiency and have been a continuing focus of the Area Performance Review (APR) process in the South East Area meetings. The Area is currently looking at its magistrates' court unit staff deployment through a review by the Head of the Area Operations Business Centre.

Issue to address

Senior managers must develop a systematic plan to deliver an Area wide structure that allows it to efficiently manage its workload.

3.21 Due to its shortage of in-house lawyers, the Area spends a significant amount on the employment of agents in the magistrates' courts. In 2016-17 it spent £490,046, which was £221,046 over budget. This budget has been reviewed and aligned better to expected needs. Despite an increase of 56% in the 2017-18 budget from 2016-17, at the mid-point of the current financial year the Area was still £63,632 over. It expects to offset a significant amount of this by spending less on staff costs.

3.22 CPS data shows that in 2016-17 South East had 32.8% of its magistrates' court sessions covered by agents, compared to a national average of 30.6%. In 2017-18 it has managed to reduce this to 31.9%. However, while the spend on agents will be offset by the Area's savings on salary costs, it is keen to reduce its reliance on agents, but this is limited by recruitment difficulties.

3.23 Due to a change in the collection and recording system for Crown Advocate (CA) sessions, the CPS was unable to provide us with CA data for the period April to June 2017. The latest composite figures are for 2016-17. In that year only 62% of CA resource was utilised on CA work. This has impacted on their fee earning ability and the Area made a notional loss of £148,550. The Area acknowledges that its earnings capability from deployment of the CA cadre has suffered, following their deployment to non-CA work such as case file review. This again has been a consequence of lawyer recruitment problems.

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

3.24 The Area supplies LCJB/P meetings with relative performance packs and information. These include the CPS standard Transforming Summary Justice and Better Case Management (BCM) data packs and also specific data relating to performance in each aspect such as guilty plea rates, hearing numbers, level of adjournments and conviction rates.

3.25 Partnership liaison has yet to deliver significant improvement in performance across a range of measures. For example, there has been little change in the TSJ performance resulting from LCJB/P stakeholder meetings.

3.26 The Area is performing poorly in terms of TSJ statistics (first quarter of 2017-18):

- 11th (out of 13) nationally for the average number of days from charge to first listing
- 12th for average number of days from first listing to completion
- 11th for the average number of days from first listing to completion (not guilty or no plea cases only).

3.27 Review of PTPM identifies a similar story; the Area compares poorly in terms of the national PTPM performance measures.

3.28 Liaison with the local police forces to improve file quality has resulted in an acknowledgement by them that police file quality is an issue and improvement a priority. However this has resulted in little success in improving the quality of police files. As mentioned above, there have been a number of issues raised with all the local forces regarding file quality, which have now existed for a long period of time. These include:

- poor quality digital submissions
- sending files piece meal to the magistrates' court unit, preventing an initial review of the case until all the file is received
- lack of skills on how to build a file.

3.29 As identified earlier, the Area has not helped itself to achieve a positive resolution to such issues through a lack of consistent file quality checks being undertaken. This would have provided a solid evidence base to discuss with and challenge local forces.

Issue to address

The Area must work with its police forces to ensure that the quality of files submitted meet the National File Standard.

3.30 There are continuing issues, in particular with regard to the quality of files received from Kent Police, which are having a detrimental impact. For instance, the digitally submitted file often requires the CPS to rename documents, which is impacting adversely on Area efficiency and resources. This has been raised at the CCP level with little success and staff feedback is that, if anything, it is getting worse. The Area has now approached CPS Headquarters to help in discussions with Kent Police to assist in improving the quality of files.

3.31 As noted earlier, the Area has had a longstanding issue with securing a high level of consistent performance in relation to RASSO convictions. Stakeholder liaison has resulted in a commitment to provide a Detective Inspector police resource from each force to increase file quality 'triage' to improve timeliness and standards. Training and guidance has also been provided to officers submitting RASSO files. The time taken for CPS charging decisions has fallen from cases taking more than three months (and some up to 12 months) to now taking fewer than three months. In addition, the need for CPS action plans setting out why and what further work is required to bring the file up to the required standard has fallen by more than 50% and they are also completed and returned more quickly by the police. This is now providing positive outcome rates for both Surrey and Sussex for rape offences.

3.32 In our survey, 74.5% of staff thought that partnership working was delivering positive results. However, only 14.3% thought that partnership working was delivering tangible results. A further 60.2% thought that it was productive but could not cite an example of where this was happening.



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)	Poor
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)	Poor
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 Much needs to be done to improve both magistrates' court and Crown Court casework before it can be considered of high quality and it can be demonstrated that value is added. However, in the 12 months to June 2017 the proportion of successful outcomes in the magistrates' courts was higher than the national average (at 86.6% compared to 84.9%) and in the Crown Court was just below it (78.5% compared with 79.0%).

4.2 In the magistrates' courts, too many cases are proceeding to the first hearing with either no review or a late review and too many do not meet the required standard. The handling of the process for disclosure of unused material was not satisfactory and still needs improvement. After the first hearing there is an inadequate grip on cases, with a lack of compliance with court directions. In our file sample, compliance was timely in only 33.3% of relevant cases. However, despite this, the Area's effective trial rate in the magistrates' courts was one of the highest nationally, at 47.8% compared with 47.1%. There

was also a similar level of performance in the same period with regard to the proportion of cracked and ineffective trials due to prosecution reasons and unsuccessful outcomes attributable to prosecution witness issues.

4.3 In our sample of Crown Court cases, the quality of some pre-charge advice from counsel fell short of the required standard. As in the magistrates' court, the proportion of initial case reviews (55.6%) meeting the required standard needs improving significantly. Too many cases had either no review or one was carried out too late to impact on the case. Some aspects of the Crown Court disclosure process must also improve, particularly the accuracy and completeness of disclosure record sheets. However, the effective trial rate of 52.4% is above the national average (50.7%).

4.4 In accordance with the Director's Guidance on Charging⁶ 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 performance in this aspect, including compliance with the Code for Crown Prosecutors (the Code),⁷ we only consider those cases where the charge is directed by an Area lawyer. However, in order to give a full picture we comment on the quality of all charged cases, regardless of how initiated.

Criteria	Score
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)	Poor

4.5 In our file sample there were 60 cases finalised in the magistrates' courts. Of these, 27 were police charged cases, and the Code was applied correctly in all but one (96.3%). However, in one of the cases charged correctly by the police, at the first hearing the prosecutor added a charge in respect of which there was not a realistic prospect of conviction, although it was subsequently withdrawn.

4.6 In the remaining 33 cases, the charging decision was made by CPSD, which applied the Code correctly in all.

⁶ *Director's Guidance on Charging (5th edition)*; CPS; May 2013.
www.cps.gov.uk/legal-guidance/charging-directors-guidance-2013-fifth-edition-may-2013-revised-arrangements

⁷ *Code for Crown Prosecutors*; CPS; January 2013.
www.cps.gov.uk/publication/code-crown-prosecutors

4.7 The police complied with the Director's Guidance in 25 of the 27 (92.6%) cases charged by them, although inspectors could not find evidence that the other two cases were referred back to the police.

4.8 Quality of the police file can have a significant impact on the CPS's ability to prepare a case for the first hearing and beyond. Our inspection revealed that the quality of police files needs improving. In our file sample, only 33.3% of magistrates' courts files fully met the National File Standard (NFS)⁸ with a further 56.3% partially meeting it. Police files were submitted on time in only 63.8% of magistrates' courts cases. The main failing in standards was overbuild,⁹ which accounted for nearly half of the cases that fell below the NFS (43.8%). The next most common reasons, accounting for 25.0%, included issues such as:

- not providing evidential hard copy media such as CCTV or body-worn video
- non-compliance with the disclosure requirements of the NFS
- failing to have the police officer and/or supervisor sign off the file submission.

4.9 A sample of cases examined as part of our on-site process checks showed that five out of 16 (31.3%) fully met the NFS, with a further nine (56.3%) partially complying. Only two files (12.5%), which both came from Kent, did not meet the standard.

4.10 At the time of our inspection, South East was identifying over 30% of police files as not meeting the required standard and referring the issues back to the police. Whilst this is encouraging, it falls short of the proportion of files which we considered did not meet the standard.

4.11 The Area has an advocacy team and a dedicated review team. Not guilty anticipated plea (NGAP) cases are allocated to lawyers to carry out the reviews for the first hearing and before trial in relevant cases. A timely, quality review is essential if a case is to be dealt with efficiently at the first hearing in accordance with the magistrates' court Transforming Summary Justice initiative.

4.12 The initial review should include, among other things, a case strategy setting out the evidence the prosecution will rely on, which witnesses it proposes to call, what evidence can be read, and any applications it proposes to make. Proper completion of the preparation for effective trial (PET) form and the preparation of initial disclosure should also be completed. We found that the quality of reviews, when done, is variable. In our file sample, there was a proper and proportionate initial review in 36 of the 53 applicable

8 *National File Standard*; CPS; May 2015.

www.cps.gov.uk/sites/default/files/documents/publications/dpp_guidance_5_annex_c.pdf

9 An overbuilt file has more documents than required for the NFS, for example police supplying statements unnecessarily in cases where there was a guilty anticipated plea.

cases (67.9%). Three further cases were reviewed, but not to the required standard. But of more concern was the fact that 14 cases (26.4%) had no review prior to the first hearing when one was required. Our reality checks on-site showed an improvement, with all 13 applicable cases having some form of review which inspectors overall judged to be fair in terms of quality.

4.13 However the reviews, when done, were often late. In our file sample just over half the cases (56.4%), and in our reality checks nine of the 13 cases (69.2%), were reviewed late. This was a major cause of late service of the initial details of the prosecution case (IDPC) to the court and defence. Late or missing initial reviews increase the impact of weak police files, as well as hindering the court's ability to prepare properly.¹⁰ It is accepted by the Area that the method of work allocation meant that cases were not always tasked to lawyers in sufficient time to complete an initial review. Improving compliance in this aspect is now a focus of Area performance, with a number of initiatives introduced which are designed to make the process more effective.

4.14 Late or no initial review puts prosecutors in the advocacy team under additional pressure, as they have to carry out a review of the case in order to progress it at first hearing. It is not uncommon for court prosecutors to prepare their cases the night before court, or even on the day, because they are doing back to back courts. The Area has changed the method of allocation and is now working to ensure that reviews are done seven days ahead of the hearing. Progress is being made and managers now conduct daily case management checks to ensure that reviews are being completed and on time.

Issue to address

Legal managers must ensure lawyers comply with the Standard Operating Practice to ensure a timely and qualitative review takes place in every case.

4.15 A good initial review should include proper completion of the PET form, setting out what sort of evidence the prosecution will rely on, which witnesses it proposes to call, what evidence it thinks can be read, and any applications it proposes to make. In accordance with the principles of TSJ, applications can be made orally without notice (although that is at the discretion of the court) and we noted most were dealt with in this manner at the first hearing. In the 13 relevant cases during our court observations, the PET was completed each time.

¹⁰ TSJ requires that the IPDC must be served on the court five days before the first hearing. This assists the court to allocate its resources.

4.16 In our file sample, 22.4% of cases did not accurately record the outcome from the court hearing on the hearing record sheet (HRS). This could be one of the reasons contributing to the number of overdue record hearing outcome tasks (46) we found in our reality checks. Some of these went back as far as the start of 2017. Poor recording of HRSs also means that there can be a delay in passing information on to victims and witnesses, as well as the police.

4.17 South East has shown a steady improvement over the last three years in the average number of hearings in contested cases, but still does not match national performance. In the 12 months to June 2017 it was 3.19, which remains worse than the national average and CPS level of ambition of 2.8. For guilty plea cases, the average number of hearings per case is 1.70 which is improving, but is again worse than the national average of 1.68 and the CPS level of ambition of 1.6.

4.18 The Area recognises that there is a risk concerning the police understanding of, and compliance with, the disclosure of unused material regime. The Area has actively engaged with the three police forces through training to improve quality of performance. It is too early to say whether compliance is improving.

4.19 In our file sample, the police complied fully with their disclosure obligations in 46.7% of cases (28 out of 60) and partly in 43.3% (26). There were six cases (10.0%) with a complete lack of compliance, but none led to a prosecution failure in magistrates' court cases to disclose undermining material or material which would assist the defence. In our file sample, there were no significant variations in disclosure performance between police force areas. The primary reasons for partially meeting the disclosure assessment were: inadequate descriptions of items of unused material, lack of schedules and listing items incorrectly.

4.20 CPS initial disclosure requires the prosecutor to assess the unused material and endorse their decision on the disclosure form (subject to the exception referred to below). This process should take place at the same time as the initial review. In our file review, initial disclosure fully met the required standard in 43.9% of cases (18 out of 41) and partly in a further 48.8% (20). There were three cases (7.3%) where the standard was not met at all. On-site during our reality checks, initial disclosure was only fully met in one out of 16 (6.3%) cases, partially met in five (31.3%) and in ten (62.5%) there was no initial disclosure, or the standard was not met at all.

4.21 Continuing disclosure was required in only seven magistrates' court cases in our file sample, but was carried out to the required standard in only three (42.9%).

4.22 There were three cases in our file sample involving sensitive material and in only one was disclosure handled to the required standard. There was only one case involving third party material and disclosure was handled correctly. Disclosure overall was timely in 67.5% of cases.

4.23 The CPS guidance on disclosure in the magistrates’ court is that prosecutors need not complete a disclosure record sheet (DRS) where the case is straight forward and there is nothing to disclose, provided a note to that effect is made in the review. In our file sample a DRS was properly completed in only 7.3% (three out of 41) of relevant cases and partially so in 14.6% (six). There was no DRS, or an endorsement present indicating that one was not required, in 78.0% (32).

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

4.24 An incorrectly anticipated guilty plea influences the composition of the IDPC, which impacts adversely on the defence representative’s ability to properly take instructions, or effectively advise their client. In addition, the prosecution and court will not have prepared the case to the required standard for an anticipated not guilty plea. Important aspects of case preparation would not have been addressed such as key evidence, relevant applications and witness availability. If the defendant is unrepresented, the prosecutor prints the IDPC at court where the facilities permit, or the court assists and prints a copy. In our file sample, there were seven (11.7%) cases where the anticipated plea was incorrectly identified. Three cases were misidentified by the police and the rest by the CPS. In our reality checks on-site, anticipated pleas were identified incorrectly in four cases (25.0%).

4.25 The Criminal Procedure Rules 2015 3.3(2) imposes an obligation on the prosecution and the defence to communicate “*at the first available opportunity and in any event no later than the beginning of the day of the first hearing*”. There was little evidence of engagement with the defence in NGAP cases before the first hearing; we recognise the difficulty in identifying the defence representative at this stage is a challenge nationally for the CPS. Our reality checks on-site showed that engagement often takes place on the morning of the first hearing. In our court observations, the prosecutor at court was present in the courtroom sufficiently early to allow for effective engagement.

4.26 The proportion of cases where the defendant pleads guilty at the first hearing (which now includes warrant hearings) is slightly lower than the national average - 75.5% in the 12 months to June 2017 compared to 77.3%.

4.27 In our file sample, the first hearing was effective in 79.7% of cases (47 out of 59). Of those hearings that were ineffective, 66.7% were attributable to the defence, often owing to the non-attendance of the defendant.

4.28 Cases should be sufficiently prepared for the first hearing under TSJ, so the courts only tend to issue directions when there is additional evidence to be served. In our file sample, court directions were complied with fully and in a timely manner in only 33.3% of relevant cases (four out of 12), and there was no compliance in 25.0% (three). Our reality checks on-site showed that where there were witness availability forms on file (MG10s), they have no dates to avoid recorded for key civilian witnesses. In order to progress the case, the court makes a standard 14 day direction for the prosecution to apply to move the trial date if required. However, in only one of these cases (concerning domestic abuse), was an action raised on the HRS and CMS to check witnesses' availability for the trial date. It is arguable this could impact on the vacated trial rate and in the first quarter of 2017-18 South East's vacated trial rate was 26.6%, compared to 18.7% nationally.

4.29 Although TSJ does not require a review between the first hearing and trial, reviews on an ad-hoc basis are required as and when the need arises. If no review takes place prior to the first hearing, a review is required prior to trial. Late or no review and lack of case management can result in late requests for additional or outstanding evidence, short notice witness warnings or non-attendance of witnesses. Where reviews are not taking place between first hearing and trial, there is a greater risk of cases failing at trial because any evidential or witness issues cannot be remedied. From our file reading, inspectors found it was rare to have a review where required on CMS, in addition to the initial review.

4.30 This is supported by our file examination, where inspectors found there was adequate grip by the lawyer or team in only 30.6% of cases (15 out of 49), which supports what we are told by stakeholders about perceived inactivity between the first hearing and trial. There was partial grip in 55.1% of cases (27) and none at all in 14.3% (seven). The Area accepts that cases are not being reviewed until close to the trial date due to the lawyers' caseload. Timeliness of the decision to discontinue is good and was made or put into effect in a timely manner in nine of the 11 (81.8%) relevant cases.

4.31 In the 12 months to June 2017, the proportion of magistrates' court cases which resulted in a successful outcome was 86.6%. It has improved steadily over the last two years and is higher than the national average of 84.9%. In the same period, of those cases which went to trial 68.0% resulted in a conviction compared to 64.9% nationally and an improvement from 65.3% in 2015-16. However, the rate of successful outcomes in domestic abuse cases has increased slightly to 76.2% by June 2017 from 2015-16, when it was 74.2%. It is now in line with the national average (76.4%).

4.32 The magistrates' courts effective trial rate is 48.4%, which is better than the national average of 47.0%. The rate has improved over the last three years.

4.33 The cracked and ineffective trials rate due to prosecution reasons is significantly better than the national average of 22.5%. At only 16.7%, it is one of the lowest rates in the country.

4.34 The proportion of unsuccessful outcomes due to witness issues is 31.5%, compared to 30.7% nationally, and performance has steadily declined over the last three years.

4.35 CMS process checks done by inspectors in the week before going on-site showed 2,471 case progression based tasks, of which 1,598 were overdue tasks to check incoming material, correspondence or communications. Of these, 968 (60.6%) were flagged as red on CMS, with some dating as far back as May 2017. Tasks for cases originating in Kent are more than double those for Surrey and Sussex combined. The number of outstanding tasks to deal with incoming police information/evidence, witness queries and other communications are illustrative of some of the obstacles to effective case progression. The majority of managers in the magistrates' court teams are fairly new to their roles. They are aware of the issue and have begun working with their teams to ensure better task management. Lawyers are now instructed to spend at least ten minutes a day managing tasks generated by the witness care units (WCUs) to safeguard against risks to victims and witnesses, but it is too soon to assess the effect.

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)	Poor

4.36 In our overall file sample of Crown Court cases, the Code was applied correctly at the charging stage in 57 out of 60 (95.0%). There were seven police charged cases and the Code was applied correctly at that stage in each.

4.37 The Code was applied correctly by Area lawyers at the charging stage in all 12 relevant cases. In the remaining 41 the charging decision was taken by CPSD and the Code was applied correctly in 38 (92.7%)

4.38 Inspectors assessed one (8.3%) of the Area charging decisions as excellent, five (41.7%) as good, three (25.0%) fair and three (25.0%) poor. Although based on very low numbers, it is of concern that the three poor charging decisions came from the RASSO unit. As a specialised unit carrying a smaller workload than the Crown Court team, we would expect these decisions to be of a higher quality.

4.39 In 2016-17, the Area spent approximately £130,000 in obtaining pre-charge advice from counsel and in the first six months of this year has spent just over £50,000 which, although a reduction, is not value for money.

4.40 Only a Crown Prosecutor can direct a charge and therefore a CPS lawyer would have to assure themselves that counsel had applied the Code correctly. It is difficult to see how this could be done unless the reviewing lawyer reads the file. We found a number of advices from counsel which were simply adopted without review by the Area as a charging decision. Staff we spoke to confirmed that they were told to “ratify” these decisions. Many of the Area reviews simply contained a statement setting out they had not read the file but were charging on the basis of counsel’s advice. The Area stated that they have now stopped instructing counsel to provide pre-charge advice in RASSO and Complex Casework Unit (CCU) cases.

4.41 In our file sample, the police complied fully with the National File Standard in 13 out of 48 relevant cases (27.1%), which was worse than the magistrates’ court (33.3%), and there is still substantial work to be done with police partners. We discuss this in more detail in chapter 3. The main defects in the files examined were the lack of Victim Personal Statements and witness statements. Prosecutors raised the issue of non-compliance with Better Case Management (BCM) with the police in only 26.9% of relevant cases. This was reflected in our on-site process checks and confirmed by staff and managers in the Area.

4.42 Of the seven police charged cases that went to the Crown Court, three should have been sent to the CPS for charging advice in accordance with the Director’s Guidance on Charging. There was no evidence from our file sample that this had been addressed.

4.43 A proper and proportionate initial review was required in 54 of the 60 cases; our file read revealed that this only occurred in 30 relevant cases (55.6%). Although some of the reviews identified the issues in the case correctly and contributed to the successful outcomes, too many did not include any trial strategy or address the key issues.

Case study

A defendant was charged with providing two documents for probate, which they knew were false. The case relied upon expert evidence which stated that it was conclusive that signatures on both documents had been forged. However, there was evidence at the time of charge and review which significantly undermined that opinion, from an eye witness to the original signature to one document which supported the defendant. The Area did not set out any clear strategy to strengthen the case or to deal with the conflicting evidence. No thought was given to request additional information from the expert to assess the quality of their opinion. At trial, the expert was cross-examined on this opinion and accepted that there could be doubt and the defendant was acquitted.

4.44 In 19 cases (35.2%) inspectors could not find evidence of a review being carried out. In those where one did take place, it was not timely in 54.3% of relevant cases. The finding in respect of our on-site process checks of live files was no better: each case had a review before the first hearing, but only one of the eight was done in accordance with the required timeframe.

4.45 Our reality check of the relevant outstanding tasks on CMS confirmed that there were 1,197 outstanding review related Crown Court tasks. Of these, 585 (48.9%) were marked as overdue. There is a specific issue with the timeliness of post-sending reviews, with 76 of the 144 tasks (52.8%) overdue and dating back as far as April 2017.

4.46 A common issue which arose in our interviews with criminal justice partners and the judiciary was a perceived reluctance for decisions to be taken at court on what pleas, or basis of plea, are acceptable to the prosecution. Whilst this in part impacts on case progression, it is also reflective of the quality of reviews. If reviews contained a detailed strategy it would set out clearly what pleas or basis of plea are acceptable to the prosecution. We also found that HRSs are not being uploaded on to CMS in a timely manner, nor do they always contain the necessary detail. Only 39 of the 60 cases (65.0%) met fully the quality and timeliness requirement. It is important for the Area to manage the quality and timeliness of the HRS, as the WCU and Victim Liaison Unit (VLU) depend on them to keep victims and witnesses fully informed of any developments or outcomes in a case.

Issue to address

Legal managers must ensure hearing record sheets are completed correctly and submitted within one day of the hearing in accordance with the Standard Operating Practice.

4.47 The Individual Quality Assessment (IQA) scheme should pick up issues around the quality of reviews. However, we are not satisfied these are being done routinely and as required across the units. The Area's own records show that the overall completion rate was 74.1% in 2016-17. Although there was a 99.4% completion rate in the magistrates' court team, the Crown Court unit only completed 57.3%. In response to this issue, the Area senior management team have instructed both RASSO and Crown Court team managers to now complete more than the minimum required. It was unclear to inspectors why this had been implemented as the team was already failing to complete the minimum target.

4.48 We accept that there are issues around the police complying with their disclosure requirements. This makes it more difficult for lawyers to meet their own obligations. In our file sample, the police complied with disclosure fully in only 25 out of 60 cases (41.7%). There were substantial differences between the three police forces, with Kent being fully compliant in just over half its cases, Sussex in 40% and Surrey just over a third. The principal issue was the poor quality of item descriptions across the three.

4.49 We found that initial disclosure was only dealt with correctly by prosecutors in 23 out of 60 cases (38.3%) and continuing disclosure in 27 out of 42 relevant cases (64.3%). An issue raised by the police was that they did not get guidance on what was required of them following receipt of the defence statement; which was identified as an issue across the CPS in a previous report.¹¹ There has been recent training provided in the Area regarding the handling of disclosure of unused material, but handling still requires improvement. In one case there was a complete failure to disclose undermining or assisting material to the defence.

Case study

A victim was assaulted in his car whilst two suspects were present. The police arrested both but proceeded only against one defendant. The injuries received by the victim were consistent with a type of weapon known to be used by the suspect who was not charged. Despite holding information regarding the non-charged suspect which may have assisted the defence, this information was not recorded on the unused material schedule by the police or passed to the defence.

¹¹ *Making it fair: The disclosure of unused material in volume Crown Court cases*; HMCPSI and HMIC; July 2017. www.justiceinspectorates.gov.uk/hmcpsi/inspections/making-it-fair-the-disclosure-of-unused-material-in-volume-crown-court-cases/

4.50 In contrast to the handling of non-sensitive disclosure, sensitive material obligations were met fully or partially in 15 out of 16 relevant cases (93.8%). The timeliness of disclosure needs to improve however, as overall for both sensitive and non-sensitive material the Area provided timely disclosure in only 44.2% of cases. Court staff that we spoke to stated that time was routinely lost on the first day of trial, dealing with disclosure issues that should have been remedied sooner.

4.51 In accordance with national procedures, South East now requires sight of all relevant material held by third parties at the charging stage, for example material held by local authorities. This has been subject to much discussion with the police as it represents a significant change in approach. From speaking with stakeholders, it was apparent that progress had been made on this issue. This was supported in our file sample where there were six cases in which third party issues arose. Five (83.3%) were handled correctly and the other file partially.

4.52 On each Crown Court file where the disclosure provisions are triggered there should be a DRS, which provides a decision-making audit trail. It also assists the prosecutor at court if they are challenged as to whether material has been served. We found that the DRS was completed correctly in only 12 out of 52 relevant cases (23.1%). However, of concern was that there was either a complete failure to endorse the DRS or an inadequate entry in 25 of the cases (48.1%). We found that the initial decision-making around disclosure was briefly entered on the form, but compliance then fell away during the latter stages of the process. Staff have recently received refresher training on completion of the DRS and managers have been instructed to ensure compliance.

Issue to address

Legal managers must ensure:

- police are asked to rectify defective unused material schedules
- there is quality assurance of disclosure record sheets
- full compliance with the prosecution’s disclosure obligations.

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

4.53 BCM, like TSJ in the magistrates’ courts, is not fully embedded in the Area. South East has the second highest number of contested Crown Court cases as a proportion of its caseload (24.4% in the 12 months to June 2017) with the national average being 20.0%. These are the cases which require more work and a bigger resource commitment.

4.54 The proportion of cases which result in a successful outcome has declined. In 2015-16 it was 1.3% higher than the national average, at 80.5% compared with 79.2%. In the 12 months to June 2017 it fell by 2.0% to 78.5%, which is 0.5% below the national figure and lower than the level of ambition set by the CPS. Of those cases which were contested, over the same period South East only secured a conviction in 60.9% in 2015-16, falling to 58.6% to June 2017, compared with 56.8% rising to 57.2% nationally.

4.55 The Area has also seen a greater fall than nationally in relation to the number of guilty pleas entered at the first hearing where there has been pre-charge advice given. Reducing from 71.3% in 2015-16 to 67.4% in the 12 months to June 2017, compared to a smaller reduction nationally of 71.4% to 70.2%.

4.56 There have been improvements in aspects of sensitive and RASSO work. For example, although the conviction rate for offences of rape is still below the CPS level of ambition, it has seen a steady rise from 2015-16 at 50.3% to 54.6% in the 12 months to June 2017, compared to the national average of 57.9% to 58.5%. As mentioned above, the Area has initiated a peer review of its RASSO unit and is starting to see the rewards of implementing some of the recommendations that were made. Another aspect of improvement is in hate crime, with a successful outcome in 88.9% of cases to June 2017 making it one of the highest performing Areas and 5.1% above the national average.

4.57 There is a struggle to deliver Crown Court work with the staff available (which we discussed in chapter 3). Nationally, the CPS has seen a fall of 32 completed cases per full-time equivalent prosecutor per year from 299 in 2015-16 to 267 in the 12 months to June 2017. Despite South East having a larger fall in this measure (50), its prosecutors still carry far more than the national average, at 319 cases each. The number of contested cases managed by prosecutors in both courts is higher than average and almost double that of the national average in the Crown Court, at 13.5 compared to 7.9 to June 2017.

4.58 Our on-site checks of CMS tasks assigned to staff to 'check new correspondence' showed that 250 were overdue and dating back to July 2017; not dealing with correspondence could impact on cases if those tasks required lawyer input.

4.59 There is a BCM requirement to upload the completed Pre-Trial Preparation Hearing (PTPH) form and the indictment at least seven days prior to the PTPH in the Crown Court, with non-compliance referred back to the CPS by HMCTS. Our on-site checks on live cases confirmed that the form was not being uploaded on time and, more importantly, the necessary material for a fully effective hearing was not always being uploaded onto the Crown Court Digital Case System. This finding was supported by the views of external interviewees and stakeholders.

4.60 The findings from our file examination indicate that compliance with Judges' orders made at the PTPH needs to improve, with only 27 out of 51 cases (52.9%) showing full compliance, 19 (37.3%) partial and five (9.8%) not at all. CPS data indicates a higher level of performance for the Area of 75.0% compared to nationally at 86.4%. Clearly our finding is lower than those recorded nationally. The Area stated that some of this non-compliance was around the issue of not securing effective defence engagement, although this is not unique to South East.

4.61 The Area has been in discussion with one court centre with regard to the listing of the PTPH. The lack of brigading of hearings into one courtroom means that strain is put on the limited advocacy resources in the Area. This increases the cost of prosecution and, additionally, means that counsel are instructed who may not necessarily go on to complete the trial.

4.62 As with TSJ, BCM does not require a review between the PTPH and trial. However, reviews are required when new material or events arise. Where reviews are not taking place, there is a greater risk that lawyers will lose their grip on the case, resulting in additional work and failed cases.

Case study

During court observation of a PTPH, the prosecution advocate added a count of possession with intent to supply drugs to a single possession of drugs indictment, based on the possibility of further evidence coming to light as a result of a telephone interrogation. The file was not reviewed by a lawyer when it returned and only when the defence provided a skeleton argument for dismissal of the additional count did a further review correctly identify that there was insufficient evidence to proceed. In the meantime, the police had been tasked to forensically examine the phones and the court had listed the hearing for a dismissal.

4.63 The result of carrying larger caseloads and not properly reviewing files has taken a toll on the grip the Area has on its cases. In our file inspection, we found that only 17 out of 60 cases (28.3%) were fully gripped and 39 (65.0%) partially so. This would include aspects such as preparing and serving applications, complying with Judges' orders, responding to communications and reviewing cases where necessary. Stakeholders confirmed that they would get last minute requests for further work, late requests for disclosure and that there could be a considerable delay before victim and witness issues were addressed.

4.64 In spite of the workload mentioned above, the effective trial rate of 52.4% in the 12 month to June 2017 was better than the national average 50.7%. Of those cases which cracked, only 6.3% were attributable to the prosecution, which is below (better than) the national average of 7.7%. We understand a system of “Streeter” reviews takes place within the Area’s courts which scrutinise trial issues in order to see if the case can be concluded with a satisfactory plea. The Area also participates in a system run by HMCTS to use neighbouring court centres at Woolwich and Portsmouth to reduce trial waiting times. This again adds a burden in having to resource additional venues.

4.65 The level of grip and preparation appears to be impacting on the number of hearings per case, which is an indicator of efficient throughput. In the 12 months to June 2017 there were an average of 5.27 hearings in contested cases, compared with 5.12 nationally, and 3.66 in cases where there was a guilty plea, compared with 3.57 nationally.

4.66 The Area has not had a custody time limit (CTL) failure for two years in either the magistrates’ court or the Crown Court and there was good evidence that CTLs were being correctly raised in court and marked on the HRS. However, our checks on the operation of the CTL process did indicate an aspect of concern. Three of the eight files checked (37.5%) revealed that the hard copy diary kept by the Area did not identify the correct review dates, which should occur periodically before a CTL expires. An additional file revealed that a CTL had been successfully extended, but that the new expiry date had not been entered into the diary. Fortunately the trial commenced the day before the expiry so there was no breach. We have drawn this to the attention of the Area.



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	Fair
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	Fair
Overall score for public confidence	FAIR

Performance against the Part D criteria

5.1 The Area has set out clear priorities to increase awareness of hate crime and has worked effectively with local media. The extent of feedback from, and engagement with, the Local Scrutiny Involvement Panel is limited. There has been some good learning from the experiences of victims shared across the Area. More work is needed to improve communications and relationships with the witness care units. Police file quality deficiencies are having an impact on the CPS's ability to meet the needs of victims and witnesses.

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

5.2 In our sample, we found that in 46 out of 58 relevant cases (79.3%) the prosecutor took all necessary steps to secure victim and witness engagement in the court process. In a number of cases although there was late review, as referred to previously, there were some examples of good liaison with witness care resulting in victims being effectively supported and late special measures being granted. There was one case where issues around the capacity of the victim to give evidence was addressed far too late in the process and the application for special measures was significantly delayed and made out of time.

5.3 Our file examination and stakeholder discussions confirmed that there were few issues around the quality or timeliness of special measures applications. Appropriate special measures were applied for in all cases in our sample and were timely in 77.8%.

5.4 Over half of staff (52.5%) who responded to our survey thought that South East provided a good or excellent service to victims and witnesses and 71.3% thought generally the Area worked well with the WCUs and agencies such as Victim Support.

5.5 There have, however, been a significant number of data security breaches whereby personal details relating to victims and/or witnesses have inadvertently been disclosed. The majority of these relate to details being included in the IDPC package which is sent to the court, defence representative or the defendant if unrepresented. In one instance, the Area self-reported a breach to the Information Commissioner as the data breach was of a sensitive nature. The Area has tightened its controls and undertaken a significant amount of training. There are also weekly data audits and management checks to support the control and management of sensitive data.

5.6 However, because the Area has not effectively managed to improve the quality of information provided by the police, there are still instances where personal details are erroneously included by the police in witness statements, which are then not always edited by the Area before they are sent out. This puts an unnecessary burden on staff, to have to check statements when there should not be a need, and also increases the risk of data breaches.

Issue to address

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

5.7 South East utilises the services of the CPS Victim Liaison Unit (VLU) based in London. Inspectors spoke to the manager of the unit who indicated that there were plans to improve the communication between the VLU and the Area. The VLU will only be aware that a letter needs to be sent to a victim if they are notified by email. At the third quarter performance review with CPS Headquarters, the fact that the number of letters sent by South East was declining was raised as a cause for concern. As a result the Area undertook a review of a number of cases and also started to produce daily reports from CMS to identify cases in which letters should have been sent. This found that many cases which were discontinued before the day of trial and cases undertaken by agents where charges were dropped, were often not resulting in letters. As a result the Area has produced guidance, reaffirmed expectations and communicated processes that should be followed by lawyers, both in the office and at court. Guidance was also circulated to counsel's chambers and agents and legal managers have written to individual lawyer agents to remind them of their obligations. The Area has also produced posters to support the reaffirmation of the obligations of the scheme.

5.8 Although there is a failure to identify all cases where a letter should be sent, in those cases where one is sent it is timely. In the third quarter of 2016-17 the Area sent 64.7% of letters in all relevant cases, which improved to 73.8% in the first quarter of 2017-18. In our file examination, inspectors identified 23 cases where a letter was required to be sent and found five (21.7%) where this had not been done. Of the 18 letters that were sent 16 were timely (88.9%). The Area is required to send letters to vulnerable and intimidated victims within one day and in the 12 months to June 2017 was completing this task in 81.3% of cases, compared to the national average of 80.5%.

5.9 The quality of letters was variable, with seven of the 18 (38.9%) in our file sample fully meeting the requirements. Six of the 18 (33.3%) were rated as of poor quality; the Area reviewed these and fully agreed with our assessment. We were concerned to note that in one case the wrong offence was included, making it appear as if the letter was 'cut and pasted' and not bespoke. In another case the victim was incorrectly advised that they had the right to request a Victims' Right to Review (VRR). Some letters also contained simple grammatical and typographical errors, as well as one which was entirely 'legalese' and would give the average reader no idea why certain casework decisions had been taken.

5.10 The Area has recently started to undertake an assessment of the quality of its letters. The recently appointed (September 2017) Inclusion and Community Engagement Manager (ICEM) is checking 30 letters on a monthly basis and feeding back findings to the Area Strategy Board. There are plans for this check to feed into the arrangements with the VLU.

Issue to address

The Area needs to improve its interaction with the Victim Liaison Unit (VLU) and set up an effective quality assurance system to feed back issues and learning to the joint VLU.

5.11 All relevant Area staff received training on the national Speaking to Witnesses at Court initiative,¹² and there was engagement with local counsel to ensure they were aware of their obligations. The Area has carried out a number of compliance checks and our file examination identified that in all relevant cases the HRS was endorsed with what was communicated to the witness at court.

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	Fair

5.12 In Area charging decisions, lawyers made full reference to all relevant applications and ancillary matters (for example consideration of special measures and restraining orders), in one out of 14 applicable cases (7.1%) and partially in five (35.7%). Of concern was our finding that eight of the cases (57.1%) did not meet the required standard. This was supported by comments made by some interviewees, who said the relevant information was not available to prosecutors at the first hearing.

5.13 As previously mentioned, there is a significant issue with the CPS not having appropriate key victim and witness dates to avoid at the first hearing, meaning that many trials are being fixed without knowing if the victims and witnesses are available or can attend the planned trial date. During our observations of the NGAP courts, in six of the seven relevant cases (85.7%) no dates to avoid were supplied with the initial police file, or chased by the CPS. This is such a common issue that the court sets a direction giving the prosecution 14 days to apply to change the trial date after the first hearing. The Area's high vacated trial rate is an indicator that many of the initial dates agreed for trial are not suitable.

5.14 As covered above, inspectors found that in 19.4% of cases submitted by the police which did not meet the National File Standard, this was due to the absence of a Victim Personal Statement (VPS). There was little evidence that the Area escalates the matter of missing VPSs with the police.

¹² *Speaking to Witnesses at Court*; CPS; March 2016.
www.cps.gov.uk/legal-guidance/speaking-witnesses-court

5.15 Where applicable, prosecutors took full account of the rights, interests and needs of victims in 46 of 58 relevant cases (79.3%) in our file sample. During court observations no issues or concerns were identified with prosecutors making applications to oppose bail or seek proportionate bail conditions where appropriate.

5.16 The file sample showed that the Area is proactive in facilitating the attendance of victims at court, with prosecutors taking some steps to secure victim engagement in the court process in 48 out of 55 relevant cases (87.3%). However, the proportion of unsuccessful outcomes due to victim reasons is 28.1% with a declining trend, compared to 29.0% nationally. In the magistrates' court performance has worsened, from 23.4% in 2014-15 to 30.0% in 2016-17 and declining further to 31.5% in the 12 months to June 2017. This compares to 28.9%, 30.5% and 30.7% respectively nationally. The Area needs to work with partners to understand the main causes of this decline in performance.

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	Fair

5.17 The Area has set out a number of clear and simple objectives for community engagement in its 2017-18 Business Plan. This is also complemented with a community engagement strategy that outlines two priorities:

- raising the awareness of hate crime, particularly of disability hate crime, and improving performance outcomes
- raising the profile of honour based violence, forced marriage and female genital mutilation and improving awareness.

5.18 There are effective internal mechanisms to review progress against the community engagement strategy and quarterly meetings to set actions. The Area has held a number of events for staff to raise awareness of honour based violence and also the issues faced by the Gypsy, Roma and Traveller communities. Staff spoke highly of these events and said that this had helped them understand some of the issues that those in their local community may face.

5.19 To support the plan's priorities the Area engaged effectively with local media to increase the coverage of hate crimes. It generated and worked with the local media to produce a number of press releases and stories across all counties that set out the scale and damage that hate crime can cause. As well as the newspaper stories, the CCP gave a number of radio interviews setting out how she and her mother have been personally subjected to hate crime. The stories and radio interviews not only had impact with its content, but raised the profile of all forms of hate crime.

5.20 South East has also recently agreed and signed a protocol with all local forces on how cases of female genital mutilation will be managed and handled; this is one of the Area's priorities.

5.21 The Area manages and maintains a Local Scrutiny Involvement Panel (LSIP) that meets regularly and scrutinises relevant cases. Senior managers from the CPS attend and the Area hate crime lead chairs the meeting. Whilst the LSIP is in place, the membership appears somewhat limited in its representation of the wider local communities. More recently membership has been extended to include representation from the disabled community, but the majority of the membership is formed by the CPS and police. The fact that the Area has not had an ICEM in post for such a long period has meant that working and liaising with the community has not always had the focus that it would like. The ICEM has clear objectives to increase the levels of engagement within the community and to work with the hate crime champion to increase the levels of community representation at the LSIP. The Area informed inspectors that it intended to increase the level of external attendance at LSIPs.

5.22 There was little evidence of learning from LSIP case scrutiny or discussions resulting in feedback to Area staff. Staff could not give any examples of feedback resulting in changes to processes or systems, although they were aware of the Area priorities around disability hate crime and honour based violence.

Issue to address

The Area needs to increase the extent of community representation at the Local Scrutiny and Involvement Panel (LSIP) and also ensure that there are effective mechanisms developed to share views and findings from the LSIP.

5.23 The Area has been proactive and innovative and held a number of events where it asked victims who have had difficult experiences with the criminal justice system, and also poor service from the CPS, to come and talk to staff. It held events in 2015 and 2016, with a further one planned for the coming year. These were attended by a large number of staff and allowed those present to understand how what they do can have an impact on victims. The events show that the Area is keen to learn from its mistakes. To complement this victim and witness focus, South East is planning to set up a victims' community panel, which will have its first meeting in April 2018. Like the LSIP, this panel will scrutinise cases and highlight issues of learning. Before the panel meets for the first time the Area will need to establish how it means to communicate findings in a managed and effective way.

5.24 The Area has improved in its ability to respond to complaints within the correct time limits. In the 12 months to June 2017, 73.9% of complaints were responded to within the required timescales, compared with 60.6% in 2015-16. It has a higher than average number of complaints as a proportion of finalised caseload than other Areas, 0.35% compared to 0.27%. A large number of complaints are upheld at the first instance, 67.4% compared to the national average of 39.2%, indicating that it is willing to reconsider its decisions promptly. Apart from one example of how the Area had used complaints about security and data breaches to increase staff awareness, there was no evidence of using complaints to share learning with staff or to improve systems and processes.

5.25 There are good working relationships with the police WCUs at the individual one to one level, but during our interviews with WCUs they expressed concerns about the CPS's lack of timeliness in dealing with witness communications and queries. Our file sample and task examination indicated that delays in dealing with witness communications and tasks impacted the service to victims and witnesses. More recently, the Area has started some strategic engagement with the WCUs, but there appears to be a gap in systematic and effective operational management engagement. Inspectors were not presented with any effective action plan to improve the current levels of service.

Issue to address

The Area needs to develop an effective engagement plan with its witness care units to improve the provision of victim and witness care.



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 had in the past a varied track record of operating to budget with both over and underspends. Its financial control, assurance and management processes have now been strengthened through the appointment of an Area Finance Manager seconded from CPS Headquarters. Work is now being done to reduce the level of sickness absence and there are early signs that this is delivering improvements.

6.2 The Area is under resourced in its lawyer numbers, which necessitates a high level spend on agents to cover the shortfall. Predominantly this affects the use of agents to cover the magistrates' courts hearings, but has also meant at times that external counsel fees have been incurred to deal with backlogs of pre-charge advice in the Crown Court. However, South East is over resourced with regard to administrative staff, but by not utilising these staff efficiently it does not necessarily reap the benefits.

6.3 Magistrates' court caseload has dropped at a greater rate than nationally, by 17.3% from 2015-16 to the 12 months to June 2017, compared with 9.9%. It has also seen a much bigger fall in the level of contested cases, 23.7% compared 10.2% nationally over the same period.

6.4 In the Crown Court casework has reduced by 11.1% compared to 13.7% nationally. However, the level of contested cases has increased by 6.1%, despite a national fall of 4.4%.

6.5 Although the number of cases has fallen across South East, the resourcing issues have resulted in a significant disparity compared with other Areas regarding the number of cases allocated to each individual prosecutor.

6.6 The Area has mixed success with regards to conviction rates. Whilst in the magistrates' courts it has seen consistent improvement and is now better than the national average, the Crown Court has seen little change and remains worse than average. In both courts we have identified significant weaknesses in the review of cases and the progression of issues to attain the high quality of casework expected by the CPS.

6.7 The lack of grip on casework, for example disclosure handling and inconsistent or late reviews, results in additional unnecessary work for stakeholders and CPS staff. It impacts on the court, with time being lost to address problems that should have been resolved much earlier in the process. These inefficiencies mean that an Area which is struggling to recruit due to geographical issues and is already under resourced, is suffering a higher level of hearings per case than nationally.

6.8 There is some evidence of liaison with criminal justice partners and there has been some progress in individual areas such as RASSO. However, there are some longstanding partnership issues where there has been little evidence of progress.

Annexes

A Glossary

Agent

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

Area Business Manager (ABM)

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

Area Performance Review (APR)

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

Associate Prosecutor (AP)

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

Barrister/counsel

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

Basis of plea

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

Better Case Management (BCM)

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

Case management system (CMS)

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

Casework Quality Standards

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

Charging decision

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

Chief Crown Prosecutor (CCP)

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

Code for Crown Prosecutors (the Code)

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

Complex Casework Unit (CCU)

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

Contested case

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

Court orders/directions

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

CPS Direct (CPSD)

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

Cracked trial

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

Criminal Procedure Rules (CPR)

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

Crown Advocate (CA)

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

Custody time limit (CTL)

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

Digital Case System (DCS)

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

Director of Public Prosecutions (DPP)

Senior Civil Servant who is the head of the CPS.

Disclosure

The prosecution has a duty to disclose to the defence material gathered during the investigation of a criminal offence, which is not intended to be used as evidence against the defendant, but which may undermine the prosecution case or assist the defence case. There are various regimes and the type of case determines which one applies. See also *streamlined disclosure* and *unused material*

Discontinuance

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

Effective trial

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

Guilty anticipated plea (GAP)

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

Hate crime

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

Hearing record sheet (HRS)

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

Individual Learning Account (ILA)

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

Individual Quality Assessment (IQA)

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

Ineffective trial

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

Initial details of the prosecution case (IDPC)

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

Judge 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*.

Local Criminal Justice Board (LCJB)

There are a number of Local Criminal Justice Boards (or partnerships) in England and Wales, which bring together the chief officers of all the criminal justice agencies and partnerships in order to co-ordinate delivery of the criminal justice system (CJS). The National Criminal Justice Board is the primary forum for setting direction for the CJS.

Manual of Guidance (MG) forms

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

MG3: used to record the charging decision.

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

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

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

National File Standard (NFS)

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

Not guilty anticipated plea (NGAP)

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

Offer no evidence

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

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)

Elected by their constituents, PCCs' 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*.

Sentence uplift

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

Sensitive material

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

Special measures applications

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

Standard Operating Practices (SOPs)

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

Streamlined disclosure

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

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

Transforming Summary Justice (TSJ)

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

Unsuccessful outcome

Cases which result in an acquittal or are discontinued.

Unused material

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

Victim Communication and Liaison scheme (VCL)

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

Victim Liaison Unit (VLU)

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

Victim Personal Statement (VPS)

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

The Code of Practice for Victims of Crime (the Victims' Code)¹³

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.

13 *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

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').

Vulnerable and intimidated witnesses

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

Witness care unit (WCU)

Unit responsible for managing the care of victims and prosecution witnesses from the point of charge to the conclusion of a case. Staffed by witness care officers and other support workers whose role it is to keep witnesses informed of progress during the course of their case. Units may have a combination of police and CPS staff (joint units), but most no longer have CPS staff.

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.

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- 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.

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

4 Case preparation and progression is effective and timely.

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

Part D: Public confidence

Performance expectation

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

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

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

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

Part E: Efficiency and value for money

Performance expectation

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

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

C File sample composition and examination findings

Question	Answer	All cases
Pre-charge decision by the police		
The police decision to charge was compliant with the Code for Crown Prosecutors	Yes	97.1%
	No	2.9%
The police decision to charge was compliant with the Director's Guidance	Yes	85.3%
	No	14.7%
The police MG3 correctly identified whether a guilty or not guilty plea was anticipated	Yes	82.4%
	No	17.6%
Pre-charge decision by the CPS		
The CPS decision to charge was compliant with the Code for Crown Prosecutors	Yes	96.5%
	No	3.5%
The MG3 included proper case analysis and case strategy	Fully met	41.9%
	Partially met	48.8%
	Not met	9.3%
The MG3 made reference to all relevant applications and ancillary matters	Fully met	48.8%
	Partially met	38.1%
	Not met	13.1%
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	51.2%
	Partially met	32.6%
	Not met	16.3%
The CPS MG3 correctly identified whether a guilty or not guilty plea was anticipated	Yes	84.2%
	No	15.8%
The action plan met a satisfactory standard	Fully met	44.9%
	Partially met	38.5%
	Not met	16.7%

Question	Answer	All cases
Rate the overall quality of the MG3	Excellent	1.2%
	Good	44.2%
	Fair	41.9%
	Poor	12.8%
Code compliance after charge		
The police file submission complied with the National File Standard for the type of case	Fully met	30.2%
	Partially met	58.3%
	Not met	11.5%
The main failing in the police file was in relation to	VPS	19.4%
	MG5	6.0%
	Defendant previous convictions	3.0%
	MG11	10.4%
	Overbuild	40.3%
	Other	20.9%
Police file submission was timely	Yes	63.5%
	No	36.5%
All Code decisions after charge complied with the Code for Crown Prosecutors	Yes	95.7%
	No	4.3%
Initial case review and preparation for the first hearing		
The case received a proper and proportionate initial case review where appropriate	Yes	61.7%
	No	7.5%
	Not done	30.8%
The initial case review was carried out in a timely manner	Yes	44.6%
	No	55.4%

MG5 Police report including case file summary

MG11 Statement made by a witness to be used as evidence

Question	Answer	All cases
The prosecutor prepared the case effectively in accordance with TSJ/BCM to ensure progress in court at the initial hearing(s)	Yes	68.0%
	No	32.0%
The prosecutor identified and raised with the police any lack of compliance with TSJ/BCM	Yes	35.4%
	No	64.6%
The first hearing was effective, complied with TSJ/BCM expectations (where appropriate) and resolved all outstanding issues	Yes	80.5%
	No	19.5%
Any issues with the effectiveness of the TSJ/BCM hearing were primarily occasioned by whom	Police	18.2%
	CPS	9.1%
	Court	4.5%
	Defence	68.2%
Case progression after the first hearing		
The lawyer or team exercised sound judgement and grip on the case	Fully met	29.4%
	Partially met	60.6%
	Not met	10.1%
There was timely compliance with court directions or Judges' orders	Fully met	49.2%
	Partially met	38.1%
	Not met	12.7%
Any decision to discontinue was made and put into effect in a timely manner	Yes	78.3%
	No	21.7%
The decision to accept pleas or a basis of plea was sound	Yes	83.3%
	No	16.7%
Any basis of plea was in writing and signed by the prosecution and defence	Yes	0%
	No	100%
Hearing record sheets were completed accurately, contained sufficient instructions to progress the case and were uploaded to CMS in a timely manner	Fully met	71.2%
	Partially met	18.6%
	Not met	10.2%

Question	Answer	All cases
Disclosure		
The police complied with their disclosure obligations	Fully met	44.2%
	Partially met	46.7%
	Not met	9.2%
The main failing in the police disclosure was in relation to	Listing items wrongly	13.4%
	Poor description of items	55.2%
	Lack of schedule	7.5%
	Wrong schedules	3.0%
	Witness previous convictions	3.0%
	Other	17.9%
The prosecutor complied with the duty of initial disclosure, including the correct endorsement of the schedules (but not including timeliness of disclosure)	Fully met	44.1%
	Partially met	48.4%
	Not met	7.5%
The prosecutor complied with the duty of continuing disclosure (but not including timeliness of disclosure)	Fully met	61.2%
	Partially met	28.6%
	Not met	10.2%
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	1.8%
	No	98.2%
The prosecution complied with its duty of disclosure in a timely manner	Yes	60.9%
	No	39.1%
Sensitive unused material was dealt with appropriately	Fully met	57.9%
	Partially met	26.3%
	Not met	15.8%

Question	Answer	All cases
Third party material was dealt with appropriately	Fully met	85.7%
	Partially met	14.3%
	Not met	0%
The disclosure record sheet was properly completed with actions and decisions taken on disclosure	Fully met	16.1%
	Partially met	22.6%
	Not met	61.3%
Rate the overall quality of handling of unused material by the CPS	Excellent	0%
	Good	26.9%
	Fair	54.8%
	Poor	18.3%
Victims and witnesses		
Where appropriate the prosecutor took all necessary steps to secure victim engagement in the court process	Fully met	87.3%
	Partially met	10.9%
	Not met	1.8%
The prosecutor took account of the rights, interests and needs of victims and witnesses including consulting with them where appropriate	Fully met	79.3%
	Partially met	15.5%
	Not met	5.2%
The appropriate special measures were applied for	Yes	100%
	No	0%
The application was timely	Yes	77.8%
	No	22.2%
There was a timely Victim Communication and Liaison (VCL) when required	Yes	69.6%
	No	8.7%
	Not done	21.7%
The VCL was of a high standard	Fully met	38.9%
	Partially met	27.8%
	Not met	33.3%

Question	Answer	All cases
Police service quality		
Rate the overall quality of the service from the police	Excellent	0%
	Good	34.2%
	Fair	54.2%
	Poor	11.7%
CPS service quality		
Rate the overall value added by the CPS	Excellent	0.8%
	Good	36.1%
	Fair	51.3%
	Poor	11.8%

D Area performance data

Casework outcomes	National		South East		12 months Variance to June 2017	12 months Variance to June 2017
	2015-16	2016-17	2015-16	2016-17		
Magistrates' court						
Successful outcomes	83.8%	84.7%	84.9%	86.7%	1.1	2.9
Discontinuance	10.3%	9.6%	9.3%	8.0%	-1.0	-2.1
Crown Court						
Successful outcomes	79.2%	78.8%	79.0%	78.1%	-0.2	-2.0
Judge ordered acquittals	12.2%	11.6%	11.4%	10.6%	-0.8	-0.5
Charging volumes						
Number of pre-charge decisions	276,696	265,275	265,558	18,222	-4.0%	14.3%
Magistrates' court						
Guilty pleas	71.2%	72.5%	72.6%	73.6%	1.4	3.6
Attrition	21.8%	20.5%	20.3%	19.1%	-1.5	-3.3
Crown Court						
Guilty pleas	71.4%	70.2%	70.2%	67.8%	-1.2	-3.9
Attrition	20.6%	21.0%	20.9%	22.1%	0.3	2.3

Staffing and caseload changes							
	2014-15	2015-16	2016-17	Variance 2015-16 to 2016-17	12 months to June 2017	Variance 2016-17 to June 2017	2 yr average variance 2015-16 to June 2017
Areas and CPS Direct plus Proceeds of Crime							
Staff in post	4,983.7	4,585.1	4,513.6	-1.6%	4,508.2	-0.1%	-1.7%
Prosecutors in post	2,240.3	2,110.7	2,113.0	0.1%	2,113.1	0.0%	0.1%
Administrators in post	2,743.4	2,474.5	2,400.6	-3.0%	2,395.2	-0.2%	-3.2%
Magistrates' court							
Completed cases	557,887	534,121	495,235	-7.3%	481,383	-2.8%	-9.9%
Contested cases	54,167	59,964	55,323	-7.7%	53,872	-2.6%	-10.2%
Contested cases proportion of completed cases	9.7%	11.2%	11.2%	-0.1	11.2%	0.0	0.0
Contested cases with conviction	33,075	37,513	35,685	-4.9%	34,949	-2.1%	-6.8%
Proportion of contested cases resulting in conviction	61.1%	62.6%	64.5%	1.9	64.9%	0.4	2.3
Contested cases per prosecutor*	24.2	28.4	26.2	-2.2	25.0	-0.7	-2.9
Crown Court							
Completed cases	98,505	96,338	85,881	-10.9%	83,103	-3.2%	-13.7%
Contested cases	16,847	17,351	17,028	-1.9%	16,595	-2.5%	-4.4%
Contested cases proportion of completed cases	17.1%	18.0%	19.8%	1.8	20.0%	0.2	2.0
Contested cases with conviction	9,568	9,862	9,675	-1.9%	9,499	-1.8%	-3.7%
Proportion of contested cases resulting in conviction	56.8%	56.8%	56.8%	0.0	57.2%	0.4	0.4
Contested cases per prosecutor*	7.5	8.2	8.1	0.1	7.9	-0.2	-0.4

* Excludes CCP and senior staff

Contested cases figures include mixed plea cases

Staffing and caseload changes							
	2014-15	2015-16	2016-17	Variance 2015-16 to 2016-17	12 months to June 2017	Variance 2016-17 to June 2017	2 yr average variance 2015-16 to June 2017
South East							
Staff in post	263.9	230.3	223.5	-2.9%	225.1	0.7%	-2.2%
Prosecutors in post	110.8	100.6	97.2	-3.4%	97.5	0.3%	-3.1%
Administrators in post	153.1	129.7	126.3	-2.6%	127.6	1.0%	-1.6%
Magistrates' court							
Completed cases	36,162	31,071	26,204	-15.7%	25,687	-2.0%	-17.3%
Contested cases	3,458	3,503	2,814	-19.7%	2,672	-5.0%	-23.7%
Contested cases proportion of completed cases	9.6%	11.3%	10.7%	-0.6	10.4%	-0.3	-0.9
Contested cases with conviction	2,198	2,287	1,919	-16.1%	1,818	-5.3%	-20.5%
Proportion of contested cases resulting in conviction	63.6%	65.3%	68.2%	2.9	68.0%	-0.2	2.7
Contested cases per prosecutor*	31.2	34.8	29.0	-5.8	27.4	-1.5	-7.4
Crown Court							
Completed cases	5,963	6,092	5,560	-8.7%	5,417	-2.6%	-11.1%
Contested cases	1,323	1,244	1,284	3.2%	1,320	2.8%	6.1%
Contested cases proportion of completed cases	22.2%	20.4%	23.1%	2.7	24.4%	1.3	4.0
Contested cases with conviction	806	758	736	-2.9%	773	5.0%	2.0%
Proportion of contested cases resulting in conviction	60.9%	60.9%	57.3%	-3.6	58.6%	1.3	1.3
Contested cases per prosecutor*	11.9	12.4	13.2	0.8	13.5	0.3	1.2

* Excludes CCP and senior staff

Contested cases figures include mixed plea cases

Efficiency, costs and quality	National					South East					Comparison to national average 12 months to June 2017	
	2014-15	2015-16	2016-17	12 months to June 2017	Improvement/deterioration 2016-17 to June 2017	2014-15	2015-16	2016-17	12 months to June 2017	Improvement/deterioration 2016-17 to June 2017		
Efficiency												
Completed cases per administrator (FTE)	239.3	254.8	242.1	235.7	Det	275.2	286.6	251.5	243.8	Det	Better than	
Completed cases per prosecutor (FTE)	293.0	298.7	275.0	267.1	Det	380.2	369.4	326.8	319.1	Det	Better than	
In-house magistrates' court sessions	72.4%	70.5%	69.4%	70.4%	Imp	60.9%	73.5%	67.2%	68.1%	Imp	Worse than	
Associate Prosecutor magistrates' court sessions	27.0%	25.1%	24.5%	24.1%	Det	16.2%	20.9%	24.7%	24.9%	Imp	Better than	
Cases dropped at 3rd or subsequent hearings (magistrates' court)	34.1%	30.5%	29.6%	29.5%	Imp	35.8%	34.8%	31.0%	28.3%	Imp	Better than	
Average sessions per Associate Prosecutor per week	5.59	6.50	6.72	6.67	Det	4.75	7.90	8.67	8.53	Det	Better than	
Hearings per magistrates' court case (guilty plea)	1.87	1.80	1.69	1.68	Imp	1.89	1.87	1.70	1.70	No change	Worse than	
Hearings per Crown Court case (guilty plea)	3.84	3.97	3.65	3.57	Imp	3.71	3.94	3.76	3.66	Imp	Worse than	
Percentage of magistrates' court guilty pleas at first hearing	70.8%	70.7%	70.0%	77.3%	Imp	66.8%	66.7%	68.6%	75.5%	Imp	Worse than	
Percentage of Crown Court guilty pleas at first hearing	33.1%	31.8%	39.9%	40.9%	Imp	31.7%	31.8%	39.0%	40.1%	Imp	Worse than	
CPS savings per Crown Advocate	£65,389	£65,550	£63,193	*	*	£60,056	£59,771	£68,750	*	*	*	

* Following the CPS migration to a different data system, recent figures for Crown Advocate savings are unavailable

Efficiency, costs and quality		National					South East					Comparison to national average to 12 months to June 2017
		2014-15	2015-16	2016-17	Improvement/deterioration 2016-17 to June 2017	2014-15	2015-16	2016-17	Improvement/deterioration 2016-17 to June 2017	12 months to June 2017	12 months to June 2017	
Cost												
Prosecution cost per defendant (Crown Court)	£1,080	£1,124	£1,223	*	£1,342	£1,277	£1,339	*	*	*	*	
Overall spend per completed case	£588	£602	£657	£674	£549	£587	£687	£708	Det	Det	Worse than	
Overall spend per total staff (FTE)	£77,404	£82,767	£84,641	£84,384	£87,659	£94,678	£97,565	£97,829	Det	Det	Worse than	
Outcomes												
Magistrates' court successful outcomes	84.2%	83.8%	84.7%	84.9%	81.9%	83.7%	86.7%	86.6%	Det	Det	Better than	
Crown Court successful outcomes	79.4%	79.2%	78.8%	79.0%	78.8%	80.5%	78.1%	78.5%	Imp	Imp	Worse than	
Magistrates' court discontinuances	10.5%	10.3%	9.6%	9.3%	12.5%	10.1%	7.9%	8.0%	Det	Det	Better than	
Crown Court Judge ordered acquittals	12.5%	12.2%	11.6%	11.4%	11.5%	10.5%	10.6%	10.0%	Imp	Imp	Better than	

* Following the CPS migration to a different data system, recent figures for prosecution cost per defendant are unavailable

FTE Full-time equivalent



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