

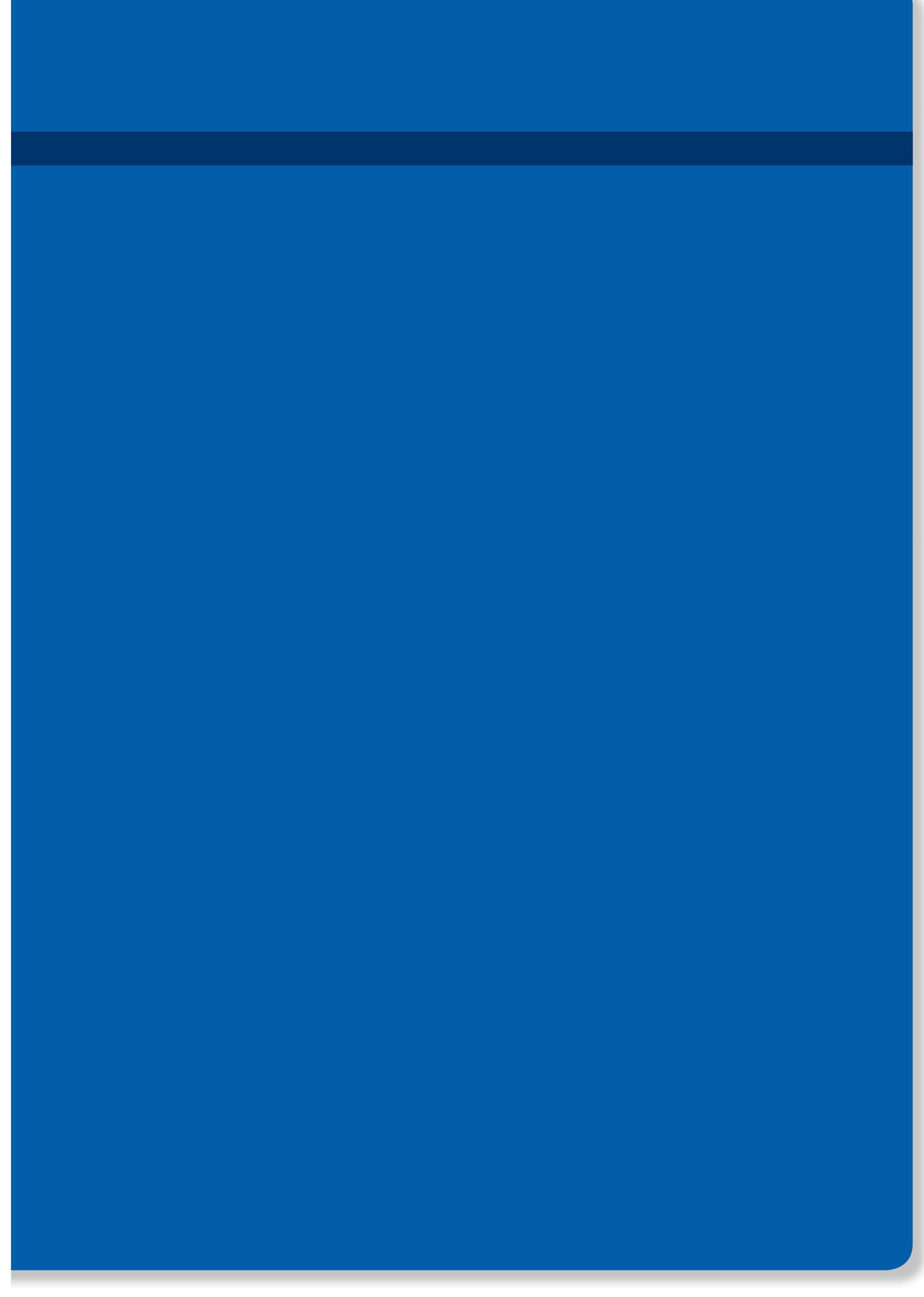


**CPS**

# Crown Prosecution Service

Annual Report and Resource Accounts 2008-09







Annual Report and Resource Accounts  
for the period April 2008 - March 2009

From the Director of Public Prosecutions to  
the Attorney General

Resources Accounts presented to the House of  
Commons pursuant to section 6(4) of the  
Government Resources and Accounts Act 2000.

Departmental Report presented to the House of  
Commons by Command of Her Majesty

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I am pleased to report to you on the performance and continuing transformation of the Crown Prosecution Service during 2008-09.

The last 12 months have seen the Service become increasingly confident in its ability to play a role at the centre of the criminal justice system. I joined the Crown Prosecution Service in November 2008 because I believed in the journey that my predecessor Ken Macdonald had begun. The challenge for me is to complete this transformation successfully, and to establish the Crown Prosecution Service firmly as a modern public prosecution service that delivers justice for all.

The continued development of our Advocacy Strategy sees us now able not only to handle more cases in-house, but increasingly those of the most serious and complex nature. The appointment of our first Queen's Counsel this year showed that the quality of our advocacy has been recognised as being at the very highest level. The development of our Complex Casework Units and specialist casework divisions, has enabled us to attract some of the most gifted self-employed advocates to join us – further consolidating our position as an employer of choice for both newly-qualified and experienced lawyers.

The merger of the CPS with the Revenue and Customs Prosecutions Office (RCPO) will see our specialist casework capabilities increase significantly over the next 12 months. We will look to bring together and embed the best of both organisations and establish improved and strengthened HQ casework divisions that will, for the first time, include our Fraud Prosecution Service.

The vast majority of people who come into contact with the CPS do so in the magistrates' courts, where our core business activity takes place. Through the embedding of the Optimum Business Model (OBM); the roll-out of a less bureaucratic approach to simple cases between ourselves and the police; and the continued work with the magistrates' courts to improve the flow of cases through the system, we have been able to improve our performance in this key arena further. During 2009-10, we will be looking at how the lessons learnt from OBM in the magistrates' courts can help us improve the way we work in the Crown Court.

Our responsibility for charging for all but the most minor offences continues to provide the public with improved justice. The number of cases that are discontinued has fallen by nearly a third since we assumed responsibility for charging, while the number of successful convictions has risen to more than 87%. During 2009-10, we will be working with our police colleagues to provide a charging service that fully utilises the developments in information technology and fits the changing nature of crime.

Crime has changed; the approach to combating criminal behaviour has changed; and society's expectations of its prosecution service have changed. All of this has seen the role of the CPS expand since its inception in 1986. In addition to our charging responsibilities, and increased role at court, we now have a role to play in the community that could not have been envisaged five years ago, let alone 20. Our work on community engagement has been a model of its kind, and during 2009-10 we will continue to seek ways in which we can better serve local communities.

Victims and witnesses are, and will continue to be, a key priority for me and the CPS. I welcomed the recent independent report looking at services to victims and witnesses. At the most senior level, the last year has seen us driving up performance in contacting victims and witnesses. The report recognised that our contact with this key group had "improved markedly", but I also acknowledge and support the report's call for even more to be done. I have commissioned work that will firmly establish a quality framework so that we can be confident that every contact that we have meets a standard that we expect and have described.

Next year will about standards across the CPS; standards that focus our attention on the service that we provide to the public and less on the numbers that sit beneath it. We exercise powers on behalf of the public. We deliver a public service, and the public is entitled to expect its public prosecution service to undertake all its work in line with the highest possible standards.

Completing the transformation of the CPS and RCPO into a modern public prosecution service by adopting core quality standards requires confidence and it requires vision. I know that the staff of both organisations have the commitment and energy to make this happen, and with my senior management team I will ensure that they have the framework, skills and knowledge to do so.



**KEIR STARMER QC**

Director of Public Prosecutions



## INTRODUCTION

### Role

The CPS was set up in 1986 as an independent authority to prosecute criminal cases investigated by the police in England and Wales. In undertaking this role, the CPS:

- Advises the police during the early stages of investigations;
- Determines the appropriate charges in all but minor cases;
- Keeps all cases under continuous review and decides which cases should be prosecuted;
- Prepares cases for prosecution in court and prosecutes these cases with in-house advocates or instructs agents and counsel to present them; and
- Provides information and assistance to victims and prosecution witnesses.

### Code for Crown Prosecutors

Before charging a defendant and proceeding with a prosecution, Crown Prosecutors must first review each case against the Code for Crown Prosecutors (the Code). The Code sets out the principles the CPS applies when carrying out its work. Those principles are whether:

- There is enough evidence to provide a realistic prospect of conviction against each defendant on each charge; and, if so,
- A prosecution is needed in the public interest.

The Director is under a statutory duty to publish the Code for Crown Prosecutors. The fifth edition of the Code was published on 16 November 2004 and reflects the responsibilities of Crown Prosecutors to determine charges.

### Human Rights Act

The CPS is a public authority for the purposes of the Human Rights Act 1998. In carrying out their role, Crown Prosecutors must apply the principles of the European Convention on Human Rights in accordance with the Act.

## Organisation

The CPS is headed by the Director of Public Prosecutions (DPP), Keir Starmer QC, who took up office on 1 November 2008. For the period from 1 April to 31 October, the DPP was Ken Macdonald QC. The Director is superintended by the Attorney General, who is accountable to parliament for the Service. The Chief Executive is Peter Lewis, who is responsible for running the business on a day-to-day basis, and for equality and diversity, human resources, finance, business information systems, and business development. This allows the Director to concentrate on prosecution, legal issues and criminal justice policy.

### CPS Areas

The CPS has 42 Areas across England and Wales. Each Area is headed by a Chief Crown Prosecutor (CCP), who is responsible for the delivery of a high quality prosecution service to their local community. A "virtual" 43rd Area, CPS Direct, is also headed by a CCP and provides out-of-hours charging decisions to the police. Three casework divisions, based in headquarters (HQ), deal with the prosecution of serious organised crime, terrorism and other specialised prosecution cases.

Each CCP is supported by an Area Business Manager (ABM), and their respective roles mirror, at a local level, the responsibilities of the DPP and the Chief Executive. Corporate administrative support to Areas is provided through a network of business centres.

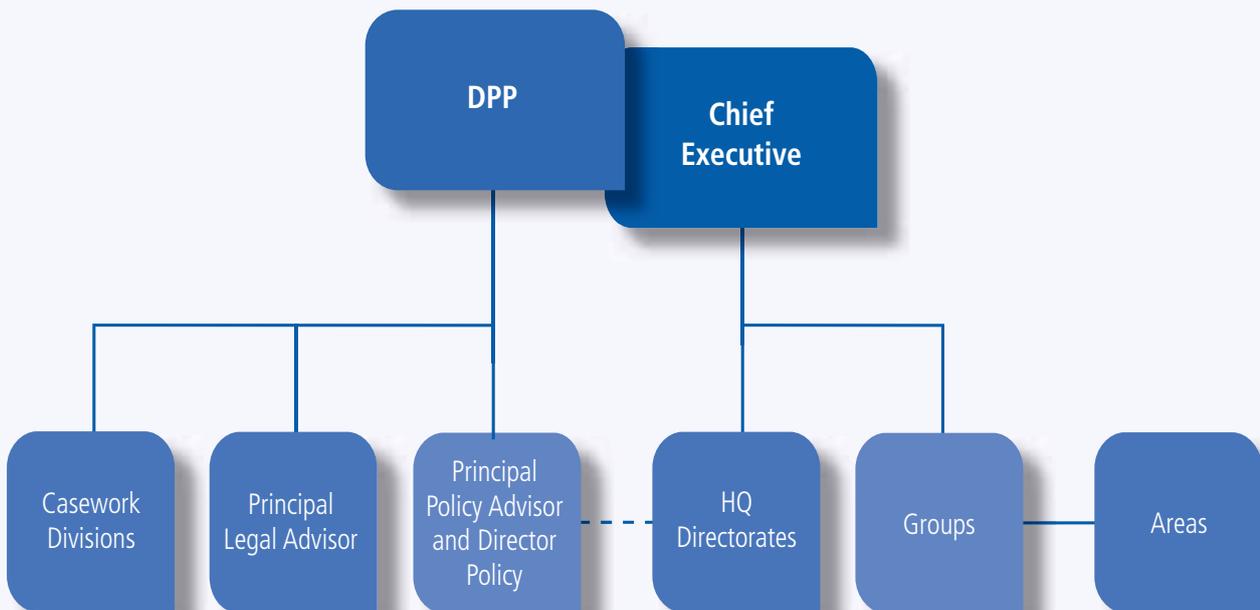
Forty-one Areas are part of a 14-Group structure (excluding CPS London). The Groups have a specific remit to deliver measurable improvements across a range of functions. Each Group is overseen by a Group Strategy Board, chaired by a Group Chair, who is a senior CCP and, since 1 October 2008, has line management responsibility for the other CCPs in the Group. Each Group Chair is supported by a senior ABM. All the CCPs and ABMs of the Areas within a Group are members of the Group Strategy Board.

### Links with Local Criminal Justice Boards

Local Criminal Justice Boards (LCJBs) bring together the chief officers of local criminal justice agencies to deliver the Public Service Agreement (PSA) targets in their Area, and to drive through criminal justice reforms. All LCJBs produce delivery plans to bring more offenders to justice, reduce ineffective trials and increase public confidence. Progress on the plans is reported to the National Criminal Justice Board (NCJB). The Attorney General, Solicitor General, DPP and CPS Chief Executive, along with the Home Secretary, Secretary of State for Justice, and others, are members of the NCJB.

### Office for Criminal Justice Reform

The CPS also works closely with the Office for Criminal Justice Reform (OCJR). This is the trilateral team, drawn from the Home Office, Ministry of Justice (MoJ) and the CPS, that supports criminal justice departments, agencies and LCJBs in working together to deliver PSA targets and to improve the service provided to the public.



## Aim

The CPS works in partnership with the police, courts, Home Office, MoJ and other agencies throughout the Criminal Justice System (CJS) to reduce crime, the fear of crime, and its social and economic cost; to dispense justice fairly and efficiently and to promote confidence in the rule of law.

## Vision

**The CPS is a prosecution service that is confident and independent, efficient and effective – becoming truly world class. Everything that we do aims to deliver justice for all and to make our communities safer.**

## CPS Strategy

The CPS subscribes to the Attorney General's Vision for the Law Officers' Departments and is working to become a world-class, independent prosecution service that delivers a valued public service. This will be achieved through the delivery of the Service's six priority programmes:

- Improving performance in the magistrates' courts;
- Completing and embedding the Advocacy Strategy;
- Focusing support to victims and witnesses;
- Playing its part in achieving the agreed PSA targets for 2008-11;
- Restructuring the delivery model to improve performance, particularly on serious cases, and improve value for money; and
- Ensuring that it leads and manages well to get the best from all CPS people, and that it engages with them, its partners and communities to improve the Service.

## Cases for advice and prosecution

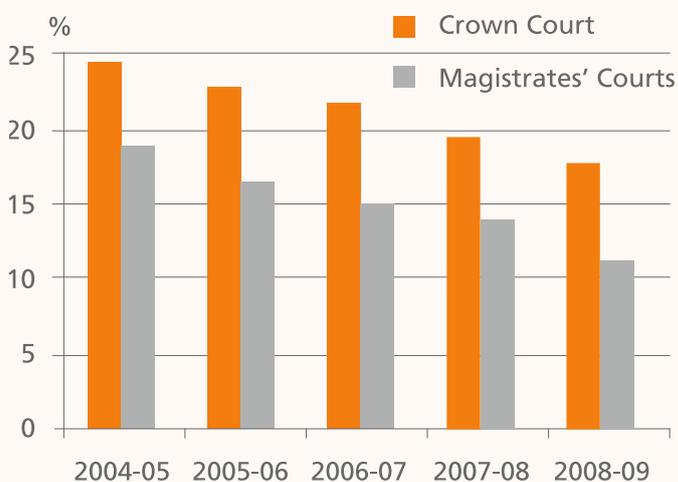
- In 2008-09, the CPS provided 532,427 pre-charge decisions, completed 928,708 cases in the magistrates' courts and a further 103,890 in the Crown Court. This compared with a 2007-08 workload of 547,649 pre-charge decisions, 966,626 cases in the magistrates' courts, and 96,992 cases in the Crown Court.

## Case results

- During 2008-09, 810,605 defendants were convicted in the magistrates' courts and 84,000 were convicted in the Crown Court. The CPS made a substantial contribution to the CJS target of narrowing the justice gap.
- The percentage of cases discontinued in the magistrates' courts continued to fall, from 12.7% in 2004-05 to 8.7% in 2008-09.
- Unsuccessful outcomes in the magistrates' courts fell from 19.4% of all outcomes in 2004-05 to 12.7% in 2008-09.
- In the Crown Court, unsuccessful outcomes fell from 24.9% of outcomes in 2004-05 to 19.1% in 2008-09.

Overall, unsuccessful outcomes fell from 19.8% of all outcomes in 2004-05 to 13.4% in 2008-09.

## % Unsuccessful Outcomes



## People

At the end of March 2009, the CPS employed a total of 8,256\* people, fewer than at the same time the previous year. It included 2,700 prosecutors and 4,994 caseworkers and administrators. More than 92% of all staff are engaged in, or support, frontline prosecutions. The CPS has 1,025 prosecutors who can appear in the Crown Court and on cases in the Higher Courts, and 430 Associate Prosecutors able to present cases in magistrates' courts.

\*Full time equivalent figures. Data are provisional and subject to change. The figures quoted here were correct at 1 April 2009.

## **Criminal Justice System performance**

### **Public Service Agreement targets**

The PSA targets for the CJS from CSR 2007 for 2008-11 are:

- PSA 23 – Make communities safer; and**
- PSA 24 – Deliver a more effective, transparent and responsive CJS for victims and the public.**

These targets are the joint responsibility of the CPS, Home Office and MoJ; the CPS works in partnership with the police and courts to deliver them.

### **Departmental Strategic Objective (DSO)**

The CPS's DSO for the period is:

To bring offenders to justice, improve services to victims and witnesses and promote confidence, by applying the Code for Crown Prosecutors (the Code), adopting a proportionate approach to determine which offenders should be charged and which should be diverted from court, and by firm and fair presentation of cases in court.

### **Efficiency savings**

CSR 2007 requires the CPS to deliver £69<sup>1</sup> million in efficiency savings by March 2011.

<sup>1</sup> Comprising £66 million resource and £3 million capital.

**PSA 23: Make communities safer**

The government’s vision is that:

- Continuing to build on the significant reductions in crime achieved over recent years, fewer people are victims of crime, especially the most serious crime – violent, drug and alcohol-related crime – and the public are protected from the most harmful offenders; and
- Local agencies are accountable and responsive to the needs and priorities of the local community, leading to increased public confidence in those agencies.

Measure	Performance
Priority Action 3: Tackle the crime, disorder and anti-social behaviour (ASB) issues of greatest importance in each locality, increasing public confidence in the local agencies involved in dealing with these issues	<p><b>Indicator 3: Public confidence in local agencies involved in tackling crime and ASB</b> Not yet assessed</p> <p><b>Indicator 4: The percentage of people perceiving ASB as a problem</b> Not yet assessed</p>

The Home Office leads on this PSA, and the CPS contributes to one of the four priority actions and its two indicators.

**Overall assessment: not yet assessed<sup>2</sup>**

<sup>2</sup> All information on PSA 23 taken from “Home Office Departmental Report 2009”.

## PSA 24: Deliver a more effective, transparent and responsive Criminal Justice System for victims and the public

The government's vision is for a CJS that:

- Is more effective in bringing offences to justice, especially serious offences;
- Engages the public and inspires confidence;
- Puts the needs of victims at its heart;
- Has simple and efficient processes.

The CPS contributes to this PSA, which is led by the MoJ.

Indicator	Performance
<p>Indicator 1: Effectiveness and efficiency of the CJS in bringing offences to justice</p>	<p><b>Maintained</b></p> <p>The effectiveness of the CJS in bringing serious sexual and serious acquisitive offences to justice has been assessed by comparing data for the year ending December 2008 with the baseline year 2007-08. This assessment is, however, provisional due to the three-month overlap of the data periods being compared. Current performance indicates some progress. The number of serious sexual offences brought to justice has risen 6% since 2007-08, while the number of these recorded crimes has fallen by 1% over the same period.</p> <p>The number of serious acquisitive offences brought to justice has fallen 3% since 2007-08, while the number of these recorded crimes has fallen by a greater amount (4%) over the same period. The number of serious violent offences brought to justice remains static, but data on the number of recorded serious violent crimes are not currently available.</p> <p>After a 45% increase in total expenditure on the CJS since 1998-99, the budgeted CJS spend in bringing offences to justice is projected to fall by approximately 3.2% over the period 2008-11 in real terms as efficiency savings are made. The budgeted spend in 2008-09 is £7.47 billion compared to £7.55 billion in 2007-08.</p>

Indicator	Performance
<p>Indicator 2: Public confidence in the fairness and effectiveness of the CJS</p>	<p><b>Maintained</b></p> <p>If current performance trends continue, the element of this indicator covering the fairness of the CJS will be met.</p> <p>The baselines stand at 56% for confidence in the fairness of the CJS and 37% for confidence in the effectiveness of the CJS. Latest performance data show that confidence in the fairness of the CJS has increased to 58%, while confidence in the effectiveness of the CJS has, so far, remained static. Although the latest recorded figure on confidence in the effectiveness of the CJS (based on the nine months ending December 2008) is 38%, this does not represent a statistically-significant increase.</p>
<p>Indicator 3: Experience of the CJS for victims and witnesses</p>	<p><b>Improvement</b></p> <p>If current performance continues, the element of this indicator covering victim and witness satisfaction with the CJS as a whole will be met.</p> <p>The baseline for victim satisfaction with the police stands at 81%. More recent performance data are not yet available. The baseline for victim and witness satisfaction with the CJS stands at 81%. Latest performance has shown an improvement to 82% (six months ending 30 September 2008).</p>
<p>Indicator 4: Understanding and addressing race disproportionality at key stages in the CJS</p>	<p><b>Improvement</b></p> <p>Progress towards the 2011 PSA milestone is on schedule, with LCJBs already collecting and analysing data on race disproportionality and taking steps to address it where it is unjustified. Should this milestone be met, the CJS will be better informed to identify and explain race disproportionality at key points within the system, and tackle it where it is shown to be unjustified.</p>
<p>Indicator 5: Recovery of criminal assets</p>	<p><b>Improvement</b></p> <p>Baseline: £125m recovered in 2006-07. Current performance shows that £105.7m has been recovered between April 2008 and December 2008. Although current performance shows an improvement, it is still below trajectory to recover £250m in 2009-10. Actions are underway to address this performance gap.</p>

**Overall assessment: some progress<sup>3</sup>**

There has been improvement in three out of the five indicators.

<sup>3</sup> All information on PSA 24 taken from "The Ministry of Justice Departmental Annual Report 2008-09".

## CPS Departmental Strategic Objective

“To bring offenders to justice, improve services to victims and witnesses and promote confidence, by applying the Code for Crown Prosecutors, adopting a proportionate approach to determine which offenders should be charged and which should be diverted from court, and by firm and fair presentation of cases in court.”

DSO element	CPS progress since April 2008
Bring offenders to justice	<p><b>Maintained</b></p> <p>This indicator is based on a measure of the efficiency and effectiveness of the CJS.</p> <ul style="list-style-type: none"> <li>• See progress against PSA 24.</li> </ul>
Improve services to victims and witnesses	<p><b>Some progress</b></p> <p>To increase the proportion of victims and witnesses who are satisfied with the way they are treated by the CJS.</p> <ul style="list-style-type: none"> <li>• See progress against PSA 24.</li> </ul> <p>The proportion of witnesses who attend trial</p> <ul style="list-style-type: none"> <li>• Average national witness attendance for the year 2008-09 stands at 86% against a target of 90%. This is an improvement from 85% for 2007-08.</li> </ul>
Promote confidence	<p><b>Not yet assessed</b></p> <p>Increased levels of public confidence in the fairness and effectiveness of the CJS.</p> <ul style="list-style-type: none"> <li>• See progress against PSA 24.</li> </ul> <p>Understand and address race disproportionality at the key stages of the CJS system. (Measured by LCJB returns).</p> <ul style="list-style-type: none"> <li>• See progress against PSA 24.</li> </ul> <p>Increased recovery of criminal assets</p> <ul style="list-style-type: none"> <li>• See progress against PSA 24.</li> </ul>

DSO element	CPS progress since April 2008
Apply the Code for Crown Prosecutors	<p><b>Some progress</b></p> <p>Percentage of the Code properly applied. (Measured through the Her Majesty's Crown Prosecution Service Inspectorate (HMCPIS) reviews of compliance with the Code.)</p> <ul style="list-style-type: none"> <li>CPS uses the Casework Quality Assurance (CQA) sampling process to assess the quality of its casework. For the period 1 April 2008 to 31 March 2009, 28,261 cases were sampled under CQA, compared to 27,135 the previous year.</li> <li>According to CQA data, the Code decisions were made satisfactorily in 96.3% of the cases sampled; compared to 95.2% for the year 2007-08.</li> </ul>
Firm and fair presentation in court	<p><b>Not yet assessed</b></p> <p>Improved results on advocacy standards. (Measured through the HMCPIS views on quality of advocacy).</p> <ul style="list-style-type: none"> <li>The quality of in-house advocacy in the Crown Court is being developed further. A national Advocacy Quality Management Project (AQMP) has been implemented to assess, monitor and maintain the highest standards of advocacy performance. The first phase of the AQMP began with the publication of the Crown Advocate Progression Framework ("the Framework"), which was implemented in all CPS Areas in June 2008. This will be underpinned by a Group-based network of specialist Advocacy Assessors, and an expanded range of training to support advocates' development.</li> </ul>

**Overall assessment: some progress**

There has been improvement in two out of the five indicators.

**Plans for delivering efficiencies under CSR 2007**

As a part of the CSR07 settlement, the CPS agreed<sup>4</sup> to make £69 million value-for-money savings by 2010-11, to be delivered as follows:

CSR 2007 efficiency delivery programme summary	2008-09	2009-10	2010-11
Total savings target (£ million)	27	48	69
Operational	20	34	47
Administration and operational support	7	14	22

<sup>4</sup> Figures confirmed by HM Treasury's Value for Money Team in December 2008.

The provisional performance reports for 2008-09 showed that the CPS had achieved savings of £26 million, against a target of £27 million for the full year. This comprises £19 million operational savings and £7 million administration and operational support savings. The CPS is continuing to identify additional activities and areas of work that will provide further savings.

Delivering improved efficiency and value-for-money savings is now an integral part of our business. Delivering the efficiency plan is an essential component of enabling the CPS to live within its diminishing budget over the CSR period, without impacting on the quality of service delivery.

The systems used to measure and compare realised savings against the delivery programme targets have been designed within a validation framework\*. This gives an assurance that all reported efficiency savings under CSR07 are cash-releasing, sustained and net of costs. The Service continues to review and improve systems and methods to capture and report on the achievement of value-for-money savings and other benefits.

#### Value for money initiatives: workstreams

<b>Operational</b>	<b>£20 million</b>
Advocacy Strategy	The Department is seeking to achieve best value for money through the most effective deployment of CPS advocates in the magistrates' courts and the Crown Court.
Operational efficiency	The Optimum Business Model enables the CPS improve the efficiency and effectiveness of the magistrates' courts processes and procedures which, together with improved management of the cases through CJSSS delivers value for money gains.
<b>Administration and operational support</b>	<b>£7 million</b>
Investment Strategy	The CPS is optimising the use and useful economic life of accommodation and other assets to ensure maximum value is achieved.
Support services	A rigorous review of support services in the Department and improved procurement is delivering year-on-year cost savings.

\* This framework was not the subject of audit by the NAO

### Optimum Business Model

The Optimum Business Model (OBM) was created in response to comments by the National Audit Office (NAO) in relation to CPS efficiency in the magistrates' courts. The aim of the project was to review and identify best practice to improve the efficiency and effectiveness of the magistrates' courts processes and procedures.

The desired outcome of the OBM is to produce a framework of tested structures, roles and processes, which will drive operational efficiency improvements as part of a continuous improvement cycle across CPS Areas. The recommendations within the model have been developed in conjunction with operational staff and continue to evolve.

At the end of March 2008, one Area in each of the 14 Groups, as well as CPS London, was operating the magistrates' courts OBM; 40 Areas were fully operating the OBM by the end of September 2008. Work will continue with the two remaining Areas during 2009-10. Ongoing reviews and support for Areas will continue to take place.

Once an Area has been operating OBM successfully for three months, it is assessed against a formal sign-off procedure to ensure it is meeting the required OBM criteria. Standard sign-offs are then scheduled every week until all sites are signed-off by 31 December 2009. Post sign-off reviews are scheduled for three months after Areas have achieved sign-off in order to maintain performance and identify further improvements.

Early success with the OBM in the magistrates' courts has led the CPS to consider adopting OBM principles in the Crown Court. This work began in June 2008, with a view to piloting a model (or models) by late summer 2009. There are currently six options being tested in pilot sites in conjunction with the introduction of the new Paralegal Career Family structure (see page 32).

### CJSSS

Criminal Justice: Simple Speedy, Summary (CJSSS), is a cross-agency programme of work that aims to ensure that volume magistrates' court cases are dealt with and managed simply and swiftly, in a manner that is efficient, effective and proportionate.

CJSSS has two key ambitions to achieve over time:

- The reduction in the number of hearings in most magistrates' court cases to one for guilty plea cases and two for not-guilty cases; and
- For the majority of simple cases to take an average of between one day and six weeks from charge to disposal.

CJSSS was successfully rolled out across the magistrates' courts in 2007-08, and across the Youth Court during 2008-09. Performance is measured using data from the quarterly survey of "Time Intervals for Criminal Proceedings in Magistrates' Courts".

### Streamlined Process

To support CJSSS and to reduce bureaucracy, the Streamlined Process (SP) was developed by the CPS and the Association of Chief Police Officers (ACPO). It provides a more streamlined prosecution file for processing straightforward volume guilty plea cases suitable for sentencing in the magistrates' courts. It also produces a file sufficient for the first hearing in more complex cases, or those likely to be contested, to enable the court to make effective case management decisions in support of CJSSS.

Successful implementation of SP will result in:

- A reduction in police officer and administrative staff time taken to prepare a prosecution file;
- Little or no detrimental impact on the guilty plea rate at first hearing; and
- Little or no increase in the number of adjournments before trial.

Streamlined Process was tested in seven CJ Areas (or parts of) during 2008. Findings from a review of the test sites at the halfway stage of the tests showed that there were no significant flaws in the process and no detrimental impact on CJSSS performance data.

As a result of the findings in this report, the National Criminal Justice Board set out its expectation that SP should be implemented in all Areas by June 2009.

### Conditional cautioning

Conditional cautions were established by the Criminal Justice Act 2003. In appropriate cases, they can be used 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 decision whether or not to offer a conditional caution can only be taken by a prosecutor.

Since their introduction in 2005 (full rollout was on 31 March 2008), 15,384 conditional cautions have been issued nationally.

Following the rollout of conditional cautioning across all Areas, a series of post-implementation reviews (PIRs) for conditional cautioning were undertaken in Areas during 2008-09. These reviews found that, as well as identifying a number of examples of good practice, in some Areas the scheme was not yet fully embedded into the overall criminal justice process. Work will continue during 2009-10 to finalise the integration of conditional cautioning.

The Police and Justice Act 2006 allowed for the introduction of punitive conditional cautions. In addition, the Criminal Justice and Immigration Act 2008 allowed for conditional cautions to be issued to youth offenders. Subject to parliamentary approval, it is intended that pilots for both youth conditional cautions and adult punitive conditional cautions will begin in a number of Areas, from summer 2009.

### Advocacy Strategy

Effective in-house advocacy enables the CPS to provide the public with an enhanced level of service. Increased continuity of case ownership enables CPS advocates to demonstrate to victims and witnesses that they have an in-depth knowledge of their case. They can also provide the highest standards of support to victims and witnesses, as they are familiar with their responsibilities under the wide range of CPS policy commitments, such as the Victims' Code, the Prosecutor's Pledge, and the Policy for Prosecuting Cases of Rape.

The CPS continues to increase its own in-house, high quality advocacy in all courts. In the 12 months to 31 March 2009, the number of Crown Advocates (CA) rose from 945 to 1,077. The increase is made up of lawyers from the CPS who have qualified as Crown Advocates, together with a number of direct recruits, and senior advocates from the self-employed Bar, as well as solicitor higher court advocates, who bring significant Crown Court trial experience into the Service. In addition to contributing towards the effective conduct of a wider range of cases, this will also assist with the further development, training and support of other advocates.

The opportunity to conduct serious and challenging cases in the higher court is helping to make the CPS an employer of choice for first-class advocates. This was demonstrated by the appointment of the first CPS in-house lawyer to the rank of Queen's Counsel (QC). In February 2009, Graham Reeds, a Principal Crown Advocate working within the Organised Crime Division, was one of only two employed barristers to be appointed to the rank of Queen's Counsel this year.



Graham Reeds (pictured) became the CPS's first in-house lawyer to be appointed to Queen's Counsel in February 2009.

A principal crown advocate working within the CPS's Organised Crime Division, Graham was one of 104 lawyers to gain the coveted title in the 2009 round of appointments. Based in York, he prosecutes some of the most serious and complex cases that the CPS deals with, including drug and people trafficking and money laundering.

The Director of Public Prosecutions, Keir Starmer QC said: "This is a fantastic achievement for Graham personally and for the CPS as an organisation. This appointment is a landmark for CPS in-house advocacy and a real validation of the skills of our advocates. The range of work available to prosecutors in the CPS provides an excellent basis for advocates of skill and ability to develop their careers and to achieve this highest of accolades."

On his appointment Graham said: "I am of course honoured to be appointed to the rank of QC and I have no doubt that the range and complexity of cases that I have dealt with since I have been with the CPS contributed to my success. The support I received from the CPS in pursuing my application was very welcome. It was always clear that they were behind me in my ambition to become a QC."

To develop the quality of its in-house advocacy in the Crown Court further, a national Advocacy Quality Management Project (AQMP) has been implemented to assess, monitor and ensure the maintenance of the highest standards of advocacy performance. The first phase of the AQMP began with the publication of the Crown Advocate Progression Framework ("the Framework"), which was implemented in all CPS Areas in June 2008. This will shortly be underpinned by a Group-based network of specialist Advocacy Assessors, and an expanded range of training to support advocates' development.

Associate Prosecutors are now able to prosecute most guilty plea cases in the magistrates' courts in all 42 CPS Areas. In 2008-09, Associate Prosecutors dealt with 24.8% of magistrates' courts' sessions. This was a significant increase on the figure of 20.4% for 2007-08. As well as providing high quality advocacy, the deployment of Associate Prosecutors has freed up lawyers to deal with more complex cases, case preparation and trial advocacy in both the magistrates' courts and the Crown Court.

From 23 February 2009, a small number of specially-trained Associate Prosecutors across Hampshire, London, North Wales and West Yorkshire, known as Level 2 Associate Prosecutors, have been able to conduct a wider range of not guilty hearings in the magistrates' courts, including summary trials in summary only non-imprisonable offences.

Each of the Level 2 Associate Prosecutors completed a comprehensive and externally-assessed training programme and will be deployed in these four pathfinder Areas for six months. The pathfinders will then be evaluated and consideration given to a national rollout of the extended powers from January 2010.

In October 2008, agreement was reached with the Institute of Legal Executives (ILEX) for all Associate Prosecutors to become members of the Institute under a new category of membership. Between November 2008 and April 2009, 425 Associate Prosecutors signed up as members of ILEX.

### Implementing the Victim and Witness Strategy 2008-11

Victims and witnesses have a central role to play in the prosecution process. The CPS recognises that it relies on the evidence of victims and witnesses, without whose co-operation prosecutions may not be able to take place, and justice may not be served.

In June 2008, the CPS launched its first Victim and Witness Strategy. The internal strategy provides a framework to support the delivery of existing commitments to victims and witnesses, as well as setting out a clear direction for future policy development – which will assist in the achievement of the "Justice for All" PSA target.

The joint "Thematic Review of Victim and Witness Experiences in the CJS"<sup>5</sup>, published in March 2009, was broadly positive. It endorsed the reforms that had been made to the CJS in the past five years, saying that the general level of service provided to victims and witnesses had improved significantly. It singles out a number of successes, particularly the role of joint police/CPS witness care units (WCUs) in supporting victims and witnesses whose cases get to charge or beyond. Inspectors also made recommendations and set out actions for further improvement, to ensure that victims and witnesses receive a consistently high standard of service from the CJS across England and Wales.

<sup>5</sup> Her Majesty's Inspectorate of Court Administration (HMICA), Her Majesty's Crown Prosecution Service Inspectorate (HMCPIS) and Her Majesty's Inspectorate of Constabulary (HMIC).

During 2008-09, work has continued to improve the level of service offered by witness care units. This includes the development of a training course for WCU managers and a national conference for witness care staff to enable them to share best practice. During the year, witness attendance increased to 87% by March 2009 from 85% in March 2008.

Driven by the CPS Board, performance continued to improve in respect of the delivery of "Direct Communications with Victims", a key commitment for the Victims' Code. By March 2009, performance had reached its highest recorded level, with targets on the number of communications sent being exceeded by 38.7%, and more than 90% of communications sent within the relevant time limits. In addition to quantitative improvements, 2009-10 will see an increased emphasis in the quality of these communications.

The Victim and Witness Care Delivery Unit undertook thematic reviews in respect of domestic violence and vulnerable and intimidated witnesses during 2008-09. It is now developing best practice guidance for witness care units in their role of supporting these victims and witnesses.

The Witness and Victim Experience Survey (WAVES) showed that victim and witness satisfaction with the CJS now exceeds 80%. The CPS is working with OCJR and other criminal justice agencies to develop effective mechanisms for the evaluation of services to victims and witnesses not captured by the WAVES survey.

In March 2008 Nigel Hudson (pictured) was sentenced to eight years' imprisonment following his conviction for conspiracy to obtain property by deception and conspiracy to launder money. The case centred around a damp-proofing scam, in which elderly and vulnerable customers were conned out of £3 million by bogus companies set up by Nigel Hudson.



Hudson's wife Sarah and son Mark, who assisted in the business, are serving three years four months and four years respectively for the same offences. Ten other defendants were also sentenced for their part in the scam.

Hudson trained sales staff to con people into having unnecessary damp-proof work carried out at their homes, faking high damp meter readings, and even faking electric shocks from allegedly damp walls near sockets.

Hudson and his wife used the cash to fund a lavish lifestyle, including houses in Portugal and Florida. They were extradited from America to face trial. When police arrested them in Florida they were just about to set off to watch the launch of the space shuttle!

Two witnesses, who were in their eighties and too infirm to travel, gave evidence in court from their own front rooms through live video links – 98 witnesses were called in total. Sharon Hicks, a caseworker in the Lancashire and Cheshire Complex Casework Unit, explained: "If we hadn't had the home links, we probably would have applied for their statements to be read out, which would not have had the same impact on the jury. We were able to help them give the best evidence they could, with the minimum of stress."

Two young, Baggies fans became the first-ever recipients of a joint-commendation by West Midlands Crown Prosecution Service and West Bromwich Albion Football Club for their bravery in assisting a member of the public during the course of a criminal assault.

In April 2008, Lyndsey Gavin (pictured front centre) and Kiefer Swanson (pictured back centre) called the police and provided assistance to the victim after they witnessed an assault taking place in Warley.

They later provided detailed statements to the police and attended court to give key evidence at the trial of the defendant.

On the day of the trial, Kiefer was due to attend a tour of The Hawthorns and meet an Albion player as part of his Prince's Trust Team Course, which is run in partnership with the Club's Community Programme.

Although Kiefer was upset at missing the tour, he, along with Lyndsey, did their public duty and attended court to support the prosecution case.

The defendant was found guilty and given a Community Order, a 12-month Supervision Order, and ordered to pay £300 costs.

Having missed the chance to visit the ground and meet a player for such a worthy cause, the Club felt compelled to reorganise Kiefer's Hawthorns tour and to invite both him and Lyndsey to spend a day with the team at the training ground.

The youngsters watched the first-team train before having their joint-commendation presented by Colin Molloy, District Crown Prosecutor for Black Country CPS, plus Albion manager Tony Mowbray and midfielder Chris Brunt. »



Colin said: "I would first like to take this opportunity of personally saying a public thank you to these exceptional young people for their courage in stopping this assault, supporting the victim after her ordeal and finally providing their key evidence during the trial. Their intervention led to a victim being saved from further injury and injustice."

Baggies boss Tony added: "Kiefer and Lyndsey both showed real bravery in doing their public duty and it's only right that we, as a football club, should reward them. They really stood up to be counted and I hope they enjoy their day with us at the training ground."

### Victim and witnesses with mental health issues and / or learning disabilities

The CPS recognises that more needs to be done to improve the management and outcomes of cases involving victims and witnesses with mental health issues and / or learning disabilities. Specifically, the CPS wants to ensure early identification of these victim and witnesses, put in place appropriate special measures and improve the overall level of support they receive.

In early 2008, a project was set up to identify existing best practice in the CPS. This work informed the production of a public policy statement and guidance in relation to victims and witnesses with a mental disorder or a learning disability. In parallel with this activity, material has been developed to increase mental health / learning disability awareness among CPS staff. Following a public consultation exercise, the public policy statement and legal guidance will be published in summer 2009.

### Violence against women (VAW) strategy

As part of the implementation of the Single Equalities Scheme, the CPS published a violence against women (VAW) strategy, action plans and equality and diversity impact assessment in April 2008. The VAW strategy addresses a range of crimes, primarily perpetrated by men against women, including domestic violence, rape, forced marriage, so-called honour crimes, child abuse, prostitution and trafficking.

Areas selected leads to oversee the coordination of VAW work and the integration of the various VAW strands; a seminar was held in April 2009.

The first violence against women report on prosecution performance was published in December 2008.

In 2008-9, the CPS set up a VAW indicator to review quarterly Area performance in the prosecution of VAW crimes – included in the indicator are domestic violence, rape and sexual offences. In 2008-09, there was a 4% increase in recorded VAW cases compared to 2007-08; domestic violence accounted for 85% of the total. Convictions for VAW cases increased from 69% to 72% in 2008-09 (target 71%), which mirrored the improvement in the domestic violence conviction rate. Rape convictions for 2008-09 were 58% (target 59%), and sexual offences exceeded the 72% target with 75% successful outcomes.

The domestic violence and rape prosecution policies were refreshed and published in March 2009, with updated prosecution guidance across many individual VAW strands. Guidance on integration of VAW work, across all strands, was developed during 2008-09, and will be published by summer 2009. All prosecutors and associates had completed domestic violence training by autumn 2008. Training on rape for co-ordinators and specialist prosecutors began in 2008-09 and will be completed by 2011.

A cross-CJS Specialist Domestic Violence Court (SDVC) programme was first established in 2005, to set up co-ordinated multi-agency court systems for improving prosecutions of domestic violence cases. By March 2009, there were 122 SDVCs, with independent domestic violence advisors to assist victims and multi-agency risk assessment committees (MARACs) to assess victim risk.

A report on a pilot project within four Areas to investigate ways to improve the prosecution of forced marriage and so-called honour crime cases was published in December 2008. The recommendations, including specialist prosecutors and training, will be implemented during 2009-10.

Systems to measure VAW stakeholder satisfaction were developed in 2008-09 for implementation in 2009-10. Methods to measure support, safety and satisfaction of VAW victims are also being developed.

## Refresh of the CPS Public Policy Statement on Rape

Since the CPS Public Policy Statement for Prosecuting Cases of Rape was first published in 2004, there have been a number of developments in the law, and changes to CPS practices and procedures. In particular, there have been changes in the way in which the CPS deals with victims and witnesses. In order to increase public confidence, and demonstrate that the CPS is doing all that it can to ensure cases are effectively prosecuted, we published a refreshed version of the Public Policy Statement for Prosecuting Cases of Rape in March 2009.

There was extensive consultation on the refreshed policy statement. Voluntary groups dealing with victims of rape were consulted on the first draft in spring 2008. This was followed in August 2008 by a 12-week public consultation exercise on the draft of the refreshed policy. Comments received were carefully considered and set out in the Summary of Responses (also published in March 2009).

The refreshed Public Policy Statement has taken account of a number of changes, including the use of video evidence in the Crown Court for adult victims of rape and serious sexual offences, and the CPS's responsibility for making charging decisions in all rape cases. In addition, the refreshed policy makes it clearer that prosecutors must challenge rape myths and stereotypes, and its language has been made simpler and more accessible for the reader. The policy also explains that the CPS has a commitment to ensuring that victims and witnesses are fully informed about its processes and procedures and can have confidence that we will endeavour to deliver the best possible outcomes for them within the CJS.

In March 2009, London black cab driver John Worboys (pictured) was convicted for a series of brutal sex attacks on women in the capital.

Worboys was found guilty of 23 offences, including rape and sexual assault, which he committed between October 2006 and February 2008.



Targeting women making their way home late at night, he approached his victims offering them a ride home at a reduced fare, telling them he was going in the same direction. All of his victims told similar stories of Worboys lying about winning money, and persuading them to share a drink with him.

In February 2008 the media reported Mr Worboys' arrest, and following a police appeal more witnesses came forward to report their experiences, including six of the victims who gave evidence in the trial.

CPS London lawyer, Tony Connell, said:

"By preying on vulnerable women who were alone, late at night, and in need of a safe journey home, John Worboys grossly abused the trust that they and many of us place in London's licensed cab drivers.

"In providing them with stories about his apparent good luck and showing them a bag full of cash to back up his lies, he was able to persuade, coerce and, in some cases, bully his victims into sharing his falsified good fortune. The 'celebratory drink' they shared with him, and which he had laced with drugs, rendered his victims incapable of defending themselves.

"John Worboys is a dangerous and prolific predator and thanks to the victims who bravely gave evidence for the prosecution at this trial, Mr Worboys is no longer free to victimise vulnerable women."

John Worboys was jailed indefinitely in April 2009 at Croydon Crown Court.

### Asset recovery

The CPS continues to perform well on confiscation. The LCJB national targets for the number of restraint orders and the volume and value of confiscation orders were all exceeded. In total, the CPS obtained 1,463 restraint orders and 4,920 confiscation orders to a value of £144,978,209; this represents increases of 23%, 20% and 45% when compared to performance in 2007-08.<sup>6</sup>

Despite the current economic climate, enforcement performance in respect of CPS confiscation orders has been maintained and slightly improved. More than £66 million has been confiscated, of which approximately £18.4 million was collected by CPS Areas and £18.1 million by the Central Confiscation Unit<sup>7</sup>.

CPS Areas and lawyers from the Regional Asset Recovery Teams (RARTs) continued to build on their capacity to enforce confiscation orders made under the Proceeds of Crime Act 2002 (POCA). They have increased the amount confiscated by 35% compared to performance in 2007-08. The new Group structure has led to a Group approach to enforcement and dedicated enforcement champions. In June 2008, an enforcement training workshop was held for CPS staff from Complex Casework Units to assist this process.

Two national training conferences dealing with company law, insolvency, money laundering and the prosecutor's discretion to instigate confiscation proceedings, have been held for POCA champions.

### Exchange Links programme

The trilateral Exchange Links programme, led by OCJR, provides a major contribution to the successful delivery of PSA 24, reflecting the government's aim to improve the efficiency and effectiveness of the CJS. The links enable staff at all levels to concentrate their efforts on protecting the public by ensuring effective data sharing, reducing double keying and duplication, and improving the quality of information flowing between its systems.

The programme of work to establish links between the main information systems used by police, the CPS and courts finished on 31 March 2009. Most CPS Areas now have electronic links in place that allow the police to send material from their own case management systems across to the CPS's COMPASS Case Management System. This was a significant achievement and places us in a good position to move towards using electronic case files and away from the reliance on paper files.

### Counter terrorism legislation and strategy

The CPS has worked closely with colleagues at the Home Office and across the CJS to provide practitioner input into the Counter Terrorism Bill (now the Counter Terrorism Act 2008). It is essential that any such new legislation is drafted with an understanding of the practical challenges involved in prosecuting terrorism-related offences and with a view to bringing more offenders to justice; CPS involvement in this process is therefore vital.

Counter Terrorism Division, which is responsible for prosecuting all terrorism-related cases in England and Wales, and CPS Policy Directorate, shared its practitioner and policy expertise to help develop the 2008 Act. In particular, its extensive experience of working successfully with criminal justice partners in Scotland and Northern Ireland, provided valuable insight into the value of the cross-United Kingdom jurisdiction for terrorism offences.

With its partners, the CPS has a key role to play in the delivery of the government's counter terrorism strategy – which is called CONTEST – to reduce the risk the UK faces from international terrorism. The Service will continue to work closely with its partners in this vital area to ensure offenders are brought to justice.

<sup>6</sup> Targets for 2008-09: 772 restraint orders, 4437 confiscation orders, to a total value of £109,013,000.

<sup>7</sup> The remainder was enforced by HMCS.

The Crown Prosecution Service Counter Terrorism Division continued to enjoy high-profile successes, some of which gained extensive, positive media coverage.



In summer 2007, police and prosecutors were confronted with a terror plot which extended from London to Glasgow. On 29 June, a car packed with gas canisters, petrol and nails, parked outside the packed TigerTiger nightclub in Haymarket, London, failed to explode. A second car, similarly rigged, was found nearby in Cockspur Street.

The next day, Kafeel Ahmed, an engineer, and his passenger Bilal Abdulla (pictured right), a doctor, crashed a burning jeep into the doors of a terminal building at Glasgow Airport. Kafeel Ahmed died of his injuries shortly afterwards, having been badly burned in the attack.

Bilal Abdulla and another defendant (who would later be cleared by the jury), faced trial on charges of conspiracy to murder and conspiracy to cause explosions. Abdulla was convicted of both charges and sentenced to life imprisonment, with a minimum term of 32 years.

Karen Jones, reviewing lawyer from the CPS Counter Terrorism Division, gave the CPS's response to the verdict in the trial to the assembled media on the steps of the court.

Karen says that the plot was not aimed merely at scaring people, as Abdulla had argued during the trial: "If the cars had blown up, those nails would not only have killed people, but maimed others for life. It was extremely lucky for everyone that night that the bombs failed to go off. It is all the more »



shocking that one of those involved was supposed to save lives and heal the sick, not kill or endanger the lives of innocent people.

"Bilal Abdulla and Kafeel Ahmed were the 'action men' in this plot, buying the necessary gas canisters, petrol and mobile phones. The Crown said it was money and advice from the other defendant, Mohammed Asha, that made it possible, but after hearing all the evidence and his defence, the jury found him not guilty of both charges."

Karen added that the case involved a lot of joint working between the authorities in England and Scotland. "Not only did both police forces pool information, but the CPS Counter Terrorism Division worked closely with the police and the Scottish Crown Office and Procurator Fiscal Service to put the case together.

"As the plot involved both countries, the question of where a trial should be held was raised. We were in complete agreement about the venue, following discussions about the emerging case, and we are grateful to our Scottish colleagues who worked tirelessly with us to ensure the jury was presented with a complete and coherent picture of what happened, regardless of location. We would like to express our enormous thanks to them for this."

### Anti-social behaviour legislation

During 2008-09, the CPS maintained a network of Group-led anti-social behaviour prosecutors, who have responsibility for improving our implementation of anti-social behaviour legislation. This was done by providing training, guidance and support for colleagues, and working with partner agencies such as the police and local authorities to help address anti-social behaviour issues of concern locally.

The head of the CPS Anti-social Behaviour Unit sits on the multi-agency Anti-social Behaviour Governance Board, which co-ordinates the strategic direction of anti-social behaviour work, and monitors the progress of anti-social behaviour contributions to PSAs 23, 24 and 14<sup>8</sup>.

### Prolific and priority offenders

During 2008-09, the CPS continued to contribute at a national and local level to help deliver the Prolific and Priority Offender (PPO) Programme throughout England and Wales.

The CPS has worked closely with colleagues in the CJS, particularly with police partners, to bring to justice those PPOs who are causing the most harm to their communities (as identified by Crime and Disorder Reduction Partnerships and Community Safety Partnerships).

### Gangs and gun crime

The National Crime Reduction Board (NCRB) met five times during 2008-09 to coordinate the cross-government crime reduction approach. The Board reviewed all areas of violent and acquisitive crime, including gang involvement.

The CPS Good Practice Guide to Prosecuting Complex Gun and Gang Related Crime was published in September 2008. This built on information obtained from the various initiatives already in place and set out good practice for future prosecutions of gun and gang crime.



The shooting of 11-year-old Rhys Jones (pictured above) was a crime which shocked not only Liverpool but the whole country.

Rhys, who played for The Fir Tree Boys football club, was on his way home from football practice with two friends in late August 2007. As he was crossing the Fir Tree pub car park, in Croxteth Park, Liverpool, a hooded youth riding a silver mountain bike approached. He then held out a handgun at arm's length, firing three shots. One of the bullets hit Rhys in the back. He died soon afterwards, in his mother's arms.

In December 2008, after a lengthy trial, Sean Mercer (pictured above right), who was only 16 when he fired the fatal shot, was found guilty of Rhys' murder and sentenced to life imprisonment with a minimum of 22 years. Six other people were also found guilty of charges in connection with the shooting and sentenced to terms ranging from 18 months to three years.

Merseyside Crown Prosecution Service reviewing lawyer Helen Morris (pictured right with head of CCU Colin Davies), who faced the cameras to give a statement on the court steps, and gave several interviews to TV and radio before and after the verdict (including a live appearance on Channel 4 News), recalls the case: "Rhys Jones was an innocent victim of a long-running feud between two local gangs. His death shocked and saddened everyone who heard about it. »

<sup>8</sup> PSA 14 - Increase the number of children and young people on the path to success.



“Particularly disturbing was how young some of the defendants were. Sean Mercer, who was 18 when he was convicted, was just 16 when he fired that gun. Some of the defendants, who helped dispose of the gun, Mercer’s clothing and his bicycle, were just 15 and 16.”

The shooting was caught on CCTV. The jury was shown this CCTV footage, as well as a wealth of other evidence, such as data from mobile phones, the recovery of the gun, and covert recordings of conversations about the murder involving some of the defendants and their families. »



Helen added: “We also had the evidence of the man who had found Sean Mercer’s bike abandoned within hours of the shooting. Detailed investigations by Merseyside police traced the history of this bike from its source to its delivery to Sean Mercer. DNA was recovered from the bike, revealing a possible link to Sean Mercer.”

CPS Merseyside ensured that special measures were in place to help protect and reassure witnesses who would be giving evidence against the gang members, who had terrorised their neighbourhood.

The greatest tribute, says Helen, goes to Rhys’ parents: “They waited more than 15 months for the verdict and showed enormous patience and trust in the CJS throughout. They sat through the evidence and displayed great dignity and fortitude. We hope they have been able to take some comfort from the verdicts.”



The conviction of 10 members of a ruthless Manchester gun gang came at the end of a six-month trial.

The 10 men sold drugs and used firearms to enforce their illegal activities, which culminated in the murder of 24-year-old Ucal Chin, Tyrone Gilbert, 23, and the attempted murder of another man, Michael Gordon.

Following the remand of the 10 in custody, gun crime in Greater Manchester fell by more than 90%.

Gang leaders Colin Joyce, 29 (pictured), and Lee Amos, 33, were found guilty of murdering Mr Gilbert and the attempted murder of Mr Gordon. Joyce was also convicted of murdering Mr Chin and conspiracy to possess firearms with intent to endanger life.

Fellow gang members, Aeron Campbell, 25, Narada Williams, 28, and Ricardo Williams, 26, were all found guilty of the murder of Tyrone Gilbert, the attempted murder of Mr Gordon and conspiracy to possess firearms with intent to endanger life. They were also convicted of conspiracy to supply Class A drugs. »

The CPS lawyer responsible for the case, Rebecca Macaulay, said: "The Crown Prosecution Service wishes to thank those witnesses who came forward and gave evidence during this trial – their courage and insistence on doing the right thing is to be commended. They stood up for their communities.

"Gun crime can be defeated when communities work together with the police and CPS."

Commenting on the special measures employed for several witnesses during the trial, Rebecca added: "There are a number of measures we can employ to protect witnesses, make them feel safe giving evidence and – in certain cases – ensure that their identity remains anonymous. The message to would-be witnesses is clear: 'come forward – we can help you'."

Aaron Alexander, 23, and Hassan Shah, 25, were convicted of conspiracy to possess firearms with intent to endanger life and conspiracy to supply Class A drugs. Ricci Moss, 21, was found guilty of conspiracy to supply Class A drugs; Kayael Wint, 20, and Tyler Joel Mullings, 18, were – alongside Narada Williams – found guilty of possession of firearms with intent to endanger life.

Hussain Gonoo, had pleaded guilty to conspiracy to possess firearms with intent to endanger life and conspiracy to supply Class A drugs at an earlier hearing.



Weapon seized by Greater Manchester Police

### Hate crimes monitoring and reporting strategy

From April 2008, the hate crime indicator has measured performance in prosecuting homophobic and transphobic, racist and religious and disability hate crime. Hate crime data exclude domestic violence crimes, which are now reported within the Violence Against Women indicator (see page 20).

In 2008-2009, the overall hate crime target of 82% successful prosecutions was met. The racially and religiously aggravated (RARA) individual target was exceeded by 4%, demonstrating an improvement of about 1% compared to 2007-08. The homophobic and transphobic target was missed by 1.5%, but did demonstrate an improvement of about 2% over 2007-08. The disability hate crime target was missed by 5.9%, showing a decline in performance of about 1%.<sup>9</sup> Encouragingly, the volume of disability hate crime prosecutions more than doubled. However, the volume of RARA and homophobic and transphobic prosecutions declined slightly.



Simon Sheppard (pictured left) and Stephen Whittle (pictured right) were convicted of inciting racial hatred against Jews and other minority ethnic groups using material which the Crown Prosecution Service said crossed the line from unpleasant and obnoxious to a criminal offence.

Reviewing lawyer Mari Reid, of the CPS's Counter Terrorism Division said: "People are entitled to hold racist and extreme opinions which others may find unpleasant and obnoxious. What they are not entitled to do is to publish or distribute »

those opinions to the public in a threatening, abusive or insulting manner, either intending to stir up racial hatred or in circumstances where it is likely racial hatred will be stirred up.

"The vast majority of the material in the case concerned Jewish people, but there was also material relating to Black, Asian and minority ethnic people generally, all described in derogatory terms using offensive language.

"As well as printed leaflets, there was evidence of Simon Sheppard controlling websites which featured racist material, some of it written by Whittle, under the pen name of Luke O'Farrell."

Simon Sheppard was found guilty of 11 offences and Stephen Whittle was found guilty of five offences in July 2008.

The investigation into Simon Sheppard began when a complaint about a leaflet called "Tales of the Holofoax" was reported to the police in 2004 after it was pushed through the door of a Synagogue in Blackpool. It was traced to a Post Office Box in Hull, registered to Simon Sheppard.

"We were determined to pursue this case as we felt that this material was at the more serious end of the scale," said Mari.

"Both juries saw some thoroughly unpleasant material which contained views which most people would find obnoxious and abhorrent. We thank them for performing their duty in this case and also those witnesses who came forward in both trials to talk about the racially-inflammatory material they received."

<sup>9</sup> The individual targets for racist and religious, homophobic and transphobic, disability hate crime for 2008-09 were set at 18%.

### Area restructuring

The Area Restructuring Transformation Programme has built on the structural changes put in place in March 2008. The 14 Complex Casework Units (CCUs), created to deal with the most serious and complex casework in Areas within each Group, have now been evaluated and are delivering the benefits expected. These are:

- Enabling the Service to deal with existing complex casework more effectively by maximising legal and caseworker skills in a viable, dedicated, secure, self-sufficient unit;
- Enabling the CPS to deliver a much more consistent service than was possible under the previous structure;
- Putting the CPS in a good position to respond to police developments on Protective Services, and an expected increase in police activity on serious and complex crime, and to deal with an anticipated increase in casework;
- Improving our ability to enable prosecutors to become involved at the earliest possible stage to help guide investigations into serious crime and enable us to deliver a better cradle to grave service in such cases.

With CCUs now firmly established, networks for sharing best practice have been set up and an evaluation of the lawyer's role within a CCU will take place during 2009.



Shannon Matthews (pictured), a Dewsbury schoolgirl, went missing on her way home from school during the coldest spell of early 2008. Her disappearance led to one of the most controversial cases dealt with by the CPS in recent years.

The case dominated the news from the moment Shannon disappeared, with huge searches being mounted by West Yorkshire Police and the people of Dewsbury, as well as repeated television appeals for her safe return by her mother, Karen Matthews; large cash rewards were offered by sections of the media.

Shannon was found, nearly a month later, at the home of Michael Donovan, a member of her extended family. Donovan was arrested and charged with kidnapping and false imprisonment. Soon afterwards, Karen Matthews was arrested too, amid huge media coverage.

Two days later Peter Mann, Head of the Crown Prosecution Service West and North Yorkshire Complex Casework Unit, addressed a packed press conference to announce the decision to charge Karen Matthews with perverting the course of justice and child neglect. The announcement was carried live on the BBC's Six O'clock News, and was repeated on later bulletins. »



The trial began on 11 November, with the charges having been altered on review to kidnapping, false imprisonment and perverting the course of justice for both Matthews and Donovan. In early December, they were both found guilty on all counts. They were each later sentenced to eight years' imprisonment.

Malcolm Taylor, Special Casework Lawyer, addressed the media following the verdict, with the statement carried live on Sky News; he also recorded interviews for the PM programme on BBC Radio 4 and Radio 5 Live Drive.

Malcolm said that Matthews and Donovan "honestly believed that they could stage the disappearance of Matthews' own daughter and somehow benefit financially from the huge wave of public sympathy that would inevitably follow.

"The cynical plot culminated in Matthews' television appeals for the return of her daughter, made while she was actively concealing the whereabouts of the child from the police, who were deploying huge resources to search for Shannon.

"In the words of prosecuting counsel, she lied, lied and lied again – to the police and, through the media, to the public, while Donovan was holding Shannon at his flat, drugged and helpless, less than two miles from her home. »

"The people of Dewsbury and the surrounding area gave unstinting assistance to the hunt for a defenceless child whom they thought was missing during the coldest part of the year. This was an abuse of public trust, public services, the public purse and, worst of all, Matthews' own daughter for personal gain," he said.

### Headquarters Review implementation

Initial plans to meet the staff and budget reductions required by the HQ Review were completed by all Directorates in April 2008. Questions remained about the shape of HQ in the light of other changes to the business model, particularly the formation of the Groups and the changes to line management arrangements for Group Chairs.

To address these, the Board agreed a revised approach to the HQ Review in September 2008, which was then driven forward throughout the rest of the year. As a result, HQ delivered its objectives for 2008-09 within the reduced budget allocated; it also reduced posts in line with the expected numbers.

There is now an emerging plan for further devolution of responsibilities from HQ to Groups and Areas; this will be re-examined in the light of the forthcoming merger with the Revenue and Customs Prosecutions Office (RCPO) to ensure that the combined Service has an efficient and effective centre that contributes fully to the success of the business.

### Supporting leadership

CPS programmes are designed to ensure its leaders maintain an excellent and consistent performance in every prosecution decision taken. During 2008-09, the Service significantly increased its support to its leaders, funded partly by a successful bid to the Modernisation Fund. During 2008-09, coaching and 360° development were successfully delivered across the senior management team, along with improved succession planning and talent management.

### New performance management framework

The Area Performance Report (APR) process was introduced in 2003-04 to provide an assurance of consistent delivery of government and corporate targets and to facilitate improvements in performance.

In response to recommendations made by the Capability Review stocktake, which highlighted the need to focus on a smaller number of priorities, a review of APR targets and measures was undertaken in 2007-08. This review was carried out in conjunction with one of the key national performance measures and corporate projects and programmes. The outcome has been a reduction in the number of high-level targets from 18 in 2008-09 to 10 in 2009-10. In addition, five targets focusing on people measures were identified for monitoring at a national level.

### Improving management

During 2008-09, management development work focused on supporting managers in key skills, including programmes to help them drive up performance and refresh their own management skills. These were developed nationally to ensure a consistent message. Bespoke work has taken place in a number of Groups to meet specific local needs. Other programmes helped support managers during the performance and development review process (PDR).

People measures were introduced as a performance indicator in the last two quarters of 2008-09. At quarter four, 72% of Areas and all HQ Directorates had achieved the staff PDR indicator. The Areas and Directorates that failed to achieve this indicator are establishing systems and processes to improve their position. Quarterly assessments will continue throughout 2009-10.

The 2008 staff survey showed improvements in the number of staff receiving regular advice and encouragement from management (from 47% in 2006 to 52% in 2008).

A number of HR policies have been developed and reviewed to ensure the business is supported in delivering its challenging agenda, while also meeting its statutory and corporate social responsibilities. Management, staff networks and trades unions are integral to this policy review process and are consulted in the development, deployment and review phases. Policies reviewed and released in 2008-09 include: Managing Flexible Working; Managing Home and Mobile Working; and Career Breaks. Policies reviewed during the year included Grievance; Managing Attendance; and Whistleblowing.

### Secure management of personal information

Following the publication of "Data Handling Procedures in Government: Final Report" work continued with the Departmental Security Unit and IT Security Team to review, implement and report progress on the recommendations set out in the report.

In 2008-09, there was a divisional restructure of the Business Information Systems Directorate, which brought the Freedom of Information, Data Protection, Records Management, and Departmental Security Units together into the Information Management Division. It is anticipated that this new collaborative structure, coupled with the appointment of a senior manager to head the division, will give greater prominence to the information management function and enhance its long-term capability.

Additionally, a number of key areas of work were completed. These included the appointment of Information Asset Owners (IAO) at Group Chair and HQ Director level, and Information Management Advisors (IMA) at Group level. The aim of the new roles is to drive up standards relating to the management and protection of personal information within CPS.

The Service has reworked the National School of Government's e-learning package, "Protecting Information", as part of its Prosecution College suite of training courses. It will be rolled out nationally by September 2009 to all staff.

### Information management programme

The CPS has invested significantly in its management of all data held within the business, but outside our core case management system. This will allow information to be stored and retrieved efficiently, forming the basis of our proposed electronic records and document management system. The Knowledge and Information Management (KIM) programme will improve the way we manage information, improve our knowledge base, facilitate ease of access to information, and provide the tools for collaborative working. This will enable staff to use the sources of information available within the CPS more effectively. The Service has launched its first electronic forms, greatly easing the administrative burden, and has provided support capability to other applications, such as the new Complex Casework Unit time recording system. To improve joined-up working, we now have around 300 users of KIM, some 70 of whom participate in the Director's Seminar site, which was used to help develop our business strategy for the next five years.

### ICT services beyond 2012

Contracts for the delivery of CPS Information Technology and Telephony Services are currently due to expire in 2012. We have explored the options for the delivery of these services from 2012, and the CPS Board has decided to award its current suppliers "preferred bidder" status, with the potential to extend both contracts to 2015. Work will continue during 2009.

Ensuring that the CPS leads and manages well to get the best from all CPS people, and that it engages with them, its partners and communities to improve its service

### Building for success

A new Paralegal Career Family was developed during 2008, providing a range of new and interesting work for paralegal assistants and paralegal officers. The development will enable the CPS to provide a more efficient service to victims, witnesses and other court users. The Paralegal Career Family is being implemented from April 2009.

A workforce planning system was developed and piloted during 2008-09. Rolling out from April 2009, the new approach will enable Areas to assess and match the resources and skills required to deliver against anticipated demands and performance objectives more accurately.

### Equality and diversity in the employment agenda

The CPS has developed a Diversity Delivery Plan that is being implemented to ensure equality of opportunity and access is achieved throughout the organisation. Recent recruitment at a senior level has resulted in a more representative workforce.

Leadership and Learning is developing an equalities and diversity training programme, initially for senior managers. They are also reviewing the e-learning module on equality and diversity.

### Community engagement agenda

To enhance local engagement further, the CPS has set up Area-based hate crime scrutiny panels (HCSPs), Group-level community involvement panels (CIPs) and, at a national level, a community accountability forum (CAF). The hate crime scrutiny panels consider performance on the handling of hate crime cases by scrutinising finalised case files and acting on what has been learnt from the scrutiny process. The CIPs are consulted on strategies, business plans and community engagement plans; they also discuss other matters such as local victim and witness issues. In February 2009, the CPS began a review process, results of which will be published in July 2009.

The national CAF is consulted about the national CPS business plan, equality impact assessments and on draft policy statements and guidance. In addition to these standing community fora, individual Areas undergo a bi-annual assessment of their performance in relation to their wider ongoing engagement work. This includes work undertaken with community organisations, schools, colleges, organisations dealing with victims and witnesses, campaign groups concerned with justice issues and the public in general. During the year, work started on extending the current engagement remit to incorporate the new community prosecutor approach.



The CPS won the Improvement Award at the annual Civil Service Diversity and Equality Awards ceremony held in Birmingham in December.

Recognising the significant steps the organisation has made in the field of equality and diversity, the judges were particularly impressed by our track record of consulting with community groups before forming policies that affect them.

Director of Public Prosecutions, Keir Starmer QC, said:

"I commend everyone in our Equality and Diversity Unit for their hard work and innovation, which has transformed the CPS into an organisation that is dedicated to ensuring the promotion of diversity and equality is central to everything we do."



Séamus Taylor (pictured), then Director of Equality and Diversity, said:

"Receiving this award is a testament to the work of many people at all levels of the CPS over recent years. It is recognition of the improvements we have made. A lot has been done, but there is a lot more still to do. We are far from complacent. We recognise that while we have come out of the shadows on equality and diversity, the challenge is now to come of age and I am confident we will do so under the leadership of Keir Starmer QC."

The Service consulted on and published a number of policies relating to equality and diversity, such as on the Single Equality Scheme, Racist and Religious Crime, Violence against Women, Domestic Violence, Rape, Disability Hate Crime, Homophobic and Transphobic Crime and Crimes against Older People.

### Supporting community justice centres

The OCJR-led community justice programme is about engaging with the local community, making the court more responsive to local people and working in partnership with the range of criminal justice agencies, support services and community groups to solve the problems caused by offending in the local area. The courts take a problem-solving approach, aiming to break cycles of re-offending by bringing together a range of statutory and third sector agencies to tackle the underlying causes of crime, such as, addiction, housing, education or debt problems.

During 2008-09 the CPS supported the operation of the 13 community justice centres across England and Wales, located in North Liverpool, Salford, Birmingham, Bradford, Hull, Leicester, Merthyr Tydfil, Middlesbrough, Nottingham, Plymouth, and three locations in London – Haringey, Newham and Wandsworth.

### Delivering the National Communication Strategy

The National Communication Strategy brings together the CPS's priorities between 2008 and 2011 and recommends how the Service will communicate them to its people and the communities it serves.

As part of this strategy, the CPS has established an effective communication network nationally, by appointing a Group Communication Manager (GCM) for each Group. GCMs provide specialist communication advice, expertise and guidance to the Group Chair and to senior managers in the Group. All GCMs will be in post by mid-2009. An essential element of their remit is to improve public understanding of the CPS's work.

A national Staff Forum has been established to discuss and improve communication activities across the CPS. The forum members are 21 volunteers and represent a diverse range of job roles, Areas and Directorates. The Forum had its first meeting in September 2008 and meets quarterly.

While general awareness of the CPS Vision among staff is high, a major project was undertaken to improve understanding of the role of individuals in achieving it. This was also designed to strengthen a sense of common purpose in delivering a service to the public. A programme of staff engagement roadshows and conferences with the DPP and Chief Executive ran throughout the summer and autumn.

The Annual CPS Lecture was launched on 20 October 2008 as a platform for debate on justice issues. The inaugural lecture was given by Ken Macdonald QC, the then Director of Public Prosecutions. Entitled "Coming out of the Shadows", the lecture was delivered to an audience of CJS colleagues, parliamentarians, academics, journalists and voluntary sector partners. The aim is for the CPS Lecture to become a recognised event in the legal calendar.

### Mutual legal assistance with other countries

In summer 2008, a new senior policy advisor was recruited by the International Division to lead on Mutual Legal Assistance (MLA) matters. Formerly the UK Liaison Magistrate in Spain, since his arrival he has updated the guidance to prosecutors on MLA. International Division continues to provide a service responding to queries from CPS prosecutors on MLA matters; it also engages proactively with the Home Office on relevant policy, such as the recently-agreed European Evidence Warrant (EEW).

The Organised Crime Division (OCD) manages a network of overseas CPS Liaison Magistrates on behalf of all UK criminal justice agencies. All Liaison Magistrates are in regular contact with CPS staff and provide hands-on MLA assistance, including advising on whether a formal request is required, assistance with drafting if required, and helping to ensure that the request is dealt with speedily.

A member of staff from OCD has been seconded to the UK National Team at Eurojust – an organisation set up to assist cross-border prosecutions within the European Union.

Following the DPP's successful visit to China in 2007, it became clear that there was a need to work with the Chinese to improve the flow of mutual legal assistance requests. International Division successfully bid for Foreign Office funding for a MLA seminar with China. A team of experts from the CPS, Home Office and the Serious Fraud Office (SFO) delivered the seminar in February 2009 in Beijing and Guangzhou, assisted by their counterparts from the Ministry of Justice, the Ministry of Public Security, the Chinese Prosecution Service and the Chinese Court Service.

With the support of the CCUs, the International Division has started to put into place a system for recording the number of MLA requests sent to each country. This will allow the Service to target its work with overseas jurisdictions more efficiently.

The prosecution of Owen Alfred (pictured left) and Oswin Moore (pictured right) is an example of successful MLA co-operation.



In March 2009, the two defendants were prosecuted by the Organised Crime Division; they were convicted of conspiracy to import cocaine from Trinidad & Tobago to the UK. Following an investigation in the UK, Trinidad & Tobago and Grenada, evidence was obtained using a number of letters of request to both countries. This first enabled successful extradition proceedings and, subsequently, a successful prosecution.

Further assistance was required at very short notice during the course of the trial to arrange the recalling of a number of police officers from Trinidad & Tobago for further cross-examination. The officers, who had previously travelled to the UK to give evidence, were recalled via a video link with Trinidad.

Both men received lengthy jail terms - Alfred was sentenced to 18 years' imprisonment, with Moore receiving a 15-year sentence.

### International capacity building

Throughout the year, International Division has strengthened the role of the CPS as a key partner in work to reform the CJSs in priority countries. A vision and strategy paper for CPS international work was produced in January 2009, setting out future plans. Priority countries have been identified in conjunction with CPS colleagues and Whitehall partners – in particular the Serious Organised Crime Agency (SOCA) and the Foreign and Commonwealth Office (FCO). The initiative will allow the Service to contribute to projects designed to enhance other jurisdictions' ability to deal with international crime at source, or in transit.



Identification of priority countries has secured funding from the FCO so that relevant work can be undertaken in places such as Afghanistan, Sierra Leone, Ghana, and much of the Caribbean. This will help improve criminal justice there while reducing any threat to the UK.

### Engagement with international institutions

The CPS is a key partner in policy-making on EU matters and international law. We routinely contribute to cross-Whitehall meetings on all aspects of EU law and policy, and provide advice to CJS ministers. We routinely send prosecutors to take part in negotiations at EU level. As a result, the CPS is consulted at the earliest possible stage of policy-making to ensure that, as far as possible, the UK government position reflects the needs of CPS prosecutors.

To ensure that the EU agenda is more widely understood by practitioner lawyers, International Division organised an EU seminar in September 2008. Key negotiators from the UK representation at the EU and the Office for Criminal Justice Reform were invited, as well as the UK National Member and Deputy National Member from Eurojust. After a session setting out how law is made in Brussels, details of the mechanisms for influencing policy-makers, and how prosecutors could become involved in the process, were outlined. The CPS also showed how European bodies such as Eurojust and the European Judicial Network could be of practical assistance to prosecutors.



International Division also contributes to the work of organisations such as the Council of Europe, the UN, and the International Association of Prosecutors (IAP). At the Annual IAP conference in September 2008, staff from the International Division launched the Global Prosecutors' E-crime Network. This initiative helps prosecutors tackle hi-tech crime and provides a global network that enables them to share best practice and seek support and training in this specialist field. Also, in autumn 2008, members of the International Division, Business Development Directorate (BDD) and the Special Crime Division (SCD) worked together to evaluate Tanzania's compliance with the UN Convention against Corruption.

## MANAGEMENT COMMENTARY

### Introduction

The Accounts report the resources that have been consumed working to deliver the Department's aim and objective. This report has been prepared in accordance with the guidance set out in the Government's *Financial Reporting Manual (FReM)*.

### Comprehensive Spending Review 2007

The Comprehensive Spending Review (CSR) 2007 settlement announced in October 2007 reflects the challenging fiscal environment and provides the CPS with an average annual real reduction in provision of 3.5% against the baseline budget for 2007-08.

The CSR 2007 settlement identified a series of ambitious value for money reforms to be taken forward by the CPS and the other Law Officers' Departments. The CPS is required to deliver:

- At least three per cent net value for money gains per annum;
- Five per cent annual real reductions in the core administration budget.

The Autumn Performance Report 2009 will be published in December 2009 and provides supplementary performance information on PSA targets, DSO and progress on the key initiatives being undertaken by the CPS and other CJS agencies. Autumn Performance Reports are available at [www.cps.gov.uk](http://www.cps.gov.uk).

## OPERATING AND FINANCIAL REVIEW

### a) Operating Review

#### (i) CPS Business Strategy for 2008-11 and Business Plan 2008-09

The CPS Business Strategy for 2008-11 and the Business Plan for 2008-09 (published as one document) sets out how the CPS will deliver the DSO and the PSA targets that were set as part of CSR 2007. PSAs 23 and 24 represent the government's key objectives in criminal justice.

These two PSAs are most directly relevant to the work of the CPS and the wider CJS and are jointly owned by the Home Office, the Ministry of Justice and the Law Officers' Departments. PSA 24 has the objective of delivering a more effective, transparent and responsive criminal justice system for victims and the public; bringing more offences to justice and improving public confidence in the CJS. PSA 23 "Make communities safer" focuses on putting local needs at the heart of the CJS and reducing crime and re-offending.

The CPS DSO is:

*To bring offenders to justice, improve services to victims and witnesses and promote confidence, by applying the Code for Crown Prosecutors, adopting a proportionate approach to determine which offenders should be charged and which should be diverted from court, and by firm and fair presentation of cases in court.*

In order to achieve this, the CPS has a vision that: *The CPS is a prosecution service that is confident and independent, efficient and effective – becoming truly world class. Everything that we do aims to deliver justice for all and to make our communities safer.*

This vision and the business strategy that supports it, builds on the significant progress that the CPS has achieved in the last few years, but goes beyond that to extend the types of advocacy that we undertake and the quality of that advocacy; to combine the robustness of our charging decisions with improvements that ensure we are efficient and support our police partners; and to focus our efforts for victims and witnesses to maximise the quality of the service they receive.

The Business Strategy sets out a challenging agenda based around six key priorities for 2008-09: improving our delivery in the magistrates' courts; completing and embedding our advocacy strategy; improving our services to victims and witnesses; playing our part in achieving the agreed PSA targets for 2008-11; restructuring our delivery model to improve performance, particularly on serious cases,

and improving value for money; ensuring that we lead and manage well to get the best from all CPS people, and that we engage with them, partners and communities to improve our service.

## **(ii) Key strengths**

The Board believes the key strengths of the CPS include:

The Department has clear, strong direction and leadership that has transformed the organisation's role, performance and reputation in recent years. The Vision has enthused and raised the ambitions of many staff and has attracted more high quality recruits. The CPS employs 2,937 prosecutors, 1,074 are Higher Court Advocates able to present cases in the Crown Court and in the Higher Courts. The Department also employs 453 Associate Prosecutors able to present cases in the magistrates' courts. Both groups are representative of the increasing professionalism of the CPS.

The CPS has made good progress in building positive and effective working relationships with its partners and is an influential voice in the Criminal Justice System, through the National Criminal Justice Board (NCJB) and the Local Criminal Justice Board (LCJB).

The CPS has a proven track record for successfully planning, resourcing and delivering major change initiatives including assuming the responsibility for determining the appropriate charge in all but the most routine cases, implementation of joint Witness Care Units with the police to provide a single point of contact for witnesses and the successful implementation of national Case Management and Witness Management Systems based on up to date IT infrastructure provided through a PFI agreement between the CPS and Logica.

The 2009-10 Main Estimate for the CPS has been approved.

## **(iii) Future Factors**

### **Corporate Services**

A review of HQ led to the recommendation that a new Directorate be introduced. As a result, in 2009-10, a new Corporate Services Directorate will be formed which is an amalgamation of the Business Information Systems and Finance Directorates. In addition Internal Audit and Area Resources Branch, formerly of the Business Development Directorate, will also be a part of Corporate Services.

### **RCPO**

A merger between the CPS and the Revenue and Customs Prosecutions Office (RCPO) will take place during 2009-10, with further consolidation in 2010-11.

These organisations are merging to provide an enhanced prosecution service, to safeguard and improve the already high quality work done in both services on serious and complex cases, and to deliver increased value for money.

Along with the rest of the public service the Law Officers' Departments have to deliver increased value for money, whilst maintaining and improving the quality of the service overall. Increased collaboration and economies of scale will help deliver an improved quality of prosecution services and value for money. This merger is forecast to produce savings of approximately 1.5% of the combined CPS-RCPO budget for 2010-11. The savings will come from adopting best practice from both organisations, economies of scale, sharing accommodation and IT infrastructure and from collaborative procurement.

### **International Financial Reporting Standards (IFRS)**

2008-09 is the last year that the CPS resource accounts will be produced under UK GAAP principles. As from 2009-10 the accounts will be prepared under IFRS.

**(iv) Summary of performance**

The CPS continued to make progress in 2008-09 and in working to achieve the SR2004 PSA targets. Full details of performance and achievements during the year and comparisons with achievements in previous years can be found within the body of the Annual Report under the heading: CRIMINAL JUSTICE SYSTEM PERFORMANCE.

The CPS Business Strategy for 2008-11 together with the CPS Business Plan for 2008-09 focus on how the PSA targets and DSO will be delivered and are available on the CPS website: [www.cps.gov.uk](http://www.cps.gov.uk).

**(v) Sustainability****Environmental matters**

The CPS continues to work towards embedding sustainable development. The Service was one of twenty pathfinders to become accredited with the Carbon Trust Standard. This award is for continually reducing carbon emissions over a three-year period.

Following a presentation to Senior Area Business Managers, further "Green Groups" have been developed in some Areas. Additional training has taken place and the CPS continues to work towards implementing Environmental Management Systems to the ISO 1400<sup>10</sup> Standard in some Areas.

During the last year, the CPS, along with other members of the Law Officers' Departments, has continued to improve its position within the Sustainable Development in Government Report.

**b) Financial Review**

The CPS net Request for Resources (RfR), as voted by Parliament, for the period to 31 March 2009 was £648 million. The outturn on expenditure as shown in the 2008-09 Accounts, Statement of Parliamentary Supply, was £632 million.

Note 2 to the Accounts analyses expenditure within the Departmental Expenditure Limit (DEL) by the Department's two functions, Administration and Crown prosecutions and legal services.

To meet the transitional and up-front costs of modernising and transforming the business of the Law Officers' Departments, the CPS had access to a ring fenced modernisation fund of £19 million. Access to the fund is only provided for costs directly related to efficiency, structural change and modernisation.

During 2008-09, the CPS managed to secure agreement to access funds of £8.556 million, £7 million of which was deferred for use in 2009-10 and 2010-11. These funds are to be used for the following:

- assessing progress and performance of the CPS Crown Advocates and external advocates in the Crown Court as part of the Advocacy Quality Management Strategy;
- modernising and reforming the CPS workforce;
- management and implementation of the Optimum Business Model (OBM); and
- leadership development training.

Administration represents the costs of running the Department and includes only those costs not attributed to front line services directly associated with the prosecution of criminal cases. Administration includes staff salaries, other staff related expenditure, accommodation and related costs for administrative staff based in the CPS Headquarters. Overall the CPS administration outturn was £52 million compared to net provision of £56 million. The underspend of £4 million reflects continuing efficiency savings resulting from the HQ Review, which has enabled a reduction in administration expenditure and reserves held as a contingency against unforeseen pressures were not therefore required.

<sup>10</sup> National rollout will be complete by the end of the CSR period.

Crown prosecutions and legal services cover the direct and indirect costs of taking cases to court. After the cost of front line staff salaries, most of the expenditure is associated with the costs of the more serious cases, which are heard in the Crown Court and comprise the costs of employing barristers as advocates, paying allowances and expenses to prosecution witnesses who attend court, the cost of expert testimony and a number of other less significant costs associated with the prosecution process.

Expenditure on Crown prosecutions and legal services was £581 million compared with provision of £592 million representing an underspend of £11 million. The underspend represents economies made in the year in preparation for the further reduction in available resources in 2009-10 and future years. Over £49 million of the CPS provision for programme costs is provided by way of costs awarded against defendants and collected by the magistrates' courts on behalf of the CPS and through the collection of receipts in respect of confiscated criminal assets.

The CPS uses two fees schemes for the payment of self-employed advocates' fees. The majority of cases in the Crown Court handled by external advocates are paid under the graduated fee scheme (GFS). GFS is a formulaic scheme using a range of measures to determine the fee, and measures include offence category, pages of evidence, numbers of witnesses, outcome type etc. The growth in the size of evidence bundles and a Government focus on bringing more serious crimes to justice creates upward pressure on the fees that the CPS pays.

There is further pressure from practitioner advocates for the CPS to increase prosecution GFS rates to achieve parity with rates being paid to defence advocates.

Over the last three years the number of Crown Court finalisations of defendants charged with indictable-only offences – the most serious cases of all – has risen from 35,654 in 2006-07 to 40,498 in 2008-09. Furthermore, the total number of

defendant finalisations in the Crown Court has risen by about 13% over the last three years from 123,476 in 2006-07 to 139,349 in 2008-09.

Crown Court finalisations have cost the CPS around an additional £20 million in prosecution costs expenditure, although the use of the CPS Crown Advocates (CAs) and better control of costs have helped to offset this pressure.

In general, the extension of recovery of criminal assets, the increasing requirements of disclosure, the conclusion of some extremely large cases, terrorism related prosecutions falling out of intensive activity by secret services and the police, and the increased use of information technology have all meant longer and more complex cases.

Capital expenditure is focused on improving the Department's estate and office environment and investment in IT through the PFI arrangement with Logica.

The Department spent a total of £4 million on the purchase of fixed assets. This was £1 million less than the budget. The underspend was caused substantially by slippage in accommodation projects for improvements to leasehold properties and the replacement of office equipment.

The Department's net cash requirement outturn was £618 million against an estimate of £647 million.

During 2008-09 debtors due within one year decreased by £9 million from £58 million to £49 million. This is due mainly to the rates bills being paid monthly through DTZ rather than being prepaid as in previous years and also the increase in the bad debt reserve for cost awards. Debtor days decreased from 187 to 172 days. Debtors effectively represent the outstanding value of cost awards due to the CPS that are collected by the magistrates' courts on our behalf. Repayment arrangements agreed with defendants by the courts mean that collection can occur over an extended period of time. The introduction of income in respect of recovered criminal assets under the Proceeds of Crime Act incentivisation scheme has increased the total income for the Department and reduced the proportion accounted for by cost awards.

In the same period creditors decreased from £76 million to £59 million and creditor days reduced from 53 days to 46 days. The decrease in creditors is principally due to the "amounts issued from the Consolidated Fund for supply but not spent at year end" figure falling from £22 million last year to £7 million this year.

### Reconciliation of resource expenditure between Estimates, Accounts and Budgets

	2008-09	2007-08
	£000	£000
Net Resource Outturn (Estimate)	648,032	648,432
Resource Budget (Estimate)	648,032	648,432
Adjustments to additionally include:		
Consolidated Fund Extra Receipts in the OCS	(165)	(164)
Unallocated Resource	(15,638)	(15,554)
Net Operating Cost (Accounts)	632,229	632,714

### Management

Sir Ken Macdonald QC was appointed the Director of Public Prosecutions in November 2003 and left the CPS on 31 October 2008. Keir Starmer QC was appointed as the new Director of Public Prosecutions on 1 November 2008. The Chief Executive supports the Director. The Chief Executive has responsibility for finance, human resources, performance management, IT and business and administrative processes, allowing the Director to concentrate on prosecution and legal processes. Peter Lewis was appointed as the Chief Executive on 15 January 2007. The Remuneration Report provides detail of service contracts, salary and pension entitlements for senior officials of the Department.

### CPS Board

The CPS Board supports the Director and Chief Executive. It is collectively responsible for the delivery of the CPS public service outcomes, targets and its contribution to the Criminal Justice System PSAs.

During 2008-09 the Board structure remained unchanged with the membership comprising the Director, Chief Executive, Chief Operating Officer, Finance Director, the Chief Executive of OCJR, and three Non-executive Directors. The membership of the Chief Executive of OCJR was under formal review during the period, and as such they did not attend meetings of the Board. Having served a maximum six-year term one of the Non-executive Directors left the Board in December 2008.

The effectiveness of the governance arrangements and membership was reviewed during 2008-09 and considered to be working successfully.

The membership of the CPS Board and their attendance during 2008-09 are as follows:

Board Member	Title	Attendance (out of 7 meetings)	Notes
Sir Ken Macdonald QC	DPP	3 (out of 4)	Left CPS 31 October 2008
Keir Starmer QC	DPP	3 (out of 3)	Joined CPS 1 November 2008
Peter Lewis	Chief Executive	7	
John Graham	Finance Director	6	
Mike Kennedy	Chief Operating Officer	7	
Gerard Lemos	Non-executive Director	5	
Philip Oliver	Non-executive Director	4 (out of 5)	Left CPS 31 December 2008
Rob Sykes	Non-executive Director	6	
Vacant	Acting Chief Executive, OCJR	0	Membership under review during 2008-09

The Board, Corporate Delivery and Management Group (CDMG), Group Chairs Group (GCG) and the Senior Area Business Managers meet twice yearly to debate strategic issues and key operational challenges.

The appointment and termination of staff who are members of the CPS Board, excluding the Non-executive Directors (NEDs) who are not employed by the CPS, is undertaken in accordance with the Civil Service Management Code. Where appropriate their remuneration, details of which can be found in the Remuneration Report, is determined by reference to the Senior Salaries Review Body. In the rare event of members holding company directorships or having any significant interests that conflict with their management responsibilities, these are declared and a record kept by the single secretariat.

No specific action was required at Board level due to a declaration of interest in 2008-09.

The role of the Board is to:

- Ensure the CPS continues to become world class and provides a fair and effective prosecution service;
- demonstrate visible and effective leadership across the organisation to inspire confidence in staff, CJS and other stakeholders and the public;
- determine the vision, role, direction and priorities of the CPS;
- ensure effective allocation and management of the CPS staff and financial resources;

- monitor and improve the CPS performance; and
- protect and enhance the CPS reputation as an organisation that is becoming a world class prosecution service.

Examples of business covered by the Board include:

- Headquarters Review;
- strengthening of the Finance function; and
- sickness absence.

### Corporate Delivery and Management Group

CDMG contributes to the development and delivery of the CPS Vision and Strategy, cross CJS PSAs, CPS public service outcomes and other priorities.

Examples of business covered by the CDMG include:

- Change Portfolio;
- Stakeholder Management Strategy; and
- Staff Survey.

The membership of the CDMG and their attendance during 2008-09 are as follows:

CDMG Member	Position/Role	Attendance (out of 10 meetings)	Notes
Peter Lewis	Chief Executive	9	
John Graham	Finance Director	8	
Mike Kennedy	Chief Operating Officer	9	
David Jones	Business Information Systems Director	10	
Roger Daw	Policy Director	8	
Ros McCool	Human Resources Director	9	
Séamus Taylor	Equality and Diversity Director	7 (out of 9)	Left CDMG after February meeting
Philip Oliver	Non-executive Director	5 (out of 7)	Left CDMG after December meeting
Karen Sawitzki	Senior Business Manager	9	
Dru Sharpling	CCP London	10	
Pam Teare	Head of Communication	9	

### Group Chairs Group

GCG contributes to the development and delivery of the CPS Vision and Strategy, cross CJS PSAs, CPS public service outcomes and other priorities.

Examples of business covered by the GCG include:

- Optimum Business Model;
- Advocacy Quality Assurance; and
- Modernising Charging.

The membership of the GCG and their attendance during 2008-09 are as follows:

GCG Member	Position/Role	Attendance (out of 10 meetings)	Notes
Peter Lewis	Chief Executive	9	
Mike Kennedy	Chief Operating Officer	10	
Paul Whittaker	Group Chair Merseyside & Cheshire	10	
Neil Franklin	Group Chair West / North Yorkshire	8	
Martin Goldman	CCP CPS Direct	8	
Dru Sharpling	CCP London	10	
John Holt	Group Chair Manchester	8	
David Blundell	Group Chair West Midlands	7	
Nicola Reasbeck	Group Chair North East	7 (out of 8)	Left GCG after January meeting
Wendy Williams	Group Chair North East	4 (out of 4)	Joined GCG at December meeting
Nigel Cowgill	Group Chair South Yorkshire & Humberside	5 (out of 6)	Left GCG after October meeting
Barbara Petchey	Group Chair South Yorkshire & Humberside	4 (out of 4)	Joined GCG at December meeting
Bob Marshall	Group Chair North West	8	
Chris Woolley	Group Chair Wales/Cymru	9	
Barry Hughes	Group Chair South West	9	
Nick Hawkins	Group Chair Wessex	9	
Roger Coe-Salazar	Group Chair South East	8	
Baljit Ubhey	Group Chair Thames & Chiltern	8	
Ken Caley	Group Chair Anglia	8	
Judith Walker	East Midlands	10	
Alison Saunders	Casework Divisions	6	

## Audit Committee

The Audit Committee (AC) supports the Accounting Officers in their responsibilities for issues of internal control, risk and governance by reviewing the comprehensiveness and integrity of assurances in meeting the CPS Board and Accounting Officers' assurance needs. The AC's role and responsibilities remained unchanged throughout the year.

Examples of business covered by the AC include:

- Reviewed assurances received in respect of the systems and processes of internal control, risk and governance, which included those provided by Internal Audit, management, the NAO and HMCPSI;

- reviewed the Statement on Internal Control and Resource Accounts for 2008-09, including the observations by the NAO in their capacity as external auditors, and recommended acceptance by the Board; and
- approved and monitored the Internal Audit programme for 2008-09 and the external auditors' strategy and plan for the 2008-09 Resource Accounts.

AC Member	Position/Role	Attendance (out of 5 meetings)	Notes
Rob Sykes	Non-executive Director (Chair)	5	
David Judd	Non-executive member	5	
Paula Abrahams	CCP Essex	5	
Gail Pessol	ABM Lincolnshire	1 (out of 2)	Joined AC at the October meeting. Left AC after the January meeting
Claire Lindley	CCP Cumbria	3 (out of 3)	Joined AC at the October meeting

## Pensions

The Accounting Policy Note 1.8 describes the CPS policy on how pension liabilities are treated and the accounting treatment is detailed in Note 7 and in the Remuneration Report.

## Equal Opportunities

The CPS has a policy of equal opportunities and aims to create and sustain a working environment that is fair to all. Through commitment, action and review, the aim is to ensure that employment, training and development opportunities are appropriate to the abilities of the individual regardless of their sex, race, colour, nationality, ethnic or national origins, disability, religion, age, marital status, working pattern, sexual orientation or gender reassignment.

This policy has been jointly agreed and endorsed by the management and trade union sides of the Departmental Whitley Council. Both parties have affirmed their full support for the principle of equality of opportunity, and are determined to ensure that this policy is effectively implemented at all levels of the Service.

The Department's policy is based on the legislation governing equal opportunities and aims to promote equality of opportunity by following both the spirit and the letter of that legislation. The legislation is: the Sex Discrimination Act 1975, the Sex Discrimination (Gender Reassignment) Regulations 1999, the Race Relations Act 1976 and the Disability Discrimination Act 1995.

### An Equal and Diverse Prosecution Service

The CPS continually strives to improve its reputation on equality and diversity issues and its work has been positively recognised through the Cabinet Office Capability Review of the CPS in June 2007. The Service is moving on to a third phase in its work to further equality and diversity. It began with an agenda setting and awareness raising period, and then in 2005 the Service moved to an outcome and performance based approach. It will now build on this work and focus on bringing about cultural change to help to secure lasting transformational change on equality and diversity.

The CPS is committed to further progress on equality and diversity in employment and is implementing a Diversity Delivery Plan which sets out what we will do to achieve workforce representation targets.

### Reporting of Personal Data Related Incidents

Incidents, the disclosure of which would in itself create an unacceptable risk of harm, may be excluded in accordance with the exemptions contained in the Freedom of Information Act 2000 or may be subject to the limitations of the other UK information legislation.

### TABLE 1: SUMMARY OF PROTECTED PERSONAL DATA RELATED INCIDENTS FORMALLY REPORTED TO THE INFORMATION COMMISSIONER'S OFFICE IN 2008 – 09

No incidents have needed to be reported to the Information Commissioner.

### TABLE 2: SUMMARY OF OTHER PROTECTED DATA RELATED INCIDENTS IN 2008 – 09

Incidents deemed by the Data Controller not to fall within the criteria for report to the Information Commissioner's Office but recorded centrally within the Department.

Category Types	Nature of Incident	Total
I	Loss of inadequately protected electronic equipment, devices or paper documents from secured Government premises	1
II	Loss of inadequately protected electronic equipment, devices or paper documents from outside secured Government premises	1
III	Insecure disposal of inadequately protected electronic equipment, devices or paper documents	0
IV	Unauthorised disclosure	2
V	Other	11

### Explanatory Notes:

- The losses relate to a very limited amount of personal data and in most instances related to a single case. To put the losses into context, the CPS handles approximately 1.3 million defendant cases in a year. Most of these files make at least one journey to court. In addition CPS sends evidence to both the court and defendants / solicitors / barristers.

- Included
- Category I - 1 incident related to a loss from within a CPS building.
- Category II - 1 incident related to a theft of information from CPS at a court.
- Category IV - 1 incident relates to a fax being sent to the incorrect number and 1 incident relates to victim details being served on defence in error.
- Category V - 11 personal data loss incidents relate to information in transit.
- Minor incidents have been excluded for the purposes of this report.
- Lost/Stolen Laptops/Blackberries: The figures in Table 2 do not include lost or stolen Laptops and Blackberries. No data losses have resulted from these incidents as the equipment is encrypted to Government standard and the data is therefore fully protected against compromise.

**Totals:**

Lost/Stolen Blackberries	6
Lost/Stolen Laptops	3

**Staff Engagement**

Employee engagement is described as employees' willingness and ability to invest their personal effort in the success of the CPS. The CPS recognises that this is critical to retaining key talent and securing high levels of individual, team and organisational performance.

The CPS carries out staff surveys to assess employees' experiences and measure their level of engagement. Key actions have been identified for improvement and incorporated into CPS projects and programmes. To reinforce its importance, local staff engagement has been measured through robust "People Measures" activities across the Service.

The CPS trades unions play an important part in staff engagement through their wider role in representing employees. During the year, the CPS and the trades unions have developed and implemented an Employee Relations Framework Agreement. This sets out new arrangements to promote effective negotiation, consultation and information sharing. It forms part of a wider, ongoing strategy and programme to build constructive, forward-looking employee relations within the CPS.

In 2008, the CPS agreed a reward and recognition strategy that described how the CPS would modernise its pay structures over the three years to April 2011. These changes form part of the three-year pay award, which was implemented in November 2008.

**Employee Consultation and Providing Information to Employees**

The CPS has continued in its strategy of communicating and consulting with staff, both formally and informally. The main hub for the promulgation of business information is from an area on the CPS Intranet called "Infonet Live". From here staff can access weekly business updates, news and information produced by Areas and HQ Directorates for a more local perspective, as well as the monthly publication CPS News, which is also produced in hard copy and goes to an audience beyond the CPS.

The CPS Intranet home page provides a portal to a number of themed areas as well as an online bulletin board, which is used to discuss a variety of business and social subjects. The Intranet is becoming an important communication tool for the Department, as it moves to more sustainable working practices, with manuals and standard forms from across the different Directorates also published online, including the CPS HR policy procedures.

Staff are informed about items of change through team meetings and by newsletters circulated by project managers.

### Sickness Absence

A renewed focus by the CPS Board in 2008-09, coupled with the launch of our Attendance Management and Wellbeing Strategy, which promoted the proactive and sensitive management of absence, led to an improvement in sickness absence performance. There was a reduction in average working days lost to sickness – down from 9.4 days per employee in the year to March 2008, to 8.5 days in the year to March 2009.

### Payment of Suppliers and Witnesses

The CPS is committed to paying bills in accordance with agreed contractual conditions, or, where no such conditions exist, within 30 days of receipt of goods or services or the presentation of a valid invoice, whichever is the later. The CPS also seeks to pay all expenses to prosecution witnesses within five working days of receipt of a correctly completed claim form.

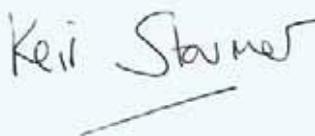
In 2008-09 the CPS settled 88.10% of undisputed invoices within 30 days of receipt and 91.53% of witness claims within five days. The CPS paid £797 with respect to interest due under the Late Payment of Commercial Debts (Interest) Act 1998.

### Auditors

This year's Resource Accounts have been audited by the National Audit Office on behalf of the Comptroller and Auditor General. No further audit services were received aside from that of statutory audit by the NAO.

The cost of audit work was £103,000, and comprised £92,000 for the audit of the CPS 2008-09 Resource Accounts and £11,000 for the audit of IFRS Trigger Point 2. Auditors' remuneration is a notional cost (see Note 8).

As far as the Accounting Officer is aware, there is no relevant audit information of which the National Audit Office are unaware, and the Accounting Officer has taken all the steps that he ought to have taken to make himself aware of any relevant audit information and to establish that the entity's auditors are aware of that information.



**Keir Starmer QC**  
Accounting Officer  
25 June 2009

### STATEMENT OF ACCOUNTING OFFICER'S RESPONSIBILITIES

Under the Government Resources and Accounts Act 2000, HM Treasury has directed the Crown Prosecution Service to prepare for each financial year resource accounts detailing the resources acquired, held or disposed of during the year and the use of resources by the Department during the year. The accounts are prepared on an accruals basis and must give a true and fair view of the state of affairs of the Crown Prosecution Service and of its net resource outturn, resources applied to objectives, recognised gains and losses and cash flows for the financial year.

In preparing the accounts, the Accounting Officer is required to comply with the requirements of the *Government Financial Reporting Manual* and in particular to:

- observe the Accounts Direction issued by HM Treasury, including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis;
- make judgements and estimates on a reasonable basis;
- state whether applicable accounting standards as set out in the *Government Financial Reporting Manual* have been followed, and disclose and explain any material departures in the accounts; and
- prepare the accounts on a going concern basis.

HM Treasury has appointed the Director of Public Prosecutions as Accounting Officer of the Department, and the Director of Public Prosecutions has appointed the Chief Executive as an Additional Accounting Officer, with responsibility for preparing the Department's accounts and for transmitting them to the Comptroller and Auditor General. The responsibilities of an Accounting Officer, including responsibility for the propriety and regularity of the public finances for which the Accounting Officer is answerable, for keeping proper records and for safeguarding the Department's assets, are set out in *Managing Public Money* published by HM Treasury. Under the terms of the Accounting

Officer's Memorandum, the relationship between the Department's principal and additional Accounting Officers, together with their respective responsibilities, is set out in writing.

## STATEMENT ON INTERNAL CONTROL

### Scope of responsibility

As Accounting Officer, I have responsibility for maintaining a sound system of internal control that supports the achievement of the CPS policies, aims and objectives, whilst safeguarding the public funds and departmental assets for which I am personally responsible, in accordance with the responsibilities assigned to me in *Managing Public Money*.

I am supported in managing the CPS and its key risks by a Chief Executive as additional Accounting Officer, the CPS Board and six Headquarters Directors. The CPS Board is supported by the Corporate Delivery and Management Group, the Group Chairs Group and the Audit Committee. The CPS is organised into geographical Areas each headed by a Chief Crown Prosecutor and organised into Groups under the oversight of a Group Chair. In 2008-09 line management responsibility for Chief Crown Prosecutors was assigned to Group Chairs. Group Chairs are accountable to me for legal decisions and casework and, in the first instance to the Chief Executive for the delivery of the CPS objectives and PSA targets, and for managing local risks.

The CPS is an independent part of the criminal justice system under the ministerial superintendence of the Attorney General. I regularly meet the Attorney General to discuss progress, the issues and the risks of key criminal justice policy initiatives.

### The purpose of the system of internal control

The system of internal control is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives; it can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of departmental policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically. The system of internal control has

been in place in the CPS for the year ended 31 March 2009 and up to the date of approval of the annual report and accounts, and accords with HM Treasury guidance.

### Capacity to handle risk

The CPS Board is responsible for ensuring that appropriate risk management arrangements exist and for ensuring that corporate risks are properly managed. The Corporate Delivery and Management Group assists the Board by providing regular and detailed oversight of our risk management capability and the management of key corporate risks (the role of the Corporate Delivery and Management Group is set out under 'Review of Effectiveness').

A Risk Management Champion (who is a Board member) and a Principal Risk Management Advisor, who is responsible for advising on embedding risk management across the Service, supported the Board during 2008-09 and provided update reports to the Board, the Corporate Delivery and Management Group and the Audit Committee.

The Board approved the CPS corporate risk tolerance – the amount of risk the Department is prepared to carry and all corporate risk owners are Board or Corporate Delivery and Management Group members.

Group Chairs and Chief Crown Prosecutors are personally responsible for maintaining effective risk management arrangements and ensuring an effective system of internal control is operated in their Groups and Areas. With the Chief Executive, I personally take part in a quarterly round of performance review meetings with Areas, including any key challenges or risks across key performance indicators and business change projects. For 2008-09, the performance framework was revised to provide a broader range of indicators and a clearer alignment between Area performance measures and the Department's strategic priorities.

In addition, in the latter part of 2008-09 the Chief Executive and I started an extensive round of Area visits to engage with Area managers and staff at all levels. Throughout the year Board meetings were arranged at Area offices to allow the Board to meet with staff. Also, Area and Casework Divisions procedures for identifying and managing their business risks are assessed on a two year cycle: 22 Areas were reviewed in 2008-09. A yearly performance and delivery risk review is applied to Headquarters Directorates.

The CPS risk management framework is contained in a written policy statement, a practical risk management guide and a written statement of best practice criteria. These were reviewed, updated and re-issued in 2008-09.

Risk management guidance is provided at the start of each business planning round. Risk training is provided on demand but take up in the year was limited. In response, a range of learning opportunities were promoted in the final quarter and at the end of the year, work was done to integrate risk into core management training provided across the Service. The CPS Centre of Excellence also delivered training focused on managing business change risks.

Support and best practice guidance is available from the Principal Risk Management Advisor and the Centre of Excellence, allowing Areas access to practical help and advice on managing their risks. The full range of risk guidance and support is available to everyone through the Service's internal 'Infonet' and is integrated with other business management and delivery skills that include planning, change, and programme and project management guidance.

### The risk and control framework

All risk management activity is aligned to the corporate aims, objectives, priorities and PSA commitments. Formal Risk Management is applied to strategic corporate risks, Group and Area operational and business risks and key business change programmes. For 2008-09 the focus for corporate and Area risks was the delivery of the PSA targets and the other priority business delivery improvement programmes. The priority corporate risk areas were:

- change management arrangements and the effective delivery of business benefits and efficiency gains;
- maintaining capability to deliver quality core business;
- our capacity and capability to sustain delivery of the PSA targets and business change commitments;
- effective management of stakeholder relations that impact on delivery of core business, the PSA targets and business change commitments;
- the impact on reputation from adverse publicity;
- efficiency delivery and funding constraint effects on service delivery and public confidence;
- the impacts on effective delivery of core business and CPS reputation arising from a potential change to the responsibility for charging decisions (added October 2008); and
- information handling and security risks (added October 2008).

Corporate, Area and HQ Directorate Business plans are constructed in tandem with the relevant risk registers. Corporate and operational business risk owners are responsible for ensuring proper review and re-assessment of the level of risk. The Corporate Delivery and Management Group is responsible for identifying the risks to be managed corporately and updating the corporate risk register at formal quarterly reviews.

The CPS Board agrees and reviews the corporate risk register twice in the year and receives quarterly performance and risk highlight reports, and separate reports of any escalated risks. No corporate risks were escalated to the Board in 2008-09.

On behalf of the Board, the Corporate Delivery and Management Group oversees strategic business change projects and considers the level of risk assumed, and the balance of risk and potential benefits of new projects. A fundamental review of the CPS change programme in 2008-09 streamlined and re-prioritised the portfolio. Linked to this, further work to improve the management and governance will be carried into 2009-10. Key business change programmes undergo Office of Government Commerce style 'Gateway' or 'Health Check' reviews.

For information handling and security risks the Board is assisted by a Chief Information Officer, Senior Information Risk Officer (both of whom are Corporate Delivery and Management Group members) and the Departmental Security Officer. Our approach to information risk management is to integrate it into our existing business and change risk arrangements. Work to meet all of the Hannigan and Cabinet Office Security Framework requirements, including final development of information risk policy and our plans to further develop the appropriate culture and awareness, will not be completed until 2009-10. Whilst we recognize that we can improve the level of compliance with our information handling and security standards, I am confident that there is an adequate framework of processes and procedures against which we can adequately deliver and monitor our performance.

The Board fully met their programmed corporate risk identification and review commitments and their governance role, including the progress of managing the associated key risks and issues in 2008-09. The Corporate Delivery and Management Group reviewed corporate risks on two of the four planned occasions but tracked progress using the performance and risk summary report. I am satisfied that the necessary risk management actions were addressed properly at operational and project level.

Managers and staff at all levels have a responsibility to identify, evaluate, manage or report risks. The Director, Chief Executive and the Board encourage innovation and taking opportunities to further the interests of the CPS and the achievement of its objectives. The Board has set the CPS risk tolerance range, and the acceptable parameters for risk taking by managers are outlined in the CPS risk policy and guidance documents.

The Board requires Groups, Areas and HQ Directorates to maintain:

- a risk register detailing priority by likelihood and impact and showing ownership;
- a risk management action plan; and
- evidence of regular review and monitoring.

Group and Area risk registers were reviewed at the start of the year to identify trends and common themes. No issues were escalated to the corporate risk register.

In addition, we have undertaken specific review of risks around:

- efficiency programme delivery;
- fraud; and
- key supplier and contractor resilience.

The CPS capacity to handle risk is under continuing review by the Corporate Delivery and Management Group and Audit Committee and the Principal Risk Management Advisor reports on progress against the CPS risk management development strategy.

The formal 5 year risk development programme came to an end on 31 March 2009; however, we are committed to continuing development around:

- further embedding risk – we are addressing this by continuing review and development of awareness, maintaining and updating the level of support and guidance provided, promoting a programme of risk training integrated into our core management training wherever practical, and continuing with our quality assurance arrangements;
- demonstrating improved risk handling and better delivery of planned outcomes – we are addressing this with our work to develop our change management and delivery monitoring arrangements, and by maintaining our regular performance and risk management review programme; and
- managing risks with partners – we are continuing to address this by working with Office of the Criminal Justice Reform on risks to the delivery of criminal justice PSA targets, a joint and formal approach for joint developments, e.g. the Criminal Justice Speedy Simple Summary system, in the wider context by consulting risk representatives across Government in the HM Treasury sponsored Risk Improvement Group.

I am satisfied that, although we could further improve the application of our risk management framework, we have reached a reasonable level of integration and our risk management arrangements meet the necessary governance standards.

### Review of effectiveness

As Accounting Officer, I have responsibility for reviewing the effectiveness of the system of internal control. My review of the effectiveness of the system of internal control is informed by the work of the internal auditors and the executive managers within the Department who have responsibility for the development and maintenance of the internal control framework, and comments made by the external auditors in their management letter and other reports. I have been advised on the implications of the result of my review of the effectiveness of the system of internal control by the Board, the Audit Committee and the Corporate Delivery and Management Group, and a plan to address weaknesses and ensure continuous improvement of the system is in place.

In line with the Corporate Governance Code of Practice and to reflect changes in the Area line management arrangements we again reviewed our governance arrangements in 2008-09. Although we have reaffirmed the reliability of the basic Board and sub-group/committee structure, the Board is considering refinements to address changes, due to attrition, to the balance of executive and non-executive members; increasing the Board's profile across the Service; and developing a more clearly delineated and complementary work programme for each of the Group Chairs Group and Corporate Delivery and Management Group that minimises duplication of business.

The responsibilities of the Board and sub-groups are clearly defined. During 2008-09, the Board sub-groups and committees and their key roles were:

- Corporate Delivery and Management Group – to assist the Board in developing CPS and CJS strategy and policy; helping to exploit opportunities for partnership working; overseeing the corporate change agenda and benefits delivery; and overseeing key corporate performance and risk issues and advising the Board on strategic impacts and actions;

- Group Chairs Group – to assist the Board in developing CPS and CJS strategy and policy and helping to exploit opportunities for partnership working; advise on the impacts of proposed key operational changes; advise on the operational implications of key corporate performance and risk management issues; and
- Audit Committee – to provide objective advice, support and assurance to the Accounting Officer and additional Accounting Officer on corporate governance, risk management, the system of internal control and external audit reports.

Non-executive Directors sit on each group and committee with the exception of the Group and Area focused Group Chairs Group.

The Department has an internal audit function that operates to the 'Government Internal Audit Standards' guidance. They submit reports against progress; key findings and the level of assurance that can be provided at each Audit Committee meeting. The Audit Committee reviews and approves the annual report to me by the Head of Internal Audit that provides an independent opinion on the adequacy and effectiveness of the Department's system of internal control and includes recommendations for improvement to the systems of internal control.

In 2008-09, to support our commitment to the Code of Good Practice on Corporate Governance and the guidance contained in HM Treasury's Audit Committee Handbook, the Audit Committee undertook a self assessment, facilitated by the National Audit Office. The key improvements to be implemented in 2009-10 are to rebalance the proportion of executive and non-executive members to take a systematic approach to ensuring the committee has the necessary skill set.

At the end of the calendar year each Chief Crown Prosecutor and HQ Director completes a certificate of assurance. The scope and focus for the certificates were updated for 2008. The certificates include a statement on the level of assurance achieved throughout the year by the Area/ Directorate against key aspects of their

business. They specifically provide an assurance on the effectiveness of local systems to identify and manage the principal risks to the delivery of the CPS policies, aims and objectives. All certificates are supported by a portfolio of evidence and are validated by Internal Audit against HM Crown Prosecution Service Inspectorate reports and other performance information. For 2008-09, assurances by managers indicated a continuing improvement in the reliability and effectiveness of key systems and business activities. A small number of 'assurance hotspots' were identified for further development work in 2009-10: providing the desired level of service to Victims and Witnesses; ensuring continuing base levels of security are maintained; and leveraging best use from the staff performance and development reporting system.

Our quarterly performance review programme with Group Chairs and Area Chief Crown Prosecutors and Business Managers (detailed in the Capacity to Handle Risk section) is a key part of monitoring effectiveness of the system of internal control. Resulting action plans for performance improvement are agreed with me, the Chief Executive and the Chief Operating Officer.

Independent review of business efficiency and effectiveness in the Areas is carried out by HM Crown Prosecution Service Inspectorate. In 2008-09 they undertook a programme of inspection that included Area, the CPS London's Fraud Prosecution Service, CPS Direct and HQ casework divisions. A joint regional inspection of Lancashire; and thematic reviews of safeguarding children, charging, decision making and conduct cases arising from road traffic offences involving fatalities, and the Plea and Sentence Documentation Scheme were also carried out.

### Significant internal control issues

I have two significant internal control issues to report for 2008-09; all previously reported issues have been cleared.

#### **Employment Tribunal Judgement that attracted significant media interest:**

in 2008-09 an Employment Tribunal made a remedies judgement against the CPS that attracted significant media interest. (The monetary award is reflected in the Losses Statement). The judgement indicated that the CPS had acted unfairly by not treating the suspension of an officer as disciplinary action as there was a difference between the written disciplinary policy and that applied in practice. Although some aspects of the judgement are being contested and are subject to appeal, there are key lessons to be addressed.

Since the original issue arose in 2001 we have improved the internal control in this area by clarifying our disciplinary policy; providing focussed training and coaching; and implementing a monitoring framework for all disciplinary actions. In addition, we have refreshed our equality and diversity training programme several times over this period.

**Digital media receipt and logging:** in 2007-08, we discovered a data disk containing DNA crime scene profiles from a European police service had not been properly logged, reviewed or actioned. There is no suspicion that the data was compromised in any way, but it was not securely stored at times whilst in possession of the CPS.

There was a long delay in accessing the data, however, ultimately, none of the information thereon has been added to UK databases, and the information on the disk alone did not provide a basis for any criminal proceedings in the UK.

Nonetheless, this was an unacceptable standard for handling sensitive data and in 2008-09 we introduced a single point of receipt for materials and information received into the relevant Directorate, with new logging and management check procedures, including materials received as attachments to e-mails. Also, we agreed with the National Police Improvement Agency that future exchange of data will include identification of senior contacts in each jurisdiction for the secure transmission handling and effective use of DNA information.



**Keir Starmer QC**  
Accounting Officer  
25 June 2009



## THE CERTIFICATE AND REPORT OF THE COMPTROLLER AND AUDITOR GENERAL TO THE HOUSE OF COMMONS

I certify that I have audited the financial statements of the Crown Prosecution Service for the year ended 31 March 2009 under the Government Resources and Accounts Act 2000. These comprise the Statement of Parliamentary Supply, the Operating Cost Statement and Statement of Recognised Gains and Losses, the Balance Sheet, the Cashflow Statement and the Statement of Operating Costs by Departmental Strategic Objective and the related notes. These financial statements have been prepared under the accounting policies set out within them. I have also audited the information in the Remuneration Report that is described in that report as having been audited.

### Respective responsibilities of the Accounting Officer and auditor

The Accounting Officer is responsible for preparing the Annual Report, which includes the Remuneration Report, and the financial statements in accordance with the Government Resources and Accounts Act 2000 and HM Treasury directions made thereunder and for ensuring the regularity of financial transactions. These responsibilities are set out in the Statement of Accounting Officer's Responsibilities.

My responsibility is to audit the financial statements and the part of the Remuneration Report to be audited in accordance with relevant legal and regulatory requirements, and with International Standards on Auditing (UK and Ireland).

I report to you my opinion as to whether the financial statements give a true and fair view and whether the financial statements and the part of the Remuneration Report to be audited have been properly prepared in accordance with HM Treasury directions issued under the Government Resources and Accounts Act 2000. I report to you whether, in my opinion, the information which comprises the Management Commentary, the Operating Financial Review and the community engagement agenda included in the Annual Report, is consistent with

the financial statements. I also report whether in all material respects the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them.

In addition, I report to you if the Department has not kept proper accounting records, if I have not received all the information and explanations I require for my audit, or if information specified by HM Treasury regarding remuneration and other transactions is not disclosed.

I review whether the Statement on Internal Control reflects the Department's compliance with HM Treasury's guidance, and I report if it does not. I am not required to consider whether this statement covers all risks and controls, or to form an opinion on the effectiveness of the Department's corporate governance procedures or its risk and control procedures.

I read the other information contained in the Annual Report and consider whether it is consistent with the audited financial statements. This other information comprises the unaudited part of the Remuneration Report, the Director's Letter to the Attorney General, Introduction, Summary of Performance and Achievements, CSR 2007 progress on delivery, Improving performance in the magistrates' courts, Completing and embedding the Advocacy Strategy, Focusing support to victims and witnesses and Playing its part in achieving the agreed PSA targets for 2008-11, Restructuring the delivery model, Ensuring that the CPS leads and manages well, and Annexes A - M. I consider the implications for my certificate if I become aware of any apparent misstatements or material inconsistencies with the financial statements. My responsibilities do not extend to any other information.

### Basis of audit opinions

I conducted my audit in accordance with International Standards on Auditing (UK and Ireland) issued by the Auditing Practices Board. My audit includes examination, on a test basis, of evidence relevant to the amounts, disclosures and regularity of financial transactions included in the financial statements and the part of the Remuneration Report to be audited. It also includes an assessment of the significant estimates and judgments made by the Accounting Officer in the preparation of the financial statements, and of whether the accounting policies are most appropriate to the Department's circumstances, consistently applied and adequately disclosed.

I planned and performed my audit so as to obtain all the information and explanations which I considered necessary in order to provide me with sufficient evidence to give reasonable assurance that the financial statements and the part of the Remuneration Report to be audited are free from material misstatement, whether caused by fraud or error, and that in all material respects the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them. In forming my opinion I also evaluated the overall adequacy of the presentation of information in the financial statements and the part of the Remuneration Report to be audited.

### Opinions

In my opinion:

- the financial statements give a true and fair view, in accordance with the Government Resources and Accounts Act 2000 and directions made thereunder by HM Treasury, of the state of the Department's affairs as at 31 March 2009 and the net cash requirement, net resource outturn, net operating cost, operating costs applied to departmental strategic objectives, recognised gains and losses and cashflows for the year then ended;

- the financial statements and the part of the Remuneration Report to be audited have been properly prepared in accordance with HM Treasury directions issued under the Government Resources and Accounts Act 2000; and
- information which comprises the Management Commentary, Operating and Financial Review, and Community Engagement Agenda included within the Annual Report, is consistent with the financial statements.

### Opinion on regularity

In my opinion, in all material respects, the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them.

### Report

I have no observations to make on these financial statements.

**Amyas C E Morse**

Comptroller and Auditor General

National Audit Office  
151 Buckingham Palace Road  
Victoria  
London SW1W 9SS

30 June 2009

## Statement of Parliamentary Supply Summary of Resource Outturn 2008-09

	Note	Estimate			Outturn			2008-09	2007-08
		Gross expenditure	A in A	Net Total	Gross expenditure	A in A	Net Total	£000	£000
							Net total outturn compared with Estimate: saving/ (excess)	Net Total	
Request for resources 1: Increasing public confidence in the criminal justice system through fair, firm and effective prosecutions	2	709,815	61,783	648,032	689,227	56,833	632,394	15,638	632,878
Total resources	3	709,815	61,783	648,032	689,227	56,833	632,394	15,638	632,878
Non-operating cost A in A	5	-	-	-	-	-	-	-	-

## Net cash requirement 2008-09

	Note	Estimate	Outturn	2008-09	2007-08
				£000	£000
				Net total outturn compared with Estimate: saving/ (excess)	Outturn
Net cash requirement	4	646,529	618,048	28,481	627,039

## Summary of income payable to the Consolidated Fund

In addition to appropriations in aid, the following income relates to the Department and is payable to the Consolidated Fund

	Note	Forecast	2008-09	Outturn	2008-09
		Income	£000 Receipts	Income	£000 Receipts
Total	5	-	-	165	153

Explanations of variances between Estimate and outturn are given in Note 2 and in the Management Commentary.

The notes on pages 63-88 form part of these accounts

## Operating Cost Statement for the year ended 31 March 2009

	Note	2008-09		2007-08	
		£000	£000	£000	£000
		Staff Costs	Other Costs	Income	
<b>Administration Costs on HQ and Central Services</b>					
Staff costs	7	27,357			27,312
Other administration costs	8		26,181		26,697
Operating income	10			(1,821)	(1,650)
<b>Crown Prosecutions and Legal Services</b>					
Staff costs	7	338,583			333,576
Other programme costs	9		297,106		302,973
Less: income	10			(55,177)	(56,194)
<b>Totals</b>		<b>365,940</b>	<b>323,287</b>	<b>(56,998)</b>	<b>632,714</b>
<b>Net operating cost</b>	3			<b>632,229</b>	<b>632,714</b>
<b>Net resource outturn</b>	4			<b>632,394</b>	<b>632,878</b>

## Statement of Recognised Gains and Losses for the year ended 31 March 2009

	Note	2008-09 £000	2007-08 £000
Net (loss) / gain on revaluation of tangible fixed assets	18	(944)	2,299
Net gain on revaluation of intangible fixed assets	18	-	7
<b>Recognised (loss) / gain for the financial year</b>		<b>(944)</b>	<b>2,306</b>

During 2008-09 there was significant downward revaluation of Land and Buildings tangible fixed assets. To reflect this, part of the movement in valuation has been reflected via a restatement of reserves rather than via a charge in the Operating Cost Statement.

## Balance Sheet as at 31 March 2009

	Note	2009 £000	2008 £000
<b>Fixed assets:</b>			
Tangible assets	11	26,885	28,114
Intangible assets	12	371	627
Debtors falling due after more than one year	13	1,563	2,400
<b>Current assets:</b>			
Debtors	13	48,820	57,680
Cash at bank and in hand	14	6,663	23,029
		<u>55,483</u>	<u>80,709</u>
Creditors (amounts falling due within one year)	15	<u>(59,073)</u>	<u>(75,670)</u>
Net current assets		<u>(3,590)</u>	<u>5,039</u>
Total assets less current liabilities		25,229	36,180
Provisions for liabilities and charges	16	<u>(16,383)</u>	<u>(12,715)</u>
		<u>8,846</u>	<u>23,465</u>
<b>Taxpayers' equity:</b>			
General fund	17	3,223	16,293
Revaluation reserve	18	5,623	7,172
		<u>8,846</u>	<u>23,465</u>

*Keir Starmer*

**Keir Starmer QC**  
Accounting Officer  
25 June 2009

## Cash Flow Statement for the year ended 31 March 2009

	2008-09	2007-08
Note	<i>£000</i>	<i>£000</i>
Net cash outflow from operating activities	19(a) (614,001)	(623,543)
Capital expenditure and financial investment	19(b) (3,894)	(2,188)
Payments of amounts due to the Consolidated Fund	(1,222)	(2,293)
Financing	19(d) 602,751	646,973
(Decrease)/increase in cash in the period	19(e) <b>(16,366)</b>	<b>(18,949)</b>

## Statement of Operating Costs by Departmental Strategic Objective for the year ended 31 March 2009

### Departmental Strategic Objective

To bring offenders to justice, improve services to victims and witnesses and promote confidence, by applying the Code for Crown Prosecutors, adopting a proportionate approach to determine which offenders should be charged and which should be diverted from court, and by firm and fair presentation of cases in court.

	2008-09			2007-08		
	<i>£000</i>	<i>£000</i>	<i>£000</i>	<i>£000</i>	<i>£000</i>	<i>£000</i>
	Gross	Income	Net	Gross	Income	Net
Objective	689,227	(56,998)	632,229	690,558	(57,844)	632,714
Net operating costs	689,227	(56,998)	632,229	690,558	(57,844)	632,714

See Note 20

## NOTES TO THE DEPARTMENTAL RESOURCE ACCOUNTS

### 1. Statement of Accounting Policies

The financial statements have been prepared in accordance with the 2008-09 *Government Financial Reporting Manual (FReM)* issued by HM Treasury. The accounting policies contained in the *FReM* follow UK generally accepted accounting practice for companies (UK GAAP) to the extent that it is meaningful and appropriate to the public sector.

In addition to the primary statements prepared under UK GAAP, the *FReM* also requires the Department to prepare two additional primary statements. *The Statement of Parliamentary Supply* and supporting notes show outturn against Estimate in terms of the net resource requirement and the net cash requirement. *The Statement of Operating Costs by Departmental Strategic Objective* and supporting notes analyse the Department's income and expenditure by the objectives agreed with Ministers.

Where the *FReM* permits a choice of accounting policy, the accounting policy which has been judged to be the most appropriate to the particular circumstances of the Department for the purpose of giving a true and fair view has been selected. The Department's accounting policies have been applied consistently in dealing with items considered material in relation to the accounts.

#### 1.1 Accounting Convention

These accounts have been prepared under the historical cost convention modified to account for the revaluation of fixed assets at their value to the business by reference to their current costs.

#### 1.2 Basis of Consolidation

The CPS has no agencies or other bodies that may form part of a CPS departmental group.

### 1.3 Fixed Assets

#### *Tangible Fixed Assets*

Tangible fixed assets are stated at the lower of replacement cost and recoverable amount. All expenditure on tangible fixed assets of £500 or over is capitalised, including leasehold improvements. On initial recognition they are measured at cost including any costs such as installation directly attributable to bringing them into working condition.

All tangible fixed assets are restated to current value in existing use each year. Land and buildings are restated to current value using professional valuations in accordance with FRS15 every five years and in the intervening years by the use of published indices appropriate to the type of land or building. The Investment Property Databank supplies the indices used.

Title to the freehold land and buildings shown in the accounts is held as follows:

- a) property on the departmental estate, title to which is held by the CPS; and
- b) property held by the Department of Environment, Food and Rural Affairs in the name of the Secretary of State.

Other tangible fixed assets are restated to current value annually by indexation up to the year-end using Price Index Numbers for Current Cost Accounting, published by the Office for National Statistics.

Costs of bought-in services incurred in preparation for the implementation of IT projects are capitalised. Internal costs incurred on the same projects are not capitalised where the work can only be carried out by in-house staff.

*Intangible Fixed Assets*

Most software licences used in the business are paid for on an annual basis and their cost is charged to the Operating Cost Statement over the period to which the licences relate. However, the CPS has purchased certain licences for use over an extended period of time. These have been capitalised as intangible fixed assets.

Intangible fixed assets are stated at the lower of replacement cost and recoverable amount. All expenditure on intangible fixed assets of £500 or over is capitalized. On initial recognition they are measured at cost including any costs such as installation directly attributable to bringing them into working condition.

All intangible fixed assets are restated to current value in existing use each year by indexation up to the year-end using Price Index Numbers for Current Cost Accounting, published by the Office for National Statistics.

**1.4 Depreciation and Amortisation***Tangible Fixed Assets*

Tangible fixed assets are depreciated at rates calculated to write them down to estimated residual value on a straight-line basis over their estimated useful lives. No depreciation is provided on freehold land since it has an unlimited useful life. Asset lives are normally in the following ranges:

Freehold buildings	20 to 50 years
Furniture and fittings	3 to 10 years
Information technology	4 years

Leasehold improvements are written off over the shorter of:

- a) the remaining life of the property lease;
- b) 10 years; or
- c) where it has been established that a break clause in the lease is likely to be exercised by the Department, the period to the first possible date of exercise of the relevant break clause.

*Intangible Fixed Assets*

Intangible fixed assets are amortised at rates calculated to write them down to estimated residual value on a straight-line basis over their estimated useful lives, which are considered to be co-terminous with the Department's ICT managed service contract (see Note 23).

**1.5 Operating Income**

Operating income is income which relates directly to the operating activities of the Department, and consists of administration and programme income. It includes not only income appropriated in aid of the Estimate but also income due to the Consolidated Fund, which in accordance with the *FReM* is treated as operating income. Operating income is stated net of VAT.

*Administration Income*

Administration income is income associated with support to front-line functions. This relates to the recovery of salaries for staff seconded to other Government Departments or Local Criminal Justice Boards, rental income from the sub-letting of buildings used principally for administrative purposes and reimbursement of expenditure under the Government's Access to Work scheme. It includes not only income appropriated in aid of the Estimate but also income due to the Consolidated Fund, which in accordance with the *FReM* is treated as operating income. In the case of salary reimbursements, income is recognised quarterly in arrears; in the case of rental income, invoices are raised quarterly in advance and income is recognised monthly, and in the case of reimbursements under the Access to Work scheme, income is recognised on a case-by-case basis as it is received.

### *Programme Income*

Programme income is direct income associated with delivery of front-line functions. The principal element relates to costs awarded to the CPS. The CPS receives awards of costs made against convicted defendants at the discretion of the judge or magistrates. Magistrates' courts are responsible for recording, enforcing and collecting these costs, forwarding collected monies to the CPS and, under delegated authority, for writing off awards where the amount outstanding is less than £100.

Bad debts are provided for on the basis of the historical relationship between costs awarded and cash collected.

In order to account for cost awards, the CPS uses returns submitted quarterly by the courts in respect of cash collected, transfers to and from other courts, amounts written off and cost awards outstanding. The CPS recognises income immediately these returns are received. In interim months, when no returns are received, income is accrued on the basis of historical data for each magistrates' bench. The costs reflect the nominal full cost of the prosecution but for administrative purposes are recorded against programme costs only. Cost award income is included in the objective in the *Statement of Operating Costs by Departmental Strategic Objective*.

Programme income includes rental income from other Government Departments in jointly occupied buildings, commercial sub-tenants and Non Departmental Public Bodies; but it also includes other income such as recovery of salaries for staff seconded to other Government Departments or Local Criminal Justice Boards, the Department's share of Home Office receipts derived from criminal assets recovered under the Proceeds of Crime Act 2003 and reimbursement of expenditure under the Government's Access to Work scheme. In the case of rental income, invoices are raised quarterly in advance and income is recognised on a monthly basis. In the case of salary reimbursements invoices are raised and income is recognised quarterly in arrears. In the case of receipts under the Proceeds of

Crime Act, the 'Asset Incentivisation Scheme', the Department is allowed to retain a proportion of the total value of assets recovered in the year. Income generated from this scheme is recognised in the CPS accounts when the Home Office recognises it in their accounts. Income from the Asset Incentivisation Scheme is intended to offset the costs of asset forfeiture activity; within the CPS these costs fall within programme expenditure. In all other cases income is recognised on a case-by-case basis as it is received. Rental income received from other Government Departments is netted off against expenditure in accordance with the *FReM*.

### **1.6 Administration and Programme Expenditure**

The *Operating Cost Statement* is analysed between administration and programme income and expenditure. The classification of expenditure and income as administration or as programme follows the definition of administration costs set out in the *Consolidated Budgeting* guidance issued by HM Treasury. Costs are stated inclusive of VAT.

#### *Administration Costs*

Administration costs reflect the costs of running the Department. These include both administrative costs and associated operating income. Income is analysed in the notes between that which, under the administrative cost-control regime, is allowed to be offset against gross administrative costs in determining the outturn against the administration cost limit, and that operating income which is not.

*Programme Costs*

Programme costs reflect non-administration costs being the direct cost and associated overheads of prosecution including the employment of counsel and compensation paid to witnesses for costs incurred through their attendance at court. Where a prosecution case is expected to last in excess of 40 days (or where three or more trial counsel are instructed) counsel are required to submit invoices covering work done as pre-determined stages in the case are reached; expenditure is recognised upon receipt of such invoices. This treatment of 'very high cost cases', which has been in existence since 2006-07, replaced a previous system for 'high cost cases' which did not involve counsel issuing periodic, or staged, invoices. As a result there remains a very small number of cases previously designated as 'high cost cases' for which final counsel invoices have not been received at the year end. Such items have been individually accrued for at 31 March 2009.

Counsel fees in cases which are expected to last for less than 40 days are paid through the CPS 'Graduated Fee Scheme' agreed between the Bar Council and the Department with a target of payment within 20 days of receipt of a valid claim. Payment is made on completion of all work on a case and the fee is not dependant on the effort deployed by the barrister in that particular case. The scheme includes a tariff of charges calculated using a range of set cost factors including the number of defendants, the complexity and volume of evidence, preparation, 'refresher' and appearance time. The scheme also includes different tariffs to cover 'guilty' and 'not-guilty' pleas by defendants, though pleas may change at any time before or even during a trial. In addition, barristers are entitled to return a brief at any time between their initial appointment and the start of a trial, so the Department does not incur any liability with a particular barrister until the commencement of a trial. In this context commencement is defined as the day on which a plea is made or the jury is sworn in. Therefore, for practical purposes, since on average most trials are started and completed within the same day (save for the sentence hearing which may occur a short

time later) it is considered prudent to recognise expenditure on Counsel fees in such cases only as trials are completed. It is not possible to ascertain the full value owed on all such cases at year-end until some considerable time later. Where actual counsel fees can be ascertained they have been accrued for; in all other cases the Department estimates such counsel fees outstanding for inclusion in these accounts.

**1.7 Capital Charge**

A charge, reflecting the cost of capital utilised by the Department, is included in operating costs. The charge is calculated at the real rate set by HM Treasury (currently 3.5%) on the average carrying amount of all assets less liabilities, except for:

- a) cash balances with the Office of the Paymaster General and donated assets where the charge is nil; and
- b) liabilities for amounts to be surrendered to the Consolidated Fund for which no credit against the charge is allowed.

**1.8 Pensions**

Past and present employees are covered by the provisions of the Principal Civil Service Pension Scheme (PCSPS). This is a defined benefit scheme and is unfunded and non-contributory except in respect of dependants' benefits. The CPS recognises the expected cost of providing pensions on a systematic and rational basis over the period during which it benefits from employees' services by payment to the PCSPS of amounts calculated on an accruing basis. Liability for payment of future benefits is a charge on the PCSPS. With effect from 1 October 2002 new employees have the option to join either the PCSPS scheme or a Partnership Pension Account. The latter is a defined contribution scheme where the Department recognises the contributions payable for the year.

### 1.9 Operating Leases

Rentals due under operating leases are charged to the *Operating Cost Statement* over the lease term on a straight-line basis, or on the basis of actual rentals payable where this fairly reflects the usage. Future payments, disclosed at Note 22, "Commitments under Leases", are not discounted.

### 1.10 Private Finance Initiative (PFI) Transactions

The CPS signed a contract entering into a PFI transaction on 31 December 2001 for a 10 year period commencing 1 April 2002. This has been accounted for in accordance with Technical Note No.1 (Revised), entitled *How to account for PFI Transactions*, as required by the *FReM*. The balance of risks and rewards of ownership of the PFI property are borne by the PFI operator, therefore the PFI payments are recorded as an operating cost. The CPS transferred all IT assets to the PFI operator with effect from 1 April 2002. A prepayment for their fair value is recognised and amortised over the life of the PFI contract.

### 1.11 Provisions

The Department provides for legal or constructive obligations, which are of uncertain timing or amount, at the balance sheet date on the basis of the best estimate of the expenditure required to settle the obligation. Where the effect of the time value of money is significant, the estimated risk-adjusted cash flows are discounted using the real rate set by HM Treasury (currently 2.2%).

### 1.12 Contingent Liabilities

In addition to contingent liabilities disclosed in accordance with FRS12, the Department discloses for parliamentary reporting and accountability purposes certain contingent liabilities where the likelihood of a transfer of economic benefit is remote, but which have been reported to Parliament in accordance with the requirements of *Managing Public Money*. Where the time value of money is material, contingent liabilities which are required to be disclosed under FRS12 are stated at discounted amounts and the amount reported to Parliament separately noted. Contingent liabilities that are not

required to be disclosed by FRS12 are stated at the amounts reported to Parliament. These comprise:

- items over £250,000 (or lower, where required by specific statute) that do not arise in the normal course of business and which are reported to Parliament by departmental Minute prior to the Department entering into the arrangement; and
- all items (whether or not they arise in the normal course of business) over £250,000 (or lower, where required by specific statute or where material in the context of resource accounts), which are required by the *FReM* to be noted in the resource accounts.

### 1.13 Value Added Tax

Most of the activities of the Department are outside the scope of VAT and, in general, output tax does not apply and input tax on purchases is not recoverable. Irrecoverable VAT is charged to the relevant expenditure category or included in the capitalised purchase cost of fixed assets. Where output tax is charged, the amounts are stated net of VAT.

## 2. Analysis of net resource outturn by section

	£000	£000	£000	£000	£000	£000	2008-09 £000	2007-08 £000
					Outturn	Estimate		
	Admin	Other current	Gross resource expenditure	A in A	Net Total	Net Total	Net Total outturn compared with Estimate	Prior year outturn
<b>Request for Resources 1:</b>								
Increasing public confidence in the criminal justice system through fair, firm and effective prosecutions								
Administration costs on HQ and Central Services	53,538	-	53,538	(1,803)	51,735	56,352	4,617	52,362
Crown Prosecutions and Legal services	-	635,689	635,689	(55,030)	580,659	591,680	11,021	580,516
<b>Total</b>	<b>53,538</b>	<b>635,689</b>	<b>689,227</b>	<b>(56,833)</b>	<b>632,394</b>	<b>648,032</b>	<b>15,638</b>	<b>632,878</b>
<b>Resource Outturn</b>	<b>53,538</b>	<b>635,689</b>	<b>689,227</b>	<b>(56,833)</b>	<b>632,394</b>	<b>648,032</b>	<b>15,638</b>	<b>632,878</b>

Explanation of the variation between Estimate and outturn (net total resources):

- (i) Net total outturn was £15.638 million less than the Estimate, representing 2.4% of net provision. The underspend represents continued efficiency savings made during the year to meet stricter budgetary allocations. In particular, expenditure on Crown prosecutions and legal services was £11 million lower than the Estimate.

Detailed explanations of the variances are given in the Management Commentary.

## 3. Reconciliation of outturn to net operating cost and against Administration Budget

### 3(a) Reconciliation of net resource outturn to net operating cost

			2008-09 £000	2007-08 £000
	Note	Outturn	Supply Estimate	Outturn compared with Estimate
Net Resource Outturn	2	632,394	648,032	15,638
Non-supply income (CFERs)	5	(165)	-	165
<b>Net operating cost</b>		<b>632,229</b>	<b>648,032</b>	<b>15,803</b>

**3(b) Outturn against final Administration Budget**

	2008-09	2007-08
£000	£000	£000
Gross Administration Budget	58,252	54,006
Less: Income allowable against the Administration Budget	(1,900)	(1,647)
<b>Net outturn against final Administration Budget</b>	<b>56,352</b>	<b>52,359</b>

**4. Reconciliation of resources to cash requirement**

	Note	Estimate	Outturn	Net total outturn compared with Estimate: saving/ (excess)
		£000	£000	£000
Resource Outturn	2	648,032	632,394	15,638
<b>Capital:</b>				
Acquisition of fixed assets	11, 12 and 19	5,300	3,894	1,406
Investments		-	-	-
<b>Non-operating A in A:</b>				
Proceeds of fixed asset disposals		-	-	-
<b>Accruals adjustments</b>				
Non-cash items	8 and 9	(8,476)	(18,941)	10,465
Changes in working capital other than cash		-	(3,502)	3,502
Use of provisions	16	1,673	4,203	(2,530)
<b>Net cash requirement</b>		<b>646,529</b>	<b>618,048</b>	<b>28,481</b>

Explanation of the variation between Estimate and outturn (net total resources):

- (i) Net total outturn was £15.638 million less than the Estimate, representing 2.4% of net provision. The underspend represents continued efficiency savings made during the year to meet stricter budgetary allocations. In particular, expenditure on Crown prosecutions and legal services was £11 million lower than the Estimate.
- (ii) Expenditure on acquisition of fixed assets was £1.406 million less than the Estimate. This was due to slippage in accommodation projects and replacement of office equipment.
- (iii) Non-cash items were £10.465 million higher than the Estimate due principally to:
  - (a) an increase in the doubtful debt provision resulting from a further refinement of the basis of estimation (£5.2 million), and
  - (b) an increase in the early retirement provision resulting from additional leavers (£1.6 million).
- (iv) Changes in working capital other than cash were £3.502 million lower than the Estimate due principally to working capital management.
- (v) Use of provisions was £2.53 million higher than the Estimate due to increased payments to new leavers as noted in (iii) (b) above.

Detailed explanations of the variances are given in the Management Commentary.

## 5. Analysis of income payable to the Consolidated Fund

### Analysis of income payable to the Consolidated Fund.

In addition to appropriations in aid, the following income relates to the Department and is payable to the Consolidated Fund.

	Note	Forecast Income £000	2008-09 Receipts £000	Outturn Income £000	2008-09 Receipts £000
Operating income and receipts – excess A in A	6	-	-	-	-
Non-operating income and receipts – excess A in A		-	-	-	-
Subtotal		-	-	-	-
Other operating income and receipts not classified as A in A	6	-	-	165	153
Other non-operating income and receipts not classified as A in A		-	-	-	-
Other amounts collectable on behalf of the Consolidated Fund		-	-	-	-
Total income payable to the Consolidated Fund		-	-	165	153

## 6. Reconciliation of income recorded within the Operating Cost Statement to operating income payable to the Consolidated Fund

	Note	2008-09 £000	2007-08 £000
Operating income			
Administration		1,821	1,650
Programme		56,192	57,288
Netted-off gross expenditure in sub-head		(1,015)	(1,094)
	10	56,998	57,844
Income authorised to be appropriated-in-aid			
Administration		1,804	1,647
Programme		55,029	56,033
		56,833	57,680
Operating income payable to the Consolidated Fund			
Administration		17	3
Programme		148	161
	5	165	164

## 7. Staff numbers and related costs

Staff costs comprise:

	£000	£000	2008-09 £000	2007-08 £000
	Total	Permanently employed staff	Others	Total
Wages and salaries	287,708	278,712	8,996	284,202
Social security costs	22,266	22,266	-	22,038
Other pension costs	55,966	55,966	-	54,648
<b>Sub Total</b>	<b>365,940</b>	<b>356,944</b>	<b>8,996</b>	<b>360,888</b>
Less recoveries in respect of outward secondments	(1,497)	(1,497)	-	(1,381)
<b>Total net costs</b>	<b>364,443</b>	<b>355,447</b>	<b>8,996</b>	<b>359,507</b>

The Principal Civil Service Pension Scheme (PCSPS) is an unfunded multi-employer defined benefit scheme but the Crown Prosecution Service is unable to identify its share of the underlying assets and liabilities. The scheme actuary valued the scheme as at 31 March 2007. You can find details in the resource accounts of the Cabinet Office: Civil Superannuation ([www.civilservice-pensions.gov.uk](http://www.civilservice-pensions.gov.uk)).

For 2008-09, employers' contributions of £55,790,416 were payable to the PCSPS (2007-08: £54,521,376) at one of four rates in the range 17.1 to 25.5 per cent of pensionable pay, based on salary bands. The scheme's Actuary reviews employer contributions usually every four years following a full scheme valuation. From 2009-10, the rates will be in the range 16.7 to 24.3 per cent. The contribution rates are set to meet the cost of the benefits accruing during 2008-09 to be paid when the member retires and not the benefits paid during this period to existing pensioners.

Employees can opt to open a **partnership** pension account, a stakeholder pension with an employer contribution. Employers' contributions of £161,931 (2007-08: £116,719) were paid to one or more of the panel of three appointed stakeholder pension providers. Employer contributions are age-related and range from 3 to 12.5 per cent (2007-08: 3 to 12.5 per cent) of pensionable pay.

Employers also match employee contributions up to 3 per cent of pensionable pay. In addition, employer contributions of £13,949, 0.8 per cent (2007-08: £9,883, 0.8 per cent) of pensionable pay, were payable to the PCSPS to cover the cost of the future provision of lump sum benefits on death in service and ill health retirement of these employees.

Contributions due to the **partnership** pension providers at the balance sheet date were £15,956. Contributions prepaid at that date were £Nil.

12 individuals (2007-08: 12 individuals) retired early on ill-health grounds; the total additional pension granted to them amounted to £40,077 (2007-08: £25,159).

### Average number of persons employed

The average number of whole-time equivalent persons employed during the year was as follows.

Objective	2008-09 Number		2007-08 Number	
	Total	Permanent staff	Others	Total
To ensure the effective delivery of justice.	8,396	8,216	180	8,520
<b>Total</b>	<b>8,396</b>	<b>8,216</b>	<b>180</b>	<b>8,520</b>

## 8. Other Administration Costs

	Note	2008-09		2007-08
		£000	£000	£000
<b>Rentals under operating leases:</b>				
Hire of office equipment		94		354
Other operating leases		5,386		6,487
			5,480	6,841
<b>PFI service charges:</b>				
Off-balance sheet contracts	23		645	597
<b>Non cash items</b>				
Cost of capital charge		(46)		(44)
Auditors' remuneration (Note a and b)		103		-
			57	(44)
<b>Other expenditure</b>				
Consultancy		3,642		3,404
Accommodation and associated costs		3,627		3,866
Travel and subsistence		2,213		2,224
Training		1,614		1,963
Facilities management		1,342		993
Printing and stationery		1,262		782
Non PFI contract IT costs		1,262		1,085
Recruitment costs		783		773
Postage and carriage		394		391
Communications		177		189
Other expenditure		3,683		3,632
			19,999	19,303
			<b>26,181</b>	<b>26,697</b>

**Note a** - The audit fee comprises £92,000 for the audit of the CPS 2008-09 Resource Accounts and £11,000 for the audit of IFRS Trigger Point 2. There has been no auditors' remuneration for non-audit work.

**Note b** - In 2008-09 Auditors' remuneration was reclassified from other programme costs to other administration costs.

## 9. Programme Costs

	Note	2008-09		2007-08	
		£000	£000	£000	£000
<b>Rentals under operating leases:</b>					
Hire of office equipment		906		1,640	
Other operating leases		21,382		21,066	
			22,288		22,706
<b>PFI service charges:</b>					
Off-balance sheet contracts	23		47,668		49,694
<b>Non cash items</b>					
Depreciation		4,656		4,783	
Amortisation		254		181	
Impairment		-		149	
Loss on disposal of fixed assets		4		-	
Loss on revaluation	11	17		88	
<b>Cost of capital charge:</b>					
Civil Estate		179		210	
Other items		435		722	
Change in bad debt provision	13	5,468		4,494	
Auditors' remuneration (Note a)		-		92	
<b>Provisions:</b>					
Provided in year	16	7,930		5,562	
Unrequired provision written back	16	(188)		-	
Unwinding of discount on provisions	16	129		154	
			18,884		16,435
<b>Other expenditure</b>					
Advocate fees		127,133		139,672	
Accommodation and associated costs		20,550		18,514	
Expert witness fees		7,470		6,296	
Communications		6,725		6,568	
Non-expert witness expenses		6,412		6,349	
Travel and subsistence		5,415		5,068	
Printing and stationery		5,335		5,318	
Postage and carriage		5,246		4,752	
Prosecution transcripts and translations		3,611		2,698	
Prosecution presentational equipment		3,159		2,719	
Costs awarded to CPS written off	28	3,100		2,867	
Training		1,555		1,385	
Interpreters and translators		1,510		1,464	
Publications		1,194		1,129	
Consultancy		778		1,450	
Other expenditure		9,073		7,889	
			208,266		214,138
			297,106		302,973
Less: programme income	6		(55,177)		(56,194)
			<u>241,929</u>		<u>246,779</u>

Note a - In 2008-09 Auditors' remuneration was reclassified from other programme costs to other administration costs.

## 10. Income

	2008-09	2007-08
	<i>£000</i>	<i>£000</i>
	Total	Total
Administration income:		
Rental receivable from external tenants	1,164	1,142
Consolidated Fund extra receipts	17	3
Other	640	505
Programme income:		
Costs awarded to the CPS	38,176	39,747
Recovered Assets Incentivisation Fund	10,900	10,068
Rental receivable from other departments	1,015	1,095
Netted-off gross expenditure in sub-head	(1,015)	(1,095)
Rental receivable from external tenants	848	1,119
Income in respect of letting, disposal, vacation or occupation of property or accommodation	295	-
Consolidated Fund extra receipts	148	161
Other	4,810	5,099
<b>Total</b>	<b>56,998</b>	<b>57,844</b>

## 11. Tangible fixed assets

	Freehold Land and Buildings	Leasehold Improvements	Furniture and Fittings	Information Technology	Total
	£000	£000	£000	£000	£000
<b>Cost or valuation</b>					
At 1 April 2008	6,642	5,977	35,647	2,031	50,297
Additions	28	506	2,560	1,297	4,391
Disposals	-	-	-	(4)	(4)
Revaluation	(1,908)	(23)	845	(66)	(1,152)
<b>At 31 March 2009</b>	<b>4,762</b>	<b>6,460</b>	<b>39,052</b>	<b>3,258</b>	<b>53,532</b>
<b>Depreciation</b>					
At 1 April 2008	746	1,817	17,982	1,638	22,183
Charged in year	266	708	3,334	305	4,613
Disposals	-	-	-	-	-
Revaluation	(557)	(14)	479	(57)	(149)
<b>At 31 March 2009</b>	<b>455</b>	<b>2,511</b>	<b>21,795</b>	<b>1,886</b>	<b>26,647</b>
<b>Net book value at 31 March 2009</b>	<b>4,307</b>	<b>3,949</b>	<b>17,257</b>	<b>1,372</b>	<b>26,885</b>
<b>Net book value at 31 March 2008</b>	<b>5,896</b>	<b>4,160</b>	<b>17,665</b>	<b>393</b>	<b>28,114</b>

Freehold land and buildings were valued at 31 March 2005 at £5,775,000 on the basis of existing use value by an external firm of Chartered Surveyors, Donaldsons. The valuations were undertaken in accordance with the UK Practice Statement 1.3 of the Royal Institution of Chartered Surveyors (RICS) Appraisal and Valuation Standards published 1 May 2003.

The Accounting Officer is not aware of any material changes in the carrying value of freehold land and buildings and therefore there have been no interim valuations, other than indexation, since 31 March 2005.

Other tangible assets are revalued on the basis of latest available indices.

The majority of IT assets in use in the business are held under a PFI contract as detailed in Notes 1.10 and 23.

## 12. Intangible fixed assets

Intangible fixed assets comprise software licences.

	Total £000
<b>Cost or valuation</b>	
At 1 April 2008	1,005
Additions	-
Disposals	-
Revaluation	(32)
<b>At 31 March 2009</b>	<b>973</b>
<b>Amortisation</b>	
At 1 April 2008	378
Charged in year	242
Disposals	-
Revaluation	(18)
<b>At 31 March 2009</b>	<b>602</b>
<b>Net book value at 31 March 2009</b>	<b>371</b>
<b>Net book value at 31 March 2008</b>	<b>627</b>

## 13. Debtors

### 13 (a) Analysis by type

	2008-09	2007-08
	<i>£000</i>	<i>£000</i>
<b>Amounts falling due within one year:</b>		
Trade debtors (Note a)	43,611	40,284
Doubtful debt provision for costs awarded to the CPS	(16,180)	(10,712)
Deposits and advances	380	373
Other debtors (Note b)	652	1,341
Prepayments		
PFI	751	751
Other	7,641	13,335
Accrued income	11,965	12,308
Amounts due from the Consolidated Fund in respect of supply	-	-
	<b>48,820</b>	<b>57,680</b>
<b>Amounts falling due after more than one year:</b>		
Prepayments		
PFI	1,502	2,253
Other	61	147
	<b>50,383</b>	<b>60,080</b>

**Note a** - It is not possible to analyse cost award debtors by amounts falling due within one year and amounts falling due after one year.

**Note b** - Included within other debtors is £12k (2007-08: £Nil) representing unexpected receipts due to the Consolidated Fund once the debts are collected.

### 13(b) Intra-Government Balances

	Amounts falling due within one year		Amounts falling due after more than one year	
	<i>£000</i>	<i>£000</i>	<i>£000</i>	<i>£000</i>
	2008-09	2007-08	2008-09	2007-08
Balances with other central government bodies	3,606	2,835	-	-
Balances with local authorities	242	5,361	48	131
Balances with NHS Trusts	-	1	-	-
Balances with public corporations and trading funds	1	-	-	-
Intra-government balances	3,849	8,197	48	131
Balances with bodies external to government (Note a)	44,971	49,483	1,515	2,269
<b>Total debtors at 31 March</b>	<b>48,820</b>	<b>57,680</b>	<b>1,563</b>	<b>2,400</b>

**Note a** - It is not possible to analyse cost award debtors by amounts falling due within one year and amounts falling due after one year.

## 14. Cash at bank and in hand

	2008-09	2007-08
	<i>£000</i>	<i>£000</i>
Balance at 1 April	23,029	4,080
Net change in cash balances	(16,366)	18,949
<b>Balance at 31 March</b>	<b>6,663</b>	<b>23,029</b>
The following balances at 31 March were held at:		
Office of HM Paymaster General	6,640	23,003
Commercial banks and cash in hand	23	26
<b>Balance at 31 March</b>	<b>6,663</b>	<b>23,029</b>

## 15. Creditors

### 15(a) Analysis by type

	2008-09	2007-08
Note	<i>£000</i>	<i>£000</i>
<b>Amounts falling due within one year:</b>		
VAT	47	78
Other taxation and social security	7,617	7,441
Trade creditors	9,481	7,748
Other creditors	5,368	5,148
Accruals and deferred income	29,886	32,226
	52,399	52,641
Amounts issued from the Consolidated Fund for supply but not spent at year end	6,632	21,929
Consolidated Fund extra receipts due to be paid to the Consolidated Fund		
received	19(e) 30	1,100
receivable	13(a) 12	-
	<b>59,073</b>	<b>75,670</b>

### 15(b) Intra-Government Balances

	Amounts falling due within one year		Amounts falling due after more than one year	
	<i>£000</i>	<i>£000</i>	<i>£000</i>	<i>£000</i>
	2008-09	2007-08	2008-09	2007-08
Balances with other central government bodies	20,534	37,003	-	-
Balances with local authorities	458	824	-	-
Balances with NHS Trusts	14	-	-	-
Balances with public corporations and trading funds	5	2	-	-
Intra-government balances	21,011	37,829	-	-
Balances with bodies external to government	38,062	37,841	-	-
<b>Total creditors at 31 March</b>	<b>59,073</b>	<b>75,670</b>	<b>-</b>	<b>-</b>

## 16. Provisions for liabilities and charges

	Early departure costs	Other
	£000	£000
Balance at 1 April 2008	11,953	762
Provided in the year	4,781	3,149
Provisions not required written back	-	(188)
Provisions utilised in the year	(3,282)	(921)
Unwinding of discount	129	-
<b>Balance at 31 March 2009</b>	<b>13,581</b>	<b>2,802</b>

### Early departure costs

The CPS meets the additional costs of benefits beyond the normal PCSPS benefits in respect of employees who retire early by paying the required amounts annually to the PCSPS over the period between early departure and normal retirement date. The CPS provides for this in full when the early retirement programme becomes binding on the CPS by establishing a provision for the estimated payments discounted by the HM Treasury discount rate of 2.2 per cent in real terms.

### Other provisions

Other provisions comprise outstanding compensation claims for personal injury, employment tribunal legal claims and dilapidation claims served by landlords at the expiry of the lease on a property occupied by the CPS. In respect to compensation claims, provision has been made for the litigation against the Department. The provision reflects all known legal claims where legal advice indicates that it is more than 50 per cent probable that the claim will be successful and the amount of the claim can be reliably estimated. Expenditure is likely to be incurred within one year. Legal claims which may succeed but are less likely to do so or cannot be estimated are disclosed as contingent liabilities in Note 26. All dilapidation claims received or anticipated from landlords are provided for. Where a claim has yet to be submitted, an estimate of the cost of the claim is provided by the CPS managing agents.

## 17. General Fund

The General Fund represents the total assets less liabilities of the entity, to the extent that the total is not represented by other reserves and financing items.

	Note	2008-09 £000	2007-08 £000
<b>Balance at 1 April</b>			<b>21,005</b>
Net Parliamentary funding		16,293	
Drawn Down	19	602,751	646,973
Deemed		21,929	1,995
		624,680	648,968
Year end adjustment			
Supply Creditor - current year	15(a)	(6,632)	(21,929)
Net Transfer from Operating Activities			
Net operating cost		(632,229)	(632,714)
CFERs repayable to Consolidated Fund	6	(165)	(164)
		(632,394)	(632,878)
Non Cash Charges:			
Cost of capital charge	8 and 9	568	888
Auditors' remuneration	8	103	92
		671	980
Transfer from revaluation reserve	18	605	147
<b>Balance at 31 March</b>		<b>3,223</b>	<b>16,293</b>

## 18. Reserves

The revaluation reserve reflects the unrealised element of the cumulative balance of indexation and revaluation adjustments (excluding donated assets).

	2008-09 £000	2007-08 £000
Balance at 1 April	7,172	5,013
Arising on revaluation during the year (net)		
Tangible fixed assets	(944)	2,299
Intangible fixed assets	-	7
Transferred to general fund in respect of realised element of revaluation reserve		
Tangible fixed assets	(605)	(149)
Intangible fixed assets	-	2
<b>Balance at 31 March</b>	<b>5,623</b>	<b>7,172</b>

## 19. Notes to the Cash Flow Statement

### 19(a) Reconciliation of operating cost to operating cash flows

	Note	2008-09 £000	2007-08 £000
Net operating cost		(632,229)	(632,714)
Adjustments for non-cash transactions	8 and 9	18,941	16,391
Decrease / (increase) in debtors	13(a)	4,229	(2,587)
(Decrease) in creditors		(739)	(2,213)
Use of provisions	16	(4,203)	(2,420)
<b>Net cash outflow from operating activities</b>		<b>(614,001)</b>	<b>(623,543)</b>

### 19(b) Analysis of capital expenditure and financial investment

	Note	2008-09 £000	2007-08 £000
Tangible fixed asset additions	11	(3,894)	(2,188)
<b>Net cash outflow from investing activities</b>		<b>(3,894)</b>	<b>(2,188)</b>

### 19(c) Analysis of capital expenditure and financial investment by Request for Resources

	Capital expenditure £000	Loans, etc. £000	A in A £000	Net Total £000
Request for resources 1	(4,391)	-	-	(4,391)
Net movement in creditors	(339)	-	-	(339)
<b>Total 2008-09</b>	<b>(4,730)</b>	<b>-</b>	<b>-</b>	<b>(4,730)</b>
<b>Total 2007-08</b>	<b>(3,024)</b>	<b>-</b>	<b>-</b>	<b>(3,024)</b>

### 19(d) Analysis of financing

	Note	2008-09 £000	2007-08 £000
From the Consolidated Fund (Supply) - current year	17	(602,751)	(646,973)
<b>Net financing</b>		<b>(602,751)</b>	<b>(646,973)</b>

### 19(e) Reconciliation of Net Cash Requirement to (increase)/decrease in cash

	Note	2008-09 £000	2007-08 £000
Net cash requirement		618,048	627,039
Receipts from the Consolidated Fund (Supply) - current year	17	(602,751)	(646,973)
Amounts due to the Consolidated Fund - received in a prior year and paid over		1,099	2,085
Amounts due to the Consolidated Fund - received and not paid over	15	(30)	(1,100)
<b>Decrease / (increase) in cash</b>		<b>16,366</b>	<b>(18,949)</b>

## 20. Notes to the Statement of Operating Costs by Departmental Strategic Objective

### Departmental Strategic Objective

To bring offenders to justice, improve services to victims and witnesses and promote confidence, by applying the Code for Crown Prosecutors, adopting a proportionate approach to determine which offenders should be charged and which should be diverted from court, and by firm and fair presentation of cases in court.

Other current expenditures were as follows:

2008-09	2007-08
£000	£000
241,929	246,779
<b>241,929</b>	<b>246,779</b>

This expenditure represents programme costs which form part of the net operating costs disclosed in the Statement of Operating Costs by Departmental Strategic Objective.

### Capital Employed by Departmental Strategic Objective at 31 March 2009

The CPS's capital is employed exclusively for programme purposes.

2008-09	2007-08
Capital employed	Capital employed
£000	£000
8,846	23,465
<b>8,846</b>	<b>23,465</b>

## 21. Capital commitments

Contracted capital commitments at 31 March 2009 for which no provision has been made in these accounts.

2008-09	2007-08
£000	£000
102	117

## 22. Commitments under leases

### Operating Leases

Commitments under operating leases to pay rentals during the year following the year of these accounts are given in the table below, analysed according to the period in which the lease expires.

	Land and buildings	2008-09	Land and buildings	2007-08
	£000	Other	£000	Other
	£000	£000	£000	£000
<b>Obligations under operating leases comprise:</b>				
Expiry within 1 year	1,839	84	1,626	89
Expiry after 1 year but not more than 5 years	12,399	4,117	12,067	3,287
Expiry thereafter	11,952	-	13,080	-
	<b>26,190</b>	<b>4,201</b>	<b>26,773</b>	<b>3,376</b>

## 23. Commitments under PFI contracts

The Department has entered into the following PFI contract.

Off balance sheet

### Information, Communications and Technology (ICT) managed service

The Department's ICT service is provided through a managed service contract with a term of 10 years from 1 April 2002 to 31 March 2012. The contract is extendable for a further five years. The estimated capital value of the contract is £18.2 million (2007-08: £19.8 million). Under the terms of the contract CPS ICT assets were transferred to the contractor with effect from 1 April 2002. A prepayment was established for the fair value of the ICT assets transferred (£7,510,233.28) and the assets were impaired to a nil value as at 31 March 2002.

Charge to the Operating Cost Statement and future commitments

The total amount charged in the Operating Cost Statement in respect of off-balance sheet PFI transactions was £48,313,138 (2007-08: £50,290,921); and the payments to which the Department is committed during the year following the year of these accounts, analysed by the period during which the commitment expires, are as follows.

	2008-09	2007-08
	<i>£000</i>	<i>£000</i>
Expiry within 1 year	-	-
Expiry within 2 to 5 years	44,538	51,106
Expiry within 6 to 10 years	-	-
	<b>44,538</b>	<b>51,106</b>

The contract covering the managed service allows for a number of improvements and enhancements to systems over the lifetime of the project. As such changes are successfully introduced there will necessarily be increases in the charges levied by the Service Provider. These increases will only be recognised in the accounts once the relevant changes have been properly tested and fully accepted as fit for purpose by the CPS.

## 24. Other financial commitments

The Department has entered into contracts, only cancellable at a significant cost, for the delivery and support of the Department's finance system and implementation of an integrated HR and payroll system. Additionally, the Department has entered into a contract for the implementation of a purchasing system. The payments to which the Department is committed during the year following the year of these accounts, analysed by the period during which the commitment expires are as follows.

	2008-09	2007-08
	<i>£000</i>	<i>£000</i>
Expiry within 1 year	-	-
Expiry within 2 to 5 years	1,019	1,559
Expiry thereafter	-	-
	<b>1,019</b>	<b>1,559</b>

## 25. Financial Instruments

FRS 25, 26 and 29 enhance the requirements (previously covered by FRS 13, Derivatives and Other Financial Instruments) to disclose the role which financial instruments have had during the period in creating or changing the risks an entity faces in undertaking its activities. Because of the largely non-trading nature of its activities and the way in which government departments are financed, the CPS is not exposed to the degree of financial risk faced by business entities. Moreover, financial instruments play a much more limited role in creating or changing risk than would be typical of a trading entity. The Department has no power to borrow or invest surplus funds and financial assets and liabilities are generated by day-to-day operational activities and are not held to change the risks facing the Department in undertaking its activities. The Department holds no assets that are available for sale, nor does it hold or trade in investments.

### *Liquidity risk*

The Department's net revenue resource and capital requirements are financed by resources voted annually by Parliament. The CPS is not therefore exposed to liquidity risks.

### *Interest-rate and Foreign currency risk*

The Department has no material transactions in foreign currency; all material assets and liabilities are denominated in sterling, so it is not exposed to interest rate or currency risk.

### *Credit risk*

The Department does not consider that any credit risk arises from trading with other government departments. In trading with commercial concerns, the Department undertakes regular investigation of credit worthiness and employs robust systems to ensure that monies due are collected on time.

As stated in Note 1.5, the CPS receives awards of costs made against convicted defendants at the discretion of the judge or magistrates. Magistrates' courts are responsible for the recording, enforcing and collecting these costs and forwarding collected monies to the CPS. As a result, the Department is not in a position to perform any checks on credit worthiness in advance, and has to rely on systems employed at magistrates' courts to ensure overdue balances are minimised and collected. There remains a significant risk that balances will not be collected in full and on time, and therefore bad debts are provided for on the basis of the historical relationship between costs awarded and cash collected. As a result the Department considers that credit risk in respect of cost award debtors is adequately provided against.

### *Fair values*

The following statement is a comparison by category of original cost and fair values of the Department's financial assets and liabilities at 31 March 2009.

As detailed in Note 23, the Department's ICT service is provided through a managed service contract which under UK GAAP is treated as off balance sheet. Any current charges levied under the contract are included in Creditors in the following statement.

	2008-09		2007-08		Basis of fair valuation
	Original Cost	Fair Value	Original Cost	Fair Value	
	£000	£000	£000	£000	
<b>Financial assets:</b>					
Debtors falling due after more than 1 year	1,563	1,563	2,400	2,400	Note a
Debtors	68,005	48,820	68,392	57,680	
Cash at bank and in hand	6,663	6,663	23,029	23,029	
	76,231	57,046	93,821	83,109	
<b>Financial liabilities:</b>					
Creditors	(59,073)	(59,073)	(75,670)	(75,670)	Note b
Provisions	(16,383)	(16,383)	(12,715)	(12,715)	
	(75,456)	(75,456)	(88,385)	(88,385)	

**Note a** - With the exception of cost awards, all debtors are stated at original cost. As stated in Note 1.5, the CPS receives awards of costs made against convicted defendants at the discretion of the judge or magistrates. Magistrates' courts are responsible for the recording, enforcing and collecting these costs and forwarding collected monies to the CPS. Magistrates' courts record and account for individual cost award debtors, but report transactions to the CPS only on an aggregated basis. While the CPS can therefore account fully for aggregate costs awarded, the Department does not hold records of individual debtor balances and transactions so it is not possible to analyse cost award debtors by anticipated future periods of receipt and the resultant cash flows cannot be estimated, nor can the CPS review individual balances for collectibility. As a result, bad debts are provided for on the basis of the historical relationship between costs awarded and cash collected. The CPS consider that providing in this way against the aggregate balance of cost award debtors represents a fair value.

The future timing of cash flows from cost award debtors remain uncertain, since detailed records of individual debtors' payment arrangements rest with the magistrates courts. Since bad debts have effectively been excluded from the stated balance of cost award debtors the Department considers that remaining balances will be paid on a timely basis, and that discounting future cash flows would not provide a significantly different overall net position.

**Note b** - Fair value is not significantly different to original cost since, in the calculation of book value, the expected cash flows have been discounted by the real rate set by HM Treasury (currently 2.2 per cent).

### 26. Contingent Liabilities disclosed under FRS 12

As at 31 March 2009 the CPS was involved in 13 Employment Tribunal cases and 13 personal injury claims. One employment tribunal case has subsequently settled at a cost of £5,000. It is not possible to estimate the financial effect of the remaining claims.

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### 27. Contingent Liabilities not required to be disclosed under FRS 12 but included for parliamentary reporting and accountability

There were no contingent liabilities of this nature at the year-end.

## 28. Losses and Special Payments

Included within the Operating Cost Statement are losses and special payments as follows:

	2008-09		2007-08	
	Number of cases	£000	Number of cases	£000
<b>28a. Losses Statement</b>				
Cash Losses	16	36	-	-
Administrative write-offs	62,378	3,100	63,637	2,820
<b>28b. Special Payments</b>				
Ex gratia	38	930	27	213
<b>Total of losses</b>	<b>62,432</b>	<b>4,066</b>	<b>63,664</b>	<b>3,033</b>

Cash losses are pay and allowances paid to CPS staff in error which have not been recovered.

Administrative write-offs are 62,378 cases relating to costs awarded to the CPS totalling £3,100k of which the Magistrates' Courts, who are responsible for collecting costs awarded to the CPS, wrote off 60,307 cases with a value of £2,545k under their delegated powers, and the CPS authorised a further write off of £555k comprising 2,071 cases.

Ex gratia payments reported are payments made in settlement of Employment Tribunal and personal injury claims made against the Department.

### Details of cases over £250,000

During 2007-08 a provision of £500,000 was made for an Employment Tribunal case. A further £87,835 was provided for in this case during 2008-09. These payments are in respect of an Employment Tribunal remedies judgement against the CPS. The total payments made by the CPS to date are £480,569. The remaining provision of £107,266 is for estimated costs.

A payment of £375,000 was made for a civil litigation claim. A provision of £150,000 has been created for the outstanding costs in this case.

## 29. Related-party transactions

The CPS has close working relationships with all agencies within the criminal justice system and particularly the Courts, their ultimate controlling party being the Ministry of Justice (see Note 1.5). The Courts are regarded as related parties with which the Department has had material transactions, being mainly costs awarded by the Courts to the CPS (see Note 10) less amounts written off (see Note 9).

In response to the recommendations of the Glidewell review in a number of locations the CPS and the Police have combined the administration of case files through the co-location of Criminal Justice Units. More recently Integrated Prosecution Teams (IPTs) now merge the Police and CPS teams together to manage an integrated single file and administrative process. By reducing duplication, IPTs will deliver significant efficiencies and improvements in the criminal justice service, including timeliness, quality and readiness of files for court.

The CPS requests that each of its senior managers complete a declaration, stating whether they or their spouse and close family members have been in a position of influence or control in organisations with which the CPS has transactions. The declarations advised no material transactions had taken place.

### 30. Third-party assets

There are no third-party assets as at the balance sheet date.

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### 31. Post Balance Sheet Events

In accordance with the requirements of Financial Reporting Standard 21, post balance sheet events are considered up to the date on which the accounts are authorised for issue. This is interpreted as the date of the Certificate and Report of the Comptroller and Auditor General.

On 3 April 2009, the Attorney General, Baroness Scotland QC, announced that the Revenue and Customs Prosecutions Office (RCPO) and the CPS are to be combined. The decision was announced after a meeting of the Law Officers' Department Strategic Board. The merger will take place during 2009-10, with further consolidation in 2010-11.

The merger will provide enhanced prosecution services for the public and will safeguard and improve the already high quality work done in both organisations on serious and complex cases, while delivering a community prosecutor approach for the majority of cases across the country.

The Attorney General's Strategic Board will oversee the merger, supported by a new Programme Board, which will include the Director of Public Prosecutions, the Director of RCPO, David Green QC, a representative from the Attorney General's Office and initially Non-executive Directors from both RCPO and the CPS. Since the detail of the merger is still being finalised it is not currently possible to estimate the financial effect.

## DEPARTMENTAL REMUNERATION REPORT

### Remuneration Policy

The Remuneration Committee comprises:

Keir Starmer QC	(DPP)
Peter Lewis	(Chief Executive)
Ros McCool	(Director, Human Resources)
Mark Summerfield	(Deputy Director, Pay and Reward)
Rob Sykes	(Non-executive Director)

There are no independent members of the Committee.

The remuneration of senior civil servants is set by the Prime Minister following independent advice from the Review Body on Senior Salaries.

The Review Body also advises the Prime Minister from time to time on the pay and pensions of Members of Parliament and their allowances; on Peers' allowances; and on the pay, pensions and allowances of Ministers and others whose pay is determined by the Ministerial and Other Salaries Act 1975.

In reaching its recommendations, the Review Body is required to have regard to the following considerations:

- the need to recruit, retain and motivate suitably able and qualified people to exercise their different responsibilities;
- regional/local variations in labour markets and their effects on the recruitment and retention of staff;
- Government policies for improving the public services including the requirement on departments to meet the output targets for the delivery of departmental services;
- the funds available to departments as set out in the Government's departmental expenditure limits; and
- the Government's inflation target.

The Review Body takes account of the evidence it receives about wider economic considerations and the affordability of its recommendations.

Further information about the work of the Review Body can be found at [www.ome.uk.com](http://www.ome.uk.com).

In addition, the Remuneration Committee is tasked with considering the relative contributions of the Department's senior employees within each pay band. Paying due regard to completed performance reports, consistency and scope of objectives and the effects of external factors, the Committee will then consider individual awards in line with Cabinet Office guidance. The average increase for 2008-09 was 2.6 per cent. An additional bonus of 8.6 per cent was available for distribution during 2008-09. The top performing 25 per cent received a bonus of around 10 per cent, the next 40 per cent receiving between 5 and 10 per cent.

### Service Contracts

Civil Service appointments are made in accordance with the Civil Service Commissioners' Recruitment Code, which requires appointment to be on merit on the basis of fair and open competition but also includes the circumstances when appointments may otherwise be made. The DPP, Keir Starmer QC, was appointed by the AGO for a period of three years from 1 November 2008 to 31 October 2011. The previous DPP, Sir Ken Macdonald QC, left after completing a three year contract, subsequently extended to five years, on 31 October 2008.

All other officials covered by this report hold appointments which are open-ended and allow for retirement at the age of 60 or 65.

Early termination, other than for misconduct, would result in the individual receiving compensation as set out in the CSCS.

Further information about the work of the Civil Service Commissioners can be found at [www.civilservicecommissioners.gov.uk](http://www.civilservicecommissioners.gov.uk).

With the exception of the car and chauffeur provided for the official use of the Director of Public Prosecutions, the remuneration of all Directors, non-executive directors and staff employed in the CPS is paid entirely in cash.

### Remuneration (audited)

			2008-09	2007-08
Officials	Post held	Date joined or left Board (if applicable)	Salary £'000	Salary £'000
Keir Starmer QC (a)	Director of Public Prosecutions	(from 1 Nov 08)	80 - 85 (fye 190 - 195)	-
Sir Ken Macdonald QC (a)	Director of Public Prosecutions	(to 31 Oct 08)	115 - 120 (fye 200 - 205)	195 - 200
Peter Lewis	Chief Executive		165 - 170	155 - 160
John Graham	Director Finance		120 - 125	115 - 120
Mike Kennedy	Chief Operating Officer		150 - 155	75 - 80 (fye 140 - 145)
Gerard Lemos (b)	Non-executive Director		-	-
Philip Oliver (b)	Non-executive Director	(to 31 Dec 08)	-	-
Rob Sykes (b) and (c)	Non-executive Director		-	-

fye = full year equivalent salary

a) The Director of Public Prosecutions is provided with a car and chauffeur for official use. This is assessed by HM Revenue and Customs as constituting a benefit in kind. The estimated value of the benefit in kind received by Sir Ken Macdonald QC during the 2008-09 financial year was £6,733. Tax and National Insurance contributions on this sum, amounting to £5,925 are due to be paid on his behalf by the CPS. The estimated value of the benefit in kind received by Keir Starmer QC during the 2008-09 financial year was £5,173. Tax and National Insurance contributions on this sum, amounting to £4,552 are due to be paid on the Director's behalf by the CPS. The remaining Board members did not receive any benefits in kind.

b) Non-executive Directors received a fee of £10,650 as remuneration for sitting on the Board during 2008-09. Expenses are paid.

### Salary and Pension Entitlements

The following sections provide details of the remuneration and pension interests of the most senior officials of the Department.

c) Rob Sykes carried out a challenge function on outputs from the CPS HQ Review and was paid £5,235 for this work.

The membership of the Chief Executive of the Office for Criminal Justice Reform was under formal review during the period and as such did not attend meetings of the Board.

### Salary

'Salary' includes gross salary; performance pay or bonuses; overtime; reserved rights to London weighting or London allowances; recruitment and retention allowances; private office allowances and any other allowance to the extent that it is subject to UK taxation.

This report is based on payments made by the Department and thus recorded in these accounts.

### Benefits in kind

The monetary value of benefits in kind covers any benefits provided by the Department and treated by HM Revenue and Customs as a taxable emolument.

### Pension Benefits

#### Civil Service Pensions

Pension benefits are provided through the Civil Service pension arrangements. From 30 July 2007, civil servants may be in one of four defined benefit schemes; either a 'final salary' scheme (**classic, premium or classic plus**); or a 'whole career' scheme (**nuvos**). These statutory arrangements are unfunded with the cost of benefits met by monies voted by Parliament each year. Pensions payable under **classic, premium, classic plus** and **nuvos** are increased annually in line with changes in the Retail Prices Index (RPI). Members who joined from October 2002 could opt for either the appropriate defined benefit arrangement or a good quality 'money purchase' stakeholder pension with a significant employer contribution (**partnership** pension account).

Employee contributions are set at the rate of 1.5% of pensionable earnings for **classic** and 3.5% for **premium, classic plus** and **nuvos**. Benefits in **classic** accrue at the rate of 1/80th of final pensionable earnings for each year of service. In addition, a lump sum equivalent to three years' pension is payable on retirement. For **premium**, benefits accrue at the rate of 1/60th of final pensionable earnings for each year of service. Unlike **classic**, there is no automatic lump sum. **Classic plus** is essentially a hybrid with benefits for service before 1 October 2002 calculated broadly as per **classic** and benefits for service from October 2002 worked out as in **premium**. In **nuvos** a member builds up a pension based on his pensionable earnings during their period of scheme membership. At the end of the scheme year (31 March) the member's earned pension account is credited with 2.3% of their pensionable earnings in that scheme year and, immediately after the scheme year end, the accrued

pension is uprated in line with RPI. In all cases members may opt to give up (commute) pension for lump sum up to the limits set by the Finance Act 2004.

The **partnership** pension account is a stakeholder pension arrangement. The employer makes a basic contribution of between 3% and 12.5% (depending on the age of the member) into a stakeholder pension product chosen by the employee from a panel of three providers. The employee does not have to contribute but where they do make contributions, the employer will match these up to a limit of 3% of pensionable salary (in addition to the employer's basic contribution). Employers also contribute a further 0.8% of pensionable salary to cover the cost of centrally-provided risk benefit cover (death in service and ill health retirement).

The accrued pension quoted, is the pension the member is entitled to receive when they reach pension age, or immediately on ceasing to be an active member of the scheme if they are already at or over pension age. Pension age is 60 for members of **classic, premium** and **classic plus** and 65 for members of **nuvos**.

**Pension benefits (audited)**

Officials	Accrued pension at pension age as at 31 March 2009 and related lump sum	Real increase in pension and related lump sum at pension age	CETV at 31 March 2009 (a)	CETV at 31 March 2008 (b)	Real increase in CETV
	£'000	£'000	£'000	£'000	£'000
Keir Starmer QC Director of Public Prosecutions (from 1 Nov 08)	pension 0 - 5 lump sum 0 - 5	pension 0 - 2.5 lump sum 2.5 - 5	23	-	20
Sir Ken Macdonald QC Director of Public Prosecutions (to 31 Oct 08)	pension 25 - 30 lump sum 65 - 70	pension 2.5 - 5 lump sum 7.5 - 10	461	389	46
Peter Lewis Chief Executive	pension 60 - 65 lump sum 180 - 185	pension 2.5 - 5 lump sum 10 - 12.5	1,157	1,019	62
John Graham Director Finance	pension 45 - 50 lump sum 135 - 140	no increase no increase	1,023	962	no increase
Mike Kennedy Chief Operating Officer	pension 45 - 50 lump sum 140 - 145	pension 2.5 - 5 lump sum 10 - 12.5	962	830	69

(a) Where an official ceased to act as a Board member during the year, the CETV shown is that at their date of departing the Board.

(b) Where an official has joined the Board during the year, the comparative CETV shown is that at their date of joining the Board.

The 'CETV at 31 March 2008' figure may be different from the closing figure in last year's accounts. This is due to the CETV factors being updated to comply with The Occupational Pension Schemes (Transfer Values) (Amendment) Regulations 2008.

Further details about the Civil Service pension arrangements can be found at the website [www.civilservice-pensions.gov.uk](http://www.civilservice-pensions.gov.uk)

**Cash Equivalent Transfer Values**

A Cash Equivalent Transfer Value (CETV) is the actuarially assessed capitalised value of the pension scheme benefits accrued by a member at a particular point in time. The benefits valued are the member's accrued benefits and any contingent spouse's pension payable from the scheme. A CETV is a payment made by a pension scheme or arrangement to secure pension benefits in another pension scheme or arrangement when the member leaves a scheme and chooses to transfer the benefits accrued in their former scheme. The pension figures shown relate to the benefits that the individual has accrued as a consequence of their total membership of the pension scheme, not just their service in a senior capacity to which disclosure applies.

The figures include the value of any pension benefit in another scheme or arrangement which the individual has transferred to the Civil Service pension arrangements. They also include any additional pension benefit accrued to the member as a result of their buying additional pension benefits at their own cost. CETVs are calculated in accordance with The Occupational Pension Schemes (Transfer Values) (Amendment) Regulations and do not take account of any actual or potential reduction to benefits resulting from Lifetime Allowance Tax which may be due when pension benefits are taken.

### **Real increase in CETV**

This reflects the increase in CETV that is funded by the employer. It does not include the increase in accrued pension due to inflation, contributions paid by the employee (including the value of any benefits transferred from another pension scheme or arrangement) and uses common market valuation factors for the start and end of the period.

### **Compensation for loss of office**

There were no compensation payments made to former senior management in 2008-09.

### **Pension for the Director of Public Prosecutions**

#### **Keir Starmer QC**

Pension arrangements are currently being established. As with former Directors of Public Prosecutions, these arrangements will provide pension benefits broadly in line with the Judicial Pension Scheme. The value of pension benefits have been disclosed on this basis.

#### **Sir Ken Macdonald QC**

Pension benefits were provided through two pension schemes which had the DPP as its only member, and were laid before Parliament on 15 June 2006. The Schemes were unfunded and the cost of benefits were met by monies voted by Parliament each year. The pensions will be increased annually in line with changes in the Retail Prices Index.

The two pension schemes provide benefits which broadly match the benefits provided under the Judicial Pension Scheme. The principal scheme is a registered scheme and provides benefits up to the earnings cap. The supplementary scheme provides on earnings above the cap and is not a registered scheme. The normal retirement age for the scheme is 65.

Employee contributions are set at the rate of 3% of pensionable earnings up to the earnings cap. Benefits accrue at the rate of 1/40th of pensionable salary for each year of service. In addition, a lump sum equivalent to 2.25 years' pension is payable on retirement.

The Crown Prosecution Service is the principal public prosecuting authority for England and Wales and is headed by the Director of Public Prosecutions. The Attorney General is accountable to Parliament for the Service.

The Crown Prosecution Service is a national organisation consisting of 42 Areas. Each Area is headed by a Chief Crown Prosecutor and corresponds to a single police force area, with one for London. It was set up in 1986 to prosecute cases investigated by the police.

Although the Crown Prosecution Service works closely with the police, it is independent of them. The independence of Crown Prosecutors is of fundamental constitutional importance. Casework decisions taken with fairness, impartiality and integrity help deliver justice for victims, witnesses, defendants and the public.

The Crown Prosecution Service co-operates with the investigating and prosecuting agencies of other jurisdictions.

The Director of Public Prosecutions is responsible for issuing a Code for Crown Prosecutors under section 10 of the Prosecution of Offences Act 1985, giving guidance on the general principles to be applied when making decisions about prosecutions. This is the fifth edition of the Code and replaces all earlier versions. For the purpose of this Code, 'Crown Prosecutor' includes members of staff in the Crown Prosecution Service who are designated by the Director of Public Prosecutions under section 7A of the Act and are exercising powers under that section.

### 1 Introduction

- 1.1 The decision to prosecute an individual is a serious step. Fair and effective prosecution is essential to the maintenance of law and order. Even in a small case a prosecution has serious implications for all involved - victims, witnesses and defendants. The Crown Prosecution Service applies the Code for Crown Prosecutors so that it can make fair and consistent decisions about prosecutions.
- 1.2 The Code helps the Crown Prosecution Service to play its part in making sure that justice is done. It contains information that is important to police officers and others who work in the criminal justice system and to the general public. Police officers should apply the provisions of this Code whenever they are responsible for deciding whether to charge a person with an offence.
- 1.3 The Code is also designed to make sure that everyone knows the principles that the Crown Prosecution Service applies when carrying out its work. By applying the same principles, everyone involved in the system is helping to treat victims, witnesses and defendants fairly, while prosecuting cases effectively.

### 2 General principles

- 2.1 Each case is unique and must be considered on its own facts and merits. However, there are general principles that apply to the way in which Crown Prosecutors must approach every case.
- 2.2 Crown Prosecutors must be fair, independent and objective. They must not let any personal views about ethnic or national origin, disability, sex, religious beliefs, political views or the sexual orientation of the suspect, victim or witness influence their decisions. They must not be affected by improper or undue pressure from any source.

- 2.3 It is the duty of Crown Prosecutors to make sure that the right person is prosecuted for the right offence. In doing so, Crown Prosecutors must always act in the interests of justice and not solely for the purpose of obtaining a conviction.
- 2.4 Crown Prosecutors should provide guidance and advice to investigators throughout the investigative and prosecuting process. This may include lines of inquiry, evidential requirements and assistance in any pre-charge procedures. Crown Prosecutors will be proactive in identifying and, where possible, rectifying evidential deficiencies and in bringing to an early conclusion those cases that cannot be strengthened by further investigation.
- 2.5 It is the duty of Crown Prosecutors to review, advise on and prosecute cases, ensuring that the law is properly applied, that all relevant evidence is put before the court and that obligations of disclosure are complied with, in accordance with the principles set out in this Code.
- 2.6 The Crown Prosecution Service is a public authority for the purposes of the Human Rights Act 1998. Crown Prosecutors must apply the principles of the European Convention on Human Rights in accordance with the Act.

### 3 The decision to prosecute

- 3.1 In most cases, Crown Prosecutors are responsible for deciding whether a person should be charged with a criminal offence and if so, what that offence should be. Crown Prosecutors make these decisions in accordance with this Code and the Director's Guidance on Charging. In those cases where the police determine the charge, which are usually more minor and routine cases, they apply the same provisions.
- 3.2 Crown Prosecutors make charging decisions in accordance with the Full Code Test (see section 5 below), other than in those limited circumstances where the Threshold Test applies (see section 6 below).
- 3.3 The Threshold Test applies where the case is one in which it is proposed to keep the suspect in custody after charge, but the evidence required to apply the Full Code Test is not yet available.
- 3.4 Where a Crown Prosecutor makes a charging decision in accordance with the Threshold Test, the case must be reviewed in accordance with the Full Code Test as soon as reasonably practicable, taking into account the progress of the investigation.

### 4 Review

- 4.1 Each case the Crown Prosecution Service receives from the police is reviewed to make sure that it is right to proceed with a prosecution. Unless the Threshold Test applies, the Crown Prosecution Service will only start or continue with a prosecution when the case has passed both stages of the Full Code Test.
- 4.2 Review is a continuing process and Crown Prosecutors must take account of any change in circumstances. Wherever possible, they should talk to the police first if they are thinking about changing the charges or stopping the case. Crown Prosecutors should also tell the police if they believe that some additional evidence may strengthen the case. This gives the police the chance to provide more information that may affect the decision.
- 4.3 The Crown Prosecution Service and the police work closely together, but the final responsibility for the decision whether or not a charge or a case should go ahead rests with the Crown Prosecution Service.

## 5 “The Full Code Test”

5.1 The Full Code Test has two stages. The first stage is consideration of the evidence. If the case does not pass the evidential stage it must not go ahead no matter how important or serious it may be. If the case does pass the evidential stage, Crown Prosecutors must proceed to the second stage and decide if a prosecution is needed in the public interest. The evidential and public interest stages are explained below.

### The evidential stage

5.2 Crown Prosecutors must be satisfied that there is enough evidence to provide a ‘realistic prospect of conviction’ against each defendant on each charge. They must consider what the defence case may be, and how that is likely to affect the prosecution case.

5.3 A realistic prospect of conviction is an objective test. It means that a jury or bench of magistrates or judge hearing a case alone, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged. This is a separate test from the one that the criminal courts themselves must apply. A court should only convict if satisfied so that it is sure of a defendant’s guilt.

5.4 When deciding whether there is enough evidence to prosecute, Crown Prosecutors must consider whether the evidence can be used and is reliable. There will be many cases in which the evidence does not give any cause for concern. But there will also be cases in which the evidence may not be as strong as it first appears. Crown Prosecutors must ask themselves the following questions:

### Can the evidence be used in court?

- a Is it likely that the evidence will be excluded by the court? There are certain legal rules which might mean that evidence which seems relevant cannot be given at a trial. For example, is it likely that the evidence will be excluded because of the way in which it was gathered? If so, is there enough other evidence for a realistic prospect of conviction?

### Is the evidence reliable?

- b Is there evidence which might support or detract from the reliability of a confession? Is the reliability affected by factors such as the defendant’s age, intelligence or level of understanding?
- c What explanation has the defendant given? Is a court likely to find it credible in the light of the evidence as a whole? Does it support an innocent explanation?
- d If the identity of the defendant is likely to be questioned, is the evidence about this strong enough?
- e Is the witness’s background likely to weaken the prosecution case? For example, does the witness have any motive that may affect his or her attitude to the case, or a relevant previous conviction?
- f Are there concerns over the accuracy or credibility of a witness? Are these concerns based on evidence or simply information with nothing to support it? Is there further evidence which the police should be asked to seek out which may support or detract from the account of the witness?
- 5.5 Crown Prosecutors should not ignore evidence because they are not sure that it can be used or is reliable. But they should look closely at it when deciding if there is a realistic prospect of conviction.

### The public interest stage

- 5.6 In 1951, Lord Shawcross, who was Attorney General, made the classic statement on public interest, which has been supported by Attorneys General ever since: "It has never been the rule in this country - I hope it never will be - that suspected criminal offences must automatically be the subject of prosecution". (House of Commons Debates, volume 483, column 681, 29 January 1951.)
- 5.7 The public interest must be considered in each case where there is enough evidence to provide a realistic prospect of conviction. Although there may be public interest factors against prosecution in a particular case, often the prosecution should go ahead and those factors should be put to the court for consideration when sentence is being passed. A prosecution will usually take place unless there are public interest factors tending against prosecution which clearly outweigh those tending in favour, or it appears more appropriate in all the circumstances of the case to divert the person from prosecution (see section 8).
- 5.8 Crown Prosecutors must balance factors for and against prosecution carefully and fairly. Public interest factors that can affect the decision to prosecute usually depend on the seriousness of the offence or the circumstances of the suspect. Some factors may increase the need to prosecute but others may suggest that another course of action would be better.

The following lists of some common public interest factors, both for and against prosecution, are not exhaustive. The factors that apply will depend on the facts in each case.

### Some common public interest factors in favour of prosecution

- 5.9 The more serious the offence, the more likely it is that a prosecution will be needed in the public interest. A prosecution is likely to be needed if:

- a A conviction is likely to result in a significant sentence;
- b A conviction is likely to result in a confiscation or any other order;
- c A weapon was used or violence was threatened during the commission of the offence;
- d The offence was committed against a person serving the public (for example, a police or prison officer, or a nurse);
- e The defendant was in a position of authority or trust;
- f The evidence shows that the defendant was a ringleader or an organiser of the offence;
- g There is evidence that the offence was premeditated;
- h There is evidence that the offence was carried out by a group;
- i The victim of the offence was vulnerable, has been put in considerable fear, or suffered personal attack, damage or disturbance;
- j The offence was committed in the presence of, or in close proximity to, a child;
- k The offence was motivated by any form of discrimination against the victim's ethnic or national origin, disability, sex, religious beliefs, political views or sexual orientation, or the suspect demonstrated hostility towards the victim based on any of those characteristics;
- l There is a marked difference between the actual or mental ages of the defendant and the victim, or if there is any element of corruption;
- m The defendant's previous convictions or cautions are relevant to the present offence;

- n The defendant is alleged to have committed the offence while under an order of the court;
- o There are grounds for believing that the offence is likely to be continued or repeated, for example, by a history of recurring conduct;
- p The offence, although not serious in itself, is widespread in the area where it was committed; or
- q A prosecution would have a significant positive impact on maintaining community confidence.

#### Some common public interest factors against prosecution

5.10 A prosecution is less likely to be needed if:

- a The court is likely to impose a nominal penalty;
- b The defendant has already been made the subject of a sentence and any further conviction would be unlikely to result in the imposition of an additional sentence or order, unless the nature of the particular offence requires a prosecution or the defendant withdraws consent to have an offence taken into consideration during sentencing;
- c The offence was committed as a result of a genuine mistake or misunderstanding (these factors must be balanced against the seriousness of the offence);
- d The loss or harm can be described as minor and was the result of a single incident, particularly if it was caused by a misjudgement;
- e There has been a long delay between the offence taking place and the date of the trial, unless:
  - The offence is serious;
  - The delay has been caused in part by the defendant;
  - The offence has only recently come to light; or
  - The complexity of the offence has meant that there has been a long investigation;
- f A prosecution is likely to have a bad effect on the victim's physical or mental health, always bearing in mind the seriousness of the offence;
- g The defendant is elderly or is, or was at the time of the offence, suffering from significant mental or physical ill health, unless the offence is serious or there is real possibility that it may be repeated. The Crown Prosecution Service, where necessary, applies Home Office guidelines about how to deal with mentally disordered offenders. Crown Prosecutors must balance the desirability of diverting a defendant who is suffering from significant mental or physical ill health with the need to safeguard the general public;
- h The defendant has put right the loss or harm that was caused (but defendants must not avoid prosecution or diversion solely because they pay compensation); or
- i Details may be made public that could harm sources of information, international relations or national security.

5.11 Deciding on the public interest is not simply a matter of adding up the number of factors on each side. Crown Prosecutors must decide how important each factor is in the circumstances of each case and go on to make an overall assessment.

### The relationship between the victim and the public interest

5.12 The Crown Prosecution Service does not act for victims or the families of victims in the same way as solicitors act for their clients. Crown Prosecutors act on behalf of the public and not just in the interests of any particular individual. However, when considering the public interest, Crown Prosecutors should always take into account the consequences for the victim of whether or not to prosecute, and any views expressed by the victim or the victim's family.

5.13 It is important that a victim is told about a decision which makes a significant difference to the case in which they are involved. Crown Prosecutors should ensure that they follow any agreed procedures.

## 6 The Threshold Test

6.1 The Threshold Test requires Crown Prosecutors to decide whether there is at least a reasonable suspicion that the suspect has committed an offence, and if there is, whether it is in the public interest to charge that suspect.

6.2 The Threshold Test is applied to those cases in which it would not be appropriate to release a suspect on bail after charge, but the evidence to apply the Full Code Test is not yet available.

6.3 There are statutory limits that restrict the time a suspect may remain in police custody before a decision has to be made whether to charge or release the suspect. There will be cases where the suspect in custody presents a substantial bail risk if released, but much of the evidence may not be available at the time the charging decision has to be made. Crown Prosecutors will apply the Threshold Test to such cases for a limited period.

6.4 The evidential decision in each case will require consideration of a number of factors including:

- The evidence available at the time;
- The likelihood and nature of further evidence being obtained;
- The reasonableness for believing that evidence will become available;
- The time it will take to gather that evidence and the steps being taken to do so;
- The impact the expected evidence will have on the case;
- The charges that the evidence will support.

6.5 The public interest means the same as under the Full Code Test, but will be based on the information available at the time of charge which will often be limited.

6.6 A decision to charge and withhold bail must be kept under review. The evidence gathered must be regularly assessed to ensure the charge is still appropriate and that continued objection to bail is justified. The Full Code Test must be applied as soon as reasonably practicable.

## 7 Selection of charges

7.1 Crown Prosecutors should select charges which:

- a Reflect the seriousness and extent of the offending;
- b Give the court adequate powers to sentence and impose appropriate post-conviction orders; and
- c Enable the case to be presented in a clear and simple way. This means that Crown Prosecutors may not always choose or continue with the most serious charge where there is a choice.

7.2 Crown Prosecutors should never go ahead with more charges than are necessary just to encourage a defendant to plead guilty to a few. In the same way, they should never go ahead with a more serious charge just to encourage a defendant to plead guilty to a less serious one.

7.3 Crown Prosecutors should not change the charge simply because of the decision made by the court or the defendant about where the case will be heard.

### 8 Diversion from prosecution

#### Adults

8.1 When deciding whether a case should be prosecuted in the courts, Crown Prosecutors should consider the alternatives to prosecution. Where appropriate, the availability of suitable rehabilitative, reparative or restorative justice processes can be considered.

8.2 Alternatives to prosecution for adult suspects include a simple caution and a conditional caution.

#### Simple caution

8.3 A simple caution should only be given if the public interest justifies it and in accordance with Home Office guidelines. Where it is felt that such a caution is appropriate, Crown Prosecutors must inform the police so they can caution the suspect. If the caution is not administered, because the suspect refuses to accept it, a Crown Prosecutor may review the case again.

#### Conditional caution

8.4 A conditional caution may be appropriate where a Crown Prosecutor considers that while the public interest justifies a prosecution, the interests of the suspect, victim and community may be better served by the suspect complying with suitable conditions aimed at rehabilitation or reparation. These may include restorative processes.

8.5 Crown Prosecutors must be satisfied that there is sufficient evidence for a realistic prospect of conviction and that the public interest would justify a prosecution should the offer of a conditional caution be refused or the offender fail to comply with the agreed conditions of the caution.

8.6 In reaching their decision, Crown Prosecutors should follow the Conditional Cautions Code of Practice and any guidance on conditional cautioning issued or approved by the Director of Public Prosecutions.

8.7 Where Crown Prosecutors consider a conditional caution to be appropriate, they must inform the police, or other authority responsible for administering the conditional caution, as well as providing an indication of the appropriate conditions so that the conditional caution can be administered.

#### Youths

8.8 Crown Prosecutors must consider the interests of a youth when deciding whether it is in the public interest to prosecute. However Crown Prosecutors should not avoid prosecuting simply because of the defendant's age. The seriousness of the offence or the youth's past behaviour is very important.

8.9 Cases involving youths are usually only referred to the Crown Prosecution Service for prosecution if the youth has already received a reprimand and final warning, unless the offence is so serious that neither of these were appropriate or the youth does not admit committing the offence. Reprimands and final warnings are intended to prevent re-offending and the fact that a further offence has occurred indicates that attempts to divert the youth from the court system have not been effective. So the public interest will usually require a prosecution in such cases, unless there are clear public interest factors against prosecution.

## 9 Mode of trial

- 9.1 The Crown Prosecution Service applies the current guidelines for magistrates who have to decide whether cases should be tried in the Crown Court when the offence gives the option and the defendant does not indicate a guilty plea. Crown Prosecutors should recommend Crown Court trial when they are satisfied that the guidelines require them to do so.
- 9.2 Speed must never be the only reason for asking for a case to stay in the magistrates' courts. But Crown Prosecutors should consider the effect of any likely delay if they send a case to the Crown Court, and any possible stress on victims and witnesses if the case is delayed.

## 10 Accepting guilty pleas

- 10.1 Defendants may want to plead guilty to some, but not all, of the charges. Alternatively, they may want to plead guilty to a different, possibly less serious, charge because they are admitting only part of the crime. Crown Prosecutors should only accept the defendant's plea if they think the court is able to pass a sentence that matches the seriousness of the offending, particularly where there are aggravating features. Crown Prosecutors must never accept a guilty plea just because it is convenient.
- 10.2 In considering whether the pleas offered are acceptable, Crown Prosecutors should ensure that the interests of the victim and, where possible, any views expressed by the victim or victim's family, are taken into account when deciding whether it is in the public interest to accept the plea. However, the decision rests with the Crown Prosecutor.
- 10.3 It must be made clear to the court on what basis any plea is advanced and accepted. In cases where a defendant pleads guilty to the charges but on the basis of facts that are different from the prosecution case, and where this may significantly affect sentence, the court should be invited to hear evidence to determine what happened, and then sentence on that basis.
- 10.4 Where a defendant has previously indicated that he or she will ask the court to take an offence into consideration when sentencing, but then declines to admit that offence at court, Crown Prosecutors will consider whether a prosecution is required for that offence. Crown Prosecutors should explain to the defence advocate and the court that the prosecution of that offence may be subject to further review.
- 10.5 Particular care must be taken when considering pleas which would enable the defendant to avoid the imposition of a mandatory minimum sentence. When pleas are offered, Crown Prosecutors must bear in mind the fact that ancillary orders can be made with some offences but not with others.

## 11 Prosecutors' role in sentencing

- 11.1 Crown Prosecutors should draw the court's attention to:
- Any aggravating or mitigating factors disclosed by the prosecution case;
  - Any victim personal statement;
  - Where appropriate, evidence of the impact of the offending on a community;
  - Any statutory provisions or sentencing guidelines which may assist;
  - Any relevant statutory provisions relating to ancillary orders (such as anti-social behaviour orders).
- 11.2 The Crown Prosecutor should challenge any assertion made by the defence in mitigation that is inaccurate, misleading or derogatory. If the defence persist in the assertion, and it appears relevant to the sentence, the court should be invited to hear evidence to determine the facts and sentence accordingly.

## 12 Re-starting a prosecution

12.1 People should be able to rely on decisions taken by the Crown Prosecution Service.

Normally, if the Crown Prosecution Service tells a suspect or defendant that there will not be a prosecution, or that the prosecution has been stopped, that is the end of the matter and the case will not start again. But occasionally there are special reasons why the Crown Prosecution Service will re-start the prosecution, particularly if the case is serious.

12.2 These reasons include:

- a Rare cases where a new look at the original decision shows that it was clearly wrong and should not be allowed to stand;
- b Cases which are stopped so that more evidence which is likely to become available in the fairly near future can be collected and prepared. In these cases, the Crown Prosecutor will tell the defendant that the prosecution may well start again; and
- c Cases which are stopped because of a lack of evidence but where more significant evidence is discovered later.

12.3 There may also be exceptional cases in which, following an acquittal of a serious offence, the Crown Prosecutor may, with the written consent of the Director of Public Prosecutions, apply to the Court of Appeal for an order quashing the acquittal and requiring the defendant to be retried, in accordance with Part 10 of the Criminal Justice Act 2003.



In these statistics, a defendant represents one person in a single set of proceedings, which may involve one or more charges. A set of proceedings usually relates to an incident or series of related incidents that are the subject of a police file. If a set of proceedings relates to more than one person, then each is counted as a defendant. Sometimes one person is involved in several sets of proceedings during the same year: if so, he or she is counted as a defendant on each occasion.

The figures comprise defendants dealt with by the 42 Areas of the Service, but do not include the specialised casework handled by Casework Directorate.

**Chart 1 Magistrates' courts: caseload**

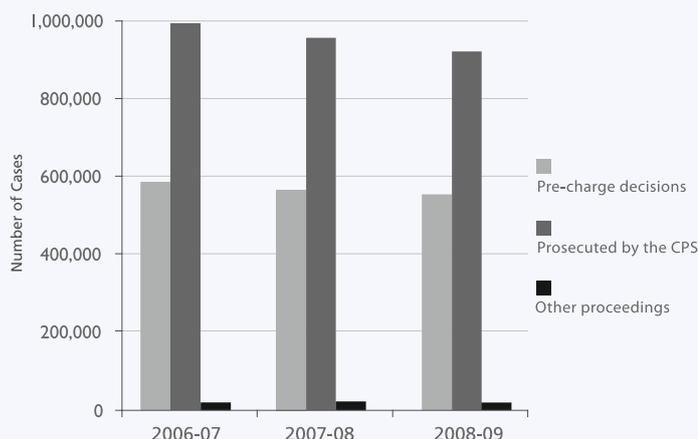


Chart 1 shows the number of cases dealt with by the CPS in 2008-09 and in the two preceding years.

The number of defendants prosecuted by the CPS fell by 3.9% during the year. Several factors may affect this figure, including the number of arrests, the impact of the early involvement of prosecutors, the number of offences cleared up by the police, and the number of offenders cautioned by the police. The current fall in caseload may also be related to lower levels of recorded crime, and to the increased number of comparatively minor offences now dealt with by way of a fixed penalty without CPS involvement.

	2006-07	2007-08	2008-09
Pre-charge decisions	584,216	547,649	532,427
Prosecuted by CPS	987,981	966,626	928,708
Other proceedings	3,873	4,439	3,812

**Pre-charge decisions:** in all but minor cases, and those where a guilty plea is anticipated, Crown Prosecutors are responsible for deciding whether a person should be charged with a criminal offence and, if so, what that offence should be in accordance with the Director's Guidelines. The figures shown here comprise all such decisions, regardless of whether the decision was to prosecute or not. Many pre-charge decisions will have been made in cases subsequently prosecuted by the CPS;

**Prosecuted by the CPS:** this figure comprises all defendants charged or summonsed whose case was completed in magistrates' courts during the period, including those proceeding to a trial or guilty plea, those discontinued, and those which could not proceed. Cases committed or sent for trial in the Crown Court are not included in magistrates' caseload data. Further information on the type of finalisations is shown at chart 3;

**Other proceedings:** non-criminal matters, such as forfeiture proceedings under the Obscene Publications Acts.

Counting rules for the presentation of case volumes and outcomes were amended with effect from April 2007. Cases involving mixed pleas of guilty to some charges while other charges proceeded to contest were formerly double counted, but are now treated as a single defendant case. Historical figures in the present report have been adjusted in accordance with the revised rules, giving a consistent run of figures.

**Chart 2 Magistrates' courts: types of cases**

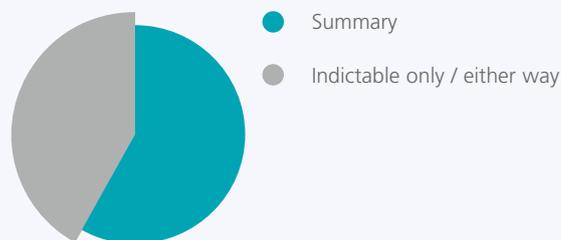


Chart 2 shows the different types of cases dealt with by the CPS in magistrates' courts. They are:

**Summary:** cases which can be tried only in the magistrates' courts;

**Indictable only/either way:** indictable only cases can be tried only in the Crown Court, but either way cases may be tried either in magistrates' courts or in the Crown Court.

	2006-07	%	2007-08	%	2008-09	%
Summary	669,217	62	640,483	60.3	602,180	58.2
Indictable only/ either way	410,869	38	421,647	39.7	432,293	41.8
<b>Total</b>	<b>1,080,086</b>		<b>1,062,130</b>		<b>1,034,473</b>	

The above figures include cases committed or sent for trial in the Crown Court as well as those completed in magistrates' courts.

**Chart 3 Magistrates' courts: case outcomes**

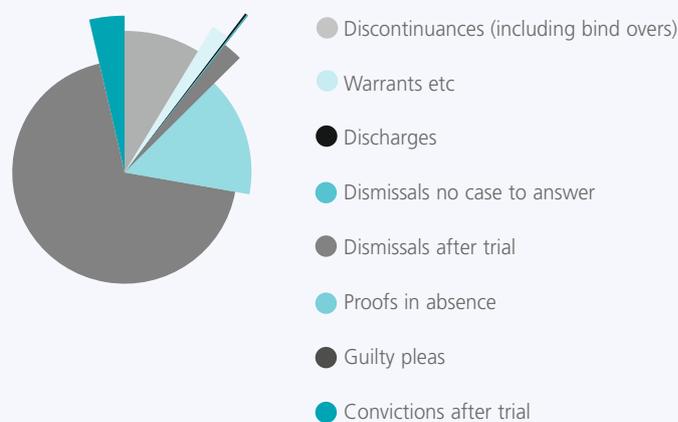


Chart 3 shows the outcome of defendant cases completed during the year. These are cases where a decision has been made by the police or CPS to charge or summons. Cases may proceed to prosecution or be discontinued at any stage of the proceedings up to the start of trial.

**Discontinuances:** Consideration of the evidence and of the public interest may lead the CPS to discontinue proceedings at any time before the start of the trial. The figures include both cases discontinued in advance of the hearing and those withdrawn at court. Also included are cases in which the defendant was bound over to keep the peace.

**Warrants etc:** when the prosecution cannot proceed because the defendant has failed to appear at court and a Bench Warrant has been issued for his or her arrest; or the defendant has died; or where proceedings are adjourned indefinitely.

**Discharges:** committal proceedings in which the defendant is discharged;

**Dismissals no case to answer:** cases in which the defendant pleads not guilty and prosecution evidence is heard, but proceedings are dismissed by the magistrates without hearing the defence case;

**Dismissals after trial:** cases in which the defendant pleads not guilty and proceedings are dismissed by the magistrates after hearing the defence case – a not guilty verdict;

**Proofs in absence:** these are mostly minor motoring matters which are heard by the court in the absence of the defendant;

**Guilty pleas:** where the defendant pleads guilty;

**Convictions after trial:** cases in which the defendant pleads not guilty but is convicted after the evidence is heard.

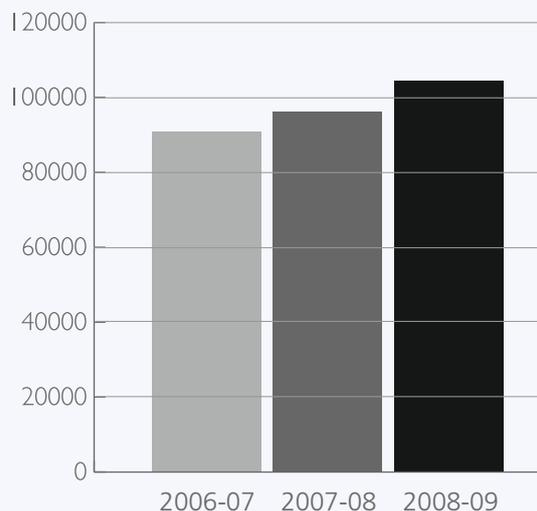
	2006-07	%	2007-08	%	2008-09	%
Discontinuances (including bind overs)	107,651	10.9	95,513	9.9	80,661	8.7
Warrants etc	26,013	2.6	19,690	2.0	15,069	1.6
Discharges	2,325	0.2	2,230	0.2	1,984	0.2
Dismissals no case to answer	2,193	0.2	1,800	0.2	1,707	0.2
Dismissals after trial	17,898	1.8	18,858	2.0	18,682	2.0
Proofs in absence	150,741	15.3	139,618	14.4	140,328	15.1
Guilty pleas	646,181	65.4	652,018	67.5	636,887	68.6
Convictions after trial	34,979	3.5	36,899	3.8	33,390	3.6
<b>Total</b>	<b>987,981</b>		<b>966,626</b>		<b>928,708</b>	

Discontinuances have continued to fall substantially, from 12.7% in 2004-05, to 8.7% in 2008-09 reflecting the positive impact of the charging initiative.

Convictions rose from 82.6% of all outcomes to 87.3% in 2008-09. Over the same period, unsuccessful outcomes fell from 19.4% in 2004-05 to 12.7% in 2008-09. This was another positive outcome of charging.

During 2008-09, a total of 8,618 defendants pleaded guilty to some charges, and were convicted after trial of other charges. To avoid double counting, and to ensure consistency with figures for previous years, the outcome for these defendants is shown as a guilty plea.

**Chart 4: Magistrates' courts: committals to the Crown Court**



In addition to the above cases, which were completed in magistrates' courts, the following numbers of defendants were committed or sent for trial in the Crown Court:

	2006-07	2007-08	2008-09
committals for trial	91,900	95,433	105,790

**Chart 5: Crown Court caseload**

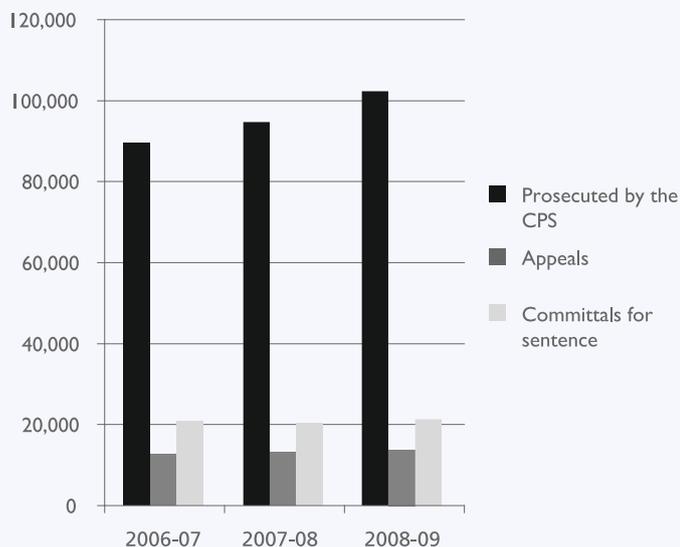


Chart 5 shows the number of defendants whose case was completed in the Crown Court:

**Prosecuted by the CPS:** This figure comprises all cases proceeding to trial or guilty plea in the Crown Court, together with those discontinued or dropped by the CPS after having been committed or sent for trial. The outcome of these proceedings is shown at chart 7;

**Appeals:** defendants tried in magistrates' courts may appeal to the Crown Court against their conviction and/or sentence;

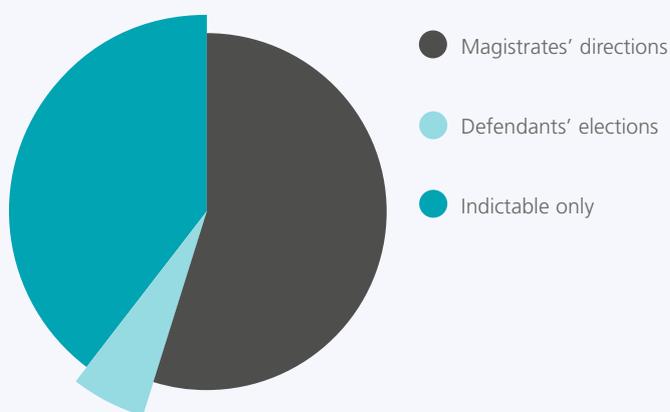
**Committals for sentence:** some defendants tried and convicted by the magistrates are committed to the Crown Court for sentence, if the magistrates' decide that greater punishment is needed than they can impose.

	2006-07	2007-08	2008-09
Prosecuted by the CPS	89,408	96,992	103,890
Appeals	13,364	13,823	13,898
Committals for sentence	20,695	20,656	21,509

The number of defendants prosecuted increased by 7.1% during 2008-09.

Counting rules for the presentation of case volumes and outcomes were amended with effect from April 2007. Cases involving mixed pleas of guilty to some charges while other charges proceeded to contest were formerly double counted, but are now treated as a single defendant case. Historical figures in the current report have been adjusted in accordance with the revised rules, giving a consistent run of figures.

**Chart 6: Crown Court: source of committals for trial**



**Magistrates' directions:** these are either way proceedings which the magistrates thought were serious enough to call for trial in the Crown Court;

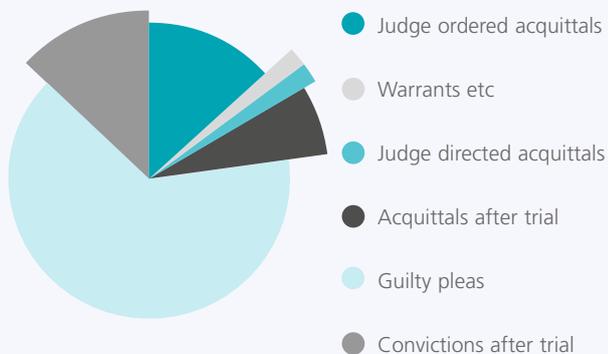
**Defendants' elections:** these are either way proceedings in which the defendant chose Crown Court trial;

**Indictable only:** these are more serious cases which can only be tried in the Crown Court.

	2006-07	%	2007-08	%	2008-09	%
Magistrates' directions:	48,320	54.0	51,603	53.2	55,315	53.5
Defendants' elections:	5,443	6.1	6,348	6.5	7,614	7.4
Indictable only:	35,654	39.9	39,048	40.3	40,493	39.2
<b>Total:</b>	<b>89,417</b>		<b>96,999</b>		<b>103,422</b>	

Indictable only cases represented 39.2% of the total compared to only 18.2% in 1991-92.

**Chart 7: Crown Court: case outcomes**



Cases against defendants committed for trial in the Crown Court can be completed in several ways:

**Judge ordered acquittals:** These are cases where problems are identified after a case is committed or sent to the Crown Court. The prosecution offers no evidence, and the judge orders a formal acquittal of the defendant. These include cases where an evidential deficiency has been identified, where the defendant has serious medical problems; or has already been dealt with for other offences; or when witnesses are missing. Cases sent to the Crown Court under s51 Crime and Disorder Act 1998 and subsequently discontinued are also included in this total. Also included are cases in which charges do not proceed to a trial, and the defendant is bound over to keep the peace;

**Warrants etc:** when the prosecution cannot proceed because the defendant fails to attend court and a Bench Warrant has been issued for his or her arrest; or the defendant has died; or is found unfit to plead. If the police trace a missing defendant, then proceedings can continue;

**Judge directed acquittals:** these are cases where, at the close of the prosecution case against the defendant, a successful submission of “no case” or “unsafe” is made on behalf of the defendant, and the judge directs an acquittal rather than allow the case to be determined by the jury;

**Acquittals after trial:** when the defendant pleads not guilty and, following a trial, is acquitted by the jury;

**Guilty pleas:** where the defendant pleads guilty;

**Convictions after trial:** cases in which the defendant pleads not guilty but, following a trial, is convicted by the jury

	2006-07	%	2007-08	%	2008-09	%
Judge ordered acquittals (including bind overs)	12,102	13.5	12,356	12.7	12,198	11.7
Warrants etc	1,188	1.3	1,230	1.3	999	1.0
Judge directed acquittals	1,254	1.4	1,189	1.2	990	1.0
Acquittals after trial	5,746	6.4	5,270	5.4	5,703	5.5
Guilty pleas	60,918	68.1	69,242	71.4	76,049	73.2
Convictions after trial	8,200	9.2	7,705	7.9	7,951	7.7
<b>Total</b>	<b>89,408</b>		<b>96,992</b>		<b>103,890</b>	

Convictions rose to 80.9% compared to 76.7% in 2005-06 and 77.3% in 2006-07 and 79.3% in 2007-08, while unsuccessful outcomes fell to 19.1% compared to 23.3% in 2005-06, 22.7% 2006-07, and 20.7% in 2007-08.

During 2008-09, a total of 2,374 defendants pleaded guilty to some charges, and were convicted after trial of other charges. To avoid double counting, and to ensure consistency with figures for previous years, the outcome for these defendants is shown as a guilty plea.

**Agent Usage**

The proportion of half day sessions in magistrates' courts covered by lawyers in private practice acting as agents in 2008-09 was 14.7% compared to 16.8% in 2007-08.

## 1. Introduction

1.1 These instructions are issued by the Director of Public Prosecutions pursuant to sections 7A (3) and (4) of the Prosecution of Offences Act 1985 (the Act) which apply generally to CPS non legal employees designated by the Director in accordance with section 7A (1) of the Act.

1.2 They will take effect on 23 February 2009.

1.3 A non-legal employee designated in accordance with section 7A (1) will be referred to in these instructions as an Associate Prosecutor (AP).

1.4 These instructions apply whether an AP has been designated prior to the date specified in paragraph 1.2, upon that date, or subsequently.

1.5 Upon these instructions taking effect in accordance with paragraph 1.1, all previous instructions issued to APs pursuant to section 7A(3) and (4) of the Act, and set out in the appropriate Annex of the Director's annual report to the Attorney General in accordance with section 7A (7)(c) of the Act, will cease to have effect.

1.6 The Director may from time to time issue guidance to Chief Crown Prosecutors on the implementation of these instructions, and dealing with related matters including procedures for supervision of APs and training requirements relevant to certain duties.

1.7 Nothing in these instructions prevents an AP from reminding a court of its duties and powers in relation to any proceedings (including sentencing).

## 2. The Statutory powers under section 7A

2.1 Subject to any exceptions or limitations contained within these instructions, Section 7A, as amended, confers on APs the powers and rights of audience of a Crown Prosecutor in relation to:

- (i) bail applications;
- (ii) the conduct of criminal proceedings in the magistrates' courts (including the youth court) other than trials of either way offences tried summarily or offences punishable with a term of imprisonment;
- (iii) the conduct of applications or other proceedings relating to preventative civil orders;
- (iv) the conduct of proceedings (other than criminal proceedings) in connection with the discharge of the functions assigned to the Director by the Attorney General; and
- (v) any other powers of a Crown Prosecutor not involving the exercise of rights of audience in relation to the conduct of proceedings falling within (ii), (iii) and (iv) above.

2.2 Section 7A does not give APs power to institute or commence criminal proceedings.

## 3. Powers and rights of audience

3.1 Subject to the exceptions or limitations specified in Schedules 1 to 5 and completion of the approved AP training, all APs will exercise the statutory powers under section 7A.

### Bail applications (paragraph 2.1 (i) above)

3.2 Bail applications include a defendant's application for bail, or application in relation to bail (including proceedings for breach and variation) in the Crown Court or the magistrates' court, subject to the exceptions listed in Schedule 1.

**Conduct of criminal proceedings (paragraph 2.1 (ii) above)**

- 3.3 The powers and rights of audience in relation to the conduct of criminal proceedings relate to all stages of the proceedings in magistrates' courts after a person has been charged. However the power to conduct trials is restricted to trials of non-imprisonable summary offences.
- 3.4 In applying these instructions a "trial" is defined in section 7A (5A) of the Act as beginning with the opening of the prosecution case after a not guilty plea and ends with the conviction or acquittal of the accused.
- 3.5 APs exercise these powers and rights of audience on the instructions of a Crown Prosecutor and do not have a power of review under the Code for Crown Prosecutors for this purpose, except in accordance with paragraph 3.14 below.
- 3.6 APs are not designated to exercise the powers and rights of audience of Crown Prosecutors in the magistrates' court (including the youth court) in relation to the proceedings specified in Schedule 2.

**Preventative Civil Orders (paragraph 2.1 (iii) above)**

- 3.7 APs are designated to conduct applications or other proceedings relating to those Preventative Civil Orders (PCOs) set out in paragraph 3.8 below. The conduct of proceedings that APs may undertake varies according to the legislative requirements of the particular PCO. This gives APs, where the legislation applies, authority to conduct an application for an order, or adduce further evidence, or apply for the variation or discharge of an order.

- 3.8 PCOs relate only to the following:
- (i) Anti-Social Behaviour Order – the conduct of applications for orders made after a verdict or finding; variation and discharge of such orders.
  - (ii) Football Banning Order – the conduct of applications on complaint or after a verdict or finding; to adduce and lead further evidence where appropriate; and to appeal against the refusal of a court to impose such an order.
  - (iii) Drinking Banning Order (to come into force on a day to be appointed) – the conduct of applications for orders made after a verdict or finding; variation and discharge of such orders.
  - (iv) Parenting Orders – a duty to assist the court on request.
  - (v) Restraining Orders – in relation to orders made after a verdict or finding to adduce and lead to further evidence; and to apply for a variation or discharge of such an order.
- 3.9 A breach of a PCO is a criminal offence. Each PCO carries a different penalty. APs have power to deal with breaches subject to Schedule 2 and 4 below.
- 3.10 APs shall only exercise the powers and rights of audience as specified in Schedule 3.

**Functions assigned by the Attorney General to the Director (paragraph 2.1 (iv) above)**

- 3.11 The Attorney General has assigned to the Director the following functions:
- (i) applications for warrants of further detention under section 43(1) of the Police and Criminal Evidence Act 1984 and their extension under section 44 of that Act;
  - (ii) applications by other countries for extradition of persons in the UK;
  - (iii) conduct of proceedings relating to case stated and Habeas Corpus;
  - (iv) conduct of proceedings under section 2 of the Dogs Act 1871 instituted by a police force (dangerous dogs that may be destroyed);  
and
  - (v) applications for removal of driving disqualifications under section 42 Road Traffic Offenders Act 1988.

- 3.12 APs are designated to conduct proceedings only in relation to paragraphs 3.11 (iv) and (v) above, (proceedings under section 2 of the Dogs Act 1871 and those under section 42 of the Road Traffic Offenders Act 1988).

**Powers not involving rights of audience (paragraph 2.1 (v) above)**

- 3.13 The powers of a Crown Prosecutor that do not involve rights of audience relate to all other criminal proceedings conducted in the magistrates' court.
- 3.14 APs shall only review magistrates' court cases which are straight forward and which involve no difficult technical issues, or other complication of fact or law. Consistent with that principle, the power to review and determine such proceedings shall only be exercised in accordance with Schedule 4.

**Schedule 1**

**APs are not designated to conduct bail applications (including any variations, breaches and appeals) in the following matters.**

1. Bail applications in the Crown Court.
2. Bail applications in youth courts.
3. Bail applications in relation to youths charged with an adult in the magistrates' courts or a youth appearing alone in the magistrates' courts.

**Schedule 2**

**Otherwise than as provided for in Schedule 5 APs are not currently designated to exercise the powers and rights of audience of Crown Prosecutors in the magistrates' court (including the youth court) for the following proceedings.**

1. Trials relating to summary only non-imprisonable offences. Summary trials relating to either way offences and those punishable with a term of imprisonment are excluded from section 7A of the Act.
2. Post-conviction hearings commonly known as "Newton Hearings".
3. Hearings in relation to committal proceedings where there is consideration of the evidence (section 6(1) of the Magistrates' Courts Act 1980).
4. Matters that involve obligatory driving disqualification where evidence will be called in respect of 'special reasons' as to why the court should not impose disqualification.

### Schedule 3

#### **APs shall only exercise the powers and rights of audience of Crown Prosecutors in relation to Preventative Civil Orders in the following circumstances.**

APs shall only conduct proceedings for PCOs where the conditions in (i) and (ii) both apply.

The conditions are:

- (i) instructions have been given by a Crown Prosecutor in relation to the application, variation, or discharge or in adducing or leading further evidence, where applicable: and
- (ii) the proceedings are not contested.

### Schedule 4

#### **APs shall only exercise the powers of a Crown Prosecutor (including the power to review and determine criminal proceedings) in the following circumstances.**

1. To review summary or either way offences only where:
  - the defendant is an adult; and
  - the matter is summary-only or considered to be suitable for summary disposal; and
  - a guilty plea is reasonably expected; or
  - (if otherwise) the offence is a minor road traffic offence, provided the defendant is not a youth.
  - a guilty plea may reasonably be expected where
  - the suspect has made a clear and unambiguous admission to the offence to be proved and has said nothing that could be used as a possible defence

Or

Though the suspect has made no admission in interview<sup>11</sup> the commission of the offence and the identification of the offender can be established

by good quality evidence (e.g. of a police officer or another reliable independent witness) or the suspect can be seen clearly committing the offence on a good quality visual recording.

2. To amend a charge or summons where the amendment is minor, for example:
  - an error as to the value of any property;
  - the date upon which an offence took place;
  - the venue for the offence;
  - the description of any relevant object.
3. To withdraw a charge or summons where:
  - a road traffic offence involves the production of documents by the defendant (otherwise than in specified proceedings), and the defendant has produced the relevant documents to the court's Police Liaison Officer or other police officer; and
  - the AP is satisfied that the charge or summons is no longer sustainable.

### Schedule 5

1. The following provisions of these instructions do not apply to those members of staff designated under Section 7A (1) of the Prosecution of Offences Act 1985 who have been appointed as Level 2 Associate Prosecutors:
  - (i) Schedule 2, paragraph 1 (Trials relating to summary only non-imprisonable offences).
  - (ii) Schedule 2, paragraph 2 (Newton Hearings in relation to summary only non-imprisonable offences only).
  - (iii) Schedule 2, paragraph 4 ("special reasons hearings").
  - (iv) Schedule 3, paragraph (ii) (thus allowing Level 2 Associate Prosecutors to conduct contested PCOs).

<sup>11</sup> Either because he made no comment, or because he was not interviewed at all, but has not at any time denied the offence or otherwise indicated that the charge will be contested at court.

2. Level 2 Associate Prosecutors will be able to exercise the powers contained in Schedule 4 (2) and (3) to amend a charge or summons, or to withdraw a road traffic offence requiring the production of documents during the course of a trial.
3. Level 2 Associate Prosecutors have the following additional powers also exercisable during the course of prosecuting a trial:
  - (i) To withdraw or offer no evidence or no further evidence in relation to any charge where:
    - they form the opinion that there is no longer sufficient evidence to support the charge and the trial will continue in relation to other charge(s) which are before the court.

### Criteria for designation

All persons designated under section 7A (1) of the Prosecution of Offences Act 1985 are generally known as Associate Prosecutors (APs).

All persons are selected for the AP role through fair and open competition or appointed in accordance with published CPS policy on “Staff movements within the CPS, including retirement, redundancy, promotion and transfer”.

In order to be designated as an AP all persons must meet the criteria and satisfy the personal competencies for the role. These competencies include having experience of casework within the criminal justice system or of lay presentation, and having a working knowledge of criminal law and its application, magistrates’ courts procedure and the criminal justice system.

### Training

All prospective APs undertake an internal training programme which involves assimilating a comprehensive resource pack through distance learning and attending both a foundation course (legal principles) and a separate advocacy course, unless by virtue of their being a practising Crown Prosecutor immediately prior to re-grading as an AP, it is determined that they already possess the knowledge and experience necessary to exercise the designated powers.

The training equips the applicant with the knowledge and advocacy skills to undertake a review and presentational role in the magistrates’ courts in accordance with the Instructions issued by the Director, under section 7A (3) and (4) of the Prosecution of Offences Act 1985.

Applicants attending this training will only be designated as an AP where they have passed an independent assessment of competence at its conclusion.

After successfully completing the advocacy course, APs have to complete a face-to-face training course dealing with bail applications. It is recommended that this is completed no longer than three to four months after the Advocacy assessment.

APs also have access to the CPS e-learning modules to further enhance their knowledge. These include case management hearings, custody time limits, domestic violence, the Threshold Test, conditional cautioning, and the Fraud Act 2006.

APs selected to prosecute trials in summary only non-imprisonable offences, and other contested cases, are known as Level 2 Associate Prosecutors (AP2s). AP2s undertake an intensive additional training programme, unless by virtue of their being a practising Crown Prosecutor prior to re-grading as an AP2, it is determined that they already possess the knowledge and experience necessary to perform that role.

The additional AP2 training involves the study of e-learning modules, observation of experienced advocates in trials and other contested hearings, attending a five day course on the underpinning knowledge and skills required for the role and a further five day practical advocacy course.

All prospective AP2s who attend this training must pass an independent assessment of competence at the end of the second five day course before they are permitted to deal with the summary trials and other contested hearings as set out in the Director’s Instructions.

### Continuing professional development

All APs must complete 16 hours of continuing professional development training per year.

During the period of this report, the Director of Public Prosecutions has issued guidance, as follows:

- The Director's Guidance on the Streamlined Process under S37A of the Police and Criminal Evidence Act 1984 about the streamlining of certain prosecution case files. Second Edition: October 2008
- The Director's Guidance on Witness Anonymity setting out how Crown Prosecutors must deal with applications for anonymity under Criminal Evidence (Witness Anonymity) Act 2008, and associated matters.

All Director's Guidance is available on the CPS website.

Under s.3(2)(g) of the Prosecution of Offences Act 1985 the following assignments were made by the Attorney General to Director of Public Prosecutions:

- Conducting applications for the extension of pre-charge detention (May 2008); and
- Responding to applications for the early removal of driving disqualification (September 2008).

**Table 1 - Total Departmental spending, resource budget and capital budget for the CPS**

Summary of the Department's total budget and how the Department allocates and spends the resources and capital allocated to it by Parliament to deliver the services within its responsibilities

£'000s

	2003-04 Outturn	2004-05 Outturn	2005-06 Outturn	2006-07 Outturn	2007-08 Outturn	2008-09 Estimated outturn	2009-10 Plans	2010-11 Plans
<b>Resource budget</b>								
Resource DEL The Crown Prosecution Service	512,517	565,363	600,466	614,218	632,714	632,212	643,848	617,567
<b>Total resource budget DEL</b>	<b>512,517</b>	<b>565,363</b>	<b>600,466</b>	<b>614,218</b>	<b>632,714</b>	<b>632,212</b>	<b>643,848</b>	<b>617,567</b>
of which:								
Near-cas	510,704	561,420	595,194	607,969	618,744	618,976	637,106	610,885
of which:†								
Pay	279,870	294,065	310,185	333,949	352,118	360,078		
Procurement	230,834	267,355	285,009	274,020	266,626	258,898	267,780	258,029
<b>Total resource budget</b>	<b>512,517</b>	<b>565,363</b>	<b>600,466</b>	<b>614,218</b>	<b>632,714</b>	<b>632,212</b>	<b>643,848</b>	<b>617,567</b>
of which:								
depreciation	2,352	3,364	5,406	4,679	5,201	5,057	5,056	5,056
<b>Capital budget</b>								
Capital DEL The Crown Prosecution Service	7,370	7,042	3,406	4,761	2,188	4,301	5,200	5,100
<b>Total capital budget DEL</b>	<b>7,370</b>	<b>7,042</b>	<b>3,406</b>	<b>4,761</b>	<b>2,188</b>	<b>4,301</b>	<b>5,200</b>	<b>5,100</b>
of which:								
Capital expenditure on fixed assets net of salest	7,370	7,042	3,406	4,761	2,188	4,301	5,200	5,100
Less depreciation†††	2,352	3,364	5,406	4,679	5,201	5,057	5,056	5,056
Net capital expenditure on tangible fixed assets	5,018	3,678	-2,000	82	-3,013	-756	144	44
<b>Total Departmental spending†</b>								
The Crown Prosecution Service	517,535	569,041	598,466	614,300	629,701	631,456	643,992	617,611
<b>Total Departmental spending†</b>	<b>517,535</b>	<b>569,041</b>	<b>598,466</b>	<b>614,300</b>	<b>629,701</b>	<b>631,456</b>	<b>643,992</b>	<b>617,611</b>
of which:								
Total DEL	517,535	569,041	598,466	614,300	629,701	631,456	643,992	617,611

† Total Departmental spending is the sum of the resource budget and the capital budget less depreciation. Similarly, total DEL is the sum of the resource budget DEL and capital budget DEL less depreciation in DEL, and total AME is the sum of resource budget AME and capital budget AME less depreciation in AME.

Table 2 - Administration costs for the CPS

Breakdown of the staff and other general costs (including accommodation and other office costs) related to the running of the Department

£'000s

	2003-04 Outturn	2004-05 Outturn	2005-06 Outturn	2006-07 Outturn	2007-08 Outturn	2008-09 Estimated outturn <sup>±</sup>	2009-10 Plans	2010-11 Plans
<b>Administration Expenditure</b>								
Paybill	26,357	32,282	23,935	24,880	25,230	26,257		
Other	26,998	26,421	29,710	26,740	28,771	26,386		
<b>Total administration expenditure</b>	<b>53,355</b>	<b>58,703</b>	<b>53,645</b>	<b>51,620</b>	<b>54,001</b>	<b>52,643</b>	<b>56,693</b>	<b>55,033</b>
Administration income	(2,570)	(1,256)	(146)	(313)	(1,650)	(1,184)	91,700	91,700
<b>Total administration budget</b>	<b>50,785</b>	<b>57,447</b>	<b>53,499</b>	<b>51,307</b>	<b>52,351</b>	<b>51,459</b>	<b>54,993</b>	<b>53,333</b>
<b>Analysis by activity</b>								
To bring offenders to justice, recover proceeds of crime, improve services to victims and witnesses and promote confidence by firm and fair decision making and presentation of cases in court	50,785	57,447	53,499	51,307	52,351	51,459	54,993	53,333
<b>Total administration budget</b>	<b>50,785</b>	<b>57,447</b>	<b>53,499</b>	<b>51,307</b>	<b>52,351</b>	<b>51,459</b>	<b>54,993</b>	<b>53,333</b>

Table 3 - Staff numbers for the CPS

Staffing count for the CPS

	2003-04 Outturn	2004-05 Outturn	2005-06 Outturn	2006-07 Outturn	2007-08 Outturn	2008-09 Estimated outturn <sup>±</sup>	2009-10 Plans	2010-11 Plans
<b>Crown Prosecution Service:</b>								
CS FTEs	7,489	7,832	8,120	8,282	8,297	8,216	8,016	7,816
Overtime	49	38	41	39	34	35	30	25
Other	343	300	264	264	223	180	160	130
<b>Total</b>	<b>7,881</b>	<b>8,170</b>	<b>8,425</b>	<b>8,585</b>	<b>8,554</b>	<b>8,431</b>	<b>8,206</b>	<b>7,971</b>

Table 4 – Capital employed by the CPS

Capital employed in meeting the Department's objectives

£'000s

Assets and liabilities on the balance sheet at end of year:	2003-04 Outturn	2004-05 Outturn	2005-06 Outturn	2006-07 Outturn	2007-08 Outturn	2008-09 Estimated outturn‡	2009-10 Plans	2010-11 Plans
<b>Assets</b>								
Fixed assets	20,898	27,735	25,923	27,753	28,114	26,885	26,868	26,757
Intangible Tangible of which:	-	-	946	860	627	371	337	307
Land and buildings	3,378	5,775	5,697	6,111	5,896	4,307	4,146	3,991
Plant and machinery etc	17,520	21,960	20,226	21,642	22,218	22,578	22,722	22,766
<b>Investments</b>	-	-	-	-	-	-	-	-
Current assets	50,839	76,164	70,958	66,063	78,070	77,299	74,799	72,299
<b>Liabilities</b>								
Creditors (<1 year)	(53,273)	(82,343)	(66,931)	(59,239)	(75,670)	(58,867)	(57,367)	(55,367)
Creditors (>1 year)	-	-	-	-	-	-	-	-
Provisions Current assets	(11,467)	(11,075)	(10,231)	(9,419)	(12,715)	(14,08)	(15,183)	(12,083)
<b>Capital employed within main Department</b>	<b>6,997</b>	<b>10,481</b>	<b>20,665</b>	<b>26,018</b>	<b>18,426</b>	<b>31,605</b>	<b>29,455</b>	<b>31,913</b>
NDPB net assets	-	-	-	-	-	-	-	-
<b>Total capital employed in Departmental group</b>	<b>6,997</b>	<b>10,481</b>	<b>20,665</b>	<b>26,018</b>	<b>18,426</b>	<b>31,605</b>	<b>29,455</b>	<b>31,913</b>

‡ These are figures provided prior to the external audit and may differ to the figures in the accounts (pages 58 - 88).

Table 5 - CPS's identifiable expenditure on services, by country and region

Analysis of spending in each UK country and nine regions of England

£ millions

	2003-04 Outturn	2004-05 Outturn	2005-06 Outturn	2006-07 Outturn	2007-08 Outturn	2008-09 Plans	2009-10 Plans	2010-11 Plans
North East	27.9	28.2	31.5	31.4	31.5	32.0	32.0	31.7
North West	78.8	87.2	90.6	94.5	94.6	90.2	94.2	93.5
Yorkshire and The Humber	48.6	54.0	53.6	54.0	53.2	54.9	55.8	55.4
East Midlands	35.2	37.4	41.1	39.3	40.1	42.0	41.1	40.8
West Midlands	52.7	58.4	61.2	63.0	63.1	65.7	63.6	63.2
East	40.2	42.5	45.6	47.6	50.4	49.6	48.3	47.9
London	110.6	128.4	132.6	140.6	139.3	153.3	140.2	139.1
South East	61.4	64.6	69.7	72.8	75.3	79.8	73.9	73.4
South West	33.2	36.9	39.2	38.8	38.3	39.0	39.5	39.2
<b>Total England</b>	<b>488.6</b>	<b>537.5</b>	<b>565.1</b>	<b>582.0</b>	<b>585.9</b>	<b>606.4</b>	<b>588.7</b>	<b>584.2</b>
Scotland	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Wales	29.5	30.9	33.5	35.0	35.2	36.0	34.9	34.7
Northern Ireland	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>Total UK identifiable expenditure</b>	<b>518.1</b>	<b>568.4</b>	<b>598.6</b>	<b>617.0</b>	<b>621.1</b>	<b>642.4</b>	<b>623.6</b>	<b>618.9</b>
<b>Outside UK</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>Total identifiable expenditure</b>	<b>518.1</b>	<b>568.4</b>	<b>598.6</b>	<b>617.0</b>	<b>621.1</b>	<b>642.4</b>	<b>623.6</b>	<b>618.9</b>
<b>Non-identifiable expenditure</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.3</b>	<b>5.9</b>	<b>4.7</b>
<b>Total expenditure on services</b>	<b>518.1</b>	<b>568.4</b>	<b>598.6</b>	<b>617.0</b>	<b>621.1</b>	<b>642.7</b>	<b>629.4</b>	<b>623.6</b>

Table 6 - CPS's identifiable expenditure on services, by country and region, per head

Analysis of spending per head of population in each UK country and nine regions of England

£'s per head

	2003-04 Outturn	2004-05 Outturn	2005-06 Outturn	2006-07 Outturn	2007-08 Outturn	2008-09 Plans	2009-10 Plans	2010-11 Plans
North East	11.0	11.1	12.4	12.3	12.3	12.4	12.4	12.3
North West	11.6	12.8	13.2	13.8	13.8	13.0	13.6	13.4
Yorkshire and The Humber	9.7	10.7	10.5	10.5	10.3	10.5	10.6	10.4
East Midlands	8.3	8.7	9.5	9.0	9.1	9.4	9.1	9.0
West Midlands	9.9	11.0	11.4	11.7	11.7	12.1	11.7	11.5
East	7.3	7.7	8.2	8.5	8.9	8.7	8.4	8.2
London	15.0	17.4	17.8	18.7	18.4	20.1	18.2	17.9
South East	7.6	7.9	8.5	8.8	9.1	9.6	8.8	8.6
South West	6.6	7.3	7.7	7.6	7.4	7.5	7.5	7.4
<b>Total England</b>	<b>9.8</b>	<b>10.7</b>	<b>11.2</b>	<b>11.5</b>	<b>11.5</b>	<b>11.8</b>	<b>11.3</b>	<b>11.2</b>
Scotland	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Wales	10.1	10.5	11.3	11.8	11.8	12.0	11.6	11.5
Northern Ireland	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>Total UK identifiable expenditure</b>	<b>8.7</b>	<b>9.5</b>	<b>9.9</b>	<b>10.2</b>	<b>10.2</b>	<b>10.5</b>	<b>10.1</b>	<b>9.9</b>

The CPS has no outstanding PAC recommendations.

The CPS was not the subject of any complaints to the Parliamentary Ombudsman during the reporting period.

## PSA 23 - Make communities safer

### British Crime Survey

The level of public confidence in the 'fairness' and 'effectiveness' of the criminal justice system is measured through the British Crime Survey (BCS). The BCS is a continuous nationally representative social survey of adults aged 16 and over living in private households in England and Wales (annual sample size of over 45,000). It measures crime victimisation, experience of and attitudes to crime.

For 'effectiveness of the CJS', respondents are asked about their confidence in the effectiveness of each of the individual agencies that comprise the CJS, followed by a question about confidence in the effectiveness of the CJS as a whole. This prompts the respondent's awareness and knowledge of the agencies within the CJS before asking about the overall CJS.

For 'fairness of the CJS', the approach is based on a set of statements covering common attitudes towards issues around 'fairness' (e.g. discrimination against particular groups or individuals and the balance between the victim and offender) in order to provoke consideration of these different aspects before asking the general question on perceptions of fairness in the CJS as a whole.

Social researchers from the Office for Criminal Justice Reform are responsible for undertaking the confidence analyses, and ensuring that each set of data is produced in accordance with the Unit's data quality procedures.

### Crime recording

Recorded crime statistics are affected by changes in reporting and recording practices. There have been two major changes to the recording of crimes since 1997-98. In April 1998, the counting rules were expanded to include additional offences, and the methods of counting became victim focused, which also increased the count of crime. In April 2002, the National Crime Recording Standard was introduced to ensure greater consistency between forces in recording crime and to take a more victim-oriented approach to crime recording.

Both these changes resulted in an increase in the number of crimes recorded. Certain offences, such as minor violent crime, were more affected by these changes than others. It is likely there has been some continuing impact on the number of recorded crimes in 2005-06, as a result of audits to further improve recording.

The estimated police recording rate has fallen in the year to September 2005. Changes with respect to common assault and wounding will have been influenced by changes in recording practice in three forces, which had prior to 2005-06 been incorrectly recording assaults with minor injury as common assaults. However, with respect to other changes it needs to be stressed that the recording rate estimate is not based on direct tracking of BCS reports of crime through to whether they are recorded by the police, but rather on comparison of BCS estimates for crimes said to have been reported by BCS respondents with actual crimes recorded by the police.

There is other detailed evidence from crime audits undertaken by the Audit Commission that the standards applied by the police have continued to improve during 2005.

### Re-offending

Re-offending can be measured in several ways, including arrest data, self-report studies and official records. In England and Wales, re-offending is typically measured by counting re-offending as an official pre-court and/or court sanction that resulted from an offence committed during a specified follow-up period. As such, it under-records the true level of re-offending as not every re-offence will be detected and proceed to an official sanction. Although this is an acknowledged limitation, the measurement of court records allows a consistent benchmark against which reductions can be charted.

The process of measuring re-offending is complex and relies on the co-ordination of several databases. The re-offending results depend on accurately matching offenders on the National Offender Management Service caseload management systems.

### PSA 24 - Deliver a more effective, transparent and responsive Criminal Justice System for victims and the public

#### Offences brought to justice

Offences brought to justice are measured as a proportion of recorded crime: crime is police recorded crime. Offences brought to justice come from HMCS and police data on convictions, cautions and offences taken into consideration. Crime data are available monthly with a lag of approximately three weeks. Offences brought to justice data are available monthly but with an average lag of one to two months. Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the police forces and courts. As a consequence, care should be taken to ensure that data collection processes and their inevitable limitations are taken into account when those data are used.

Validation checks on police recorded crime data are run on monthly returns to check whether changes are outside a reasonable range. There is also manual inspection of data for plausibility prior to publication and a reconciliation exercise with forces prior to the main annual publication. As well as this, Force Crime Registrars are in post in all police forces, outside of the performance management chain, with a responsibility for data quality. They undertake local audits and work with the National Crime Registrar to devise the counting rules for crime. The National Crime Recording Standard was introduced in April 2002, with the backing of ACPO, to introduce a more victim focused and consistent approach to recording, this being underpinned by a three year programme of audits, funded by the Home Office but undertaken by the Audit Commission, whose aim was to establish high standards in crime recording. In September 2007 the Audit Commission concluded that the standard of crime recording across England and Wales was the best that it had ever been.

#### Victim and witness satisfaction

Victim and witness satisfaction is measured by police user satisfaction surveys and the Witness and Victim Experience Survey (WAVES). Both are collected quarterly.

Police user satisfaction data are validated annually with Police Forces before Publication.

The Witness and Victim Experience Survey (WAVES) is a national telephone survey of victims and witnesses in cases that have resulted in a criminal charge. Its purpose is to provide information at Local Criminal Justice Board (LCJB) level and national level (England and Wales) about victims' and witnesses' experiences of the Criminal Justice System (CJS), the services they receive and their satisfaction with different aspects of the system.

WAVES covers victims and prosecution witnesses aged 18 and over in the following crime types; violence against the person; robbery; burglary; theft and handling stolen goods; criminal damage. We do not interview victims and witnesses in sensitive cases, such as, sexual offences or domestic violence, crimes involving a fatality, and any crime where the defendant was a family member or a member of the witnesses' or victims' household, on ethical grounds. We also exclude police officers or other CJS official assaulted in the course of duty, and all police or expert witnesses.

WAVES asks victims and witnesses in cases where an offender was charged about all aspects of their experiences with the CJS, from their first contact with the police to their experience at court. Interviewers ask people about the extent to which they were satisfied with the services they received. We include victims and witnesses who go to court as well as those who do not. The survey, undertaken on a quarterly basis, aims to conduct approximately 38,800 interviews a year, 9,700 each quarter.

WAVES data relates to the period in which the case was finalised by the CJS, rather than the interview period. Data are weighted to enable the survey results to be representative of all eligible victims and

witnesses in England and Wales. Weights are derived from the population profiles provided by LCJB areas. Data are analysed and quality assured by researchers from the Office for Criminal Justice Reform- Evidence and Analysis Unit, prior to reporting.

### British Crime Survey

See data systems for PSA 23

### Better identify and explain race disproportionality at key points within the CJS

This target is measured by reports from Local Criminal Justice Boards on progress and Section 95 data for overall levels of disproportionality. Data are collected from quarterly returns from boards reporting on progress. This indicator relates to progress on identifying and addressing unjust disproportionality rather than being a measure of disproportionality so there are no specific data quality issues.

### Asset recovery

The measure for asset recovery is the value of assets recovered from criminals through: cash forfeitures, confiscation orders enforced, civil recovery/taxation and international sharing agreement. Information is collected monthly.

The performance figure for PSA 24 is an aggregated figure, which is derived from a number of sources. The source of the data for Cash Forfeiture and International receipts is Home Office Finance. The source of the data for Confiscation receipts is the JARD (Joint Assets Recovery Database). It should be noted that this data could be taken from Home Office Finance. The reason that JARD is used as the source is that the database is able to provide a detailed break down of the data. The source of the data for Civil/Recovery and Tax receipts is SOCA Finance.

### British Crime Survey

See data systems for PSA 23

### Performance assessments

A number of targets are directional (to achieve an increase or decrease) and are measured using survey data. In these cases, the survey data must register at least a statistically significant change if we are to be reasonably sure that the measured change is due to an actual change rather than a statistical aberration. In these cases, where interim trends are moving in the right direction, but a statistically significant change has not yet been achieved, we have assessed those as "on course". Where data trends are moving in the wrong direction or too slowly we have assessed those as "slippage".

### Departmental Strategic Objective

**To bring offenders to justice, improve services to victims and witnesses and promote confidence, by applying the Code for Crown Prosecutors, adopting a proportionate approach to determine which offenders should be charged and which should be diverted from court, and by firm and fair presentation of cases in court.**

### To bring offenders to justice

See data systems for PSA 24

### Improve service to victims and witnesses

Regular performance data measures the number of cracked and ineffective trials due to witness issues. A reduction in these figures will be a key part of showing improved performance in the level of service to victims and witnesses. (See data systems for PSA 24).

Data on witness attendance for the majority of CJS areas are provided through the Witness Management System. Data on attendance for Kent, Sussex and North Yorkshire are collated using a separate tracker system.

### **Applying the Code for Crown Prosecutors**

The Casework Quality Assurance (CQA) sampling process is used to assess the quality of CPS casework and to ensure that the correct amount of thoroughness is being used when applying the code.

### **Promote confidence**

See data systems for PSA 24

### **Firm and fair representation at court**

The national Advocacy Quality Management strategy is being developed to assess and improve the quality of advocacy performance in the Crown Court (both in-house advocates and the self-employed Bar).

# Annex K – CPS Group and Area/Police Force Boundary Map



<b>Group/Area</b>	<b>Group Chair/CCP</b>	<b>Senior ABM/ABM</b>
<b>East Midlands</b>		
Nottinghamshire Derbyshire Leicestershire Lincolnshire Northamptonshire	Judith Walker (GC) Brian Gunn Kate Carty Jaswant Narwal Patricia Richardson	Adele Clarke (SABM) Chris Mitchell Jane Robinson Gail Pessol Fiona Campbell
<b>Eastern</b>		
Essex Cambridgeshire Norfolk Suffolk	Ken Caley (GC) Richard Crowley Andrew Baxter Paula Abrahams	Susan Stovell (SABM) Adrian Mardell Andrew Ross Caroline Gilbert
<b>Greater Manchester</b>		
Greater Manchester	John Holt (GC)	Jean Ashton (SABM)
<b>Lancashire &amp; Cumbria</b>		
Lancashire Cumbria	Robert Marshall (GC) Vacant	Louise Rice (SABM) John Pears
<b>London</b>		
London Serious Casework North Sector South Sector	Dru Sharpling René Barclay Grace Ononiwu Nazir Afzal	Lesley Burton Clare Toogood Bob King Clare Toogood
<b>Merseyside &amp; Cheshire</b>		
Merseyside Cheshire	Paul Whittaker (GC) Ian Rushton	Angela Walsh (SABM) Angela Garbett
<b>North East</b>		
Northumbria Cleveland Durham	Wendy Williams (GC) Gerry Wareham Chris Enzor	Ian Brown (SABM) Margaret Phillips Gary O'Brien
<b>North &amp; West Yorkshire</b>		
West Yorkshire North Yorkshire	Neil Franklin (GC) Robert Turnbull	Karen Wright (SABM) Andrew Illingworth
<b>South East</b>		
Kent Surrey Sussex	Roger Coe-Salazar (GC) Portia Ragnauth Sarah Jane Gallagher	Julie Heron (SABM) Steven Mould Sam Goddard

Group/Area	Group Chair/CCP	Senior ABM/ABM
<b>South West</b>		
Avon & Somerset Devon & Cornwall Gloucestershire	Barry Hughes (GC) Tracy Easton Adrian Foster	Sarah Trevelyan (SABM) Christopher Hoyte Neil Spiller
<b>South Yorkshire &amp; Humberside</b>		
South Yorkshire Humberside	Nahhed Hussain (ACCP) Barbara Petchey	Chris Day (SABM) Caron Hudson
<b>Thames &amp; Chiltern</b>		
Thames Valley Bedfordshire Hertfordshire	Baljit Ubhey (GC) Richard Newcombe David Robinson	Karen Sawitzki (SABM) Tim Riley Rob Milligan
<b>Wales/Cymru</b>		
South Wales Gwent Dyfed Powys North Wales	Christopher Woolley (GC) David Archer Jim Brisbane Ed Beltrami	Mike Grist (SABM) Helen Phillips Jeff Thomas Wray Ferguson
<b>Wessex</b>		
Hampshire & IOW Dorset Wiltshire	Nick Hawkins (GC) Kate Brown Karen Harrold	Denise Bailey (SABM) Jason Putman Kim O'Neill
<b>West Midlands</b>		
West Midlands Staffordshire Warwickshire West Mercia	Harry Ireland (GC) Claire Lindley Zasar Siddique Colin Chapman	Laurence Sutton (SABM) Brian Laybourne Shameem Akhtar Ian Edmondson
<b>CPS Direct</b>	Martin Goldman	Delphine Horner
<b>Casework Divisions</b>		
Organised Crime Counter Terrorism Special Crime Fraud	Alison Saunders Sue Hemming Simon Clements Vacant	{ Sharon Boulton

**CCP** - Chief Crown Prosecutor

**ABM** - Area Business Manager

**SABM** - Senior Area Business  
Manager

**GC** - Group Chair

**ACCP** - Acting Chief Crown  
Prosecutor

<b>ABM</b>	Area Business Manager	<b>IAO</b>	Information Asset Owner
<b>ACPO</b>	Association of Chief Police Officers	<b>IAP</b>	International Association of Prosecutors
<b>AGO</b>	Attorney General's Office	<b>ILEX</b>	Institute of Legal Executives
<b>ASB</b>	Anti-social Behaviour	<b>IMA</b>	Information Management Advisor
<b>ASBO</b>	Anti-social Behaviour Order	<b>KIM</b>	Knowledge and Information Management
<b>BCS</b>	British Crime Survey	<b>LCJB</b>	Local Criminal Justice Board
<b>BDD</b>	Business Development Directorate	<b>MoJ</b>	Ministry of Justice
<b>CA</b>	Crown Advocate	<b>MARAC</b>	Multi-agency Risk Assessment Committee
<b>CAF</b>	Community Accountability Forum	<b>MLA</b>	Mutual Legal Assistance
<b>CCP</b>	Chief Crown Prosecutor	<b>NAO</b>	National Audit Office
<b>CDMG</b>	Corporate Delivery and Management Group	<b>NCJB</b>	National Criminal Justice Board
<b>CJS</b>	Criminal Justice System	<b>NED</b>	Non-executive Director
<b>CJ:SSS</b>	Criminal Justice: Simple Speedy Summary	<b>NWNJ</b>	No Witness No Justice
<b>CMS</b>	Case Management System	<b>OBM</b>	Optimum Business Model
<b>Code of Practice for Victims of Crime</b>	See Victims' Code	<b>OCD</b>	Organised Crime Division
<b>Code for Crown Prosecutors</b>	Sets out the principles the CPS applies when carrying out its work	<b>OCJR</b>	Office for Criminal Justice Reform
<b>CPS</b>	Crown Prosecution Service	<b>PDR</b>	Performance and Development Review
<b>CQA</b>	Casework Quality Assurance	<b>PIR</b>	Post-implementation Review
<b>CSR 2007</b>	Comprehensive Spending Review 2007	<b>POCA</b>	Proceeds of Crime Act
<b>DPP</b>	Director of Public Prosecutions	<b>PPOs</b>	Prolific and Priority Offenders
<b>DSO</b>	Departmental Strategic Objective	<b>PSA</b>	Target Public Service Agreement Target
<b>DV</b>	Domestic Violence	<b>QC</b>	Queen's Counsel
<b>EEW</b>	European Evidence Warrant	<b>RARA</b>	Racially and Religiously Aggravated
<b>FCO</b>	Foreign and Commonwealth Office	<b>RCPO</b>	Revenue and Customs Prosecutions Office
<b>FReM</b>	Financial Reporting Manual	<b>SCD</b>	Special Crime Division
<b>GFS</b>	Graduated Fee Scheme	<b>SDVC</b>	Special Domestic Violence Court
<b>HMCPSI</b>	Her Majesty's Crown Prosecution Service Inspectorate	<b>SFO</b>	Serious Fraud Office
<b>HMCS</b>	Her Majesty's Court Service	<b>SOCA</b>	Serious Organised Crime Agency
<b>HMIC</b>	Her Majesty's Inspectorate of Constabulary	<b>SP</b>	Streamlined Process
<b>HMICA</b>	Her Majesty's Inspectorate of Court Administration	<b>SR 2004</b>	Spending Review 2004
<b>HOCS</b>	Home Office Citizenship Survey, now the Citizenship Survey	<b>VAW</b>	Violence Against Women
<b>HQ</b>	Headquarters	<b>Victims' Code</b>	Code of Practice for Victims of Crime sets out the services victims can expect to receive from the CJS
		<b>WAVES</b>	Witness and Victim Experience Survey
		<b>WCU</b>	Witness Care Unit
		<b>WMS</b>	Witness Management System





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