

# Area Assurance Inspection of CPS Mersey-Cheshire

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

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

**1.2** The Area has a cohesive feel with dedicated staff, which has ensured its performance has been maintained or improved against a backdrop of uncertainty. Consideration had been given to merging Mersey-Cheshire with CPS North West, which resulted in the Chief Crown Prosecutor (CCP) having to gain the confidence of staff and rebuild an Area identity when joining in July 2016. In addition to a change at CCP level, there had been instability amongst the senior management cadre. Nevertheless, the Area Engagement score has improved as measured by the Civil Service People Survey and, overall, it scored better than the national CPS average for Leadership and Managing Change.

**1.3** There is a staff engagement strategy in place, with a social and staff focus group constituted of staff at various grades to improve inclusion and maximise staff engagement opportunities. The Area has succeeded in embedding the Operational Delivery Profession, which is one of the nine recognised professions within the Civil Service, launched in May 2016 across the CPS.

**1.4** A business decision was made by the CCP to take the lead and represent the CPS at meetings with key stakeholders and criminal justice partners. This engagement has led to effective working relationships being formed with partners and some noticeable improvements being made. The Area has proactively worked with Her Majesty's Courts and Tribunals Service (HMCTS) and the judiciary to resolve a substantial trial backlog at Chester Crown Court, by changing the trial pathway to Liverpool Crown Court and making changes to internal processes.



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**1.5** The Area has supported staff with a wide range of learning and development opportunities, recognising the development needs and skills of its staff in legal, operational delivery and managerial roles.

**1.6** There is a culture of reward and recognition and sickness levels have improved, with a decrease in the number of days lost, performance being much better than the national average.

**1.7** Performance data is analysed and made accessible to staff on a dedicated Area Performance intranet site. It is shared with managers and discussed at performance meetings, where managers are challenged and held to account. Downward trends have been readily identified and internal reports or monitoring undertaken to ascertain the reasons for the decline in performance, with appropriate action taken.

**1.8** Individual Quality Assessments (IQAs) on lawyers are completed, with some being on a thematic basis, but there is inconsistent application between units. Lawyers in the magistrates' court unit were positive about receiving feedback to improve their decision-making, but in the Crown Court unit lawyers were less sure that IQA took place or feedback was received.

**1.9** There is regular review of the budget and tight financial controls in place. The Area has good utilisation of its resources, with 89.8% of magistrates' court sessions covered in-house and Crown Advocates achieving a substantial amount of their savings.

**1.10** Performance in the magistrates' court is good, being better than the national average in many aspects, making it one of the top performing Areas. The effective trial rate is below the national average and work is needed to address this weakness.

**1.11** In line with national changes, Mersey-Cheshire has taken back day-time charging from CPS Direct. Inspectors found that due to the movement and appointment of staff, there have been issues with the quality of charging advices. The Area has been working with the police to improve the quality of file submissions through a 'triage' process. It needs to build on its achievements around timeliness and conviction rates to ensure that lawyers articulate their decision-making in a way which both best assists the police and ensures the effective progression of cases.

**1.12** Crown Court performance is good, although more recently there has been some decline in the conviction rate, however, performance remains better than the national average for many aspects. The Area has one of the highest guilty plea at first hearing rates in the country. Cases are prepared for Plea and Trial Preparation Hearings, but we found that the Area is not always undertaking proper and proportionate initial reviews. There has been an improving trend in the effective trial rate for Crown Court cases and performance

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in terms of cases which are cracked and ineffective due to prosecution reasons is very strong, but in most cases there was a lack of 'grip' demonstrated, along with a need for more effective progression. Disclosure handling requires improvement as the Area is not fully complying with its duties and is not completing the internal disclosure record sheet, which serves as an audit trail and records decisions made.

**1.13** An Inclusion and Community Engagement Manager (ICEM) has recently been recruited, with responsibility for finalising the Area's community engagement strategy and refreshing the formal Local Scrutiny Involvement Panels for violence against women and girls and hate crime. Despite not having an ICEM in post to undertake such a role, the Area has maintained engagement with community groups, stakeholders and the public using other joint partner local engagement meetings. Hate crime has remained a focus of the Area, in which it has delivered outstanding results. Improvement is needed in the quality and timeliness of communications with victims under the Victim Communication and Liaison scheme, to improve the level of service provided to victims and witnesses.

### **Good practice**

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- 1 Easy read versions of community related documents (paragraph 5.19).

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- 2 Service Level Agreement with the Witness Service to ensure effective support for witnesses and victims at court throughout the duration of the court hearing (paragraph 5.24).

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### **Strengths**

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- 1 The completion of effective equality impact assessments supporting the Area approach for implementing lawyer and paralegal rotation (paragraph 2.4).

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- 2 The Area approach to recognising and supporting the operational delivery profession (paragraph 2.5).

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- 3 The Area systems and processes for updating Crown Court cases using the case management system hearing record sheet (paragraph 4.40).

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- 4 The Area's regular dip sampling and monitoring of its duties under the bereaved family scheme (paragraph 5.7).

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## Issues to address

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1 The Area needs to focus on creating a more effective training programme for staff which is ambitious and sets out a clear programme of training (paragraph 2.21).

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2 The Area should ensure that all staff are notified when an Individual Quality Assessment has been recorded and that face to face feedback is given in a timely manner (paragraph 3.13).

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3 The Area must ensure that there is adequate training provided to lawyers on case analysis and strategy to improve the quality of charging decisions (paragraph 4.12).

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4 The Area should make sure that cases are progressed to ensure trials are effective in the magistrates' court (paragraph 4.26).

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5 The Area needs to ensure that legal managers quality assure charging advices in Crown Court cases so that they meet the required standard (paragraph 4.33).

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6 The Area needs to continue to work with police partners and ensure that prosecutors improve their handling of disclosure and that decisions are recorded on the disclosure record sheet (paragraph 4.46).

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7 The Area needs to undertake more meaningful defence engagement (paragraph 4.50).

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8 The Area needs to progress cases in the Crown Court to ensure trials are effective and counsel is providing the required service (paragraph 4.55).

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9 The Area needs to implement steps to improve the timeliness and quality of letters sent under the Victim Communication and Liaison scheme (paragraph 5.6).

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10 The Area needs to ensure that the community engagement strategy is finalised and Local Scrutiny Involvements Panel reinstated (paragraph 5.20).

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## **Context and methodology**

**1.14** Mersey-Cheshire has its office in Liverpool with a small number of lawyers co-located with a specialised police team at Cheshire Police Headquarters, and is aligned with Merseyside and Cheshire Police forces. It covers eight magistrates' courts and two Crown Court centres. In the 12 months to September 2017 it had the full-time equivalent of 201.7 staff, and its budget for 2016-17 was £15,243,771.

**1.15** To September 2017 the Area finalised 25,355 magistrates' court cases and 4,256 Crown Court. Its overall magistrates and Crown Court caseloads are declining, but the number of contested cases has increased by 43.1% and 23.9% respectively since 2014-15.

**1.16** During the same period it secured convictions (either after trial or by a guilty plea) against 88.0% of defendants in magistrates' court cases and 80.9% of defendants in the Crown Court. Magistrates' court performance is better than national performance and improving and Crown Court performance, although declining, remains better than nationally.

**1.17** The domestic abuse conviction rate is much better than the national average. However, the rape conviction rate is worse than nationally and declining, from 57.3% 2016-17 to 54.6% in the 12 months to September 2017. The Area has the highest conviction rates for disability and homophobic and transphobic hate crime.

**1.18** Further information on the performance data is at annex D.

**1.19** Inspectors examined 120 magistrates' court and Crown Court files finalised between July and September 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.

**1.20** Our fieldwork took place in January 2018. 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.

**1.21** We set out at annex D key performance data, compared against CPS national averages. Where available, the most recent data is for the 12 months to September 2017.

**1.22** 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**

**1.23** Inspectors assessed how well Mersey-Cheshire 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.

**1.24** A glossary of the terms used is at annex A.

## 2 Part A: The success of CPS people

### Performance expectation

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

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

### Performance against the Part A criteria

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

*Summary: There is effective leadership and engagement, with staff determined to do a good job and deliver a good service to the public. The Area has been successful in embedding a culture of professionalising its operational delivery staff. Regular managers meetings are held, which are inclusive and are used to discuss Area wide issues and make decisions on strategic issues.*

**2.1** In all key measures in the Civil Service People survey (CS survey) Mersey-Cheshire scores better than other CPS Area averages ('parent' scores). The Engagement score improved to 64% (up 3% from 61% on the previous survey), compared to the national score of 61%. Two thirds (66%) of staff agreed that senior leaders demonstrated the CPS values and 64% were proud to work for the Area, an improvement of 6% from 2016. The highest improvement from the 2016 survey was for Learning and Development, which increased by 7%. The Area had slight decreases in its 2017 scores for My Team to 74% (-2% from 2016) and Leadership and Managing Change to 50% (-1%), but remained well above parent scores.

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**2.2** We found that there was effective senior management visibility across the Area, with regular meetings with local senior management teams. Most staff felt that the CCP, Deputy Chief Crown Prosecutor (DCCP) and Area Business Manager (ABM) were visible and this finding was confirmed in the CS survey 2017 where 62% agreed, which is 4% better than the CPS average. However, the score for senior management visibility declined overall by 1% from 2016. This score was adversely affected by a 19% decline in the overall Engagement score from the Crown Court unit staff who completed the survey. Staff survey results in the Crown Court unit were generally well behind the Mersey-Cheshire averages, including the staff Engagement index, which was 55% compared to the Area score of 64%. Survey completion rates were also 15% lower in the Crown Court unit. The Area management team have discussed the Crown Court unit's outcomes with staff and undertaken a range of events to try to understand the findings. The Area has agreed a number of actions to address some of the concerns expressed.

**2.3** Inspectors found that all staff wanted to deliver a good job and were determined to do their best for victims, but there was not one clear or tangible Area ethos or priority that staff could articulate. Given that until 2016 there had been consultation about merging with CPS North West, the CCP's focus of engagement has been about re-building a Mersey-Cheshire identity and trust with staff. More recently in 2017, the senior team has held a series of role specific planning days with all staff, using these to engage staff in business planning and helping raise awareness of Area priorities. Whilst there was not a clear understanding of an Area ethos, some staff did recognise that the CCP and senior team wanted Mersey-Cheshire to be seen as the best in the Service, delivering strong performance and outcomes for victims, and that personal training and development was core to its priorities. Inspectors were impressed with the Area planning days approach and were pleased to see that the social and staff focus group had a priority to develop further the planning day approach.

**2.4** Senior managers engaged effectively with staff and explained decisions. During the proposals for rotation of lawyers across the Area into and out of the Rape and Serious Sexual Offences (RASSO) unit, senior managers had engaged effectively with staff. The approach adopted for the RASSO rotation was fair and clear, with good levels of engagement. The supporting paperwork was sound and the Area should be praised for undertaking meaningful equality impact assessments and setting out mitigating action for those groups that may have been detrimentally impacted. A limited number of staff interviewed as part of the inspection were not happy that they had been moved, but recognised that the Area was implementing a national policy.

### Strength

The completion of effective equality impact assessments supporting the Area approach for implementing lawyer and paralegal rotation.

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**2.5** The Area has been successful in embedding the operational delivery profession, one of nine recognised Civil Service professions. The CPS launched an operational delivery development programme in 2015, followed by the professionalisation of operational delivery in May 2016. Inspectors noted that all staff, legal and operational, recognised the profession and Mersey-Cheshire had managed to embed a culture that all staff are seen as professionals and their roles critical to the effective business delivery. This is the first Area where inspectors have had a tangible feel within the operational cadre of their role being core and that there was a profession of which they were part.

### Strength

The Area approach to recognising and supporting the operational delivery profession.

**2.6** There were regular team meetings in most units. Staff thought that they were effective in updating them on issues and were engaging. Inspectors found that in many meetings the performance discussion was aimed more at the operational level, covering matters such as tasks to clear and unit priorities, and in some cases this did not always set out the wider Area view. The senior management team may wish to consider if there are consistent core messages that managers could deliver at team meetings which could support an Area ethos. The score for effectiveness of engagement through team meetings has improved 5% since 2016 and is 7% better than the CPS average, at 71%.

**2.7** There is an inclusive approach to decision-making. The senior team hold regular manager meetings in which all paralegal business managers and legal managers and above attend. As well as being used to engage effectively, these meetings discuss Area priorities and matters such as resourcing and planning. This approach is inclusive and managers spoken to felt empowered and involved in Area decision-making. They felt that this approach allowed them to understand and explain decisions when discussing these with their staff and at team meetings. Managers understood and implemented decisions in a corporate way.

**2.8** The Area has developed a staff engagement strategy which sets out a series of goals and targets. The CCP and senior managers have signed up to a series of measures and the social and staff focus group has identified a number of priorities to support the engagement strategy. There is a weekly newsletter, which staff felt was useful and was viewed by most as an effective means of communication.

**2.9** As part of the apprentice training and induction programme, the DCCP holds introductory meetings with all Area apprentices. The DCCP has also held meetings with all new staff, as part of a new voices survey. Through these interactions with new staff the Area is able to test the effectiveness of support and also to set out its vision and values. There was recognition by new staff that this experience was positive and they felt effectively supported and valued.

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

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

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

**2.11** The CCP has built a series of effective relationships with all key criminal justice senior stakeholders. There are regular meetings between CPS senior managers (mainly the CCP), and all criminal justice partners and the judiciary. The CCP meets monthly with the senior judiciary and also with the Police and Crime Commissioners (PCCs) and Chief Constables for both forces. The CCP or DCCP attend the Local Criminal Justice Boards (LCJBs) where the CPS plays an active role. Criminal justice partners reported there were excellent relationships and that there was a high degree of maturity in the relationships, with openness, honesty and positive challenge. Partners also noted that the CPS was responsive and delivered on promises it made.

**2.12** On arriving in the Area the CCP personally attended senior partnership meetings as a means to indicate that the merger of Mersey-Cheshire with CPS North West was not going to happen, but also to raise the profile of some performance issues with senior partners. The CCP attended court performance meetings in Cheshire with HMCTS and the judiciary as there were significant issues in respect of the delay in hearing cases involving allegations of rape. Inspectors noted that many partners, at all levels, indicated that they would raise matters directly with the CCP. In part, this is due to the fact that the CCP attends many local partnership meetings and also that, until recently, the Area has had a lack of stability at senior management levels. The CCP recognised the risk this approach had caused and has started to ensure that partnership working is shared more effectively within the senior team.



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**2.13** The CCP has taken the lead on an LCJB joint victims and witnesses sub-group board and has effectively engaged with partners to agree a number of joint actions. Witness Service feedback highlighted that they felt the CPS lead was inclusive, effective and solution focused. The CCP raised the profile of hate crime with the Cheshire Criminal Justice Board and was responsible for the board adopting hate crime as one of its priorities. The CCP is the Senior Responsible Officer (SRO) for the CCJB hate crime sub-group. The CCP is also the SRO for the victims and witnesses sub-groups for both Merseyside and Cheshire LCJBs.

**2.14** The CPS has worked across both police forces to roll out improvement action on disclosure, following publication of Her Majesty's Crown Prosecution Service Inspectorate (HMCPPI) and Her Majesty's Inspectorate of Constabulary's (HMIC) joint report on the disclosure of unused material.<sup>1</sup> The DCCP presented a paper at both LCJBs. As a result, the CPS and both police forces have developed joint improvement action plans, which are being monitored at senior officer level. Senior officers in Merseyside and Cheshire Police were very positive about this approach and also the time and resource the CPS is dedicating to joint training and support.

**2.15** The Area has worked with HMCTS at a strategic level on implementing Section 28 Youth Justice and Criminal Evidence Act 1999 requirements. There are effective arrangements in the Crown Court and the roll out of the Better Case Management (BCM) initiative has produced good results, with performance in the Crown Court being strong across a range of BCM indicators. The Area is working with senior partners in the magistrates' courts to look at the effectiveness of case progression, including a series of joint court observations by senior managers. The Area has reintroduced weekly 'dial in' telephone meetings with HMCTS and was supportive of its business case to reintroduce HMCTS case progression arrangements within the magistrates' court. 70.2% of those who responded to our survey said that there was a good or excellent working relationship with HMCTS.

**2.16** The CPS has engaged effectively with HMCTS and the judiciary to improve outcomes for victims and witnesses in Crown Court cases. Good levels of mature joint working have resolved a major problem of trial delay at Chester Crown Court, with some cases taking in excess of 18 months to get to trial. Through agreement to move work to Liverpool, which needed careful negotiation and resulted in additional action for the CPS and HMCTS, the delays have now reduced. The Area, in conjunction with HMCTS, is now in a position to look at bringing Chester work back from Liverpool. This would not have been possible if there had not been maturity of relationships between the CPS and HMCTS, working together to implement a solution.

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<sup>1</sup> *Making it fair: The disclosure of unused material in volume Crown Court cases*; HMCPPI and HMIC; July 2017. [www.justiceinspectorates.gov.uk/hmcp/inspections/making-it-fair-the-disclosure-of-unused-material-in-volume-crown-court-cases/](http://www.justiceinspectorates.gov.uk/hmcp/inspections/making-it-fair-the-disclosure-of-unused-material-in-volume-crown-court-cases/)

**2.17** 64.0% of staff in our survey also said that there was a good or excellent working relationship with the police and 85.0% thought that partnership working was delivering positive results.

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

*Summary: The Area has supported staff with a range of training to help them undertake their roles more effectively. There has been effective use of Individual Learning Accounts. Sickness absence is lower than average and there are good processes to support managers. There is a culture of reward and recognition, but more could be done to use the CPS "Simply Thanks" scheme and E-cards.*

**2.18** The Area had an Inclusion and Fair Treatment score of 76% in the CS survey 2017, with 81% of staff agreeing that they are treated fairly at work and 72% thinking that the CPS respects individual differences, which is better than the CPS national position.

**2.19** 62.0% of respondents to our survey noted that they had taken up the opportunity of their Individual Learning Account (ILA) and a further 21.0% indicated that there was a good reason why they had not used it. This is in line with the Area's CS survey 2017 results, where 68% of staff said they were able to access the right learning and development opportunities, which is 4% better than the CPS Area average and 2% better than the CPS overall average.<sup>2</sup> ILAs had been used on a wide variety of training opportunities, including time management, health check assessments, handling cases with mental health issues, handling specialist traffic cases and also skills development, for example, courses to improve computer skills.

**2.20** The Area has invested in some legal training, with specific targeted training to support lawyer rotation from RASSO work and, more recently, has started a programme of legal 'lunch and learn' sessions. The Casework Quality Board (CQB) has identified a number of legal training themes and courses and is using the lunch and learn approach to support the themes identified. Some lawyers and lawyer managers were able to demonstrate how legal awareness had improved and was resulting in improved casework outcomes and better decision-making. A number of lawyers were positive about Individual Quality Assessment (IQA) and general feedback from managers had helped them improve, however, lawyers in the Crown Court unit were less aware of IQA.

<sup>2</sup> The Civil Service People Survey compares CPS Areas against one another, defined as the 'parent' score, but also compares outcomes against all of the CPS. The overall average, therefore, includes all Headquarters Divisions, other non-operational units and specialist policy units.

**2.21** The learning and development plan sets out a programme of legal and non-legal training for 2017-18. This was found to be somewhat limited in scope and ambition, but the Area rationale for this was to ensure a plan was in place that could be delivered to meet the needs of inexperienced staff who had been moved, or recently appointed and the business. Some of the legal elements in the plan are focused on weaknesses identified by CQB and there are some courses for operational delivery profession. However it does not appear to be as strong in terms of identifying an effective training programme. The Area has recognised that this may be a gap and has charged the social and staff focus group to look at this as part of their immediate objectives.

#### Issue to address

The Area needs to focus on creating a more effective training programme for staff which is ambitious and sets out a clear programme of training.

**2.22** The Area has improved the average working days lost through sickness, from 7.9 in 2014-15 to 6.7 in 2016-17. Performance is better than the CPS level of ambition and also better than the CPS average of 7.2 days. Stress related absence, at 31.8%, is also better than CPS average of 32.2%. The ABM supports managers to deal with the more complex absence cases and holds HR casework conferences to ensure that there is a consistency of approach across the Area. The Area has also focused activity to improve managers' awareness of wellbeing, stress and mental health in the work place. The ABM was aware that there was a disparity in application of the absence policy and there are now effective processes in place to ensure a fully assured consistency of approach.

**2.23** In the CS survey 2017 10% of staff felt they personally experienced discrimination at work, which is better than the national figure of 14%, and 8% personally experienced bullying or harassment at work, which is also better than the national figure of 11%.

**2.24** Inspectors found that there is a culture of reward and recognition. There were numerous examples of staff praise, thanks and recognition. We found examples in emails from managers, mentions at staff meetings and there is also a regular feature of thanks in the Area newsletter. We were told by staff that managers regularly said thank you. The Area could use the CPS Simply Thanks scheme more widely. In the CS survey 2017, 77% of staff said that my manager recognises when I have done a job well, which is 1% behind the CPS Area average. Mersey-Cheshire's own assessment identified that more could be done to recognise and praise staff using other methods and the social and staff focus group will be looking at this as part of the focus on inclusion.

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**2.25** In the CS survey 2017, 38% of staff felt that poor performance would be addressed, 1% behind the CPS average, although managers were able to demonstrate to us how they were tackling cases of poor performance. The Area has not issued any formal or informal Performance Improvement Notices in the last year, although managers did indicate that they would take action to address poor performance if it was taking place in their teams.

### 3 Part B: Continuously improving

#### Performance expectation

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

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

#### Performance against the Part B criteria

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

*Summary: Managers hold regular meetings with staff and discuss performance. The availability of performance information is a strength, with all performance reports produced locally and by CPS Headquarters made available through a dedicated knowledge information management (KIM) site, but further work could be carried out to refine the data into a more accessible format to ensure all staff understand how they can drive performance. Managers are routinely challenged on aspects of performance and provide monthly assurances to the senior management team on lessons learnt and actions taken to improve the performance of their units.*

**3.1** Managers have access to timely, detailed performance information produced by the Area Performance Manager (APM). A performance pack is produced and includes a summary report focusing on key performance measures, which helpfully highlights measures that are below the CPS level of ambition, or are on a downward trend and where remedial action may be required. The APM also provides detailed analysis of the measures which require action to allow managers to analyse the data in greater detail.

**3.2** The pack includes an Area 'dashboard', that focuses on all high weighted measures for the magistrates' court, Crown Court, victims and witnesses and hate crime, people and finance, which is benchmarked against the CPS levels of ambition and national averages. However, in most instances, the performance information is not compared to other Areas and Mersey-Cheshire may wish to consider if this addition might assist when analysing measures requiring improvement, or to identify where better performance is being achieved. Inspectors were impressed by the level and detail of the analysis of the performance data carried out by the APM.

**3.3** All performance information produced in the Area is readily available to all staff and is published on the Area Performance KIM site. Just over half (53.0%) who completed our survey stated that performance information was frequently shared in an accessible and understandable format; while 28.0% said that it was sometimes shared in this way. However, some operational delivery staff stated that they were unaware of the KIM site and the performance focus in their meetings was largely on clearing key case management system (CMS) tasks and working to produce successful casework outcomes. Whilst we understand it can be difficult to engage staff with performance data, the Area may wish to consider producing highlights of key performance measures in a more accessible form for frontline staff.

**3.4** The CCP and ABM hold managers to account for their unit performance at a monthly performance review meeting, the Area Performance Board (APB). Until March 2017, the meetings analysed performance across all units in a joint meeting. However, to allow greater focus on key performance issues, they were restructured into separate performance meetings for the magistrates' court unit and Crown Court unit.

**3.5** Unit performance reports are sent to managers ahead of the APB and legal and operational managers have to produce a narrative report outlining any actions that have or will be taken to improve measures requiring action, or those on a downward trend. The reports must be returned to the Head of the Business Centre and ABM three days prior to performance meetings. The narrative reports seen by inspectors clearly identified aspects requiring improvement and included numerous examples of action taken or planned to address performance challenges. This focus also allows managers to have input into the quarterly Area Performance Review meetings with CPS Headquarters and feedback is given from the senior management team following those meetings.

**3.6** There are good examples of where a focus on performance has resulted in improvement. There has been a significant improvement in the disability hate crime conviction rate, from 86.7% in 2014-15 to 91.4% in the 12 months to September 2017. The Area continues to perform above the national average of 79.3%. Overall hate crime conviction rates have also continued to improve. In 2014-15 the conviction rate was 84.0% and is now 87.4% (to September 2017), which is above the CPS level of ambition of 85.0%.

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**3.7** The Area provided good evidence that it is fully aware of aspects of performance requiring action.

- in July 2017, the Area produced a thematic report regarding the disclosure of unused material following a dip sample of disclosure record sheets (DRSs) by the DCCP. This action has resulted in improvement to the completion rates of DRSs and is part of an ongoing improvement plan to address weaknesses in disclosure
- having identified a downward trend in Crown Court conviction rates, although still performing above the national average, a report was commissioned to look at late returns of cases from counsel<sup>3</sup> and, following a number of recommendations, the Area has engaged with local Chambers and has monitored case outcomes to assess any improvement. A follow-up report has been commissioned and there are some early signs that case outcomes are improving
- the Area has also taken steps to address an increase in cases dropped at the third or subsequent hearing in the magistrates' court. Following a period of monitoring, a new system was established where lawyers must seek legal manager approval before asking for adjournments in cases where defendants have mental health issues. By dropping cases earlier, or diverting through the appropriate use of cautions, the Area improved its performance for this measure.

**3.8** Since taking up post, the CCP has commissioned a number of initiatives to address the decline in RASSO conviction rates. These include a strategic review of the unit resource, leading to an additional legal manager post and an increase in unit resource. The Area has worked closely with HMCTS in Cheshire to overcome challenging trial backlogs, the majority of which were RASSO cases. RASSO conviction rates continue to be below the CPS level of ambition, but there are signs of improvement, and the Area continues to monitor these closely.

**3.9** There are robust mechanisms in place to check data quality, including compliance, timeliness and accuracy. Operational managers complete checks which are also dip sampled by the APM in line with CPS standards and procedures for data quality checks. Constructive feedback is given to staff where a change is required and staff were positive about being able to learn from feedback.

**3.10** There is regular analysis and consideration of all cracked and ineffective trials and Judge directed acquittals. Reports are produced by the legal managers which are shared and discussed with criminal justice partners, to ensure lessons are taken forward in future prosecutions.

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<sup>3</sup> When counsel return the brief (instructions to represent the Crown in a case) that they hold late, alternative counsel have to be briefed.

**3.11** Most staff have regular contact with managers to discuss their individual performance. Of the staff who completed our survey, 60.3% stated that they have meetings at least once a month or once a quarter to discuss their performance. The majority of staff in the survey confirmed that they are set performance objectives on a regular basis. 10.3% said that they were never set objectives.

**3.12** The Area recognised that it needed to improve its IQA completion rates. There was some disparity between the numbers completed in the magistrates’ court and Crown Court units. The recent appointment of a new DCCP has resulted in a revised focus on using IQA to drive improved casework and decision-making. The DCCP regularly discusses IQA with legal managers at the CQB meetings and the APB. More recently, the Area used IQA to target specific casework themes such as disclosure. The DCCP has been proactive in dip sampling IQAs carried out by legal managers and has provided feedback on the quality of both the assessment and feedback given.

**3.13** Some staff stated that they had not been provided with face to face feedback following an IQA and there was some concern that it was not always clear when a manager had recorded an IQA. More recently, the APM has started to analyse the IQA Not Met Reasons to identify any themes which can assist in delivering improvements to casework. The Area intends to use this information in its training plan to identify themes requiring improvement and drive up casework quality.

**Issue to address**

The Area should ensure that all staff are notified when an Individual Quality Assessment has been recorded and that face to face feedback is given in a timely manner.

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

*Summary: Mersey-Cheshire underspent against its allocated budget in 2016-17 and is forecasting an underspend in 2017-18. Budget systems are sound and there are effective processes of budgetary controls. Regular and robust financial checks are in place, which allow continual monitoring of key budget information. The Area continues to provide value for money in terms of the cost per prosecution, while also delivering good outcomes in both the magistrates’ court and Crown Court units. Good use is made of in-house advocates in both the magistrates and Crown Court.*



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**3.14** Mersey-Cheshire underspent against its allocated budget in 2016-17. At the start of 2017-18, it forecast an overspend of £764,000, attributed to a predicted overspend on prosecution cost. The prosecution cost budget was reduced as part of the CPS financial allocation process, as there was a predicted reduction in caseload. The Area made submissions to Headquarters showing that the reduction of budget was at odds with the data and made a successful bid for an additional £900,000. There is now projected to be a slight underspend at the end of 2017-18.

**3.15** There are robust systems in place for monitoring the budget. The Area Finance Manager (AFM) produces a monthly report which covers key strategic financial information including the current position and forecasts for: non-ring fenced administration costs, prosecution costs, workforce planning, payment performance and wasted costs. The report includes recommendations where action is required to address concerns. The report is presented to the Area Strategy Board, which ensures that all senior managers have a clear understanding of the budgetary position.

**3.16** Operational managers undertake financial checks and authorisation of travelling and subsistence, flexi-time and overtime. The AFM carries out regular, monthly financial assurance checks using a random sampling selection. Financial delegation controls are in place and are routinely monitored. Delegation is assigned based on the requirements of the role. The AFM keeps this under review and will remove delegation when no longer required by staff. The AFM and Head of Business Centre monitor prosecution costs and agent costs robustly. Unit business managers can request additional funds for agents, but control mechanisms ensure that CPS advocates will be utilised in the first instance, to ensure costs are kept under control. There is also segregation of duties in that those authorising the work do not authorise the payment of services.

**3.17** Processes for the use of experts are well controlled and sound. There is a list of approved experts and staff must seek approval from the Head of Business Centre if an expert requests a higher fee, with the majority of these refused in all but exceptional circumstances. Staff follow the expert fee processes, but there was little evidence they negotiate initial fee requests to drive costs down further, which may be helpful given that Mersey-Cheshire was predicting an overspend against prosecution costs.

**3.18** The Area has recently implemented a number of initiatives to raise awareness of Very High Cost Cases (VHCCs). There have been issues with identification of VHCCs and this has been identified as an ongoing action in the monthly finance report for over 12 months. To address this, the AFM has recently delivered a number of VHCC awareness sessions to the Crown Court and RASSO teams. The Area actively monitors trials which are listed for two or more weeks and all cases requiring two counsel or a Queen's Counsel, through the

paralegal business managers (PBMs) in the Complex Casework, RASSO and Crown Court units, allowing the AFM to more accurately forecast the overall impact on prosecution costs. The Area has been successful more recently in having a number of cases accepted into the VHCC scheme and inspectors found that there was good staff awareness of the VHCC criteria, although paralegal officers may benefit from receiving the awareness session.

**3.19** Good use is made of in-house advocates. The Area has improved in-house use from 2016-17, where 85.0% of magistrates' court sessions were covered by CPS advocates, with current coverage standing at 89.8% (12 months to September 2017), which is well above the national average of 71.4%. Associate Prosecutors carried out 33.9% of those sessions, significantly higher than the national average of 24.1%.

**3.20** Crown Advocates (CAs) are deployed to a variety of cases and hearing types, including trials, as part of the advocacy development strategy. The Area did not achieve the anticipated CA savings of £1,030,000 for 2017, achieving total savings of £891,574, a shortfall of £138,426. In part, the shortfall was as a consequence of deploying some CAs to assist with the implementation of digital charging. This was a one-off strategic decision which the Area does not anticipate making again. Numbers were also depleted as three experienced CAs left through retirement, or returning to the external Bar. This included the Senior Crown Advocate, which also impacted the saving potential. Plans are in place to restore the full complement of CAs, with Mersey-Cheshire included in the current national CA recruitment campaign.

**3.21** The Area has undertaken a review using Resource and Efficiency Model data to ensure that units have the appropriate resource and structure. The review highlighted that the magistrates' court review team was over resourced. Figures also indicated that the magistrates' court advocacy unit was under resourced. Before addressing this imbalance internally, through the movement of resources, the Area worked with HMCTS to develop a revised listing practice, which also considered resourcing needs. This work has resulted in some changes to the number of court sessions in Cheshire and allowed the CPS to make better use of resources. The Area has moved staff to address the imbalance and is currently exploring the transferable skills of APs to maximise their use as it begins to implement the national advocacy strategy.

**3.22** Inspectors were impressed with the Area approach to smarter working and the range of data gathered to demonstrate how this was consistently and fairly operated. In interviews the majority of staff, particularly legal staff, said that the Area had implemented smarter working well, allowing greater flexibility and a better work-life balance. Staff indicated that managers were considerate when applications for flexible working were made.

**3.23** The Area offers good value for money using measures of overall spend per case. It remains significantly lower than the national average, with the current spend per case of £492 in 2016-17, against a national average of £657. It was also ranked first for the cost per defendant in the Crown Court, at £946 against a national average of £1,223. There has been a 3.7% increase in overall staff in post, rising from 194.5 in 2016-17 to 201.7 in the 12 months to September 2017 against a national reduction of 0.1%, but continues to provide good value for money.

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

*Summary: The Area engages with criminal justice partners in numerous joint performance meetings and ensures that extensive, detailed data for each police force is provided in a timely manner to effectively analyse and discuss aspects for improvement. It is represented at all management levels in numerous sub-groups and committees, for example the joint RASSO performance group and LCJB victims and witnesses and hate crime sub-groups. The good working relationship with criminal justice partners has allowed the Area to negotiate a number of initiatives to improve listing in the magistrates' court and Crown Court, reducing some significant backlogs and improving the overall service to victims and witnesses.*

**3.24** The Area has recently relaunched its approach to Prosecution Team Performance Management (PTPM) meetings with both Merseyside and Cheshire Police forces. Meetings are chaired by the CPS and a wide range of performance data is produced by the APM, including file quality data since August 2017. Until recently, there had been minimal focus on the file quality data. The Area has established agreements with both police force partners to provide regular analysis of file quality data and hopes that this revised approach will deliver further improvement.

**3.25** At the operational level, the APM provides performance data to partners that is used by LCJBs and the relevant sub-groups. Merseyside Police also share their performance data, which is published on the local KIM site. Area data is provided at individual force level, allowing for comparison, identification of aspects of learning and good practice, and also highlighting differences in performance.

**3.26** The APM also provides reports on other aspects of casework performance, for example hate crime and violence against women and girls, which are shared with LCJB sub-groups and partners. These have helped identify aspects that require improvement and have been used effectively to drive the priorities of the LCJB.

**3.27** The CPS and HMCTS also worked together on the Better Case Management (BCM) implementation group and court user groups. The CCP attends the Cheshire HMCTS local monthly joint performance group with the judiciary and HMCTS, signalling that due to issues of trial backlogs and delays there was a need to own jointly the problem, at a senior level. The Area has worked with HMCTS to implement Section 28 Youth Justice and Criminal Evidence Act 1999 requirements. There is strong evidence that effective joint arrangements have resulted in improved outcomes, with early guilty pleas in Crown Court cases being 8.8% better than the national average (50.2% compared to 41.4%). The Area has also reduced hearings per case in both contested and guilty plea cases and is performing well in excess of the national averages (hearings per guilty plea cases 3.23 compared to the national average of 3.51 and for contested cases 4.58 compared to 4.99). Cracked and ineffective trial rates due to prosecution reasons in Crown Court cases are also significantly better than nationally (10.9% against 12.1%).

## 4 Part C: High quality casework

### Performance expectation

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

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

### Performance against the Part C criteria

4.1 In accordance with the Director's Guidance on Charging<sup>4</sup> cases may be charged by the police without reference to the CPS, or as directed by CPS Direct (CPSD) or Area based lawyers. In assessing Area performance in this aspect, including compliance with the Code for Crown Prosecutors (the Code),<sup>5</sup> we only consider those cases where the charge is directed by an Area lawyer. However, in order to give a full picture we comment on the quality of all charged cases, regardless of how initiated.

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

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

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

*Summary: Initial reviews are proportionate and timely in the magistrates' court, but there are qualitative issues with Area pre-charge advice.*

**4.2** In our overall file sample the Code was applied correctly at the charging stage in 57 out of 60 magistrates' court cases (95.0%). Of these, there were 38 police charged cases, and the Code was applied correctly at that stage in 37 (97.4%).

**4.3** The Area applied the Code correctly in nine out of 11 cases (81.8%). In the remaining 11 cases the charging decision was taken by CPSD lawyers and they applied the Code correctly in all of them.

**4.4** Inspectors' assessed qualitatively none of Area charging decisions as excellent, 18.2% good, 36.4% fair and 45.5% poor.

**4.5** The Code, post-charge, was applied correctly in 54 out of 56 relevant cases (96.4%).

**4.6** Of the police charged magistrates' court cases examined, only one was charged in breach of the Director's Guidance. The case that failed to comply was not addressed with the police by the Area.

**4.7** The Area's fulfilment of its requirement to review cases before the first hearing, as a proper and proportionate review where appropriate, was completed in 49 out of 58 (84.5%) of the relevant cases and the review was timely in 96.2%. Our on-site 'reality' checks were consistent with the file sample. Stakeholder feedback is that some cases are not adequately prepared, which may result in the case being adjourned. Inspectors found that cases were generally well prepared, but in 14 of the 58 (24.1%) relevant cases sampled the first hearing was not effective. Four of the ineffective hearings were occasioned by the CPS, eight by the defence, and one each by the court and police. Preparation for effective trial (PET) forms are completed in most cases.

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**4.8** Inspectors were informed that locally it has been agreed files are to be submitted by the police prior to the first hearing, rather than after charge; seven days in guilty anticipated plea (GAP) cases and 14 days for not guilty anticipated plea (NGAP). This was not found to be the case, as in the file sample only two cases (3.6%) were not provided on time working from the charge date as envisaged by Transforming Summary Justice (TSJ) to ensure cases are prepared and served sufficiently in advance of the hearing. When papers are uploaded in line with the local agreement referred to above, this impacts upon the resources of the Operational Delivery staff. With the increased use of postal requisitions and change to the Standard Operating Practice (SOP) for initial details of the prosecution case (IDPC) service (see below) we recommend that the Area should work with the police to revise this agreement.

**4.9** Our on-site reality checks noted that Mersey-Cheshire had, in line with a national requirement, changed its processes to serve a reduced IDPC package prior to the lawyer review in NGAP cases. We were told that this was as a result of a change in the national SOP, which had been communicated in December 2017. We were concerned to note that this duplication of effort, with further IDPC material served after the lawyer review, had impacted the timeliness of providing full IDPC on the court and defence. Whilst we understand that in some Areas timely service of IDPC on the court is a challenge, the blanket approach of duplicating the service of IDPC in NGAP cases is not an efficient use of resource and, in the case of Mersey-Cheshire, has resulted in a reduction in overall performance. CPS Headquarters may wish to reconsider the change to the SOP to ensure that there is not a diminution of service in some Areas, and may wish to consider whether this change, which has been made to address timeliness performance concerns in some places, needs to be adopted nationally.

**4.10** In our file sample, the National File Standard (NFS)<sup>6</sup> was complied with fully by the police in 38 of the 56 files (67.9%) with only one case not meeting the standard (1.8%). The main failings were 'overbuild' in six cases and missing Victim Personal Statements (VPSs) in four. The file sample did not highlight a disparity between the standard of files from the two police forces, but inspectors were regularly informed that there are issues with the quality of files from Cheshire Police. There was some evidence from our reality checks of live NGAP cases that supported this, as none of the Cheshire file submissions fully complied with the NFS. There was limited evidence of challenge seen in the files sampled and there has been a substantial shortfall in the number of File Quality Assessments completed in cases, but through joint working at a strategic level the Area is now working with both forces to improve file quality.

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<sup>6</sup> *National File Standard*; CPS; May 2015.  
[www.cps.gov.uk/publications/directors\\_guidance/dpp\\_guidance\\_5\\_annex\\_c.pdf](http://www.cps.gov.uk/publications/directors_guidance/dpp_guidance_5_annex_c.pdf)

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**4.11** The Area has recently addressed the issue of file quality with regards to pre-charge advice submissions by implementing a triage process. This is fundamental, given the return of charging decisions to the Area. However, it must also ensure lawyers provide quality charging advices. In the magistrates' court cases sampled, the Code was met in nine out of 11 applicable cases (81.8%). Of those 11, the overall quality was assessed as fair in four (36.4%) and poor in five (45.5%). In the two where the Code was not applied correctly at this stage, the case had not been properly analysed, nor was a clear case strategy set out.

**4.12** Mersey-Cheshire accepts that for a period in the summer of 2017 inexperienced charging lawyers were providing charging decisions, but they are using IQA to feed back and are providing instructions to staff new to the magistrates' court team. As a result of the triage process, the Area has been able to highlight deficiencies to the police forces and both are putting in police decision-makers who will have authority to charge in accordance with the Director's Guidance and responsibility to 'gatekeep' the quality of submissions to the CPS.

#### Issue to address

The Area must ensure that there is adequate training provided to lawyers on case analysis and strategy to improve the quality of charging decisions.

**4.13** The DCCP has taken the lead on casework quality for the Area. He chairs the CQB, dip samples IQAs - setting themes for managers to focus upon and providing them with detailed comments, which has increased the numbers completed - and dip samples communications (referred to later). As a result of the CQB, guidance is issued on casework issues identified and learning shared at team meetings. IQA feedback from managers is constructive and well received by lawyers on the magistrates' court team.

**4.14** In the cases examined, a hearing record sheet (HRS) was completed fully with timely uploading onto CMS in 52 of the 60 cases (86.7%). Some HRSs contained very detailed notes with full endorsements regarding Speaking to Witnesses at Court. Stakeholders raised no concerns with the acceptability of pleas and victim consultation. There were examples of good practice in Liverpool domestic abuse cases, where a police liaison officer contacts victims and witnesses from court to discuss pleas and restraining orders. In the files sampled there were no cases where a basis of plea had been offered by the defence and accepted by the prosecution, which demonstrates a level of robustness on the part of the prosecutors.



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**4.15** In 45 of the 60 cases (75.0%), the police complied with their duties to reveal unused material to the prosecution. Inspectors assessed that the duty was partially met in the remainder of cases. In those partially met, the main failing was due to the late provision of schedules, eight of the 15 cases (53.3%). Only four cases had poor descriptions. As a result partially of the police compliance, in the files examined the prosecutor complied with their duty fully in 30 of the relevant 38 cases (78.9%). There was an even higher compliance in reality checks, nine out of 11 (81.8%). The duty was timely in 26 out of 36 relevant cases (72.2%). It was encouraging for inspectors to see disclosure record sheets (DRSs) on the files, with 24 out of 38 applicable cases having a DRS (63.2%) and fully meeting the requirements and only four cases (10.5%) not meeting them.

**4.16** In the one case where there had been sensitive unused material, the material was handled well. In two out of four relevant cases the duty of continuing disclosure was fully met and in two it was partially met.

**4.17** Overall, inspectors assessed the quality of disclosure handling as good in 19 cases (50.0%), fair in 17 (44.7%) and poor in two (5.3%).

**4.18** Disclosure has been a standing agenda item for the CQB and the Area has completed its own thematic report on disclosure, based upon dip samples conducted by managers. The Area found a level of DRS completion consistent with our file examination result. Disclosure meetings with each force have recently been set up in response to the joint inspection report on disclosure.

**4.19** The number of hearings per case for contested and guilty pleas has improved steadily, with performance better than the national average. In contested cases the average number of hearings has improved from 3.50 in 2014-15 to 2.75 in the 12 months to September 2017, better than the national figure of 2.87. For guilty plea cases, the average number of hearings per case have improved from 1.83 in 2014-15 to 1.63 to September 2017, better than 1.67 nationally.

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

*Summary: The Area is effective at preparing magistrates' court cases in accordance with TSJ for first hearings, however, there is some lack of grip thereafter to progress cases to ensure trials are effective.*

**4.20** Area performance is strong; it secures successful outcomes in 88.0% of cases (12 months to September 2017), significantly higher than the national average of 84.9%. The same trend can be seen in the domestic abuse conviction rates, 81.8% (to September 2017) compared to the national average of 76.6%.

**4.21** Cases are being prepared in accordance with the principles of TSJ. In our file sample 49 out of 52 relevant cases (94.2%) were prepared effectively for the first hearing. However, there was limited evidence of defence engagement when solicitors were known in advance of the first hearing, despite the Area taking action to address the importance of effective engagement. Stakeholders raised concerns that there was regular misidentification of GAP cases. Misidentification of cases can be problematic and, as the majority of GAP reviews are done on the day of the hearing, there is no time to address and progress the case effectively. In our file sample, the correct plea had been identified in 51 out of the 60 cases (85.0%), which provides some support for this view. Incorrect identification of plea may be having an impact upon the guilty plea at first hearing rate, which at 77.2% is in line with the CPS average but below the 2017-18 level of 78.5%. The Area has undertaken analysis of adjourned cases and it is seeking to redress identified issues.

**4.22** Stakeholder feedback was that after the first hearing cases are not progressed effectively and often drift toward trial. Our file examination confirmed that there was sound judgement and grip in only 14 of 40 relevant cases (35.0%). We also noted that in the 32 cases where a court direction was made, there was timely compliance in 13 (40.6%) and no compliance in four (12.5%).

**4.23** The proportion of cracked and ineffective trials due to prosecution reasons is 17.2% (12 months to September 2017), which is much better than the national average of 22.2%.

**4.24** We recognise the positive Area performance across a number of the measures in this section, but found that insufficient value was being added in respect of a number of aspects.

**4.25** The Area has agreed local protocols and Service Level Agreements with Merseyside Police to manage cases and escalate issues, but more work is needed internally to improve case progression to drive improvement in the effective trial rate which, at 46.1% in the 12 months to September 2017, has declined from 46.7% in 2016-17. This is below the national average of 47.1% (to September 2017).

**4.26** Tasks lists are not being used to proactively manage cases by lawyers, despite the Area taking steps to monitor them. Our CMS process check found that there were 405 electronic upgrade file review tasks, 211 of which were escalated and overdue, which demonstrates tasks are not being worked through by the lawyers who have responsibility for clearing this task when the review is completed.

#### Issue to address

The Area should make sure that cases are progressed to ensure trials are effective in the magistrates' court.

**4.27** Our on-site checks identified that custody time limits (CTLs) are well managed and monitored. There have been no CTL failures for the past two years. The Area recognises that CTL updating is sometimes impacted due to backlogs and HRSs being provided late by agents, but late last year the Area advocacy legal manager reminded agents of their obligations and there has been a noticeable improvement in the timeliness of HRS returns.

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

*Summary: The quality of pre-charge decisions fall below the expected standards, proper and proportional reviews are not being undertaken and there is an issue with the timeliness of reviews. Disclosure is not handled as well as it could be.*

**4.28** In our overall file sample the Code was applied correctly at the charging stage in 56 out of 60 Crown Court cases (93.3%). There were three police charged cases and the Code was applied correctly at that stage in two (66.7%).

**4.29** In the Area charged Crown Court cases, the Code was applied correctly in 28 out of 29 cases (96.6%). The quality of Area charging decisions was assessed as 17.2% good, 44.8% fair and 37.9% poor, with none assessed as excellent. In the remaining 28 cases the Code was applied correctly in 26 (92.9%) by CPSD.

**4.30** The Code, post-charge, was applied correctly in 57 out of 60 Crown Court cases (95.0%).

**4.31** As with magistrates' court cases, inspectors were concerned with the quality of pre-charge advice. In Crown Court cases it is vital that there is a proper case analysis and strategy. In the Area charged Crown Court cases, the pre-charge advice contained a proper analysis and strategy in four of the 29 relevant cases (13.8%). Inspectors assessed that in 15 (51.7%) the review decision requirement was partially met, meaning that there were some concerns about the standard of the advice. In ten (34.5%) there was no adequate analysis and strategy. There was one case where inspectors assessed that the Code was not applied correctly and was charged without sight of all of the evidence. As this case continued to progress all subsequent reviews were poor.

**4.32** In many instances, in line with case ownership principles, the charging lawyer retained the case, but this had the effect of the analysis and strategy not being fully developed, therefore lawyers need to improve the articulation of their analysis. In contrast, inspectors' file analysis showed that the more specialised charging advices (sensitive case types) were of better quality. The Area must ensure that it is satisfied the charging decisions are correct when the case is allocated to a lawyer from start to finish. The Area may need to increase the level of scrutiny or IQA undertaken on Crown Court cases at the pre-charge or initial review stage.

**4.33** The case study demonstrates poor quality pre-charge advices.

#### **Case study**

A defendant was charged with theft from their employer for the full amount alleged by the business owner, when there was limited evidence and the defendant disputed the allegations, raising issues with the running of the business. The charging decision lacked case theory and strategy with no rationalisation for the amount, despite the defence raised. Disclosure requests resulted in material being provided which cast doubt upon the case due to unprofessional business, resulting in the case being discontinued.

### Issue to address

The Area needs to ensure that legal managers quality assure charging advices in Crown Court cases so that they meet the required standard.

**4.34** In our file sample, the police fully complied with the NFS in 24 out of 48 applicable cases (50.0%) and partially in 20 (41.7%), which is worse than the magistrates' court cases sampled (67.9%). The main failings in the files examined were key evidence missing in 13 out of the 24 relevant cases (54.2%) and issues with statements in six (25.0%). Prosecutors raised non-compliance with the police in 54.5% of applicable cases. Inspectors found in the reality checks that a bespoke memo was sent requesting outstanding material in six out of ten cases (60.0%).

**4.35** Although the Area is taking action on file quality, having reinvigorated PTPM meetings and improved lawyer compliance with the completion of file quality assessments (currently identifying 32.1% of police files being deficient), it would be more helpful to the police if requests for additional material were specific and clear. The Area is also planning to roll out a legal triage system which currently operates in RASSO cases, to ensure that files requiring a pre-charge decision are of the necessary minimum standard with regard to quality and content.

**4.36** One of the three police charged cases should, in accordance with the Director's Guidance, have been sent to the CPS for charging advice. There was no evidence that this lack of compliance had been raised with the police.

**4.37** A proper and proportionate initial case review took place in 27 out of 57 applicable cases (47.4%). We saw examples of thorough reviews which identified the issues, helped to build a stronger case and contributed to the successful outcome. However, too many did not include the trial strategy or address the key issues.

**4.38** In eight cases (14.0%) there was no initial review carried out. In those where it did take place, it was timely in 30 out of 49 applicable cases (61.2%). The finding in respect of our on-site reality checks was that there were no fully proper and proportionate post-sending reviews in any case examined, seven out of ten (70.0%) had a partial review, two were inadequate and one was not done. Of the nine completed, four were timely.

**4.39** Our reality check of relevant outstanding tasks on CMS confirmed that there were 160 outstanding review related Crown Court tasks. Of these, 73 (45.6%) were marked as overdue. 66.6% of the post-sending review tasks were overdue by almost four weeks.

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**4.40** In our file examination, we found that an HRS was completed accurately, contained sufficient information and was uploaded on time in 41 out of 60 cases (68.3%), partially in 18 (30.0%) and not at all in one. Inspectors were impressed with the Area's systems and processes and noted that there was good use of the electronic case management system HRS, with version control enabling the full case history to be viewed easily.

### Strength

The Area systems and processes for updating Crown Court cases using the case management system hearing record sheet.

**4.41** In our file sample, the police complied with their disclosure duty fully in 24 out of 60 cases (40.0%), partially in 31 (51.7%) and not at all in five (8.3%). The main failings recorded by inspectors were "other" in 15 out of 36 relevant cases (41.7%) and lack of timely schedules in 11 out of 36 (30.6%).

**4.42** In our file sample, the Area complied with their duty of initial disclosure fully and properly in 24 out of 45 applicable cases (53.3%), partially in 18 (40.0%) and not at all in three (6.7%). There was a better performance with continuing disclosure, where the prosecutors complied with their duty in 22 out of 35 applicable cases (62.9%). There were no cases where there was a complete failure to disclose undermining or assisting material. The file sample identified that there was an issue with timeliness, as the disclosure duties were complied with in a timely manner in 22 out of 45 relevant cases (48.9%).

**4.43** In 12 cases where the police had supplied the CPS with sensitive unused material, nine (75.0%) were dealt with appropriately. In one of the cases sampled sensitive information had been recorded within a review which had open access on CMS; inspectors highlighted this to the Area who 'locked' the case. Third party material was dealt with appropriately in five out of eight applicable cases (62.5%).

**4.44** On each Crown Court file where the provisions of disclosure 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. The Area identified through IQA that the completion of DRSs required improvement. Our file sample identified that in six out of 45 applicable cases (13.3%) there was a properly completed DRS.

**4.45** Overall, inspectors rated the handling of disclosure in applicable cases as excellent in one (2.2%), good in eight (17.8%), fair in 27 (60.0%) and poor in nine (20.0%).

**4.46** The Area has recognised that the handling of disclosure needs to improve and is working closely with the police forces, recently reinstating disclosure meetings to drive improvement. It has delivered joint training to the police and disclosure is an agenda item for the Casework Quality Board, resulting in internal training and guidance for lawyers being issued.

#### Issue to address

The Area needs to continue to work with police partners and ensure that prosecutors improve their handling of disclosure and that decisions are recorded on the disclosure record sheet.

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

*Summary: Crown Court cases are prepared for Plea and Trial Preparation Hearings in most cases, but there is limited meaningful defence engagement. Mersey-Cheshire has high guilty plea and conviction rates, but a low effective trial rate. Cases are progressed for trial, but there are issues with the quality of service provided by trial counsel and a lack of grip on the part of the CPS. The greatest risk to the Area is the declining rape conviction rate.*

**4.47** The Crown Court conviction rate has declined slightly from 83.1% in 2014-15 to 80.9% in the 12 months to September 2017, but it is still better than the national average of 79.4% to September 2017.

**4.48** The Crown Court Better Case Management initiative is embedded well. This is to be expected, as Liverpool Crown Court was a pilot site for BCM and the Area has regular performance meetings with the judiciary. This is supported by the high guilty plea at first hearing rate, which has increased from 39.9% in 2014-15 to 50.2% in the 12 months to September 2017. The rate is substantially higher than the national average of 41.4% and the CPS level of ambition of 37.5%.

**4.49** In our file sample, inspectors found that 39 out of 55 (70.9%) of the relevant cases were prepared effectively for the initial hearing. Inspectors found during the reality checks of live cases that papers served were sufficient to enable an effective hearing in eight out of ten cases (80.0%), with a PTPH form and indictment having been uploaded in all of them. There were timeliness issues with these in three out of ten cases (30.0%). This supports stakeholder feedback that cases are prepared for PTPH.

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**4.50** Inspectors found limited evidence of defence engagement prior to the PTPH. The Area therefore needs to undertake more meaningful engagement prior to the hearing to reduce the amount of preparation required for it when a guilty plea is entered, particularly as there is a high guilty plea rate. This would enable the Area to focus upon the progression of contested cases.

#### Issue to address

The Area needs to undertake more meaningful defence engagement.

**4.51** Inspectors found in the files examined that when a Judge's order was made the Area applied for extensions in a number of cases. There was full compliance in 23 out of 48 applicable cases (47.9%). The CPS recorded data for compliance is excellent, with a rate of 97.7% in the 12 months to September 2017. However, this is measured against the final deadline. The Area, however, has effective monitoring processes in place. It is anticipated this will be an improving picture as the Area is working closely with the police to ensure cases are in order at the point of charge, coupled with the effective use of the escalation process.

**4.52** In the file sample, decisions to discontinue were not as timely as they should have been in five out of 14 relevant cases (35.7%). In the files examined, inspectors assessed that lawyers had a full grip in 20 out of 60 cases (33.3%), partially in 31 (51.7%), and no grip in nine (15.0%). Staff indicated that the drip feed of evidence and the quality of files received from the police was impacting upon the timely preparation of cases and workload.

**4.53** The following case study demonstrates a lack of grip.

#### Case study

The defendant was charged with burglary by CPS Direct, an initial review was conducted by the Area and the case prepared effectively for PTPH. The reviewing lawyer failed to have a grip on the case as there were no further reviews when there should have been, due to a change in the defence case and a further statement from the complainant. A decision was made to witness summons the complainant, who was then arrested on warrant for non-compliance with the summons. There was no record of the decision making process, the defendant was acquitted after trial.



**4.54** Mersey-Cheshire's caseload has declined by 12.7% since 2014-15, compared to a national average decrease of 17.2%. However, the proportion of contested cases has increased by 23.9% over the same period, against a national decline of 3.9%. Despite this increase, the overall proportion of cases being contested is below the national average of 19.9%, at 16.9%. Unlike other Areas, the increase in contested cases will be impacting upon resources post-PTPH and contested cases per prosecutor in the Crown Court are slightly higher, at 7.8 cases compared to the national rate of 7.6.

**4.55** There is an improving effective trial rate of 50.7% in the 12 months to September 2017, which is in line with the national average of 50.8% for the same period. Stakeholder feedback is that there is a lack of ownership of the case by trial counsel, with late returns of cases causing problems. The Area is aware of this and is proactively reviewing the quality of the service provided by counsel, having undertaken an extensive analysis of late returns. In Cheshire, more than one contested case can be scheduled in the same court room, or they can be moved between court centres at short notice. The joint working with HMCTS to change the trial pathway has assisted, but more work is required to change the court listings policy.

#### Issue to address

The Area needs to progress cases in the Crown Court to ensure trials are effective and counsel is providing the required service.

**4.56** The Area is one of the top performing for cracked and ineffective trial rates due to prosecution reasons at 10.9% in the 12 months to September 2017, which is an improvement on 13.9% in 2015-16 and better than the national average of 12.1% to September 2017. Despite the low effective trial rate, Mersey-Cheshire is the best performing Area by a significant margin with regards to cases being unsuccessful due to victim issues, at 15.2% to September 2017, which is substantially lower than the national average of 21.6%.

**4.57** The most significant performance issue is the declining rape conviction rate. In 2014-15 it was 65.4%, declining to 57.3% in 2016-17, and has declined further to 54.6% in the 12 months to September 2017. This is in contrast to the improving CPS performance nationally, from 56.1% in 2014-15 to 57.7% to September 2017. As discussed above, the Area has been working with HMCTS, undertaken an internal review of the RASSO unit resourcing and has more recently introduced a more stringent triage process for police files. The Area hopes that this will drive improvement in outcomes. Inspectors noted in the files examined that the decision-making was sound.

**4.58** There have been no recent custody time limit failures and effective and appropriate monitoring is in place.



## 5 Part D: Public confidence

### Performance expectation

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

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

### Performance against the Part D criteria

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

*Summary: The needs of victims and witnesses are considered and addressed, but there are quality and timeliness issues with letters sent under the Victim Communication and Liaison scheme. The Area responds well to complaints and the Victims' Right to Review scheme.*

**5.1** In our file examination, we found that in 38 out of 50 relevant cases (76.0%) the prosecutor took all necessary steps to secure victim and witness engagement in the court process. This engagement was higher in the Crown Court, 23 out of 28 relevant cases (82.1%) than the magistrates' court, 15 out of 22 (68.2%). Inspectors found that prosecutors took account of the rights, interests and needs of victims and witnesses, including consulting them where appropriate, in 46 out of 61 (75.4%) cases. Of the 61 cases 38 were sensitive and inspectors found the requirements were fully met in 18 of those (75.0%). Of those, four out of six rape cases fully met the requirement and two out of four domestic abuse cases did.

**5.2** Just over two thirds of staff (67.0%) who responded to our survey thought that the Area provided a good or excellent service to victims and witnesses and 64.0% thought that generally, the Area worked well with the Witness Care Units (WCUs) and agencies such as Victim Support.

**5.3** In our sample, we found that a Victim Communication and Liaison (VCL) scheme letter was not sent when required in five out of 15 relevant cases (33.3%). Inspectors assessed that of the ten letters sent, three (30.0%) fully met the required standard, five partially (50.0%) and two (20.0%) did not. Inspectors' file examination identified that the needs of victims and witnesses were effectively considered by the Area throughout the life of the case but, when a letter was required under the VCL scheme, it is not given as much consideration.

**5.4** The letters that fell below the required standard did so as they did not explain in an understandable manner why the decision to terminate the case had been made. Of the ten letters sent eight were timely (80.0%). Area performance data is consistent with our findings, as the timeliness of letters has declined from 93.1% in 2015-16 to 89.1% in 2016-17 and further to 87.4% in the 12 months to September 2017.

**5.5** The Area appreciates that there is more to do to improve the quality of communications. Improving the quality of casework and communications is a focus of the DCCP. Upon arrival in the Area the DCCP undertook a dip sample of 40 VCLs. They identified that letters were of a poor standard due to the quality of explanations and use of inappropriate standard paragraphs by the Victim Liaison Unit (VLU), which has responsibility for drafting and sending out VCLs. In too many instances lawyers or agents provide inadequate guidance to VLU staff to enable letters to be tailored properly.

**5.6** The DCCP has asked legal managers to review VCLs as part of their IQA processes and managers are held to account in the monthly APB. The CCP has more recently also started to dip sample VCLs. The Area has recently reissued guidance and a legal manager has worked to improve compliance from agents, reminding them of their obligations. More

work is required with the VLU team to ensure they are aware of the input required from lawyers and how to tailor letters, and that processes are in place to ensure that when a letter is required to be sent, it is done so on time.

### Issue to address

The Area needs to implement steps to improve the timeliness and quality of letters sent under the Victim Communication and Liaison scheme.

**5.7** Mersey-Cheshire has undertaken a significant dip sampling exercise of cases involving a bereaved family to assure itself that it is providing the required service under the bereaved family scheme. This sampling has indicated that in some instances, the Area is not meeting its obligation to send letters at the initial decision point. It has rectified this by ensuring lawyers who have never dealt with relevant cases are given adequate training and made aware of the bereaved family log, which is being adequately maintained. The Area process should be commended, as this work has shown how it has been able to improve performance and meet the obligations set out in the bereaved family scheme. Family meetings are held at various stages as required and the Area tailors this service to take account of the families' wishes.

### Strength

The Area's regular dip sampling and monitoring of its duties under the bereaved family scheme.

**5.8** The Area's decision-making has been found to be sound when a complainant has sought to have the decision to terminate a case overturned under the Victims' Right to Review scheme, as the number of cases has reduced from 16.0% to 4.5% in the 12 months to September 2017, this is better than the national average of 6.8%.

**5.9** Complaints are dealt with appropriately and in the 12 months to September 2017, 94.5% were responded to fully within the required timescale, compared with 75.6% nationally. The DCCP has addressed the tone of the standard complaint response. The number of complaints upheld fully or partially at stage 1<sup>7</sup> has reduced from 22.2% in 2015-16 to 15.4% to September 2017, this is much better than the national average of 39.0%.

<sup>7</sup> The CPS complaints process has three stages; stage 1 is its initial response to a complaint, dealt with by the office where the problem happened.  
[www.cps.gov.uk/feedback-and-complaints](http://www.cps.gov.uk/feedback-and-complaints)

**5.10** Inspectors found that the processes and systems for the national Speaking to Witnesses at Court<sup>8</sup> scheme are well embedded. Our file examination identified endorsements of good quality on both magistrates' court and Crown Court hearing record sheets. Victims and witnesses are being provided with effective support by advocates at court. The Area provided full and effective training to all relevant staff, with good follow-up training and support given to new paralegal staff at court, engaged with local counsel to ensure they were aware of their obligations and has carried out compliance checks.

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

**5.11** In our file sample of Area charged cases, reference was made to all relevant applications and ancillary matters fully in 11 out of 40 relevant cases (27.5%), partially in 21 (52.5%) and not in eight (20.0%). This was not as favourable as the CPSD decisions, where they were fully considered in 24 out of 39 (61.5%).

**5.12** Inspectors found little evidence that the charging or reviewing lawyers identified which witnesses were required at trial though this was, on the whole, dealt with at the PTPH by the advocates. The file sample showed that the Area is proactive in facilitating the attendance of witnesses and victims, with prosecutors fully or partly taking steps to secure engagement in the court process in 94.0% of cases. Witness attendance rates have declined from 90.4% in 2014-15 to 85.6% in the 12 months to September 2017, just behind the national average of 86.3%.

**5.13** The proportion of unsuccessful outcomes due to victim reasons has improved to 25.8% to September 2017 and is better than the national average of 28.7%.

**5.14** There was a lack of a Victim Personal Statement (VPS) in 14.3% of the relevant police files sampled. There was a mixed response from stakeholders regarding the timeliness of the VPS receipt, indicating a difference between the magistrates' courts and the Crown Court.

8 *Speaking to Witnesses at Court*; CPS; March 2016.  
[www.cps.gov.uk/legal-guidance/speaking-witnesses-court](http://www.cps.gov.uk/legal-guidance/speaking-witnesses-court)

**5.15** Our file examination and stakeholder feedback confirmed that there were few issues around the quality or timeliness of special measures applications. Appropriate special measures were applied for in 33 out of 35 applicable cases (94.3%) and were timely in 27 of those 33 (81.8%). The Area is able to make oral applications at the first hearing, but in those cases where this does not happen HMCTS require, in line with the Criminal Procedure Rules (CPR), the CPS to make written applications. Some prosecutors indicated that they found this approach unhelpful; inspectors noted that this is in line with the CPR and the Area may need to communicate the agreement’s rationale more clearly to staff.

**5.16** The views and interests of the victim, witnesses and public are reflected and protected by the appropriate use of remand or bail conditions and ancillary orders at sentencing.

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

*Summary: The Area has had limited engagement with community groups, but throughout, it has maintained a focus on hate crime and violence against women and girls (VAWG). It has utilised its strong working relationships to improve service delivery to victims and witnesses.*

**5.17** As noted earlier, the Area undertakes extensive engagement with stakeholders. This is conducted at the most senior level, with the CCP chairing the victims and witnesses sub-group for Merseyside and the domestic abuse sub-group for Cheshire. The DCCP attends the victims and witnesses sub-group in Cheshire.

**5.18** The Area maintains a community engagement log and has had effective engagement with universities and schools through presentations and talks to students, other stakeholders such as coroners and prison officers, and with community groups, although this has been somewhat limited as there had not been a dedicated community engagement member of staff for a number of years. An Inclusion and Community Engagement Manager was appointed in November 2017.

**5.19** The recently appointed ICEM has already taken steps to engage with community groups and stakeholders to obtain views on the draft community engagement strategy and has innovative ideas to make the Area more inclusive and documents accessible, for example, approval has been given for an “easy read” version of the strategy. This will secure the confidence of the public.

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### Good practice

Easy read versions of community related documents.

**5.20** The Area has not had a structured scrutiny process in place through a Local Scrutiny Involvement Panel (LSIP) for hate crime or VAWG since late 2016. It had decided to refresh the panels but was awaiting the appointment of the ICEM, which took longer than anticipated. The ICEM has refreshed the VAWG LSIP with the first meeting scheduled shortly. The hate crime LSIP has not yet been finalised, due to the number of potential panel members.

### Issue to address

The Area needs to ensure that the community engagement strategy is finalised and Local Scrutiny Involvements Panels reinstated.

**5.21** Despite the lack of a formal scrutiny panel, the hate crime lead has been proactive in engaging with community groups and stakeholders, including chairing the Merseyside hate crime sub-group. This engagement has provided an alternative informal forum for scrutiny, as in some instances cases have been looked at and feedback provided. The Area has benefitted from this, as they are one of the best performers in the CPS for hate crime conviction rates.

**5.22** Disability hate crime convictions have increased from 86.7% in 2014-15 to 91.4% in the 12 months to September 2017, with the conviction rate being significantly better than the national average of 79.3%. The same applies to the homophobic and transphobic conviction rates of 87.0% to September 2017, significantly better than the national average of 82.8%. Racially and religiously aggravated hate crime conviction rates are also above the national average of 84.8%, at 87.0% for the same period.

**5.23** Stakeholders informed inspectors that they have a good open working relationship with the Area and that they are responsive to feedback. Examples of this include working with the Witness Care Unit to agree a way of working for tasks for both sets of staff to ensure communications regarding witnesses are dealt with expeditiously and meaningfully. They have worked closely with HMCTS and the police to reduce the trial backlog at Chester Crown Court, as the delays were impacting upon victims and witnesses.



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**5.24** Mersey-Cheshire works effectively with the Witness Service at Liverpool Crown Court to ensure that vulnerable victims who are giving evidence late in the day are effectively supported and escorted from the court building. The Area quickly identified that there was an issue, as it was decided that rather than extend evidence into the next day the court would sit much later. Within three weeks of the issue being identified the CPS had worked up a solution with the Witness Service and had implemented effective support arrangements.

#### **Good practice**

Service Level Agreement agreed with the Witness Service to ensure effective support for witnesses and victims at court throughout the duration of the court hearing.



## 6 Part E: Efficiency and value for money

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### **Performance expectation**

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

**This aspect was not scored.**

**6.1** There are firm budgetary controls with clear financial delegations in place and the Area Finance Manager undertakes appropriate financial monitoring to ensure adherence to these and accurate forecasting. The Area offers good value for money as it had the lowest spend per completed case in the CPS at £492 in 2016-17, compared to a national average of £657. There is a history of underspending its budget and, although through reasons beyond its control an overspend was initially predicted, it is now anticipated to also have an underspend for the 2017-18 financial year.

**6.2** Although caseload has fallen, despite being accepted as a crude indicator, the number of contested case per prosecutor is slighter higher than the national average in the Crown Court, at 7.8 compared with 7.6, and significantly higher in the magistrates' court at 32.3 against 24.8.

**6.3** Magistrates' court caseload has dropped at a lesser rate than nationally, by 7.4% from 2014-15 to the 12 months to September 2017, compared with 15.3%. However, Mersey-Cheshire has seen a much larger increase in the level of contested cases, at 43.1% compared to a decrease of 3.1% nationally over the same period. Magistrates' court contested cases as a proportion of overall caseload is 11.8%, compared with 11.1% nationally.

**6.4** In the Crown Court, caseload has reduced by 12.7% compared to 17.2% nationally from 2014-15 to September 2017. However, the level of contested cases has increased by 23.9%, compared with a decrease nationally of 3.9%. Crown Court contested cases as a proportion of caseload is 16.9%, compared with the national figure of 19.9%.

**6.5** Staff resources are utilised well in the magistrates' court, covering 89.8% of sessions in-house in the 12 months to September 2017 and in the Crown Court through effective use of its Crown Advocates. There are lower than average absences through sickness, with effective processes in place to manage sickness. The ABM holds regular case management

meetings to support managers in handling sickness. There is an awareness of the Resource Efficiency Model (REM) and the importance of accurate recording, but the Area has decided not to resource some parts of the business in line with the REM allocation.

**6.6** The Area has worked effectively with HMCTS to revise listing arrangements for magistrates' court sittings in Cheshire. The revised approach will allow the Area to utilise prosecutor resources more efficiently. It has also worked effectively with the judiciary and HMCTS to reduce backlogs and delays in trials at Chester Crown Court. This has led to reduced delays for serious and sensitive cases and improved the service provided to victims and witnesses.

**6.7** All staff (excluding paralegal officers) have recently been trained on identifying and raising awareness of the Very High Cost Case scheme. The Area has also introduced a two week plus trial list, which allows it to have a better understanding of long running cases that may impact prosecution spend.

**6.8** Outcomes are generally good. There are strong conviction rates in the magistrates' courts, where there has been consistent improvement since 2014-15 and performance is significantly better than national average (+3.1%). The Crown Court has seen a slight decline since 2014-15, but performance remains better than the national average (+1.5%). The aspect that is a cause for concern is the decline in the conviction rate for cases involving allegations of rape. Mersey-Cheshire has seen a decline of 12.5% between 2014-15 and the 12 months to September 2017, from 67.1% to 54.6%. There has also been a decline in convictions for cases involving sexual offences, from 85.0% to 78.5% and performance is now worse than nationally.

**6.9** Casework quality requires improvement in some aspects. There is a high ineffective trial rate in both the magistrates and Crown Court, as there is a lack of progression when cases are prepared for trial. The Area has taken back charging functions but inspectors found the quality of advices to be poor in a number of cases. It is important for the Area to ensure advices are of the required standard and that there is a proper analysis of the evidence, with a case strategy outlined to ensure cases are progressed effectively. There needs to be better SOP compliance, as reviews in the Crown Court unit are taking place later than required.

# Annexes

## A Glossary

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### **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 Assurance Programme (AAP)**

Rolling programme of inspections by HMCSI of CPS Areas.

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

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

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

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

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

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

### **Barrister/counsel**

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

### **Basis of plea**

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

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

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

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

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

### **Casework Quality Standards**

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

### **Charging decision**

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

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

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

### **Code for Crown Prosecutors (the Code)**

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

### **Contested case**

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

### **Court orders/directions**

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

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

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

### **Cracked trial**

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

### **Criminal Procedure Rules (CPR)**

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

### **Crown Advocate (CA)**

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

### **Custody time limit (CTL)**

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

### **Director of Public Prosecutions (DPP)**

Senior Civil Servant who is the head of the CPS.

### **Disclosure**

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

### **Domestic abuse**

The cross-government definition of domestic violence and abuse is *“any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to: psychological; physical; sexual; financial; and emotional”*.

### **Effective trial**

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

### **Guilty anticipated plea (GAP)**

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

**Hate crime**

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

**Hearing record sheet (HRS)**

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

**High weighted measures**

Performance measures given high priority by CPS Headquarters.

**Individual Learning Account (ILA)**

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

**Individual Quality Assessment (IQA)**

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

**Ineffective trial**

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

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

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

**Judge directed acquittal (JDA)**

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

**Judge ordered acquittal (JOA)**

Where the Judge dismisses a case as a result of the prosecution offering no evidence before a jury is empanelled. See also *offer no evidence*.

**Knowledge Information Management (KIM)**

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



### **Local Criminal Justice Board (LCJB)**

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

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

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

*MG3*: used to record the charging decision.

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

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

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

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

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

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

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

### **Offer no evidence**

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

### **Paralegal Officer/Assistant**

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

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

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

### **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.

### **Postal requisitions**

A criminal charge which requires a suspect to attend a magistrates' court on a particular date to answer the charge. Unlike proceedings commenced by summons, it is the prosecutor rather than the court who is responsible for notifying the accused of the requirement to attend court. It allows a relevant prosecutor to commence proceedings without reference to the court.

### **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 Efficiency Model (REM)**

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

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

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

### **Section 28 Youth Justice and Criminal Evidence Act 1999**

Permits the victim's cross-examination to be pre-recorded in advance and then played to the court at the trial. See also *special measures applications*.

### **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. See also *Section 28 Youth Justice and Criminal Evidence Act 1999*.

### **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*.

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

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

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

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

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

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

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

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

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

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

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

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

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

### **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.

### **Witness Service**

Citizens Advice Witness Service provides trained volunteers who give independent support for all witnesses attending court. It helps victims, witnesses, their families and friends when attending any criminal courts in England and Wales. This includes facilitating pre-trial visits and support on the day of the court hearing.



## B Area Assurance Programme inspection framework

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### Introduction

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

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

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

### Part A: The success of CPS people

#### Performance expectation

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

### Criteria

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

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

## Part B: Continuously improving

### **Performance expectation**

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

### **Criteria**

- 1 The Area's key performance data is analysed effectively and used to inform resource allocation, to robustly identify the Area's strengths and weaknesses and to drive improvement.**
  - 1.1 There is regular and robust analysis of performance by the Area Management Team, which is based on reliable and timely performance data and other relevant information.



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

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

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

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

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

**Part C: High quality casework**

**Performance expectation**

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

**Criteria**

*Magistrates' courts casework*

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

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

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

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

*Crown Court casework*

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

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

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- 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.

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- 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.
- 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.

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## Part E: Efficiency and value for money

### **Performance expectation**

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

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

## C File sample composition and examination findings

Question	Answer	All cases
<b>Pre-charge decision by the police</b>		
The police decision to charge was compliant with the Code for Crown Prosecutors	Yes	95.1%
	No	4.9%
The police decision to charge was compliant with the Director's Guidance	Yes	95.1%
	No	4.9%
The police MG3 correctly identified whether a guilty or not guilty plea was anticipated	Yes	82.9%
	No	17.1%
<b>Pre-charge decision by the CPS</b>		
The CPS decision to charge was compliant with the Code for Crown Prosecutors	Yes	93.7%
	No	6.3%
The MG3 included proper case analysis and case strategy	Fully met	25.3%
	Partially met	51.9%
	Not met	22.8%
The MG3 made reference to all relevant applications and ancillary matters	Fully met	44.3%
	Partially met	41.8%
	Not met	13.9%
There were appropriate instructions and guidance to the court prosecutor contained in either the MG3 or the PET or PTPH created with the MG3	Fully met	41.8%
	Partially met	44.3%
	Not met	13.9%
The CPS MG3 correctly identified whether a guilty or not guilty plea was anticipated	Yes	79.7%
	No	20.3%
The action plan met a satisfactory standard	Fully met	32.9%
	Partially met	36.8%
	Not met	30.3%

Question	Answer	All cases
Rate the overall quality of the MG3	Excellent	2.5%
	Good	26.6%
	Fair	45.6%
	Poor	25.3%
<b>Code compliance after charge</b>		
The police file submission complied with the National File Standard for the type of case	Fully met	59.6%
	Partially met	35.6%
	Not met	4.8%
The main failing in the police file was in relation to	VPS	14.3%
	MG5	11.9%
	MG11	19.0%
	Overbuild	16.7%
	Other	38.1%
Police file submission was timely	Yes	93.1%
	No	6.9%
All Code decisions after charge complied with the Code for Crown Prosecutors	Yes	95.7%
	No	4.3%
<b>Initial case review and preparation for the first hearing</b>		
The case received a proper and proportionate initial case review where appropriate	Yes	66.1%
	No	22.6%
	Not done	11.3%
The initial case review was carried out in a timely manner	Yes	79.2%
	No	20.8%

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	82.2%
	No	17.8%
The prosecutor identified and raised with the police any lack of compliance with TSJ/BCM	Yes	47.6%
	No	52.4%
The first hearing was effective, complied with TSJ/BCM expectations (where appropriate) and resolved all outstanding issues	Yes	74.1%
	No	25.9%
Any issues with the effectiveness of the TSJ/BCM hearing were primarily occasioned by whom	Police	16.7%
	CPS	43.3%
	Court	3.3%
	Defence	36.7%
<b>Case progression after the first hearing</b>		
The lawyer or team exercised sound judgement and grip on the case	Fully met	34.0%
	Partially met	54.0%
	Not met	12.0%
There was timely compliance with court directions or Judges' orders	Fully met	45.0%
	Partially met	45.0%
	Not met	10.0%
Any decision to discontinue was made and put into effect in a timely manner	Yes	70.8%
	No	29.2%
The decision to accept pleas or a basis of plea was sound	Yes	90.9%
	No	9.1%
Any basis of plea was in writing and signed by the prosecution and defence	Yes	0%
	No	50.0%
	Not known	50.0%
Hearing record sheets were completed accurately, contained sufficient instructions to progress the case and were uploaded to CMS in a timely manner	Fully met	77.5%
	Partially met	19.2%
	Not met	3.3%

Question	Answer	All cases
<b>Disclosure</b>		
The police complied with their disclosure obligations	Fully met	57.5%
	Partially met	35.8%
	Not met	6.7%
The main failing in the police disclosure was in relation to	Listing items wrongly	5.9%
	Poor description of items	17.6%
	Lack of schedule	37.3%
	Wrong schedules	2.0%
	Witness previous convictions	2.0%
	Other	35.3%
The prosecutor complied with the duty of initial disclosure, including the correct endorsement of the schedules (but not including timeliness of disclosure)	Fully met	65.1%
	Partially met	28.9%
	Not met	6.0%
The prosecutor complied with the duty of continuing disclosure (but not including timeliness of disclosure)	Fully met	61.5%
	Partially met	35.9%
	Not met	2.6%
The failure to comply with the duty of disclosure was a complete failure to disclose undermining or assisting material (late disclosure is not a complete failure)	Yes	0%
	No	100%
The prosecution complied with its duty of disclosure in a timely manner	Yes	59.3%
	No	40.7%
Sensitive unused material was dealt with appropriately	Fully met	76.9%
	Partially met	15.4%
	Not met	7.7%

Question	Answer	All cases
Third party material was dealt with appropriately	Fully met	62.5%
	Partially met	25.0%
	Not met	12.5%
The disclosure record sheet was properly completed with actions and decisions taken on disclosure	Fully met	36.1%
	Partially met	34.9%
	Not met	28.9%
Rate the overall quality of handling of unused material by the CPS	Excellent	1.2%
	Good	28.9%
	Fair	54.2%
	Poor	15.7%
<b>Victims and witnesses</b>		
Where appropriate the prosecutor took all necessary steps to secure victim engagement in the court process	Fully met	76.0%
	Partially met	18.0%
	Not met	6.0%
The prosecutor took account of the rights, interests and needs of victims and witnesses including consulting with them where appropriate	Fully met	75.4%
	Partially met	23.0%
	Not met	1.6%
The appropriate special measures were applied for	Yes	94.3%
	No	5.7%
The application was timely	Yes	81.8%
	No	18.2%
There was a timely Victim Communication and Liaison (VCL) when required	Yes	53.3%
	No	13.3%
	Not done	33.3%
The VCL was of a high standard	Fully met	30.0%
	Partially met	50.0%
	Not met	20.0%

Question	Answer	All cases
<b>Police service quality</b>		
Rate the overall quality of the service from the police	Excellent	0%
	Good	35.0%
	Fair	55.0%
	Poor	10.0%
<b>CPS service quality</b>		
Rate the overall value added by the CPS	Excellent	1.0%
	Good	32.0%
	Fair	51.5%
	Poor	15.5%

## D Area performance data

Casework outcomes	National				Mersey-Cheshire					
	2014-15	2015-16	2016-17	12 months to Sep 2017	Variance 2014-15 to Sep 2017	2014-15	2015-16	2016-17	12 months to Sep 2017	Variance 2014-15 to Sep 2017
<b>Magistrates' court</b>										
Successful outcomes	84.2%	83.8%	84.7%	84.9%	-	87.9%	88.0%	88.6%	88.0%	-
Discontinuance	10.5%	10.3%	9.6%	9.3%	-	8.2%	7.4%	6.6%	6.7%	-
<b>Crown Court</b>										
Successful outcomes	79.4%	79.2%	78.8%	79.4%	-	83.1%	83.2%	82.3%	80.9%	-
Judge ordered acquittals	12.5%	12.2%	11.6%	11.1%	-	10.9%	10.0%	9.8%	10.2%	-
<b>Charging volumes</b>										
Number of pre-charge decisions	307,037	276,696	265,275	270,072	-12.0%	15,946	15,746	15,158	13,987	-12.3%
<b>Outcomes where a pre-charge decision has been made</b>										
<i>Magistrates' court</i>										
Guilty pleas	71.2%	71.2%	72.5%	72.6%	-	75.1%	76.4%	77.8%	76.9%	-
Attrition	22.4%	21.8%	20.5%	20.1%	-	18.2%	16.5%	15.5%	16.1%	-
<i>Crown Court</i>										
Guilty pleas	71.9%	71.4%	70.2%	70.5%	-	78.1%	78.3%	77.4%	74.6%	-
Attrition	20.5%	20.6%	21.0%	20.5%	-	16.9%	16.6%	17.4%	18.9%	-

Staffing and caseload changes							
	2014-15	2015-16	2016-17	Variance 2015-16 to 2016-17	12 months to Sep 2017	Variance 2016-17 to Sep 2017	2 yr average variance 2015-16 to Sep 2017
<b>Areas and CPS Direct plus Proceeds of Crime</b>							
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%	2,121.1	0.4%	0.5%
Administrators in post	2,743.4	2,474.4	2,400.6	-3.0%	2,391.4	-0.4%	-3.4%
<b>Magistrates' court</b>							
Completed cases	557,887	534,121	495,235	-7.3%	472,320	-4.6%	-11.6%
Contested cases	54,167	59,964	55,323	-7.7%	52,514	-5.1%	-12.4%
Contested cases proportion of completed cases	9.7%	11.2%	11.2%	-0.1	11.1%	-0.1	-0.1
Contested cases with conviction	33,075	37,513	35,685	-4.9%	34,383	-3.6%	-8.3%
Proportion of contested cases resulting in conviction	61.1%	62.6%	64.5%	1.9	65.5%	1.0	2.9
Contested cases per prosecutor*	24.2	28.4	26.2	-2.2	24.8	-1.4	-3.6
<b>Crown Court</b>							
Completed cases	98,505	96,338	85,881	-10.9%	81,253	-5.4%	-15.7%
Contested cases	16,847	17,351	17,028	-1.9%	16,196	-4.9%	-6.7%
Contested cases proportion of completed cases	17.1%	18.0%	19.8%	1.8	19.9%	0.1	1.9
Contested cases with conviction	9,568	9,862	9,675	-1.9%	9,372	-3.1%	-5.0%
Proportion of contested cases resulting in conviction	56.8%	56.8%	56.8%	0.0	57.9%	1.1	1.1
Contested cases per prosecutor*	7.5	8.2	8.1	-0.1	7.6	-0.5	-0.6

\* 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 Sep 2017	Variance 2016-17 to Sep 2017	2 yr average variance 2015-16 to Sep 2017
<b>Mersey-Cheshire</b>							
Staff in post	207.5	190.1	194.5	2.3%	201.7	3.7%	6.1%
Prosecutors in post	94.1	87.7	88.7	1.2%	92.2	3.9%	5.1%
Administrators in post	113.4	102.4	105.8	3.3%	108.8	2.8%	6.2%
<b>Magistrates' court</b>							
Completed cases	27,377	24,967	25,884	3.7%	25,355	-2.0%	1.6%
Contested cases	2,082	2,370	2,812	18.6%	2,980	6.0%	25.7%
Contested cases proportion of completed cases	7.6%	9.5%	10.9%	1.4	11.8%	0.9	2.3
Contested cases with conviction	1,383	1,493	1,862	24.7%	1,955	5.0%	30.9%
Proportion of contested cases resulting in conviction	66.4%	63.0%	66.2%	3.2	65.6%	-0.6	2.6
Contested cases per prosecutor*	22.1	27.0	31.7	4.7	32.3	0.6	5.3
<b>Crown Court</b>							
Completed cases	4,875	4,851	4,381	-9.7%	4,256	-2.9%	-12.3%
Contested cases	581	621	626	0.8%	720	15.0%	15.9%
Contested cases proportion of completed cases	11.9%	12.8%	14.3%	1.5	16.9%	2.6	4.1
Contested cases with conviction	320	326	308	-5.5%	372	20.8%	14.1%
Proportion of contested cases resulting in conviction	55.1%	52.5%	49.2%	-3.3	51.7%	2.5	-0.8
Contested cases per prosecutor*	6.2	7.1	7.1	0.0	7.8	0.7	0.7

\* Excludes CCP and senior staff

Contested cases figures include mixed plea cases

Efficiency, costs and quality	National						Mersey-Cheshire												
	2014-15			2015-16			2016-17			12 months to Sep 2017			Improvement/deterioration 2016-17 to Sep 2017			Comparison to national average 12 months to Sep 2017			
<b>Efficiency</b>																			
Completed cases per administrator (FTE)	239.3	254.8	242.1	231.5	Det	284.5	291.2	286.0	272.2	Det	286.0	291.2	286.0	272.2	Det	Better than			
Completed cases per prosecutor (FTE)	293.0	298.7	275.0	261.0	Det	342.7	340.0	341.2	321.2	Det	341.2	340.0	341.2	321.2	Det	Better than			
In-house magistrates' court sessions	72.4%	70.5%	69.4%	71.4%	Imp	95.5%	89.3%	85.0%	89.8%	Imp	95.5%	89.3%	85.0%	89.8%	Imp	Better than			
Associate Prosecutor magistrates' court sessions	27.0%	25.1%	24.5%	24.1%	Det	31.5%	32.0%	33.9%	33.9%	No change	31.5%	32.0%	33.9%	33.9%	No change	Better than			
Cases dropped at 3rd or subsequent hearings (magistrates' court)	34.1%	30.5%	29.6%	29.1%	Imp	40.6%	34.6%	33.3%	32.8%	Imp	40.6%	34.6%	33.3%	32.8%	Imp	Worse than			
Average sessions per Associate Prosecutor per week	5.59	6.50	6.72	6.56	Det	6.07	8.25	9.03	9.29	Imp	6.07	8.25	9.03	9.29	Imp	Better than			
Hearings per magistrates' court case (guilty plea)	1.87	1.80	1.69	1.67	Imp	1.83	1.79	1.65	1.63	Imp	1.83	1.79	1.65	1.63	Imp	Better than			
Hearings per Crown Court case (guilty plea)	3.84	3.97	3.65	3.51	Imp	3.46	3.54	3.23	3.23	No change	3.46	3.54	3.23	3.23	No change	Better than			
Percentage of magistrates' court guilty pleas at first hearing	70.8%	70.7%	70.0%	77.0%	Imp	68.5%	70.8%	70.3%	77.2%	Imp	68.5%	70.8%	70.3%	77.2%	Imp	Better than			
Percentage of Crown Court guilty pleas at first hearing	33.1%	31.8%	39.9%	41.4%	Imp	39.9%	42.1%	52.5%	50.2%	Det	39.9%	42.1%	52.5%	50.2%	Det	Better than			
CPS savings per Crown Advocate	£65,389	£65,550	£63,193	*	*	£79,055	£77,334	£72,464	*	*	£79,055	£77,334	£72,464	*	*	*			

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



Efficiency, costs and quality	National					Mersey-Cheshire					
	2014-15	2015-16	2016-17	12 months to Sep 2017	Improvement/deterioration 2016-17 to Sep 2017	2014-15	2015-16	2016-17	12 months to Sep 2017	Improvement/deterioration 2016-17 to Sep 2017	Comparison to national average 12 months to Sep 2017
<b>Cost</b>											
Prosecution cost per defendant (Crown Court)	£1,080	£1,124	£1,223	*	*	£894	£945	£946	*	*	*
Overall spend per completed case	£588	£602	£657	£684	Det	£462	£488	£492	£515	Det	Better than
Overall spend per total staff (FTE)	£77,404	£82,767	£84,641	£83,984	Imp	£71,882	£76,592	£76,489	£75,666	Imp	Better than
<b>Outcomes</b>											
Magistrates' court successful outcomes	84.2%	83.8%	84.7%	84.9%	Imp	87.9%	88.0%	88.6%	88.0%	Det	Better than
Crown Court successful outcomes	79.4%	79.2%	78.8%	79.4%	Imp	83.1%	83.2%	82.3%	80.9%	Det	Better than
Magistrates' court discontinuances	10.5%	10.3%	9.6%	9.3%	Imp	8.2%	7.4%	6.6%	6.7%	Det	Better than
Crown Court Judge ordered acquittals	12.5%	12.2%	11.6%	11.1%	Imp	10.9%	10.2%	9.8%	10.2%	Det	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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