

Changing To Improve

HM Chief Inspector of the Crown Prosecution Service Annual Report 2006-2007

HM Crown Prosecution Service Inspectorate Annual Report for the period April 2006 to March 2007

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

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Crown Prosecution Service Inspectorate Act 2000 (Chapter 10)

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Vision, Mission and Values

Vision

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

Mission

HMCPST exists to enhance the quality of justice through independent inspection and assessment which improves the effectiveness of prosecution services, providing assurance to ministers, government and the public. In order to achieve this we want to be an organisation which:

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

Values

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

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

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

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

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

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

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

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Letter from HM Chief Inspector to the Attorney General

The Rt. Hon. Baroness Scotland QC

I am pleased to offer congratulations on your appointment and to submit my report as HM Chief Inspector of the Crown Prosecution Service Inspectorate covering the performance of the Service and the work of the Inspectorate during the period from 1 April 2006 – 31 March 2007. Until the second half of that period, I had expected this to be the last such report.

The 2006 Police and Justice Bill contained provisions for a single Inspectorate for Justice, Community Safety and Custody which would have assimilated the respective responsibilities of the five criminal justice inspectorates. Because the proposal did not achieve the necessary degree of support in Parliament, the Government decided to retain the five separate inspectorates with their existing remits and to create instead a framework to support closer and more extensive joint working. Ministers decided that their aims could be achieved through greater enhanced joint working between the separate inspectorates by

- establishing a statutory process of consultation
- producing a joint inspection programme and consequently a two tier system of business planning within each inspectorate
- creating a specific duty to co-operate
- conferring on each chief inspector the power to delegate functions to other inspectorates.

Such provisions were included in the Police and Justice Act 2006 and came into effect on 1 April 2007. The more structured arrangements will be relatively cumbersome

but properly operated they should facilitate, as mentioned above, significant strengthening of the joint inspection arrangements which had already been developed.

I have no doubt that the decision was the right one in the circumstances then prevailing; and I am equally convinced that the strengthened framework does, given the right environment, offer scope for more effective inspection across the criminal justice system. Even so, it is impossible to avoid the conclusion that not establishing a single inspectorate was something of a lost opportunity for two reasons.

Firstly, a single inspectorate would have been better placed to respond to the extensive changes now being experienced within the criminal justice system. A far wider range of public authorities are now involved in enforcement of the criminal law. There are frequently overlaps in responsibilities (eg police and benefit fraud investigation or trading standards) which can result in gaps or inconsistency of approach. In addition, enforcement is increasingly undertaken by alternative means such as cautions and fixed penalties. There is a growing body of anecdotal evidence that the resource implications of prosecution make such alternatives more attractive. There has been a decline in recent years in the number of prosecutions both in absolute terms and as a proportion of offences brought to justice. Typically, prosecutions now account for between 40 and 50 per cent of the offences brought to justice within a criminal justice area. The use of alternatives to prosecution can be both pragmatic and sensible provided that it is done with appropriate discretion.



In particular, the power to fine is now vested in many authorities and brings the risk that over zealous use may lead groups of citizens to believe that they are in reality the subject of a revenue raising initiative. There is often a perceived link with the way staff are managed and incentivized when there is outsourcing. This may cause substantial damage to public confidence. Such systemic issues could more readily be addressed by one inspectorate.

Imposing penalties as an alternative to prosecution still represents the exercise of the State's power to punish – the most intrusive power the State has – albeit in a different form. It ought always to be the subject of scrutiny. The wide scope of the remit of the new organisation could have made it a very effective vehicle in that respect also.

Secondly, subsequent events have demonstrated a risk that the determination and ability of the criminal justice inspectorates to develop and deliver a strengthened programme of joint inspection may be undermined by the continuing emphasis on organisational change which is likely to sap and divert disproportionate management and inspector resources away from core functions. Exploiting the scope offered by the strengthened joint structures does require a period of stability.

The establishment of a Ministry of Justice with effect from May 2007 is likely to renew the focus on collaborative working between criminal justice agencies and the need for effective scrutiny across the whole system. The time may therefore be right to revisit the proposal for a single inspectorate.

I would favour a strong and independent body (established as a non-departmental public body) with a remit spanning all aspects of the criminal justice system and with no artificial distinctions. For example, it has never seemed logical that the Crown Prosecution Service and the Revenue and Customs Prosecutions Office, both of which have clear accountability to Parliament through the Attorney General, should be the subject of a statutory inspection regime while other prosecutors, many of them outside central Government, remain outwith any structured scrutiny.

These considerations lead me to the conclusion that, while the 2006 Act has strengthened our position, a more radical approach is needed to achieve truly holistic inspection of the criminal justice system. It would require Government to go beyond its original proposals and create a really strong and truly independent new body not tied to any department.

The events of the past year vindicate fully our decision not to stand still in the face of impending organisational change but to be proactive and innovative in seeking to enhance cross cutting work and driving improvement. I believe that we have already had significant success. There is the capacity and the potential to achieve much more through the strengthened arrangements described above provided that the five inspectorates enjoy the necessary stability and environment but there is little doubt that even more could be achieved by a single body working across the whole broad spectrum.

My letter and report last year described steps taken which I expected to “prove an excellent foundation for meeting new and increasing

expectations". That confidence proved well placed even though the goal posts moved a bit. The range of projects to which we have committed and delivered on reflect a more flexible and risk based approach combining focus on key issues at the strategic level with driving performance and improvement both in the Crown Prosecution Service and the wider criminal justice system. We have also maintained more detailed scrutiny of some individual business units identified through the assessment process.

One of the characteristics of the year was the difficulty of getting our resource deployment right. The planning for the single inspectorate lacked a clear timescale or human resource strategy. This was a significant complication for an organisation such as this Inspectorate whose inspectors were engaged mainly on the basis of fixed term loans or appointments. The much wider range of work now undertaken within the Inspectorate increased the challenge because it now takes longer for an inspector to acquire across the board experience. The position was compounded by the need for substantial resource abstraction in order to support development and transitional work associated with the proposed single inspectorate. Two of our most experienced legal inspectors were placed at the disposal of the Office of Criminal Justice Reform from March 2006 through to August in one case and to the point where the Government withdrew its proposals in the other. This was in addition to a substantial contribution to working groups associated with particular work streams and information gathering.

Following publication of the summative report of the overall performance assessments in March 2006, our work specific to the Crown Prosecution Service commenced with thematic reviews in relation to

- equality and diversity in employment
- the impact of the case management system (Compass) on casework quality

The former was intended to complement work done in earlier years on casework with a minority ethnic dimension.

We also undertook joint thematic reviews with HM Inspectorate of Constabulary covering

- cases involving an allegation of a criminal offence against persons serving with the police
- a follow-up to the joint inspection of the investigation and prosecution of rape offences (published April 2002).

Any resources not deployed in the early part of the year on those exercises or development of the single inspectorate were channelled towards revision of our inspection framework and methodology in preparation for a short series of Area effectiveness inspections. We used the baseline provided by the first round of overall performance assessments to develop a risk model which enabled us to determine those Areas that most warranted inspection.

In essence, the four Areas which had an overall performance assessment of poor were made the subject of a full inspection while a further seven Areas received a customized inspection directed towards the aspects of performance which seemed less sure. This approach accords

with the Government's wish to lighten the burden of inspection, especially for good performers. No Area which was assessed as excellent or good has featured in the programme of Area effectiveness inspections and, for the most part, only those fair Areas whose assessments included some poor aspects were featured.

I was mindful that, despite the importance of reducing the burden of inspection, some across the board scrutiny would be necessary on key aspects of casework which greatly influence public confidence. We therefore instigated a programme of rolling inspections designed to provide an overall assessment on specific topics but gathering evidence wherever possible through other routine work such as the Area effectiveness inspections. The first such exercise related to the quality and timeliness of the Service's decision making in relation to discontinuance of proceedings. Much of the evidence was captured as part of Area effectiveness inspections but, because those were concentrated on the poorer performing Areas, it had to be supplemented with evidence gathered from other Areas considered to be better performing in order to achieve a balanced and representative view of Service performance as a whole. Initial findings were that decisions to discontinue complied with the Code for Crown Prosecutors' tests to a high degree.

We had planned to do a similar exercise in relation to prosecution compliance with its obligations of disclosure – so crucial to the fairness of criminal proceedings – but your predecessor indicated that the need for an assessment of performance which

took account of recent changes in law and practice (including the revised guidelines on disclosure which he promulgated) should make this a priority. We have therefore reverted to the more traditional thematic review methodology and work was ongoing at the end of the year.

The Inspectorate also undertook a follow-up to its earlier thematic review of the Crown Prosecution Service's handling of British Transport Police casework.

As well as the joint thematic reviews mentioned above, we made a strong contribution to three joint inspections of criminal justice areas, leading the one in relation to Devon and Cornwall. This brought to twelve the number of criminal justice areas inspected since 2003 when Local Criminal Justice Boards were established. As chair of the Criminal Justice Chief Inspectors' Group, I proposed an external evaluation of this aspect of work to assess its impact, strengths and weaknesses so as to inform consideration of whether and the extent to which such inspections should feature in future joint programmes. The main conclusion was that both geographical and thematic approaches were equally valid and useful. Following evaluation it was decided that inspections of criminal justice areas should continue to feature in future joint inspection programmes, albeit in a revised format. To my mind the key issue here is the willingness of the Criminal Justice Chief Inspectors' Group to put in place shared resources and support arrangements to drive forward these revised joint inspections.

While most of the above focused on the work of the Crown Prosecution Service and its criminal justice partners, the Inspectorate was also active in relation to a number of other organisations. We undertook an overview inspection of the Revenue and Customs Prosecutions Office. This was originally planned as a full inspection to establish a baseline for the new independent prosecuting authority which had assumed the responsibility of the former Customs and Excise Prosecutions Office as well as the Prosecution Division of the Inland Revenue Solicitor's Office. There was however a legal impediment in that the legislation establishing the Revenue and Customs Prosecutions Office contained confidentiality provisions which were so tight that we could not scrutinize any case files. The exercise was therefore limited in scope but nonetheless provided a useful evaluation of progress against the Office's objectives and how the infrastructure and working methods were being developed. Provisions contained in the Police and Justice Act 2006, which were implemented on 1 April 2007 overcome the legislative difficulty and the Revenue and Customs Prosecutions Office is likely to feature further in our timetable quite shortly.

We were invited by the Director of the Army Legal Service (with the support of your predecessor) to undertake a non-statutory inspection of the Army Prosecuting Authority. It is a relatively young organisation with a new independent status intended to ensure that the aspects of military discipline involving more than relatively minor criminality are handled quite separately from military command arrangements. (Summary proceedings remain the responsibility of

commanding officers but subject to appeal to court martial.) We were pleased to respond to this request: although there are some differences in practice and procedure, the fundamental principles of military and civilian justice are identical and our inspectors had no difficulty in adapting their framework and methodology.

At the end of the year, we engaged in the first inspection of the Public Prosecution Service for Northern Ireland. This was undertaken pursuant to a statutory delegation by the Chief Inspector of Criminal Justice (Northern Ireland). The Public Prosecution Service for Northern Ireland was established following a recommendation of the Criminal Justice Review which was set up following the 1998 Good Friday Agreement. It has been developed from the former office of the Director of Public Prosecutions which handled a relatively small tranche of the most serious cases with other prosecutions being in the hands of the police. We have developed a framework to assess progress in establishing the Public Prosecution Service for Northern Ireland as a fair, independent and effective prosecuting authority with the ability to command the confidence of the communities it serves.

The history of conflict in Northern Ireland accompanied by the extensive suspicion of many towards most aspects of the criminal justice system has made the creation of the new Service a challenging task. A number of factors had limited the rate of progress and at the time our inspection commenced, the Service was not fully implemented across Northern Ireland. In ordinary circumstances, I would have been reluctant to embark upon an

inspection but both I and the Chief Inspector of Criminal Justice (Northern Ireland) were satisfied that the point had been reached where a thorough assessment of progress against the objectives set by the Criminal Justice Review would be beneficial both to the Service itself and to those whom it served.

Publication of the report is likely to be more or less contemporaneous with this report. It is an important time for Northern Ireland with a substantial return to devolved Government and the likelihood of criminal justice being devolved in 2008. I very much hope that our work will assist the Public Prosecution Service as it progresses towards the goal set for it of delivering a fair and independent prosecution service for *all* the people of Northern Ireland.

An inspectorate can only be effective if it enjoys broad horizons, both in corporate and individual terms. I have therefore welcomed and encouraged maximum possible interaction not only with other parts of our own criminal justice system (including professional and community groups) but also with other jurisdictions. As well as chairing the Criminal Justice Chief Inspectors' Group, I have participated fully in the more broadly based Heads of Inspectorates' Forum and this Inspectorate has provided the secretariat. We have also afforded assistance to the Inspectorate of Prosecution in Scotland which has recently been placed on an independent statutory basis.

It was pleasing too that collaboration established with Inspecteur Général des Services Judiciaires in France has continued to develop to mutual advantage. The

attachment of an inspectrice to one of our joint inspections in early 2006 informed a review of the methodology used for inspecting the courts and prosecutions in France. I was subsequently invited to Paris for a presentation relating to their new arrangements which demonstrated the extent to which they had adopted features of our own. Subsequently, one of my Deputy Chief Inspectors was invited to participate in the inspection of the court at Amiens, Picardy. This sharing of experience is valuable and we draw on it constantly in revising and updating our inspection frameworks and methodologies. This collaboration continued in response to an invitation from the International Association of Prosecutors when our two inspectorates delivered a joint presentation at the Annual Conference in Paris on the role of quality assurance in the maintenance of professional standards.

Other aspects of our wider activity have included hosting a visit by the Attorney General of the Islamic Republic of Afghanistan and contributing to a Euro-social Project undertaken by the University Complutense, Madrid.

I reported last year some modest changes to our organisational and management structure designed to increase our flexibility and prepare us for transition to the proposed single inspectorate. These comprised the creation of the Inspection Support Group and the appointments of the Head of Inspection Support and the Training and Development Co-ordinator, both became members of the Inspectorate Management Team. These initiatives have proved successful.

The Inspection Support Group has proved effective and flexible enough to support the wider range of activities we now undertake. The group has a specific responsibility for co-ordinating our contributions to joint inspection work and its importance is therefore likely to increase. It oversees our use of lay inspectors and our fonts of wisdom scheme. As well as supporting inspection activity, it has also developed an audit role.

The move away from cyclical inspections means that some of the 42 Areas are now visited relatively infrequently. Yet there are from time to time issues where it is important to be able to assess quickly performance across the Service or compliance. The audit team fulfils that role. For example, the overall performance assessments highlighted concerns about the level of compliance with the requirements of the Direct Communication with Victims scheme. That has now been the subject of a scrutiny carried out by the audit team across 11 Areas each of whom received an individual report on their performance, its strengths and weaknesses, with a summative report published in relation to the overall performance of the Service and the key findings.

So far as training and development are concerned, inspectors and support staff alike have benefited from the most extensive and ambitious programme in our history to date. It has struck an appropriate balance between corporate training focused directly on professional skills and topics essential for the inspection process and its support. That has been combined with opportunities for personal development including sponsorship of staff on external diploma and degree courses where appropriate. We also held all staff conferences in July and November 2006.

The Investors in People re-recognition exercise took place early in 2007 and it was pleasing to receive a very positive report showing that we exceeded the standard substantially in relation to the vast majority of criteria with only three identified as aspects for improvement; and the standard was met comfortably in those also. The outcome reflected well on staff and managers alike.

Although the changes for our inspection regime, the steps to broaden our depth of experience and the internal changes were all directed towards the establishment of a sound foundation for the transition to the anticipated single inspectorate, they will serve well the objectives which underpinned the agreement between chief inspectors and criminal justice Ministers in October 2006. Criminal justice chief inspectors then committed to delivering an enhanced programme of joint work which will include: more and improved joint inspections; a business plan for joint work supported by a common secretariat, with the first plan to be produced for 2007-2008; and sharing of support services where appropriate to provide additional resources for this approach.

The steps so far taken under the auspices of the Criminal Justice Chief Inspectors' Group have included

- development of an enhanced programme of joint inspection in 2007–2008 contained within a joint business plan
- drawing up a joint framework for delivery of the current and future years' inspection programmes

- steps to align the business planning process of the five separate inspectorates to facilitate a two tier planning process in future years covering core business and joint business activity respectively
- implementing arrangements for the extensive statutory consultation required under the Police and Justice Act 2006 for future years
- establishing a project to examine the scope for sharing services between inspectorates, in particular back office support functions; and creating interim arrangements for a joint secretariat.

Chief inspectors envisage the creation of joint support arrangements but consider that the form of such arrangements needs to follow the function and some of that has yet to be developed. In particular, there is ongoing work flowing from the evaluation undertaken by an independent consultant on the impact of criminal justice area inspections which will influence the extent of any such work in the future and the manner in which it is to be supported.

It follows from the above that we shall in future have a two tier planning arrangement which will need to be co-ordinated between all inspectorates. Your predecessor's decision in January 2007 to move away from the existing Advisory Board towards other arrangements involving non-executive members of the Inspectorate Management Team will make this easier to achieve.

As indicated earlier in this letter, this Inspectorate supported the proposal for a single inspectorate. However, it will be important, if the more structured

arrangements now being set in place are to succeed, to ensure that the inspectorate community is given a period of stability and certainty to implement the arrangements and make them effective. Inspection is a long term business where frameworks, programmes and methodologies have to be planned well in advance and the effects of change frequently take time to become embedded and show results. The inspectorates have for some six or seven years been subject to successive reviews and proposals with inevitable impact on the clarity of strategic direction and increasing amounts of management resource devoted to changes which have not happened.

Even within a stable environment, the challenges to this Inspectorate for 2007-2008 are substantial. The dominant element of our activities will be the commitment to deliver the second round of overall performance assessments and taking forward in parallel a thematic review of the disclosure regime. For these reasons, our approach to the two tier planning has been to seek the co-operation of colleagues in programming the majority of joint inspection activity involving us in the second half of the year – the proposed topics ranging from statutory charging, anti-social behaviour orders, enforcement of penalties to criminal justice area inspections.

We will be delivering this programme against a constantly changing background. For example, the Government's proposals on Speedy Simple Summary Justice create new expectations for delivery across the criminal justice system. As well as the newly established Ministry of Justice other organisational

structures within the criminal justice system are changing constantly. At the time we were established on an independent statutory basis, the Crown Prosecution Service had moved into 42 Areas corresponding with the structures of the police service, probation service, and the magistrates' courts' service. The establishment of the National Probation Service and the absorption of magistrates' courts into a restructured HM Courts Service have signaled a move away from that aligned structure. The Crown Prosecution Service itself, while planning to retain 42 Areas, proposes that they operate within groups through a system of group strategy committees. It will be necessary to consider the appropriate unit for inspection as regards our work specific to the Service. This will make timely our stated intention after the overall performance assessment programme of 2007-2008 to have a more fundamental review of our inspection strategy.

There will be some readily identifiable immediate priorities such as a full scrutiny of the Revenue and Customs Prosecutions Office as well the Crown Prosecution Service's Fraud Prosecution Service and its CPS Direct service. We also have a commitment to assist the Criminal Justice Inspectorate in Northern Ireland in a thematic review of disclosure. And, we will want to contribute fully to a strengthened programme of criminal justice system area inspections.

In the longer term our strategy will need to combine regular overall performance assessments with a more in-depth scrutiny of the Service's Areas, probably on a four or five year cycle. Such in-depth scrutiny would

need to sit beside ancillary work in relation to other prosecuting authorities and the criminal justice system generally.

Ultimately I would like to consider, along with my criminal justice chief inspector colleagues, the scope for moving to a system of overall performance assessments in relation to the holistic inspection of criminal justice areas. As hinted earlier some of these ideas might be achieved more easily within a single inspectorate.

This has been a difficult but successful year where much has been achieved notwithstanding the level of ongoing uncertainty. It is to the credit of the people here within the Inspectorate that they have maintained such tremendous commitment and high quality of work throughout. My thanks go to them especially.

In conclusion, I look forward to working with you and continuing the quest for yet further improvement in the Crown Prosecution Service and the criminal justice system. It is only right, at this juncture, that I should also acknowledge with gratitude the interest and support given by your predecessor over the past six years.



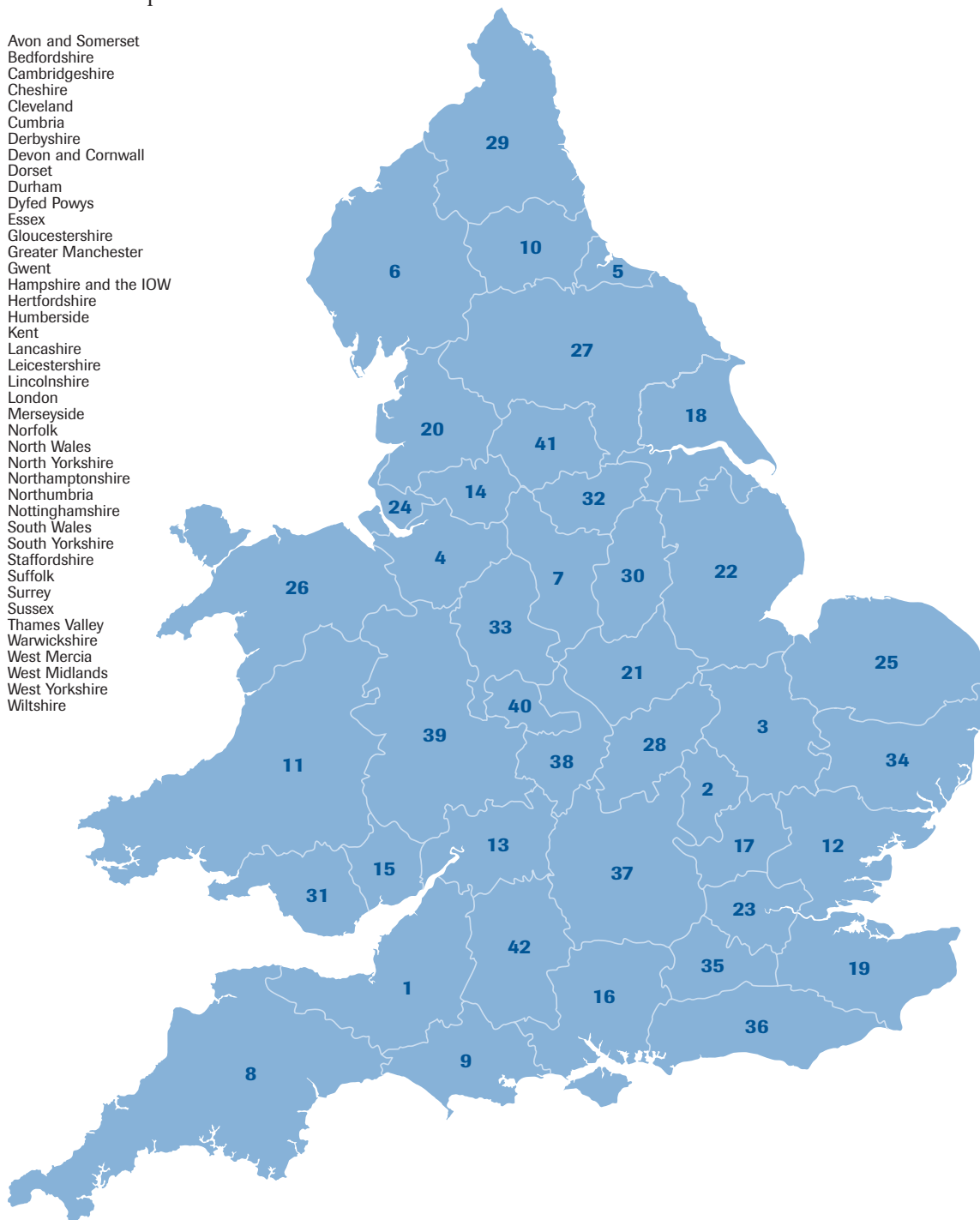
S J Wooler, CB

HM Chief Inspector

The Crown Prosecution Service Areas in England and Wales

The Areas are co-terminous with criminal justice system areas and police force boundaries.

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



The Inspectorate past, present and future

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

1998	1999	2000	2001
<p>The Rt Hon Sir Iain Glidewell published the report of his review of the Crown Prosecution Service which, among other things, opened the debate as to how best to replace the Service's internal inspection facility with a more independent body.</p> <p>The comprehensive spending review commissioned by the Government included a review of criminal justice inspection – the Radford/Burge review.</p>	<p>Government decision to create an independent inspectorate for the Crown Prosecution Service.</p> <p>The Radford/Burge review reported that at that time there was no appetite for a single criminal justice inspectorate – it recommended the setting up of joint secretariat to plan joint work, joint training of inspectors and sharing of staff and joint inspections on a criminal justice area basis.</p>	<p>Her Majesty's Crown Prosecution Service Inspectorate created as an independent statutory body to promote the effectiveness, efficiency and value for money of the Crown Prosecution Service.</p>	<p>An Attorney General's Advisory Board was established to support the Law Officers. It included three external members from commerce, academia and another United Kingdom criminal justice jurisdiction, as well as the Director of Public Prosecutions, the Chief Executive of the Crown Prosecution Service, the Chief Inspector and his Head of Corporate Services.</p> <p>Lay inspectors were introduced.</p> <p>An external adviser with experience of another inspectorate was commissioned to assess the effectiveness of the Area inspection programme. The two themes that emerged were that the programme should be completed in its present form subject to modest changes to methodology; and that future inspection programmes should focus effort where performance was weaker, that is, a more risk based approach.</p>

2002-2007

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

2002	2003	2004	2005
<p>Statutory remit extended by allowing the Chief Inspector of Criminal Justice (Northern Ireland) to delegate functions relating to prosecution in Northern Ireland.</p>	<p>Office of Public Service Reform report on inspection which resulted in the Government's promulgation of its 10 principles of public service inspection.</p>	<p>The Inspectorate Management Team decided to press ahead with its own change programme rather than await criminal justice system organisational change – a decision vindicated by subsequent events.</p>	<p>Statutory remit extended further to include the Revenue and Customs Prosecutions Office.</p>
<p>Non-statutory inspection of the Customs and Excise Prosecutions Office (Manchester).</p>	<p>The commissioning by the Chief Inspector of an independent review to assist in a more risk based approach to inspections and a routine review of the Inspectorate's risk management regime. The findings recommended strengthening the Inspectorate's capacity for policy development, as well as for planning and management of strategic change.</p>	<p>Non-statutory inspection of the Customs and Excise Prosecutions Office (London).</p>	<p>The move from cyclical inspections of Areas to a system based on overall performance assessments of all 42 Areas using a risk based approach.</p>

2002-2007 continued

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

2005-2006	2006	2006-2007
<p>Review of the proceedings in the Jubilee Line fraud case – the most significant exercise referred by the then Attorney General to the Chief Inspector under section 2(1)(b) of the Crown Prosecution Service Inspectorate Act 2000.</p> <p>Following dialogue with the Inspecteur Général des Services Judiciaires in Paris, one of his inspectrices was assigned to the Avon and Somerset criminal justice area inspection, the first step of an interchange programme between the two jurisdictions.</p>	<p>Preparatory work for the creation of a single Inspectorate of Justice, Community Safety and Custody.</p> <p>Statutory overview inspection of the Revenue and Customs Prosecutions Office.</p> <p>One of the Deputy Chief Inspectors joined L'Inspection Générale des Services Judiciaires in an inspection of the Tribunal de Grande Instance in Amiens, Picardy.</p>	<p>Following the Government's decision to retain the five separate criminal justice inspectorates, all five working closely together on a strengthened programme of criminal justice system joint inspections, governance and support structures necessary to underpin the programme. Work on governance and support structures in progress.</p> <p>Statutory requirement for criminal justice chief inspectors to consult over future plans. First joint business plan prepared. How this is progressed will need to take account of whatever governance arrangements are put around the delivery of the new statutory joint business plans.</p> <p>Attorney General's Advisory Board stood down in favour of incorporating a non-executive director role into the Inspectorate Management Team.</p>

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

2007

Inspection of the Public Prosecution Service (Northern Ireland).

Non-statutory inspection of the Army Prosecuting Authority.

2007+

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

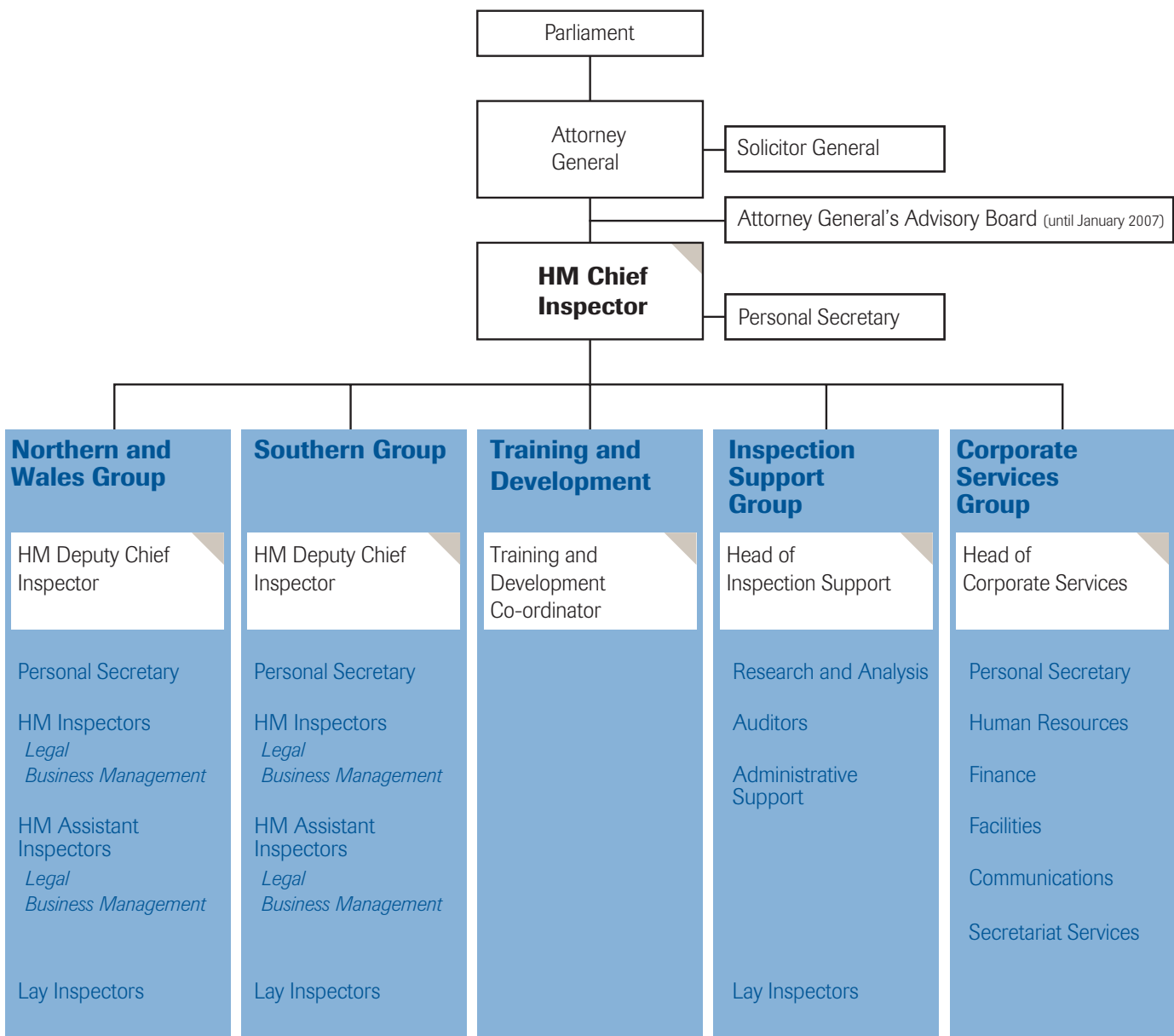
A thorough review of this Inspectorate's inspection strategy during the later stages of the 2007-2008 overall performance assessment programme.

Priorities for the future include a full scrutiny of the Revenue and Customs Prosecutions Office; the Crown Prosecution Service Fraud Prosecution Service and CPS Direct operation; assisting the Criminal Justice Inspectorate in Northern Ireland in the proposed thematic review of disclosure; and playing a full part in a strengthened programme of criminal justice area inspections.

The combination of regular overall performance assessments with more in depth scrutiny of the Crown Prosecution Service's Areas, perhaps on a four or five year cycle, to sit alongside work in relation to other prosecuting authorities and the criminal justice system generally.

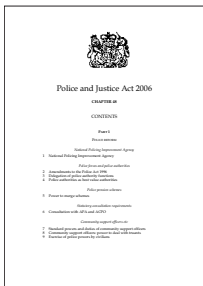
Longer term this Inspectorate would like to explore the scope for moving to a system of overall performance assessments in relation to criminal justice areas.

Accountabilities



 = Member of the Inspectorate Management Team

The year at a glance



The proposed Inspectorate for Justice, Community Safety and Custody

We invested significant resources in work relating to the expected transition to a single inspectorate

prior to the Government's decision that the proposal should be withdrawn in favour of measures which would strengthen the arrangements for joint work.

Two of our most experienced inspectors were seconded to the Office of Criminal Justice Reform for this work and led four workshops to take forward work involving policy leads, scrutiny bodies, practitioners and performance managers.

Preparation permeated our whole existence from April to October and, in a different way, from October to March. For example, as Chair of the Criminal Justice Chief Inspectors' Group, this Chief Inspector was responsible for the process of consultation meetings with the three criminal justice Ministers with their very busy schedules and for facilitating debate between the chief inspectors to achieve a corporate approach.

Structural changes

The Inspection Support Group was established and a new post created as head of the group. A Training and Development Co-ordinator post was also created with specific responsibility for establishing a Training and Development Committee.

The holders of the two new posts became members of the Inspectorate Management Team, increasing its size from four to six.

Investors in People re-recognition

A strengthened training and development plan was produced and implemented. Conferences for all staff were held in July and November. Investors in People re-recognition was awarded in March 2007 with a very good citation.

Development of a risk assessment model

The summative report of the first overall performance assessments was published in March 2006. The assessments provided the baseline for the risk assessment model. The model highlighted those Areas whose performance represented the highest risk of underachieving and those where some aspects of performance represented a similar risk of underachieving.

This approach was linked to the principles of inspection promulgated by the Office of Public Service Reform that resources should be focused where they would have the greatest impact.

Area effectiveness inspections

We completed the development work and carried out Area effectiveness inspections in 11 Areas. The inspections were comprehensive in those Areas rated poor but were tailored individually on a risk assessed basis in the remaining seven.

Casework inspection

We designed a rolling programme of inspection to provide continuous assurance of casework quality where poor performance could damage the standing and reputation of the Service. The first exercise related to the quality and timeliness of decision making in the discontinuance of proceedings.

Liaison inspectors

We defined the scope and nature of the role of liaison inspectors and a pilot scheme was developed and implemented in eight Areas.

Lay inspectors

We redefined the role of lay inspectors to provide a wider remit for them. Additional lay inspectors were recruited and we held two conferences for them over the course of the year.

Compliance audit

We undertook work to develop an audit function to focus on topics within the Crown Prosecution Service which gave cause for concern. The focus of the first audit was the Direct Communication with Victims scheme where the level of compliance had been very variable.

Thematic inspections across the Service

We undertook three thematic inspections. A fourth important thematic inspection in relation to disclosure started in early 2007 and was in progress at the end of the reporting year.

Joint thematic inspections

We undertook two joint thematic inspections with HM Inspectorate of Constabulary.

Joint inspections of criminal justice areas

We contributed to three joint inspections of criminal justice areas, leading the one in relation to Devon and Cornwall.

Revenue and Customs Prosecutions Office

We carried out an overview inspection of the Revenue and Customs Prosecutions Office.

HM Revenue and Customs

We loaned three of our inspectors to HM Inspectorate of Constabulary in their inspection of the investigative functions of HM Revenue and Customs. Our inspectors operated as members of that inspectorate providing expertise relating to unused material and its disclosure by investigators to the Revenue and Customs Prosecutions Office.

Army Prosecuting Authority

We undertook a non-statutory inspection of the Army Prosecuting Authority.

Northern Ireland

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



Border and Immigration Inspectorate

We gave advice to the then Immigration and Nationality Department on the proposed new inspectorate which is provided for in the United Kingdom Borders Bill. We shared with them the development of our methodology and our inspectorial experience.

Other jurisdictions



At the 11th Annual Conference of the International Association of Prosecutors we gave a joint presentation with our counterparts in France.

As part of the exchange programme agreed with the French last year, one of the Deputy Chief Inspectors joined an inspection of the Tribunal de Grande Instance in Amiens, Picardy.

We briefed senior members of the law faculty at the University of Complutense, Madrid working on a Euro-social Project, to identify transferable examples of good practice for use in the South American justice system.

We gave a presentation of our approach to inspections to the Attorney General of the Islamic Republic of Afghanistan when he visited the Inspectorate during the course of his visit to the United Kingdom.

We shared with the Inspectorate of Prosecution in Scotland our own experience in relation to issues concerning its transition to an independent statutory body.

Overall performance assessments

We developed a revised framework and methodology for the next round of overall performance assessments for Crown Prosecution Service Areas which started in June 2007.

Revised human resources strategy for inspectors

Following the decision by Ministers not to proceed with a single inspectorate we revised our human resources strategy for inspectors. This was necessary because our planning for the proposed single inspectorate had produced a situation where all loans and fixed term appointments would have concluded by March 2008 when this inspectorate's responsibilities would have been assumed by a new organisation. The fundamental approach remains unaltered and is to ensure a suitable mix of permanent and loan staff, disciplines, backgrounds, and a mix in terms of ethnicity and gender but we have increased the proportion of permanent inspectors and dispensed with fixed term appointments.

Sustainable development

We reduced our carbon footprint by sourcing 100% of the electricity supply to our London office from renewable sources and recycled over 320 kilograms of waste each month.

Partnerships

Criminal Justice Chief Inspectors' Group

The chief inspectors of the five criminal justice inspectorates constitute membership of the group. Even before preparations began for the introduction of the Government's proposed single criminal justice inspectorate the group had endeavoured to develop cross cutting inspection arrangements to provide the "emphasis on tough joint inspections across CJS agencies to be done on a thematic or regional basis" as envisaged in the White Paper "Justice for All" published in 2002.

There can be no doubt the group has been hampered in its endeavours by the lack of a co-ordinated set of criminal justice priorities in relation to inspection programmes. And, importantly, the tendency to concentrate on the priorities of individual agencies rather than on how the system impacts on and protects the citizen. It had been hoped that the introduction of a single and independent inspectorate would help to overcome these difficulties.

Following Ministers being persuaded that the aims of the single inspectorate could be met though greater enhanced working between the separate inspectorates, much energy and time was spent to reach the agreement between the five criminal justice chief inspectors and the three criminal justice Ministers to

- establish a statutory process of consultation
- produce a joint inspection programme and consequently a two tier system of business planning within each inspectorate
- create a specific duty to co-operate
- confer on each chief inspector the power to delegate functions to other inspectorates.

The chief inspectors are clear that the agreement should not be expanded or re-interpreted. The work of their inspectorates was severely disrupted in the run up to the proposed single inspectorate and it is essential that there should be a clear and settled basis for taking forward the programme underpinning the agreement.

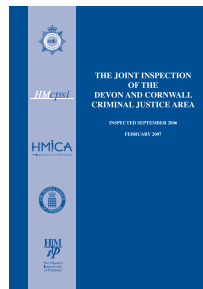
As it is, it will be no easy task for five separate bodies, each with its own statutory remit and set of Ministerial priorities, to work together to implement such a broad programme without clear structural arrangements. The difficulty will be in achieving that while recognizing that each inspectorate remains a separate organisation with its statutory duties to fulfil.

Joint working – an overview

The emphasis on a tough operational joint working regime which began in 2003, this year necessarily switched from operational to developmental with the result that the joint programme was lighter than in previous years. Coupled with this was the fact that the lack of a cohesive approach to embrace other forms of scrutiny in the criminal justice system meant that the arena became so overcrowded at times that it was difficult for the inspectorates to find timeframes which would not overburden the criminal justice areas.



That being so the chief inspectors commissioned a review of criminal justice system area inspections. In summary the review found that there was a strong commitment from all participants to the development of a robust and challenging joint inspection regime. Local Criminal Justice Boards were seen as a valid unit of inspection, despite not being statutory bodies. The main conclusion was that both geographical and thematic approaches were equally valid and useful. It is hoped that at least some of the findings and recommendations of the review will be integrated into the work of the revised methodology for future programmes of criminal justice system area inspections.



Joint criminal justice system area inspections

Three joint inspections were carried out during the reporting period. They were

- Cleveland led by HM Inspectorate of Constabulary
- Devon and Cornwall led by HM Crown Prosecution Service Inspectorate
- West Midlands led by HM Inspectorate of Court Administration.

Inspectors used a framework that focused on front end criminal justice processes from arrest to sentence and, for the first time, included inspection of the enforcement of community sentences. Issues covered in detail were

- increasing confidence in the criminal justice system
- bringing offenders to justice
- reducing ineffective trials
- enforcement of community sentences.

Within these issues inspectors looked at the interfaces between criminal justice partners, their joint working and the role of the Local Criminal Justice Board in performance delivery, driving improvement and improving services to meet Public Service Agreement targets.

Common issues arising included

- governance arrangements relating to the remit of the Local Criminal Justice Board as well as with its structures of accountability – each board saw their remit very differently and there was some confusion over the role that they were playing
- a need to improve performance to undertake co-ordinated action to promote public confidence in the criminal justice system
- a need to enhance delivery of the charging scheme and the processes supporting pre-charge advice
- a need to address more effectively systems supporting victims and witnesses – funding and provision of Witness Care Units had diminished as central funding has been withdrawn.

This year's programme brought to 12 the number of criminal justice areas inspected since Local Criminal Justice Boards were established in 2003.

Developing relationships with judges

Although the framework for criminal justice system area inspections was expanded for 2006-2007 to include enforcement, fundamentally it remains as agreed with the senior judiciary in 2004. The framework was subject to extensive consultation to ensure it did not trespass onto anything which the judges regarded as judicial such as listing or case management.

In practice the Senior Presiding Judge nominates judges with whom we work collaboratively – they consider draft reports and advise if they contain anything inappropriate.

Joint thematic inspections

*HMcp***psi**
HM Crown Prosecution Service Inspectorate



We completed two joint thematic reviews with HM Inspectorate of Constabulary during the period of this report

- the handling of cases involving an allegation of a criminal offence by a person serving with the police
- the investigation and prosecution of rape offences (a follow-up to the joint inspection of the investigation and prosecution of rape offences published in April 2002).

Heads of Inspectorates' Forum

The forum, which is non-statutory, was established some years ago to provide an opportunity for chief inspectors to discuss issues of common interest and concern and to share new inspection developments. Membership comprises over 25 chief inspectors from across the public sector in England, Wales, Scotland and Northern Ireland representing health, social services, education and training and benefit fraud as well as criminal justice. It meets approximately twice yearly with chief inspectors taking the chair in rotation.



In 2006-2007 the forum met in May, September and March with meetings held in Wales, Scotland and Northern Ireland. These were all well attended and addressed a wide range of issues including developments in respect of inspection reform, national occupational standards development for the inspection of public services and Freedom of Information Act issues of interest to inspectorates. Visiting speakers included the Rt Hon Elish Angiolini QC, the then Solicitor General for Scotland, now the Lord Advocate and Sir George Bain, Chair of the Bain Review of Education in Northern Ireland.

This Inspectorate hosted an interim meeting of the forum with Cabinet Office officials in March 2007 to consider the Government's future strategy for public services inspection - we are due to host the next formal meeting of the forum in September 2007. We also provide the forum's secretariat which is responsible for planning and arranging meetings and providing support to the chair of each meeting.



Northern Ireland

During the year we continued to develop our inspection activity in Northern Ireland, building on the work done last year with the Criminal Justice Inspectorate, Northern Ireland and the assistance we gave to the Public Prosecution Service for Northern Ireland in their evaluation of the Fermanagh and Tyrone pilot.

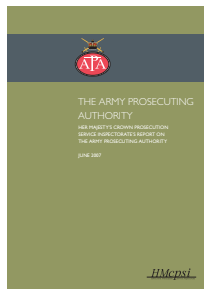
The Chief Inspector of Criminal Justice (Northern Ireland), using his delegated statutory powers, asked us to undertake an inspection of the Public Prosecution Service. While we led the inspection the team comprised members of both inspectorates.

Working collaboratively an inspection framework was developed using the Issues Analysis Dinner Party Approach™ developed by the National Audit Office.

The inspection team looked at the progress to date in the implementation of the Public Prosecution Service, the creation of which was a major recommendation of the Criminal Justice Review which was set up as part of the Good Friday Agreement. In particular the team considered whether the Public Prosecution Service was meeting the aim set for it of being a fair, independent and effective prosecution service for *all* the people of Northern Ireland.

At the time of writing fieldwork had been completed and it is anticipated that the report will be published during 2007-2008.

Army Prosecuting Authority Inspection



We were invited by the Director of the Army Legal Service (with the support of the then Attorney General) to carry out a non-statutory inspection of the Army Prosecuting Authority. It

is a relatively young organisation with a new independent status intended to ensure that the aspects of military discipline involving more than relatively minor criminality are handled quite separately from military command arrangements. (Summary proceedings remain the responsibility of commanding officers but subject to appeal to court martial.)

We were pleased to respond to this request and the inspection team produced an inspection framework which concentrated on casework review and handling and managing casework performance. The file sample examined by the inspection team comprised 91 cases handled in the United Kingdom and Germany. Visits were made to the units at Uxbridge, Middlesex and Bielefeld, Germany to talk to staff at all levels as well as representatives of key partners in the military criminal justice system.

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

It had achieved recognition of its independence within the military criminal justice system. But some misperceptions by others outside the Army Prosecuting Authority on this aspect contributed to misunderstandings over arrangements for early contact between the Authority and the Special Investigations Branch of the Royal Military Police during the investigation process.

The inspectors observed that the overall extent of engagement with victims and witnesses was becoming more open and direct. But they found the approach to witness care lacked a clear strategy and consistency and needed to be improved.

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



Crown Prosecution Service: strengthened working relationships

This year we placed more emphasis on strengthening our already sound working relationships with the Crown Prosecution Service because of the changes proposed for the criminal justice system – in fact less than expected because the police reform did not go ahead nor did the proposal for a single inspectorate. But there were other reasons, a constructive relationship is vital considering part of our remit is delivering tough messages from time to time – changes at senior levels can affect this – there has been a very substantial turnover of the Service’s staff at Director level, as well as a change of Chief Executive and also significant changes to the Chief Crown Prosecutor cadre.

So against this background we focused on building up our working relationship by way of regular keep in touch meetings, inviting the Service’s Directors of Policy and Business Development and others to attend the Inspectorate Management Team meetings from time to time to enable a two way exchange of information and ideas.

We were pleased that the Service responded by setting up an inspection liaison unit headed at Senior Civil Service level which is proving very effective in improving two way communications between the Service and ourselves. Part of the unit’s remit is to improve the Service’s response to our recommendations. A programme of meetings between the Chief Inspector and the Chief Executive of the Service has also been established.

Liaison inspectors

Following consultation we agreed with the Service to run a liaison inspector pilot scheme in eight Areas. Five of those selected were part of this year’s Area effectiveness inspection programme.

It was agreed that the nature of the role would be one of guidance and to act as a sounding board for the Area involved, the aim being to highlight options rather than solutions. Another important feature of the role was to promote the dissemination of good practice.

The response has been positive even though some work was hampered by the timetable of the inspection programme and staff changes in respect of some of the Areas involved in the pilot. We found visits were welcomed and provided valuable assistance, in particular, in preparation for the Area effectiveness inspection and in drafting the Area self assessment.

When the next round of overall performance assessments is complete, we plan to assess whether to continue with the role and, if so, consider if further development of it would be beneficial.

Other jurisdictions

We regard joint working and the work we do outside our core inspection business as hugely important from the point of view of ensuring that the Inspectorate, corporately, and its members, individually, are in a position to bring a broad perspective to its work. This section sets out a number of examples of this.

The 11th Annual Conference of the International Association of Prosecutors

The conference was held in Paris between 27 and 31 August 2006. It was attended by more than 500 delegates from over 100 countries and included four members of this Inspectorate – the theme was “Decisions to Prosecute”.

The Chief Inspector and one of our senior legal inspectors together with Christian Raysseguier, the French Inspecteur Général

des Services Judiciaires gave a joint presentation to the European Regional forum.

THE PRESENTATION WAS ONE OF A NUMBER OF RECENT JOINT INITIATIVES UNDERTAKEN BY THE TWO INSPECTORATES WHICH HAVE INCLUDED EXCHANGE VISITS AND PARTICIPATION IN INSPECTIONS.

The session dealt with the inspection processes of both the French and English inspectorates, majoring on the role of quality assurance in the maintenance of professional standards, and highlighting the similarities and differences in remit and methodology. The differences stemmed largely from the distinction between the French and English criminal justice procedures rather than any deliberate variation in approach. The ensuing question and answer session indicated that the presentation had been well received by the audience and that they found it stimulating.



France

Following last year's successful visit by the Inspecteur Général des Services Judiciaires and the subsequent participation of one of his inspectrices in the Avon and Somerset criminal justice system area joint inspection the French undertook a major revision of their approach to inspection. They draw heavily on the criminal justice system joint inspection methodology operated over here, and on our own overall performance assessment methodology.

Subsequently one of our Deputy Chief Inspectors was invited to join an inspection of the Tribunal de Grande Instance in Amiens, Picardy, one of the first inspections using their newly revised methodology. The Tribunal de Grande Instance includes the three tiers of criminal courts, civil courts and the prosecution service.

We hope to continue regular exchanges between our inspectorates with mutual benefits.

Euro-social Project

In June 2006 one of our legal inspectors spent a day at the University Complutense, Madrid briefing senior members of the law faculty working on a Euro-social Project. The purpose of the project was to identify transferable examples of good practice for use in South American justice systems.

The project team was given a wide range of material relating to our criminal justice system, including criminal justice agency business plans, the Crown Prosecution Service's quality assurance systems and our own processes for assessing the quality of casework decision making. During the course of the day there were wide-ranging discussions on the issues we consider during an inspection and how the process helps to secure improvement.

Inspectorate of Prosecution in Scotland

The Inspectorate of Prosecution in Scotland was established in December 2003 following a recommendation in the Jandoo Report into the handling of the death of Surjit Singh Chhokar. It is the independent inspectorate for the Crown Office and Procurator Fiscal Service, the sole prosecuting authority in Scotland which also has a responsibility for investigating sudden deaths and complaints against the police that are of a criminal nature.

From the outset we have enjoyed a warm and collaborative relationship with the Inspectorate of Prosecution in Scotland. During its formative years, the Chief Inspector sought information and advice from us on a range of issues relating to structure, governance and methodology. We were pleased to share the benefit of our own experience and to engage in a dialogue on matters of mutual interest both directly and through the Heads of Inspectorates' Forum. During 2006–2007, the Scottish Parliament

legislated to place the Inspectorate of Prosecution in Scotland on an independent statutory footing. Their approach followed broadly that adopted in England and Wales and we were once again pleased to respond on issues relating to this transition. During the year, an inspector from the Inspectorate of Prosecution in Scotland joined one of our inspection teams conducting an Area effectiveness inspection in order to affect comparisons with their own process.

We find such external links highly valuable. During the Heads of Inspectorates' Forum meeting hosted by the Inspectorate of Prosecution in Scotland held in Glasgow in September 2006, the then Solicitor General for Scotland, the Rt Hon Elish Angiolini QC, who is now the Lord Advocate spoke warmly in her address of the support received from us.

Afghanistan

We gave a presentation of our approach to inspections to Professor Abdul Jabar Sabit, the Attorney General of the Islamic Republic of Afghanistan, when he visited the Inspectorate during the course of his visit to the United Kingdom.

It was difficult to relate the United Kingdom's developed system of criminal justice and inspection to a country which has seen a number of regime changes and in which the rule of law is not established in the same way as here.

We emphasized the need to establish due process of prosecution decision making and practice, with clear reasons and accountability for decisions to provide a secure audit trail.

Professor Sabit was very interested in our work and asked who he should approach to see if some kind of help could be provided to his country.

The Professor was accompanied by his Chief of Staff and Francis Davis from the United Kingdom on secondment to Afghanistan working with the Director General of the Prosecutions Department and the Counter-Narcotics Task Force.



Performance

Criminal justice system joint performance

Spending review 2004: Public Service Agreement targets which cover the period of this report are

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

Local Criminal Justice Boards are the focal point for co-ordinating at local level the work of those responsible for delivering the Public Service Agreement targets which are the responsibility of all criminal justice agencies in each of the 42 criminal justice areas.

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

This target is of limited value in relation to the performance of the Crown Prosecution Service because it cannot properly be given credit or responsibility for successes or fixed with responsibility for failures. The reality is that the Service has little scope to influence the target which is very much driven by the police. But it can play its part by prosecuting cases efficiently so that they go through the system without delay so avoiding backlogs, and also effectively so that unsuccessful outcomes are reduced.

An analysis of offences brought to justice indicated that on average 49% are as a result of court proceedings resulting in conviction

and 8.9% are offences taken into consideration in conjunction with other criminal offences at court. The remainder are dealt with outside the courts by way of cautions, fixed penalty notices or formal warnings for drugs. There is more scope for discussion bilaterally with the police and through the Local Criminal Justice Board as to the criteria and guidelines for prosecution or alternative disposals.

Analysis of offences brought to justice

	National average February 2007
Convictions	49.0%
Taken into consideration	8.9%
Cautions	26.0%
Fixed penalty notice	9.6%
Formal warning for drugs	6.5%

Persistent young offenders

The Government's target for dealing with persistent young offenders is 71 days from arrest to sentence. National performance overall for the period ending March 2007 was 72 days. There has been a drift in performance for a considerable period yet in many areas concentration on the target has lapsed and, more worryingly, many seemed unable to identify the causes of delay. A table illustrating performance area by area is at Annex 1.

Ineffective trials

INEFFECTIVE TRIALS – these are trials that cannot proceed on the date fixed for trial

CRACKED TRIALS – are cases which finish on the date of trial through a late guilty plea or the prosecution dropping the case.

While this target is couched in terms of ineffective trials, we in the Inspectorate prefer to focus on how many trials are effective and link that to timeliness. So often apparently good performance in relation to this target is at the expense of timeliness. Additionally, the number of hearings necessary to achieve an effective trial should be recorded.

For example, in some areas the improvement in the ineffective trial rate had been gained at the expense of some deterioration in timeliness, manifested in a multiplicity of pre-trial reviews, high rates of vacated trials (the late removal of cases listed for trial which waste court time) and a general increase in the time taken from first appearance to trial. Three to four months between the date of fixing trial and the trial itself was becoming commonplace in the magistrates' courts and in some areas could extend to six months or more.

To overcome this, trial blitzes were sometimes agreed which led to multiple listing of trials with the inevitable pressure on magistrates to dismiss cases if the prosecution was not ready, or alternatively for prosecutors to accept pleas to lesser offences.

Reasons for ineffective trials are supposed to be agreed at court but sometimes appeared to be determined by the court legal adviser, without consultation with the prosecution and defence, which led to a lack of consensus between senior managers of criminal justice agencies about the accuracy of joint performance monitoring figures.

The rate of ineffective trials has improved in the magistrates' courts and the Crown Court. The rate of effective trials has improved significantly in the magistrates' courts.

Magistrates' courts performance for year ending March 2007

Ineffective trials	18.9%
Cracked trials	37.3%
Effective trials	43.8%

Crown Court performance for year ending March 2007

Ineffective trials	12.3%
Cracked trials	39.5%
Effective trials	48.2%

Public confidence

Public confidence in the criminal justice system is measured by questions in the British Crime Survey but none of the questions focus specifically on the Crown Prosecution Service. In reality this is a crude measure easily influenced not only by the personal experiences of those members of the public participating in the survey but also, more often than not, by the national media and other perceptions. The results of the latest survey carried out in December 2006 showed that 42.3% of those surveyed thought the criminal justice agencies were effective in bringing offenders to justice. The results between criminal justice areas ranged from 48.5% to 32.5%.

The Crown Prosecution Service's thrust has been to increase its profile with the public quite considerably in recent years. Its engagement with the local community is more focused addressing issues of concern rather than simply providing information. But there are no clear measures for assessing the two way benefits flowing from such engagement.



Victims and witnesses

Similarly increased satisfaction of victims and witnesses with the criminal justice system is measured by questions in the British Crime Survey. In answer to the survey question asked in December 2006, 68% of respondents think that the criminal justice system treats people who come forward as witnesses well, up from 67% in the previous survey.

Over a number of years, the Service has introduced schemes to improve the services to victims and witnesses, for example the Direct Communication with Victims scheme, Witness Care Units, special measures for vulnerable or intimidated victims and witnesses and, latterly, local surveys of witness satisfaction at court. We comment on these in the section dealing with the Service's own performance.

Crown Prosecution Service performance

Explanation of terms in use in the Crown Prosecution Service

CODE FOR CROWN PROSECUTORS

The Code sets out the general principles prosecutors should follow when they make decisions on cases. Following these principles the prosecutor will consider whether there is enough evidence to provide a realistic prospect of conviction against each defendant and also whether the public interest requires a prosecution

HIGHER COURT ADVOCATES

Prosecutors employed by the Service who have rights of audience in the Crown Court

DESIGNATED CASEWORKERS

In-house senior caseworkers trained to present straightforward cases on pleas of guilty in the magistrates' courts, or to prove them where the defendant does not attend the court

ADVERSE CASES

Adverse cases in the magistrates' courts are where magistrates find no case to answer and those in the Crown Court which end prematurely by reason of a judge directed acquittal (that is a direction to the jury during the course of the trial) or a judge ordered acquittal (where the judge orders acquittal before a jury is sworn in, generally when the prosecution offers no evidence).

General observations

As mentioned in previous annual reports the performance of the Service is very variable across its 42 Areas and more so than we would expect from a nationally managed organisation. For example in 2006-2007

in relation to case outcomes

- conviction rates for the year in the magistrates' courts ranged from 92.2% of completed cases at the top of the scale to 79.1% at the bottom end
- conviction rates for the year in the Crown Court ranged from 90.1% of completed cases to 71.0%
- discontinuance rates for the year ranged from 5.8% to 14.4%

in relation to deployment of prosecutors

- in-house coverage of magistrates' courts' sessions ranged from 97.2% to 46.2%

- use of designated caseworkers varied from 28.7% to 7.4% of magistrates' courts' sessions covered by Areas.

For some time inspectors have observed that Area performance was not always reflected accurately in its performance information and data. Successful case outcomes were not always an indicator of the quality of a file and did not provide an assurance that casework processes such as review, trial and committal preparation, and disclosure were carried out effectively. The standard of instructions to counsel varied considerably and there were many examples of instructions which added no value to the case and which ultimately had no influence on the outcome.

A key issue in the Inspectorate's view is the difficulty in achieving case ownership by individual prosecutors. Many initiatives have resulted in a more process driven approach with the need to focus on individual roles without necessarily addressing wider issues. On 15 February 2006 the National Audit Office published "Crown Prosecution Service: effective use of magistrates' courts hearings. Report by the Comptroller and Auditor General. HC 798 Session 2005-2006". The report concluded that £173,000,000 was wasted each year in the criminal justice system because of ineffective hearings and cracked and ineffective trials, of which just under £24,000,000 was due to failings in preparation and delays in decision making by the Crown Prosecution Service. The report identified lack of ownership and oversight of cases by prosecutors as one of the reasons for avoidable problems within the Crown Prosecution Service. It found there was a lack of continuity in presenting cases: in a sample of 234 cases with more than one hearing,

54% had been presented by a different advocate at each hearing and only 15% had been presented by the same prosecutor throughout.

Inspectors have been concerned about the increasing length of time it took in some Areas between the date of charge and the trial in magistrates' courts, with a period of three to six months from the date of fixing trial to the trial itself becoming commonplace.

The need to improve the speed and effectiveness of cases in the magistrates' courts is illustrated by findings in "Delivering *Simple, Speedy, Summary* Justice", published by the Home Office, the then Department of Constitutional Affairs and the Attorney General's Office in July 2006. The review found that:

- cases had an average of between five and six hearings
- cases take on average over 21 weeks from charge to disposal
- in other cases there could be numerous hearings before a defendant either pleaded guilty or the prosecution discontinued the case
- in one instance it took 18 months and nine hearings to bring a case to trial for a public order offence - the case cracked on the day of trial.

Our file examination revealed a high level of Area compliance with the tests in the Code for Crown Prosecutors in charging and review decisions. Inspectors assess these decisions based on whether they were within the parameters of what was open to a reasonable prosecutor with appropriate experience.



THE INSPECTORATE'S TEST

Inspectors assess the quality of decision making by considering whether the decision was within the parameters of what was properly open to a reasonable prosecutor (an appropriately experienced prosecutor, not an inexperienced, newly appointed one), having regard to the law, the principles in the Code for Crown Prosecutors and other relevant guidance.

The Service has devoted considerable effort in recent years to introduce an effective performance management regime. But Areas need mechanisms to ensure that performance information is accurate and all too frequently inspectors highlighted inaccuracies in recording case outcomes which affect the overall picture of performance. In our view performance data needs to be more carefully analyzed to identify the underlying trends even if they indicate a positive picture – it is equally important to understand the reasons behind success as it is to identify the factors which influence poor performance.

We had concerns also that the regime did not always capture completely or address the most appropriate range of measures. Targets are responsible for driving behaviour and there is the risk that incorrect measures could drive the Service in the wrong direction as well as provide it with a false sense of achievement. All were capable of being misused. For example

- the drive to reduce the ineffective trial rate while important and proper needs to be balanced by ensuring that the vacated trial rate does not increase, and that fixing the date of trials is not delayed until effectiveness is assured at the expense of

creating excessive delay from the date of the alleged offence to determination

- an adverse outcome may reflect prosecution fault and require analysis. Inspectors do not criticise bold decisions to prosecute if supported by good reasons and positive case management, rather it is unreasoned decisions to prosecute without consideration of obvious lines of defence and instances of poor case progression that give cause for concern – these are sometimes masked by a supposedly more satisfactory court acquittal after trial
- the target to reduce the rate of discontinuance of pre-charge decisions may encourage prosecutors to be overly cautious and require very strong evidence before prosecuting and this can lead to an unacceptably high no further action rate
- attempts by Headquarters to ensure file reviews are of substance are based on a certain number of characters being input on the case management system and a review note of little substantive value can fulfil this
- savings achieved per counsel fee session by the use of Higher Court Advocates, while not a target, can be achieved successfully by the latter undertaking minor hearings or plea and case management hearings rather than by conducting short trials that would fulfil the Service's advocacy strategy to better effect.

CASE STUDY – THE PROXY TARGET FOR THE NUMBER OF LETTERS EXPECTED TO BE SENT BY AREAS AS SPECIFIED IN THE DIRECT COMMUNICATION WITH VICTIMS SCHEME

The Service's concern that its commitment to write to an identifiable victim in all cases where a charge is dropped or its severity reduced to explain the decision was not being met in all relevant cases, led it to develop a proxy target against which performance could be measured.

The proxy was based on a number of assumptions relating to discontinued cases and produced a target based on an Area's caseload. Because of reducing caseloads in the past year some proxy targets were reduced on up to three occasions. This resulted in some Areas reporting unrealistically high achievements, for example around 200% of a target which, if properly set, should have been no higher than 100%.

Additionally in the course of the compliance audit we found a number of errors within our sample in the Areas which meant that reported performance would have been even better if Area systems had identified and recorded letters that should have been and were sent correctly. Their inclusion would have pushed the achievement higher.

It was therefore clear that in many instances this apparent performance improvement was due to target reduction rather than actual improved performance.

Generally we found the effect of the appointment of case progression officers positive in respect of case progression but in some places it had an adverse impact on case ownership by creating a culture where the expectation was that someone else would pick up the case and progress it. The picture was variable with no evaluation as to what worked best.

The Service is undergoing another process of reorganisation, while still retaining the 42 Area structure, it is proposed that they operate within groups through a series of group strategy committees. There is uncertainty in some Areas about the effects of this reorganisation and the reasons behind it in spite of the provision of regular information from Headquarters. But the pace of change has been slower than anticipated and is making planning at the local level difficult.

The process of Area reorganisation has also led to a number of Chief Crown Prosecutor vacancies being filled on a temporary basis. During the course of recent inspections, inspectors have seen early signs of a vacuum in accountability with the result that temporary Chief Crown Prosecutors do not have the confidence to plan strategically in the long term. This means that Areas will face considerable challenges in 2007-2008 if they are to continue to improve performance and maintain public confidence.

The Inspectorate's standards and measures

Our expectation is that Areas work towards improving their casework performance – the starting point being work to reduce the rate of unsuccessful outcomes in magistrates' courts and in Crown Court cases – with the consequence of improving the overall conviction rate in those courts. In seeking these improvements the Inspectorate takes it as an overriding issue that prosecutions will be fair and that it is inevitable that there will be some acquittals as the Code for Crown Prosecutors requires there to be a realistic



prospect of conviction, not an overwhelming certainty of conviction.

That being so, our assessments consider the quality of casework as a whole including that general levels of decision making are appropriate, that cases are subject to proper continuing review and action is taken to overcome foreseeable adverse outcomes or acquittals, that case preparation is sound and cases are progressed to trial expeditiously, and that cases are presented at court as effectively as possible. It is through undertaking these functions to high standards that prosecutors play their proper role within the criminal justice system to reduce the fear of crime and build confidence in the criminal justice system without compromising fairness.

The Inspectorate's measures include

- **decisions to prosecute** – compliance with the tests in the Code for Crown Prosecutors in both pre-charge decisions and initial review of those cases charged or summonsed by the police. Ancillary issues include prosecutors considering appropriate alternative disposal and ancillary orders and being active in identifying and remedying evidential defects which should be the subject of an action plan agreed with the police officer in the case
- **review** – compliance with the individual Code tests at the key stages of cases, including the preparation of cases for summary trial in the magistrates' courts, preparation of a case for committal or service of case papers in the Crown Court or, on the other hand, when cases

are to be discontinued. Ancillary issues include taking action to avoid adverse outcomes, the proper undertaking of the duty of disclosure of unused material to the defence, the provision of quality instructions to counsel in Crown Court cases, and the preparation of properly drafted indictments in the Crown Court in terms of the selection of the appropriate level and number of charges

- **case progression** – action taken to increase the rate of effective trials in the magistrates' courts and the Crown Court, to reduce the level of ineffective trials and to reduce the rate of cracked trials. Also action taken to deal with persistent young offender cases from arrest to sentence within the Government's target of 71 days.
- **advocacy** – the quality of the prosecution's performance at court in meeting the Crown Prosecution Service's national standards of advocacy based on our observations over a reasonable period across the range of remand hearings, case management hearings and trials.

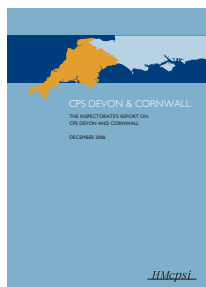
Inspectors look for quality standards including the selection of the correct charges that properly reflect the criminality of offences in those cases which on the face of it are successful or satisfactory, that is, pleas of guilty or conviction after trial. In those cases that are acquitted we expect to find that the case was prepared and presented well with any foreseeable weaknesses remedied.

We pay particular attention to adverse cases as they may well reflect poor performance on the part of the Service – for example, an incorrect view of the strength of the evidence

at an early stage or a failure to address foreseeable problems which ought to have been apparent at an early stage. Adverse cases also occur for reasons which the prosecution cannot control or influence, for example, when victims and witnesses fail to attend court, or do not give evidence in accordance with their statements, or where some new evidence or change of circumstances means the case is no longer viable. The key issue is whether the prosecution could have done more to avoid the outcome.

We expect local managers to analyze outcomes, successful ones as well as adverse ones, and where appropriate to learn lessons with a view to avoiding the repetition of mistakes in the future and also to provide feedback to individuals of good work which demonstrated added value in terms of strengthening cases and addressing foreseeable problems.

A schedule listing the Service's caseload and performance outcomes for 2006-2007 is at Annex 2.



The 2006-2007 Area inspection programme: Area effectiveness inspections

This year our inspection programme for Areas took the form of Area effectiveness inspections, Annex 3 sets out the framework of standards and criteria used. The framework follows broadly the same aspects of performance as the overall

performance assessments we undertook last year. All Areas which received a poor rating last year received a comprehensive inspection, there were four Areas in this category. A further seven rated fair but with several poor ratings for aspects of performance were also inspected, but these inspections were tailored individually on a risk assessment basis.

It was pleasing that almost all these Areas had achieved better performance in the aspects of particular concern, so that the impact of assessment and inspection was improved performance. In one the capacity to improve was identified as problematic, this enabled the Service's Headquarters to provide extra support.

Those Areas rated good or excellent were not subject to routine inspection so long as the risk assessment showed that the performance level had been maintained. Some were involved in either thematic inspections or as part of the rolling programme of inspections of individual aspects of casework.

A summary of findings is given in the following paragraphs. Annex 4 sets out the data gathered from these inspections and also shows the data gathered, where applicable, from the 2002-2004 cyclical round of inspections of all 42 Areas. Care needs to be exercised in comparing the two sets of data in that the Area effectiveness inspection programme was concerned with 11 of the lower performing Areas whereas the 2002-2004 inspection cycle related to all 42.



Summary of findings

Decisions to prosecute

Decisions to prosecute cover many cases that previously would have been categorized as advice and many that would have been identified as first review. To some extent the quality of these cases is reflected within the Service's realization of anticipated benefits measure relating to statutory charging – in particular cases subsequently discontinued. This is only a partial indicator as decisions may be perfectly proper under the threshold test (where 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) but subsequently evidence may be found insufficient to satisfy the full Code tests or circumstances may change eg the victim or other prosecution witnesses cease to support the case.

Our findings were that 96.1% of pre-charge decisions (including initial review of some non pre-charge decision cases) accorded with the evidential test of the Code for Crown Prosecutors. Compliance with the public interest test was 99%.

Decisions to deal with other than by prosecution

Another group of cases is dealt with by way of caution, conditional caution, or are taken into consideration by a court when dealing with charged offences.

Decisions not to prosecute

Charging decisions not to prosecute and advice that the case does not merit further investigation are commonly known as no

further actions. The average rate across the Service for pre-charge advice resulting in no further actions was 31.9% of all pre-charge decision cases in the year to March 2007.

The range was wide in the Areas we inspected and it is important that they should have robust quality assurance arrangements with the police to ensure that the standard being applied is the right one.

Discontinuance

The overall level of discontinuance of cases in the magistrates' courts in 2006-2007 was 10.8% - an improving trend in the Service's case outcomes. Inspectors found that compliance with the Code test was 95.1% which indicates an improvement of quality from the last inspection cycle when compliance was 92.4%.

Most decisions to discontinue a case are the result of a change in circumstances which affect the strength of the evidence, we take that for granted. Where we are critical is when there has been a decision to proceed, where there is no change in circumstance, and a case is subsequently discontinued because another prosecutor takes a different view of the strength of the evidence or as to whether the public interest requires a prosecution.

It is something of a paradox that discontinuance rates in relation to cases subject to pre-charge decision are higher in most Areas than the overall discontinuance rate (15.7% in relation to pre-charge decision cases in the magistrates' courts compared to the overall rate of 10.8% and the national target of 11% in pre-charge decision cases set in April 2007).

The explanation given is that the nature of pre-charge cases are the more serious - those likely to be contested, or cases involving offences against the person or public order offences where victims or witnesses are most likely to change their minds about proceeding, and cases subject to the threshold test. Most cases do proceed under the full Code test but prosecutors need to be alert to foresee and overcome difficulties so that cases can proceed.

Casework inspection – discontinuance

This rolling programme of inspection is designed to give assurance on casework quality by covering Areas with performance ratings across the range and with various sized caseloads. The first such inspection related to discontinuance, and included committals discharged as not ready.

The methodology included examination of Area files through the electronic case management system (Compass), physical examination of a representative number of files and limited telephone interviews with operational staff.

Initial findings showed that decisions to discontinue were as follows

- a few were made to rectify wrong decisions at the pre-charge stage or at initial review
- most related to changes in the willingness of victims or witnesses to support the prosecution's case
- some related to changes in the strength of the evidence
- few revealed contentious views on the public interest in proceeding.

Also,

- case drift was an issue whereby little positive action was taken to deal with the reluctance of witnesses to give evidence or the prosecutor had failed to consider further evidence or information from the police which resulted in cases proceeding in line with the pre-charge decision rather than the new position being considered promptly
- committals discharged because they were not ready remained an issue
 - it is unsatisfactory that in cases that were subject to the full Code test and in which there was apparently key evidence available, a committal bundle of statements and documents containing sufficient evidence was not ready some six or eight weeks later
 - some cases were reinstated if key evidence was made available within a reasonable time, but many were not
 - some discharged committals were wrongly classified as such because a decision had been taken that the evidence was in fact insufficient for the prosecution to proceed with the case
- a number of Areas had significant numbers of minor motoring cases dropped on production of documents at court and it was questionable whether these specified offences should have been included in the discontinuance data.

Adverse cases

The definition of adverse cases appears at the beginning of this section *Crown Prosecution Service Performance*.



We in the Inspectorate believe it would be better to measure no case to answer outcomes in the magistrates' courts and judge directed acquittals in the Crown Court as a proportion of contested cases rather than all cases as is the practice at present.

We found that the general trend in respect of adverse cases was one of slight improvement. But we also found that in certain instances the quality of adverse case reporting was not up to the required standard thus preventing lawyers and caseworkers learning from past weaknesses.

Adverse cases for the year to March 2007 are set out below.

Magistrates' courts

No case to answer	0.2% of all cases
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Crown Court

Judge ordered acquittals	13.1% of all cases
Judge directed acquittals	1.4% of all cases

Disclosure

The prosecution has a duty to disclose relevant unused material to the defence if it may undermine the prosecution case or may assist the defence case. The situation is more complicated if the disclosable material has such sensitivity that the public interest would be damaged by its disclosure. In such circumstances, the prosecution must consider whether to make an application to the court for public interest immunity.

While compliance with the processes established for disclosure is the best way to ensure all disclosable material is in fact disclosed, non-compliance does not

necessarily lead to non-disclosure. It has to be said that disclosure is a difficult and resource intensive process, involving many people at different stages which can lend itself to failures in compliance.

We found improved compliance in relation to the process of continuing disclosure in Crown Court cases and in dealing with sensitive material in cases in the magistrates' courts (although numbers of such cases are small in relation to truly sensitive material).

Disclosure

Initial/primary test dealt with properly in cases in the magistrates' courts	65.2%
Continuing/secondary test dealt with properly in cases in the magistrates' courts	56.9%
Sensitive material dealt with properly in cases in the magistrates' courts	62.1%
Initial/primary test dealt with properly in cases in the Crown Court	79.6%
Continuing/secondary test dealt with properly in cases in the Crown Court	70.1%
Sensitive material dealt with properly in cases in the Crown Court	69.9%

Overall we found the level of compliance gave cause for concern, although we acknowledge that the instances of non-compliance which gave rise to possible miscarriages of justice appeared to be very rare.

The reasons for non-compliance may include

- administrative failings

- unnecessarily wide disclosure of material that does not fall within the statutory test
- disclosure undertaken at court when frequently not noted on the case file.

The latter reason can give rise to delays in the start of a trial, wasting court time and adding to the overall cost to the criminal justice system.

These issues are being examined more closely in the current thematic review of disclosure more details of which can be found in the thematic review section of this report.

Instructions to counsel

Crown Court cases in which instructions to counsel contained a case summary and dealt adequately with the issue	63.1%
Crown Court cases in which instructions to counsel contained guidance on pleas	46.3%

Even in those Areas where there is a trial unit with lawyers concentrating on Crown Court work the overall quality of instructions to counsel remained relatively low and similar to the last cycle.

The instructions should include a case summary and deal with the issues but many do not do so nor do they refer to any review notes by the lawyer. This latter method would not be a substitute for a proper narrative but even that was surprising in its omission.

Indictments requiring amendments

The presentation of an appropriate indictment containing the appropriate counts in a well drafted form is something of a shop window for the Service

in the Crown Court. Crown Court judges make their assessment of the work of the Service based on the way cases are managed and presented to them.

The number of indictments that were appropriate and did not require amendment was 82.2%, which demonstrates a significant improvement in quality, but needs to be higher. The improvement may reflect greater input by Higher Court Advocates based on their own experience in the Crown Court.

Advocacy

Advocates appearing for the prosecution

CROWN PROSECUTORS

Solicitors or barristers appearing in the magistrates' courts and in limited hearings in the Crown Court

DESIGNATED CASEWORKERS

In-house senior caseworkers trained to present straightforward cases on pleas of guilty, contested adult bail applications and pre-trial review hearings, or to prove matters where the defendant does not attend the magistrates' courts and no witness is warned to attend

AGENTS

Solicitors or barristers not directly employed but instructed by the Crown Prosecution Service to represent the prosecution in the magistrates' courts

HIGHER COURT ADVOCATES

Prosecutors employed by the Crown Prosecution Service who have full rights of audience in the Crown Court

COUNSEL

Counsel instructed by the Crown Prosecution Service to represent the prosecution in the Crown Court.



The advocacy strategy programme

The objective of the programme is to transform the Service into a prosecuting authority that routinely conducts its own high quality advocacy in all courts. The main focus of the programme is on increasing the development and deployment of in-house trial advocates to handle both contested and non-contested cases in the magistrates' courts and the Crown Court – also the development and deployment of designated caseworkers in the magistrates' courts.

2006-2007 MAGISTRATES' COURTS – NUMBER OF SESSIONS COVERED BY IN-HOUSE ADVOCATES

The national average was 80.4% for the year but the range of performance was from 97.2% to 46.2%

With the exception of Gwent all Areas inspected this year were in the lower half of the range.

Inspectors were concerned at the lack of in-house trial advocacy in the magistrates' courts in some Areas and will be looking for a stronger drive by the Service to take forward its advocacy strategy programme to conduct the full range of advocacy in all courts.

Quality of advocacy

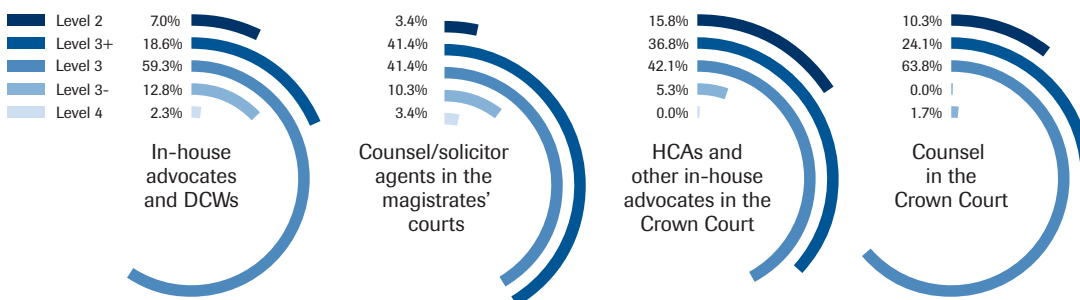
On quality of advocacy, a total of 192 advocates were observed and assessed by inspectors against the Service's national standards of advocacy during this year's inspection programme.

THE INSPECTORATE'S ASSESSMENTS AGAINST THE NATIONAL STANDARDS OF ADVOCACY ARE

- 1 Outstanding
- 2 Very good, above average in many respects
- 3+ Above average in some respects
- 3 Competent in all respects
- 3- Fully competent but lacking in presence or lacklustre
- 4 Less than competent in many respects
- 5 Very poor indeed, entirely unacceptable

The charts below set out the results of the assessments, there were no level 1 assessments, nor level 5 assessments.

For the most part the standard of advocacy of in-house lawyers was satisfactory or better. We were concerned that in some Areas the use of agents remained very high so that, as already stated, in-house lawyers were not undertaking any trial courts. This appeared to be the more serious de-skilling of lawyers issue



rather than the frequently referred to lack of experience of criminal justice unit lawyers in trial units and in the Crown Court.

We found that in the majority of Areas visited in this year's inspection programme, little or no trial advocacy was undertaken. Nevertheless, Higher Court Advocates were for the most part well regarded by the Crown Court judiciary. Trial advocacy, including serious cases, was developing in a few Areas inspected.

Designated caseworkers generally received good ratings which coincided with the very favourable impressions passed on by magistrates and magistrates' courts' staff. We found the high standard of their case presentation and progression commendable. Overall we found a greater acceptance of the need to organise things so that designated caseworkers could be deployed effectively, but we identified a number of risks. For example, some designated caseworkers were receiving a number of cases charged by the police as being likely guilty pleas, including serious domestic burglaries in which no guidance had been given by a lawyer as to mode of trial or the appropriateness of bail granted by the police.

Inspectors expressed some concern that lawyers spent too much time waiting around at court, for example to deal with afternoon over-spill courts. They found a too ready acceptance of the inevitable waste of time inherent in this. In our view the Service needed to look at the efficient use of time at court.

On a more general point, we found a continuing assumption that it was acceptable

in magistrates' courts for cases to be moved from one courtroom to another without reference to the effect of an enforced change of advocate. In the event of an unsuccessful outcome, this lack of continuity could impact on the confidence of victims and witnesses. Our opinion is that there should be more dialogue between the courts and the Service to address this issue.

Service to victims and witnesses

SPECIAL MEASURES

Special measures are designed to enable victims and witnesses to give the best possible quality of evidence by making it easier for them to give their evidence and to give it free from unnecessary stresses and pressures by, for example, the use of television links to the court or video recording of evidence to be used as evidence in chief.

We found that the Witness Care Units, established by the Service as part of the No Witness No Justice initiative had brought significant improvements to the level of service provided to victims and witnesses. But the inspectors observed that further improvements could be made if the responsibilities of each criminal justice agency were defined more clearly and if the flow of information from them to the Witness Care Units improved.

We observed that the treatment of witnesses at court was good although the special measures provisions were not always applied for in a timely fashion. This was particularly so for adult vulnerable or intimidated witnesses because they were not always identified at an early stage in proceedings.



The Prosecutors' Pledge



The Prosecutors' Pledge sets out the support victims of crime or their families can expect from prosecutors. It contains ten commitments in

the form of pledges. It is reproduced here.

WHERE THERE IS AN IDENTIFIABLE VICTIM THE PROSECUTOR WILL:

- Take into account the impact on the victim or their family when making a Charging decision.
- Inform the victim where the charge is withdrawn, discontinued or substantially altered.
- Where practical, seek a victim's view or that of the family when considering the acceptability of a plea.
- Address the specific needs of a victim and where justified seek to protect their identity by making an appropriate application to the court.
- Assist victims at court to refresh their memory from their written or video statement and answer their questions on court procedure and processes.
- Promote and encourage two-way communication between victim and prosecutor at court.
- Protect victims from unwarranted or irrelevant attacks on their character and may seek the court's intervention where cross-examination is considered to be inappropriate or oppressive.
- On conviction, robustly challenge defence mitigation which is derogatory to a victim's character.

- On conviction, apply for an appropriate order for compensation, restitution or future protection of the victim.
- Keep victims informed of the progress of any appeal, and explain the effect of the court's judgement.

Direct Communication with Victims

In all cases where a charge is dropped or is altered substantially the Crown Prosecution Service undertakes to inform the victim in writing and explain the decision to them.

In cases involving death the Service offers to meet the family of the victim.

Meetings are also offered in cases involving child abuse, sexual offences, racially/religiously aggravated offences or homophobic crime where a charge is dropped or is altered substantially.

We found that performance in relation to the provision of letters to victims under the Direct Communication with Victims scheme continued to provide a challenge in terms of ensuring that letters were sent in all appropriate cases and that they were sent within the time limits.

Compliance audit – Direct Communication with Victims

During the year we developed an audit function which enabled us to focus resources on aspects of performance and processes within the Service that have been identified as a cause for concern. Our first audit examined compliance with and operation of the Direct Communication with Victims scheme in 11

Areas. They were selected following analysis of the latest performance data and were a mix of those whose performance was poor and those where it was good.

The audit focused on four aspects

- identification of cases
- compliance with the scheme
- accuracy of recording
- quality of letters.

Lay inspectors took part and offered their views on the quality of letters and whether as a member of the public they were satisfied that they were understandable and empathetic.

Generally lay inspectors and auditors found that the quality of letters was satisfactory. The issues were letters sent out late and cases where no letter had been sent.

Casework Quality Assurance

In 2003 the Inspectorate worked with the Crown Prosecution Service to develop a Casework Quality Assurance scheme to enable Areas to undertake self assessments of their performance. The scheme was revised in December 2004. It marshals questions under the headings

- charging decisions/policy/charging standards
- case preparation
- disclosure
- victims and witnesses.

The scheme envisaged examination of one file for each lawyer and designated caseworker each month to provide a view of individual, unit and Area performance on a representative basis across the Service.

Areas submit returns to Headquarters routinely but the return rate varied with a national average of 91% but with compliance of only 52% at the lower end.

Robustness of assessments also varied across Areas – broadly the national average in relation to the quality of decision making at 95.3% was in line with the findings of inspectors in this year's inspection programme. But there was significant disparity between the findings of inspectors and Area assessments in relation to certain aspects of case preparation

- the standards of instructions to counsel which attracted criticism from inspectors
- compliance with the rules of disclosure, for which the Service's national average for compliance was 91.8%, but inspectors' ratings were significantly lower
- compliance with the Direct Communication with Victims scheme where inspectors found a much lower level of compliance than Areas' assessments.

The scheme provides for systematic monitoring of both finalized and live cases, it provides for judgments to be exercised to identify aspects for improvement where cases fail to meet appropriate standards and for action to be determined and recorded. It also provides for specific strengths to be recorded. Thus managers should be able to provide feedback to individuals on a minimum of 12 files a year and to analyze performance at unit and Area level and take action as appropriate.



Because of the systematic and flexible nature of the scheme inspectors were concerned about those Areas which preferred to monitor performance by the use of unsystematic or unrecorded dip sampling of files. Conversely the inspectors gave credit to those Areas which, while having low compliance ratings, were taking steps through individual feedback and analysis of assessments at unit and Area level to identify aspects for improvement.

Added value

The added value the Service provided to cases investigated by the police is measured by the analysis of cases where

- at the pre-charge decision or initial review stage prosecutors identified and sought to remedy evidential defects where this was necessary
- positive action was taken by prosecutors to obtain additional evidence or information to strengthen the case to avoid discontinuance
- positive action was taken to avoid cracked or ineffective trials
- action was taken to avoid foreseeable adverse outcomes or the case was dropped at the earliest practicable time.

These issues are difficult to measure systematically through data because of the complexity in identifying cases that are relevant and also in which of them the appropriate action was taken. In some Areas cases received from the police may be to higher standards than in others or shared case progression may be of a higher

standard resulting in less scope for individual prosecutors to take positive action.

Inspectors found examples of cases where positive action had been taken and also examples where there had been no further review or consideration undertaken promptly or that demonstrated an inability to see what could have been done. For instance

- at pre-charge decision or initial review, inspectors found that in 71.9% of cases which had evidential defects the prosecutor had identified them and taken remedial action
- in cases considered for discontinuance where there was potential additional evidence or information that could affect the decision the prosecutor had requested it from the police in 83.1% of such cases
- in the relatively small number of cases in the magistrates' courts which were dismissed as no case to answer and the outcome had been foreseeable, the prosecutor had taken action in only one third of them (32.3%)
- in the small number of cases in the Crown Court in which no evidence was offered and that outcome was foreseeable, in only 41.2% did the prosecutor take appropriate action
- in cases that were dismissed following a submission and which had been foreseeable, the prosecutor took appropriate action in 47.1% of them.

Overall the picture was encouraging. But, particularly in relation to the pre-charge decision stage, the resources deployed demanded a higher rate of added value in most Areas.

Revenue and Customs Prosecutions Office



The Revenue and Customs Prosecutions Office is the specialist prosecution authority of HM Revenue and Customs, and for drugs and firearms importation and associated money laundering cases investigated by the Serious Organised Crime Agency. Cases are reviewed, advice given, and prosecutions instituted in accordance with the principles contained in the Code for Crown Prosecutors.

An overview inspection of the Revenue and Customs Prosecutions Office took place in July and August 2006. Inspectors visited office sites in London and Manchester. The aim was to consider the progress of the Revenue and Customs Prosecutions Office as a single independent prosecution authority following its creation on 18 April 2005 which brought together the previous Customs and Excise Prosecutions Office and the Inland Revenue Crime Group.

Initially it had been envisaged that the inspection would take the form of a full scrutiny. In the event any form of file examination was precluded because Section 40 (1) of the Commissioners for Revenue and Customs Act 2005 prohibited disclosure of any information held by the Revenue and Customs Prosecutions Office in connection with any of its functions.

The relevant provisions of the Police and Justice Act 2006 came into effect on 1 April 2007 and gave the Inspectorate the power to require information which overrides the

confidentiality provisions that constituted the impediment to file examination.

We had undertaken a non-statutory inspection of the Manchester prosecution unit of the Solicitor to HM Customs and Excise in November 2002 and of the London casework units of the Customs and Excise Prosecutions Office in December 2004. So this inspection also considered the extent to which the recommendations and suggestions made in those earlier inspections had been carried forward.

Since these earlier inspections the structure and governance of HM Customs and Excise and Inland Revenue prosecutions had been subject to considerable change.

The inspection started as an extended follow-up to the earlier inspections but developed into a more extensive scrutiny albeit without the benefit of case examination. The inspectors looked at systems, processes and performance management information as well as conducting interviews with members of the Revenue and Customs Prosecutions Office, members of the judiciary, staff at HM Revenue and Customs and at the Serious Organised Crime Agency.

The inspectors found that the Revenue and Customs Prosecutions Office had developed into a prosecution authority starting to demonstrate real accountability, to learn from its experiences and to play an active part in the aims and objectives of the criminal justice system.

The separation between investigators and prosecutors is now clearly defined and, whereas the close working relationship between the two had been maintained, the final decision on whether to prosecute is made by the prosecutors in accordance with the Code for Crown Prosecutors.

Within the limits of the overview inspection we found clear evidence of improvement in a number of key aspects of performance but more needed to be done in other aspects. For example

- the Manchester office had not been updated to the new corporate logo and colours which did not assist in integrating staff and working practices in the new organisation
- lack of performance management structures and clearly understood and shared performance indicators, particularly in relation to the management of counsel fees
- lack of divisional targets for asset recovery
- lack of involvement of all levels of the organisation in the business planning process
- relatively primitive information technology systems and processes which hampered progress – issues which needed to be addressed as a matter of priority.

The Revenue and Customs Prosecutions Office's response

Good progress has been made in taking forward a programme of action distilled from the overview inspection report. An action plan was drawn up that contained 54 actions, of which 31 have been implemented in full, 12 in part and 11 yet to be implemented. Much of the remaining work has been included in the business plan for 2007-2008 which should result in a further seven actions being completed by the end of August 2007.

Achievements so far include

- improving the accommodation in the Manchester office with a full refit taking place in summer 2007
- taking measures to integrate staff and working practices fully
- introducing systems to manage counsel fees effectively
- enhancing the Asset Forfeiture Division and its procedures to help meet financial targets – those for 2006-2007 were exceeded
- improving business planning processes and involving all levels of the organisation in them
- preparing case summaries in prosecutions to assist the judiciary.

A contract has been signed with a new information technology service provider and a new case management database is being developed to replace current management information systems.

Thematic reviews

We set out here the outcomes of thematic reviews which reported this year and some which concluded in earlier years. Where appropriate, a report on progress so far by the Crown Prosecution Service is also set out. Because progress is ongoing in respect of recommendations from some reviews published in previous years, we give a synopsis of the Service's response to them.

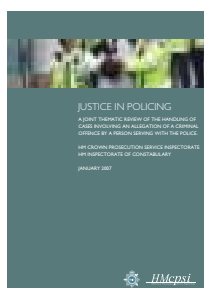
We also set out progress to date on the recommendations of the review of the Jubilee Line fraud case which was commissioned by the then Attorney General.

One of the thematic reviews started this year is still ongoing. For the benefit of clarity we have divided this section into four parts

- reports published during 2006-2007
- review reports concluded in earlier years
- reviews started this year but still ongoing
- the Jubilee Line fraud case review.

Reports published during 2006-2007

Joint reviews



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

We undertook this inspection with HM Inspectorate of Constabulary and were in the lead. The inspection took place throughout 2006 and the final report was published in January

2007. The purpose of the review was to analyze and assess the quality of handling of cases involving an allegation of criminal conduct by a person serving with the police, this included

- the timeliness of the investigation, submission of papers to the Crown Prosecution Service, and decision making
- the quality, integrity and consistency of decision making in casework handling generally
- the relationship in the context of police complaint cases between the Crown Prosecution Service Headquarters (Policy Directorate and Special Crime Division), its geographical Areas, the Independent Police Complaints Commission and the professional standards departments of the police service.

Inspectors found that the arrangements for investigating and handling of police complaint cases resulted in sound decision making and case preparation, notwithstanding a number of weaknesses mainly in the manner of their management. The weaknesses were attributable for the most part to the lack of any clear and consistent ownership of policy or operational issues within the Headquarters of the Crown Prosecution Service.

There was clear evidence of the need for the police and the Crown Prosecution Service to work more closely together to consider the future management and conduct of investigations and prosecutions. In particular a need for more structured arrangements for recording cases and monitoring and analyzing outcomes to provide the basis of joint



performance management arrangements through which concerns could be addressed.

The inspectors concluded that police complaint cases were handled outside the main prosecution business processes to an unacceptable extent. This needed to be addressed and the establishment of dedicated regional units to present these cases ought to be considered as a possible way forward.

The inspectors found a lack of clarity on the part of prosecutors as to the extent to which it was appropriate to take into account the likely outcome of any disciplinary proceedings when determining whether a prosecution would be in the public interest. In the opinion of the inspectors the current approach seemed unduly cautious and further guidance from the Service's Policy Directorate was needed.

The standard of communication from prosecutors to complainants and/or victims was variable and, in the inspectors' view, there was scope for considerable improvement. They considered that channels of communication also needed to be developed and kept open with other key stakeholders such as the police professional standards departments and the Independent Police Complaints Commission. They also observed tensions present within the system, particularly regarding timeliness, for which there did not appear to be any natural outlet.

The inspection report set out 17 recommendations and 14 suggestions for improvement. The recommendations and suggestions were directed not only to the prosecution but to the police and involved

working with the Independent Police Complaints Commission and potentially the Home Office.

The main recommendations for the Crown Prosecution Service include

- the need to introduce mechanisms to enable managers to know how this work is received and how well it is being handled
- working with the police at local and national level through the Association of Chief Police Officers to develop performance management regimes and enhance a joint prosecution team approach to ensure early legal advice is obtained and timeliness issues are addressed by early consultation and continuous review
- the need for policy guidance to clarify the extent to which the outcome of any disciplinary proceeding has on the determination as to whether a prosecution of a person serving with the police would be in the public interest
- an improvement with regard to the standard of communication with complainants, victims, key stakeholders and interested parties such as the Independent Police Complaints Commission.

The Crown Prosecution Service's response

A number of the recommendations the inspectors made are likely to be dependant on possible legislation and this has influenced the implementation process. However, the Service sees the outcome of the review as an opportunity to forge with the Independent Police Complaints Commission a similar

close and transparent relationship to that it has with the police.

High level discussions have taken place to clarify the threshold test for the referral of cases by the Independent Police Complaints Commission to the Service. The discussions resulted in an agreement which will see an effective sift of cases by the Independent Police Complaints Commission where there is clearly insufficient evidence to support criminality by a person under investigation. This work has contributed to a debate on primary legislation for a new threshold test to ensure a balance is struck between cases properly weeded out by the Independent Police Complaints Commission and those which should be referred to the Service. A group of senior lawyers has also been formed to consider draft clauses and associated legal guidance which will be required in legislation linked to the Inspectorate's findings.

Agreement has been achieved between the Service, the police and the Independent Police Complaints Commission on the need to work together on a number of initiatives including joint training, joint performance management and improved communication. As part of these arrangements the Service will ensure that all police complaint cases are so identified on its case management systems leading to standardized reports to support joint performance discussions.

A review has been conducted to determine whether the creation of regional units in the Crown Prosecution Service would provide the most effective and efficient business solution to deal with police complaint cases. While its findings did not support

a compelling case for change, the review resulted in the identification of a uniform and improved system for handling these cases.



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

We joined HM
Inspectorate of

Constabulary in this inspection which they led. In response to an earlier inspection by the two inspectorates into the investigation and prosecution of rape offences (published in April 2002) the Government published a Rape Action Plan in July 2002 accepting virtually all of the recommendations put forward in the inspection report. Despite the relevant agencies agreeing to the action plan, research continued to provide a picture of increasing attrition rates.

That being so, in February 2005, a two stage process to review progress on the way in which reports of rape were investigated and prosecuted was agreed by the Home Office, the police, the Crown Prosecution Service and the inspectorates. It comprised

- a stocktake to assess progress specifically on the measures set out in the Rape Action Plan
- a follow-up to the 2002 thematic inspection.

The stocktake conducted jointly by the Home Office, Association of Chief Police Officers and the Policy Directorate of the Crown Prosecution Service identified a



number of key areas of progress but also gaps in implementation.

This subsequent follow-up review was charged with assessing progress against the recommendations and suggestions of the 2002 inspection, taking into account the findings of the stocktake and also the findings of recent research into attrition. In doing so inspectors examined current working practices and procedures in order to assess the quality and effectiveness of investigations and prosecutions and to establish, where possible, the reasons for the continued high attrition rate.

The main findings involving the Crown Prosecution Service are set out below.

There were sound structures, policies and procedures in place - the issue was to ensure that what should be done is consistently done in practice. In the sample of charged cases there was a 52% conviction rate. The large proportion of attrition was in the pre-charge stages.

The initial interview with the victim was key to the investigation. Yet the growing trend to video interview adult victims of rape had developed in an unstructured way with resultant difficulties, for example issues as to whether the video could be used in a trial. The inspectors identified a need for the Association of Chief Police Officers and Crown Prosecution Service to revisit the procedures for taking a victim's statement in rape cases, taking into account the evaluation of pilot schemes for the relevant special measures and duties of disclosure of unused material.

Since the last inspection the Crown Prosecution Service had introduced Area co-ordinators

and specialist prosecutors to deal with rape cases. But there were no criteria for their selection and no minimum standards of competence which had resulted in varying levels of knowledge and expertise in practice. Whereas the Service had issued key tasks for co-ordinators, including some standard training requirements, there remained a need to set a standard role of the specialist prosecutor of rape cases. The role of the co-ordinator also needed to be enhanced.

Introduction of statutory charging arrangements facilitated the pooling of expertise by police investigators and prosecutors at an early stage in the investigation. But there remained a need to improve early liaison between police and prosecutor and the development of a team approach to case building.

Specialist prosecutors who made the decision to charge did not retain management and control of the case from beginning to end often enough which the inspectors found was an unsatisfactory position – linked to this, the inspectors noted that a high number of returned briefs by prosecuting counsel still occurred in rape cases.

Whereas both the judiciary and counsel commented on the beneficial impact caseworker attendance had on the smooth running of the case at court, in some Areas caseworker attendance was often limited to the first day of the trial or while the victim was giving evidence. In other Areas caseworkers covered a number of courts at the same time so that support to counsel and the victim was limited.

A recurring theme throughout the review was the need to strengthen communication between, and co-ordination of, all those involved in the investigation and prosecution of rape offences. And the need to develop the prosecution team approach whereby police and prosecutors work together closely to build and strengthen cases.

The Crown Prosecution Service's response

In response to the findings of the review a delivery plan has been constructed at the heart of which is a monitoring scheme consisting of two strands: the first to address compliance with the Service's policy and good practice (such as the allocation of cases to specialist prosecutors who deal with rape cases and who retain conduct of the case throughout its life); the second to address the quality of decision making in relation to evidential and other legal issues. The monitoring scheme is to be tested in selected Areas prior to national roll out later this year. A dedicated unit has been established in the Business Development Directorate to implement the recommendations of the report and oversee this work. Under the delivery plan the role of Area co-ordinators for rape cases will be enhanced to enable them to undertake monitoring effectively to identify and disseminate trends and learning points.

Minimum standards for specialist prosecutors who deal with rape cases have been defined and a timescale for their implementation is being formulated based on information about training and other needs supplied by Chief Crown Prosecutors. Policy Directorate is compiling

a manual of guidance for prosecutors, due for publication by October 2007, which will form the basis for an e-learning course for specialists dealing with rape cases. A cross-departmental working group is developing an extension of the Proactive Prosecutor Programme to cover rape prosecutions. It will place particular emphasis on the prosecution team ethos, understanding of victims' needs (including the effects of rape trauma syndrome) and working with support agencies.

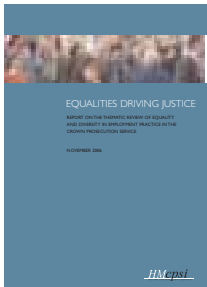
The training and monitoring of counsel continues across England and Wales with 11 courses held so far and two more planned in the near future. From October 2007 only counsel with the appropriate accreditation will be instructed in rape cases. Training provides an opportunity to emphasize that the return of briefs in rape cases is unacceptable, the high number of such cases being recognized as unsatisfactory in the report.

None of this work is done in isolation. The Service is part of a co-ordinated approach across criminal justice system agencies as reflected in the Sexual Violence and Abuse Action Plan. It was a founding member of the Rape Performance Group, a cross-criminal justice system group which is responsible for driving progress in the investigation and prosecution of rape.

Areas are being encouraged to improve early liaison with the police by developing local protocols. Closer working is being developed by the participation of the Area co-ordinators for rape cases in visits by Association of Chief Police Officers and the Home Office Police Standards Unit to all police forces to develop action plans for rape cases.



Crown Prosecution Service reviews



Equalities driving justice: report on the thematic review of equality and diversity in employment practice in the Crown Prosecution Service

This review followed the earlier thematic review of Casework Having a Minority Ethnic Dimension, the report of which was published in 2002 and which was followed-up in 2004.

The purpose of the review was to assess the effectiveness of the Service's equality and diversity strategy and policy in relation to

- employment (including recruitment, retention and development)
- the promotion and achievement of diversity within its workforce and equality within its employment practices
- supporting its business aims.

Inspectors found that steady progress had been made in developing the culture of the Service to one that positively embraced recruits from all sections of the community. The Service had successfully tackled the issue of under representation of black and minority ethnic staff at more senior grades and, at the same time, had addressed the imbalance between men and women at senior levels. Commitment to change and the strength of leadership to bring that about existed at the highest levels. The Service had been successful in raising awareness of and improving its approach to equality and diversity issues. It had been able to broaden its agenda to include not only race but also gender, disability, religion and belief, age and sexuality.

Overall formal equality and diversity complaints have fallen. But inspectors found a relatively low level of confidence in the current arrangements and highlighted the need for improvement in monitoring and reporting processes. Although at the time of the review a new Fairness at Work procedure was in the process of being established, in the inspectors' view the Service would have to work hard to ensure the new procedure secured the confidence of staff.

Inspectors found also that the commitment and leadership at senior levels was not always mirrored by some other managers, particularly operational managers, many of whom still struggled with the notion of equality and diversity in the workplace and what that did or did not mean to them as managers.

In the inspectors' view a key issue was the arrangements for managing flexible working. They found that generally flexible working arrangements were not well managed, either to ensure that business needs were met or to ensure fairness of treatment to staff.

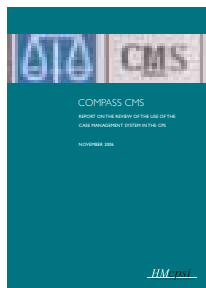
There was a need for continued work to develop the commitment, understanding and ownership of all managers and staff for equality and diversity to enable them to play a full part in further improvement.

Inspectors made seven recommendations and identified ten aspects for improvement to help bring about the necessary changes.

The Crown Prosecution Service's response

The Service welcomed the findings of the review and accepted all its recommendations and areas for improvement.

A detailed action plan to take forward the recommendations and address areas for improvement has been produced – the Attorney General’s Diversity Advisory Board was consulted in its development – the plan was subsequently agreed with the Service’s People, Equality and Human Resources Committee in January 2007. Since then progress has included taking forward a review of staff networks and work on equality and diversity training as part of a new management development strategy. The intention is to produce progress reports in summer 2007 and in early 2008 which will be submitted to the relevant committees of the Service.



Compass CMS: report on the review of the use of the case management system in the CPS

As stated in last year’s report the primary purpose of the review was to establish whether the use of the case management system (Compass) improved the quality and timeliness of casework.

The review was conducted using the Issues Analysis Dinner Party™ methodology developed by the National Audit Office. This involved a more collaborative approach between the Inspectorate and the Service, particularly in agreeing the scope of the review. This approach brought benefits to both parties and contributed to a smooth transition from draft to final report.

In excess of 1,200 role based questionnaires were distributed to gather user feedback - the response rate was just under 30%.

Site visits were conducted in eight Areas and further interviews were conducted with a variety of stakeholders within Headquarters. Assessments were also carried out on more than 200 electronic case files to establish whether the system was being used effectively.

The key findings were that good progress had been made since national implementation in 2003. Inspectors found that the Service was well positioned to take advantage of electronic interchange of data with other criminal justice agencies as and when police and court systems were more advanced with national implementation. The overall conclusion was that the case management system (Compass) had the capability to improve the quality and timeliness of casework but that more needed to be done to ensure that the opportunities were grasped and benefits realized.

Although there were clearly some misgivings over the ease of use, functionality, speed of response and training on the system, approximately 60% of staff who completed questionnaires considered that the system made them more efficient. The most common benefit was the ability to progress work with reduced dependency on a paper file but inspectors observed that generally lawyers were less content than administrative staff.

The inspectors found that the system had the capability to be a helpful and effective case tracking and management system but in their view it could be more helpful. For example, in managing case progression and improving the timeliness of updates to the system to take account of legislative changes and the Service’s initiatives.



They noted well defined processes for identifying potential improvements to the system; that user input played a significant role in the ongoing development of functionality; and that there were structured processes for testing and implementing updates. Significant efforts had been made to support staff through the roll out of the system, although in some Areas there was scope to reinvigorate the levels of assistance now available.

Eight recommendations were made covering a diverse range of issues such as training and support, functionality, network infrastructure and capacity, governance and the implementation of legislative change and new initiatives. The inspectors also identified 21 aspects of work where further management attention was warranted.

The Crown Prosecution Service's response

In response to the report of the review the Business Information Systems and Business Development Directorates of the Service co-ordinated an action plan to address the recommendations and the issues identified as requiring further management attention.

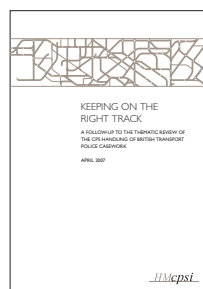
A key action undertaken was the review of the governance structure of the case management system. As a result a Case Management Design Authority Group was created to provide strategic direction for the development of the case management system (Compass) and to ensure that the Service's priorities for change drive that agenda. The group is chaired by a Chief Crown Prosecutor and draws its membership from Areas and

senior members of the Directorates in Headquarters responsible for implementing new initiatives and changes to legislation.

The role of the User Assurance Group has also been strengthened to provide stronger links between operational staff and the Case Management Design Authority Group.

Other actions included steps aimed at increasing the use of the system through training – people and performance management; review of the use of task lists; the quick registration process and local authorization of sign-on rights.

The ability of the system to act as a source of useful information will be enhanced by the creation of a best practice micro-site and to achieve this the Service is working with Criminal Justice Information Technology colleagues to improve the timing of Police National Legal Database updates.



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

The purpose of this follow-up review was to consider the level of progress that had been made towards implementing the recommendations of the thematic review which reported in 2004.

The original review found a lack of effective liaison between the Crown Prosecution Service and the British Transport Police, exacerbated by the fact that the latter was a

national and not a Home Office funded force and therefore not subject to joint criminal justice system targets. The lack of liaison was evident in the management of casework emanating from the British Transport Police.

In this follow-up review inspectors found overall that substantial progress had been made against the earlier major recommendation on improved liaison at national, regional and local levels which included

- the appointment of national champions to develop a national communication structure
- setting up of joint regional groups
- joint signing of a national protocol covering the statutory charging arrangements.

Inspectors observed that the charging scheme was working well, with backup arrangements in place in those Areas where British Transport Police officers had to travel significant distances to obtain a charging decision. They found it pleasing to note that the anticipated benefits of the scheme were being realized in respect of British Transport Police work.

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

Generally, inspectors found little discernable difference in the management and quality of British Transport Police casework as compared to the vast majority of casework emanating from local police forces.

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

One of the problems was that British Transport Police cases were not separated from local police cases in the assessment of overall performance. And, although the former's casework amounted to approximately 1.2% of overall casework, poor performance still had a negative impact on an Area's ability to meet targets, particularly in London which has the larger proportion of British Transport Police work.

Inspectors were pleased to note that joint Witness Care Units had been set up but considered that a national Crown Prosecution Service/British Transport Police protocol for the operation of the No Witness No Justice scheme would be beneficial.

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

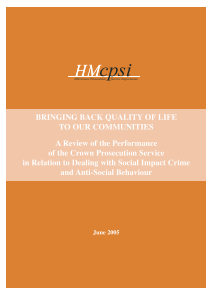
- communication and liaison
- casework
- performance management
- dealing with victims.

The Crown Prosecution Service's response

The Service acknowledged that work was still to be done, in particular to focus on the continuous improvement of performance in the prosecution of persistent young offenders, by endeavouring to reduce the time taken to deal with these cases in line with Government targets.



Reviews concluded in earlier years



Bringing back quality of life to our communities: a review of the performance of the Crown Prosecution Service in relation to dealing with social impact crime and anti-social behaviour

(published in June 2005)

The review had found that much had been done – the Service had appointed anti-social behaviour expert prosecutors in specific problem locations and implemented a training programme to make all prosecutors aware of how to handle these cases. But problems persisted in that there were

- inconsistencies as to which anti-social behaviour order cases the Service should prosecute
- weaknesses in the collection and analysis of data, and that
- there remained a lack of proper strategic engagement between agencies.

The Crown Prosecution Service's response

Following the review, a joint action plan was agreed between the Home Office and the Service to co-ordinate the various national anti-social behaviour strategies. Roles for anti-social behaviour expert prosecutors and co-ordinators were reviewed and agreed in April 2006 with the prosecutors' role for 2007-2008 being revised to reflect the new Area group arrangements. Anti-social behaviour co-ordinators have now been appointed in all Areas with protocols relating

to applications for anti-social behaviour orders and the prosecution of breaches in place in most Areas.

In order to address perceptions or misconceptions the Service embarked on a number of initiatives. These included a joint workshop with the Home Office for local authority and police co-ordinators, attendance by anti-social behaviour expert prosecutors at Respect Academies, with similar work carried out at local level. Further joint workshops attended by local authorities and police are planned. Guidance explaining how decisions are made for anti-social behaviour order applications will be placed on the Home Office website.

The Service has undertaken work with HM Inspectorate of Constabulary, anti-social behaviour champions and the Neighbourhood Policing Initiative to develop closer relationships. Anti-social behaviour expert prosecutors have attended Neighbourhood Policing workshops to assess progress. During 2007, the Service will monitor Area data relating to all applications for anti-social behaviour orders and the flagging of anti-social behaviour cases. These cases will be included in Area audits.

The Service's training and anti-social behaviour guidance has been revised. A quarterly anti-social behaviour newsletter is distributed throughout the Service, with copies going to the Home Office and HM Inspectorate of Constabulary.



Safeguarding children the second joint chief inspectors' report on arrangements to safeguard children (published in July 2005)

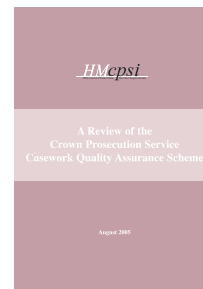
The aim of this joint review was to identify two key outcomes – that children are safe; and that children feel safe. For the Crown Prosecution Service the main finding was that safeguarding children was not a stated priority with the consequence that there was a lack of consistency and breadth of coverage across Areas.

The Crown Prosecution Service's response

Following the publication of the report, the Service's Business and Strategy Plans now contain, as one of their primary objectives, the need to deliver a high quality service in relation to witnesses and children. In June 2006 the Service published "Children and Young People", the policy on prosecuting criminal cases involving children and young people as victims and witnesses. This is the Service's public statement of its commitment to safeguarding children and incorporates the principles of the No Witness No Justice initiative. It also brings together the principles of the Prosecutors' Pledge, the Code of Practice for Victims of Crime and the draft Witness Charter.

In March 2006 the Service published guidance on Local Safeguarding Children Boards encouraging Areas to engage with the boards and proposed a structure for involvement. Further guidance is due to be published in

July 2007 to support the Children and Young People Policy. A dedicated children's policy advisor has been appointed undertaking all work strands relating to safeguarding children. An informal network of prosecutors has been established and they are responsible for raising awareness of safeguarding children issues.



A review of the Crown Prosecution Service Casework Quality Assurance scheme (published in August 2005)

The review looked at the extent and effectiveness of the scheme, its reliability in providing national assurance and how it was used to improve casework performance in respect of individuals as well as at the wider unit and Area level.

The review concluded that the scheme had been adapted to changes in the Crown Prosecution Service and was capable of providing a basic indicator of casework performance at individual, unit, Area and national level. However, the scheme was not used to its best advantage and was seen largely as a tool for measuring individual performance rather than in a wider context. Many Areas did not achieve the minimum level of monitoring.

The steps described below in the Service's response to the review, aimed at securing higher compliance with the scheme, have been borne out by our findings from this year's inspection programme which are set out in the earlier section ***Crown Prosecution Service Performance***.



The Crown Prosecution Service's response

In response to the thematic review, Areas were asked to look at the way the scheme was being operated and to revise arrangements to address weaknesses in line with the recommendations. A review by Headquarters of resulting action plans indicated compliance with the recommendations. Headquarters continues to review closely Casework Quality Assurance returns of monitored performance. The profile of the Casework Quality Assurance scheme has been raised by its inclusion into the Area Performance Review process which has seen an increase in the return rate. On average 2,171 assessments are undertaken each month resulting in some 25,000 Casework Quality Assessments each year.

Reviews started this year but ongoing

The undertaking of the duties of disclosure of unused material by the Crown Prosecution Service

The purpose of the review is to assess

- the quality and timeliness of the undertaking of the prosecutor's duties of disclosure, in respect of material obtained in the course of a criminal investigation which does not form part of the prosecution case in Crown Court and magistrates' courts cases
- the effectiveness of compliance with the Criminal Procedure and Investigations Act 1996 disclosure regime, the impact of non-compliance upon the fairness of trials and on the wider costs and resources within the criminal justice system.

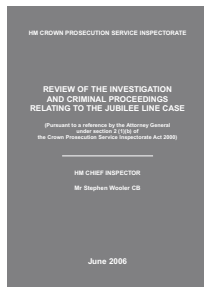
The main thrust involves:

- assessing the quality of the Service's decision making and recording of decisions taken in respect of the disclosure or withholding of unused material including the adherence by prosecutors and prosecuting advocates to the requirements imposed by
 - relevant legislation and case law, the Attorney General's Guidelines on the Disclosure of Unused Material in Criminal Cases
 - the Disclosure Manual and the Director's Guidance on Charging with regard to the pre-charge revelation of unused material
 - the Protocol for the Control and Management of Unused Material in the Crown Court dated 20 February 2006
 - Disclosure: Experts' Evidence and Unused Material, Guidance Booklet for Experts
 - the Protocol for the Control and Management of Heavy Fraud and Other Complex Cases issued by the Lord Chief Justice on 22 March 2005
- assessing the effectiveness of joint working with the police to ensure all material is correctly captured and recorded
- assessing performance management by managers to ensure compliance and secure improvement
- assessing the effectiveness and adequacy of ongoing training and materials provided to prosecutors, highlighting strengths and aspects for improvement
- identifying good practice and making recommendations to secure improvements in practice.

The onsite part of the review has concentrated on what actually happens in cases at court. Inspectors discussed recently finalized cases with police, prosecutors and counsel, and also carried out court observations.

The focused approach of this review will contribute to a much greater insight into disclosure issues than has been gained hitherto from file examination alone.

Jubilee Line case fraud trial review



Review of the investigation and criminal proceedings relating to the Jubilee Line case (published in June 2006)

We reported the progress of this review last year. It arose out of the collapse of the Jubilee Line fraud trial at the Central Criminal Court on 22 March 2005.

The then Attorney General referred the matter to the Chief Inspector for a review of the proceedings, with a view to establishing why they had to be terminated and what lessons might be learned.

The report concluded that the fundamental problem was that the trial had gone on too long. This was due to a number of factors, some avoidable but others not. The three most significant factors were:

- the decision by the prosecution to include in the indictment a count of conspiracy to defraud relating to variations of claims

- the slow and disjointed nature of the court proceedings, which meant that it took much longer to get through the evidence with the jury than is either usual or desirable
- the illness of a defendant, and the failure to resolve at an early stage its effect on the progress of the trial.

It was the combination of these problems which were fatal to the proceedings.

In his statement in the House of Lords on publication of the report, the then Attorney General stated that the substance of all the 11 recommendations were accepted save one. They addressed the problematic handling of fraud and other long cases. The one not accepted would require further discussions between Ministers and the senior judiciary.

Two recommendations had already been acted upon by the Crown Prosecution Service by the time the report was published. The then Attorney General published guidelines relating to the use of conspiracy to defraud charges which gives effect to recommendation 3. The recommendation that there should be an early inspection of the progress and performance of the Service's new Headquarters divisions, the Fraud Prosecutions Service of CPS London and the functioning of case management panels will be progressed by the Inspectorate as soon as it is appropriate to do so. Work on the other recommendations is being taken forward save that discussions with the judiciary about the development of a procedure which would enable a more comprehensive review of cases where things have gone wrong have yet to be commenced. There would be significant benefit in doing so in order to avoid any future review or inquiry being fettered in its scope.

Governance, people and performance



THE INSPECTORATE MANAGEMENT TEAM IS CHAIRED BY THE CHIEF INSPECTOR, ITS MEMBERS ARE

- Jerry Hyde – Deputy Chief Inspector responsible for the Southern Group
- Sally Hobbs – Deputy Chief Inspector responsible for Northern and Wales Group
- Nigel Dear – Head of Corporate Services
- Anthony Rogers – Head of Inspection Support
- Sarah Merchant – Training and Development Co-ordinator.



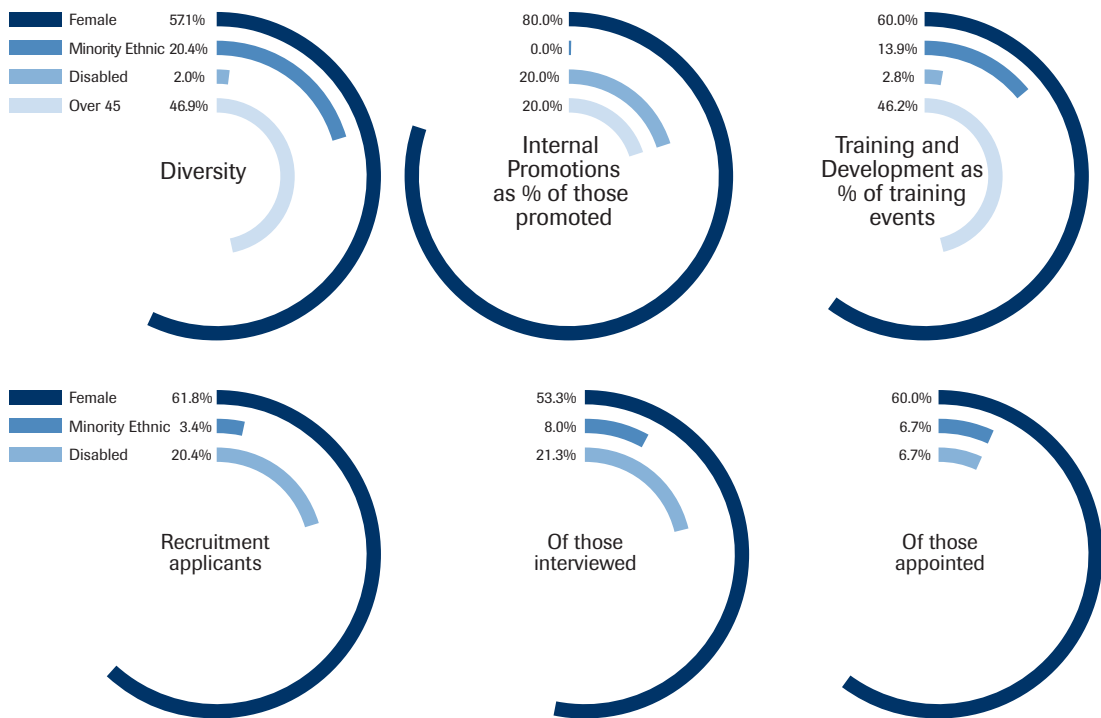
The Deputy Chief Inspectors were responsible for delivering the Inspectorate's programme for the year which was based on the overall performance assessments of Crown Prosecution Service Areas undertaken in 2005-2006.

The effectiveness of the inspection programme was made possible by the Inspection Support Group responsible for delivering administrative support to inspection activity. In addition the group provided

- data analysis and information for all inspections at the planning stage
- periodic results from the Inspectorate risk model which enabled the Inspectorate Management Team to focus activity and determine an effective programme of inspection
- an inspector resource to lead one joint inspection this year
- a full supporting role in two others
- expert advice to the external consultant commissioned by the Criminal Justice Chief Inspectors' Group to undertake a review of joint criminal justice area inspections.

The group was also responsible for

- co-ordination of lay inspectors for inspections, including two training days
- provision of an inspection programme that makes effective use of Inspectorate resources including offering planning advice, with options, to the Inspectorate Management Team
- management of the data warehouse and production of ad-hoc data and information
- development of an audit function within the Inspectorate.



Recruitment as a % of equal opportunity forms returned by applicants

Recruitment

Following the decision by Ministers not to proceed with the establishment of a single inspectorate, we revised our human resource strategy in relation to inspectors to ensure a suitable mix of people and their skills and to develop transition arrangements which would enable us to address a number of specific issues including

- a mix of permanent and loan members
- a mix of disciplines
- a mix between those with a criminal prosecutorial background and those without
- an appropriate balance in terms of ethnicity and gender.

The principles of equality and diversity underpinned all our recruitment processes during the year.

Statistics on representation of people we employ, on recruitment, on appointments, and on training and development are shown above. They are published in accordance with our Race Equality Scheme.

Training and development

As reported last year we strengthened further our arrangements for learning and development with the appointment of a Training and Development Co-ordinator whose remit was to review and develop the Inspectorate’s approach to the learning and development of its people. One of the first tasks was to establish a Training and Development Committee to assist the process – this comprises a small representative group of people from across the Inspectorate



– its primary purpose is to act as a sounding board in commenting on and providing feedback on the corporate training plan and to assist in the planning and implementation of corporate development activities.

For 2006-2007 the training and development budget was increased significantly from £25,000 to £50,000. Consequently, our training and development plan for the year was able to cover a wide range of activities to support both corporate and individual development needs that had been identified through the appraisal process.

Over the course of the year five days were devoted to staff conferences to consider issues of importance to everyone in the Inspectorate. The first one held in June took place over one day and involved the inspectors only, the second one held in July took place over two days and involved all staff. Both conferences focused on preparing inspectors and inspection support staff for the new Area effectiveness inspections.

Our main all staff conference took place over two days in late November. The programme involved

- the then Attorney General giving the keynote address setting out his vision for the future and the Inspectorate's role within it
- the Director of Public Prosecutions giving an update of the Crown Prosecution Service's strategic vision
- the Chair of the Criminal Cases Review Commission giving an account of its work
- the Director of Liberty providing an account of its work and the relevance of

inspection to safeguard the rule of law and liberties.

The conference also provided a valuable opportunity for inspectors to review and evaluate the Area effectiveness inspection methodology.

Other events included recruitment and selection training, project management, computer support training for administration staff, Proactive Prosecutor Programme training for inspectors and facilitation skills development for inspectors involved in the liaison inspector role.

Because we attach the greatest of importance to equality and diversity considerations within the inspection process, the all staff conference included a refresher equality and diversity training programme. The training was designed to provide an update on equality legislation and develop the skills necessary to take the changes on board. The Inspectorate Management Team and other senior staff with responsibilities for equality and diversity had earlier received equality and diversity impact assessment training.

A detailed and intensive induction programme was provided to the new inspectors who joined in autumn 2006. Induction also took place throughout the year for a number of newly recruited administrative staff.

A wide range of individual development needs were also met, for example, concerning health and safety issues, management skills and sponsorship on external diploma and degree courses.



Investors in People re-recognition

We held a series of workshops in December 2006 and January 2007 to raise awareness of the latest changes to the Investors in People standards and in March re-recognition was awarded with a very good citation. The Executive Summary of the report can be found at Annex 5.

a transparent and accountable way. We plan to present the Single Equality Scheme on a consultative basis at the all staff conference in July 2007.

We continued to keep our policies, procedures and practices under constant review throughout the year to ensure that they were non-discriminatory.

The scale and content of our equality and diversity training events can be found in the section on training and development.

Equality and diversity

Although we only issued our revised Race Equality Scheme in March 2006, during this reporting period, in line with best practice, we decided to develop a Single Equality Scheme. The Single Equality Scheme covers our duties under race relations legislation and new duties under more recent equality legislation, in particular, the Disability Discrimination Act 2005 and the Equality Act 2006. By developing and publishing a Single Equality Scheme we are able to demonstrate clearly our commitment to equality and diversity in

Finance

The Inspectorate's budget comes from the Treasury Solicitor's Department's Estimate. The figures for 2006-2007 are provisional as they had not been finalized at the time this report went to print. The figures for previous years are from the final accounts for the year.

The accounts for 2006-2007 have been prepared on a resource accounting basis, meaning the figures show the value of goods and services received or due rather than the actual cash payment made.

	2003-2004		2004-2005		2005-2006		2006-2007	
	Cost £'000	% of Total Costs	Cost £'000	% of Total Costs	Cost £'000	% of Total Costs	Cost £'000	% of Total Costs
Staff	2,412	69%	2,528	77%	2,633	70%	2,594	72%
Recruitment training	101	3%	44	1%	84	2%	136	4%
Accommodation	481	14%	371	11%	471	13%	470	13%
Travel and subsistence	149	4%	145	4%	142	4%	166	5%
Consultancy	51	1%	59	2%	66	2%	49	1%
Suppliers and other services	297	9%	161	5%	341	9%	189	5%
Total	3,491	100%	3,308	100%	3,737	100%	3,604	100%

Excludes management fee levied on the Inspectorate by The Treasury Solicitor's Department of approximately £300,000 per annum.



By far the biggest allocation of funds relates to staffing costs and in this area we under spent by approximately 15.5%. At the beginning of the financial year we were well below strength in personnel both in inspection teams and support staff. The situation was remedied through the course of the year and in the case of inspectors a significant recruitment campaign was undertaken in June 2006. Six new inspectors joined the teams in September/October which meant that increased funding went not only into staffing costs but also into induction and corporate training throughout the remainder of the year (up 2% as a percentage of spend compared to the previous year).

Some overheads, including print costs, were lower than anticipated (the previous year being somewhat exceptional with the production of 46 overall performance assessment reports plus a summative report). And, we were successful in negotiations with suppliers in a number of areas relating to the maintenance and upkeep of our London premises.

Accommodation (no change) and travel and subsistence (up 1%) remained fairly consistent with the percentage spend seen in previous years. A rent review was undertaken in September 2006 and through negotiation the agreed increase was nominal and takes us through to 2011.

External consultancy services were used sparingly and came out below the spend evidenced in the previous two to three years.

Risk management

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

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

As we reported last year, a review of the Risk Register was ratified in April 2006 by the then Attorney General's Advisory Board. Since that time both the nature and number of risks have increased because of the changes brought about by the decision not to proceed with a single criminal justice system inspectorate. The risks include

- any failure by the Criminal Justice Chief Inspectors' Group to satisfy Ministers in regard to joint working and proposals on common shared support services
- the inability to resource a joint programme and at the same time fulfil our statutory inspectorial obligations (in terms of people, expertise and skills)
- the lack of an effective system to assess projects on an individual cost benefit analysis.

These additional risks were incorporated into a new Risk Register which was issued in April 2007.

Sustainable development

We are members of the Law Officers' Departments' Working Group on Sustainable Development. The group has drawn up an action plan in line with the Government's Sustainable Development Strategy and the Sustainable Procurement Task Force National Action Plan. Our York office is situated in a building run by the Crown Prosecution Service so is covered by their action plan.

Despite the restrictions placed upon us by being tenants in a Grade II listed building, we have continued to make progress on sustainable development over the last year. We have been inventive with the ways in which we can reduce our carbon footprint - 100% of electricity is supplied from renewable sources and we recycle over 320 kilograms of waste each month (based upon an estimate of an average month's waste).



We are also raising our people's awareness on issues around reducing air pollution, producing lower amounts of waste and water efficiency with a quarterly e-newsletter, called Greenzine.

Following the 2005-2006 Sustainable Development in Government questionnaire, the Inspectorate's data collection systems have been reviewed to ensure that all relevant data, such as that on waste, water and energy, are accurately captured to establish baselines from which we can measure our performance more easily.

We have established and hosted a series of regular liaison meetings with HM Inspectorate of Court Administration's sustainable development champion to share best practice and stay informed of other departmental initiatives. As these meetings have been judged rather successful it is hoped that in the future they will be attended by representatives from the other criminal justice inspectorates.

Freedom of information

We received 20 Freedom of Information requests during the year, all of which were answered within the 20 day time limit.

Performance against business plan 2006-2007

The business plan comprised eight key activities, four were accomplished fully and four in part. A detailed report on progress can be found at www.hmcpso.gov.uk.

KEY ACTIVITY 1 – Develop an effective rolling programme of inspections across key prosecution functions.

ACCOMPLISHED.

KEY ACTIVITY 2 – Identify key themes for review as part of cross cutting activity.

ACCOMPLISHED.

KEY ACTIVITY 3 – Ensure that the performance of both the Crown Prosecution Service and the Revenue and Customs Prosecutions Office are sound and reliable and take account of ongoing developments.

ACCOMPLISHED.



KEY ACTIVITY 4 – Contribute to arrangements for a single criminal justice inspectorate, allowing for the police reform programme and supporting development of a new criminal justice system strategy.

ACCOMPLISHED IN PART: PROPOSALS FOR A SINGLE INSPECTORATE WITHDRAWN.

KEY ACTIVITY 5 – Build and sustain effective inspection support activities.

ACCOMPLISHED IN PART: SOME WORK ONGOING RE JOINT WORKING ACROSS THE FIVE CRIMINAL JUSTICE SYSTEM INSPECTORATES.

KEY ACTIVITY 6 – Ensure that equality and diversity issues and value for money are considered fully in all aspects of service delivery.

ACCOMPLISHED.

KEY ACTIVITY 7 – To offer advice, guidance and input to one-off projects and special assignments as required.

ACCOMPLISHED IN PART: BY ITS NATURE SOME WORK IS ONGOING.

KEY ACTIVITY 8 – To reduce the work undertaken by the Areas in the evidence and information they provide to the Inspectorate.

ACCOMPLISHED IN PART: WORK ONGOING.

Publications

The layout of reports has been redesigned and all documents now conform to a consistent style. This has made publications more attractive and accessible for readers.

The publications team has been strengthened and has increased capacity. This ensures that more work can be handled in-house, resulting in greater flexibility and convenience, as well as cost savings through avoiding external suppliers.

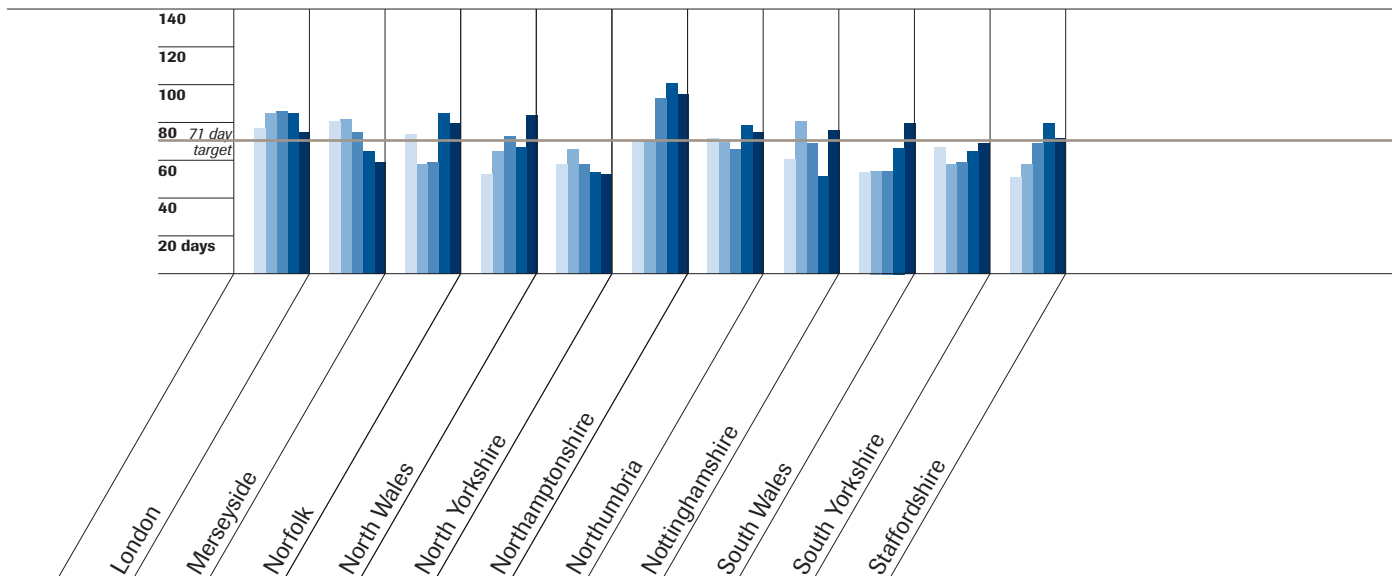
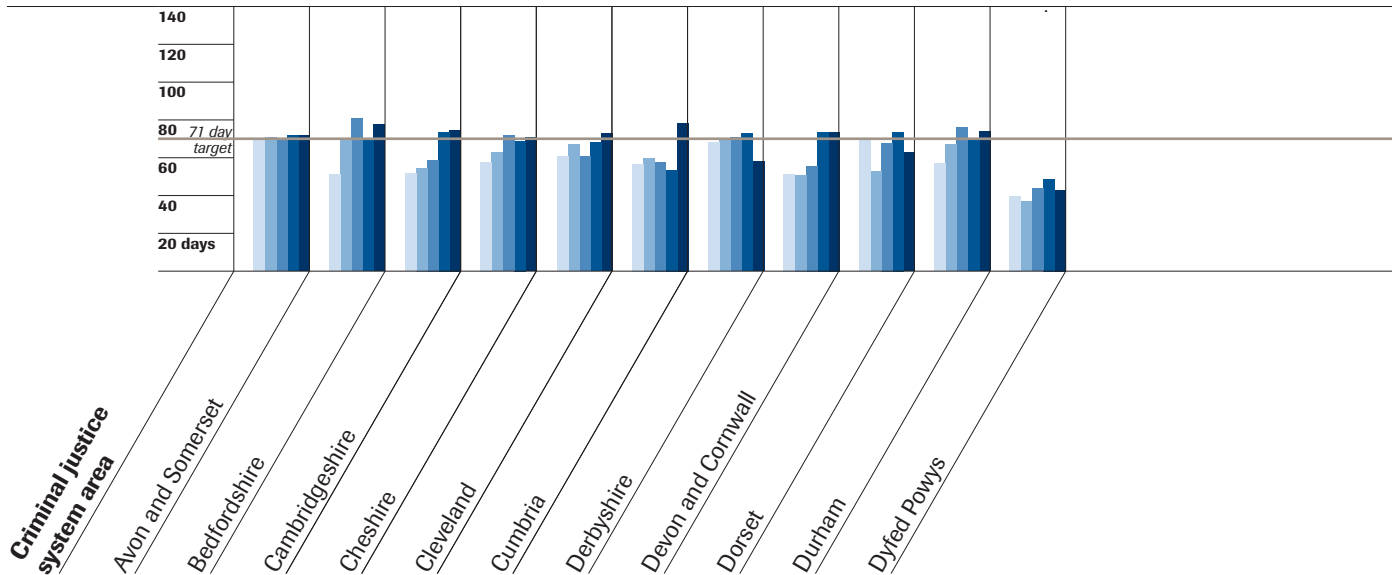
A list of reports published this year is at Annex 6.

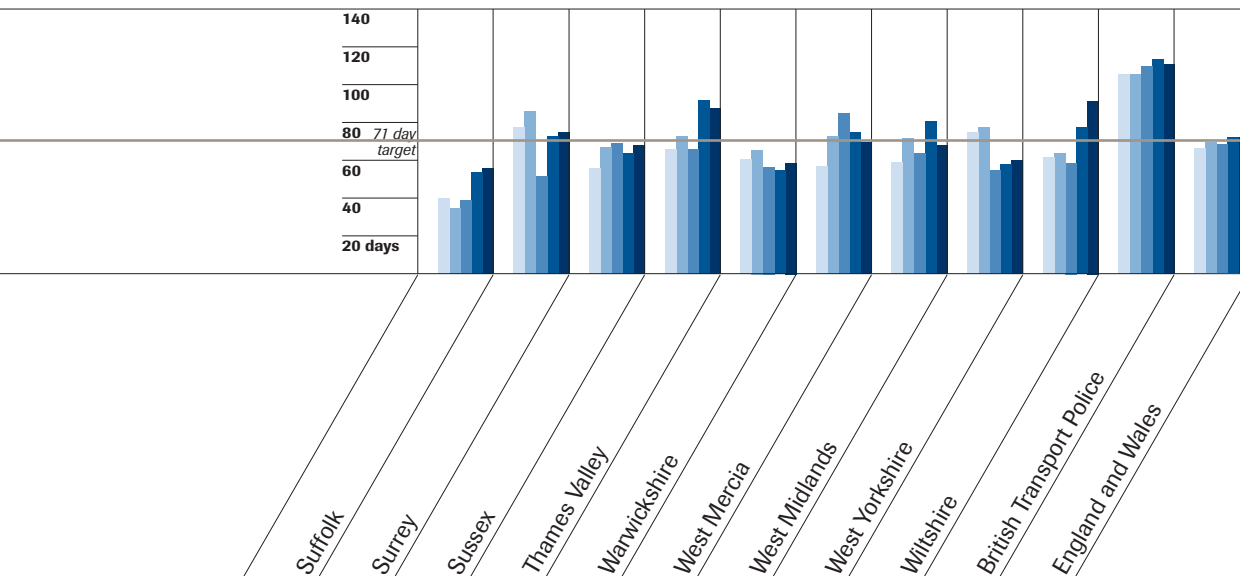
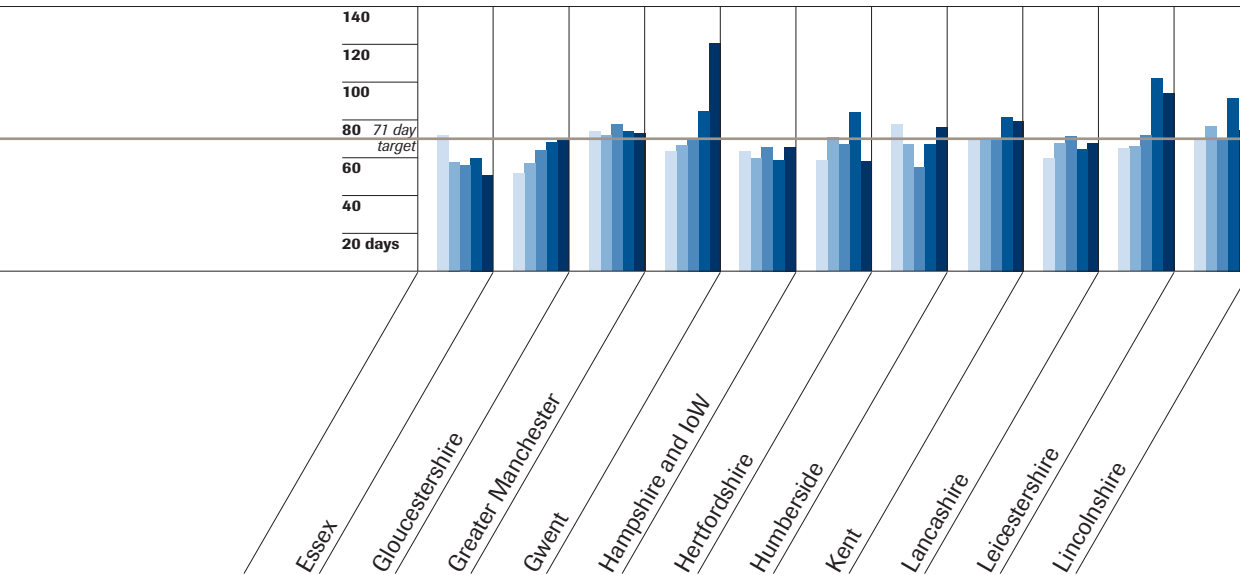
Our website

The website's fundamental role in the distribution of electronic versions of reports requires it to be as easy as possible to locate a document. This has not necessarily been the case in the past, so work started on upgrading the site by incorporating a search facility. At the time of writing a working prototype was being tested which, after undergoing user testing, will be linked to the website making it easier for users to access documents.

Annex 1

Average number of days from arrest to sentence for persistent young offenders in England and Wales: by criminal justice system area 2003-2007





3 month rolling average January to March 2007
 Year to December 2006
 Year to December 2005
 Year to December 2004
 Year to December 2003

Source: the then Department of Constitutional Affairs.
 Note: the area classification is based on the Police Force that investigated the offence and entered the charge or summons details on the Police National Computer. In a small proportion of cases prosecution and court proceedings may have been in different areas.

Annex 2

Crown Prosecution Service caseload and outcomes 2006-2007

Magistrates' courts

	Number	Percentage
Types of case		
Pre-charge decision	581,613	35.0
Advice only	1,442	0.1
Summary	666,729	40.1
Indictable/either way	409,743	24.6
Other proceedings	3,873	0.2
Total	1,663,400	100.0

Completed cases

Unsuccessful outcomes

Discontinuances and bind overs	107,245	10.8
Warrants etc	25,984	2.6
Dismissals no case to answer	2,280	0.2
Dismissals after trial	18,569	1.9
Discharged	2,324	0.2
<i>Total unsuccessful outcomes</i>	<i>156,402</i>	<i>15.7</i>
Convictions	839,069	84.3
Total	995,471	100.0
Committed for trial in Crown Court	91,699	

Case results

Guilty pleas	643,925	74.9
Proof in absence	150,135	17.5
Convictions after trial	45,009	5.2
Acquittals after trial	18,569	2.1
Acquittals no case to answer	2,280	0.3
Total	859,918	100.0

Crown Court

	Number	Percentage
Types of cases		
Indictable only	35,570	28.9
Either way defendant election	5,421	4.4
Either way magistrates' direction	48,230	39.2
Committed for sentence	20,638	16.7
Appeal	13,317	10.8
Total	123,176	100.0

Completed cases

Unsuccessful outcomes

Judge ordered acquittals and bind overs	12,088	13.1
Warrants etc (written off)	1,186	1.3
Judge directed acquittals	1,314	1.4
Acquittals after trial	5,987	6.5
<i>Total unsuccessful outcomes</i>	<i>20,575</i>	<i>22.3</i>
Convictions	71,561	77.7
Total	92,136	100.0

Case results

Guilty pleas	60,775	77.1
Convictions after trial	10,786	13.7
Jury acquittals	5,987	7.6
Judge directed acquittals	1,314	1.7
Total	78,862	100.0

Annex 3

Area effectiveness inspection framework 2006-2007: standards and criteria

1. Pre-charge advice and decisions

STANDARD: Pre-charge advice and decisions are of high quality; an effective pre-charge decision scheme has been fully implemented and resourced within the Area; and benefits are being realized.

CRITERIA:

- 1A Pre-charge advice and decisions are of high quality, in accordance with the Director's Guidance, the Code, charging standards and policy guidelines.
- 1B Pre-charge decision making operates effectively at police charging centres and is accurately documented and recorded.
- 1C The Area is realizing the benefits of the charging scheme.

2. Case decision making and handling to ensure successful outcomes in the magistrates' courts

STANDARD: Magistrates' courts' cases are reviewed, prepared and managed to high standards so that the proportion of successful outcomes increases, and hearings are effective.

CRITERIA:

- 2A Case decisions are of high quality and successful outcomes are increasing.
- 2B Cases progress at each court appearance.
- 2C The Area contributes effectively to reducing cracked and ineffective trials and increasing the proportion of effective trials.
- 2D The Area uses the case management system (Compass) to contribute to the effective management of cases.

3. Case decision making and handling to ensure successful outcomes in the Crown Court

STANDARD: Crown Court cases are continuously reviewed, prepared and managed to high standards, so that the proportion of successful outcomes increases, and hearings are effective.

CRITERIA:

- 3A Case decisions are of high quality and successful outcomes are increasing.
- 3B Cases progress at each court appearance.
- 3C The Area contributes effectively to reducing cracked and ineffective trials, and increasing the proportion of effective trials.
- 3D The Area uses the case management system (Compass) to contribute to the effective management of cases.

4. Presenting and progressing cases at court

STANDARD: Prosecution advocates ensure that every hearing is effective, and that cases are presented fairly, thoroughly and firmly, and defence cases are rigorously tested.

CRITERIA:

- 4A Advocates are active at court in ensuring cases progress and hearings are effective.
- 4B The standard of advocacy is of high quality and in accordance with national standards.

5. Sensitive cases and hate crimes

STANDARD: The Area makes high quality decisions and deals with specialized and sensitive cases, and hate crimes, effectively.

CRITERIA:

- 5A Area advice and decisions in specialized and sensitive cases, and hate crimes, are of high quality, in accordance with the Code and policy guidance.
- 5B The Area identifies and manages sensitive cases effectively.

6. Disclosure

STANDARD: The Area complies with the prosecution's duties of disclosure of unused material and disclosure is handled scrupulously.

CRITERIA:

- 6A The Area's decision making and handling of unused material complies with the prosecution's duties of disclosure.

7. Custody time limits

STANDARD: In all cases, custody time limits are adhered to.

CRITERIA:

- 7A Custody time limits are adhered to in all relevant cases.
- 7B Area custody time limit systems comply with current Crown Prosecution Service guidance and case law.

8. The service to victims and witnesses

STANDARD: The Area considers victims' and witnesses' needs throughout the entirety of the prosecution process and appropriate liaison, information and support is provided at the right time.

CRITERIA:

- 8A The Area ensures timely and effective consideration and progression of victim and witness needs.
- 8B The Area, with its criminal justice partners, has implemented the No Witness No Justice scheme effectively.

9. Delivering change

STANDARD: The Area plans effectively, and manages change, to ensure business is well delivered to meet Crown Prosecution Service and criminal justice system priorities.

CRITERIA:

- 9A The Area has a clear sense of purpose supported by relevant plans.
- 9B A coherent and co-ordinated change management strategy exists.
- 9C Area staff have the skills, knowledge and competences to meet the business need.

10. Managing resources

STANDARD: The Area allocates and manages resources to deliver effective performance and provide value for money.

CRITERIA:

- 10A The Area seeks to achieve value for money, and operates within budget.
- 10B All Area staff are deployed efficiently.

11. Managing performance to improve

STANDARD: The Area systematically monitors, analyses and reports on performance, and uses performance information to promote continuous improvement and inform future decisions.

CRITERIA:

- 11A Managers are held accountable for performance.
- 11B The Area is committed to managing performance jointly with criminal justice system partners.
- 11C Performance management arrangements enable a complete assessment of Area performance, and information is accurate, timely, concise and user friendly.
- 11D Internal systems for improving/raising the quality of casework are robust and founded on reliable and accurate analysis.

12. Leadership

STANDARD: The behaviour and actions of senior managers promote and inspire Crown Prosecution Service staff and criminal justice system partners to achieve Area and national objectives.

CRITERIA:

- 12A The management team communicates the vision, values and direction of the Area well.
- 12B Senior managers act as role models for the ethics, values and aims of the Area and the Crown Prosecution Service, and demonstrate a commitment to equality and diversity policies.

13. Securing community confidence

STANDARD: The Crown Prosecution Service is engaging positively and effectively with the communities it serves, and public confidence in the criminal justice system is improving.

CRITERIA:

- 13A The Area is working proactively to secure the confidence of the community.
-

Annex 4

Crown Prosecution Service performance against qualitative measures assessed as part of the Area effectiveness inspections during 2006-2007

Review	Programme to date			Last cycle
	Sample	Outcome	Range	Outcome
1. Pre-charge advice and decisions/initial review complying with Code test:				
i. Evidential	1193	96.1%	93.7% - 98.3%	98.6%
ii. Public interest	1138	99.0%	96.5% - 100%	99.9%
2. Decisions at summary trial review complying with Code test:				
i. Evidential	489	94.9%	84.4% - 100%	96.3%
ii. Public interest	466	99.4%	97.6 - 100%	99.7%
3. Decisions at committal/service of prosecution case complying with Code test:				
i. Evidential	533	96.4%	89.7% - 100%	96.1%
ii. Public interest	512	99.6%	98.1% - 100%	99.8%
4. Decisions in discontinued sample complying with Code test				
304				
95.1%				
92.1% - 100%				
92.4%				
Preparation				
5. Relevant cases in the magistrates' courts where the prosecutor complied with statutory duty of initial (or primary) disclosure				
	488	65.2%	46.9% - 84.9%	71.6%
6. Relevant cases in the magistrates' courts where the prosecution complied with statutory duty of continuing (or secondary) disclosure				
	51	56.9%	0% - 100%	59.5%
7. Relevant magistrates' courts' cases where disclosure of sensitive unused material dealt with properly				
	103	62.1%	0% - 100%	56.8%
8. Relevant cases in the Crown Court where the prosecutor complied with statutory duty of initial (or primary) disclosure				
	519	79.6%	57.4% - 100%	79.9%
9. Relevant cases in the Crown Court where the prosecutor complied with statutory (continuing or secondary) disclosure				
	381	70.1%	20.7% - 87%	59.6%

	<i>Programme to date</i>			<i>Last cycle</i>
	Sample	Outcome	Range	Outcome
10. Relevant Crown Court cases where disclosure of sensitive unused material dealt with properly	256	69.9%	47.1% - 90%	73.9%
11. Crown Court cases in which instructions to counsel contained case summary and adequately dealt with issues	505	63.1%	12.1% - 93.9%	72.9%
12. Crown Court cases in which instructions to counsel contained guidance on pleas	393	46.3%	1.2% - 80%	49.5%
13. Indictments appropriate and not requiring amendment	484	82.2%	62.5% - 92.6%	73.9%

Added value of the Crown Prosecution Service

14. Prosecutors at pre-charge decision/initial review active in identifying and remedying evidential defects	544	71.9%	57.6% - 89.2%	N/A
15. Discontinued cases where the prosecutor properly sought additional evidence/information before discontinuing the case	249	83.1%	36.4% - 100%	N/A
16. "No cases to answer" cases that were foreseeable and the CPS took action to avoid the outcome	31	32.3%	0% - 66.7%	N/A
17. Judge ordered acquittals in the Crown Court that were foreseeable and where the CPS took action to avoid the outcome	34	41.2%	0%-100%	N/A
18. Judge directed acquittals in Crown Court that were foreseeable and where the CPS took action to avoid the outcome	17	47.1%	0%-100%	N/A
19. Cracked and ineffective trials in the magistrates' courts that were foreseeable and the CPS took action to avoid the outcome	26	50.0%	0% - 100%	N/A
20. Cracked and ineffective trials in the Crown Court that were foreseeable and the CPS took action to avoid the outcome	60	45.0 %	16.7% - 100%	N/A

Annex 5

Investors in People review Executive Summary for HM Crown Prosecution Service Inspectorate – March 2007

Executive Summary

The Inspectorate continues to have sound people-development systems and processes, all of which support the Standard's prerequisites. Most managers, at all levels, apply them well; and staff themselves place importance on the processes that support them in their roles and facilitate their development.

The outcome confirms management's commitment to training and developing its workforce. Formal systems are supportive of staff development, and give a clear understanding of their contribution, providing methods of rewarding and recognising performance, and acting as a catalyst for achieving the desired business results. Staff responses verify the effective application of the systems used. The analysis section reveals that some interviewees' qualified responses to differing degrees; where they did, these generally indicated where small improvements could be made. (See analysis section for detail).

The scoping was designed to cover a general representation of the organisation's activities. Sampling included individuals, operations, and all employment categories. Discussions took place with personnel from top-most management down, and throughout the organisation. To ensure openness of response: confidentiality and non-attributable reporting were strongly emphasised.

The Assessor was satisfied that the sample amply represented the organisational structure, and that people spoke openly, with confidence, with the aim of making a positive contribution.

Interviews confirmed strong leadership at senior management level, providing a culture of equality, inclusivity, and respect. Little emphasis was placed on a person's grade, but more on job-function and individual contribution. This aspect contributes to the sound morale levels within the inspectorate and support functions. Most areas of continuous improvement involve little more than fine-tuning.

Areas of particular strength or effective practice

The following is a list of good practice characteristics or features found during the course of the site visits. These are recognised as being of good practice or exceeding the requirements of the Investors in People Standard:

Business Planning:

- HMCPSI has a clear and well understood sense of purpose which fully reflects the vision, goals, and values.
- The relationship between formulating the vision statement and setting specific goals and targets is inter-dependent.
- By having a sound planning process of setting the strategic aims and objectives the executive carries the vision into operational effect.

-
- The Inspectorate has clear aims and objectives; which are planned and linked with the vision of where it corporately wants to be, and wants to achieve.
 - Managers encourage staff to have input into 'how' aims and objectives are to be achieved.
 - Most people feel fully involved in the planning process, as appropriate to their role, and/or fully understand what their role is, and how they are personally expected to contribute, to the success of the business plan.

Training/development Strategy:

- There is a strategy, which identifies, defines, and prioritises training for all grades and categories
- The expected outcomes of required training, development and learning are defined
- There are business objectives for any training
- People have the opportunity to discuss their own training identification
- Decisions are made as to the provider
- Adequate resources are applied and training/development is implemented in a time frame
- Evaluation is carried out to determine effective supply and impact
- People's involvement in the amending or extending of T&D activity is recognised

Managing People:

- Senior management has the insight that its employees are experienced individuals, and their contribution to ideas count.
- The commitment to equality of opportunity encompassing developing and training all people to help them realise and attain their full potential is persuasive.
- Managers acknowledge that equal opportunities and diversity are part of their responsibility, and that equality of opportunity policies are consistently applied to all employees.
- Mainly through appraisal, line-management endeavours to give their personnel impartial treatment and support for learning and development opportunities.

Effective line-management

- Generally, the knowledge, skills and behaviours that managers require to lead, manage and develop people effectively are being delivered through development programmes; with the encouragement for managers to acquire learning that ensures they have the required capabilities and competencies.
- Managers' are clear on how they believe that they are effective in leading, managing and developing people with an emphasis on managers working closely with their teams, and understanding what motivates their staff.
- People have a strong belief that they are contributing to the organisation; therefore they have a high self-esteem.

Involvement:

- Managers understand that by encouraging people to take appropriate decisions they promote a sense of ownership and responsibility.
- People believe that they can influence decision making at an appropriate level; and within their own job-definition to take apt resolutions, especially where their role is specialised.

Learning & Development Action

- Managers understand the value of a trained and developed team.
- The value of induction for people changing post is recognised.

Effective Change:

- The spectrum of changes embraced strategic initiatives to improve performance, training, procedures and processes.
- Managers look to adapt their management style in order to manage and better develop their staff, and to facilitate strategic change.
- The outcome of change is honestly communicated, both in respect of success, and the not so successful, and is publicly addressed in HM Chief inspector's Annual Report.

Areas where development could be considered

These represent areas found during the course of the site visits where the organisation might consider improving. Actions are not necessary to meet the Standard:

- As according to the previous reports: The staff need to see their representatives being treated as an effective communication opportunity. The situation can still be positively developed, so that representatives see consultation as a dynamic process of dialogue between them and management, based on an ongoing exchange of views and information.
- Respond to people's improvement ideas, even if they are not to be adopted.
- Review opportunities for staff who have the aspirations to develop.
- Managers and line-staff use subjective criteria as to what their line-managers should be doing to lead, manage and develop their staff. See recommendation that follows.
- Because of an under use of any definition that enables people to objectively measure whether their managers are effective, some people have reservations that their line-managers are effective at managing and developing them. It would be more valuable if people measure the effectiveness of their line-manager against shared, objective and consistent criteria of what managers should be doing to lead, manage and develop their staff. Think about a strategic framework for leaders/managers, which enables them to be reviewed against; and develop their responsibilities; with the possibility of being the basis of 180° feedback, e.g.:

	Leading	Managing	Developing
Knowledge	<ul style="list-style-type: none"> • Communicating overall business objectives • Communicating training/development available 	<ul style="list-style-type: none"> • Reviewing Team/ Individual performance 	<ul style="list-style-type: none"> • Agreeing training objectives:
Skills	<ul style="list-style-type: none"> • Agreeing Team/Individual Objectives • Holding Team meetings 	<ul style="list-style-type: none"> • Appraisal giving which includes identifying training/development (PDP) • Giving constructive feedback both on strengths and weaknesses 	<ul style="list-style-type: none"> • Facilitating training/development action (including induction) • Evaluating training outcomes on two levels: Supplier delivery; Impact on performance • Mentoring/Coaching
Behaviours	<ul style="list-style-type: none"> • Encouraging the involvement of team members • Leading by example • Recognise and reward work as appropriate 	<ul style="list-style-type: none"> • Being equitable in the support given and the access to learning and development 	

- Evidence confirmed that there is a range of mainly informal recognition methods that managers can use to show their appreciation and support for individuals' and teams' achievement and contribution. However, in some situations these seem to be used sparingly, leaving some people feeling not fully appreciated.

Annex 6

Published reports

CPS Area effectiveness inspection reports

Area	Date
CPS Devon and Cornwall	December 2006
CPS Cumbria	January 2007
CPS Bedfordshire	February 2007
CPS Surrey	February 2007
CPS Northamptonshire	April 2007
CPS Gwent	May 2007
CPS Gloucestershire	May 2007

Criminal justice area reports

Area	Date	Lead	Contributors
Northumbria criminal justice area	May 2006	HMIC	HMCPSP, HMICA, HMI Prisons, HMI Probation
Greater Manchester criminal justice area	June 2006	HMIC	HMCPSP, HMICA, HMI Prisons, HMI Probation
Avon and Somerset criminal justice area	July 2006	HMCPSP	HMIC, HMICA, HMI Prisons, HMI Probation
Cleveland criminal justice area	January 2007	HMIC	HMCPSP, HMICA, HMI Prisons, HMI Probation
Devon and Cornwall criminal justice area	February 2007	HMCPSP	HMIC, HMICA, HMI Prisons, HMI Probation
West Midlands criminal justice area	May 2007	HMICA	HMCPSP, HMIC, HMI Prisons, HMI Probation

HMCPSP: HM Crown Prosecution Service Inspectorate

HMIC: HM Inspectorate of Constabulary

HMI Prisons: HM Inspectorate of Prisons

HMICA: HM Inspectorate of Court Administration

HMI Probation: HM Inspectorate of Probation

Jubilee Line case fraud trial review

Title	Date
Review of the investigation and criminal proceedings relating to the Jubilee Line case	June 2006
Interviews with jurors in the Jubilee Line case	November 2006

Thematic reports

Title	Date	Lead	Contributors
An overview inspection of the Revenue and Customs Prosecutions Office (RCPO) Manchester and London offices	November 2006	HMCPsi	
Review of the investigation and criminal proceedings relating to the Jubilee Line Case	June 2006	HMCPsi	
Equalities driving justice: report on the thematic review of equality and diversity in employment practice in the Crown Prosecution Service	November 2006	HMCPsi	
Compass CMS: report on the review of the use of the case management system in the Crown Prosecution Service	November 2006	HMCPsi	
Justice in policing: a joint thematic review of the handling of cases involving the allegation of a criminal offence by a person serving with the police	January 2007	HMCPsi	HMIC
Without consent: a report on the joint review of the investigation and prosecution of rape offences	January 2007	HMIC	HMCPsi
Keeping on the right track: a follow-up report to the thematic review of Crown Prosecution Service handling of British Transport Police casework	March 2007	HMCPsi	
Report on the Army Prosecuting Authority	June 2007	HMCPsi	

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