

Assuring Justice

HM Chief Inspector of the Crown Prosecution Service Annual Report 2008-2009

HM Crown Prosecution Service Inspectorate Annual Report for the period April 2008 to March 2009

From HM Chief Inspector of the Crown Prosecution Service to the Attorney General

Presented to Parliament in pursuance of Section 2(2) of the
Crown Prosecution Service Inspectorate Act 2000 (Chapter 10)

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Assuring Justice

Vision, Mission and Values

Vision

The inspectorate strives to achieve excellence in all aspects of its activities and, in particular, to provide customers and stakeholders with consistent and professional inspection and evaluation processes together with advice and guidance, all measured against recognised quality standards and defined performance levels.

Mission

The inspectorate exists to enhance the quality of justice through independent inspection and assessment which improves the effectiveness of prosecution services, providing assurance to Ministers, Government and the public. In order to achieve this we want to be an organisation which

- performs to the highest possible standards
- inspires pride
- commands respect
- works in partnership with other criminal justice inspectorates and agencies but without compromising its robust independence
- values all its staff and
- seeks continuous improvement.

Values

We endeavour to be true to our values, as defined below, in all that we do

CONSISTENCY: Adopting the same principles and core procedures for each inspection, and applying the same standards and criteria to the evidence we collect.

THOROUGHNESS: Ensuring that our decisions and findings are based on information that has been thoroughly researched and verified, with an appropriate audit trail.

INTEGRITY: Demonstrating integrity in all that we do through the application of our other values.

PROFESSIONALISM: Demonstrating the highest standards of professional competence, courtesy and consideration in all our behaviours.

OBJECTIVITY: Approaching every inspection with an open mind. We will not allow personal opinions to influence our findings. We will report things as we find them.

Taken together, these mean: we demonstrate integrity, objectivity and professionalism at all times and in all aspects of our work and that our findings are based on information that has been thoroughly researched, verified and evaluated according to consistent standards and criteria.



Assuring Justice

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Note: In this report the Crown Prosecution Service is sometimes referred to as either the Service or the CPS

Assuring Justice

Letter from HM Chief Inspector to the Attorney General

The Rt. Hon. Baroness Scotland QC

It is my privilege to present the report of Her Majesty's Crown Prosecution Service Inspectorate for the year 2008-2009.

It reviews our inspection activity, the performance of the Crown Prosecution Service and that of other prosecuting authorities inspected this year.

The inspectorate looks forward to the tenth anniversary next year of its establishment as an independent statutory body. It will be marked by the third round of overall performance assessments of the Crown Prosecution Service's areas. This will have a transitional element as our inspection arrangements adapt to the CPS's new group structure which should by then be more fully developed.

In order to achieve that position, the past year has for us been one of further development and diversification informed by Government policy on public services inspection which continues, very rightly, to place emphasis on risk based inspection focusing on outcomes and in particular the experiences of those using services. It is not always easy within those parameters to strike exactly the right balance between focus on outcomes and user experience (which is what really matters) and the leadership, management, systems and processes which generate the good outcomes and experiences. Recent high profile problems in the justice and some other sectors have demonstrated quite vividly how difficult it can be to identify and counter high risk situations without at least some reliance on forms of more regular and routine scrutiny linked where appropriate to in depth inspection.

The catalyst for our new approach to inspection was the evaluation we undertook of the 2007 series of overall performance assessments and my letter to you last year canvassed the key steps which we intended to take. First, we carried out a full review of our inspection strategy taking account of the main conclusions from our evaluation. We had found that the relatively narrow evidential base of overall performance assessments did not sufficiently probe some aspects of performance – in particular the casework. This in turn made some aspects of the process over dependent on quantitative measures as opposed to qualitative assessments. In addition we concluded that overall performance assessments every other year did not allow the Service's areas sufficient time between cycles to respond to reports and demonstrate improvement; nor did it give us sufficient opportunity to focus on other important responsibilities. We therefore decided that in future overall performance assessments should be on a three year cycle with the next in 2010-2011. I say more about its format later in this letter.

A second important commitment arising from the 2007 overall performance assessments (and reflected in our business plan for 2008-2009) related to the development of a set of generic expectations or standards as the benchmark for inspecting all aspects of the work of prosecuting authorities. This exercise was necessary in the case of the CPS because we had identified a vacuum in that the absence of consistent standards across its 42 areas (and frequently within areas) had created substantially wider variations in performance than would be expected of a national service.



I am pleased to report that those standards are now in place. They have been designed so as not to be prescriptive: they set out the standard required while being flexible as to how that is achieved. They are couched in terms which make them capable of application to any prosecuting authority and we applied them to the CPS and other organisations we inspected this year.

The range of our work has again been substantial. We carried out follow up inspections of the Army Prosecuting Authority and the Public Prosecution Service (Northern Ireland). Our focus as far as the Crown Prosecution Service is concerned has been on its specialist business units starting with a review of the fledgling Fraud Prosecution Service located in CPS London. The programme involved reviews of the Special Crime Division, the Counter Terrorism Division and the Organised Crime Division (this ongoing at the end of the reporting period) all located at the Service's headquarters. Our linked review of the Revenue and Customs Prosecutions Office was also ongoing at the end of the reporting period. It presently shares responsibility with the CPS for cases emanating from the Serious and Organised Crime Agency.

Two of those reviews merit special mention. First that of the Fraud Prosecution Service, established in September 2006, showed that the increased priority given to fraud had enabled it to establish itself as a centre of excellence for fraud nationally within the CPS. Although the review identified some aspects of performance where improvement was required, the direction of travel was positive in

relation to casework which was characterized by strong legal decision making and proactive case preparation. Very good supervision by senior managers was a key factor. The review team praised these achievements. They also flagged up a need for further work to identify the strategic fit of this unit not only within the CPS but also its role in relation to fraud more generally having regard to others with similar responsibilities, notably the Serious Fraud Office, the Revenue and Customs Prosecutions Office and the Service's Organised Crime Division. We have liaised in this respect with the National Fraud Authority who is taking the issue forward.

Second our report on the Counter Terrorism Division was probably the most positive we have written. The quality of decision making is very good and cases are prepared for court with due care, managed to a high standard, and presented well in court by experienced advocates. The division has established a superb reputation with its external criminal justice partners, including those representing foreign jurisdictions. Key factors included a strong culture of case ownership which was encouraged and supported by senior managers.

Without exception the work found in the Service's specialist divisions and the Revenue and Customs Prosecutions Office had been done to a higher standard than the bulk of the work carried out in CPS areas. These reports are valuable for showing what good really looks like and that it is achievable. I recognize that the handling of cases must be proportionate to their gravity and it may not be realistic for volume crime cases to attract a comparable level of care and attention.

Nonetheless, it is important that all cases are handled proactively in a way which recognizes and meets their individual needs. Prosecutors should never underestimate the impact that cases which may seem routine to them may have on the lives of others – whether victim, witness or defendant. And in this regard, as in others indicated later, I warmly welcomed the emphasis on casework quality by Keir Starmer QC when he assumed his position as Director of Public Prosecutions in November 2008. This should strengthen the CPS position in the context of increasing Crown Court advocacy.

Notwithstanding the significant strengthening of most aspects of the Service's performance over recent years, there remain some weaknesses which it is important to address. For example some of the issues around the preparation and handling of more routine casework, flagged up in earlier reports, persist. One relates to magistrates' courts casework where the establishment of the optimum business model should ensure that those cases which cannot be owned by an individual prosecutor receive the systematic attention each one requires. Our experience in the past year is that the new arrangements have had a beneficial effect to a substantial degree provided they are adequately resourced. But we observed that the increased range of work undertaken has inevitably stretched resources.

Our concern is that managers when faced with the competing demands of the new charging arrangements and court coverage sometimes find it necessary to abstract staff from the units carrying out preparatory work under

the optimum business model system. This results in its benefits being greatly reduced because the ability to keep on top of the casework depends on consistent and adequate resourcing. Our thematic review of advocacy and case presentation clearly identified this as a risk. In addition our observations identified a need for a strengthening of the skills of those conducting contested prosecutions in the magistrates' courts. This contrasted with the overall quite favourable assessments in relation to the associate prosecutors and those crown prosecutors dealing with uncontested work.

The same review also identified a need for the Crown Prosecution Service to re-engineer the systems which support its Crown Court casework and the advocates (whether in house or external) who are handling it. The assumption of responsibility for a significant proportion of its Crown Court advocacy makes it inappropriate to rely any longer on the arrangements where an in house lawyer reviewed and oversaw preparation of cases, including instructions to counsel, who then took it forward. Cases now pass from a reviewing lawyer to an advocate who may be internal or external. There is lack of clarity in most areas as to respective roles with the result that important preparation may not occur until an advocate looks at the papers just before a hearing. In addition there needs to be a drive to improve the quality of instructions for advocates, the majority of which are poor, and to ensure that basic tasks such as the checking of indictments are dealt with thoroughly and by those with the requisite experience.

Our programme of work included thematic reviews which touched upon some very

important issues. These related to the handling by the Crown Prosecution Service of complaints; the new arrangements for charging; experiences of victims and witnesses across the criminal justice system; and quality of advocacy and case presentation within the Service as mentioned above.

One of the essential attributes of good organisations, whether in the public or private sector, is an effective system for handling complaints sensitively, fairly and as quickly as possible. It is even more important in an organisation such as the Crown Prosecution Service whose business is by its very nature contentious. Constructive and properly explained responses to complaints do more than resolve individual grievances; they underpin the ability of an organisation to develop and retain public confidence.

Our thematic review took an in depth look at the system of complaints handling across the CPS. While the number of complaints recorded by the Service is modest against its overall caseload there were significant aspects where neither theory nor practice met the Cabinet Office best practice guidance; these relate mainly to ease of access, simplicity, informative for managers and fair and full investigation. Indeed a defensiveness prevails which requires something of a cultural shift in the approach to complaints handling. I am confident that this will occur. The response on the part of the Director of Public Prosecutions and Chief Executive was to work with the inspectorate as the findings emerged so that a programme of work to address the issues raised was developed in time to be incorporated in the published report.

For my part I see this way of collaborative working as offering new opportunities to achieve what should be the objective of inspectorates and inspected organisations alike – to raise the standard of service for the public. Similarly I was impressed with the swiftness with which the Service sought to address issues arising from our thematic review of the handling of road traffic offences involving fatalities.

The review of the new charging arrangements (undertaken jointly with HM Inspectorate of Constabulary) confirmed the benefits of prosecutors having responsibility for the decision whether to charge in more serious cases, including softer benefits such as the stronger and more partnership working relationships between police and prosecutors at operational level. The timing of the review was opportune because it was able to address in an impartial and objective way a number of concerns which had emerged, in particular from the police service, about the way the scheme operated in practice.

Our conclusion was that the benefits of the scheme had been diluted because the processes had become too complex, impacting on the ability to deliver an effective service when needed. A more exible common sense approach to some issues would improve efficiency. Already alternative methods of providing prosecutor input to charging decisions, using better technology, are being planned. These include the Director's guidance on streamlined process and provide a solid foundation from which the necessary improvements identified by the review can be progressed.

It is appropriate at this juncture to offer comment on the development of work relating to the Director's guidance on streamlined process and the potential it offers. The scheme has the potential to simplify the prosecution of offences, certainly in uncontested cases, by enabling prosecutors to work from police summaries without needing to be provided with the underlying evidence. We found in examining the charging arrangements within the Revenue and Customs Prosecutions Office that this enabled prosecutors to discharge their responsibilities fully and make properly informed decisions because the quality of summaries produced by HM Revenue and Customs investigators was high. Sadly our experience is that the police service generally does not achieve that level of quality. The changes will therefore need to be progressed with caution and in the recognition that any attempt to rely on poor quality summaries may well have adverse consequences. It might increase the proportion of cases which are contested and deferring the collection of evidence might mean that it was no longer available when required.

The joint thematic review of victim and witness experiences which we led confirmed the substantial benefits which have flowed from initiatives by all criminal justice agencies in recent years – in particular the establishment of witness care units under the No Witness No Justice scheme. The benefits have been confirmed by higher rates of witness attendance and greater satisfaction with the criminal justice system on the part of victims and witnesses themselves. Nonetheless there is some way to go before all the policies intended to benefit

victims and witnesses are fully embedded across all criminal justice agencies and applied consistently. In that context there is a need to strengthen the strategic planning and coordination both at national and local level. So far as the former is concerned there is a need for better coordination and cohesiveness in the development of initiatives so that the work of individual agencies complement each other more effectively. The range of organisations and individuals involved in the care of victims and witnesses has now become so extensive as to be a source of potential confusion on the part of those involved. The same can be said for victims and witnesses who may find themselves dealing with a host of different individuals and organisations. There is a real need for local criminal justice boards in many areas to assume a more proactive role in coordinating the delivery of this work at area level.

The thematic review of advocacy and case presentation was undoubtedly one of the most important and also the most sensitive which we have undertaken. It was inevitable that the decision by the Crown Prosecution Service that it would progressively undertake more of its own advocacy in the Crown Court would test its relationship with the Bar. As one senior practitioner put it

“The CPS is the main client of the Bar; and also its main competitor.”

While the issues arising might in one sense be regarded as commercial, it seemed not only appropriate but necessary to carry out a thorough and impartial review in the light of the serious concerns being expressed, not least by the senior judiciary. My approach

was to develop a broad based inspection team whose remit was clear and well defined: to assess the quality of advocacy and case presentation without regard to its provenance but focusing on whether the service delivered the requisite quality for the proper and fair administration of justice. Our report confirmed that the Crown Prosecution Service has the capacity over a period of time to assume responsibility for the presentation of a substantial proportion of its Crown Court casework. It also contains some tough messages which I have referred to earlier in this letter about the steps necessary to strengthen the preparation and progression of its casework – a prerequisite of sound presentation in court. These findings make the commitment by the Director of Public Prosecutions to enhanced emphasis on the quality of advocacy and consistency of standards across the Service both timely and welcome.

I recognize that you had at the outset some reservations about the timing of this exercise which we were able to discuss. It was in my view particularly important to undertake the review in order to ascertain whether and to what extent the concerns which existed had a sound basis. I believe we have achieved that and in doing so pointed the way for further development of the Service's advocacy strategy. I take this opportunity of recording my appreciation of the confidence which you placed in this inspectorate.

In line with the Government's approach to public services inspection we collaborated with other inspectorates, some outside the criminal justice system, in examining on a broad basis a number of problems which

are affected by the way the criminal justice system operates. These have included a wide ranging review (led by Ofsted) of arrangements for safeguarding children – a very high priority throughout the public and voluntary sectors. We have also worked jointly with HM Inspectorate of Probation and other colleagues to review arrangements for dealing with persistent and prolific offenders, as well as a review of the treatment of mentally disordered offenders.

Although five of our thematic reviews have been joint projects with other inspectorates, the development of a holistic approach to inspection in the criminal justice system has been slower overall than we would have wished. There appears to be three main reasons

- the competing demands on the resources of individual inspectorates – each has to be responsive to the priorities of its own Minister and balance those commitments with its contribution to the joint inspection programme
- the difficulty of achieving end to end inspection of processes across the criminal justice system without encroaching on matters which are regarded as judicial functions
- the need still to develop a set of inspection tools which have sufficient commonality with the individual inspectorates to be of real value in the course of joint inspection.

The establishment of quarterly meetings between chief inspectors and Ministers, supported by members of an advisory board on criminal justice joint inspection, has had only limited impact. There remains a

need to re-establish clearer and stronger relationships between the Criminal Justice Chief Inspectors' Group and criminal justice Ministers within an infrastructure which enables us to build jointly on the skills and experience which the members of the advisory board can bring to bear.

The inspection strategy for 2008-2011 which we developed at the start of the reporting year has already had significant success in shifting the emphasis to qualitative assessment. The revised framework for area inspections has proved effective when adopted in relation to CPS Surrey and CPS Leicestershire and Rutland. These have been subject to full inspections which began late in the reporting period. Our decision to undertake full inspections reflected their poor assessments in the 2007 overall performance assessment programme. It is pleasing that both managed to shed their "poor" status by the time of the full inspections. The major credit must go to the CPS managers involved but I feel justified in using this as an example of our ability to drive up performance. Any future area based work in 2009-2010 will be undertaken in response to ongoing risk assessments and their scope tailored to reflect the particular concerns.

We discussed recently the importance of building on inspection to recognize excellence, improvement and other special achievements over and above its more established role of assuring quality and driving up standards. That was previously done following the 2007 overall performance assessment programme but it seemed equally appropriate in this context to consider those inspected between the cyclical assessments.

In conclusion you decided to make an Attorney General's award for excellence to the Counter Terrorism Division based at CPS headquarters; an award for improvement to CPS Leicestershire and Rutland; and an award to the Revenue and Customs Prosecutions Office for its achievement in restoring much greater confidence in the handling of prosecutions relating to its specialist field. I welcome these awards and the fact that you will make those presentations at the reception when this report is published.

One of the major tasks to be undertaken in 2009-2010 is an inspection of CPS London. Although London was included in the 2005 and 2007 overall performance assessments, it has not been subject to in depth scrutiny since 2002. Its work underpins criminal justice in our capital city and constitutes approximately 18% of the Service's caseload. Following discussions with the Chief Crown Prosecutor we propose to undertake a series of assessments across all London boroughs including the City of London and the City of Westminster. These will be based on the casework aspects of our area inspection framework and incorporating also consideration of the effectiveness and efficiency of the planning and management of operations and resources to the extent that they are delegated to borough and city level. These assessments will have a significantly broader evidential base than overall performance assessments. Hitherto one of the challenges which inspections of London have faced is how to accurately reflect the substantial variations in performance which

are to be found. I believe that approaching the inspection on a borough and city basis will enable us to produce a report which shows more accurately where the strengths and weaknesses lie. The borough and city based assessments will be complemented by work at an area level to produce an overarching report for CPS London. In order to ensure that we have a sound basis for this work we undertook a pilot inspection in the London Borough of Croydon during February and March 2009.

The experience we gain through the use of our revised framework in the context of CPS London will be employed in developing a methodology for the overall performance assessment programme planned for 2010-2011. In order to ensure that effective comparisons can be made with the overall performance assessments carried out in 2005 and 2007, we shall maintain for the next series as much as possible of the framework. However, it will need to be adapted to reflect the changes in responsibilities between CPS areas and the new groups which have been superimposed on the area structure. Thus the overall performance assessments will remain the main vehicle for assessment but supplemented with the more in depth inspections where risk assessments indicate the need for intervention, which I have mentioned above.

This year you initiated the development of an overarching strategy to produce a more rational structure for discharging the responsibilities of the departments which collectively make up the Law Officers' Departments. This included the establishment of a Strategic Board comprising yourself

and the Solicitor General together with the Director General of your office and the heads of each department for which you are responsible. I sit as an observer rather than a full member reflecting the fact that, as HM Chief Inspector, I may be called on to assess the performance which members of the Strategic Board oversee. I believe this is the right relationship because it facilitates proper collaboration consistent with the inspectorate's independent role and duty from time to time to challenge.

On 3 April 2009 you announced the decision of the Strategic Board that the Revenue and Customs Prosecutions Office and the Crown Prosecution Service would be combined to provide enhanced prosecution services for the public. And that David Green QC, Director of the Revenue and Customs Prosecutions Office had agreed on a transitional basis to be the Director of a ring fenced prosecution service for HM Revenue and Customs within the combined public prosecution service. There is also the ongoing work to develop the future strategy for handling fraud work which I have mentioned earlier.

It is too soon to decide what changes in our inspection strategy will be necessary in response to this work. I can, however, assure you that we will respond positively and flexibly. We are already committed to a review of our approach to inspection overall. There have been two such previous reviews. I decided, with your support, on this occasion to proceed by way of peer review. Dr Michael Maguire, the Chief Inspector of Criminal Justice Inspection in Northern Ireland has agreed to undertake

such a review. He would expect to engage and consult widely with those we inspect and other stakeholders to inform priorities and the approach to inspection for 2010-2013. This will include consulting with representatives of your own office so that there can be the best possible strategic fit with the emerging strategy for the Law Officers' Departments.

Without pre-empting the outcome of that review I will expect the focus to remain on the quality of casework decision making and handling and proactivity by the prosecution at all stages of the case, while taking into account also efficiency within the criminal justice system. It is likely that the inspectorate will wish to move to shorter and more focused inspections, but nevertheless give the level of assurance required and identify where improvement is needed. The review will also be an opportunity to review our skills base. I am particularly anxious that we should strengthen our capacity to inspect value for money issues.

In all this we are determined that we should learn lessons from wider spheres such as banking and social care in order to identify major aspects in which the lack of incisive examination can enable risks to develop and be realized that can lead to substantial adverse impact on public confidence. That is something we would wish to avoid so far as those we inspect are concerned.

As to the internal operation of the inspectorate, I am pleased to report a year in which we achieved all but one of the objectives set out in our business plan. These are detailed more fully in the body of the report.

Perhaps the most significant change related to our governance arrangements where we were pleased to welcome Professor Stephen Shute as a member of the Inspectorate Management Board. He had previously been appointed by the criminal justice Ministers as a member of the advisory board on criminal justice joint inspection. Professor Shute is eminent in the field of criminal law and criminology and in our discussions has brought his wealth of knowledge and experience to bear as a critical friend.

We have been conscious that a higher profile for the inspectorate could enhance the impact of our work and influence across the criminal justice system. We are working to achieve this in a balanced and proportionate way. Examples include the establishment of links with academia to add an extra dimension to our reviews, presentations to university law schools as to our role and work, and the circulation of copies of our reports to the libraries of around 50 universities in England and Wales.

Thanks to the imaginative ideas of our publications team, all our reports now have a corporate and distinctive appearance which makes them easy to identify. The aim is to encourage more visual recognition of the inspectorate by those interested in criminal justice issues, including the media, and to increase the impact of our work.

My letter last year also mentioned the reinvigoration of our equality and diversity coordinating group. This year the group began a programme which involves taking a critical look at our reports to ascertain the appropriateness

and sufficiency of coverage of equality and diversity issues. Inspectors also take part in events such as the National Black Crown Prosecution Association conference to assist our objective of becoming an employer of choice, establishing a fully representative workforce.

Our aim is to ensure that equality and diversity principles permeate the way we conduct inspections as well as every aspect of employment and the relationships we have one with another. In working towards our aim we undertook an equal pay audit; a disability audit of our London premises; and introduced equality impact assessments of our employment policies to bring them into line with the requirements of new disability and equality legislation.

Although the smallest of the Law Officers' Departments we were pleased to provide assistance with the establishment of the National Fraud Authority which was set up during the year following the Government's Fraud Review. We have managed so far to provide accommodation and facilities management for the organisation by reorganising and compacting our own accommodation requirements. Moreover we have achieved that without passing on any of the accommodation costs and still managing within a reduced budget, thus continuing our track record of strong financial management. The growth in our expenditure in the last four years has been 3.2% (less than 1% per annum) and we achieved efficiency savings of £227,000, substantially exceeding the planned savings of £142,000. However we cannot sustain this low level of growth indefinitely without

compromising our operational capacity. We are at present managing a number of vacancies and that is likely to continue. The particular risk is that our natural wastage is likely to be amongst lawyers and this could produce an imbalance in the number of legal and business management inspectors.

I conclude with thanks to you and the Solicitor General for your continuing support. Throughout the year you have been generous with your time in visits to the inspectorate and speaking at our regular conferences. Such events provide great satisfaction and benefit to us.

In return I would reiterate our aspiration to deliver ever increasing levels of performance and the confidence that we have the skills, professionalism and commitment to do just that. I thank all the staff of the inspectorate for their support during the past year and their ongoing contributions. In particular I wish to thank Jerry Hyde one of my deputies for his dedication to the work of the inspectorate and to congratulate him on the award this year of his well deserved CBE.

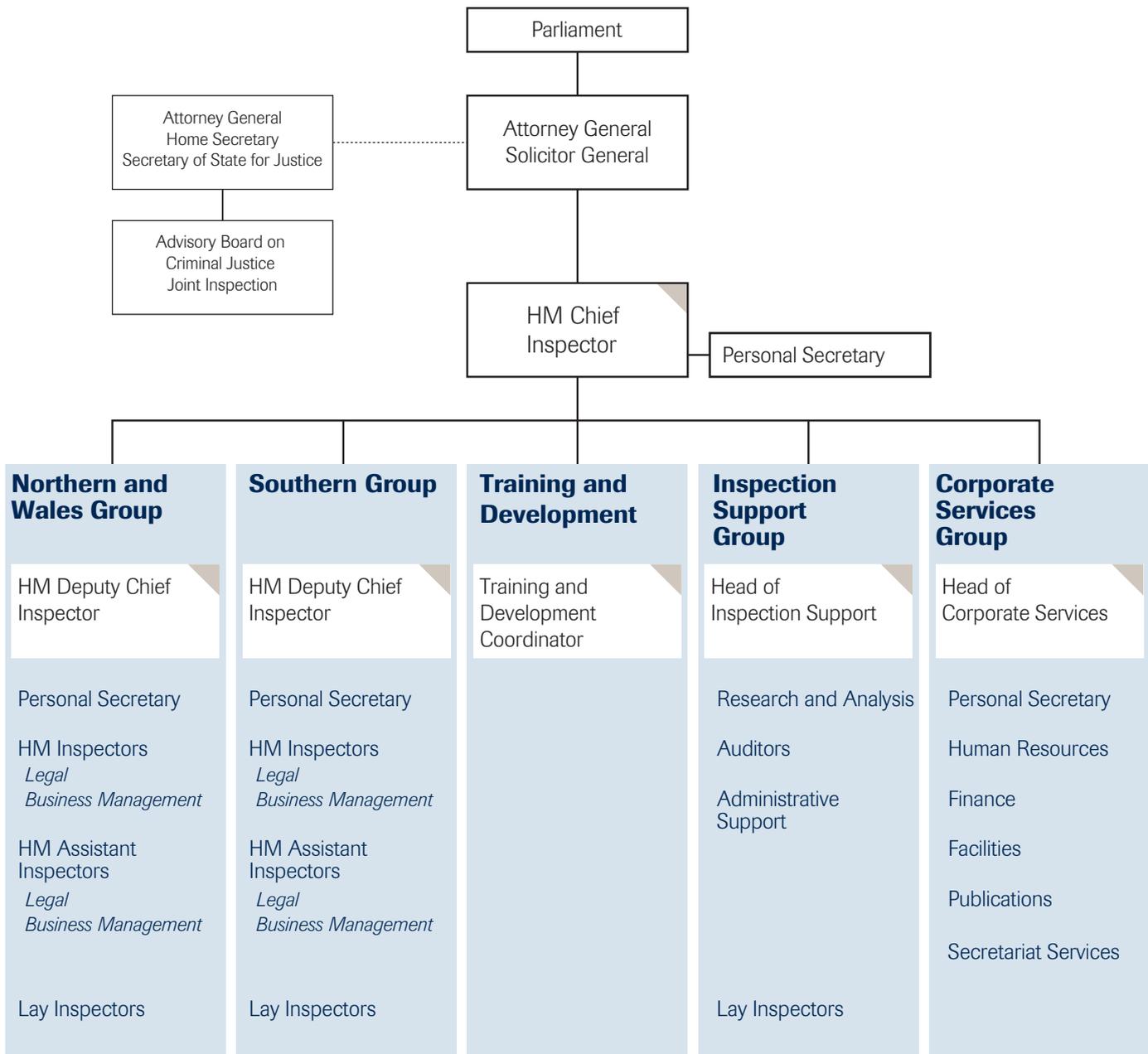


Stephen Wooler CB

HM Chief Inspector

Assuring Justice

Accountabilities



▲ = Member of the Inspectorate Management Board

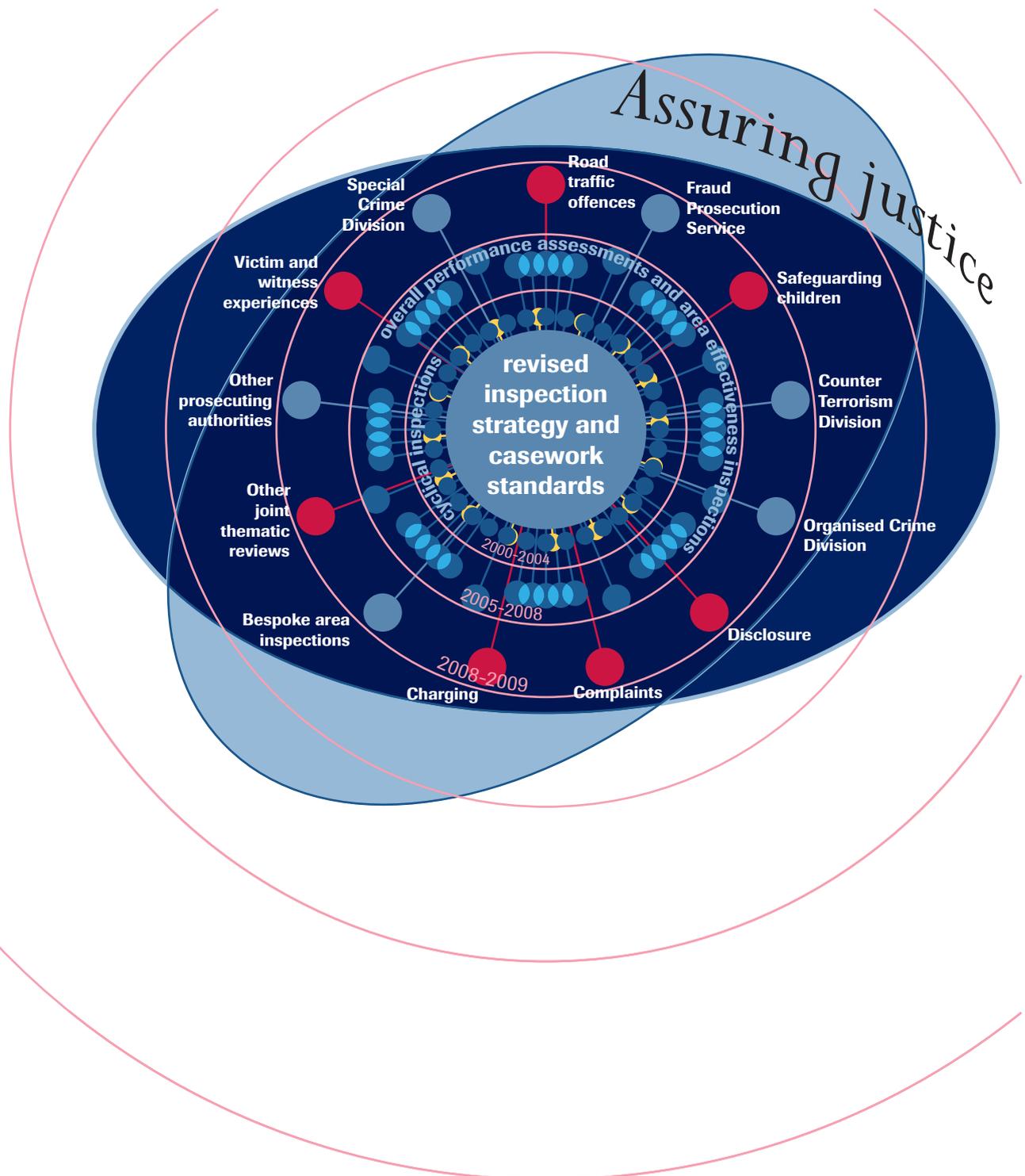
The Crown Prosecution Service areas and its group structure in England and Wales

The areas are coterminous with criminal justice system areas and police force boundaries.

- 1 Avon and Somerset
- 2 Bedfordshire
- 3 Cambridgeshire
- 4 Cheshire
- 5 Cleveland
- 6 Cumbria
- 7 Derbyshire
- 8 Devon and Cornwall
- 9 Dorset
- 10 Durham
- 11 Dyfed Powys
- 12 Essex
- 13 Gloucestershire
- 14 Greater Manchester
- 15 Gwent
- 16 Hampshire and Isle of Wight
- 17 Hertfordshire
- 18 Humberside
- 19 Kent
- 20 Lancashire
- 21 Leicestershire and Rutland
- 22 Lincolnshire
- 23 London
- 24 Merseyside
- 25 Norfolk
- 26 North Wales
- 27 North Yorkshire
- 28 Northamptonshire
- 29 Northumbria
- 30 Nottinghamshire
- 31 South Wales
- 32 South Yorkshire
- 33 Staffordshire
- 34 Suffolk
- 35 Surrey
- 36 Sussex
- 37 Thames Valley
- 38 Warwickshire
- 39 West Mercia
- 40 West Midlands
- 41 West Yorkshire
- 42 Wiltshire



Development of our inspection strategy



Assuring Justice

Some context

Our remit

Since our inception in 2000 our statutory remit to report on the Crown Prosecution Service has been extended to allow the Chief Inspector of Criminal Justice Inspection in Northern Ireland to delegate to us similar functions relating to prosecution in Northern Ireland. It has also been extended to include the Revenue and Customs Prosecutions Office.

Our purpose is to enhance the quality of justice through the independent inspection and assessment of prosecution services and in so doing improve their effectiveness, efficiency and value for money.

The Attorney General may also ask us to inspect other prosecution bodies for which she has responsibility, for example, the Serious Fraud Office; to inspect other bodies where they are agreeable to voluntary inspection, the Army Prosecuting Authority being a case in point; and to undertake reviews of specific high profile cases, for example, the Jubilee Line fraud case in 2005-2006. Following the conclusion of lengthy criminal justice proceedings, we led the joint review undertaken in 2007-2008 by four of the criminal justice inspectorates to ascertain the circumstances in which Anthony Peart came to be at liberty on 29 July 2005 when Richard Whelan was fatally stabbed by him on the top deck of a London bus; and we were also involved in the 2007-2008 joint review by four of the criminal justice inspectorates concerning failures at Leeds Magistrates' Court in procedures intended to enable a record of every court result to be entered on the court register and also of interagency warrant withdrawal processes.

The Attorney General's responsibilities to Parliament on prosecution matters include the Crown Prosecution Service, the Serious Fraud Office, the Revenue and Customs Prosecutions Office and during the reporting period the Director of Public Prosecutions, Northern Ireland. She also exercises a more general purview over other Whitehall prosecutors.

Inspection methodology – continuous development

The 2007 overall performance assessment programme was the second in the series, the first being carried out in 2005.

Overall performance assessments provide parliamentarians and the public with an easily digestible assessment of the performance of the Crown Prosecution Service at the local level. They also enable a comparison of performance between each of the local 42 areas and provide a baseline for ongoing risk assessment of the performance of each locality.

The 2007 assessments highlighted aspects of performance which showed real improvement for example leadership. Other aspects rated strongly included cases which were sensitive and those to do with hate crimes; Crown Court casework; management of change; and management of resources.

Less positive themes were that variations in performance across the Service continued to be significantly greater than would be expected from a national service; the strengthening of leadership had not been fully translated into improved casework performance; tensions between the greater deployment of prosecutors at court and

thorough case preparation; and that initial successes of national initiatives were not always sustained to become business as usual (often for funding reasons).

Review of our inspection strategy

Following completion of the 2007 programme, we undertook an evaluation of the overall performance assessment process. We found that they were useful and of value and there was a good level of support for continuing the process but that there were also some weaknesses

- the evidential base was relatively narrow and did not assess sufficiently some aspects of performance, particularly casework
- the process was over dependent on quantitative measures rather than qualitative ones
- overall performance assessments every other year were too frequent.

The evaluation formed part of an internal review of the effectiveness of different inspection methods and interventions to inform development of our inspection strategy for 2008-2011.

The review also considered changes in the criminal justice environment, both actual and expected, and the approach and changing expectations of public service inspection. In particular that inspection should focus more on cross cutting issues which affect user experience as opposed to the scrutiny of organisations.

As a result we developed a set of principles of inspection appropriate to all the criminal justice bodies we inspect. They are set out in

annex 1. These support the Government's 10 principles of public service inspection.

In essence the review concluded

- that revised overall performance assessments should become the main means of assessing the performance of the Crown Prosecution Service's areas and its newly established groups, to which we refer later, supplemented by short bespoke reviews of particular areas where our risk assessment procedures indicated more in depth intervention was needed based on the risk involved
- that there should be longer intervals between the overall performance assessment programmes and that the assessments should be spread over a longer timeframe thus freeing up time for other inspection activity
- the programme of both single agency and joint criminal justice thematic reviews should be maintained – they were thought to give the greatest value overall in terms of focusing on pertinent issues and the ability to influence policy and practice.

Our inspection programme for 2008-2011

As can be seen from the programme set out below our revised inspection strategy has changed the balance of our inspection programme in favour of a more qualitative one with a focus on casework

- bespoke inspections of CPS Surrey and CPS Leicestershire and Rutland (both rated as poor in the 2007 overall performance assessments)
- inspections of any other areas where intervention seems necessary based on

our risk assessment approach in which the Service's performance is reviewed regularly against the overall performance assessment baseline

- a pilot examination to provide a performance assessment of a London borough this year to test the proposed methodology before embarking on what will be a major and resource intensive examination of the work of CPS London on a borough by borough basis (including the City of London and the City of Westminster) in 2009-2010 which will also give an overall performance assessment of CPS London
- a significantly revised overall performance assessment programme in 2010-2011 for all other areas which assesses the key elements of service delivery at area level and various management functions at group level.

Casework expectation standards

Another important aspect highlighted from the 2007-2008 overall performance assessment evaluation was the need to address the absence of consistent standards across the Service. In order to do so we developed a set of principles and generic standards to govern all aspects of casework quality irrespective of which prosecution body we inspect (annex 2 sets out the governing principles). The aim was to focus on elements of prosecution casework rather than the means of delivery, as the process of delivery may be different according to circumstances. And, importantly, to improve further the accuracy, transparency and consistency of our inspection assessments, particularly in respect of

- the quality of casework as a whole including that general levels of decision making are appropriate
- cases being subject to proper continuing review and action taken to address issues which arise during their life to overcome foreseeable difficulties
- case preparation being sound and cases progressing to trial expeditiously
- cases being presented at court as effectively as possible.

The set of generic casework standards relate to the main activities of casework itself and those which relate to the basic prosecution processes. Whereas they set out the quality standards required they are flexible as to how that quality is achieved.

We have adopted this open and transparent approach to all our inspections whatever bodies we inspect.

HM Chief Inspector's ethos

The hallmark of good quality prosecution is that each case is dealt with individually according to its merits at each stage, with a degree of care which reflects the fact that it impacts on the lives of people and with the degree of proactivity and vigour that would be expected by the public.

The Attorney General's strategy

During the year the Attorney General established the Law Officers' Departments' Strategic Board to develop a strategy programme which included looking at current and future challenges for the prosecution services including the need to find efficiencies.

Law Officers' Departments' Strategic Board – membership

Attorney General – Chair
Solicitor General
Director of Public Prosecutions
Director of Revenue and Customs Prosecutions Office
Director of Serious Fraud Office
Treasury Solicitor
Chief Executive of the National Fraud Authority
Director General of the Attorney General's Office.
HM Chief Inspector of the Crown Prosecution Service sits as an observer rather than a full member because he may be called upon to assess performance for which members of the Strategic Board are responsible.

The Attorney General announced on 3 April 2009 that the Strategic Board had

- decided the Revenue and Customs Prosecutions Office would be combined with the Crown Prosecution Service to provide enhanced prosecution services for the public and that there would be a ring fenced prosecution service for HM Revenue and Customs on a transitional basis led by the current Director of the Revenue and Customs Prosecutions Office, David Green QC
- agreed in principle to develop and strengthen corporate shared services across the Law Officers' Departments
- made a commitment to continue working to determine the most effective arrangements for the handing of fraud work for the future.

Clearly these changes will have an impact on our approach to inspection. Whatever that impact is, it will be imperative that our

relationships with others remain appropriate so that the inspectorate's independence from those organisations it inspects is kept intact. At the time of the announcement we had already committed to a review of our approach to inspection by way of a peer review.

Dr Michael Maguire, the Chief Inspector of Criminal Justice Inspection in Northern Ireland is undertaking the review and his findings will inform the approach to inspection for 2010-2013. His terms of reference are at annex 3.

Inspectorate governance

In delivering our remit we think it important to continue to review our governance and structural arrangements to ensure that they support the changing nature of public service inspections and developments in the criminal justice arena.

The Attorney General's Advisory Board for the inspectorate which had been established shortly after we were placed on an independent statutory basis in 2000 was stood down in 2006. At that time it was agreed that we should look to incorporate a non executive role onto the management team but this was put on hold when in 2007 Ministers commissioned an independent advisory board on criminal justice joint inspection to attend the quarterly meetings between Ministers and criminal justice chief inspectors. The advisory board came into being early in 2008. The decision to postpone creation of a non executive role in the inspectorate reflected the need to ensure compatibility between that role and the advisory board given the degree of interdependence between our joint and single inspection programmes.



Nevertheless given our present and probably expanding remit we felt it important to strengthen our governance arrangements. The Attorney General agreed. The result was that from September 2008 Professor Stephen Shute, a member of the advisory board on criminal justice joint inspection, also assumed a non executive role on a newly constituted Inspectorate Management Board (previously the Inspectorate Management Team). HM Chief Inspector chairs the Inspectorate Management Board, other members are the two Deputy Chief Inspectors, Head of Corporate Services, Head of Inspection Support and the Training and Development Coordinator.

Professor Shute is professor of criminal law at the University of Birmingham and a substantial figure in the academic world as regards criminal law and justice issues. His membership of the Board has already been of real benefit.

The two Deputy Chief Inspectors were responsible for delivery of a particularly diverse inspection programme for the year.

It is proper at this juncture to record the delight of every one in the inspectorate to the award this year of the CBE to Jerry Hyde, Deputy Chief Inspector, in acknowledgement of his contribution to the work of the inspectorate and throughout his career to criminal justice generally.



The Head of Inspection Support was responsible for the delivery of the audit programme. The Training and Development Coordinator was responsible for the development and delivery of the inspectorate's training and development plan.

Last year we reported the strong performance of our Corporate Services Group and also of the Inspection Support Group, crucial to the delivery of our inspection programmes. But because of changing demands, this year we mounted a review of both groups to produce a better fit between the contemporary needs of our role in criminal justice inspection. The review reported in March 2009 and its proposals were accepted by the Inspectorate Management Board. Implementation has been started and will continue incrementally during 2009-2010. It is not expected that the peer review referred to above will materially affect this aspect of the proposals, however the commitment for more shared services across the Law Officers' Departments (notably in finance and human resources) may do so.

The updated joint protocol between the Crown Prosecution Service and inspectorate has proved to be a useful framework in achieving greater understanding on issues of principle and on more detailed working relationships between the two organisations. This is evidenced further by the Chief Inspector and his two deputies each establishing links with five different CPS strategic groups. The Chief Inspector is also a member of the CPS Audit Committee.

Equality and diversity

Our aim is to ensure that equality and diversity principles permeate the way we conduct inspections as well as every aspect of employment and the relationships we have one with another.

Last year we formulated our new single equality scheme which superseded our race equality scheme. Its purpose is to ensure we meet our duties under present disability and equality legislation.

In furtherance of our aim we undertook an equal pay audit; a disability audit of our London premises; and introduced equality impact assessments of our employment policies and brought them in line to meet the requirements of equality legislation, including revision and reissue of our staff handbook. We also introduced equality impact assessments as part of the preparatory work for all inspections and reviews and they feature in the development of our inspection methodology.

Equal pay audit

The purpose of the equal pay audit was to ensure that all in the inspectorate were treated fairly in terms of pay. Our people have been recruited from a variety of backgrounds and are based in either London or York. Some adjustments to the pay of individuals were made as a result of the audit findings.

Disability audit

The disability audit of our Grade II London premises was undertaken because it is not easily accessible by those with mobility difficulties. As a result of the audit we made

what changes were possible within the strictures of listed building consents and the infrastructure of the building. We purchased a ramp and wheelchair to enable easier movement around the building; and we put arrangements in place so that, if necessary, meetings involving those with mobility difficulties can be held elsewhere in premises with better accessibility.

Employment policy

It is one of our objectives that the inspectorate workforce and lay inspectors should be fully representative of the communities served by those whom we inspect.

At 1 April 2009 17% of our people were from black and minority ethnic backgrounds but there was no representation at lead inspector level or above. In an attempt to redress this imbalance our recruitment literature makes clear that applications from those with a black and minority ethnic background are welcomed. We have also sought to make the inspectorate more visible and to raise our profile among those who may be less readily aware of us.

We are conscious that there are no members from the black and minority ethnic community on the Inspectorate Management Board but we are looking at ways to redress this.

We also aim to increase the proportion of lay inspectors from black and minority ethnic backgrounds to at least 20% of the cadre. The Crown Prosecution Service has set up a system of hate crime scrutiny panels to quality assure the prosecution of hate crimes. Panel members are recruited by open

competition. In pursuit of our aim we have written to panels with a job specification for lay inspectors and a list of the competencies required. Members have been asked to self nominate. We hope that this exercise will prove successful in strengthening our cadre of lay inspectors and also the representation from black and minority ethnic backgrounds.

Equality and diversity coordinating group

The equality and diversity coordinating group advises on development of the single equality scheme and ensures that both the scheme and action plan supporting it are kept under continuous review. It meets around six times a year and its members, drawn from across the inspectorate, represent all levels of staff.



The group provides advice to the Inspectorate Management Board on equality issues, in particular in relation to inspection methodology; acts as a consultative group in respect of organisational issues; and communicates with everyone in the inspectorate regularly to ensure that they are aware of developments on the equality and diversity front.

It also aims to ensure that the principles of equality and diversity are embedded into the inspectorate's working practices and culture. At the time of writing the group were embarking on a structured programme of events to raise

awareness of disability issues as part of a larger programme to help meet this aim.

In order to ensure they remained able to contribute fully to the work of the group, members received refresher training as necessary.

This year the group began to review critically the approach to reporting equality and diversity issues in all inspection reports so as to advise the Inspectorate Management Board on the appropriateness and sufficiency of the coverage it found in them.

Lawyer members of the group also took part in external events, for example, the National Black Crown Prosecution Association conference to assist with our objective of becoming an employer of choice, establishing a fully representative workforce.

The group has developed a regular diversity bulletin with updates on the law and outcomes of cases involving equality matters, articles and history as well as light hearted activities.

In celebration of diversity week a charity event was organised that looked at the diversity of the inspectorate – where people were born and where their grandparents came from – lunch was held and involved regional and international cuisine. It was a great success. All proceeds went to Red Nose Day.

The Government Equalities Office

The Government aims to simplify and strengthen existing equalities legislation which has become complex and hard to understand through the development of a single Equality Bill and a new single equality duty.

One of the Deputy Chief Inspectors acted as a member of the Government Equalities Office reference group for the proposed new public sector equality duties. The purpose of the group was to ensure that any proposals for specific duties for the public sector were based firmly on knowledge of what was practical.

Along with other inspectorates, through the Heads of Inspectorate Forum, we were consulted by the Equality and Human Rights Commission on the role that might be played by inspectorates in assessing where the public sector was meeting its equality duties and specifically on the proposed duty to tackle socioeconomic inequality.

Raising the profile of the inspectorate

In the course of our inspection and review work we have established links with academics either to add extra dimension to our reports or to ensure that cross cutting work in the criminal justice system is developed. During the thematic review of how the prosecutorial duties of disclosure of unused material were undertaken by the CPS, Dr Hannah Quirk of the School of Law, University of Manchester, sat on the reference group and provided help as a critical reader of the report which was published in May 2008. She wrote a brief legislative history and procedural evolution and description of the current regime which was included as an annex to the report; and also wrote a short article on the report which appeared in the Times newspaper.

As part of the review of the quality of prosecution advocacy we met Angela Deveraux

of the University of Cardiff and Professor Ed Capes of the University of the West of England who have been involved in the development of a system of quality assuring defence advocates on behalf of the Legal Services Commission. We exchanged information with them as to techniques of assessing the quality of advocacy as well as facilitating discussions with the Crown Prosecution Service which hopefully will lead to a degree of convergence between the systems of grading advocates.

As a matter of routine we send copies of our reports to the libraries of around 50 universities in England and Wales. All our reports have a consistent and distinctive appearance which makes them easy to identify – the aim being to encourage visual recognition and a recollection of the inspectorate and its work.

We have also offered to provide presentations to university law schools as to our role and work to fit within the accountability aspects of the constitutional framework. This was the subject of a successful presentation to professors and academic staff at the Law School of Cardiff University in May 2009, to be followed in the new academic year in the School of Law at Birmingham University and hopefully others.



Lay inspectors

We value greatly the contribution made to the inspection process by our cadre of lay inspectors. They are drawn from organisations such as Citizen's Advice, local Race Equality Councils, the National Association for the Care and Resettlement of Offenders and Victim Support. Lay inspectors look at aspects involving the care and treatment of victims and witnesses, handling of complaints and the application of the public interest test in the Code for Crown Prosecutors. They bring an important external and lay perspective to the inspection process. This year they assisted in the

- joint thematic review of victim and witness experiences in the criminal justice system
- thematic review of complaints handling
- thematic review of the handling of cases arising from road traffic offences involving fatalities
- area inspection of CPS Surrey.

They also assisted in the area inspection of CPS Leicestershire and Rutland and in the follow up audit on the quality of Direct Communication with Victims letters which started just before the end of the reporting year.

External influences

Crown Prosecution Service organisation

The way the Crown Prosecution Service organises itself impacts on our inspection programme and methodology. It is a national service delivered locally through 42

geographical areas plus CPS Direct, a virtual 43rd area providing out of hours charging decisions to the police. In 2007-2008, with the exception of London and Greater Manchester, the areas were brigaded into a 13 group structure – London and Greater Manchester each equate to the size of a group. Each group is overseen by a strategy board chaired by the senior chief crown prosecutor and, from October 2008, that individual assumed line management responsibility for the other chief crown prosecutors of the group; and is also responsible for the performance of the areas in the group.

Capability review of the Crown Prosecution Service

In October 2005 the Cabinet Secretary, Sir Gus O'Donnell announced to the Public Administration Select Committee that he would work with permanent secretaries to assess how well equipped departments were to meet their delivery challenges and provide targeted support to make any improvements required.

The capability review of the Crown Prosecution Service reported in June 2007. Overall it received a positive report. But it was felt that more needed to be done to articulate a single overarching strategy that focused on public service outcomes and excellence; on what a national service delivered locally entailed; to develop better the capabilities and talent of its people now and for the future; and to have supporting performance management systems that were relevant to everyone. The report added focus to our scrutiny of the CPS.

The one year update in 2008 stated that the CPS had made good progress since the original capability review in developing its human resources function and implementing the optimum business model project. It also noted that swift progress was needed in embedding the new group structure and the need for fewer, more joined up priorities; and in communicating the change programme. A re-review started in May 2009 and our views have been sought.

House of Commons Justice Committee

In April 2008 the Justice Committee announced its inquiry into the Crown Prosecution Service. The committee heard evidence and reported in June on provisions relating to the Attorney General in the draft Constitutional Renewal Bill including superintendence of the prosecution. They began taking evidence into the role of the prosecutor in the criminal justice system and the work of the Service itself in winter 2008.

The Chief Inspector and his two deputies gave evidence to the committee in February 2009 about the work of the inspectorate in relation to the CPS. The committee explored the concept of universal prosecutor, as found in Scotland and many other jurisdictions. The Attorney General's strategy will be considering the delivery of prosecution services generally but one early change is the proposal to combine the Revenue and Customs Prosecutions Office and the CPS to provide an enhanced prosecution service for the public. The terms of reference of the inquiry are at annex 4.

The Committee's findings may raise issues which have a bearing on our inspection strategy.



Criminal justice joint working

In April 2007 formal structured arrangements were put in place to support more extensive joint working between the five separate criminal justice inspectorates rather than the informal collaborative arrangements that had operated under the auspices of the Criminal Justice Chief Inspectors' Group. The arrangements for delivery involved

- establishing a statutory process of consultation to determine the approach and issues for inclusion in the joint programme
- producing a joint inspection programme
- creating a specific duty to cooperate amongst each other
- conferring on each chief inspector the power to vest authority in members of other inspectorates
- the creation of an independent advisory board on criminal justice joint inspection.

The objective was to strengthen significantly the joint criminal justice inspection arrangements which had already been developed.

It is disappointing that the development of this holistic approach to criminal justice

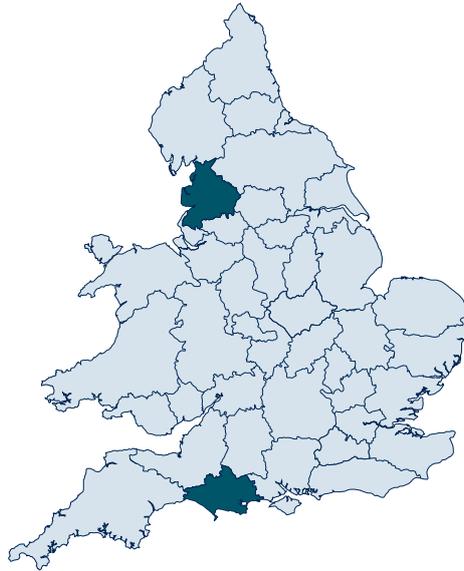
inspection has been slower than we would have wished. There are a number of reasons for this, the main ones being

- competing demands on the resources of individual inspectorates – each having to balance the priorities of its own Minister with commitments to its contribution to the joint inspection programme
- difficulty in achieving end to end inspection of processes across the criminal justice system without intruding on matters regarded as judicial functions
- lack of a set of common inspection techniques across inspectorates sufficient to bring real value to joint inspections.

The impact of quarterly meetings between Ministers, chief inspectors and the independent advisory board has been limited. In our view what is needed is clearer and stronger relationships between all three groups so as to extract the maximum benefit from the skills and experience of the advisory group.

Criminal justice area inspections

Following a review of the evaluation of the two pilot criminal justice area inspections of Dorset and Lancashire which took place in 2007-2008 under a revised framework, the view of the Criminal Justice Chief Inspectors' Group was that they had not struck the right balance and further development of the framework from first principles was needed. In particular account needed to be taken of the intention that local criminal justice boards should in future be expected to work in a rather different way delivering more against locally assessed priorities although at the same time retaining



■ pilot criminal justice area inspections

their responsibilities for contributing to national Public Service Agreement targets. We agreed to lead this development work with a view to resumption of criminal justice area inspections in 2009-2010.

A paper setting out options for future criminal justice area inspections which focused on local criminal justice boards was presented to the Criminal Justice Chief Inspectors' Group in October 2008 based on discussions with representatives from local criminal justice boards and also with colleagues in the Office for Criminal Justice Reform. The group considered that the options were too resource intensive and so could not be adopted as suggested but they did agree that some of the issues could be addressed through the joint programme of thematic reviews. That being so, the criminal justice joint inspection business plan for 2009-2011 concentrates activity on thematic inspections.

We report on this year's programme of joint thematic reviews later in the report. One aspect of the programme that did not go ahead was the proposed review of criminal case management. Joint inspection involving the courts must be conducted with regard to the Courts Act 2003 which precludes reporting on judicial decision making or exercise of judicial discretion. Criminal case management is essentially a responsibility of the judiciary and it would have been impractical to conduct a review which added value over and above work already undertaken by this inspectorate without impinging on those areas.

Heads of Inspectorates Forum

This non statutory forum was established some years ago to provide an opportunity for chief inspectors to discuss issues of common interest and concern and to share new inspection developments.

Membership comprises over 25 chief inspectors from across the public sector in England, Wales, Scotland and Northern Ireland representing health, social services, education and training and others as well as criminal justice. It meets approximately twice a year with chief inspectors taking the chair in rotation. We provide the forum's secretariat responsible for planning and arranging forum meetings and providing support to the chair of each meeting.

In 2008-2009 the forum met in April in Wales. The keynote speaker was Anne Jones, Assistant Information Commissioner (Wales). Her presentation looked at the role of the Information Commissioner's Office, the

impact of the Freedom of Information Act, including cases relevant to inspectorates, the Data Protection Act and information security.

The forum next met in November in Scotland. Ian Mitchell, Deputy Director of the Public Bodies Policy Division in the Scottish Government gave a presentation on scrutiny and public service reform in Scotland and the implications for other countries. The potential role of public service inspectorates in enforcing the new Equality Bill was also discussed. More recently the forum met at Hillsborough Castle in Northern Ireland. Speakers included Paul Goggins MP, Minister of State; Jonathan Rees, General Director of the Government Equalities Office; and Michael O'Higgins, Chair of the Audit Commission. The theme of the day was maximizing the value of inspection in a harsh economic climate.



International dimensions

We set great importance to being attuned to a broad spectrum of inspection practices so as to be aware of change and developments and also to hone further the skills of our inspectors.

L'Inspection Générale des Services Judiciaires

Our ongoing dialogue with the French inspectorate and exchange of inspectors between our two organisations has brought mutual benefit in terms of development of inspection policies and methodologies to both. Accordingly we have issued an invitation to the newly appointed inspecteur général des services judiciaires, Monsieur André Ride to visit London. An invitation was made for one of his inspectors to join the inspection of Leicestershire and Rutland following the successful participation of two of our inspectors in inspections last year at Amiens and Meaux respectively. The invitation was accepted and in April 2009 we were pleased to welcome Charlotte Trabut to the Leicestershire and Rutland inspection team.

International Association of Prosecutors

The International Association of Prosecutors is the only global non governmental organisation of prosecutors. It was established by the United Nations in 1995 as part of its response to the rapid growth of international crime. The Association seeks to promote the highest prosecutorial standards and ethics and to shape the future of criminal justice and its principles. Until recently only organisations of prosecutors, or individual prosecutors were eligible to join. We are pleased to report that, following recent changes to membership criteria, we were able to join as an organisation connected to the business of prosecuting. Membership gives access to the Association's archives which contain a wealth of information that will be of use to our inspectors.

In late summer of 2008 the 13th annual conference took place in Singapore. Its theme was the challenges and opportunities of new technologies in crime and prosecution. The Chief Inspector and one of his deputies attended. Technology has proven to be a double edged sword – besides enabling criminals to perpetrate their activities by a novel means, it has also enabled prosecutors to investigate and prosecute crimes more effectively.



The Global Prosecutors Ecrime Network (GPEN) was launched at the conference. The Crown Prosecution Service designed this networking tool for prosecutors around the world to join together to fight ecrime. GPEN will encourage enhanced international cooperation and enable all jurisdictions to develop a coordinated approach for dealing with ecrime that supports effective prosecutions.

The messages from the conference were cascaded to everyone in the inspectorate at the all staff conference held 1-2 October 2008 and were highlighted further by a complementary joint presentation by a representative of the Serious and Organised Crime Agency and a specialist lawyer from the Crown Prosecution Service's Organised Crime Division dealing with cybercrime.

One of the deputy chief inspectors and two inspectors attended the European regional conference held in The Hague, March 2009. Its theme was "Following the Money" and covered the cross jurisdictional aspects of asset tracing and recovery. The two days of presentations, workshops and informal discussions provided a real insight into how other countries dealt with this difficult area of criminal practice. The conference was of particular value given that we were about to embark on a joint thematic review of the recovery of assets gained from criminal activity.



Visits by overseas delegations

A delegation of Vietnamese prosecutors came to England in 2008 and we met them on 10 June. The delegates were members of Vietnam's Supreme Peoples' Procuracy and other prosecuting agencies. They came pursuant to the institutional support project to Vietnam which is financed by the European Commission – they were seeking to gain comparative international experience of best practice in relation to successful prosecution techniques. They also sought to understand the work of the inspectorate and its relationship with the Crown Prosecution Service. Our presentation was well received.

In November 2008 the Honourable John Hatzistergos MLC, the Attorney General, Minister for Justice and Minister for Industrial Relations for New South Wales, Australia visited England. Members of the inspectorate met him for informal discussions and a formal presentation about our work. He considered that the meetings were thought provoking and provided insights as to the benefits of inspection within the criminal justice field. The presentation was helped by one of the presenters having worked in the Attorney General's Department in New South Wales before coming to this country.



Assuring Justice

The 2008-2009 inspection programme

Introduction

Our revised inspection strategy indicated that in future overall performance assessment programmes should be on a three rather than two year cycle with the next programme taking place in 2010-2011. Thus time was freed up to enable us to focus on qualitative assessments rather than quantitative ones. It also gave us the ability to devote effort during this reporting period to specialist business units dealing with the more serious, sensitive and complex prosecution work and to important thematic issues. A common thread being that they attract the keenest wider public interest and have the greatest impact on public confidence.

The distinguishing qualities of the specialist business units of the Crown Prosecution Service and Revenue and Customs Prosecutions Office which add up to the hallmark of quality prosecution work were

- very good supervision by managers
- culture of case ownership from beginning to end providing continuity
- strong legal decision making
- cases well prepared for court
- cases presented well in court by experienced advocates.

Overall the ethos of the prosecution team involving investigators and lawyers throughout the life of a case prevailed to good effect.

The performance of the CPS specialist business units and Revenue and Customs Prosecutions Office was done to a much higher standard than the majority of other routine prosecution work. Senior members of the Special Crime Division, the Organised Crime Division and heads of the newly established complex case units in

the geographical group structure now meet and we hope that these meetings will facilitate the sharing of strengths, good practice and the lessons to be learned from our inspection reports on the CPS specialist units and the Revenue and Customs Prosecutions Office.

While we appreciate that it is unrealistic for volume crime cases to attract the same level of attention, the consistent high standards found within the specialist roles offer the most effective protection against injustice to victim, witness or defendant. In our view it is crucial that criminal justice practitioners never underestimate the impact that cases which seem routine to them may have on the lives of others and that they should give all cases the necessary care to secure a just outcome.

Whereas at first glance the composition of our inspection programme this year may seem disparate there are many linkages between the different reviews and to demonstrate that we have brigaded them into those that relate to

- thematic issues with a general impact on society
- prosecution work of a serious, sensitive and complex nature
- specific offenders
- specific prosecution procedures
- bespoke CPS area inspections
- other prosecuting authorities.

The Attorney General's awards

We have undertaken two bespoke area inspections, one in CPS Surrey and the other in CPS Leicestershire and Rutland – they were in fact full inspections because the areas had been rated poor in the 2007 overall performance assessment programme. The inspections were concluded at the end of the reporting period and the reports finalized after the reporting period showed improvement in both areas with CPS Leicestershire and Rutland in particular demonstrating a step change in performance. As a result the Attorney General concluded that the area should receive an Attorney General's award for improved performance which she will be presenting to coincide with publication of this report.

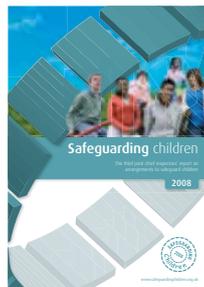
The Attorney General will also be presenting an Attorney General's award for excellence to the CPS Counter Terrorism Division and a similar award to the Revenue and Customs Prosecutions Office in recognition of their high quality prosecution work which has achieved much in restoring confidence in the handling of prosecutions relating to their specialist field.



All our inspection reports are submitted to the Law Officers and each quarter the Chief Inspector and one of his deputies discuss with

the Attorney General the performance of those who have been subject to inspection during that quarter. This gives the Attorney General a good feel for the strengths and weaknesses of those inspected and informs her judgment as to when performance deserves special recognition.

Thematic issues with a general impact on society



Safeguarding children, the third joint chief inspectors' report on arrangements to safeguard children

The third joint review was led by Ofsted and

is perhaps the widest ranging of reviews in which we have been engaged. It highlighted the difficulty of striking the right balance between looking at issues on a very broad and strategic basis while ensuring that it addressed more practical issues which directly affected the experience of service users.

At the time of the first safeguarding report published in 2002 safeguarding was regarded as commensurate with child protection. The current definition of the term "safeguarding children" is

"the process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care that enables children to have optimum life chances and enter adulthood successfully."

This greatly widened the scope of the review from child protection to child development.

The subsequent public concern following the death of Baby P has called into question the effectiveness of both safeguarding itself and inspection activity; in particular how in depth such inspection activity has to be to reduce the risk of over reliance on self assessment and information provided by an inspected body itself (in this case a local authority social services department). This impacts on the overarching review conducted jointly and its reliance on individual inspection regimes.

The report of the review was published in July 2008 and covered arrangements for safeguarding children and young people in four key areas

- the effectiveness of existing safeguarding systems and frameworks
- the wider safeguarding role of public services
- how well vulnerable groups of children and young people are safeguarded, including asylum seeking children, those in secure settings, looked after children and those treated by health services
- how well the relevant agencies deal with child protection concerns.

Fact finding ranged from the adequacy of Criminal Records Bureau checks for those working in custodial institutions through to delivery of initiatives aimed at reducing alcohol and substance abuse on to teenage pregnancies and identifying potential child abuse, together with its investigation and prosecution. The treatment of young people by the criminal justice system in all capacities, as victims, witnesses and defendants was also considered.

The review team found that much had changed since the last joint review in 2005, mostly for the better. There was evidence of improvements in children's services and outcomes for children and young people. In particular there was greater emphasis on safeguarding all children and improved inter agency support of children in need of protection from abuse and neglect. But there were serious concerns still that not all children were well served and that these children needed particular attention to ensure they were properly safeguarded. As in 2005 this included some children who are looked after, those who are asylum seekers and children and young people in secure settings.

The review's report contains recommendations for all the agencies, local authorities, local safeguarding children boards and government departments that provide services for children.

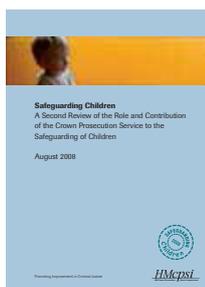
The Government's response to the report "Safeguarding the Young and Vulnerable" was published in December 2008 by the Department for Children, Schools and Families.

The Government confirmed that keeping children and young people safe was a top priority for it and that in the legislation new guidance and new structures had been put in place to make children safer. The Children's Plan places children and young people at the centre of everything the Government does and it sets out a ten year vision for children's services. "Staying Safe" is the first ever cross government strategy on safeguarding children and young people and is raising awareness and understanding.

The Minister promised new legislation to ensure that multi agency children's trust boards operate in every local authority area and that a clear local strategy for child safety arrangements was in place.

In November 2008 Lord Laming was asked to prepare an independent report of progress on the implementation of safeguarding arrangements nationally; the effectiveness of local safeguarding children boards; and the quality, consistency and impact of serious case reviews.

The Minister acknowledged that Lord Laming's report, published in March 2009, rightly challenged the Government, local authorities and all those working with young people to do more to safeguard our most vulnerable children and provided detailed responses to the 22 recommendations.



The second review of the role and contribution of the Crown Prosecution Service to the safeguarding of children

Following on from the third joint report we conducted a follow up review of the Crown Prosecution Service. Its purpose was to consider the level of progress against the seven recommendations made in the report of the first review in 2005. The review reported in August 2008.

The key finding was that considerable progress had been made. National planning demonstrated better that children were more of a priority and related initiatives had been

developed or improved upon, including the approach to victims and witnesses, and also violence against women which can have a significant effect on children. A public statement of the Service's commitment to children and young people and supporting internal guidance had been introduced. Significant work had been completed on policy in this important area and policy leads had been established for strands of work relating to safeguarding children and young people. Outcomes for child abuse cases were good and case handling of child abuse and youth cases was satisfactory on the whole, with clear evidence of good work in youth cases.

On the less positive side, the review team found that there had on occasion been delay at national level in progressing some work such as the earlier review's recommendation to issue guidance on the collation and analysis of outcomes relating to safeguarding children and development of an updated child abuse policy. At area level safeguarding children and young people was less evident in business planning and operational practices than we thought appropriate. Engagement by CPS areas with local safeguarding children boards was also variable and satisfactory links had not always been established. Indeed in many of the areas effective contact remained a low priority.

We made five further recommendations covering better area planning; reviewing the effectiveness of contact with the local safeguarding children boards; further work on child abuse cases including a coordinators' network; prosecutors always viewing video interviews involving child witnesses and recording their assessments; and analysis of case outcomes and of special measures provided to children.

justice practitioners to underestimate what it means for the ordinary citizen to attend a criminal court and give evidence.

Change has not come about spontaneously. There has been concerted effort by Government involving all the criminal justice agencies. There are a very good range of policies and initiatives in place of which No Witness No Justice is the most significant.

No Witness No Justice scheme

Launched in 2003-2004 the scheme is based on two main principles, a needs assessment approach for all witnesses (in cases where there is not a guilty plea) and the introduction of over 150 dedicated witness care units across England and Wales responsible for providing access to support and information from the point of charge to case completion.

However we found that these policies were not fully embedded. In most of the agencies there were gaps between what should happen and what did happen. This was more pronounced in relation to routine or volume cases than those handled by specialists, for instance, homicide cases which were dealt with by family liaison officers where the arrangements generally worked well.

Examples of where improvement was needed include

- the understanding and operation of the Victim Personal Statement scheme by both frontline police officers and the prosecution

Victim Personal Statement scheme

These statements give victims an opportunity to tell those in the criminal justice system how the crime has affected them – physically, emotionally, financially or in any other way. They are used by the court to assist in assessing the gravity of the offence.

- the understanding on the part of frontline police officers of what special measures were available to support vulnerable and intimidated victims and witnesses, to whom they apply and how they work in practice

Special measures

The Youth Justice and Criminal Evidence Act 1999 provides a range of special measures to make it easier for vulnerable or intimidated witnesses in a criminal trial to give their best evidence and to give it free from unnecessary stresses and pressures by, for example, the use of TV links to the court or video recording of evidence.

- weaknesses in the arrangements for timely identification of the need for special measures and applications to the court by the prosecution – the needs of victims and witnesses were not always assessed as fully as they could have been at the charging stage; more thought needed to be given to the effect on witnesses when scheduling trials, particularly those involving vulnerable witnesses, and a need to consider more fully the impact of moving cases from one court centre to another.

Direct Communication with Victims

The Direct Communication with Victims scheme, in operation since 2001, requires that victims of crime are informed promptly and in writing if no charge is to be brought in their case, if the case is withdrawn or discontinued after charge, or if the charge is reduced substantially or increased in gravity.

We found that ensuring letters were sent in all relevant cases continued to be problematic although generally levels of compliance with the scheme and the timeliness of letters when sent had improved markedly in recent times. CPS areas were finding the one day target for communication to vulnerable and intimidated victims especially challenging. We were disappointed to note the wide range in the quality of letters sent to victims (from poor to excellent) – more work was needed to ensure a consistently high standard throughout areas.

Overall we found that there was a need for greater coordination and cohesiveness throughout the criminal justice system. As a consequence of the wide range of initiatives and policies introduced in recent times the victim and witness arena is a crowded one with many different players, all with various roles and responsibilities. There has been a tendency to layer new commitments and initiatives on top of existing ones without any review and rationalization.

We found that many of those involved in supporting victims and witnesses were struggling to keep up with these; and for victims and witnesses it could be difficult to find out what they were entitled to. We identified an urgent need for rationalization and simplification. The plethora of players could also cause confusion for victims and witnesses who

could be contacted by many different people. We concluded that more thought needed to be given at both a national and local level as to how contact with victims and witnesses could be managed and coordinated better.

In order to redress this we made a recommendation to the Office of Criminal Justice Reform aimed at achieving greater cohesion at national level. We also identified a role for local criminal justice boards to play a greater and more active part in coordinating arrangements for victims and witnesses at the local level.

In spite of these problems we found that those at the front line responsible for delivering services to victims and witnesses were keen to offer a good service and took pride in what they did. While the lack of a fully coordinated approach frequently made their tasks more difficult, we found that those involved were often working hard to overcome those difficulties.



When things go wrong – complaints handling by the Crown Prosecution Service

We began the review in August 2008 and reported in March 2009.

The number of complaints recorded by the Service is modest against its overall caseload. In 2007-2008 there were 2,252 complaints arising out of a caseload of 1.28million.

We assessed the Service's complaints procedure against the Cabinet Office best

practice which sets out eight basic principles of an effective complaints system. They are

- easy to access and well publicised
- speedy with fixed time limits
- confidential to protect staff and complainants
- informative for managers to drive service improvement
- simple to use and understand
- fair with a full procedure for investigations
- effective at dealing with the points raised and providing remedies
- regularly monitored and audited.

We found that although its complaints system was said to be based on the above, in fact CPS written guidance satisfied only four of the eight criteria. Further the way the system operated meant that compliance with the principles was varied and not assured. We identified a need for a cultural shift in the approach to complaints handling and a need for further training of staff to reinforce the principles of best practice.

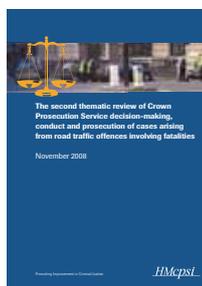
Specific findings were that

- the complaints procedure was insufficiently accessible for members of the public
- the thoroughness of investigation and quality of responses to complainants varied considerably – 6% were excellent, 45% good, 31% only adequate and 18% poor
- the arrangements for enabling complaints to be considered at higher levels were not generally spelt out – that occurred in only 19% of cases
- there was a lack of adequate remedies available, little evidence of complaints being analyzed at national or local

level, no system of independent review, weak governance direction and control, inaccurate counting of complaints and doubts about timeliness.

On the positive side we noted the avoidance of unnecessary or overly lengthy legal explanations, a recognition that jargon should be avoided and the use of plain English in responses.

The Service welcomed the report and is developing a programme of work to meet the weaknesses identified with the aim of implementing the programme before the end of 2009.



The second thematic review of Crown Prosecution Service decision making, conduct and prosecution of cases arising from road traffic offences involving fatalities

The review began in June 2008 and reported in November 2008. The aim of the review was to analyze and assess the quality of decision making, conduct and prosecution by the CPS of road traffic offences involving fatalities, as well as to consider the level of progress that had been made towards implementing the recommendations and suggestions of the original thematic review which reported in November 2002.

In December 2006, the Service launched a public consultation exercise on its policy and practice in prosecuting cases of bad driving. It published its policy for prosecuting cases

of bad driving in December 2007. Legal guidance to complement the new policy was issued in the following month, January 2008. This was updated in August 2008 when the new offences created by the Road Safety Act 2006 were introduced.

The main findings of the 2008 review were that the quality of decision making in fatal road traffic offences was good and that they were handled well after charge. There were a few difficult cases in the sample where the decision on the level of charge was very much in the balance and it could properly have been tipped towards the more serious charge. Although we did not describe these decisions as wrong the cases could also have justified being prosecuted as causing death by dangerous driving, rather than the careless driving charge selected. There were also a few cases where prosecutors had concluded that there was insufficient evidence to prosecute, which we considered could equally properly have been brought before the court. We made a recommendation in relation to expansion of the Service's guidance on prosecuting cases of bad driving to address this.

The Service had improved the standard of care provided to victims' families and some good work was being carried out in relation to working with other agencies and community groups representing victims' families, although there was still room for improvement. There remained a need to develop links with coroners.

We made 11 recommendations aimed at improving performance and highlighted six aspects of good practice which merited consideration for adoption nationally.

Following publication of the report the Crown Prosecution Service amended and expanded its guidance on prosecuting cases of bad driving. It addressed three of the issues we raised so that now the guidance

- includes instances of driving that created a significant example of a single bad mistake or error, as well as the examples of driving cited by the Sentencing Guidelines Council
- makes clear the circumstances in which a trial should be adjourned to await the outcome of the coroner's inquest
- has been expanded in relation to the question of causation in fatal collision cases.

Asset recovery



The review of asset recovery work by the Crown Prosecution Service, Revenue and Customs Prosecutions Office and Serious Fraud Office will be undertaken in 2009-2010. The review will also encompass the roles of the police and the courts – thereby covering the whole criminal justice process from investigation through to the confiscation of assets gained from criminal activity. It will be carried out in conjunction with HM Inspectorate of Constabulary and HM Inspectorate of Court Administration – we shall be in the lead.

The Proceeds of Crime Act 2002 gave wide ranging powers to confiscate criminals' gains from their illegal activity and introduced

new money laundering offences. The wish to see criminals deprived of the benefits of their criminal activity has been a key plank of Government policy. There is a Public Service Agreement target to recover £250million worth of criminal assets in 2009-2010, the likelihood is that this target will not be met.

Making sure criminals are not seen to prosper as a result of their criminal activity is a vital component to public confidence in the criminal justice system.

A preparatory scoping study undertaken this year involved gathering information from the criminal justice agencies including the Association of Chief Police Officers. The scoping study also considered the impact of related work being undertaken by HM Inspectorate of Constabulary, internal reviews by the Serious Fraud Office and the Revenue and Customs Prosecutions Office and the report of the Prime Minister's Delivery Unit into progress towards the Public Service Agreement target to recover £250million of the proceeds of crime in 2009-2010, mentioned above.

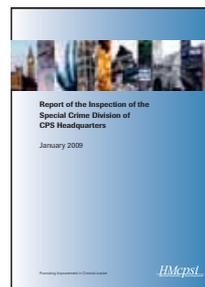
The conclusion of the preparatory scoping study was that a two stage approach to the review of asset recovery was appropriate to ensure it complemented and added value to the related work undertaken. That being so stage one will consist of a casework analysis within HM Revenue and Customs, the Crown Prosecution Service and HM Courts Service to provide a benchmark against which progress can be measured. The aim being to test the key hypotheses developed during the scoping study. Stage two will be a

full review which will focus on the key issues emerging from stage one and the related earlier work. The plan is that stage two will also involve the Serious Fraud Office.

The fieldwork relating to stage one was planned for June-July 2009. Stage two of the review is scheduled to take place during the period September 2009 to March 2010.

Prosecution work of a serious, sensitive and complex nature

During the year we reviewed the Crown Prosecution Service's specialist casework divisions located in its headquarters and also its Fraud Prosecution Service, a national body located in CPS London. We also reviewed the Revenue and Customs Prosecutions Office. We describe their distinguishing qualities in the introduction to this section. More detailed summaries of our findings are set out below.



Special Crime Division

The review of the Special Crime Division reported in January 2009. The division handles criminal cases of corporate or medical manslaughter, deaths in custody, police misconduct, election offences, allegations involving high profile people and other specific proceedings such as extradition.

We found that overall

- the quality of decision making was good
- case ownership was strong
- generally cases were handled well after charge
- case presentation at court was of a high standard
- the service to victims and the families of victims and to witnesses was commendable with detailed explanations for decisions given and pertinent information about case progress provided.

We also found that the division had developed good relationships with external criminal justice partners, including foreign judicial authorities. Prosecutors who specialised in a specific area such as domestic extremism, election offences, or gross negligence manslaughter were accessible by both police investigators and other prosecutors and provided sound advice (albeit not often recorded). They also played a valuable coordinating role.

The division was well regarded throughout the Service and took a proactive and reciprocal approach to sharing good practice with the geographical areas.

On the less positive side we thought that performance management required improvement to address some timeliness issues, to enable managers to compare levels of performance with similar prosecuting authorities and to share experiences between them.

We were concerned that the electronic case management system adapted for use by the division did not meet its needs fully. While senior managers were aware of the problem

there was no clear solution. However there is a possibility that the Helios system which the CPS will inherit from the Revenue and Customs Prosecutions Office (albeit still at the development stage) can be modified to meet the needs of CPS specialist prosecutors.



Counter Terrorism Division

The review of the Counter Terrorism Division took place between December 2008 and March 2009. The report was published in April 2009. The division handles all cases involving terrorism, war crimes (including genocide), crimes against humanity, racial and religious hatred cases, prosecutions under the Official Secrets Acts and crimes against the state. The majority of its casework relates to terrorism offences.

We found that the division carried out its work to an exceptionally high standard and had a number of strengths in its processes even when measured against its own general high level of performance. We believe that the complex case units in the geographical group structure of the Service could benefit from adopting some of the division's practices.

Prosecutors were involved in most cases at a very early stage before charge and assisted as part of the prosecution team in advising the investigators on evidence required to build the case. This frequently involved gathering evidence from witnesses and intelligence agencies in other jurisdictions. We found

that casework decisions were very good and that case preparation and case management reflected the general high standard of the division's work.

The quality of advocacy was very good both in respect of in house prosecutors and counsel. Prosecutors retain control of their cases throughout the prosecution and deal with all preliminary and some intermediate hearings. Crown advocates also act as leading and junior counsel in appropriate cases.

Because of the international aspect of the division's remit it had established formal liaison channels with a number of organisations outside England and Wales. Senior managers attend international conferences dealing with terrorist issues and provide training to other prosecuting and investigation authorities.

Leadership was a strength and the division's senior managers were regarded highly by their criminal justice partners.



Fraud Prosecution Service

The Fraud Prosecution Service was established as part of CPS London in September 2006. Its genesis was the Jubilee Line review which was

conducted by HM Chief Inspector and followed the collapse of the Jubilee Line fraud trial in March 2005. It has a national role both in terms of its casework and as a centre of excellence for fraud prosecution work within the Crown Prosecution Service.

The review began in April 2008 and considered performance in the year ending March 2008. It reported in October 2008. The review was designed to provide a baseline for performance and highlight any risk in the light of current and expected demands. In this way we sought to assess the capability of the Fraud Prosecution Service to foresee and to meet challenges which might flow from changes in its operational environment.

Whereas it maintains good relationships with its key partners in the prosecution of fraud, the Serious Fraud Office and the Revenue and Customs Prosecutions Office, the respective roles and inter-relationships of the three were unclear, as was that with the Organised Crime Division of the CPS. That being so we recommended that the Fraud Prosecution Service should engage with the National Fraud Authority to help clarify the strategic fit of those responsible for the prosecution of fraud. We are pleased to report that it is doing so. The announcement that the Revenue and Customs Prosecutions Office will be combined with the Crown Prosecution Service should add impetus to this work to develop a future strategy for handling the prosecution of fraud.

Indeed the development of a strategy for tackling fraud in all its manifestations is an important strand of work in the development of a strategy for the Law Officers' Departments. The newly established National Fraud Authority has the lead.

So far as our review of the Fraud Prosecution Service is concerned, we found that the

proportion of successful outcomes in cases it prosecuted was 85% of defendants (that is, they were convicted on at least one charge). And that underlying casework quality, the development of management systems including leadership was positive.

The level of success was largely due to the skill and experience of both lawyers and caseworkers, a view confirmed by external fraud professionals. Other contributory factors included effective team working, a high level of individual commitment to casework and appropriate management involvement in casework. These factors combined to enhance significantly the Fraud Prosecution Service's reputation with criminal justice partners including defence practitioners. The criminal justice system's national fraud strategy (March 2009) referred to some of our conclusions – highlighting the quality of the work and the importance of the specialist fraud prosecutor.

On a less positive note we identified a number of casework aspects which needed strengthening, for example, the quality of instructions to counsel, the quality of record keeping, limited use of the computerized case management system, and the approach and handling of asset recovery. While we found that the quality of basic review decisions was good we identified a need for charging prosecutors to be more consistently proactive in responding to foreseeable changes of circumstances, particularly in cases involving more than one defendant.

We made 11 recommendations and identified 11 aspects for improvement.

Organised Crime Division

The division was established in 2005 primarily to deal with cases investigated by the Serious and Organised Crime Agency, a duty shared with the Revenue and Customs Prosecutions Office.

It also prosecutes cases referred to it by the child exploitation and online protection centre, and deals with important aspects of restraint, confiscation and enforcement. Another responsibility is expediting letters of request from abroad. As well as in the CPS headquarters in London the division has offices in York, Manchester and Birmingham.

Fieldwork began in March 2009 and aimed to assess

- the quality of decision making
- case preparation
- overall performance.

Our review of the Organised Crime Division and that of Revenue and Customs Prosecutions Office will help to provide a comprehensive picture of how organised crime is prosecuted in England and Wales. Irrespective of who handles this work, the important issue is that it receives the appropriate professional treatment. We do not comment further at this stage. We shall take an early look when the Revenue and Customs Prosecutions Office has combined with the Crown Prosecution Service.



Revenue and Customs Prosecutions Office

The purpose of the review was to assess the quality of decision making, case preparation and performance of the Revenue and Customs

Prosecutions Office and to assess progress made since the follow up inspection which reported in November 2006.

Scoping of the review took place in December 2008; the analysis and assessment phase was undertaken in February and March 2009; and on 2 April 2009 we completed the inspection on site. As stated earlier in the report the Attorney General announced on 3 April 2009 that the Revenue and Customs Prosecutions Office and the Crown Prosecution Service would be combined to form a new public prosecution service.

The report of our review was published in July 2009 and identifies issues that will have some bearing on the newly formed organisation. The recommendations and aspects for improvement set out in the report are cast as if the Revenue and Customs Prosecutions Office was continuing in its current state; how they will be taken forward will depend on how the combined prosecution service develops.

It was our view that the Revenue and Customs Prosecutions Office had made good progress since the follow up inspection. It had restored public and judicial confidence in HM Revenue and Customs prosecutions and had taken steps to improve its performance. In particular it

had improved its governance and underpinning policies, reduced its expenditure on counsel fees (partly attributable to a reducing caseload) and had developed its prosecution manual into a web based tool.

We found that

- the quality of decision making was very good at all stages and cases were kept under close review following charge
- a good level of successful prosecutions was achieved demonstrated by a conviction rate of 87.0%
- overall prosecutors complied well with their duties in relation to disclosure of unused material
- prosecutors were aware of the importance of considering issues in relation to asset forfeiture when reviewing cases and satisfactory confiscation orders were generally obtained at the conclusion of cases
- complex and specialist casework was handled well and there was early involvement with investigators to agree case strategies
- work undertaken in relation to case handling and procedures in missing trader intra community fraud cases was a strength
- the quality of advocates was good, both in house and those instructed from outside
- the quality of instructions to counsel was fair and improving although there was often a formulaic approach.

Three aspects of its work needed to be more timely, the provision of advice was not always timely and managers needed to ensure that effective monitoring systems were

applied consistently across the organisation. The timeliness of committal papers and unused material schedules also needed to be addressed jointly by investigators and prosecutors and we were pleased to note that managers were pursuing this actively.

Disclosure was not made as promptly as it should be in order to enable cases to progress at plea and case management hearings in the Crown Court. We noted that managers did not record public interest immunity applications in relation to sensitive material and, while we found nothing to suggest that there were any issues about decision making in that respect, there was a clear need for a record for monitoring purposes.

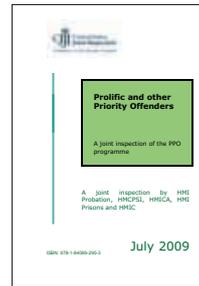
We identified two custody time limit failures in 2008-2009 which highlighted the need to review the monitoring system.

We found committed leadership within the organisation with senior managers viewed as visible and approachable. And generally there was also a good level of communication within the organisation.

The Revenue and Customs Prosecutions Office has developed its international work with prosecutors building up a wealth of knowledge in dealing appropriately with foreign agencies. It will be important to ensure that this expertise remains available to those handling HM Revenue and Customs cases within the proposed combined organisation.

We made ten recommendations.

Joint thematic reviews relating to specific offenders



Handling of prolific and other priority offenders

This joint review was led by HM Inspectorate of Probation. The review team was drawn from HM Inspectorate of Constabulary, HM Inspectorate of Court Administration and ourselves. The report was published in July 2009.

The prolific and other priority offender strategy

The strategy was introduced in 2004 as a way of targeting the small number of offenders known to commit a disproportionate amount of crime. It placed responsibility on local crime and disorder partnerships to establish local schemes to work with prolific and other priority offenders. It has three complementary strands

- prevent and deter – stopping young people from becoming prolific offenders
- catch and convict – reducing offending by apprehension and conviction and through enforcement by ensuring a swift return to court for those who continue to offend
- resettle and rehabilitate working to increase the number of such offenders who stop offending by offering a range of supportive interventions.

The purpose of the review was to consider the contributions made by the various criminal justice agencies to local schemes and to

implementation of the catch and convict and the resettle and rehabilitate strands of the strategy.

We found that generally most schemes were performing well and were delivering actions that led to potentially positive outcomes. Usually those identified as prolific and other priority offenders received intense supervision by a range of agencies engaged in tackling the underlying problems related to offending behaviour. Enforcement of community orders and licences was well managed and we found that the schemes offered far greater opportunities for both restrictive and constructive interventions than standard supervision regimes.

Specifically we found that

- other criminal justice projects such as the Criminal Justice: Simple, Speedy, Summary initiative had had the net effect of speeding up all cases, not just prolific and priority offenders, even though we were unable to measure the improvement with any precision, we concluded that measures specific to prolific and priority offenders would not improve the position
- the absence of effective file marking by the police, the Crown Prosecution Service and the courts meant that prisons were unlikely to be aware of the prolific and other priority status of offenders on reception so were not always able to give them the appropriate priority
- the main performance management tool for tracking such offenders was not thought to be helpful by those managing local schemes and was found to be largely unreliable

- failure to update guidance in the light of subsequent developments in the criminal justice system had caused confusion among those working with prolific and other priority offenders particularly in the case of those serving sentences of less than 12 months' imprisonment.

The review team made 19 recommendations.

Handling of mentally disordered offenders

This joint review was led by HM Inspectorate of Probation. The team was drawn from HM Inspectorate of Constabulary, HM Inspectorate of Court Administration and ourselves. Its purpose was to assess the quality and effectiveness of information exchange between criminal justice agencies from the time of arrest or detention to sentence when dealing with offenders with a mental health condition.

The review began in November 2008 with a pilot inspection. Fieldwork was conducted in six criminal justice areas, Dyfed Powys (Aberystwyth and Carmarthen), Manchester (Bolton), London (Camberwell), West Mercia (Hereford), Warwickshire (Nuneaton and Leamington Spa) and Wiltshire (Swindon). It ended in March 2009.

The main guidance relating to the handling of mentally disordered offenders was published in the 1990s. Criminal justice agencies were encouraged to work together to ensure that wherever possible offenders with mental health conditions were considered for diversion from prosecution or imprisonment.

This was difficult to balance with the competing need for protection of the public and the consequent need for the criminal justice system to be involved. As a result while a significant number of individuals were diverted from the criminal justice system either at an early stage in the police stations or subsequently during the criminal process, the majority of cases proceeded through to sentencing.

At the time of writing findings from the fieldwork were being collated and the review team is expected to report in the late summer of 2009.

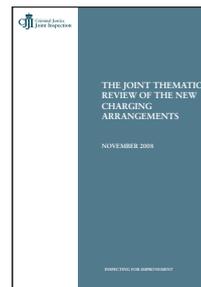
Lord Bradley's review of people with mental health problems or learning disabilities in the criminal justice system (published April 2009) should help galvanize greater strategic guidance to criminal justice agencies and facilitate implementation of the main aspects of that report.

Specific prosecution procedures

The reviews of the new charging arrangements

We undertook three complementary reviews of the new charging arrangements to provide a comprehensive assessment of how they worked. Fieldwork began in February 2008. The reports of the reviews were published simultaneously in November 2008. The programme involved a joint review with HM Inspectorate of Constabulary looking at how the Crown Prosecution Service and police service operated the charging scheme, a review of CPS Direct and a review of the charging arrangements

introduced by the Revenue and Customs Prosecutions Office. The overall conclusion of the reviews was that the statutory charging scheme added value to the criminal justice process but that many of the supporting procedures were inefficient, particularly the degree of emphasis placed on face to face advice, and that the interface between the police and prosecutors needed to be refined.



Joint review of the new charging arrangements (Crown Prosecution Service and police service)

We led this joint review which was undertaken with HM Inspectorate of Constabulary.

The implementation of the statutory charging scheme in England and Wales took place in two stages between 2004 and early 2006 and was throughout a joint project between the Association of Chief Police Officers and the Crown Prosecution Service. It had a significant impact on the structure of the criminal justice system. For the first time in the history of criminal law the decision whether or not a suspect should be charged with an offence, in certain circumstances, passed to a body independent of the investigation.

This was the first independent assessment of the effectiveness of the new charging arrangements and involved extensive observations of its operations across England and Wales. The review was informed by the views of those responsible for delivering the new

arrangements strategically and operationally both within the Crown Prosecution Service and the police service. The joint involvement of both inspectorates enabled a holistic view of the effectiveness of how the arrangements operated. Importantly it created an environment where there could be a better understanding of the strengths and rubbing points.

The joint review was undertaken against the background of a review of policing (the Flanagan review) which had considered, among other things, the new charging arrangements albeit not in any depth. The report of that review reflected the views of many senior police officers that the new charging arrangements were too resource intensive to be sustainable.

The evidence we gathered showed that police at the operational level valued early input from the Crown Prosecution Service and that there were extensive softer benefits from closer collaboration between the police and prosecutors.

The joint review had a much deeper evidential basis than the Flanagan review of policing. The support for the new arrangements reflected in the report was the considered view of both inspectorates based on the evidence gathered. That did not mean that problems were nonexistent but rather they were problems to do with delivery not principle. Consequently we considered that the scope of the charging arrangements should not be altered.

During our fieldwork it became apparent that the method of delivery was inefficient and insufficiently responsive to operational

policing in some circumstances. For example the demands of priority cases, primarily those involving suspects in custody, were having a detrimental impact to a substantial degree through the need to cancel fixed appointments to enable prosecutors to make priority case decisions. As a result of this and concerns about the timeliness of charging decisions a scheme was introduced in London whereby telephone charging advice could be obtained during office hours. The CPS and Association of Chief Police Officers are now considering the expansion of the principle of this scheme to a wider geographical area. A number of pilot schemes or trials are already operating elsewhere, for example South Yorkshire and Humberside.

Overall we found that the implementation of the statutory charging scheme had delivered benefits to the criminal justice process. It had required close partnership working between prosecutors and police at both senior and operational levels. It had facilitated improvements in criminal case management and in reducing delays in courts.

The potential benefits of the scheme were understood at the operational level with a strong support from the vast majority of the concept of prosecutors giving pre-charge advice albeit most felt the processes involved needed to be significantly more efficient.

The review team felt that to fulfil its potential the scheme processes needed to improve in the following aspects

- good supervision by the police at all stages of the investigative process, coupled with proactive oversight of cases by supervisors to ensure that only appropriate ones were referred to the prosecutor

- prosecutors had to be in a position to provide an effective charging decision when it was needed on a file that met the prescribed standard regardless of whether the suspect was on bail or in custody
- consideration by both prosecutors and police whether the drive to deliver face to face decisions during office hours in all cases added value and whether it was necessary for charging decisions to be delivered locally.

We believe that the alternative methods of providing prosecutor input to charging decisions already planned provide a platform from which the improvements set out above can be implemented. For example the Director's guidance on streamlined process has the potential to simplify the prosecution of offences in certain cases, that is uncontested ones, by allowing prosecutors to work from police summaries without the need to be provided with the underlying evidence. Clearly much would depend on the quality of the police summary and the correct balance being struck between necessary evidence gathering and undue bureaucracy. At the operational level the police sometimes confuse the two.

Another example of alternative methods of prosecutorial decision making, based on the centralized system of the CPS Direct model, is that of CPS London where the proportion of charging decisions at borough level has been reduced substantially and consequentially the resources needed to deliver those decisions.



Review of the new charging arrangements: CPS Direct

CPS Direct is a non geographical area of the Crown Prosecution Service. It was set up as part of the statutory charging scheme to provide advice to the police outside core office hours. CPS Direct prosecutors work from home, at anti social hours. Between them the Service's geographical areas and CPS Direct provide a 24/7 service to the police.

The review started in February 2008. We reported last year on its breadth and how it would complement the review of statutory charging to provide a comprehensive assessment of how the overall arrangements for the Service's decision making operate on a 365 days per year round the clock basis. We spent substantial periods of time talking to police officers who had used CPS Direct and observed calls to duty prosecutors. We visited duty prosecutors who work from home and also their cadre of managers.

The review examined the quality of casework, operational effectiveness, use of resources, leadership and relationship with criminal justice partners.

The main findings of the review were that the advice and service to the police were good overall and met the high standards that CPS Direct sets for itself. Calls were answered promptly and the quality of advice

was good with reasons for decisions set out clearly. Duty prosecutors were courteous and professional and worked well together in strong and effective teams.

Management of performance was comprehensive and had driven improvements in timeliness and quality. The complex staff deployment was carefully managed to ensure the best match of supply to demand, sudden peaks in demand could be accommodated and value for money was achieved where possible. Managers adopted a corporate approach and had excellent communication with prosecutors. Prosecutors' satisfaction levels with the standard of management were very good.

On the negative side, we found that more was needed to ensure that the scheme was clearly understood by the police officers who used it – we thought more effective liaison would assist here – the necessary information technology and communication equipment being available to achieve this. We also concluded that there was scope to improve flexibility to ensure that CPS Direct could cater better for police operational needs.

The review made six recommendations, identified three aspects for improvement and recognized eight aspects of good practice.



Review of the effectiveness of the operation of the Revenue and Customs Prosecutions Office charging scheme

This review focused on those cases where HM

Revenue and Customs investigators sought an immediate charging decision.

At the time of the review in March 2008 the scheme had been operating fully for less than a year. There had been some initial review work in July and September 2007 but the scheme had not been subjected to a full evaluation. This review was intended to assist any future evaluation and the approach to it, we believe the review is a good example of how we work to promote continuous improvement and assure justice.

We focused on the effectiveness of the scheme, whether it was realizing the expected benefits, the scope and quality of performance information to assist in managing the scheme and to identify where remedial action might be necessary.

We found that the scheme had been implemented effectively, with constructive early consultation with key stakeholders. It was also operating effectively with the right cases being taken forward without delay and the quality of decision making was good.

On the other hand some aspects of the scheme needed clarification to ensure consistency of approach between prosecutors and there was also a need to strengthen performance management.

Even before publication of the report, the Director of Revenue and Customs Prosecutions Office set out in detail how the organisation proposed to respond to secure the improvements the review's recommendations were designed to achieve.



Thematic review of the duties of disclosure of unused material undertaken by the Crown Prosecution Service

The report of the review was published in May

2008 and last year's report was able to detail our work and principal findings. In summary they were that non compliance was linked to either lack of systems and processes or lack of adherence to those systems and processes; inadequately described material on schedules by police disclosure officers followed by a lack of informed decision making or recording of reasons for decisions by crown prosecutors; blanket disclosure being allowed by prosecutors; sensitive material which could pose a risk of serious prejudice to an important public interest aspect required more involvement by senior police officers and by prosecutors; there was also a lack of confidence in the disclosure regime.

The Service's initial response indicated that they welcomed the report and that they would be taking action so as to ensure that prosecutors followed the statutory regime procedures effectively and to a consistently high standard.

Disclosure regime

The prosecution should disclose to the defence any unused material which might be capable of undermining the prosecution case or assisting that of the defence.

In its more considered response the Service produced an action plan aimed at taking forward our recommendations and suggestions and to improve performance. It considered carefully any more fundamental reassignment of responsibilities between itself and the police service. While having modified its initial view that these would necessitate amendment to the primary legislation, the CPS did not feel able to meet the increased demands that it considered a fundamental reassignment of responsibilities would place on its resources, especially if summary cases were listed for trial more quickly because of the Criminal Justice: Simple, Speedy, Summary initiative.

In October 2008 the Service issued guidance for all prosecutors, associate prosecutors and caseworkers reminding them of the importance of complying with legal obligations imposed by the disclosure regime. That communication, while referring the reader to the Service's disclosure manual for more comprehensive guidance, highlighted a number of our recommendations and suggestions with a reminder of what was required when a particular circumstance was encountered. The guidance also stressed that line managers should review the quality and accuracy of disclosure letters as part of the Service's monthly casework quality assurance scheme.

The Service has also committed to improving the disclosure performance monitoring regime

in those areas which had been assessed as either poor or fair in the 2007 overall performance assessment programme. At the time of writing visits to ten areas by members of the Business Development Directorate had been completed resulting in a detailed report containing recommendations for improvement and a framework for their implementation.

A joint working group has been established between the CPS and the Association of Chief Police Officers to look at how the disclosure regime is delivered by both agencies. Work in progress includes consideration of ways to improve the operational effectiveness of the disclosure regime.

This is encouraging in the light of the conclusion on the part of both the CPS and the Association of Chief Police Officers not to take forward any significant changes to their respective roles at the time of our review. The interdependencies between the CPS and the police need to be examined in the light of the resource demands on each organisation bearing in mind the need to be fair to defendants.

While we considered primarily the undertaking of the duties of disclosure in the generality of cases, the huge burdens generated in major fraud cases have to be the subject of continuing consideration. The electronic based system of dealing with disclosure piloted by the Serious Fraud Office is in many ways impressive but it is hugely resource intensive. Conversely at area level in the Crown Prosecution Service inspectors continued to find a lack of priority and rigour in dealing with disclosure which remains a risk to the Service.



Quality of prosecution advocacy and case presentation

The review began in October 2008 and reported in July 2009. The aim of the review was to evaluate the quality of prosecution

advocacy and performance in delivering high quality presentation of cases at court. A separate but linked audit of performance relating to the preparation and delivery of instructions to advocates in the Crown Court and the payment of counsel informed the review. The findings of the audit appear after this summary.

The extension of higher rights of audience to appear in the Crown Court was only granted to solicitors employed by the Crown Prosecution Service in 1997 and to employed barristers in 1999. This followed many years of opposition from various quarters.

Since 1999 the Crown Prosecution Service has provided additional training to those who have higher courts rights of audience and began an incremental approach to conducting advocacy in the Crown Court. A step change came in June 2004 and in the next year targets were introduced as to the volume of Crown Court advocacy to be achieved in areas. While there have been large variations between areas, for 2009-2010 it is envisaged that the CPS would undertake about 25% of the generality of Crown Court advocacy (by reference to the graduated fee scheme payments made in such cases, as distinct from very high cost cases).

This significant increase in advocacy in the Crown Court has caused tensions primarily

with the Bar, but also with some members of the judiciary. This review sought to examine prosecution advocacy purely on the basis of its quality, that is, whether the service to the courts and the public was of the high standard required for the administration of justice. It did not address the policy as a matter of principle or from the point of view of the impact on the flow of work to the Bar itself.

The review team which consisted of legal and business management inspectors from within the inspectorate, retired Crown Court judges and Crown Prosecution Service advocacy trainers was designed to provide a balance of views and wide experience. We were reassured of the level of consistency of judgment of the assessments made of individual advocates during the course of the review. Nevertheless, the team had a sensitive task to endeavour to balance the degree of critical comment passed on by some members of the judiciary and practitioners from the Bar, with the actual assessments flowing from observations we made in court.

At the same time as it sought to increase the proportion of Crown Court work handled in house, the Service began to introduce

designated caseworkers (paralegals who may well have been experienced caseworkers, but without formal legal qualification as a solicitor or barrister) into the magistrates' courts to undertake case presentation. The individuals completed good quality in house training and presented a limited variety of non contested magistrates' courts hearings. These have been extended and at present there are pilots in operation to test the extension of the rights to trials in non imprisonable offences. Designated caseworkers have been renamed as associate prosecutors and it is envisaged that by May 2011 they will be regulated by a body (the Institute of Legal Executives) accredited under the Legal Services Act 2007. From the outset the large majority of the work undertaken by them has been well received by the courts and it has only been the limitations upon the scope of their use at court that has created difficulty in listing in some magistrates' courts.

We observed 367 hearings in the Crown Court, the magistrates' courts and the youth court, 113 of these were trial hearings. The results are in the table below.

We found that 67% of advocates assessed were fully competent or better. A quarter of

Overall quality of advocacy – Crown Courts and magistrates' courts										
Score	Crown Advocates		Crown Prosecutors		Associate Prosecutors		External Prosecutors		All Advocates	
Very good	7	5.6%	5	6.3%	6	14.0%	15	12.4%	33	9.0%
Above average	21	16.9%	19	24.1%	9	20.9%	21	17.4%	70	19.1%
Fully competent	56	45.2%	22	27.8%	15	34.9%	50	41.3%	143	39.0%
Lacklustre	31	25.0%	22	27.8%	8	18.6%	31	25.6%	92	25.1%
Less than competent	8	6.5%	9	11.4%	5	11.6%	3	2.5%	25	6.8%
Very poor	1	0.8%	2	2.5%	0	0.0%	1	0.8%	4	1.1%
Totals	124	100%	79	100%	43	100%	121	100%	367	100%

advocates were lacklustre, and 8% were less than competent or very poor.

We found that counsel tended to be better at trial advocacy than in house prosecutors, whereas the reverse was true in non contested cases and, overall, trial advocacy was weaker than non contested work. In the majority of cases there was no significant difference between prosecution and defence advocates.

We ascertained that the Service's optimum business model had improved case progression in magistrates' courts although this could be undermined when prosecutors were abstracted for other purposes. But most areas had some difficulty maintaining the quality and timeliness of Crown Court case progression, this impacted on the effectiveness of the advocate at court. Generally we felt there was too much emphasis on targets at the expense of quality.

On training we found that associate prosecutor training was on the whole very good. But while a lot of positive work had taken place on the training of in house advocates, there was a need to refocus on specific aspects to address some of the weaknesses observed.

Outside the formal training arena we found a need to bolster the level of support and mentoring available to in house advocates, particularly for trial advocacy. We observed that insufficient attention had been given to the quality of advocacy in the past although there had been increased focus in the months prior to our observations.

We were pleased to note that there had been significant progress towards the vision of

“transforming the Crown Prosecution Service into an organisation which routinely conducts its own high quality advocacy in all courts, efficiently and effectively”.

Nonetheless we found that in some instances targets and budget considerations had had a detrimental effect on the deployment of advocates. Whereas some areas had done positive work in planning their local advocacy strategy, generally there was a need for a more holistic approach to resource planning to take account of other initiatives and changes that were taking place.

We noted that the advocacy strategy had made a significant contribution towards the overall efficiency savings target of the Service and that there had been some softer benefits, for example, it had contributed to making the Crown Prosecution Service a more attractive employer with better career progression paths. We also found a consensus that the increased use of in house advocates had improved victim and witness care at court.

First and foremost the CPS has created a platform from which it can aspire to more excellent or outstanding advocacy in the generality of cases; and the capacity over a period of time to assume responsibility for the presentation of a substantial proportion of its Crown Court casework.

From our analysis we drew the following overarching conclusions

- the CPS had made considerable progress against its objective of increasing the quantity of court work undertaken by in house advocates – a watershed had been reached for the implementation of the advocacy strategy and it now needed to

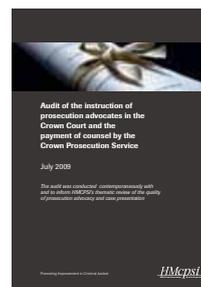
consolidate the expansion with a change of emphasis from quantity to quality

- the quality of advocacy, especially in the Crown Court had been affected by weaknesses in case preparation and progression that had developed as the advocacy strategy had accelerated – action taken in the next phase of the strategy needs to ensure that all prosecutors have the right skills to deliver a quality service, while ensuring there is enough resource for other core work to be done effectively
- the introduction of a quality target was a more progressive move but needed underpinning with actions to drive up quality, in particular the quality of trial advocacy in the Crown Court and magistrates' courts – addressed through further training, development and improved mentoring, and where appropriate, robust performance management
- the need to raise the significant proportion of lacklustre advocacy to the level the courts and public expect and to eradicate very poor and less competent advocacy
- the introduction of advocacy assessors evidenced a change of approach but there was a need to ensure that when fully operational nationally they captured what was necessary to drive the essential improvements in standards
- the consolidation of work undertaken in the first phase of the strategy and the new approach to quality should enable the CPS both nationally and locally to move away from target chasing
- the prosecutor structure that supports

the strategy needed to be revisited before financial constraints made it difficult to change deployment practices that are necessary for the future of the Service

- although it is reassuring that a more collaborative and less combative approach is beginning to emerge between the CPS, the Bar and the judiciary, this needed further development.

We found it positive that the CPS recognized that a fresh approach was needed and had already taken steps to address some of these issues and that work was underway to ensure action was taken to address the recommendations and aspects for improvement highlighted in the review's report. The proposed strands of work will need to be assessed carefully in the future.



An audit of the instruction of prosecution advocates in the Crown Court and the payment of counsel by the Crown Prosecution Service

The audit ran substantially

in parallel with the advocacy and case presentation thematic review because it examined issues which had a bearing on the quality of performance in these respects. It focused on the systems for selecting and instructing in house advocates and counsel, the quality of instructions provided to the prosecutor and the effectiveness of systems for paying counsel. The report was published in July 2009.

The main findings were

- prosecuting advocates were not often allocated cases with the intention that they would retain the case throughout its life and there was often a lack of clarity about who was responsible for dealing with a case post committal
- late allocation of cases often the day before the first hearing at the Crown Court led to a lack of timely preparation
- effective deployment of advocates was hampered by changes to court lists at the last minute
- few areas recorded their performance in the timeliness of allocation or the frequency and timeliness of returned briefs
- the number of cases for plea and case management hearing allocated to a particular advocate may hinder their ability to prepare and deal with each case effectively at court
- those who managed the allocation of cases to in house advocates had no formal training for the post and there were inconsistencies in the remit of the role
- few areas had systems in place to quality assure the content of briefs and indictments
- the overall appearance of most briefs was pages of standard paragraph script
- most areas had systems in place to identify unpaid fees and ensure that claims for payment were pursued
- timeliness of payment in all areas was hampered by inaccurate completion of the fee information sheet which authorized payment of counsel.



An audit CPS performance in the quality and effectiveness of file endorsements and the administration of cases

The quality and effectiveness of file endorsements and the administration of case files form a vital part of effective prosecutions. Failure to make clear and accurate endorsements on files can lead to incorrect decisions, failures to take timely action and failed prosecutions. In May 2008 we published the results of our audit on these issues.

We found the introduction of the electronic case management system had overcome many of the difficulties associated with legibility simply because decisions and other actions were input into the electronic case management system, printed out and stored on the file. But overall we concluded that the majority of files we examined had not been maintained in a satisfactory manner.

Aspects which needed improvement were

- the recording of hearing outcomes on files
- the recording of the defendant's bail status at each hearing
- documenting on the file when and what work is done between court hearings to progress the case or to deal with correspondence
- recording of work that is necessary following a court hearing to ensure that it is carried out in good time to avoid delays
- recording of outcomes with greater accuracy on the electronic case management system.

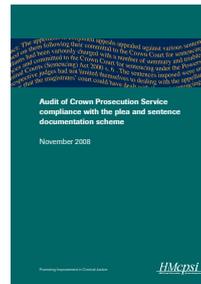
We noted that factors contributing to the weaknesses were

- the absence of clear guidance
- the lack of a national requirement for monitoring the quality of file management and endorsements
- the absence of any national standard design for file covers or any national instructions on how documentation should be organised inside the file
- that sometimes there were conflicts between what had been recorded on the electronic file and on the paper file available to the prosecutor at court – neither the file nor the case management system had a full record of all the work carried out.

Whereas no formal action plan was drafted in response to the findings, the Service indicated that the development of its optimum business model would streamline and improve systems for case management in the majority of cases in the magistrates' courts. The development of an optimum business model was in response to criticism by the National Audit Office about shortcomings in efficiency by the CPS in the magistrates' courts.

The optimum business model is due to be fully implemented in all areas by December 2009. A standardised file jacket for magistrates' courts is also being developed for national implementation.

The Service is also developing an optimum business model for use in Crown Court casework and plans to implement it across all its areas by March 2011.



An audit of compliance with the plea and sentence documentation scheme

In June 2007 the then Attorney General, Lord Goldsmith, issued amended

guidelines which required prosecutors to prepare a plea and sentence document in all Crown Court matters and magistrates' courts cases where the issues were complex or there was scope for misunderstanding. The guidelines called for the identification of aggravating and mitigating factors, and options available to sentencing judges. In November 2008 we published the report of our audit of the scheme.

We checked compliance with the scheme and the quality of documentation was assessed by a retired senior circuit judge who assisted the team.

We found that overall that documentation was submitted in only 43% of cases. Some areas had provided documentation in all cases while in others none had been submitted in the files seen in the sample. While documentation had the potential to be very helpful, particularly to the less experienced members of the judiciary, it was often not completed with information relevant to the specific case.

We concluded that the scheme needed to be revised to focus on those cases where plea and sentencing documentation would be most useful to the judiciary. In our view to do so would free up resources and had the potential of improving the quality of documentation.

We also suggested that the scheme should be relaunched to raise awareness among the judiciary and other practitioners to highlight the role of the prosecution in providing information on sentencing options.

The CPS accepted the recommendations. It is working with the Attorney General's Office, other government prosecuting agencies and in consultation with the judiciary to review the scheme in accordance with the recommendations. It is expected that guidelines covering a new scheme will be issued shortly. It is also understood that these will address issues of compliance with documentation requirements in cases where the prosecution accept a defence plea on a basis which is inconsistent with what the prosecution had put forward originally.

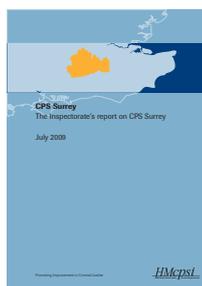
Bespoke inspections of CPS areas

Towards the end of the reporting period we undertook full inspections of two CPS areas, CPS Surrey and CPS Leicestershire and Rutland. This was because they had been assessed as poor in the 2007 overall performance assessment programme.

We are pleased to report both areas had improved sufficiently by the time of the full inspections to receive a fair assessment. CPS Leicestershire and Rutland demonstrated a markedly improved performance over the 2007 assessment.

We also carried out a pilot inspection of CPS London – Croydon Borough.

Overall performance assessment ratings are excellent, good, fair, and poor. Each rating embraces a wide range of performance which means that one area with the same rating as another might be a significantly better performer but still within the range. A fair assessment represents performance that for the most part complies with relevant standards, is adequate, and may contain some strengths as well as some weaknesses. Either weaknesses need to be eliminated or performance overall needs to be more positive before a good assessment can be awarded.



CPS Surrey

The area's poor rating in the 2007 overall performance assessment programme was primarily the result of a poorly planned restructure in early 2006 which caused administrative difficulties

and a breakdown of relationships with criminal justice partners. We were pleased to note that the area had made progress against the majority of weaknesses identified in 2007.

We found that the administrative team was significantly more efficient. Performance outcomes had improved in a wide range of measures although many of them were still at the lower end of the spectrum of national performance. And the area's reputation with its criminal justice partners had improved considerably so that most partners believed that it was now a more responsive and constructive organisation.

While there were a number of other positive examples of progress, and the area

was moving in the right direction, it still had a considerable way to go. For example communication between management and staff gave us cause for concern and had impacted adversely on morale; and some casework issues required significantly more attention – we rated them only just adequate.

In our view the key to the area's success will be the extent to which managers engage more effectively with staff and also improve the standard of decision making and casework handing.



CPS Leicestershire and Rutland

The area's poor rating in the 2007 overall performance assessment programme was primarily as a result of poor management of area resources, failures in

victim and witness care and poor results in magistrates' courts casework. In October 2007 a new permanent Chief Crown Prosecutor was appointed as were a number of senior managers.

We found that the area had made substantial strides in addressing all the weaknesses identified and had established a clear sense of purpose and harnessed the pride and enthusiasm of staff to 'do justice in every case'. We were impressed with the positive attitude and approach of everyone. As performance and outcomes improved the area had been able to regain the confidence of criminal justice partners.

A number of aspects were rated as good but some weaknesses persisted, for example in

the Crown Court where case progression needed to be improved. The area had recognized this and had commissioned a review of Crown Court preparation with the intention of utilizing efficiencies identified elsewhere to redress the weakness.

Significant improvements had been demonstrated in most case outcomes and, although some remain below the national averages, the area had in place the processes and systems to achieve better.

Performance assessments of CPS London boroughs

In 2009-2010 we will undertake an inspection of CPS London. This will be the first in depth scrutiny of London since 2002, although we undertook overall performance assessments in 2005 and 2007. CPS London undertakes approximately 18% of the Service's caseload and its work has a high public profile because it is the capital city. We will undertake a series of assessments across all London boroughs and the City of Westminster and the City of London. We have adapted our framework taking into account the operational divisions between CPS London headquarters and the districts which relate to Crown Court centres, and the borough units. The assessments will have a significantly broader evidential base than overall performance assessments. The reports will show more accurately where strengths and weaknesses lie in the individual boroughs, and when complemented by work at an area level will enable us to produce an overarching report for CPS London.



Performance assessment of CPS London – Croydon Borough

We undertook a pilot inspection of CPS London – Croydon Borough unit during

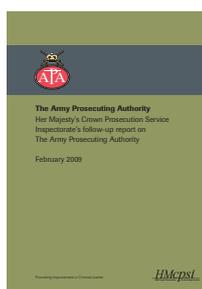
February and March 2009. This enabled us to evaluate our methodology and at the same time to produce an accurate and soundly based report. The performance assessment of CPS Croydon Borough was good.

Inspectors found that performance was strong in the critical aspects relating to the provision of pre-charge advice, decision making, preparation and progression in magistrates’ court cases, management and partnership working. Managing performance to improve was good.

The proportion of magistrates’ court cases that resulted in a successful outcome was higher than that for CPS London overall and nationally. The proportion of successful cases in the Crown Court was 80.2%, significantly higher than for the area as a whole.

The borough was having difficulty in resourcing some of its activity effectively, including aspects of case preparation. The borough’s achievements in taking forward change and improvement were the more creditable because of increasing resource constraints and it will be important to ensure that these can be sustained. The aspects for improvement identified included ensuring that the levels of service to victims and witnesses were improved and consistent, and that relatively high levels of staff sickness absence were addressed.

Other prosecuting authorities



Army Prosecuting Authority – follow up inspection

In November 2008 we carried out a follow up inspection of the Army Prosecuting Authority which we had previously

inspected in February 2007. The report was published in February 2009.

A follow up inspection would normally have taken place earlier but the Authority’s senior people were involved heavily in preparations for the newly combined Service Prosecuting Authority which is due to take over prosecutions for all three armed services in October 2009.

We concentrated on the progress the Authority had made in addressing the recommendations and suggested aspects for improvement of the original inspection. We visited the Authority’s headquarters in Uxbridge, Greater London and Bielefeld, Germany to examine case files and speak to staff at all levels. We also interviewed representatives of other military criminal justice agencies. We concluded that even though progress had been affected and, in some instances, overtaken by preparations for the Service Prosecuting Authority there had been some positive improvements overall.

We were pleased to note that the establishment of the Service Prosecuting Authority had provided the stimulus for a more sophisticated performance management regime, although progress on this aspect had

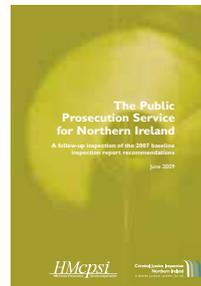
also been affected by the problems with the case management system.

The quality of casework review continued to be a strength although timeliness could be improved. A joint protocol with the Royal Military Police had increased the level of early consultation between prosecutors and investigators which would improve further when new legislation introduced direct referral in serious cases. The standard of advocacy varied but overall was positive. The service to victims and witnesses had also improved in terms of providing case information and assistance at court, although problems with the Authority's case management system were hindering attempts to provide an automatic victim and witness care package. These problems were being addressed.

We noted that training involved a more collaborative approach with other prosecuting agencies in some aspects. The recent application of the disclosure regime of the Criminal Procedure and Investigations Act 1996 to cases handled by the Authority had been implemented well but we found it too soon to form any considered judgment.

We were disappointed to note that the practice of providing the judge advocate with all unused material continued to be an issue. As were the arrangements for listing court martial proceedings which did not always allow prosecutors to present their own cases. Greater use of video link between the Authority's headquarters and the court was being made for some preliminary and intermediate court hearings but we felt there could be a more consistent approach to usage.

Overall we found a positive picture in that the Authority continues to provide an effective prosecution service which will help to provide a firm basis for the new Service Prosecuting Authority.



Public Prosecution Service (Northern Ireland) – follow up inspection

The Chief Inspector of Criminal Justice Inspectorate (Northern Ireland) invited us to

carry out a follow up inspection of the Public Prosecution Service (Northern Ireland) under the delegation provisions of the Justice (Northern Ireland) Act 2002. The inspection began in January 2009. Its primary purpose was to establish the progress made since the original baseline inspection in March 2007. We found that progress had been made against all the recommendations in the baseline inspection report, although the level of progress varied considerably.

We observed that overall core prosecutorial decision making remained sound. The Public Prosecution Service had made most progress in relation to recommendations concerning those areas of its operations that were to do with the delivery of its core legal function.

We found scope for considerably more progress insofar as the implementation of a more robust management agenda within the Service was concerned. We felt that the changing arena in which the Public Prosecution Service operated required a broader range of general

management skills than was apparent and that there was still much to be done in attaining the right mix and balance of skills.

In the build up to devolution of criminal justice to Northern Ireland, interest in how criminal cases are investigated, prosecuted and disposed of had increased among the public and the media. It was our view that the Public Prosecution Service needed to make more progress in terms of transparency and accountability for decisions it made in order to satisfy this increased interest.

There have been some developments very recently which give cause for cautious optimism on matters on which up till the time of the inspection there had been limited progress. In particular, the appointment of a communications officer in December 2008 had led to a more proactive approach to media engagement, and the agreement of advocacy standards had opened the way to a more consistent formal monitoring scheme. We were also pleased to note that proposals for an improved set of key performance measures were being considered at the time of the inspection.

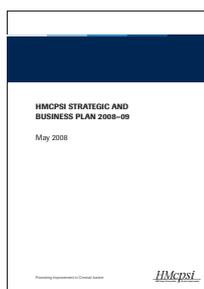
We found that the Public Prosecution Service (Northern Ireland) was a more mature organisation than at the time of the earlier baseline inspection. Much good work had been done but progress against many recommendations had been slower than we felt desirable. External factors, such as preparing for devolution of criminal justice, and inefficiencies inherent in the wider criminal justice system in Northern Ireland, undoubtedly have had some impact on the rate of progress.

Assuring Justice

Further corporate matters at the inspectorate

The extent of our remit and changes to our governance arrangements, including the impact on them of the Attorney General's strategy with regard to the prosecuting departments for which she is responsible, are set out earlier in this report.

Performance against business plan



As has been our practice in previous years we developed our business plan using the balanced scorecard methodology – this approach involves the need to get the balance right in order to succeed

from the following four perspectives

- external
- stakeholders and finance
- innovation and learning
- internal.

We are pleased to report a year in which we achieved all but one of the key objectives and we were on target for those begun in 2008-2009 for delivery in 2009-2010.

The notable exception related to delivery of the planned joint criminal justice review of the criminal case management framework which did not take place. The reasons for this are stated earlier in the report.

The programme we undertook to meet the key objectives was as follows

External

- strengthening our profile and brand through a strong communications strategy including a more proactive role with the media and academia
- working with the other four criminal justice inspectorates to produce a criminal justice joint inspection business plan
- developing and launching a new website.

Stakeholders and finance

- managing a full programme of inspection work against a background of significantly reduced budgets
- working with the other four criminal justice inspectorates to deliver the joint inspection business plan for 2008-2009
- conducting a survey of the recipients of our reports, identifying the medium by which they wish to receive future reports and obtaining feedback on their perspective of the inspectorate
- using the services of an alternative travel/accommodation management company on a trial basis to ascertain whether they would provide better value for money than the existing service provider.

Innovation and learning

- introducing expected behavioural standards for management and staff
- continuing our corporate and individual training and development programme for everyone in the inspectorate
- revitalizing the process of keeping inspectors abreast of specific issues through the in house expert scheme.

Internal perspective

- completing the review of and subsequent revision of the inspectorate's handbook on its human resources policy and practice
- maximizing use of accommodation at the London office in Old Queen Street so as to provide further accommodation for the National Fraud Authority
- implementing a new records management policy and records disposal arrangements
- adopting and implementing the Information Commissioner's Office's model publication scheme
- progressing further our sustainable development action plan to achieve the Law Officers' sustainable development annual targets.

Finance

The table below shows the staff costs and expenditure incurred over the last four years. Understandably staff costs have increased but to a very great extent we have been able to maintain our costs on travel and subsistence, general supplies and other services, while the use of consultants has dropped greatly in the last two years.

It is also encouraging to note that if we look back over a four year period from 2005-2006 the total increase in outturn was £120,000 which represents total growth of just 3.2% over that period, less than 1% per annum.

The inspectorate's budget comes from the Treasury Solicitor's Department Estimate. The figures for 2008-2009 are now finalized.

The accounts for 2008-2009 have been prepared on a resource accounting basis, that is, the figures show the value of goods and services received or due rather than the actual cash payment made. In 2008-2009 the full year budget was £3,874,000, but the final figures came under budget by approximately £17,000 (0.44%) at £3,857,000.

Staff costs were £26,000 under budget partly offset by an overspend of £9,000 on non salary costs. The main contributor to this was accommodation costs which were over budget by £24,000 due to decoration work from 2007-2008 overrunning and thus being funded by this year's budget. Considerable effort was required to maintain non salary costs to this extent.

	2005-2006		2006-2007		2007-2008		2008-2009	
	Cost £'000	% of total costs						
Staff	2,633	70.5%	2,594	72.0%	2,824	74.8%	2,882	74.7%
Recruitment and training	84	2.2%	136	3.8%	99	2.6%	52	1.4%
Accommodation	471	12.6%	470	13.0%	485	12.8%	540	14.0%
Travel and subsistence	142	3.8%	166	4.6%	152	4.0%	160	4.2%
Consultancy	66	1.8%	49	1.4%	20	0.5%	17	0.4%
Suppliers and other services	341	9.1%	189	5.2%	198	5.3%	206	5.3%
Total	3,737	100%	3,604	100%	3,778	100%	3,857	100%

Recruitment and training were under budget and significant savings were achieved on other services and suppliers, notably printing. The majority of expenditure for 2008-2009 was on staff and accommodation – approximately 75% and 14% respectively.

of which 50% were male, 50% female and 12% were from a black and minority ethnic background. The analysis did not include reference to those with disabilities or temporary promotions as the numbers were very small and would have allowed individuals to be identified.

Human resources

Equality and diversity

As we have demonstrated elsewhere we adhere to the principles of equality and diversity in all our human resource processes as is illustrated by the attendant bar charts for the year 2008-2009 on representation of people we employ, those recruited, those appointed, those promoted through internal exercises and those who have undergone training and development courses. The statistics show those who are female, those from a black and minority ethnic background, those who declare themselves as disabled and those aged 45 or over.

We also conducted an analysis of the performance appraisal assessments of all inspectors, auditors and administrators in the inspectorate for the year 2007-2008. The possible performance assessments are

- highly successful or exceeded
- successful or succeeded
- improvement needed
- unsatisfactory or poor performance.

The analysis showed that everyone had been assessed in the highly successful or exceeded category or the successful or succeeded category. 54% were assessed in the highly successful or exceeded category,



Learning and development

This was a particularly busy year in respect of learning and development with a wide range of activities undertaken to support corporate development needs as well as individual

development needs identified through the appraisal process.

Over the course of the year four days were devoted to two all staff conferences which considered issues of importance to everyone in the inspectorate. The first two day event was held in October and the second towards the end of the year in March. Programmes for the conferences included

- the Attorney General setting out her vision for the future strategy of the Law Officers' Departments and the role of the inspectorate in this
- addresses by the new Director of Public Prosecutions (Keir Starmer) and other senior managers of the Crown Prosecution Service providing updates on the strategic vision, priorities and work of the Service
- a presentation on the differences and similarities between inspection and consultancy by the Chief Inspector of the Criminal Justice System (Northern Ireland)
- developments in military prosecutions
- internal management issues such as the inspectorate's own business plan and revised methodology.

The conferences were supported by a number of dedicated training days for inspectors and administrators which provided an opportunity to review inspection developments and prepare everyone for the introduction of the our revised inspection strategy as well as to keep lawyers up to date with legal developments.

A corporate induction was held for four new inspectors who joined the organisation

in summer 2008. Following evaluation of previous induction events, this programme was extended to provide participants with a more in depth training on inspection methodology, performance management systems and report writing skills.

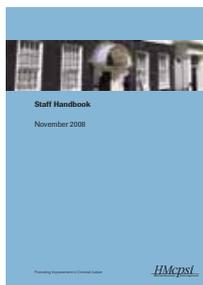
Recruits other than inspectors undertook a general induction programme over a period of three months at the start of which they were assigned a mentor. They also received training specific to their job to help them function successfully. Their line manager supervised the programme. In addition they were invited to attend relevant parts of the inspector induction programme which they found very helpful.

At an individual level a range of development programmes were supported during the year. Individual members of the inspectorate took part in a variety of programmes run by the National School of Government and other training providers to assist their own personal development. A number attended professional conferences including the Crown Prosecution Service advocacy conference, the National Black Crown Prosecution Association conference, the Government Legal Services conference, the National School of Government legal conference and the International Association of Prosecutors conferences in both Singapore and The Hague (on which we report in earlier sections).

The inspectorate is a member of the Whitehall and Industry Group. The group aims to build understanding, cooperation and constructive engagement between government and business in order to bring

about better informed policy and regulation, more effective cross sector partnership and enhanced leadership. Members of the inspectorate have attended the senior leadership programme which provides development through presentations, workshops and learning sets and facilitates networking with other leaders in Whitehall and the private sector. Members of the inspectorate have also attended specific events within the lawyer and human resources networks as well as breakfast briefings provided by senior civil servants, chief executives and political journalists.

Four in house training events held for inspectors during the course of 2008 provided 11.5 of the 12 continuing professional development points required of lawyers. Other training events attended on an individual basis also contributed and all of the inspectorate's lawyers met the requirements of the Bar or Law Society for the year.



Staff handbook

Last year we reported that a consultation process was underway on a major revision of the staff handbook which had been undertaken to ensure it reflected fully legislative

developments and addressed contemporary needs. We are pleased to report that the new handbook, issued during the reporting period, reflects the result of equality impact assessments on our employment policies and practices to ensure we meet our equality duties and other changes in employment

legislation. In some instances the conclusion was that revision was not required.

Risk management

As part of our continuous review programme we completed reviews of our risk register in May and October 2008. We were satisfied that the controls in place were robust enough to mitigate any risk and that no amendment to them was necessary at that time.

The general concerns across government departments over the risk involved in handling data shaped our policy around data handling both electronically and physically given that our inspectors often work away from the inspectorate's premises.

At the time of writing the risk management process itself was being reviewed with the aim of enhancing further its effectiveness.

Complaints procedure

We are eager to ensure that our inspection processes are transparent and fair. But there may be occasions when an organisation or individual involved in an inspection, review or audit wishes to contest the process or to register concern about the conduct of inspectors or auditors. There may also be instances where complaints are raised which are unrelated to inspectors, auditors or process. In all cases complaints should be made in accordance with the inspectorate's complaints procedure which is published on our website. During 2008-2009 no complaints were received.



Sustainable development

Both our environmental policy and action plan are grounded in the principles of sustainable development and demonstrate

environmental management.

This year we continued to focus on reducing waste generation. For example, everyone in the inspectorate has been encouraged to consider the reuse of paper and has been given access to a range of recycling bins to drive down the use of landfill.

Increase in utility consumption has not matched the increase in the number of people based at our London premises (an 18% rise during the reporting period). For example water consumption decreased by 4% per capita.

We report our performance on these matters annually, with the other Law Officers' Departments, in the Sustainable Development in Government Report. The report covers greenhouse gas emissions, energy and water consumption, and levels of waste and recycling.

Estate management

Our London office is situated in a Grade II listed building which we manage ourselves. Our aim is to achieve a sustainable managed building which is fit for purpose, pleasant, safe and with risk reduced to the minimum. During the year regular building inspections were carried out to identify health and safety risks and any faults which might need to be rectified.

Through further rationalisation of accommodation we were able to make available more space for the National Fraud Authority thus increasing for the second year running the operational efficiency of the building.



Procurement

We remain committed to ongoing engagement with our suppliers to establish how they consider their own impact on the environment and whether or not they have systems in place to manage it. Our aim is to deliver savings and achieve low carbon, low waste supply lines. Following on from last year's review of procurement, we continued our collaboration with other government departments in respect of those contracts coming to an end. An example is the negotiations now taking place in association with the Crown Prosecution Service for a new management agent contract.

Freedom of information

We received 18 freedom of information requests during the year, ten of which were for published information. All requests were answered within the 20 day time limit.

We adopted a new publication scheme to accord with the Information Commissioner's guidance as deemed proportionate and appropriate for an organisation of our size. Details of the scheme are posted on our website as are other publications in line with the requirements of the scheme.

Publications

As well as designing and publishing the inspectorate's reports in a consistent and distinctive house style, this year the publications team designed and produced a general information booklet to support our aim of raising the inspectorate's profile. The purpose of the booklet is to explain our role to a wider audience and is intended for use at conferences and trade fairs.

A list of reports published this year is at annex 5.

Our website

This year we launched our new website following the redevelopment work which started last year. Among other things, the purpose of redevelopment was to make documents much easier to find, to incorporate improvements to our corporate identity and to prune the website's content. The redevelopment work was undertaken in house.



Criminal Justice Joint Inspection website

As reported last year we assumed responsibility for the creation of a criminal justice joint inspection website. Work on development was still ongoing at the end of the reporting period.



Annex 1

HM Crown Prosecution Service Inspectorate: principles of inspection

Our principles of inspection accord with the Government's policy on inspection of public services which were published in July 2003.

- **THE PURPOSE OF IMPROVEMENT** – Our inspections are designed to contribute to the improvement of the prosecution service being inspected. This guides the focus, methodology, reporting and follow up of the inspection. Our reports recognize good performance and identify good practice. In framing recommendations, aspects for improvements and issues requiring management attention, we address any failure appropriately and proportionately.
- **A FOCUS ON OUTCOMES** – We consider service delivery and how it affects the prosecution services' partners in the criminal justice system, victims and witnesses, and defendants and their representatives, rather than concentrating on internal management arrangements.
- **THE USER PERSPECTIVE** – The inspection is delivered with a clear focus on the experience of the prosecution services' partners in the criminal justice system, stakeholders and the public, as well as on internal management arrangements. We seek to encourage innovation and diversity and are not solely compliance based.
- **PROPORTIONATE TO RISK** – We undertake a risk assessment of CPS areas in order to help modify the extent of inspections according to the quality of performance by the business units. Resources are concentrated on areas of greatest risk.
- **SELF ASSESSMENT** – We encourage self assessment by managers and self assessment is the starting point of the inspection process. In the course of inspection we will challenge the self assessment where necessary.
- **IMPARTIAL EVIDENCE** – Evidence is gathered from actual cases, and whether quantitative or qualitative we seek to validate evidence and assess its credibility. We seek the views of those with direct experience and involvement with the prosecution services, and do not rely on second hand perceptions or views.
- **INSPECTION CRITERIA** – We set out our criteria that we use to form judgments in an inspection handbook, and this has been passed to the prosecution service we inspect and is available to individual business units.
- **OPENNESS** – We are open about our processes, actively seek feedback from those we inspect, and are willing to take any complaint seriously. We have internal quality assurance processes, and have commissioned reviews of our inspections during each cycle.
- **VALUE FOR MONEY** – We look to see that the prosecution services have arrangements in place to deliver the service efficiently and effectively; we ourselves try to demonstrate that inspection delivers benefits commensurate with cost, including the cost of those inspected;

we work together with other inspectorates on cross cutting issues, in the interests of greater cost effectiveness and reducing the burden on those inspected.

- CONTINUALLY LEARNING FROM EXPERIENCE – We seek to become increasingly effective by continually learning from experience. We evaluate our own inspections, assess our own impact on the service providers' ability to improve through feedback and follow up inspections, and share best practice internally and with other criminal justice inspectorates.

Annex 2

Casework expectation standards: 10 governing principles

- 1 The overriding duty of the prosecuting authority is to provide a service to the public. The inspectorate should ask whether a member of the public would be satisfied with the overall quality of any casework activity.
- 2 The approach to casework handling at all stages should involve taking and maintaining the initiative. In other words, it should be proactive rather than reactive in that there should be a willingness and ability to foresee possible problems, and to plan and execute a suitable strategy to deal with them in advance.
- 3 All cases are unique and must be treated on their own merits. The prosecutor should view the case as a whole rather than a series of processes.
- 4 All casework steps should be completed in good time to allow compliance with any court direction and with a level of expected common courtesy.
- 5 Cases should be handled in an unbiased way which is free from discrimination. Personal views about the ethnicity or national origin, religion, disability, political views, gender or sexual orientation of any person connected with the proceedings must never influence the way cases are dealt with.
- 6 All actions taken on a case should be based on, and underpinned by, sound legal and procedural knowledge.
- 7 There must be a willingness and confidence to make appropriate, robust and strong decisions on cases rather than adopting a course of action simply because it appears to be the easiest option.
- 8 The prosecuting authority should strive to ensure value for money, but only insofar as is consistent with the need for all casework decisions and steps to be made at the appropriate time and grade.
- 9 All decisions and actions should be open, transparent, and clearly recorded. Reasons for particular courses of action should be evident and information should only be restricted when the legitimate interest of the citizen, or the wider public interest demands.
- 10 All aspects of case handling merit the highest levels of professional standards, which are consistent with the degree of public responsibility borne by every member of the prosecuting authority.

Annex 3

Terms of reference for Dr Michael Maguire's peer review of the inspectorate

The purpose of the peer review is to consider and determine how the role of the inspectorate may need to develop in order for it to maintain an inspection regime which remains fit for purpose in the context of a joined up criminal justice system and respond fully to changes in the prosecution landscape including any brought about by the implementation of the Attorney General's Strategic Review and Strategy Programme. This will include consideration of the current expertise and skill base within the inspectorate and how this may need to change.

Due regard will be paid to

- the strengths and weaknesses of current approaches to inspection of the Crown Prosecution Service and other bodies currently inspected
- the need for the inspectorate to operate within a reducing budget
- the requirements for joint working as set out in the Police and Justice Act
- stakeholder expectations and perceptions
- the inspectorate's statutory remit and name
- governance structures
- Government policy on the inspection of public services.

A major review of the Corporate Services Group and Inspection Support Group has very recently been undertaken. While the peer review may wish to consider this, it is not envisaged that the review will be revisited in a major way.

30 April 2009

Annex 4

Terms of reference for the House of Commons Justice Committee investigation into the Crown Prosecution Service

THE CROWN PROSECUTION SERVICE

The Crown Prosecution Service is in many ways as integral a part of the criminal justice system as the police, the courts or prison and probation services—determining what an offender is charged with in all but the most minor of cases.

The Justice Committee therefore wishes to conduct an inquiry into the work of the Crown Prosecution Service. The inquiry will look particularly at:

- 1) How the CPS contributes to, and fits into the Criminal Justice System—how does it relate to and share information with the police, courts and other services, how does it work with other prosecution agencies such as the Revenue and Customs Prosecutions Office, what is its role as regards Anti Social Behaviour Orders, is there an effective balance between holding it accountable and maintaining its independence, what is the role of the Attorney General?
- 2) How effectively does the CPS operate and serve its customers—how does it communicate with victims and witnesses, how does it relate to local communities, is it providing a timely and consistent service across the country, do the different staff functions support effective case management, is decision making on charges or whether to prosecute effective, how is it managing key areas such as prosecuting rape and domestic violence?

The inquiry will not consider decisions to prosecute in individual cases.

Annex 5

Reports relating to 2008–2009

Name	Date	Lead	Contributors
CPS specialist business units and Revenue and Customs Prosecutions Office			
Fraud Prosecution Service	October 2008		
Special Crime Division	January 2009		
Counter Terrorism Division	April 2009		
Revenue and Customs Prosecutions Office	July 2009		
CPS area reports			
CPS London borough performance assessment - Croydon Borough	May 2009		
CPS Surrey	July 2009		
CPS Leicestershire and Rutland	July 2009		
Audit reports			
CPS performance in the quality and effectiveness of file endorsements and the administration of cases	May 2008		
CPS compliance with the plea and sentence documentation scheme	November 2008		
The instruction of prosecution advocates in the Crown Court and the payment of counsel by the CPS	July 2009		
Thematic reports			
Duties of disclosure of unused material undertaken by the CPS	May 2008		
The third joint chief inspectors' report on arrangements to safeguard children	July 2008	Ofsted	Commission for Social Care Inspection, Health Care Commission, HMCPSI, HMIC, HMICA, HMI Prisons, HMI Probation

Name	Date	Lead	Contributors
Safeguarding children - a second review of the role and contribution of the CPS to the safeguarding of children	August 2008		
Second thematic review of CPS decision making, conduct and prosecution of cases arising from road traffic offences involving fatalities	November 2008		
Joint thematic review of the new charging arrangements (CPS and police)	November 2008	HMCPSP	HMIC
CPS Direct (charging)	November 2008		
Revenue and Customs Prosecutions Office charging scheme	November 2008		
Complaints handling by the CPS	March 2009		
Joint thematic review of victim and witness experiences in the criminal justice system	April 2009	HMCPSP	HMICA, HMIC
Quality of prosecution advocacy and case presentation	July 2009		
Joint thematic review of prolific and other priority offenders	July 2009	HMI Probation	HMCPSP, HMICA, HMI Prisons, HMIC
Other prosecuting authority reports			
Army Prosecuting Authority follow up inspection	February 2009		
Public Prosecution Service (Northern Ireland) follow up inspection	June 2009		
Criminal justice area reports			
Dorset criminal justice area	May 2008	HMICA	HMCPSP, HMIC, HMI Prisons, HMI Probation
Lancashire criminal justice area	July 2008	HMICA	HMCPSP, HMIC, HMI Prisons, HMI Probation

All reports can be downloaded free of charge from our website www.hmcpso.gov.uk

HMCPSP: HM Crown Prosecution Service Inspectorate

HMIC: HM Inspectorate of Constabulary

HMICA: HM Inspectorate of Court Administration

HMI Prisons: HM Inspectorate of Prisons

HMI Probation: HM Inspectorate of Probation

Photo on page 29 courtesy of Criminal Justice Inspectorate Northern Ireland, John Harrison, Harrison Photography.

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