

# Towards Excellence

## **HM Chief Inspector of the Crown Prosecution Service Annual Report 2007-2008**

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HM Crown Prosecution Service Inspectorate Annual Report for the period April 2007 to March 2008

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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# Towards Excellence

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# Towards Excellence

## Vision, Mission and Values

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### *Vision*

HMCPSP 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*

HMCPSP 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.

# Towards Excellence

## Letter from HM Chief Inspector to the Attorney General

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### *The Rt. Hon. Baroness Scotland QC*

I am pleased to present my report as HM Chief Inspector of the Crown Prosecution Service Inspectorate covering the performance of the Service and the work of the Inspectorate during the year ending 31 March 2008.

The year has been an eventful one and much has been achieved. We delivered the second programme of overall performance assessments of the 42 areas of the Crown Prosecution Service, the first being delivered in 2005; undertook significant other important activity which included considerable work to develop a revised inspection strategy and to establish clear standards and expectations against which casework should be measured in the future, both ongoing at the end of the period, and carried out audits of some of the more detailed but important aspects of the Service's performance; we also contributed fully and effectively to the development and implementation of the Criminal Justice Joint Inspection business plan; and to other commitments agreed between criminal justice Ministers and the five criminal justice chief inspectors in October 2006.

Moving on to the 2007 overall performance assessments, five areas were assessed as excellent as opposed to three in 2005. Two areas were rated as poor as opposed to four in 2005 although one of the London sectors was also assessed as poor. This improvement has been during a period when extensive change and reform within both the Service and the criminal justice system undoubtedly has stretched resources.

Your decision to instigate the Attorney General's Excellence Awards, not only to the five areas assessed as excellent but to the two that had made the most improvement since 2005, was very welcome to both the Inspectorate and the Service. The areas receiving the awards became role models for the remainder and morale within those receiving the awards was stimulated greatly by the recognition of their achievement.

I believe the awards send out three important signals in that they recognize the value and importance of the prosecutorial office linked to local communities; confirm the roles of leadership, engagement with the community and willingness to manage performance as essential elements of good quality prosecutions; and give recognition to the role of inspection in helping to strengthen and improve performance.

Across all areas we found it promising that leadership continued to show real improvement with an increase in the number of areas assessed as either good or excellent (to 29). Inspectors believed that the improvement reflected the commitment to developing and training managers throughout the Service.

Other aspects of performance which were rated strongly were

- sensitive cases and hate crimes  
*34 areas were good or excellent*
- managing change  
*25 areas were good or excellent*
- managing resources  
*25 areas were good or excellent*
- Crown Court casework  
*28 areas were good or excellent.*



Conviction rates were improved in both the magistrates' courts (84.3% compared to 80.8% in 2005) and Crown Court (77.7% compared to 75.8%).

In the magistrates' courts, a relevant factor may have included the effect of weaker cases being filtered out of the system as a result of the Service taking over responsibility for charging from the police in the more serious cases (often referred to as statutory charging) which we would expect to lead to an increase in the proportion of convictions.

By contrast many more straightforward cases, likely to have been guilty pleas, were dealt with by alternative means such as the use by police of fixed penalties which would reduce the proportion of convictions.

Some aspects of performance suffered through the inability of areas to retain focus on specific initiatives because of difficulties in balancing the requirements of the reform programmes with those of their day to day business. For example, core magistrates' courts' work, some aspects of pre charge work and services to victims and witnesses.

Other notable features from the 2007 assessments were

- variations in performance across the Service continue to be significantly greater than would be expected from a national service
- strengthening of management capacity indicated by some of the assessments had not yet been fully translated into improved casework performance

- initial successes of national initiatives involving the Service and the criminal justice system were not always sustained (some areas had concerns about continuity of funding, although this usually related to funding from criminal justice system sources for particular purposes)
- tensions between the benefits gained from the enhanced role and greater deployment of prosecutors at court with the requirement for careful and thorough case preparation, especially in relation to casework in the magistrates' courts.

Aspects of performance of particular concern included case progression in the magistrates' courts where success in speeding up straightforward uncontested cases through the Government's Criminal Justice: Simple, Speedy, Summary initiative had not been matched in the handling of contested cases, which had shown evidence of increasing delays. The optimum business model now established in each of the 15 strategic groups is designed to improve the handling of casework in the magistrates' courts and it will be interesting to observe what improvements it brings about.

Also of concern was the fact that the management of custody time limits, the level of service to victims and witnesses and the operation of arrangements for statutory charging were less sound than in 2005.

Overall, the resources of the Service seemed stretched with the impact most apparent in relation to casework in the magistrates' courts.

It was not only performance which varied across the Service but also the manner in which work was organised, especially the implementation of new initiatives. This was underlined by the findings of two of the pieces of work undertaken by the Inspectorate's newly established audit team in relation to the scheme for direct communication with victims where auditors found that responsibilities were distributed very differently across areas and even within them. And that where the audit of file endorsement standards (recording events and decisions) was concerned there was a lack of consistency or standards which seriously hampered smooth and effective case management.

These considerations led to my conclusion that, in conjunction with the development of a revised inspection strategy, we should develop clearer standards and expectations against which casework should be measured in future. These would not seek to prescribe the systems or processes inspected bodies should use to handle casework but provide a set of overarching principles supplemented by a more specific statement as to the expected result of their application in respect of different aspects of casework.

Development of the revised inspection strategy has been based on

- a balanced framework providing the right depth for assurance purposes while limiting the breadth to make it manageable
- the capacity to provide an overall picture of the organisations we inspect which can be achieved relatively quickly and resourced effectively, providing value for money

- the capacity to capture the focus on the whole of the inspected organisation including policy issues
- the ability to balance concentration on the weaker performance with greater focus on excellence, the factors that help to attain this and the identification and promotion of good practice
- active encouragement of the need to adopt a regime of regular and rigorous self assessment by managers to reduce the burden on operational staff of the inspected body.

A key issue in the development of the revised inspection strategy was the extent to which activity should be built around overall performance assessments. An evaluation exercise showed that the majority of the Service's areas found them both useful and of value and there was good support for continuing the process. Nonetheless, they are considered to constitute a considerable burden on areas (albeit less protracted than a conventional inspection). While they provide parliamentarians and the public with an easily assimilable assessment of the performance of the Service within the locality, they do have limitations

- the evidential base is narrower because they involve only limited evidence from staff and external stakeholders
- they are less probing in relation to casework quality
- the framework does not always take sufficient account of local variations.

There are also logistical issues in that repeating the assessments every two years means that there would be only one year between publication of a summative report and the

start of the next series. This would not allow sufficient time for other important forms of inspection activity. Neither would areas assessed towards the end of the series have enough time to address weaker aspects of performance sufficiently to show improvement.

It is in fact the thematic reviews which have the highest inspection profile and are thought to give the greatest value overall especially when conducted jointly with other inspectorates. They provide a representative cross section of the Service on any particular topic, capture what works well and draw attention to poor performance. They respond well to relevant and pertinent issues within the criminal justice system, the Service and also ministerial requirements. Experience has shown that they have the ability to influence policy and practice but that they do not generally allow focus on individual areas. In contrast area effectiveness inspections, such as we undertook in 2006-2007, provide a local area focus but can be cumbersome and resource intensive and thus expensive.

So, our intention is that substantially revised overall performance assessments should become the main means of assessing performance of the Service's areas and its newly established strategic groups. They would be supported by short bespoke reviews of areas where intervention was needed. The programme of thematic reviews and criminal justice joint inspection activity would be maintained. At the time of writing we are in the process of consulting on these proposals.

Given the size and structure of CPS London we recognize that modified inspection arrangements may be appropriate. This is one of a number of issues we are addressing as we consult about our future inspection strategy.

Although the overall performance assessments dominated the reporting year, there was significant other important activity.

In June 2007 we published the first report on the Army Prosecuting Authority which was formed in 1996 to provide a prosecuting authority independent of the Ministry of Defence and the Army chain of command. I was pleased to report that the Authority had established itself as an integral part of the military criminal justice system and added value in terms of the overall quality of its casework review and handling. It had achieved recognition of its independence within the military criminal justice system but there were some misconceptions by others as to the implications of this for early contact between the Authority and the Special Investigation Branch of the Royal Military Police. The inspectors found that the approach to witness care lacked a clear strategy and consistency. Improvement in these aspects was needed.

Similarly, our inspection of the newly established Public Prosecution Service for Northern Ireland, undertaken at the request of the Criminal Justice Inspection (Northern Ireland), showed an overall positive picture. Sound foundations had been laid although there was some way to go in the transition from a small prosecuting office, established to handle only a modest number of the

more serious cases, mainly associated with the Troubles, into a substantial organisation responsible for prosecuting all alleged offences (whether investigated by the police or other enforcement bodies) within Northern Ireland. More importantly, we found a need to review the split arrangements for accountability and that need will become even more important when more policing and criminal justice matters are devolved in Northern Ireland.

We found that the overall quality of decision making was good but that there would be benefit in some closer working with the investigative agencies in the early stages of cases. There was also a need to review parts of the core operational structure, some of which are overly compartmentalized and do not fully reflect the needs of the casework pattern of the new organisation.

Just before the end of the reporting year we finalized our thematic review of the Crown Prosecution Service's compliance with the prosecution's obligations of disclosure of unused material. Disclosure has long been one of the most intractable problems for the criminal justice system. It is a duty that both police and the Service find onerous but is there as a safeguard against miscarriages of justice and to ensure a fair trial. The review found non compliance with some aspects of the statutory regime in nearly half the cases examined. While none led to actual dismissal of cases for abuse of process or to potential miscarriages of justice, non compliance adds to the risk. The report called for greater care and more examination of key unused material by crown prosecutors while recognizing

the need for all parties to play their part in ensuring adherence to the statutory regime rather than falling back on a practice of allowing access to all unused material by the defence at a late stage 'just in case'. This can undermine the determination to comply with the regime in the early stages and, in the end, add considerable resource burdens to the criminal justice system as a whole.

In February 2008 we began the first inspection of CPS Direct, a non geographical unit headed by its own Chief Crown Prosecutor, which provides advice to the police outside core office hours. The aim of the inspection is to assess the efficiency and effectiveness of key aspects of performance.

The joint thematic review of the statutory charging arrangements started at the beginning of 2008 and was ongoing at the end of the reporting period. The review has close links with the inspection of CPS Direct. We are working with HM Inspectorate of Constabulary and are in the lead. The resources invested in the arrangements have been substantial and it will be important to ascertain the extent to which the expected benefits have been realized and whether the existing model is the right one.

The review included the workings of the Revenue and Customs Prosecutions Office statutory charging scheme which will be the subject of a separate but linked report.

I believe that our inspection activity with prosecuting authorities other than the Crown Prosecution Service has been mutually beneficial. The same basic principles and requirements apply to the work of all

prosecution authorities but it is important that they should be applied in a manner which takes account of the differences in the nature and mix of casework and of the particular environment of the prosecution authority.

We had hoped to identify further opportunities during the year to embrace prosecutions carried out by other authorities but such opportunities were limited - we shall continue to review the position. As I said in last year's report, it does seem anomalous in a jurisdiction where literally hundreds of public authorities can exercise the power to prosecute, that the only ones subject to inspection should be those which have already some of the strongest arrangements for accountability.

Arrangements for scrutiny of enforcement activity by way of use of diversion from the prosecution process are relatively limited, as is non police enforcement by local and other public authorities often described as civil enforcement. The fact that such powers are less subject to judicial processes makes a compelling case for scrutiny. I am not satisfied that the present level of checks and balances is sufficient to retain public confidence.

The issue is one which could have been addressed more readily by a single criminal justice inspectorate, a development which is not now to occur. While some progress may be achievable through cooperation with other scrutiny bodies, I suggest the wider principle is one which would benefit from consideration by yourself and other ministerial colleagues. In the meantime we shall continue to work with other scrutiny bodies, mainly the other four criminal justice

inspectorates, to enhance the programme of joint activity and to increase the focus on cross cutting activity and user experience.

This year extensive progress has been made in the criminal justice joint inspection planning arena, including public consultation about the content of future programmes. The culmination was a stimulating and productive workshop held in February 2008 with key players and external stakeholders from across the criminal justice system. This resulted in a more coherent and comprehensive joint inspection strategy for the coming two years.

To a large extent, what was delivered in 2007-2008 was based on plans developed as part of more informal collaborative arrangements which have been in place for a long time under the auspices of the Criminal Justice Chief Inspectors' Group. Those arrangements provided a sure foundation for the new era of joint planning.

The potential benefits of this collaborative approach were never better evidenced than the way criminal justice inspectorates were able to respond to requests from Ministers for urgent reviews of matters of public concern viz. the case of Anthony Leon Peart and the effectiveness and appropriateness of resulting and interagency warrant withdrawal processes at Leeds Magistrates' Court.

Another manifestation of strengthened collaboration between inspectorates has been a major exercise to identify the scope for greater efficiency through the use of shared services. Some scope was identified in the context of shared arrangements for supporting publications, induction and other training

activity as well as longer term utilization of accommodation. This exercise, specifically required by the Better Regulation Executive, coexisted with other initiatives driven by the Government's wider agenda on shared services. The latter suggest greater benefit may be achieved by the use of shared services with larger departments, in the case of the Inspectorate, the Law Officers' Departments. In this context we have been instrumental in proposing and implementing sharing financial services between the Inspectorate and your own office and sharing accommodation with the National Fraud Strategic Authority.

An important development has been the appointment of three advisory members to attend the quarterly meetings between criminal justice Ministers and chief inspectors. They will provide an external perspective and challenge to ensure a robust and innovative approach to future joint inspection activity. I welcome this development and I am exploring how to ensure a similar perspective for my own management team in the manner envisaged by your predecessor when he decided we should no longer have our own advisory board.

I take considerable satisfaction in reporting the strong performance this year by the Inspectorate's Corporate Services Group, particularly with the preoccupation of the arrangements for the smooth delivery of the overall performance assessments. The group invigorated aspects of our own corporate arrangements which had become lower priority in the expectation that we would be subsumed into a single organisation. The results included

- a major revision of the staff handbook to ensure it reflected fully legislative and other developments and addressed contemporary needs
- a review of procurement arrangements including the letting (frequently on more advantageous terms) of major contracts
- strengthening of our publications capacity – the majority of design formatting and proof reading work being undertaken in house with major cost savings, particularly in the context of the overall performance assessment reports
- development and implementation of robust sustainable development policies
- major reorganisation and compacting of our accommodation requirements in London to provide space for use by the National Fraud Strategic Authority (already mentioned)
- development and publication of a single equality scheme and the reinvigoration of our equality and diversity coordinating committee
- review of records management policy and the start of a programme for rationalizing archived material
- a major contribution to the joint inspectorate review of the scope for efficiency savings through shared activity.

This outline of the year's achievements together with the foundations created for the future does I believe substantiate my view that the Inspectorate has placed itself in a strong position for the next two years. Specifically in the coming year we shall focus on some of the more specialist business units within the Crown Prosecution Service; a

substantial programme of thematic reviews both single agency and joint criminal justice ones; and with other inspectorates develop better arrangements for joint inspection of criminal justice areas. We are committed to making available up to 30% of our resource for joint work.

We have been able to foresee a tight financial period in the future and have implemented a range of measures to bear down on costs. As a result, our financial outturn has increased by only 14.9% over a five year period.

Maintaining our own individual and organisational development has also remained important. We must have broad horizons and keep abreast of change and development if we are to continue to be effective. We have, therefore, been strong in our support for the Heads of Inspectorates Forum which spans all four United Kingdom jurisdictions. We have maintained our links with our French counterparts (L'Inspection Générale des Services Judiciaires) and a lead inspector participated in and evaluated an inspection carried out under a revised methodology developed by the French after an exchange visit to us. We have been pleased to host overseas delegations and I was delighted to present a paper on accountability at the International Association of Prosecutors in Hong Kong last September.

I look forward to the next two years with increased confidence because of the greater certainty. May I thank you, on a personal basis, for extending my appointment until March 2010 to enable me to lead the Inspectorate through this important period.

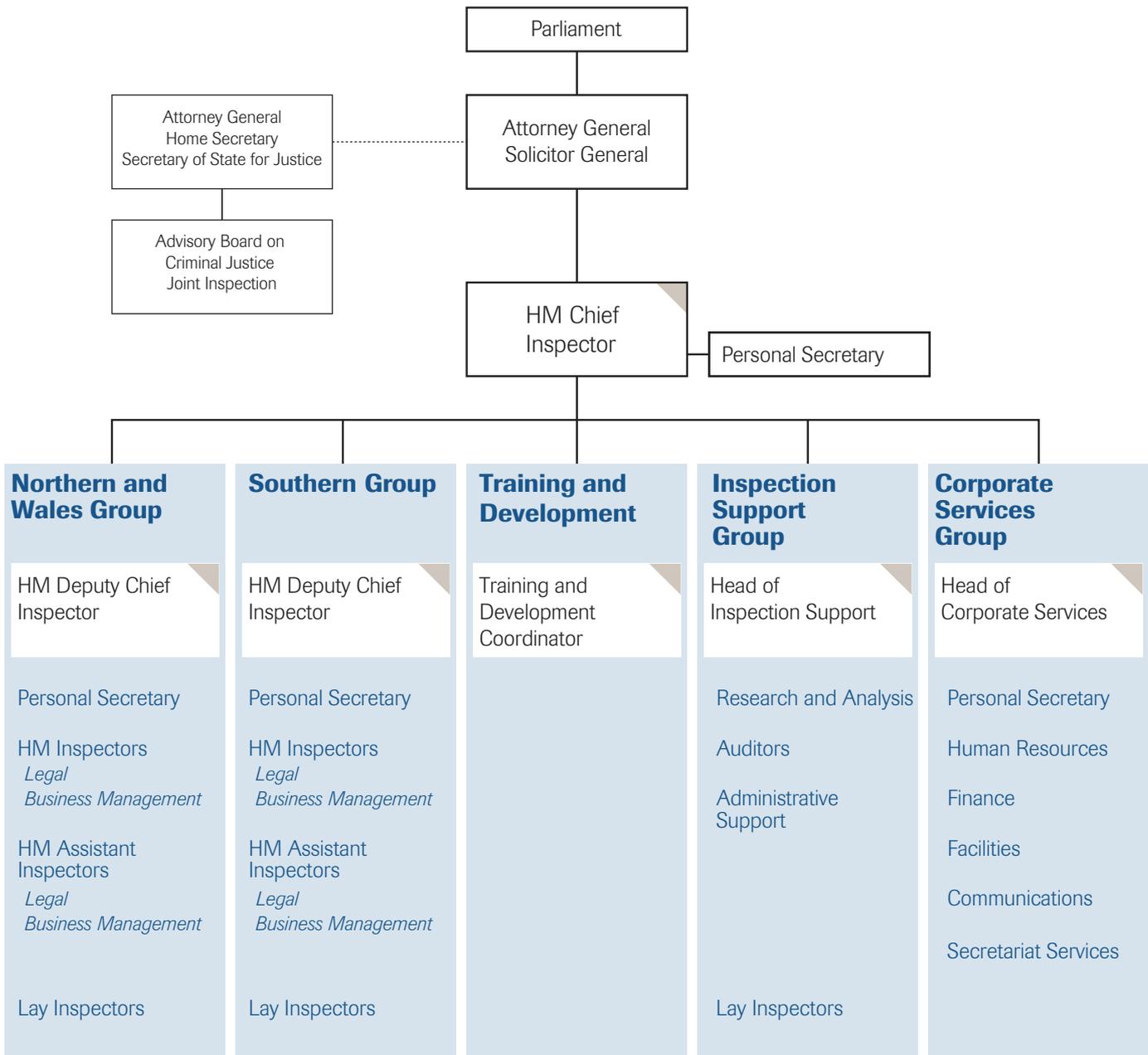
I intend that the Inspectorate shall continue to deliver an ever increasing level of performance and am confident that the organisation has the skills, professionalism and commitment to do just that. I thank the staff for their support during the past year and their contributions to building such a strong foundation for the future.

I conclude with thanks to you and the Solicitor General for your continuing support.



Stephen Wooler CB  
HM Chief Inspector

# Accountabilities

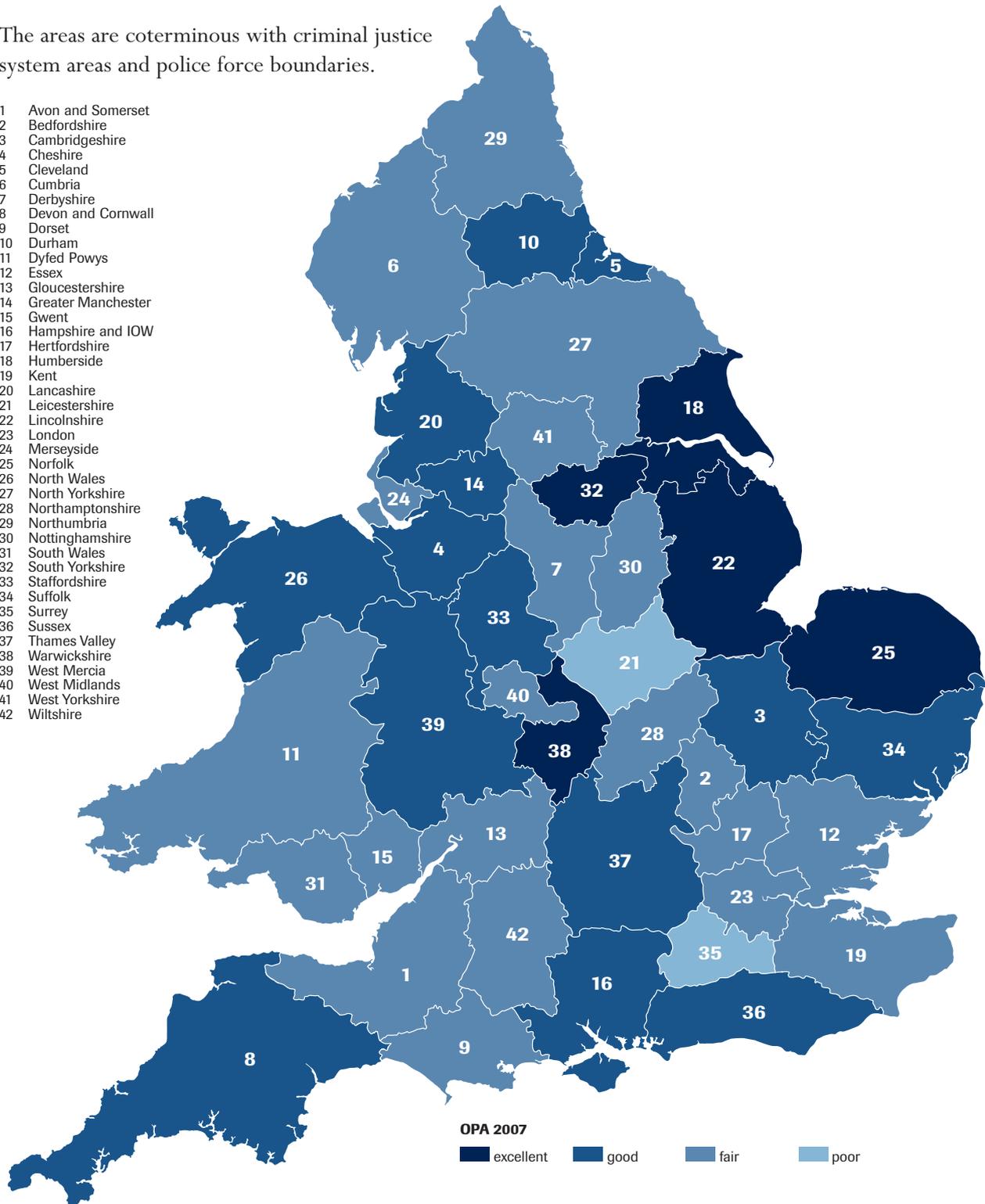


▲ = Member of the Inspectorate Management Team

# The Crown Prosecution Service areas 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 IOW
- 17 Hertfordshire
- 18 Humberside
- 19 Kent
- 20 Lancashire
- 21 Leicestershire
- 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



# Towards Excellence

The year has been an eventful one and much has been achieved. The purpose of this double page spread is to illustrate the span of activities.

## Span of inspection activities

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## Span of corporate activities

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# Towards Excellence

## Where we are now

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Annex 1 sets out the timeline of the Inspectorate past, present and future as featured in last year's report. Here we comment on progress this year.

### Some background

In 2005 we moved away from cyclical inspections of each Crown Prosecution Service area and carried out the first series of overall performance assessments of all 42 areas, it was a significant development. The assessments provided the baseline for ongoing risk assessment and gave the public in clear and straightforward terms information about the quality of prosecution services delivered locally.

In 2006-2007 our inspection programme took the form of 11 area effectiveness inspections. These were comprehensive in the four areas rated poor in the 2005 programme but were tailored individually on a risk assessed basis in the remaining seven that, although receiving an overall assessment of fair, had been rated as poor in some aspects of performance. In the majority of the areas inspected we were pleased to note that weaknesses in performance were being addressed enabling us to provide both assurance that the right steps were being taken and further guidance as to what aspects of performance required further work.

### The 2007 programme of overall performance assessments

In 2007 we undertook a second series of overall performance assessments. As in 2005 assessments were awarded in four categories

- excellent
- good
- fair
- poor.

**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.

Headline results from the 2007 programme are

- five areas were assessed as excellent as opposed to three in 2005
- two areas were assessed as poor as opposed to four in 2005 although one London sector was also poor
- areas rated as either excellent or good accounted for 47%.
- the number of areas that were excellent, good or fair (adequate) was 95%.

Because of time constraints two of the areas inspected towards the end of the area effectiveness inspections had not had time to respond constructively to address weaker aspects of performance sufficiently and, as a consequence, were assessed as poor. In both cases renewal of energy within changed management teams and additional support from the Service's headquarters provide reason for optimism as to the future.

Conviction rates were improved in both the magistrates' courts (from 80.8% to 84.3%) and the Crown Court (75.8% to 77.7%).

There are some caveats in that we do not know some of the underlying causes of the improvements in conviction rates. In the magistrates' courts, relevant factors have included the filtering out of weaker cases as a result of the Crown Prosecution Service taking over responsibility for charging in the more serious cases which should lead to an increase in the proportion of convictions. By contrast many more straightforward cases, likely to have been guilty pleas, being dealt with by alternative means such as the use by police of fixed penalties, which would make it more difficult to increase the proportion of convictions. We have not been able to assess the relative strength of these two competing factors in influencing the overall position.

Greater emphasis had been put into Crown Court casework with the majority of areas being assessed as good or excellent. More effort had been put into building a strong prosecution case with much more Crown Court case ownership by individual prosecutors – all of which helped to improve performance.

We comment further on the results of the overall performance assessments later in the report.

### The Attorney General's Excellence Awards

We were delighted by the decision of Baroness Scotland to instigate the Attorney General's Excellence Awards. The awards were made to the five areas assessed as excellent in the 2007 series of overall performance assessments. They were

- CPS Humberside
- CPS Lincolnshire
- CPS Norfolk
- CPS South Yorkshire
- CPS Warwickshire.



Awards were also made to the two areas that had made the most improvement since the 2005 overall performance assessments, namely

- CPS Cumbria
- CPS Devon and Cornwall.



The awards were presented by the Attorney General at a ceremony which took place in March 2008 at Dover House, the Secretary of State for Scotland's office in Whitehall. The reception was attended by over 100 people including representatives of each of the areas receiving awards. The Attorney praised chief

crown prosecutors and their staff for their tremendous achievement; they had become role models for the remainder of the Service and made a significant contribution towards realizing the Service's vision for the future. HM Chief Inspector of the Crown Prosecution Service and the Director of Public Prosecutions also added tributes and congratulations.

The Attorney General, Baroness Scotland said *"I am immensely proud to be giving these awards to the Crown Prosecution Service. It is my belief that we should always strive to be the very best that we can and these five award winners are certainly demonstrating that the CPS is improving year on year. There are still challenges for us to tackle – we know that we must focus on our commitment to victims and witnesses, especially to vulnerable witnesses – and we must be robust in our prosecutions. All in all I am delighted to be able to give these awards – both to the five areas and also to the two areas who have gone from low ratings and made leaps and bounds in the right direction. We must continue to move forward with the same improvements."*

The awards send out three important signals in that they recognize the value and importance of the prosecutorial office linked to local communities; confirm the roles of leadership, engagement with the community and willingness to manage performance as essential elements of good quality prosecution; and give recognition to the role of inspection in helping to strengthen and improve performance.

### **Criminal Justice Chief Inspectors' Group**

As reported last year the precise role of the Criminal Justice Chief Inspectors' Group was unclear following the Government's decision in autumn 2006 not to create a single criminal

justice inspectorate. The agreement, reached at the same time, between the five chief inspectors and Ministers for delivery (among other things) of an enhanced programme of joint inspection created a degree of uncertainty as to the wider role of the group.

Following discussion between themselves the chief inspectors have established an ethos for the group based on cooperation and collaboration combined with a significant degree of flexibility in planning joint work. Decision making is on the basis of the overriding approach to seek consensus wherever possible which requires individual flexibility and tolerance. But, it is understood by all the chief inspectors that in the final analysis, it may sometimes be necessary for individual responsibilities to take precedence.

Chief inspectors also decided that joint inspections carried out as part of that joint programme should in future be branded as Criminal Justice Joint Inspection. And an appropriate logo has been designed and adopted.



### **Criminal Justice Joint Inspection: review of common services**

The review team looking at the possibility of common services between inspectorates found that the issues were extremely complex and concluded that, while there was some scope for collaborative working, it was impractical for the inspectorates to

adopt common services across the board. Accordingly much of the current work being researched is concentrated on the three inspectorates now part of the Ministry of Justice where alignment or sharing of some services appears practical. HM Inspectorate of Constabulary and HM Crown Prosecution Service Inspectorate will be included when information technology and other hurdles have been overcome.

### Advisory Board on Criminal Justice Joint Inspection

After the decision not to proceed with a single criminal justice inspectorate the Government decided that it wished the work of criminal justice inspectorates to be assisted by an advisory board. Because part of the delivery agreement between criminal justice chief inspectors and Ministers envisaged quarterly meetings, it was decided that meetings of the advisory board should be combined with those between the chief inspectors and Ministers. The individuals appointed to the advisory board are Professor Stephen Shute (University of Birmingham), Professor Rod Morgan (formerly HM Chief Inspector of Probation) and Dr Silvia Casale who has much experience of criminal justice both here and in other jurisdictions. It is envisaged that the Advisory Board will take a strategic view of criminal justice joint inspection issues across the criminal justice system providing guidance and suggestions to the chief inspectors and to Ministers. Also that they will provide an element of challenge to proposed programmes of joint inspection to ensure that they are as full and innovative as possible.



Professor Stephen Shute



Dr Silvia Casale



Professor Rod Morgan

The Chief Inspector is exploring how to ensure a similar perspective for the Inspectorate Management Team in the manner envisaged by the then Attorney

General when he decided we should no longer have our own advisory board.

### Criminal Justice Joint Inspection: criminal justice areas

Following a review of criminal justice area joint inspections (the Dedman review) and discussion with Ministers it was agreed that there would continue to be a focus on criminal justice area joint inspections. Subsequent to the review the inspection framework was revised. The revision sought to highlight three particular aspects of performance by local criminal justice boards

- leadership and partnership working
- engagement with the community
- effective service delivery.

During 2007-2008 two pilot inspections were carried out in Dorset and Lancashire to test the revised framework and methodology. HM Inspectorate of Court Administration was in the lead. It had emerged from the

review of the earlier criminal justice area joint inspections that it was not possible to address all aspects of effective service delivery so the inspectors concentrated on a particular work strand, domestic violence, to allow greater depth of concentration on cross cutting issues and working.

Issues arising included

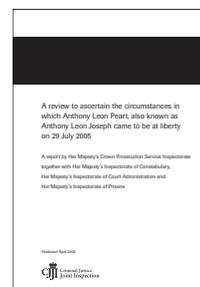
- governance arrangements relating to the remit of local criminal justice boards, for example, confusion as to accountability because of interdependencies between criminal justice, health, social exclusion and safety which also involved interaction with others such as local authorities, local safety partnerships and primary care trusts
- the need to marshal community engagement activity and use resources across criminal justice agencies effectively to ensure maximum coverage and impact.

Following a review of the outcomes and evaluation of the pilots, chief inspectors concluded that the framework and methodology used needed further revision. In addition, the process would require further adaptation to take account of developments in the way that local criminal justice boards will be expected to operate in the future. These developments involve a different relationship with the National Criminal Justice Board and the Office for Criminal Justice Reform. We have agreed to lead further development work with a view to a resumption of criminal justice area joint inspections during 2009-2010.

### **Heads of Inspectorates Forum**

The Forum meets twice a year and in September 2007 its meeting was chaired by HM Chief Inspector of the Crown Prosecution Service in London. Much of the meeting was concerned with the public service inspection reform programme. National updates were provided by the chief inspectors and by the Director of Regulatory Reform at the Better Regulation Executive, then part of the Cabinet Office, who has responsibility for developing Government policy for public service inspection. The Forum also considered the Government's Discrimination Law Review which included proposals for the roles of inspectorates in relation to regulating the new legislation. The Chief Inspector also chaired a special meeting of the Forum, its purpose being to provide an opportunity for the Better Regulation Executive to explain future proposals for public service inspection policy. The secretariat of the Forum continues to be supplied by this Inspectorate.

### **Specific reviews**



#### ***Review relating to Anthony Leon Peart (also known as Anthony Leon Joseph)***

This joint review was undertaken by four of the criminal justice inspectorates: HM

Inspectorate of Constabulary, HM Inspectorate of Court Administration, HM Inspectorate of Prisons and HM Crown Prosecution Service Inspectorate who took the lead.

The terms of reference were “to ascertain the circumstances in which Anthony Peart came to be at liberty on 29 July 2005, to identify any lessons which should be learned from those events and to make recommendations”.

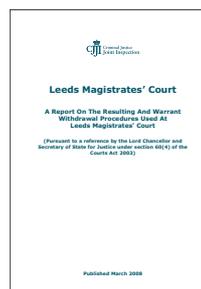
The background to the review was the fatal stabbing of Richard Whelan on 29 July 2005 by Anthony Peart on the top deck of a London bus. The incident occurred after Richard Whelan had remonstrated with him for throwing chips at passengers. After two inconclusive trials, the accused pleaded guilty at the Central Criminal Court to manslaughter on the grounds of diminished responsibility.

The case caused a great deal of public concern because on the day that Richard Whelan was unlawfully killed, Anthony Peart had been released from prison. At the time of his release there was a warrant outstanding for his immediate arrest.

The report of the review’s findings was published in April 2008. In it the review team raised concerns about the attitude and culture within the criminal justice system to the handling of cases involving the commission of further offences while the defendant is on bail and compliance with, and enforcement of, bail conditions. They addressed a number of issues including the role of the prosecution post conviction in deciding issues of bail or custody, access to the police national computer by custodial establishments and the execution of warrants in respect of persons in custody.

The review team also concluded that there was nothing in the defendant’s previous offending, or in the information contained in

any file held by the criminal justice agencies, which should have alerted the criminal justice authorities that the defendant was a man capable of extreme spontaneous violence.



### ***Leeds Magistrates' Court – a review of resulting and warrant withdrawal procedures***

The review was commissioned by the Lord Chancellor and Secretary of State for

Justice under section 60 of the Courts Act 2003. It was carried out jointly by HM Inspectorate of Court Administration (who were in the lead), HM Inspectorate of Constabulary, HM Inspectorate of Probation and HM Crown Prosecution Service Inspectorate.

The background to the review was the discovery of failures at Leeds Magistrates' Court in the procedures intended to enable a record of every court result to be entered in the court register and also of interagency warrant withdrawal processes. The review looked at the effectiveness and appropriateness of the current procedures and processes. It also explored the key reasons for the historic failures that had been identified in order to help ensure that current systems should not fail in the same way.

The public has a right to expect accurate court records and, where appropriate, that they are transferred to the police national computer accurately. Likewise, that warrants are handled in such a way as to ensure that those who are the subject of them attend court as directed.

The report of the review confirmed that the historic failures had been rectified but indicated that weaknesses within both processes remained which threatened overall effectiveness. The report set out seven recommendations that indicated the steps needed to rectify these weaknesses.

### Interactions involving other United Kingdom jurisdictions

We undertook an inspection of the Public Prosecution Service for Northern Ireland at the request of the Chief Inspector of the Criminal Justice Inspection (Northern Ireland).



The inspection report, laid before Parliament in July 2007, reflected the achievements of the new organisation but also set out clearly where more progress could be made. In early 2008 the Public Prosecution Service produced an action plan showing how it intended to meet the recommendations in the inspection report. A meeting was held in late March 2008 to review progress. Significant steps had already been taken and following constructive discussion the expectations of further progress were made clear. The intention is for us to undertake a follow up inspection early in 2009 on the basis of delegation by the Chief Inspector, Criminal Justice Inspection (Northern Ireland).



### International interactions

#### *L'Inspection Générale des Services Judiciaires*

As part of the ongoing exchange of inspectors with the French Inspectorate we were involved in their “mission en Meaux” in October 2007. Meaux is about 40 miles east of Paris. Our representative was the Head of Inspection Support who is also a lead inspector and a member of the Inspectorate Management Team.

The Meaux inspection focused on the Tribunal and the French inspection framework (referential) which included five aspects

- administrative services (administrative law)
- civil justice
- penal justice (criminal justice)
- minor justice (youths)
- access to rights and aid to victims (including legal aid).

Each aspect was investigated by two inspectors. Our involvement was with the penal justice aspect. File examination was detailed and focused heavily on delay. This involved looking at the time taken between registration, decision and actions.

We found that, although the French system was so different from our one, the issues they faced were identical – administrative delays and problems, and adjournments due to defence and

prosecution not being ready, with listing and case scheduling being a real issue. In addition the courts did not finish sitting before 10pm at the earliest.

The resultant report we compiled on the comparison between our methodology and that of the French highlighted the value of exchanges between the two inspectorates in terms of development of inspection policies and methodologies.

We anticipate a reciprocal visit from the French during 2008-2009.

### Annual Conference of the International Association of Prosecutors



The 12<sup>th</sup> annual conference and general meeting of the International Association of Prosecutors was held in Hong Kong in September 2007. The theme of the conference was “Relations with Others; Accountability, Transparency and Independence”. It examined the ways in which prosecutors relate to others in the community.

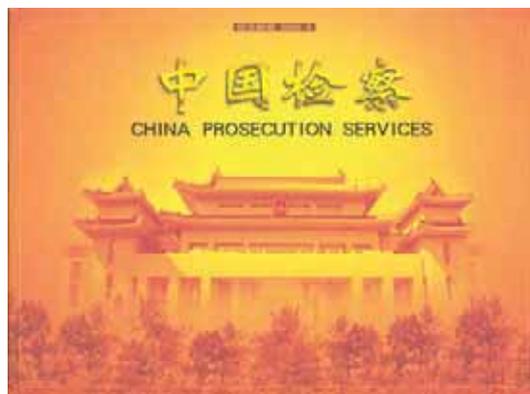
The Inspectorate was represented by the Chief Inspector who had been invited to present a paper on accountability as part of a panel leading a workshop. His premise was that in a democratic society you cannot have a public prosecutor who is not formally accountable in some way and to some extent, despite the

vital requirement that individual decisions are taken independently on the basis of objective criteria. He focused on three contexts, the political process, accountability through the courts and the role which inspectorates and other scrutiny bodies can play.

A lively debate followed and there was considerable interest in the inspection process. One of the features of the conference was a growing awareness among prosecutors in all jurisdictions of the need for quality assurance of decision making.

### Visit by Chinese delegation

In October we were asked to receive a delegation from the Supreme Peoples’ Republic of China. They were paying a visit to the United Kingdom to look at the criminal justice system and wished to know not only about the Crown Prosecution Service but also about the criminal justice inspectorates. Members of the senior management team, including the Chief Inspector, gave a presentation and although time was limited it was much appreciated and questions could have lasted for considerably longer.



# Towards Excellence

## Direction of Travel 2008–2011

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### Review of our inspection strategy

We are conscious that the Government's expectations for the inspection of public services are changing. There is a move away from concentration on cyclical single agency inspection (without abandoning it) to a more risk based intervention, a greater focus on user experience, more joint work and greater use of self assessment.

In support of this and to demonstrate our commitment to a flexible and responsive approach to continuing change, during the latter half of the year we began to conduct a thorough review of our inspection strategy.

Our approach has been to take the ten principles of public service inspection and adapt them to the circumstances of the Crown Prosecution Service and others whom we inspect. The results of the analysis include the adoption of

- a balanced framework providing the right depth for assurance purposes while limiting the breadth to make it manageable
- the capacity to provide an overall picture of the organisations we inspect which can be achieved relatively quickly and resourced effectively, providing value for money
- the capacity to focus on the whole of the inspected organisation
- the ability to balance concentration on the weakest performance with greater focus on excellence, the factors that help to attain this and the identification and promotion of good practice

- active encouragement of the need to adopt a regime of regular and rigorous self assessment by managers to reduce the burden on the inspected body.

At the time of writing we are consulting with key stakeholders to ascertain their views on the emerging inspection strategy. Responses so far indicate that the likely way forward will involve, for the Crown Prosecution Service

- a combination of overall performance assessments together with more thematic reviews than at present
- some bespoke inspections of individual areas customized to the degree of risk identified
- continuation of our audit programme
- appropriate scrutiny of other prosecuting authorities
- an enhanced programme of criminal justice joint thematic reviews
- work with other inspectorates to develop better arrangements for joint inspection of criminal justice areas to be effective in 2009-2010.

Our inspection programme for the coming year (2008-2009) is at annex 2.

The ten principles of public service inspection are listed on the opposite page.

### Development of a casework expectation framework

Our inspections of Crown Prosecution Service areas have highlighted variations in performance across and within them in relation to most aspects of casework and is significantly greater than one would expect

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### **The Government's Ten Principles of Inspection**

*The principles of inspection in this policy statement place the following expectations on inspection providers and on the Departments sponsoring them:*

1. The **purpose of improvement**. There should be an explicit concern on the part of inspectors to contribute to the improvement of the service being inspected. This should guide the focus, method, reporting and follow-up of inspection. In framing recommendations, an inspector should recognise good performance and address any failure appropriately. Inspection should aim to generate data and intelligence that enable Departments more quickly to calibrate the progress of reform in their sectors and make appropriate adjustments.
2. A **focus on outcomes**, which means considering service delivery to the end users of the services rather than concentrating on internal management arrangements.
3. A **user perspective**. Inspection should be delivered with a clear focus on the experience of those for whom the service is provided, as well as on internal management arrangements. Inspection should encourage innovation and diversity and not be solely compliance-based.
4. **Proportionate to risk**. Over time, inspectors should modify the extent of future inspection according to the quality of performance by the service provider. For example, good performers should undergo less inspection, so that resources are concentrated on areas of greatest risk.
5. Inspectors should encourage rigorous **self-assessment** by managers. Inspectors should challenge the outcomes of managers' self-assessments, take them into account in the inspection process, and provide a comparative benchmark.
6. Inspectors should use **impartial evidence**. Evidence, whether quantitative or qualitative, should be validated and credible.
7. Inspectors should **disclose the criteria** they use to form judgments.
8. Inspectors should be **open about their processes**, willing to take any complaints seriously, and able to demonstrate a robust quality assurance process.
9. Inspectors should have regard to **value for money**, their own included.
10. Inspectors should **continually learn from experience**, in order to become increasingly effective. This can be done by assessing their own impact on the service provider's ability to improve and by sharing best practice with other inspectors.

in a national service. There is a marked absence of common systems and standards between areas and even within them which has led us to conclude that there is a clear need for common quality casework standards throughout the Service and, indeed, in all the organisations we inspect.

It is an important principle that inspection should be carried out against a set of standards which are bold, clear and known to the inspected body and the Inspectorate requires a casework expectation framework to ensure that that is the case. So, the purpose of this piece of work is to develop a set of principles which will govern all aspects of casework quality. They will be generic and supported by standards and expectations at both the overarching and more detailed level. The aim is that the standards will focus on elements of prosecution casework rather than the means of delivery in recognition that, for good reasons, the process of delivery may differ from one area to another and one organisation to another. They will be based on the overriding principle of professionalism.

#### **The 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 aim is that the framework will improve further the accuracy, transparency, and consistency of our inspection assessments which cover consideration 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 being 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.

These considerations cover all our inspection activities whichever prosecution body we inspect.

While the development of these standards is important for the reasons mentioned above, we will seek to work collaboratively with the Crown Prosecution Service rather than simply develop and effectively impose our own standards. To this end we are consulting with them and expect the principles to be reflected in their own casework quality assurance arrangements which are currently being revised and on which we are also advising.

#### **Liaison inspectors**

Whereas we have sound liaison arrangements with the Crown Prosecution Service at the strategic level involving the Chief Executive and Chief Operating Officer, the scheme of liaison inspectors for individual areas has not (for a variety of reasons) been progressed as effectively as we had hoped when we introduced it in 2005-2006.

In our view ongoing and improved liaison with areas is important especially if we increase the period between overall performance assessments from two to three years. So unless we improve liaison arrangements with areas, the only contact we would have with most of them would be short visits in the course of thematic reviews over a three year period.

The proposal being considered currently is that the most effective and efficient way of improving liaison would be to focus on the 15 strategic group chairs. This would involve the Chief Inspector and two Deputy Chief Inspectors each taking responsibility for five of the groups with a view to attending the group strategy meetings accompanied by an inspector. Attendance at the strategy meetings would provide an insight into ongoing issues facing the groups and the manner in which they were being tackled. We envisage individual discussions with the group chair following the meeting to establish any follow up actions the Inspectorate might usefully take to aid progress.

At present thinking is that these arrangements might be trialled for a year and then reviewed.

### Lay inspectors

When appropriate, inspection teams call on a cadre of lay inspectors who are drawn from one or other groups such as the Citizen’s Advice Bureau, 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 work on a voluntary basis and their assistance to the inspection process is invaluable.

Because the overall performance assessments dominated our work during 2007-2008, opportunities to call on lay inspectors to assist were limited. However, two of them assisted in the audit of the Crown Prosecution Service’s direct communication with victims scheme by reviewing the quality of letters that had been sent to victims as part of that initiative.

The inspection programme for the coming year provides more opportunities to involve lay inspectors and for the first time they will be assisting a criminal justice joint review – the service given to victims and witnesses.



### Criminal Justice Joint Inspection Business Plan

We worked in collaboration with the other four criminal justice inspectorates to ensure that the

pressure individual programmes place on each inspectorate do not act as a barrier to joint inspection activity. Public consultation about the content of future

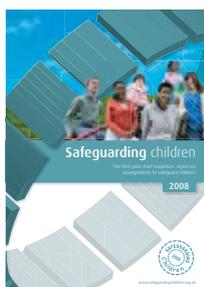
programmes culminated in a stimulating and productive workshop held in February 2008 which resulted in a more coherent and comprehensive Criminal Justice Joint Inspection strategy for the coming two years.

The future programme of Criminal Justice Joint Inspection activity is centred around four high level business processes: community safety, bringing offenders to justice, offender management and custodial conditions. They underpin the Criminal Justice Joint Inspection business plan which the five criminal justice chief inspectors have developed for 2008-2009.

# Towards Excellence

## Joint thematic reviews

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### **Safeguarding children**

The second joint review of safeguarding children reported in July 2005.

This third review is being led by the Office for Standards in Education and involves the

Commission for Social Care Inspection, the Health Care Commission, HM Inspectorate of Constabulary, HM Crown Prosecution Service Inspectorate, HM Inspectorate of Court Administration, HM Inspectorate of Prisons and HM Inspectorate of Probation.

The review drew upon inspection findings over the last three years. Substantial work was undertaken for the review between January-March 2008. The review team considered progress in the implementation of the Children Act 2004; criminal justice themes including prosecutions, missing persons and multi agency public protection arrangements; and progress on the recommendations of the second safeguarding children review. The report will be published in early July 2008.

At the same time, this Inspectorate examined specifically the contribution of the Crown Prosecution Service to the safeguarding of children and will report separately, expected to publish in late July or early August 2008.

### **Statutory charging**

We are working with HM Inspectorate of Constabulary on a joint review of the effectiveness of the statutory charging arrangements which were progressively established between 2002-2006. We are in

the lead. The review began in early 2008 and work was ongoing at the end of the reporting period. The review team plan to report in the summer of 2008, they are looking at the effectiveness of all aspects of the regime – in which the Crown Prosecution Service determines the decision to charge offenders in the more serious cases. The review will include whether the expected benefits have been realized, supervision of police files, quality of advice provided by duty prosecutors and how well the police and Service work together to improve performance.

The methodology involved inspectors observing face to face consultations between investigators and prosecutors enabling them to evaluate at first hand the operation of the scheme.

The fieldwork was undertaken in parallel with our inspection of CPS Direct which we discuss later in this report. Thus avoided duplication of resources and reduced the burden on the areas assisting with both pieces of work.

At the same time this Inspectorate also carried out a single agency review of the effectiveness of the Revenue and Customs Prosecutions Office statutory charging scheme. Many aspects of their scheme are substantially different to that operated by the Crown Prosecution Service.

Nonetheless, there will be significant cross over between the three reports which together will give a complete picture of the delivery of statutory charging within the criminal justice system. For this reason it is proposed to publish the three reports at the same time.

# Towards Excellence

## Delivery of criminal justice joint Public Service Agreement targets

### Public Service Agreement targets for the period covered by this report

- improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.25million by 2007-2008
- reassure the public, reducing the fear of crime and anti-social behaviour, and building confidence in the CJS without compromising fairness.

Delivery of the criminal justice Public Service Agreement targets is the joint responsibility of all criminal justice agencies at the local level. It is difficult to assess the extent to which individual agencies contribute to delivery as they all influence the outcomes in different ways. Local criminal justice boards play an important role in providing an element of cohesion between the agencies, necessary for successful delivery.

### Increasing the number of crimes for which an offender is brought to justice

The Crown Prosecution Service has only limited influence on this target which is driven by the police, the Service's role is confined to prosecuting cases efficiently and effectively so that delays are avoided and unsuccessful outcomes reduced.

The total number of crimes for which an offender was brought to justice in 2007-2008 was 1,448,609 (29.4% of the recorded crime figure). The proportion of judicial disposals, which accounted for 50.2%, is relative to overall performance and therefore greatly influenced by external factors such as the

extent of police use of cautions, fixed penalty notices and formal warnings; and rather less so by the rate of unsuccessful outcomes in cases prosecuted by the Crown Prosecution Service. The figure varied across areas from 35.5% in Northamptonshire (noticeably lower than any other area) to 64.3% in Cumbria. These wide variations across criminal justice areas often reflect differing policing policies and priorities - ones over which the Service has relatively little control. We would expect, however, there to be dialogue on a bilateral basis between chief crown prosecutors and chief constables, or within the local criminal justice board to ascertain the factors that underlie those policies and priorities.

The table below gives an analysis of offences brought to justice. As already stated an average of around 50% are the a result of court proceedings ending in conviction and 7.4% are offences taken into consideration in connection with other criminal offences before the court. The remainder are dealt with by means other than court proceedings.

We have indicated above and in previous years there is more scope for discussion about the criteria for proceeding to prosecution or alternative disposal.

Analysis of offences brought to justice	National average
Convictions	50.2%
Taken into consideration	7.4%
Cautions	26.0%
Fixed penalty notice	9.4%
Formal warning for drugs	7.0%

**Persistent young offenders**

The national average for dealing with persistent young offenders within 71 days from arrest to sentence for the year ended 31 December 2007 was 65 days. The spectrum across areas ranged from 46 to 76. The national average for the quarter ending March 2008 was 60 days with a spectrum of 37 to 86. Thus sustaining the improved performance since 2006 where only half of criminal justice areas achieved the target, the national average then was 72 days. The chairs and other responsible members of the relevant local criminal justice boards were invited to discuss the position with the then Attorney General (as lead Minister for this target) and to put forward proposals for improving the position. As can be seen from 2007-2008 performance, this intervention had the desired effect. A table setting out each criminal justice area’s performance is at annex 3.

**Ineffective trials**

**Ineffective trials** are trials that cannot proceed on the date fixed for trial

**Cracked trials** are cases which finish on the date of trial through a late guilty plea or the prosecution dropping the case.

In both the Crown Court and the magistrates’ courts the rate of ineffective trials has improved slightly, cracked trials have increased and effective trials reduced slightly in the magistrates’ courts and by 2% in the Crown Court. This is disappointing and reflects on all the agencies whose performance affects this joint target.

There is clearly a correlation between the reduction in the effective trial rate and the increase in the cracked trial rate which may well be due to an increase in late guilty pleas. The reduction in the ineffective trial rate in both the Crown Court and magistrates’ courts may indicate that the prosecution is improving its trial readiness.

The fact that less than half of trials proceed as intended represents an enormous waste of effort, is inconvenient and increases costs. Ineffective trials have a substantial impact on victims and witnesses who attend court to give evidence at trial only to find the case is adjourned to another date so that they are called to attend court for a second time.

<b>Magistrates’ courts performance</b>	<b>2006-2007</b>	<b>2007-2008</b>
Ineffective trials	18.9%	18.3%
Cracked trials	37.3%	38.5%
Effective trials	43.8%	43.2%

<b>Crown Court performance</b>	<b>2006-2007</b>	<b>2007-2008</b>
Ineffective trials	12.3%	11.9%
Cracked trials	39.5%	41.9%
Effective trials	48.2%	46.2%

**Proceeds of Crime Act**

Good progress has been made in relation to the recovery of criminal assets. Both the volume and value targets were exceeded in 2007-2008 but only half of areas achieved their individual value target and slightly over half their individual volume target. These results are similar to the previous year’s performance where overall the volume and value targets were exceeded but only half of

areas achieved their individual value target. Not all amounts ordered to be confiscated are in fact recovered but the Service is starting to play a role in the enforcement of confiscation orders, with area champions working with the police to identify what action is needed to enforce outstanding orders and any that are in default.

Later in the report we comment on the Service's progress with its initiatives to improve the satisfaction of victims and witnesses.

### **Public confidence**

The British Crime Survey is used to measure public confidence in the criminal justice system. The survey asks whether the public believes the criminal justice system is effective in bringing people who commit crimes to justice. The questions do not focus specifically on the Crown Prosecution Service. The results of the latest survey carried out in December 2007 showed that 44% of those surveyed thought the criminal justice system was effective in bringing people who commit crimes to justice. The results between criminal justice areas ranged from 51.4% to 34.6%. This is an improvement on the December 2006 survey where the overall result was 42.3% with individual criminal justice areas ranging from 48.5% to 32.5%.

### **Victims and witnesses**

Increased satisfaction of victims and witnesses with the criminal justice system is also measured by questions in the British Crime Survey. In December 2007 68% of respondents thought that the criminal justice system treated people who came forward as witnesses well – unchanged from the December 2006 survey.

# Towards Excellence

## Crown Prosecution Service: Overall Performance Assessments

### Overall performance assessments

The main focus of the 2007 inspection programme was the overall performance assessments of all 42 of the Service's geographical areas. As well as the London area having an overall assessment, each one of its four sectors was rated separately.

The overall performance assessment process provides a benchmark for the performance of each area in 13 key aspects of work with each being assessed separately as either excellent, good, fair or poor. The overall performance assessment of the area is derived through a formula which is applied to the separate ratings of the key aspects.

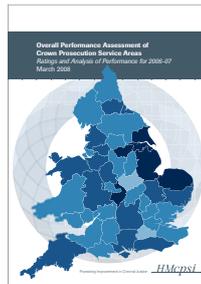
#### Key aspects of performance

##### **Critical aspects**

Pre charge decision making  
Ensuring successful outcomes in the magistrates' courts  
Ensuring successful outcomes in the Crown Court  
The service to victims and witnesses  
Leadership

##### **Other defining aspects**

Progressing cases at court  
Sensitive cases and hate crimes  
Disclosure  
Custody time limits  
Delivering change  
Managing resources  
Managing performance to improve  
Securing community confidence



The key aspects of performance have been refined since the 2005 programme so it is not possible to make an absolute comparison between performance in 2005 and 2007.

Refinements were made as follows

- the number of key aspects of performance was reduced from 14 to 13
- ensuring successful outcomes, an aspect in its own right in 2005, became an integral part of the assessments of handling cases in both the magistrates' courts and the Crown Court
- two of the five critical aspects were changed
  - those to do with ensuring successful outcomes in the courts were included
  - the 2005 separate aspect of ensuring successful outcomes was removed
- managing resources was moved from the critical aspects category to the other defining aspects category.

The measures used to assess performance were also refined so as to place less reliance on the targets the Service set itself and more on relative judgment. For instance our assessment of the effectiveness of the charging scheme placed less weight on the proportion of guilty pleas entered in the courts following a charging decision, placing more emphasis on the quality of decisions, and on action plans to ensure that cases were not subsequently discontinued where circumstances remained unchanged.



The headline results are summarized in the earlier section of the report “Where we are now” but for the sake of convenience we repeat them here.

- five areas were assessed as excellent as opposed to three in 2005
- two areas were assessed as poor as opposed to four in 2005 although one London sector was also rated as poor
- 47% of areas were either good or excellent
- 95% were adequate or better
- conviction rates were improved in both the magistrates’ courts (84.3% compared to 80.8% in 2005) and Crown Court (77.7% compared to 75.8%).

There has been considerable volatility in magistrates’ courts’ caseload – the number of cases finalized in 2006-2007 dropped to 998,910 from 1,168,078 in 2004-2005; the pattern between areas varied between an increase of 21.4% and a drop of 35.5%. There are no clear reasons for this volatility hence it is not possible to assess how it may have affected performance.

We do not know the underlying causes of the overall rise in the percentage of convictions. In the magistrates’ courts a relevant factor may have been the filtering out of weaker cases as a result of the Crown Prosecution Service taking over responsibility for charging in the more serious cases which should lead to an increase in the proportion of convictions. By contrast the use by police of fixed penalties would make it more difficult to increase the proportion of convictions. We have not been able to assess the relative strengths of these two competing factors in influencing the overall position.



The aspects of performance which were rated more strongly were

- sensitive cases and hate crimes  
*34 areas were good or excellent*
- leadership  
*29 areas were good or excellent*
- Crown Court casework  
*28 areas were good or excellent*
- managing change  
*25 areas were good or excellent*
- managing resources  
*25 areas were good.*



The table on the pages overleaf sets out the overall performance assessments of each area together with individual assessments against the 13 critical aspects of performance.

In drawing together the strands there are a number of notable features which need to be highlighted. They include

- the variations in performance across the Service in relation to most of the key aspects is significantly greater than might be expected in a national service
- although there has been a strengthening of management capacity this has not yet been fully translated into improved casework performance
- national initiatives involving the Service (and the criminal justice system) were not always fully sustained – some areas had concerns about continuity of funding although this usually related to funding from criminal justice sources for particular purposes
- a need to develop more careful and thorough case preparation, notably in magistrates' courts' work – part of the underlying cause is the tension between resource deployment on good case preparation, the statutory charging initiative and the benefits gained from the enhanced role and greater use of prosecutors at court.

The aspects of performance which were less positive were

- custody time limits  
*31 areas were fair or poor*
- progressing cases  
*27 areas were fair or poor*
- pre charge decision making  
*27 areas were fair or poor*
- managing performance to improve  
*26 areas were fair*
- magistrates' courts' casework  
*24 areas were fair or poor*
- service to victims and witnesses  
*24 areas were fair or poor.*



A table showing the Crown Prosecution Service's caseload and outcomes achieved during 2007-2008 is at annex 4.

## Overall performance assessments

### CRITICAL ASPECTS

Area	Overall assessment		Pre charge decision making	Ensuring successful outcomes		Service to victims & witnesses	Leadership	CRITICAL ASPECTS
	2007	2005		mags' court	Crown Court			
Avon & Somerset	Fair	Fair	Fair	Fair	Fair	Good	Fair	Fair
Bedfordshire	Fair	Poor	Good	Fair	Fair	Fair	Fair	Fair
Cambridgeshire	Good	Good	Fair	Good	Good	Fair	Good	Good
Cheshire	Good	Good	Good	Good	Good	Good	Good	Good
Cleveland	Good	Good	Fair	Good	Fair	Good	Good	Good
Cumbria	Fair	Poor	Fair	Good	Fair	Fair	Good	Fair
Derbyshire	Good	Fair	Good	Fair	Good	Fair	Good	Good
Devon & Cornwall	Good	Poor	Good	Fair	Good	Good	Good	Good
Dorset	Fair	Good	Fair	Fair	Fair	Fair	Fair	Fair
Durham	Good	Good	Fair	Good	Good	Fair	Good	Good
Dyfed Powys	Fair	Fair	Good	Good	Good	Fair	Good	Good
Essex	Fair	Poor	Fair	Fair	Fair	Good	Fair	Fair
Gloucestershire	Fair	Fair	Fair	Fair	Good	Fair	Fair	Fair
Greater Manchester	Good	Good	Good	Good	Good	Fair	Good	Good
Gwent	Fair	Fair	Fair	Fair	Good	Fair	Fair	Fair
Hampshire & IOW	Good	Good	Fair	Good	Fair	Good	Excellent	Good
Hertfordshire	Fair	Fair	Poor	Fair	Poor	Good	Fair	Poor
Humberside	Excellent	Excellent	Excellent	Good	Good	Excellent	Good	Good
Kent	Fair	Fair	Fair	Good	Good	Fair	Fair	Fair
Lancashire	Good	Good	Good	Good	Good	Fair	Good	Good
Leicestershire	Poor	Fair	Fair	Poor	Fair	Poor	Fair	Poor
Lincolnshire	Excellent	Fair	Fair	Good	Good	Good	Good	Good
London	Fair	Fair	Fair	Fair	Poor	Fair	Good	Fair
Merseyside	Fair	Fair	Good	Fair	Fair	Fair	Good	Fair
Norfolk	Excellent	Good	Good	Good	Excellent	Good	Good	Good
North Wales	Good	Fair	Good	Good	Excellent	Fair	Excellent	Good
North Yorkshire	Fair	Good	Fair	Fair	Good	Good	Good	Good
Northamptonshire	Fair	Fair	Fair	Fair	Good	Fair	Good	Fair
Northumbria	Fair	Good	Good	Fair	Good	Fair	Fair	Fair
Nottinghamshire	Fair	Fair	Fair	Poor	Good	Fair	Good	Fair
South Wales	Fair	Fair	Poor	Fair	Good	Good	Fair	Fair
South Yorkshire	Excellent	Excellent	Good	Good	Good	Good	Good	Good
Staffordshire	Good	Good	Fair	Good	Good	Fair	Good	Good
Suffolk	Good	Excellent	Fair	Excellent	Fair	Good	Good	Good
Surrey	Poor	Fair	Fair	Poor	Fair	Fair	Poor	Poor
Sussex	Good	Good	Fair	Fair	Good	Good	Good	Good
Thames Valley	Good	Fair	Fair	Fair	Good	Good	Good	Good
Warwickshire	Excellent	Good	Good	Excellent	Excellent	Excellent	Good	Excellent
West Mercia	Good	Fair	Good	Fair	Good	Fair	Good	Good
West Midlands	Fair	Fair	Fair	Fair	Good	Good	Good	Good
West Yorkshire	Fair	Good	Fair	Fair	Good	Fair	Good	Fair
Wiltshire	Fair	Good	Fair	Fair	Fair	Fair	Fair	Fair
London Serious Casework	Good	Good	Good	Good	Good	Good	Good	Good
London North & East	Poor	Fair	Fair	Poor	Poor	Fair	Fair	Poor
London South	Fair	Fair	Fair	Fair	Poor	Fair	Fair	Fair
London West	Fair	Fair	Fair	Fair	Poor	Fair	Good	Fair

**OTHER DEFINING ASPECTS**

<b>Progressing cases at court</b>	<b>Sensitive cases and hate crimes</b>	<b>Disclosure</b>	<b>Custody time limits</b>	<b>Delivering change</b>	<b>Managing resources</b>	<b>Managing performance to improve</b>	<b>Securing community confidence</b>
Fair	Good	Fair	Poor	Fair	Good	Fair	Good
Good	Fair	Fair	Fair	Fair	Good	Good	Fair
Good	Good	Good	Fair	Good	Good	Fair	Fair
Fair	Good	Good	Good	Fair	Good	Fair	Fair
Good	Good	Fair	Fair	Good	Good	Fair	Good
Fair	Good	Good	Good	Good	Fair	Good	Fair
Fair	Fair	Good	Fair	Good	Fair	Fair	Fair
Fair	Good	Good	Fair	Good	Fair	Fair	Fair
Fair	Good	Fair	Good	Fair	Good	Fair	Excellent
Good	Excellent	Good	Fair	Good	Good	Fair	Good
Good	Good	Good	Good	Fair	Poor	Fair	Fair
Fair	Fair	Fair	Fair	Good	Fair	Fair	Fair
Fair	Good	Fair	Fair	Fair	Poor	Fair	Good
Fair	Good	Fair	Fair	Good	Good	Good	Fair
Fair	Good	Fair	Poor	Fair	Fair	Fair	Good
Fair	Good	Good	Good	Good	Good	Good	Good
Fair	Fair	Fair	Fair	Fair	Good	Fair	Fair
Good	Excellent	Good	Fair	Good	Good	Excellent	Good
Fair	Good	Fair	Fair	Fair	Fair	Fair	Good
Fair	Good	Good	Fair	Good	Fair	Good	Good
Fair	Good	Fair	Fair	Fair	Poor	Fair	Excellent
Good	Good	Excellent	Good	Good	Fair	Excellent	Good
Fair	Fair	Fair	Poor	Fair	Poor	Fair	Good
Fair	Good	Good	Poor	Good	Fair	Fair	Good
Good	Good	Good	Fair	Good	Good	Good	Fair
Fair	Excellent	Good	Fair	Good	Good	Good	Good
Fair	Good	Good	Good	Good	Poor	Fair	Good
Fair	Fair	Good	Fair	Good	Good	Good	Fair
Fair	Good	Good	Fair	Fair	Good	Good	Fair
Fair	Good	Fair	Excellent	Fair	Good	Fair	Good
Good	Good	Poor	Fair	Fair	Good	Fair	Good
Good	Excellent	Fair	Fair	Excellent	Good	Good	Excellent
Good	Good	Fair	Fair	Fair	Good	Fair	Good
Good	Excellent	Fair	Good	Excellent	Fair	Good	Excellent
Poor	Poor	Poor	Poor	Fair	Poor	Fair	Fair
Fair	Fair	Good	Good	Good	Good	Fair	Fair
Good	Good	Good	Fair	Good	Good	Good	Excellent
Good	Good	Good	Good	Good	Good	Excellent	Fair
Fair	Good	Good	Fair	Good	Good	Fair	Fair
Fair	Good	Good	Poor	Good	Good	Fair	Excellent
Good	Excellent	Poor	Fair	Good	Good	Good	Excellent
Fair	Good	Fair	Poor	Fair	Fair	Fair	Fair
Good	Excellent	Fair	Good	Good	Fair	Fair	Fair
Fair	Fair	Good	Poor	Fair	Poor	Fair	Fair
Fair	Fair	Fair	Poor	Fair	Poor	Fair	Fair
Fair	Fair	Fair	Poor	Fair	Poor	Fair	Good

### **Environment – the developing criminal justice system**

The 2005 overall performance assessments of the Crown Prosecution Service took place against a backdrop of three major reform programmes, the charging scheme; the advocacy strategy; and the victims and witness care project No Witness No Justice. There was no doubt that some areas had difficulty balancing the requirements of the reform programmes with those of their day to day business.

Since then the Crown Prosecution Service has continued to work against a constantly changing background.

#### ***The charging scheme***

Under the provisions of the Criminal Justice Act 2003 the Crown Prosecution Service assumed responsibility for the decision to charge in more serious cases.

#### ***The advocacy strategy***

The advocacy strategy includes greater use of the Service's higher court advocates in both non contested and contested Crown Court hearings; the direct recruitment of experienced Crown Court trial advocates in some areas; an increase of magistrates' courts' coverage by in house prosecutors; and the extension of the powers of designated caseworkers to conduct contested bail hearings and pre trial reviews.

#### ***No Witness No Justice***

The project aims to provide a more customer focused and responsive service to victims and witnesses and to improve their experience of the criminal justice system.

### ***Strategic groups***

The Service had planned to reorganise its area structure to complement the planned rationalization of police force structures. Following the Government's decision not to proceed with the police reform the Service decided to retain its current 42 area structure but to create 13 strategic groups to deal more effectively with some common areas of work, each group having a complex casework unit and a group secretariat. Because of their size, the London and Greater Manchester areas were not included in the reorganisation and retain their existing structure, this brings the number of strategic groups to 15. The new structure has been implemented during 2007-2008. The uncertainty created by the changes meant that some area senior managers held positions on a temporary basis for lengthy periods which impacted adversely on internal restructuring plans.

### ***Criminal Justice: Simple, Speedy, Summary***

This national criminal justice initiative aims to simplify and speed up the administration of justice for routine cases in the magistrates' courts, often referred to as volume crime, and reduce the number of hearings required. As part of its contribution the Service reviewed its internal processes and structures and implemented new streamlined processes in all areas during 2007-2008. It also developed with the police a process that enables a less substantial case file to be compiled for summary cases in the magistrates' courts in circumstances where

- the police take the decision to charge
- a case is referred to a crown prosecutor for a charging decision
  - the prosecutor determines that a guilty plea is likely, and
  - the case is suitable for sentencing in the magistrates' court.

This is being tested in a number of areas. The process is considered likely to make substantial savings of police resources without compromising fairness in that the defendant will receive a copy of the police report which sets out the evidence by way of advance information.

#### ***Optimum business model***

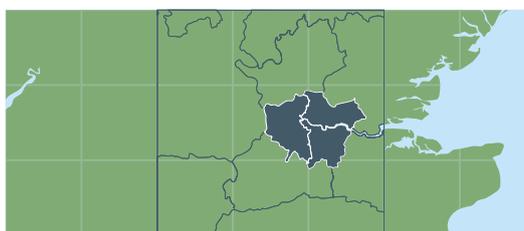
The Service established the optimum business model in each of the 15 strategic groups by the end of March 2008. This development was in response to criticisms about the handling of casework in the magistrates' courts by the National Audit Office, reiterated by the Public Accounts Committee and the Capability Review and also reflected in the overall performance assessments. The Service aims to establish the model in all 42 areas by the end of September 2008.

#### ***Conditional cautions***

Conditional cautions are now used in appropriate cases as a means of diverting from court those whose offending is serious enough to warrant prosecution but who are prepared to admit their offence and agree to undertake rehabilitative or reparative activities as a condition of being cautioned. The use of conditional cautions was introduced in seven areas prior to

being introduced in at least one police basic command unit in each of the 42 areas by June 2007. They were introduced fully across all areas by March 2008, as planned.

#### ***London Reform Programme***



In London the Service is working with its criminal justice partners to address weaknesses through the London Reform Programme. This brings together a number of initiatives and provides the overarching criminal justice strategy for London, requiring a holistic approach to service delivery. The programme is set against the background of the statutory charging scheme and the establishment of witness care units.

The programme has four strands to this work – Criminal Justice: Simple, Speedy, Summary; integrated prosecution teams; virtual courts; and community justice (a scheme designed to increase local community confidence through engagement in a number of criminal justice initiatives). It envisages use of the optimum business model which the Service is rolling out nationally but in the context of integrated prosecution teams.

**Integrated prosecution teams**

These teams are made up of prosecutors and other staff working with the police at charging centres. They use a system of shared single files together with a simplified file requirement for cases with an anticipated plea of guilty provided for in the Director’s Guidance: Streamlined Process.

These arrangements are expected to be developed in the context of a system of virtual courts along the lines of a pilot concluded in 2007. This works on the basis of a video link between charging centres and the relevant court so that a person who has been charged can make an immediate first appearance, sometimes also leading to final disposal.

The approach is a very positive and innovative one. Successful implementation of these interlocking arrangements will be dependent on carefully managed change which coordinates the work as well as ensuring that all staff are fully trained and familiar with the operation of the new systems. Statutory charging itself has been implemented with mixed success and the services to victims and witnesses in London has been variable. It will be important for all agencies to draw on these experiences if such an ambitious programme is to be delivered successfully.

**Impact**

The cumulative demands of all the initiatives set out above was clearly significant and it is to the credit of the Crown Prosecution Service that the incremental improvement achieved was at the same time as these were being progressed. Even so, it was inevitable

that the focus on some initiatives would be diluted (often the earlier ones such as the service to victims and witnesses). Also, it was striking that in many areas management teams apparently failed to grasp the import of unsuccessful case outcomes whether these were overall conviction rates, high numbers of discharged committals, judge ordered acquittals or jury acquittals.

*2007 overall performance assessment summary of results*

**Critical elements**

*Pre charge decision making*

	OPA 2005	OPA 2007
Excellent	1	1
Good	15	14
Fair	20	25
Poor	6	2

We found some change in performance with only two areas assessed as poor compared with four in 2005. One area was assessed as excellent as it had been in 2005. As well as excellent outcomes it demonstrated very positive joint working, the most obvious example of which was the introduction of an effective police filter to ensure that only appropriate cases were submitted to the duty prosecutor for a charging decision.

Those areas assessed as poor in 2005 had made progress with three being assessed as good and three as fair.

Of the two areas assessed as poor this time round, one saw statutory charging as a bolt on activity rather than an inherent part of core business, the other failed to realize the benefits of charging because of premature decisions to charge.

#### *Ensuring successful outcomes in the magistrates' courts*

	OPA 2005	OPA 2007
Excellent	1	2
Good	19	16
Fair	20	21
Poor	2	3

Just under half of all areas were assessed as fair but the greater emphasis on outcomes in the 2007 programme affected the rating in some of them. Two areas were assessed as excellent, an improvement of one compared with 2005 but three were poor, an increase from two previously. To some extent the emphasis areas have put on Crown Court work has detracted from performance in the magistrates' courts.

We pointed out in 2005 the need for joint action with the police, and to some extent the courts, to address the number of committals discharged because they were not ready, yet there continues to be too high a number. For 2006-2007 it was 2,325 which represents 2.5% of cases that are discharged or actually committed or sent to the Crown Court. While the figure is reducing, it was 3.5% in 2004-2005, it needs to reduce further.

The Service measures the number of discharged committals as a percentage of all cases finalized in the magistrates' courts, which was 0.2% for the same period. This is an artificial measure which has been the subject of adverse comment by this Inspectorate on previous occasions. This is an example of the Inspectorate considering the computation by the Service of the number of discharged committals as a proportion of its total caseload in the magistrates' courts to be inappropriate. It is not a specific performance target but, as a measure, it does not reflect the true scale of the issue so as to have the necessary impact upon area performance and focus. Ideally we would like to see the figure showing discharged committals as the percentage of cases set for committal to the Crown Court but the Service does not compile separate figures for defendants committed from those facing indictable only offences which are sent to the Crown Court.

The Criminal Justice: Simple, Speedy, Summary initiative has refocused attention on the magistrates' courts and should have a positive effect longer term. There are signs of greater liaison between areas and the courts, of improved working relationships, and solution of long standing problems. But we were concerned that the success of this initiative was not matched in the handling of contested cases where we found evidence of increasing delays. There is also evidence emerging in the context of our review of statutory charging that the imperative for the prosecution to be ready at first hearing is causing problems. Some prosecutors delay authorizing charges to seek further evidence

considered desirable prior to charge. This is because they are not confident otherwise that the evidence will be available in time for the first hearing.

*Ensuring successful outcomes in the Crown Court*

	OPA 2005	OPA 2007
Excellent	0	3
Good	29	25
Fair	13	12
Poor	0	2

Performance in the Crown Court remained good - the majority of areas were assessed as good or excellent. We found that areas had put a greater emphasis on Crown Court casework even at the charging stage where duty prosecutors were putting more effort into case building.

Good progress had been made in relation to the recovery of criminal assets under the Proceeds of Crime Act 2002. Nationally both the volume and value targets were exceeded although only half of the 42 areas achieved their individual value target in 2006-2007. Not all amounts ordered to be confiscated were in fact recovered but we noted that the Service had started to play a role in the enforcement of confiscation orders – nominated area champions were working with the police to identify the action needed to enforce outstanding orders and any in default.

*The service to victims and witnesses*

	OPA 2005	OPA 2007
Excellent	0	2
Good	26	16
Fair	16	23
Poor	0	1

Generally the service to victims and witnesses had declined since the 2005 assessments with the majority of areas assessed as fair in 2007 rather than the 2005 rating of good. It was disappointing to note that the No Witness No Justice initiative had not made as much progress as anticipated. Whereas some areas played an equal part with the police in the witness care units set up under the initiative, in many there was little or no active role by the Service.

Because the 2005 assessment highlighted the difficulties many areas had in sustaining the standards of the direct communication with victims initiative, the Inspectorate undertook an audit of the scheme. The 2007 assessment showed that while generally the quality of letters was more satisfactory, difficulties remained. This was confirmed by the audit, the conclusions of which are set out later in this report.

*Leadership*

	OPA 2005	OPA 2007
Excellent	1	2
Good	25	27
Fair	15	12
Poor	1	1

The trend continued to be one of real improvement with an increase in the number of areas being assessed as either good or excellent (to 29). We found this particularly promising given that, as stated earlier, in some areas managers were holding their posts in a temporary capacity for extended periods pending restructuring. We believe that the improvement reflected the commitment to developing and training managers throughout the Service. Differences in the proactivity and cohesiveness of area management teams affected the assessments. There was also an emphasis on the views of others in the criminal justice system who gave an additional insight into how well areas worked with their partners.

Assessments were also influenced by the results for communication and promoting “Dignity at Work” in the Service’s last staff survey. In some areas there were very good meeting and communication structures including good feedback systems to aid performance improvement. In weaker areas there were often no structures or regularity in relation to communications generally but particularly with regard to both internal and external meetings. Overall the trend of real improvement has given the Service a sound platform to enable its managers to hone further their leadership qualities.

*Other defining elements**Progressing cases at court*

	OPA 2005	OPA 2007
Excellent	0	0
Good	29	15
Fair	13	26
Poor	0	1

The area effectiveness inspections of some areas had shown a disturbing trend of the number of cases being prosecuted in the magistrates’ courts falling but timeliness of throughput of cases the subject of trials extending. Some had had numerous interim hearings and many months had elapsed between the date of fixing the trial and the trial itself. At the time of the 2007 overall performance assessments the Criminal Justice: Simple, Speedy, Summary initiative was starting to address these issues positively.

As in 2005 we found it difficult to assess this aspect in the absence of our own observation at court. A change to the methodology in 2007 enabled us to obtain some evidence from other criminal justice practitioners which proved valuable. The majority of areas were rated fair rather than good as in 2005. Insofar as the assessment was at a lower level in 2007 reflects in part changes in the methodology. A more formal approach to the monitoring of advocates, rather than the ad hoc one adopted in some areas, would provide managers with the opportunity of observing how effectively cases were conducted and progressed through the

courts. We found that where advocates were monitored and given constructive feedback it had a positive impact on performance generally at court – in our view more structured monitoring is needed.

The effectiveness of case progression systems varied between magistrates' courts and Crown Court cases. When funding for dedicated case progression officers was not continued, some areas withdrew the role. This left nothing to fill the gap in terms of ensuring cases were ready for court. The better performing areas continued with case progression officers who liaised with the police and courts to help ensure cases were ready for court. The progression of cases in the Crown Court attracted some criticism from criminal justice partners where the use of caseworkers as case progression officers in relation to their own cases (and with their court commitments) meant that they were often absent from the office. The result was that there was no central point to answer queries on their particular cases.

We noted that in some areas although there was a significant drop in caseload, court sessions increased. In London caseload in the magistrates' courts dropped by 18.9% between 2004-2005 and 2006-2007 but the number of court sessions increased by 5.4% over the same period. This may be explained in part by the richer mix of cases resulting in an increased number of convictions. But there remains the paradox of Ministry of Justice timeliness measures for London being as good or better than national averages but courts having concerns about preparation and readiness for court.

*Sensitive cases and hate crime*

	OPA 2005	OPA 2007
Excellent	5	6
Good	25	28
Fair	12	7
Poor	0	1

Performance has improved since the generally good assessments in 2005. We found that in many areas there had been a concerted drive by all criminal justice agencies to improve performance with particular focus on hate crime and domestic violence cases. Specialist domestic violence courts had been established in numerous areas. Sensitive cases were dealt with well at the charging stage, with in some instances, good advice being given at specialists' surgeries or after files had been sent to specialist prosecutors in area offices.

The national drive to implement the recommendations of the report on the investigation and prosecution of rape cases ensured that areas appointed specialists to be responsible for handling rape cases, and coordinators responsible for monitoring their outcomes. This needs to be replicated consistently in relation to other sensitive cases and hate crimes.

*Disclosure*

	OPA 2005	OPA 2007
Excellent	5	1
Good	19	21
Fair	13	17
Poor	5	3

There was some fall off in overall performance in relation to disclosure. Where declines in performance were found it was more often associated with procedural failure rather than an actual non disclosure that would result in the risk of a miscarriage of justice. Sound processes and systems and compliance with them are critical to compliance with the prosecutorial duties of disclosure and it is here where the problems are.

In the 2007 performance assessments 22 areas were found to be good or excellent compared with 24 in 2005. Only one area was assessed as excellent as opposed to five in 2005 although 21 were assessed as good compared to 19 in 2005 and poor ratings reduced from five to three. Inconsistencies across areas and substantial variations in performance remain.

During 2007-2008 we carried out a thematic review of disclosure the results of which are set out later in this report.

*Custody time limits*

	OPA 2005	OPA 2007
Excellent	1	1
Good	13	10
Fair	25	24
Poor	3	7

Defendants remanded in custody, generally in relation to the more serious offences, are subject to limits regulating the time they may spend in custody pending trial or committal to the Crown Court. Responsibility for ensuring custody time limits are not exceeded rests with the Crown Prosecution Service by virtue of the requirement that it makes the application for any extension whether or not that extension is required by the prosecution itself, for example the court maybe unable to fix a hearing date for trial within the custody time limit. It is vital for public confidence that serious offenders are not released through a breach of the time limits. It is concerning that the number of areas rated poor rose from three in 2005 to seven in 2007.

We found a direct correlation between management checks and breaches – the better the checks the fewer the breaches. We also found that the process worked well if prosecutors took responsibility for calculating the time limit and that the court agreed the limit at the hearing. We plan further work on this issue in the coming year.

*Delivering change*

	OPA 2005	OPA 2007
Excellent	2	2
Good	19	23
Fair	20	17
Poor	1	0

We found a significant improvement in the ability of areas to deliver change – well over half were assessed as good or excellent and none was considered poor. There was greater emphasis from headquarters on planning and risk management of change initiatives which involved the development of local plans and risk registers setting out clear expectations.

The evidence suggested that areas are effective in delivering change initially but some were not so successful in embedding or evaluating it. As noted elsewhere in this report this weakness has had an adverse effect on other key aspects of performance, for example, pre charge decision making and the service to victims and witnesses.

Another identified weakness was that there was insufficient tailoring of national initiatives to local circumstances.

*Managing resources*

	OPA 2005	OPA 2007
Excellent	0	0
Good	20	25
Fair	14	11
Poor	8	6

The ability of areas to manage resources improved since 2005 with an increase in the number assessed as good from 20 to 25 and a decrease in the number rated poor from eight to six. Since the 2005 assessment the Service has put more emphasis on the management of resources with the result that managers are now better equipped to deal with their budgets through training and enhanced management information. As a consequence we found budgets were better monitored and managed. As in 2005 the main factor for holding back performance was the number of areas which exceeded their main budget significantly. They included two of the larger areas which we found surprising given that, with their greater resource allocation, there is more flexibility in the management of their budgets.

*Managing performance to improve*

	OPA 2005	OPA 2007
Excellent	1	3
Good	14	13
Fair	26	26
Poor	1	0

As in 2005 the effectiveness of performance management varied substantially across areas with only three rated excellent, 13 good and the remaining ones fair. Although there were no poor assessments we found only a little real improvement. This result is consistent with the modest incremental improvement found in the Service's performance overall. Performance management is an important aspect because effective performance management is an essential prerequisite of improvements across the board.

With the benefit of performance officers, areas were able to collect relevant data better than in 2005 but some were still developing the analytical skills needed to ascertain the reasons for case outcomes. The better areas had separate performance meetings, with formal follow through, including communication of results to staff and a clear joint approach with their criminal justice partners to managing performance.

*Securing community confidence*

	OPA 2005	OPA 2007
Excellent	6	7
Good	18	17
Fair	16	18
Poor	2	0

There was an improvement on the 2005 assessment in the work undertaken to secure the confidence of the community – no areas were rated as poor whereas in 2005 there were two and the number who were excellent rose by one to seven. We found that community engagement was much more mainstream and linked to core business. Involving a cross section of staff, many areas were undertaking more meaningful engagement, for example, by making efforts to engage with additional groups in the community and by setting up hate crime scrutiny panels. Progress was also being made jointly with criminal justice partners through the local criminal justice board confidence sub groups.

There was a need for greater understanding of how community engagement can impact on community confidence and thereby case outcomes. It can be difficult for areas to show the link between community engagement and improvement but there were some good examples of liaison with domestic violence groups which led to the development of specialist domestic violence courts. Some areas used community confidence links to increase the awareness of witness care officers about issues which were important to victims and witnesses.

# Towards Excellence

## Crown Prosecution Service: Inspection, Audit and Thematic Reviews

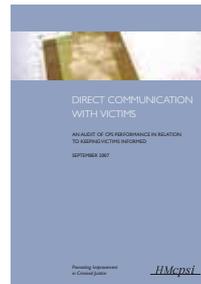
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### The first inspection of CPS Direct

CPS Direct is a non geographical integral element of the Service. It was set up as part of the move to statutory charging and provides advice to the police outside core office hours. Between them areas and CPS Direct provide a 24/7 service.

In February 2008 we began the first inspection of CPS Direct. In essence, the purpose is the same as any other inspection of a casework unit. We examine the quality of casework and the efficiency and effectiveness of CPS Direct including the standard of decisions, operational effectiveness, and relationships with its criminal justice partners as well as use of resources, leadership and governance. However there are also some big differences in that CPS Direct does not prosecute any cases: once the initial decision is taken it falls to the relevant area to take the proceedings forward. Prosecutors from CPS Direct all work from home, at anti social hours, and inspectors spent much time visiting these home workers and observing their work.

An important dimension of any inspection is user experience - inspectors therefore spent substantial periods of time at police stations talking to police officers who had used CPS Direct to ascertain from them their views on how effective they had found the arrangements. This work complements that of the statutory charging review team and should enable the forthcoming reports 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.



### Audit of the direct communication with victims scheme

In all cases where a charge is dropped or altered substantially, the Crown Prosecution Service undertakes to

inform the victim in writing and explain the decision to them. Each area has a proxy target to indicate the number of letters it should send to victims of crime.

The audit focused on four aspects of the scheme, identification of cases involving victims; compliance with the scheme; accuracy of recording whether a letter had been sent; and the quality of these letters.

The audit found that case files involving victims were not being identified effectively and that there were problems around the arrangements for identifying when a letter was required. The audit also found that the proxy target was unrealistic in many areas; that compliance with timeliness targets for sending a letter were not met consistently; and that although the quality of letters was satisfactory in most cases, some issues needed addressing

The report was published in September 2007.

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### The Crown Prosecution Service response

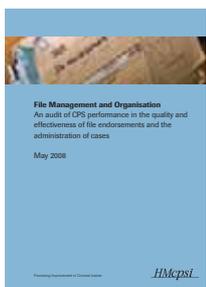
The Service accepted the recommendations and developed an action plan which involved, among other things

- a series of workshops aimed at raising awareness and improving performance, focusing on issues raised in the audit report

- update of the guidance manual to include information on the practicalities of delivering the commitments of the scheme
- identifying roles and responsibilities for managing performance of the scheme
- revision of the training package for prosecutors and caseworkers.

At the time of writing the method the Service uses to calculate area proxy targets was under review.

Additional work was also planned to review how the Service's case management system could be developed further to aid improved identification and management of cases where victims needed to be informed of what was happening.



**An audit of the quality and effectiveness of file endorsements and the administration of case files**

The quality and effectiveness of file endorsements and the

administration of case files form an integral and vital part of the effective prosecution of cases. Failure to make clear and accurate endorsements on files can lead to incorrect decisions, failures to take timely actions and failed prosecutions. The audit was finalized in April 2008 and the report published in May after the end of the restrictions on publication associated with local elections.

The audit's main conclusion was that the majority of case files were not maintained in a satisfactory manner. Frequently decisions and actions taken were not recorded; the lack of information and poor organisation made it difficult, or impossible, for staff handling a case to ascertain what had happened previously; and it could also be difficult to locate documentation when needed.

The aspects of file management where improvement is needed include

- ensuring that the outcomes of all court hearings are recorded on the file. The results of at least one court hearing was missing from the file in 11% of magistrates' courts' cases and 18% of Crown Court cases
- clear recording of work undertaken between court hearings, which was problematic in a significant number of cases examined – for example, often it was not clear from files whether any action had been taken in respect of correspondence received
- defendants' bail status was not recorded at each hearing in 36% of cases in both the magistrates' courts and the Crown Court
- the need for follow up work after a court hearing was not recorded or highlighted as necessary in 16% of magistrates' courts and 35% of Crown Court files – in some cases this led to essential action not being taken and the case having to be adjourned at the next hearing
- in a small number of files, cases had been incorrectly finalized on the case management system due to misleading or inaccurate endorsement of the result at court.

An aspect of performance which showed improvement was the legibility of review endorsements setting out the reasons for prosecution decisions. This was largely due to the use of the case management system into which the information was typed, although this did have some associated disadvantages as mentioned below.

Factors contributing to the weaknesses identified include

- the absence of clear and uniform guidance setting out the requirements and standards for recording actions and decisions on files
- the lack of any national requirement for the monitoring of file management, leading to inconsistency and action being determined by the inclination of individual managers at local level
- the absence of any standard design for file covers or uniform approach to where information and documentation should be located.

Some of the difficulties flowed from the operation of a split file system. The case management system is utilized for key activities but the information also needs to be copied onto the paper file in order to be available to the prosecutor at court. This situation is not wholly satisfactory.

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### The Crown Prosecution Service response

At the time of writing the Crown Prosecution Service were considering how best to take the recommendations forward.

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### Thematic review of the decision making and management of discontinued cases and discharged committals

The review was part of a rolling programme of casework quality assurance about individual aspects of the Service's casework. Cases from eight areas were examined and details of one month's discontinued cases and discharged committals were analyzed.

**Discharged committals** are either way offences fixed for committal to the Crown Court which are not ready to proceed on the day and the court refuses an adjournment.

We found a reasonable standard of decision making in discontinued cases. It had improved on the standard found in the last two full cyclical area inspections and the 2006-2007 area effectiveness inspections. There was a small but significant decrease in the rate of cases discontinued in the magistrates' courts from 11.6% in 2005-2006 to 10.8% in 2006-2007.

So far as discharged committals were concerned, the inspectors' considered view was that further work was needed to reduce the number of defendants who were discharged because the prosecution was not ready. A view confirmed by the 2007 overall performance assessments and by the Crown Prosecution Service's own statistics.

We found no indication that serious cases were dropped inappropriately as not being

in the public interest to proceed. But a few cases were dropped prematurely when the defendant was waiting trial on more serious matters and in one area some low level public order offences were being dropped on public interest grounds. Greater consideration with the police needs to be given to these cases if they are of significant social impact locally.

In our file sample only 69% of letters that should be sent to victims explaining why charges had been dropped or substantially altered were in fact sent. This finding is in line with the 67% of letters that were found to have been sent in the audit of the direct communication with victims scheme which used a different file sample.

The report was published in December 2007 and contained eight action points to improve

- **pre charge decisions:** quality assuring and reducing the number of decisions that do not comply with the Code for Crown Prosecutors; increasing case ownership to reduce changes of decision on a different view of the case; and careful consideration of domestic violence cases
- **continuing review:** ensuring timely and effective review at the key stages of the case
- **discharged committals:** taking action with the police to prepare cases for committal on time; taking positive steps to reinstate cases when evidence comes available; and checking finalizations for accuracy
- **consultation with the police:** consulting with the police before discontinuance when feasible

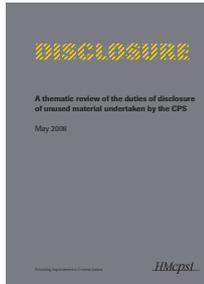
- **victims and witnesses:** considering the views of victims in coming to decisions on discontinuance and when a charge is discontinued (or substantially altered) sending a letter to the victim setting out the reasons
- **case management:** recording reasons for discontinuance; tracking case progression; and ensuring files are retrievable
- **social impact crime:** discussing minor public order cases with the police and ensuring they are dealt with by a fixed penalty notice or prosecution as reflects the gravity of the behaviour
- **motoring offences:** working with the police to reduce the number of minor motoring offences referred to the Crown Prosecution Service unnecessarily (because they may lawfully be dealt with by the police) and are subsequently dropped.

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### The Crown Prosecution Service response

All the recommendations were accepted. The prosecution team (a joint national team comprising staff from the Service, Association of Chief Police Officers and the National Policing Improvement Agency) had undertaken its own review of discontinuance earlier in 2007 of those magistrates' courts' cases that had received a pre charge decision and support had been provided to several areas as a result. The findings in both reports will inform the preparation of an action plan and the dissemination of information and advice to all areas in 2008-2009.

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

The review examined recent case files and observed live cases fixed for trial in the magistrates' courts and the Crown Court. It took into account findings in the first and second cycles of inspections and the more recent area effectiveness inspections. About 6,526 cases in all were involved.

**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.

We found that the Service complied with the duties of disclosure in just over half of cases with non compliance linked to either lack of systems and processes supporting the disclosure regime or lack of adherence to these systems and processes. Thus the nature of the breaches was not generally such as to give rise to potential miscarriages of justice. Nonetheless it is consistent application of the disclosure procedures which represents the best safeguard against non disclosure and potential injustice.

There were examples of 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. There were other instances of blanket

disclosure being allowed by the prosecutor in which material was passed to the defence whether it met the disclosure test or not. The courts might influence or order this practice in some cases. The practice also has the effect of passing the burdens and resource costs to the defence and legal aid budget.

We found that material and information that was truly sensitive in that its disclosure to the defence would create a real risk of serious prejudice to an important public interest required more involvement by senior police officers and by prosecutors. For example

- too much of the material was classified by disclosure officers as sensitive when it was not
- material was not always scrutinized by the prosecution to confirm whether it was truly sensitive or whether it met the disclosure test.

We found also a lack of confidence in the disclosure regime by criminal practitioners which led inspectors to the view that, for the current regime to succeed, there needed to be a unified and agreed process. One that was understood fully by all involved and upheld and supported by all. This means clear, positive, demonstrable and consistent compliance with the statutory scheme at all stages by all parties. There must be a clear audit trail of what unused material has been examined, when and by whom, and why decisions were reached.

The report of the review was published in May 2008. It contained 21 recommendations aimed at improving performance and compliance and highlighted 15 aspects of good practice which merited consideration for adoption nationally.

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## The Crown Prosecution Service response

The Crown Prosecution Service welcomed the report and will be taking action to build on existing work to ensure that prosecutors follow the statutory regime procedures effectively and to a consistently high standard.

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### *The Crown Prosecution Service's response to a number of reviews concluded in 2006-2007*

We set out here summaries of the outcomes of a selection of reviews concluded in 2006-2007 and a brief report on progress by the Crown Prosecution Service.



### **Justice in policing: a joint thematic review of the handling of cases involving the allegation of a criminal offence by a person serving with the police**

The Crown Prosecution Service has a statutory duty to consider the outcome of all investigations where a person serving with the police is alleged to have committed a criminal offence. The importance of this work is far greater than its modest volume might imply. We led a joint review, with HM Inspectorate of Constabulary, focusing on the overall process of investigating such cases. The review included the quality of the police work in the discharge of their statutory duty both as regards the decision making and the handling of cases.

The overall conclusion of the review was that the arrangements for investigating and handling police complaint cases resulted in sound decision making in case preparation, notwithstanding a number of weaknesses, mainly in the manner in which they were managed. Those weaknesses were attributable for the most part to lack of any clear and consistent ownership of policy or operational issues within the Service's headquarters. There was an absence of monitoring or management of such cases, which had resulted in a fragmented approach to performance and management issues. The review found a need for the police and the Service to work more closely together on these issues, in particular as regards more structured arrangements for recording cases, and monitoring and analyzing outcomes. The report concluded that the handling of cases involving complaints against persons serving with the police operated outside the main processes of the Service to an unacceptable extent. And that a system of regional units should be considered as a possible way forward, developing links not only with relevant police Professional Standards Departments, but also with the Independent Police Complaints Commission.

The main recommendations for the Service included

- establishing ownership within the Service's headquarters for policy and operational issues to ensure that arrangements are, and continue to be, fit for purpose and to engage relevant stakeholders in consultations to that end

- 
- ensuring that the case management system enables flagging and tracking of cases and that local managers use such data to monitor timeliness, outcomes and casework lessons, and to identify any bias
  - satisfying itself that systems are in place to ensure that decisions are consistent and subject to peer or managerial review, that explanations of those decisions to complainants are set out clearly and copied to relevant parties
  - considering whether regional units to deal with cases, possibly aligned to the Independent Police Complaints Commission regions, are appropriate
  - working with the police more closely at local level to ensure that there is an up to date service level agreement which is reviewed regularly, one which sets out the arrangements for advice in all relevant circumstances, and to establish points of contact for specialist advice including early guidance on evidence and the proportionality of file preparation.
  - establishing closer liaison between areas and the Independent Police Complaints Commission so as to facilitate a better understanding of the role of the Commission on the part of the Service's lawyers
  - working with the police nationally to develop a formal joint performance management regime.

The report was published in January 2007. Progress in taking forward the recommendations has been disappointingly slow.

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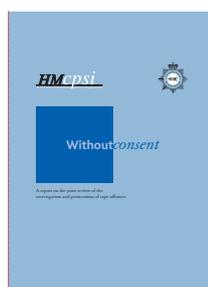
### **The Crown Prosecution Service's response**

The Service has reached agreement with the Association of Chief Police Officers and the Independent Police Complaints Commission to create a tripartite strategic group. It will consider liaison arrangements and mechanisms for the exchange of performance information as well as overseeing implementation of those recommendations requiring joint implementation. However the group did not hold its first meeting until the end of April 2008.

Policy issues are ongoing and some are related to wider changes to the police disciplinary process. The necessary legislation is contained in the Criminal Justice and Immigration Act 2008. The Home Office now has responsibility for bringing forward the appropriate subordinate legislation. Further work on developing guidance on issues of public interest and disciplinary outcomes is dependent on these changes. Chief crown prosecutors have been reminded of the importance of early consultation and the relevant directorate at headquarters is researching the sub justice and charging standard issues which the report raised.

Changes have been made to the case management system to begin the process of mainstreaming police complaints work for national and local information management purposes. Further work with the Association of Chief Police Officers has yet to start on the joint element of performance management. Interim guidance on peer review has been issued to chief crown prosecutors.

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**Without consent:  
a report on the  
joint review of the  
investigation and  
prosecution of rape  
offences**

The main findings  
involving the Service

were that there were sound structures, policies and procedures in place – the issue was to ensure that what should be done was consistently done in practice. There were no criteria for the selection of area coordinators and specialist prosecutors who dealt with rape cases and no minimum standards of competence which resulted in varying levels of knowledge and expertise in practice. There remained a need to improve early liaison between police and prosecutor and the development of a team approach to case building, there was also a need to strengthen communication between, and coordination of, all those involved in the investigation and prosecution of rape offences.

**The Crown Prosecution Service’s  
response**

In order to give full effect to existing policies and good practice, the Service has introduced a national system of performance management in rape cases. Since October 2007 there is a requirement that all finalized files flagged as rape offences are checked for compliance with the Service’s policies and good practice as set out in an “essential steps checklist”. In addition, and on an ongoing quarterly basis, rape case coordinators sample files in their area to assess the

quality of decision making to ensure that all evidential and other avenues are explored by prosecutors. The results are included in a comprehensive quarterly report prepared by them for their chief crown prosecutor and headquarters. The reports provide a detailed analysis of rape prosecutions and identify actions needed to raise performance. The first such report was for the third quarter of 2007-2008.

The minimum levels of experience and training requirements for rape case specialist prosecutors have been specified. As an extension to the proactive prosecutor programme, a new course has been delivered to the area rape case coordinators and will be delivered to all rape case specialist prosecutors from 2008.

An advice/review checklist reminding prosecutors to consider all evidential avenues when advising upon and reviewing rape cases has been circulated and a new comprehensive manual on prosecuting rape was published on the Service’s intranet in late March 2008. At the time of writing plans were underway for its incorporation into joint police and Crown Prosecution Service guidance to be made available during 2008.

The Service and the Association of Chief Police Officers hosted a joint conference “Prosecuting Rape – Building Better Cases” in May 2007.

A model protocol for rape cases was launched at the beginning of March 2008 to encourage full and early consultation between the police and the Service in these cases and to provide a framework within

which they can work in partnership for the benefit of victims. Areas and their police force partners are being encouraged to adopt the amended protocol adapted to suit local requirements. Area rape case coordinators and their police counterparts attended regional seminars to learn about the protocol and address barriers to joint working.

The Service continues to contribute to the rape [case] performance group that examines attrition in rape cases and reports to the interdepartmental ministerial group on sexual offending. It is also represented on the national sexual assaults referral centre steering group and the sexual violence and abuse action plan officials' group.



**Keeping on the right track: a follow up to the thematic review of CPS handling of British Transport Police casework**

The purpose of this follow up review was to consider the level of progress that had been made towards implementing the recommendations of the thematic review which reported in 2004. The original review found a lack of effective liaison between the Crown Prosecution Service and the British Transport Police exacerbated by the fact that the latter was not a Home Office funded force so not subject to joint criminal justice system targets. The lack of liaison was evident in the management of casework emanating from the British Transport Police.

The inspectors carrying out the follow up review found substantial progress had been made on the major recommendation on the need to improve liaison at national, regional and local levels. They were also pleased to observe that the charging scheme was working well and anticipated benefits were being realized.

On the other hand, inspectors noted that limited progress had been made on the recommendations which dealt with discontinuance, disclosure, performance management, victims' issues and joint training.

As a result of their findings during this review the inspectors made four further recommendations on

- communication and liaison
- casework
- performance management
- dealing with victims.

Of particular concern to the inspectors was the consistent failure to meet the Government target of 71 days to deal with persistent young offenders from arrest to sentence. They highlighted that more was required by both organisations to identify and resolve the reasons for this poor performance.

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### The Army Prosecuting Authority's response

Since the inspection, the Authority has put in hand arrangements to address the recommendations of the report. The Authority has agreed a protocol with the Royal Military Police which defines its role in Royal Military Police investigations and which has led to early consultation in appropriate cases. In one instance, an officer of the Authority was deployed to Afghanistan to assist in an investigation.

The Authority's electronic case management system has been updated to identify automatically those cases with a victim to ensure that appropriate care arrangements are made, including letters of explanation when charges are dropped or substantially altered.

Work to address other aspects of the report is being incorporated in the planning for the new joint Service Prosecuting Authority. These include the arrangements for the handling of unused material, the development of a structured casework performance management scheme and the maintenance and analysis of data on gender and ethnicity of defendants and hate crime outcomes.

Other actions taken to address the findings of the inspection team include

- arrangements to ensure continuity of case handling in the absence of the reviewing prosecutor
- implementation of an officer professional development plan to provide feedback to prosecutors on advocacy performance and to inform the annual assessment process

- revised liaison arrangements with the Authority's partners in the military criminal justice system which have led to improved communication.

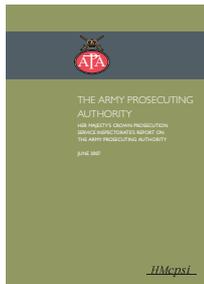
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As indicated elsewhere in this report we are planning a follow up inspection in 2008 to assess the Army Prosecuting Authority's progress against the recommendations in the original report and how it has addressed the other aspects for improvement that were identified.

# Towards Excellence

## Army Prosecuting Authority

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The Army Prosecuting Authority was formed in 1996 to provide a prosecuting authority independent of the Ministry of Defence and the Army chain of command. Its prosecution

decisions are based upon the tests of evidential sufficiency and public interest and it prosecutes all cases tried by Army courts martial. Less serious offences are dealt with by summary proceedings which remain the responsibility of commanding officers but which are subject to appeal to the Summary Appeal Court.

In 2006-2007 we were invited by the Director of the Army Legal Service to carry out a non statutory inspection of the Authority. A request to which we were pleased to respond.

The inspectors concluded that the Army Prosecuting Authority had established itself as an integral part of the military criminal justice system and added value in terms of the overall quality of its casework review and handling. And that it had made much progress.

It had achieved recognition of its independence within the military criminal justice system but there were some misconceptions by others of its independence over arrangements for early contact between the Authority and the Special Investigations Branch of the Royal Military Police during the investigation process.

So far as engagement with victims and witnesses were concerned inspectors found the approach to witness care lacked a clear strategy and consistency and that improvement in these aspects was needed.

The inspectors also found that the quality of casework was good but could be improved further by a more robust casework quality assurance and performance management programme. Also that the need to demonstrate freedom from bias over race, gender and other equality issues in its decision making required procedures for monitoring cases in which such issues arose.

The Armed Forces Act 2006 provides for a joint Service Prosecuting Authority which in January 2009 will supersede the separate Army, Navy and Air Force prosecuting authorities. So any future inspection of the military criminal justice system would include the new single authority. The Ministry of Defence is keen for the military criminal justice system to be subject to an independent inspection regime and we are liaising with our criminal justice inspection colleagues to devise a joint and holistic approach to the inspection of military criminal justice.

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# Towards Excellence

## Corporate Developments at the Inspectorate

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### The Inspectorate Management Team comprises

**Stephen Wooler CB** HM Chief Inspector of the Crown Prosecution Service

**Jerry Hyde** Deputy Chief Inspector responsible for the Southern Group

**Sally Hobbs** Deputy Chief Inspector responsible for the Northern and Wales Group

**Nigel Dear** Head of Corporate Services

**Anthony Rogers** Head of Inspection Support

**Sarah Merchant** Training and Development Coordinator

The Deputy Chief Inspectors were responsible for delivering the inspection programme for the year, the results of which are set out earlier in the report. The Head of Inspection Support was responsible for the delivery and management of the audit programme.

### Developments in the operation of the Inspectorate Management Team

A modest development to the operation of the Inspectorate Management Team has taken place this year. The very positive Investors in People assessment identified some aspects for improvement in that it suggested a lack of clarity in terms of the mutual expectations of managers and staff.

Follow up work led the Chief Inspector to conclude that part of the issue arose in relation to the dual position of middle managers who, while not part of the Inspectorate Management Team, were in some respects staff and in others management. Because it seemed appropriate to the Chief Inspector to ensure there was a more transparent linkage between the Inspectorate Management Team and middle managers, it was decided that at quarterly intervals Inspectorate Management Team meetings would be in two parts. The first would be the members of the Inspectorate Management Team itself, the second would be for discussion of wider issues and involve all line managers. At the end of the reporting period there had been two such meetings with the result that communications have strengthened.



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### Inspection Support Group

The group has proved to be flexible and responsive in supporting the wide range of activities undertaken by the Inspectorate.

Arrangements to support the overall performance assessments meant that inspectors were assured of quality and timely support thus reducing the burdens placed upon them and allowing more time for them to concentrate effort on the task in hand. Importantly, all data needs and associated requests were provided by the research analyst within the group.

The creation of an audit team within the group allowed the Inspectorate to focus in more detail on some basic issues where assurance as to performance is important and to examine the processes and systems that lie behind performance. This assurance role has proved invaluable over the past year.

The team carried out two in depth audits during 2007-2008 both of which produced very informative reports. The first, on the direct communication with victims scheme has acted as a catalyst for change – the report published in September 2007 received much publicity. The team continue to work with the Crown Prosecution Service to ensure that the issues identified in the report are being addressed.

The second audit related to the Service's file endorsements and the management of case files. It was finalized in April 2008 and published in May after the end of the restrictions on publication associated with the local elections. The report identified some important weaknesses which need to be

addressed as a matter of urgency. A synopsis of the findings appears earlier in the report.

The group is also responsible for joint inspection activity.

### Protocol between the Inspectorate and the Crown Prosecution Service

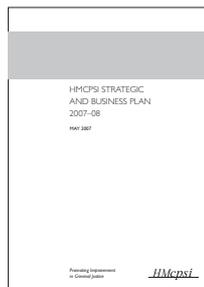


An updated joint protocol was signed on 14 February 2008 by HM Chief Inspector, Stephen Wooler and the Service's Chief Executive, Peter Lewis, which aimed to articulate clearly the relationship between the two organisations on issues of principle and on more detailed working relationships.

Following the signing, Peter Lewis said "This clarity of understanding is essential if the CPS, whether at the centre or in areas, is to get the most from inspection reports. This new protocol provides the framework to achieve that understanding".

The protocol captures strategic provision which covers

- common interests, joint planning and strategy
- communications and publications
- physical security
- facilities and accommodation
- information technology services.



### **Performance against business plan**

The business plan was based on the balanced scorecard methodology which involved the need for us to get the balance right and to be successful

from the following four perspectives

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

By the end of the reporting period the key objectives in each of these four perspectives had been met or exceeded and work was completed in a number of other important areas, such as the introduction of the single equality scheme, the progress on the sustainable development action plan and the recruitment strategy.

The main activities involved in meeting the key objectives were

#### ***External***

- working collaboratively with the other four criminal justice inspectorates to produce a Criminal Justice Joint Inspection business plan
- strengthening our profile and brand through a strong communications strategy.

#### ***Stakeholders and finance***

- working with the other four criminal justice inspectorates to deliver the joint criminal justice inspection programme for 2007-2008
- achieving the overall performance assessments of 42 areas, inspections of other prosecution authorities and

thematic reviews within agreed overall financial budgets and controls

- analyzing the information from the overall performance assessments of 2005 and 2007 to provide evidence of improvements in the performance of the Crown Prosecution Service
- introducing measures to drive down the cost of our activities both in terms of time and expense incurred by both the Service and the Inspectorate.

#### ***Innovation and learning***

- reviewing our recruitment strategy for inspectors
- establishing and implementing a corporate and individual training and development programme for all staff
- reviewing our human resource policies, updating where appropriate, and undertaking a review of diversity impact assessments on the policies
- applying equality and diversity principles in all that we do

#### ***Internal***

- adopting a staff deployment strategy to meet our needs in the short and long term
- introducing an activity time system to assess the efficiency and effectiveness of inspection activity
- undertaking a complete review of our records management arrangements including retention and disposal policy
- progressing our sustainable development action plan to achieve the Law Officers' Departments' sustainable development annual targets.

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We also made good progress on a number of supporting activities on which further work is planned during 2008-2009. For example

- participating in the criminal justice joint inspectorate review of support services, implementing recommendations where appropriate
- exploring opportunities to broaden our remit by conducting non statutory inspections of other prosecuting authorities.

### **Equality and diversity**

This year we formulated our new single equality scheme. The equality scheme supersedes our race equality scheme. It ensures we meet our duties under present disability and equality legislation. As an employer we are also subject to regulations relating to religion and belief, sexual orientation and to age - all these strands are covered in the single scheme.

The equality scheme is underpinned by an action plan which is reviewed regularly and also by an equality and diversity coordinating group. Throughout the year managers and inspectors have been trained to carry out equality impact assessments on the conduct of our inspections, other policies and functions to ensure we meet our duties under the legislation.



### **Human resources**

#### ***Staff handbook***

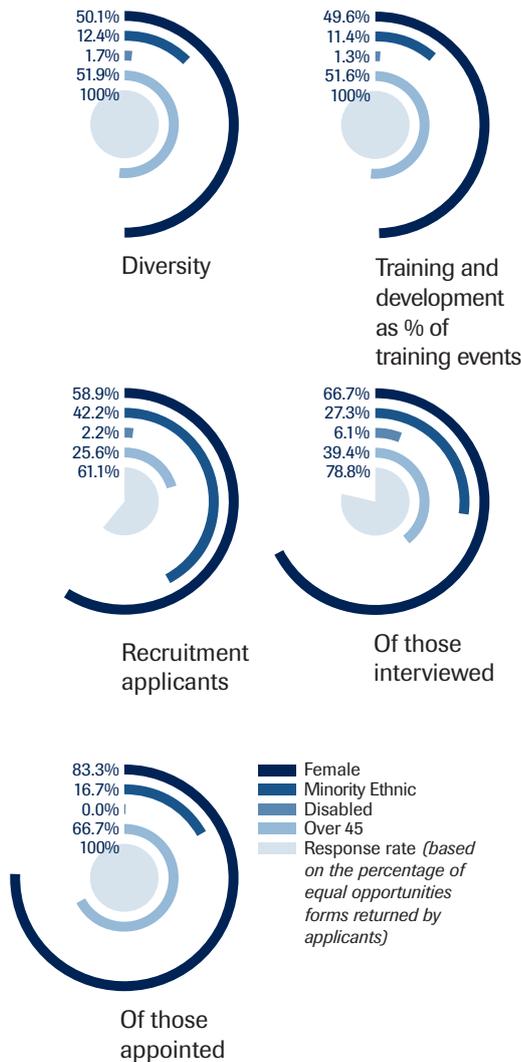
During the year we carried out a major revision of the staff handbook to ensure it reflected fully legislative and other developments and addressed contemporary needs. At the time of writing a consultation process with the Inspectorate's Whitley Council was underway.

#### ***Recruitment strategy***

As stated in last year's annual report our human resources strategy was revised in the light of the decision by Ministers not to proceed with the establishment of a single criminal justice inspectorate. This year, as part of the strategy we ceased to use fixed term appointments. This meant that those who had been recruited from outside the Civil Service on fixed term contracts would become established civil servants wherever the terms of the relevant competition so permitted. And, a number of inspectors on loan from other Government departments were offered permanent appointments.

In future those appointed from within Crown prosecuting authorities would be on a loan basis, usually of two years, the offer of permanent positions becoming the exception rather than the norm.

Steps to implement the strategy were put in place in the early summer of 2007.



from a minority ethnic background, those who declared themselves disabled and those aged 45 or over. There were no internal promotions this year, hence no graph.

### Learning and development

Our learning and development plan for the year covered a wide range of activities to support corporate development needs as well as individual ones identified through the appraisal process. Managing this process around the intensive operational performance assessment programme that ran from June-December 2007 was demanding – much of the development activity had to be concentrated in the month immediately prior to and after this period.

Early in the year four training days were specifically devoted to preparing and developing those involved in the programme of overall performance assessments. There was also a concerted drive to develop specific skills for staff who had joined the Inspectorate since the 2005 programme.

On completion of the programme an evaluation day was held for inspectors to review execution of the programme and identify potential improvements for future arrangements. There was also further training towards the end of the year to update inspectors on Crown Prosecution Service financial management and budgetary arrangements for 2008-2009, and the assessment of value for money, as well as progress in relation to key initiatives such as the Service's optimum business model.

### Key human resource procedures

The principles of equality and diversity underpin all our human resource processes. We are required by our single equality scheme to publish statistics on representation of people we employ, recruitment, appointments, internal promotions and training and development. The graphs above break down the statistics for these elements into those who are female, those

Over the course of the year a further four days were devoted to all staff conferences to consider issues of importance to everyone in the Inspectorate. The first two day event was held in July 2007 and the second in March 2008. Programmes for the events included

- the Attorney General and Solicitor General setting out their vision for the future and the role of inspection within it
- addresses by the Director of Public Prosecutions and the Chief Executive of the Crown Prosecution Service providing updates and the strategic vision and priorities for the Service
- a presentation and debate on the ethical implications of the enhanced role of the prosecutor led by Professor John Jackson of Queen's University, Belfast
- presentations from the Office for Criminal Justice Reform on the criminal justice strategy and by the secretary to the Criminal Justice Chief Inspectors' Group on the Criminal Justice Joint Inspection business plan
- internal corporate issues such as feed back from our successful Investors in People Recognition and sessions on our own business plan for 2008-2009.

Other corporate learning and development activities included performance management and managing attendance training for line managers, press training for lead inspectors and legal updates for legal inspectors.

At an individual level a range of development programmes were supported during the year. Individual members of staff participated in a variety of programmes run by the National School of Government and other

training providers to assist their own personal development. Two members of the Inspectorate were sponsored to undertake masters degree programmes.

A number of staff attended relevant professional conferences, for example, the Bar Conference and Government Legal Services Annual Conference as well as others on specific subjects.

During the year the Inspectorate's learning and development committee met periodically. It comprises a representative group of people from across the Inspectorate and its primary purpose is to act as a sounding board providing feedback on the corporate training plan and to assist in the planning and implementation of corporate development activities.



### **Investors in People Recognition**

In March 2007 the Inspectorate achieved recognition of Investors in People. The assessment was made against new standards introduced since our last award in March 2003.

At the all staff conference in July the assessor gave a presentation of how we had performed against the various standards. He highlighted those standards where we had performed well and recommended action where, despite having achieved the standard, improvements could be made. After the presentation staff formed into syndicate groups to give them the opportunity to express their views, particularly on where improvements could be made.

The Inspectorate Management Team considered how best to build on this work and develop a set of values for the Inspectorate and standards of behaviour and performance that everyone in the Inspectorate could expect of their managers. A similar exercise was undertaken in relation to the standards and behaviour expected of staff. The result was the adoption of more structured written standards which at the end of the reporting period were in the final stages of development.

### Finance

The table below which shows the staff costs and expenditure incurred over the last four years in many areas reveals a consistent message of sound financial management. Staff costs have understandably increased but we have been able to maintain to a very great extent our costs on accommodation, travel and subsistence, suppliers and other services, while the use of consultants has dropped significantly in the last two years.

It is also encouraging to note that if we look back over a five year period from 2002-2003 the total increase in outturn was £490,000

which represents total growth of just 14.9% over that period.

The Inspectorate's budget comes from the Treasury Solicitor's Department's Estimate. The figures for 2007-2008 are the draft figures for the final account. At the time of writing the accounts had not been finalized.

The accounts for 2007-2008 have been prepared on a resource accounting basis, ie the figures show the value of goods and services received or due rather than the actual cash payment made. In 2007-2008, we expect the final figures to come under budget by approximately 10%, most of the underspend can be attributed to staff and consultancy costs. The majority of expenditure for 2007-2008 was on staff and accommodation – approximately 75% and 13% respectively.

### *Percentage comparison of total costs (2006-2007 to 2007-2008)*

In comparing 2006-2007 data to 2007-2008, the percentage of staff costs increased by 3%. In the summer of 2006 we recruited seven inspectors incurring substantial advertising and recruitment costs. During 2007-2008

	2004-2005		2005-2006		2006-2007		2007-2008	
	Cost £'000	% of total costs						
Staff	2,528	77%	2,633	70%	2,594	72%	2,824	75%
Recruitment and training	44	1%	84	2%	136	4%	99	3%
Accommodation	371	11%	471	13%	470	13%	485	13%
Travel and subsistence	145	4%	142	4%	166	5%	152	4%
Consultancy	59	2%	66	2%	49	1%	20	0%
Suppliers and other services	161	5%	341	9%	189	5%	198	5%
<b>Total</b>	<b>3,308</b>	<b>100%</b>	<b>3,737</b>	<b>100%</b>	<b>3,604</b>	<b>100%</b>	<b>3,778</b>	<b>100%</b>

*Excludes management fee levied on the Inspectorate by The Treasury Solicitor's Department of approximately £127,549.*

those that left the Inspectorate were replaced and employment levels throughout the year were at a higher level than seen previously.

Recruitment and training costs went down by 1% on last year's figures. In 2007-2008 there was no major recruitment exercise. Following implementation of a major corporate and individual training programme in 2006-2007, the training budget was reduced from £50,000 to £38,000. In the last year much of the training has been undertaken in house thereby reducing costs further.

With the overall performance assessments programme taking up much of the year travel and subsistence was also slightly down as less time was spent on site compared to the area effectiveness inspections of 2006-2007. Throughout the last 18 months we have made greater use of cheaper travel options and advance bookings.

We made less use of consultants during the year, using wherever possible in house expertise and specialist knowledge, as a result we were able to reduce consultancy costs by over 50% compared to the previous year.

There has been no percentage change in the cost of accommodation, suppliers and other services.

### **Risk management**

We have not been subject to an internal audit since 2003-2004 when a level one assurance was given. But we have continued to review and maintain arrangements and to enhance systems for internal control from the baseline established at that time.

**Level one assurance** reflects a sound system of risk management control which is consistently applied and should be effective in delivering all critical business objectives. Although not having an adverse impact on critical business objectives, remedial action is required to address weaknesses in control over minor risks.

A new risk register was issued in April 2007 to take account of the changes arising from the decision not to proceed with a single criminal justice inspectorate. The register was reviewed in October 2007. The result was a more concentrated effort to review our records management system and introduce a new retention and disposal policy in relation both to inspection and Inspectorate policy and administration files.

In December 2007, following a number of incidents in other Government departments concerning the loss or misuse of personal data, a review of our risk register was undertaken with particular regard to information technology security issues.

As a result of the review a number of steps were taken to mitigate the level of risk in handling data. Arrangements restricting the movement of laptops as required by Government policy and the Crown Prosecution Service (whose information technology system supports our work) were followed pending encryption of machines. Procedures with regard to the use of couriers were also revised.

In February 2008 the Law Officers' Departments held a review meeting to consider further action which may be required in the handling of both electronic and hard copy data. Specific groups were set up to look at issues such as home working and protective markings and we have played a full part in contributing to this work.

### **Sustainable development**

We remain dedicated to the principle of sustainable development and have established principles of environmental management through our environmental policy and action plan. These include a range of direct and indirect environmental impact assessments associated with our operations, services and supply chains, which are closely monitored and mitigating action taken as necessary.

Currently our focus is on waste generation including recycling and water consumption.

In the past year we increased the percentage of recycled content used in our external and internal report printing. This builds on our success in achieving the transition to 100% recycled paper for internal printing in the previous year.

In line with Government targets, the reduction in the amount of waste generated and sent to landfill is one of our priorities. We have adopted robust management and education systems to engage staff to achieve reductions in the amount of waste generated. We have also increased access to recycle bins and focused on increased reuse and recycling of the typical contents of our waste.

We have decreased our water consumption by 11% and are looking at further ways in which to conserve water. We now use filtered mains water for our drinking facilities instead of bottled water. This represents a cost saving, is greener (no transportation) and is healthier (no risk through lifting large containers).

We report our performance annually, in collaboration with the other Law Officers' Departments, in the Sustainable Operations on the Government Estate 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 and we manage it ourselves.



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We aim 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 that might need to be dealt with. We commissioned a condition survey of the fabric including mechanical and electrical aspects of the building in early 2008. The results of the survey informed our plans for redecoration from late 2008 until the expiry of our lease in September 2011.

This year we were able to increase the operational efficiency of the building by reorganising the location of staff to make available two floors to accommodate the newly constituted National Strategic Fraud Authority which has been established under the auspices of the Attorney General.

Our York office is situated in a building managed by the Crown Prosecution Service.

### **Procurement review**

During the year we carried out a value for money assessment of all existing contracts and those suppliers within the priority spend areas identified in the United Kingdom Government Sustainable Procurement Action Plan. We considered options for collaborating with other Government departments where contracts may be coming to an end shortly, such as the one for the managing agent. We also looked at how suppliers considered their own impact on the environment and whether or not they had systems in place to manage it.

The assessment led to a process of engagement with other Government departments and our suppliers – this was still ongoing at the end of the reporting period. The intention is to deliver savings and achieve low carbon, low waste supply lines.

### **Freedom of information**

We received 14 freedom of information requests during the year, eight of which were for published information. All requests were responded to within the time limit of 20 days.

The draft report of the joint thematic review of listing in the Crown Court (2004) directed by the then Department for Constitutional Affairs, now the Ministry of Justice, was disclosed by them following a freedom of information request. The report is on the Ministry of Justice website and on our own.

### **Publications**

Following on from the successful redesign of reports last year, we developed a corporate identity manual as guidance on a consistent style for all Inspectorate documents. The manual sets out current practice rather than representing a new design.

The style of the corporate identity covers all printed materials, not just reports, and includes everything from stationery to press communications and the website. It is a prerequisite in the efforts to ensure an appropriate public profile and will help increase recognition of the Inspectorate and its work when we engage with the media and key stakeholders.

The publication team was strengthened during 2006-2007 and this enabled the production of 42 area reports, those covering the four London sectors and the summative report of the 2007 overall performance assessment programme to be achieved in house. This, combined with a reexamination of print buying carried out earlier in the year, has led to substantial cost savings and improvement in the presentational quality of our reports.

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

#### **Our website**

Work started this year on the redevelopment of our website. An analysis of user requirements and of the functionality of the existing website led to the conclusion that it would be best to rebuild it from the ground up. This provides an easier way of meeting the needs of all users and offers the flexibility to incorporate the features which existed in prototype form such as the search facility. It also provides the opportunity to adopt the corporate identity style.



We have also assumed responsibility for the creation of a Criminal Justice Joint Inspection website.



# Annex 1

## Inspectorate past, present, future

The Ministers responsible to Parliament for the Inspectorate are the Attorney General and her deputy the Solicitor General. They are known as the Law Officers.

### 1998-2001

#### 1998

The Rt Hon Sir Iain Glidewell published the report of his review of the Crown Prosecution Service which, among other things, opened the debate as to how best to replace the Service's internal inspection facility with a more independent body.

The comprehensive spending review commissioned by the Government included a review of criminal justice inspection – the Radford/Burge review.

#### 1999

Government decision to create an independent inspectorate for the Crown Prosecution Service.

The Radford/Burge review reported that at that time there was no appetite for a single criminal justice inspectorate – it recommended the setting up of joint secretariat to plan joint work, joint training of inspectors, sharing of staff and joint inspections on a criminal justice area basis.

#### 2000

Her Majesty's Crown Prosecution Service Inspectorate created as an independent statutory body to promote the effectiveness, efficiency and value for money of the Crown Prosecution Service.

#### 2001

An Attorney General's Advisory Board was established to support the Law Officers. It included three external members from commerce, academia and another United Kingdom criminal justice jurisdiction, as well as the Director of Public Prosecutions, the Chief Executive of the Crown Prosecution Service, the Chief Inspector and his Head of Corporate Services.

Lay inspectors were introduced.

An external adviser with experience of another inspectorate was commissioned to assess the effectiveness of the area inspection programme. The two themes that emerged were that the programme should be completed in its present form subject to modest changes to methodology; and that future inspection programmes should focus effort where performance was weaker, that is, a more risk based approach.

**2002-2007**

The Government commissioned a review of criminal justice inspectorates in September 2002 which was ongoing in March 2004 and had included a consultation paper covering options for major organisational change. But no policy document was published. In August/September 2004 a further review of the options took place followed by a consultation process and White Paper.

2002	2003	2004	2005
<p>Statutory remit extended by allowing the Chief Inspector of Criminal Justice Inspection (Northern Ireland) to delegate functions relating to prosecution in Northern Ireland.</p> <p>Non statutory inspection of the Customs and Excise Prosecutions Office (Manchester).</p>	<p>Office of Public Service Reform report on inspection which resulted in the Government's promulgation of its ten principles of public service inspection.</p> <p>The commissioning by the Chief Inspector of an independent review to assist in a more risk based approach to inspections and a routine review of the Inspectorate's risk management regime.</p> <p>The findings recommended strengthening the Inspectorate's capacity for policy development, as well as for planning and management of strategic change.</p>	<p>The Inspectorate Management Team decided to press ahead with its own change programme rather than await criminal justice inspection organisational change – a decision vindicated by subsequent events.</p> <p>Non statutory inspection of the Customs and Excise Prosecutions Office (London).</p>	<p>Statutory remit extended further to include the Revenue and Customs Prosecutions Office.</p> <p>The move from cyclical inspections of Crown Prosecution Service areas to a system based on overall performance assessments of all 42 areas using a risk based approach.</p>

**2002-2007 continued**

Finally it was proposed that there should be a single Inspectorate for Justice, Community Safety and Custody to assimilate the existing responsibilities of the five criminal justice inspectorates. Provisions for the new single inspectorate were contained in the Police and Justice Bill when introduced to Parliament in 2006.

**2005-2006**

Review of the proceedings in the Jubilee Line fraud case – the most significant exercise referred by the then Attorney General to the Chief Inspector under section 2(1)(b) of the Crown Prosecution Service Inspectorate Act 2000.

Following dialogue with the Inspecteur Général des Services Judiciaires in Paris, one of his inspectrices was assigned to the Avon and Somerset criminal justice area inspection, the first step of an interchange programme between the two jurisdictions.

**2006**

Preparatory work for the creation of a single Inspectorate of Justice, Community Safety and Custody.

Statutory overview inspection of the Revenue and Customs Prosecutions Office.

One of the Deputy Chief Inspectors joined L'Inspection Générale des Services Judiciaires in an inspection of the Tribunal de Grande Instance in Amiens, Picardy.

**2006-2007**

Following the Government's decision to retain the five separate criminal justice inspectorates, all working closely together on a strengthened programme of criminal justice system joint inspections, governance and support structures necessary to underpin the programme. Work on governance and support structures in progress.

Statutory requirement for criminal justice chief inspectors to consult over future plans. First joint business plan prepared.

Attorney General's Advisory Board stood down.

**2007+**

In October 2006 Ministers were persuaded that their aims could be achieved through greater enhanced joint working between the five separate inspectorates, supported by statutory provisions. Those provisions came into effect on 1 April 2007.

**2007**

Inspection of the Public Prosecution Service (Northern Ireland).

Non statutory inspection of the Army Prosecuting Authority.

**2007+**

A flexible and responsive approach to continuing change within public service, the criminal justice system and the Crown Prosecution Service.

Conclude the review of this Inspectorate's inspection strategy during 2008-2009.

Priorities for the future include a full scrutiny of the Revenue and Customs Prosecutions Office; the Crown Prosecution Service Fraud Prosecution Service and CPS Direct operation.

The combination of regular overall performance assessments with more thematic reviews than at present. Some bespoke scrutiny of individual Crown Prosecution Service areas to sit alongside work in relation to other prosecuting authorities and the criminal justice system generally.

Work with other inspectorates to develop better arrangements for joint inspection of criminal justice areas to be effective in 2009-2010.

Longer term this Inspectorate would like to explore the scope for moving to a system of overall performance assessments in relation to criminal justice areas.

# Annex 2

## Inspection programme 2008-2009

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Our 2008-2009 programme will

### *Conclude ongoing work*

- Revision of our inspection strategy
- Development of casework standards
- Inspection of CPS Direct
- Joint thematic review of safeguarding children
- Joint thematic review of statutory charging.

### *Inspect Crown Prosecution Service business units*

- Fraud Prosecution Service based in CPS London
- Two specialist casework divisions.

In addition we shall carry out short bespoke reviews of the two areas rated as poor in the 2007 overall performance assessments programme and include other areas if risk analysis dictates.

### *Undertake thematic reviews in the Crown Prosecution Service of*

- The effectiveness of complaints handling
- Advocacy arrangements and performance
- Cases involving road traffic fatalities.

In addition we shall conduct an audit of custody time limits to ascertain how well revised practices now being implemented have become embedded.

### *Undertake criminal justice joint reviews of*

- Experience of victims and witnesses
- Recovery of assets acquired from criminal activity
- Criminal case management and effective trial management
- Treatment of offenders with mental disorders from point of charge to sentence
- Prolific and other priority offenders.

In addition we shall lead further development work with the view to a resumption of criminal justice area joint inspections during 2009-2010.

### *Inspect other prosecuting authorities*

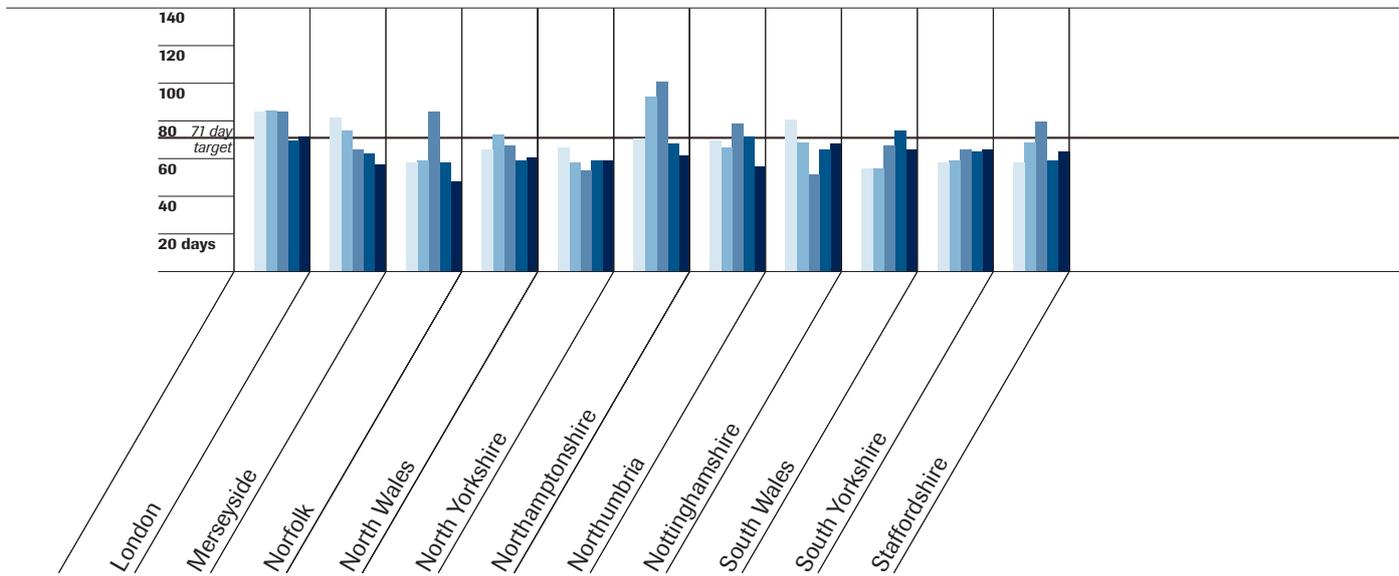
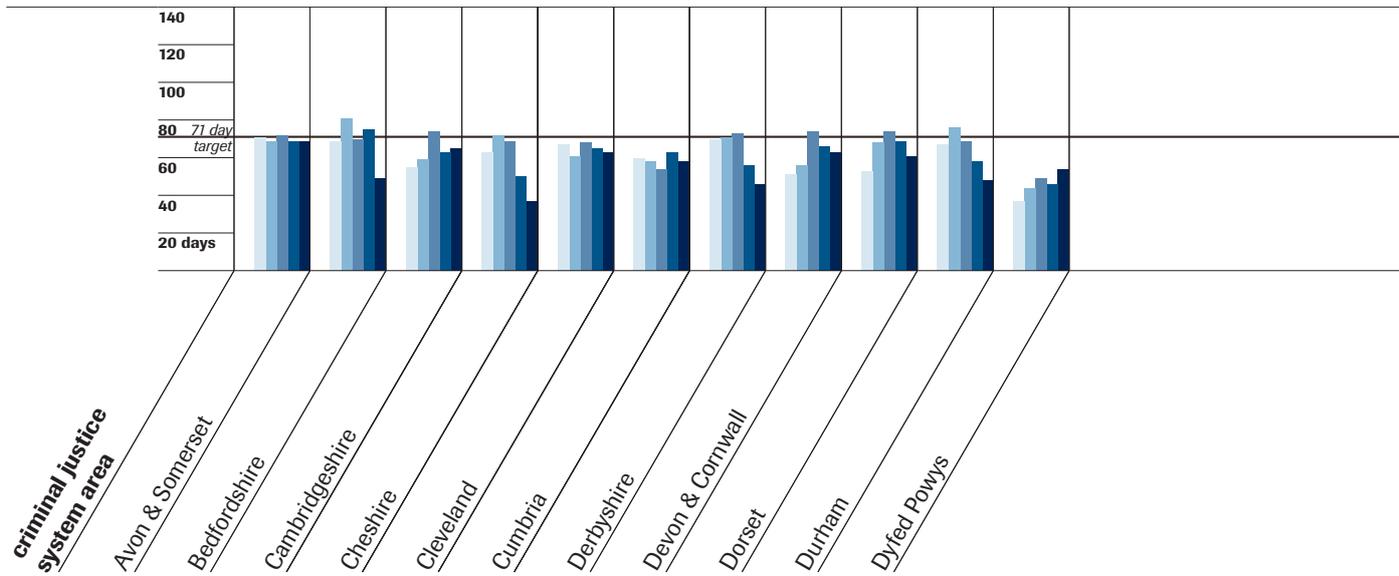
- Army Prosecuting Authority follow up
- Revenue and Customs Prosecutions Office full scrutiny
- Public Prosecution Service (Northern Ireland) follow up under delegated powers.

### *Scope future work*

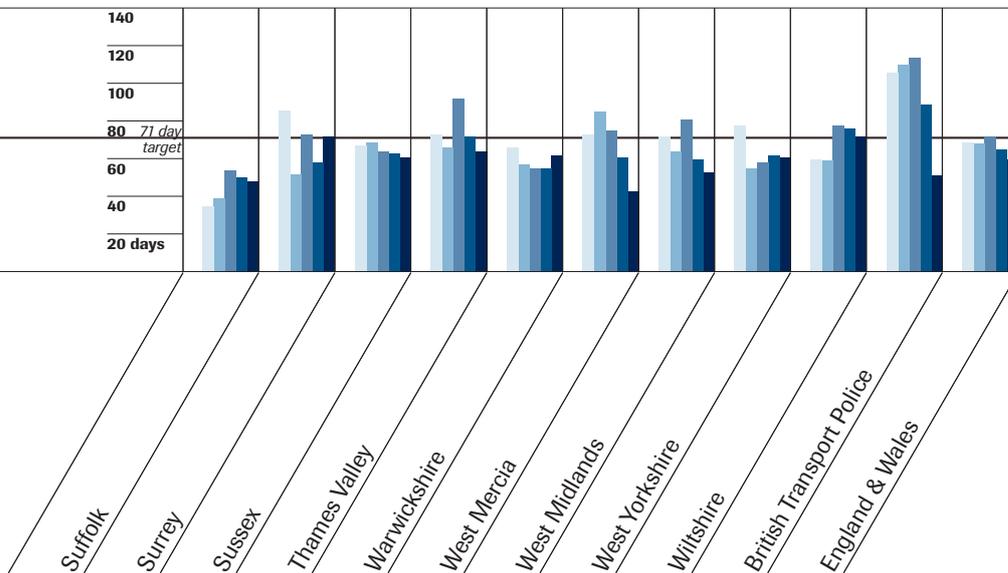
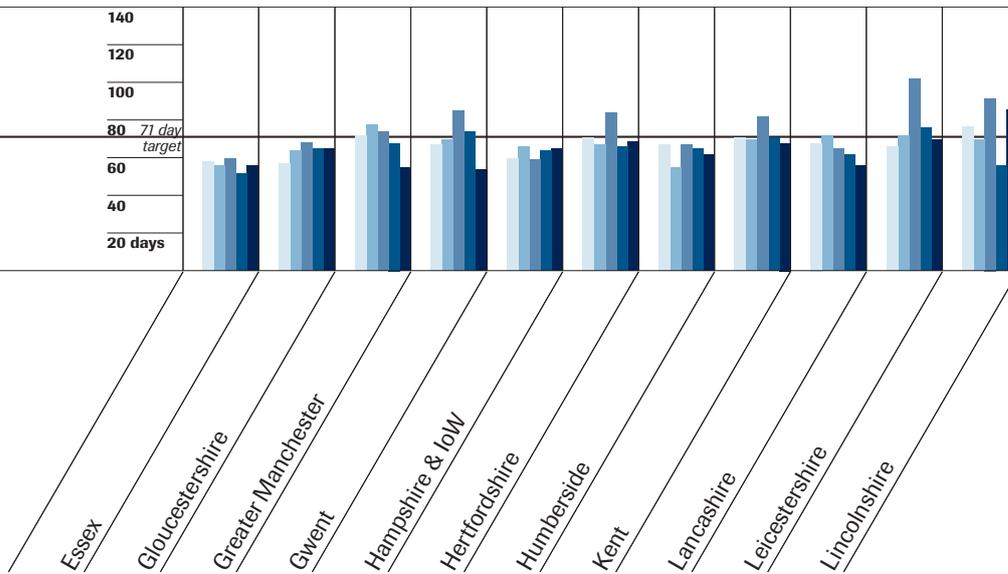
- Criminal justice joint thematic review of custody time limits.
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# Annex 3

Average number of days from arrest to sentence for persistent young offenders in England and Wales: by criminal justice system area 2004–2008



Average number of days from arrest to sentence for persistent young offenders



3 month rolling average January-March 2008  
 Year to December 2007  
 Year to December 2006  
 Year to December 2005  
 Year to December 2004

Source: the Ministry of Justice.  
 Note: the area classification is based on the police force that investigated the offence and entered the charge or summons details on the police national computer. In a small proportion of cases prosecution and court proceedings may have been in different areas.

# Annex 4

## Crown Prosecution Service caseload and outcomes 2007–2008

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### *Pre charge work*

	<b>Number</b>	<b>Percentage</b>
Pre charge decision	547,057	99.9
Advice only	592	0.1
<b>Total</b>	<b>547,649</b>	<b>100.0</b>

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### *Magistrates' courts' proceedings*

#### **Types of case**

Summary	640,483	60.1
Indictable/either way	421,647	39.5
Other proceedings	4,439	0.4
<b>Total</b>	<b>1,066,569</b>	<b>100.0</b>

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#### **Completed cases**

##### *Unsuccessful outcomes*

Discontinuances and bind overs	95,513	9.9
Warrants etc	19,690	2.0
Dismissals no case to answer	1,800	0.2
Dismissals after trial	18,858	2.0
Discharged	2,230	0.2

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*Total unsuccessful outcomes* 138,091 14.3

Convictions 828,535 85.7

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**Total** 966,626 100.0

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Committed for trial in Crown Court 95,433

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#### **Case results**

Guilty pleas	652,018	76.8
Proof in absence	139,618	16.4
Convictions after trial	36,899	4.4
Acquittals after trial	18,858	2.2
Acquittals no case to answer	1,800	0.2

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**Total** 859,918 100.0

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### *Crown Court proceedings*

	Number	Percentage
<b>Types of cases</b>		
Indictable only	39,048	29.7
Either way defendant election	6,348	4.8
Either way magistrates' direction	51,603	39.3
Committed for sentence	20,656	15.7
Appeal	13,823	10.5
<b>Total</b>	<b>131,478</b>	<b>100.0</b>

#### **Completed cases**

##### *Unsuccessful outcomes*

Judge ordered acquittals and bind overs	12,356	12.7
Warrants etc (written off)	1,230	1.3
Judge directed acquittals	1,189	1.2
Acquittals after trial	5,270	5.4
<i>Total unsuccessful outcomes</i>	<i>20,045</i>	<i>20.7</i>
Convictions	76,947	79.3
<b>Total</b>	<b>96,992</b>	<b>100.0</b>

#### **Case results**

Guilty pleas	69,242	83.0
Convictions after trial	7,705	9.3
Jury acquittals	5,270	6.3
Judge directed acquittals	1,189	1.4
<b>Total</b>	<b>83,406</b>	<b>100.0</b>

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# Annex 5

## Reports relating to 2007–2008

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### **CPS area effectiveness inspection reports**

<b>Area</b>	<b>Date</b>
CPS Northamptonshire	April 2007
CPS Gloucestershire	May 2007
CPS Gwent	May 2007
CPS Essex	August 2007
CPS Hertfordshire	August 2007
CPS Leicestershire	August 2007
CPS Derbyshire	August 2007

### **CPS overall performance assessment reports**

<b>Area</b>	<b>Date</b>
CPS Bedfordshire, CPS Cambridgeshire CPS Cumbria, CPS Durham, CPS Hampshire and Isle of Wight, CPS Humberside, CPS Lancashire CPS Nottinghamshire, CPS Suffolk, CPS Thames Valley, CPS West Midlands	October 2007
CPS Avon and Somerset, CPS Devon and Cornwall CPS Dorset, CPS Merseyside, CPS North Wales CPS North Yorkshire, CPS South Wales CPS Sussex, CPS Warwickshire, CPS Wiltshire	November 2007
CPS Essex, CPS Gloucestershire, CPS Greater Manchester, CPS Lincolnshire, CPS Norfolk CPS South Yorkshire, CPS Staffordshire CPS Surrey, CPS West Mercia	January 2008
CPS Northumbria, CPS West Yorkshire	February 2008

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CPS Cleveland, CPS Derbyshire, CPS Dyfed Powys March 2008  
 CPS Gwent, CPS Hertfordshire, CPS Kent  
 CPS Leicestershire, CPS London North & East  
 Sector, CPS London overall, CPS London Serious  
 Casework Sector, CPS London South Sector  
 CPS London West Sector, CPS Northamptonshire

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Overall performance assessment of Crown Prosecution Service areas: ratings and analysis of performance for 2006-2007 March 2008

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#### **Audit reports**

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Direct communication with victims - an audit of Crown Prosecution Service performance in relation to keeping victims informed September 2007

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File management and organisation - an audit of Crown Prosecution Service performance in the quality and effectiveness of file endorsements and the administration of cases May 2008

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#### **Thematic reports**

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HMCPSP thematic review of the decision making and management in discontinued cases and discharged committals December 2007

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HMCPSP thematic review of the duties of disclosure of unused material undertaken by the Crown Prosecution Service May 2008

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Review of the role and contribution of the Crown Prosecution Service to the safeguarding of children expected July/August 2008

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**Other prosecuting authority reports**

Army Prosecuting Authority	June 2007
An inspection of the Public Prosecution Service for Northern Ireland	August 2007

**Criminal justice area reports**

Area	Date	Lead	Contributors
West Midlands criminal justice area	May 2007	HMICA	HMCPSP, HMIC, HMI Prisons, HMI Probation
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

**Joint thematic reports**

The third joint chief inspectors' report on arrangements to safeguard children	July 2008	Office for Standards in Education	Commission for Social Care Inspection, Health Care Commission, HMCPSP, HMIC, HMICA, HMI Prisons, HMI Probation
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All reports can be downloaded free of charge from our website [www.hmcpai.gov.uk](http://www.hmcpai.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