



The Crown Prosecution Service

Autumn Performance Report

2005



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Presented to Parliament by the Attorney General
by Command of Her Majesty

December 2005

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Contents

	Page No.
Introduction	1
Public Service Agreement Targets	3
Progress on Delivery	5

Introduction

The 2005 Autumn Performance Report for the Crown Prosecution Service (CPS) sets out performance and progress against the Public Service Agreement (PSA) targets for the Criminal Justice System. New targets were introduced as part of the 2004 Spending Review (SR 2004) and came into effect from 1 April 2005.

Role

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

- Advises and assists the police during the early stages of investigations;
- Determines the appropriate charges in all but minor cases;
- Keeps all cases under continuous review and decides which cases should be prosecuted;
- Prepares cases for court including, where it does not prosecute the case itself, instructing agents and counsel to present those cases; and
- Provides information and assistance to victims and prosecution witnesses.

Code for Crown Prosecutors

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

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

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

Human Rights Act

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

Organisation

The CPS is headed by the Director of Public Prosecutions (DPP), Ken Macdonald QC. The Director is superintended by the Attorney General who is accountable to Parliament for the Service. The Chief Executive is Richard Foster, who is responsible for running the business on a day-to-day basis, and for human resources, finance, business information systems, and business development, allowing the Director to concentrate on prosecution, legal issues and criminal justice policy.

CPS Areas

The CPS has 42 Areas across England and Wales. Each Area is headed by a Chief Crown Prosecutor who is responsible for the delivery of a high quality prosecution service to his or her local community. A new 43rd Area, CPS Direct, is also headed by a Chief Crown Prosecutor providing out-of-hours charging advice to the police. Three casework divisions, based in Headquarters, deal with the prosecution of serious organised crime, terrorism and other specialised prosecution cases.

Each Chief Crown Prosecutor is supported by an Area Business Manager, and their respective roles mirror, at a local level, the responsibilities of the DPP and the Chief Executive. Administrative support to the Areas is provided through a network of business centres.

The CPS is working closely with the Home Office and Department for Constitutional Affairs on the recently announced Police Reform proposals. The Service is reviewing its structure in readiness to respond to recommendations and ensure we continue to provide a high quality prosecuting service in partnership with the police.

Aim

The CPS works in partnership with the police, courts, Home Office, Department for Constitutional Affairs and other agencies throughout the Criminal Justice System to reduce crime, the fear of crime, and their social and economic costs; to dispense justice fairly and efficiently and to promote confidence in the rule of law.

The CPS's overall aim, which reflects the Government's priorities for the Criminal Justice System, is to:

Deliver a high quality prosecution service that brings offenders to justice, helps reduce both crime and the fear of crime and thereby promote public confidence in the rule of law through the consistent fair and independent review of cases and through their fair, thorough and firm presentation at court

CPS Vision

The CPS subscribes to the Attorney General's Vision for the Law Officers Departments and is working to become a world-class, independent prosecuting authority that delivers a valued public service by:

- Strengthening the prosecution process to bring offenders to justice;
- Championing justice and the rights of victims;
- Inspiring the confidence of the communities we serve;
- Driving change and delivery in the Criminal Justice System;
- Being renowned for fairness, excellent career opportunities and the commitment and skills of all our people; and
- Having a strong capability to deliver.

Public Service Agreement Targets

The PSA targets for the Criminal Justice System from SR 2004 for 2005-2008 are to:

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

These targets are the joint responsibility of the CPS, Home Office and Department for Constitutional Affairs and the CPS works in partnership with the police and courts to deliver them.

Efficiency Savings

SR 2004 also required the CPS to deliver £34 million in efficiency savings by March 2008.

SR 2002 Targets

Spending Review 2002 (SR 2002) included PSA targets for the CPS and Criminal Justice System to improve the delivery of justice and public confidence. These targets have been developed through SR 2004 and are reported upon within this document. The value for money PSA target is taken forward through the 2004 efficiency savings targets.

Criminal Justice Boards

Local Criminal Justice Boards (LCJBs) bring together Chief Officers of local criminal justice agencies to deliver the PSA targets in their Area and to drive through criminal justice reforms. Each LCJB has produced delivery plans for bringing more offenders to justice, ineffective trials and public confidence and report on progress to the National Criminal Justice Board (NCJB). The Attorney General, the Director of Public Prosecutions and Chief Executive, along with the Home Secretary and the Lord Chancellor are members of the NCJB.

Office for Criminal Justice Reform

The CPS also works closely with the Office for Criminal Justice Reform (OCJR), which is a trilateral team drawn from the Home Office, CPS and Department for Constitutional Affairs to support criminal justice agencies and LCJBs in working together to deliver PSA targets and to improve the service provided to the public.

Further information

More information on the CPS and its contribution to PSA targets is available at www.cps.gov.uk and from:

Crown Prosecution Service
50 Ludgate Hill
London
EC4M 7EX

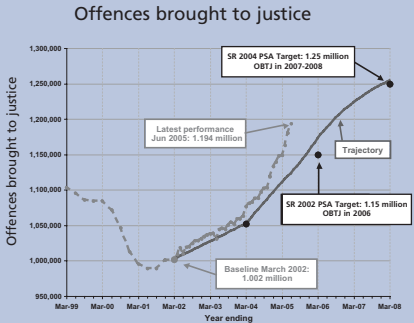
Information on the Criminal Justice System is available at www.cjsonline.gov.uk

Progress on Delivery

PSA Target 1:

Improve the delivery of justice by increasing the number of offences for which an offender is brought to justice to 1.25 million for 2007-2008.

'Offences brought to justice' counts the number of offences for which someone is convicted, cautioned, has had taken into consideration by the court, or for which they receive a penalty notice (for some disorder cases) or a formal warning for possession of cannabis. Only notifiable offences are counted.

Performance Measures	Latest Outturn
<p>Increasing the number of offences for which an offender is brought to justice.</p> <p>The target will be met if there are 1.25 million offences for which an offender is brought to justice in the year ending March 2008.</p> <p>The target for the period 2005-2006 is to bring 1.15 million offences to justice. This target was modified in SR 2004 superseding the previous target of 1.2 million offences brought to justice in 2005-2006. At the same time, a higher target of 1.25 million offences brought to justice was set for 2007-2008.</p>	<p>On course.</p> <p>Latest performance on offenders brought to justice is 1.194 million in the year ending June 2005. This is 19.1% above baseline. Performance must be maintained but we have already achieved our interim 2005-2006 target.^{1, 2}</p> <p>Offences brought to justice</p> 

¹ All performance figures and percentage improvements given in this section exclude miscellaneous motoring offences, which were included in the performance figures given in the 2004 performance reports but (apart from the offence of tampering with a motor vehicle) are no longer counted towards the Offences Brought To Justice total.

² This figure includes an estimate for Hampshire & Isle of Wight as data for this area was not available at the time of publishing.

Progress since April 2005

CPS

- In the year ending September 2005 the CPS secured convictions in respect of 976,686 defendants, including 905,587 defendants in magistrates' courts and 71,099 defendants in the Crown Court. This compares to 1,084,085 convictions in the year ending September 2004. The lower overall caseload is believed to reflect falls in recorded crime and the implementation of Penalty Notices for Disorder.
- Unsuccessful outcomes in magistrates' courts and the Crown Court were 17.9% of all outcomes in the six months ending September 2005, compared with the 2004-2005 performance of 19.6%, and was within the 2005-2006 annual target of 18%.
- Within these figures:
 - Unsuccessful outcomes in magistrates' courts fell to 17.6% of all outcomes during the six months to 2005, compared with 19.2% for 2004-2005;
 - Magistrates' courts cases resulting in discontinuance fell to 11.8% of the total during the six months ending September, compared with 12.5% for 2004-2005;
 - Unsuccessful outcomes in the Crown Court fell to 22.5% for the six months ending September 2005 compared with 24.2% for 2004-2005.
- Results from the 'No Witness No Justice' pilots indicate that the programme reduces the number of cracked and ineffective trials due to witness issues. Witness attendance at court within the 5 pilot areas increased by 20% and the number of trials adjourned due to witness difficulties decreased by 27%.
- The CPS and the Association of Chief Police Officers (ACPO) are jointly introducing charging arrangements, where prosecutors determine the appropriate charges in all but minor cases. The new charging arrangements mean the police and CPS working together as a prosecution team to ensure strong cases go forward for prosecution, to reduce the proportion of cases that result in an unsuccessful outcome and to increase the number of cases that result in a guilty plea.
- All Areas have introduced 'shadow' charging arrangements and the 14 Priority Areas - where the majority of recorded crime takes place and which accounts for roughly 60% of all CPS prosecutions - successfully introduced the more extensive Statutory Charging Scheme arrangements on schedule by November 2004. The move to Statutory Charging in the remaining Areas commenced in April 2005 and by November 2005, 26 Areas were operating the Statutory Charging Scheme.
- The Statutory Charging Scheme brings the responsibility to deliver charging decisions 24 hours a day 365 days a year. Out-of-hours decisions are provided by CPS Direct to each Area as they move to Statutory Charging. As of November 2005, CPS Direct deals with 3,000 calls each week from Police officers seeking charging advice. This number will increase as more Areas move onto the scheme.
- The CPS Domestic Violence Project pilots in Caerphilly and Croydon identified best practice in prosecuting domestic violence cases, and built strong and effective links with local independent domestic violence advisors. Results from the pilots included: an increase in the number of domestic violence incidents reported to police that result in a case at court; a reduction in the number of cases, withdrawn or discontinued; an increase in the number of offenders brought to justice through more guilty pleas and strengthening cases through the use of evidence other than victim statements.

- Good Practice Guidance developed from the Domestic Violence Project and two pilots was provided to all Areas in November 2005 to help Areas improve the prosecution of domestic violence and other hate crime.
- A new Hate Crime Target aiming to reduce the number of unsuccessful cases was introduced in April 2005. Figures for April to September 2005 show a reduction in the average unsuccessful hate crime cases from 43% in 2004-2005 to 38.4% in the first six months of 2005-2006.
- The CPS has strengthened its arrangements for prosecuting terrorism to be ready to provide prosecution services to the new Serious Organised Crime Agency (SOCA) which will come into being on 1 April 2006. The CPS has restructured its Casework Directorate into three new divisions dealing with counter-terrorism, organised crime and specialised crimes. The Organised Crime Division is preparing for the new prosecution powers contained in the Serious Organised Crime and Police Act 2004.

Progress since April 2005

CJS

- The aim of the Prolific & Priority Offender (PPO) Premium Service is to ensure that the Criminal Justice System can bring a clear and consistent approach to prioritising effort and resource to tackling priority groups of offenders. The Premium Service was produced in consultation with practitioners from across the agencies, and LCJBs are responsible for the provision and promotion of PPO schemes. The service includes:
 - A clear and consistent set of requirements for the premium service in Criminal Justice Areas (CJA);
 - A common framework for CJA-organised agencies to operate across multiple local PPO schemes led by Crime Disorder Reduction Partnerships / Community Safety Partnerships;
 - Examples of emerging good practice; and
 - A standard for LCJBs to hold local agencies to account for their compliance with the ambition of providing a premium service.
- To improve sanction detection performance a review was conducted of the structures and processes in all police forces. Each force received a written report and support was given by the Police Standards Unit (PSU) to nine forces to implement recommendations. Since October 2004 performance in the nine forces, with whom PSU has worked has improved by 4.5 percentage points (from 15.2% in October 2004 to 19.7% in October 2005). In the remaining forces performance has improved by 2.8 percentage points (from 21.9% in October 2004 to 24.7% in October 2005).

PSA Target 2:

Reassure the public, reducing the fear of crime and anti-social behaviour, and building confidence in the Criminal Justice System without compromising fairness.

Public confidence in the Criminal Justice System and the satisfaction of victims and witnesses is assessed using the British Crime Survey (BCS) and the Home Office Citizenship Survey (HOCS).

Responsibility for the three assurance elements of the target lies with the Home Office. The three confidence elements, reported on below, are shared between the Home Office, Department for Constitutional Affairs and the CPS.

Performance Measures	Latest Outturn
<p>Improve the level of public confidence in the Criminal Justice System.</p> <p>This is determined using questions in the BCS which ask whether the public believes the Criminal Justice System is effective in bringing people who commit crimes to justice.</p>	<p>Ahead.</p> <p>Baseline (BCS 2003): 39% Latest outturn (Year to June 05): 43% Target (BCS 2008): An increase</p>
<p>Reduce the number of people in ethnic minority communities who believe the Criminal Justice System would treat them worse than people of other races.</p> <p>This is determined using questions in the Home Office Citizenship Survey which ask whether people from a black or minority ethnic background believe the Criminal Justice System would treat them worse than people of other races.</p>	<p>On Course.</p> <p>Baseline (HOCS 2001): 33% Latest outturn (2005): 31% Target (HOCS 2007): A reduction</p>
<p>Increasing satisfaction of victims and witnesses.</p> <p>This is measured using BCS questions on victim and witness satisfaction with the Criminal Justice System.</p>	<p>On Course.</p> <p>Baseline (BCS 2003) 58% Latest outturn (Year to June 05): 58% Target (BCS 2008) An increase</p>

Progress since April 2005

CPS

- The CPS and the police are providing improved communication and support to prosecution witnesses through the No Witness No Justice (NWNJ) project. NWNJ is introducing witness care units (WCUs) to provide a single point of contact for a witness throughout the life of the case from charge to sentence. Each of the 42 Criminal Justice Areas had introduced a WCU by 31 March 2005 and NWNJ is on course to provide coverage across all England and Wales by the end of 2005. The evidence from current WCUs is that the average number of witnesses attending court has risen from seven in ten to eight in ten, whilst the number of trials that did not go ahead as planned on the day because a witness failed to attend has fallen by nearly 20%. A new Witness Management System (WMS) has been developed to support WCUs in providing the best possible service to witnesses. The first version of WMS was provided to Areas in July 2005 and a second-release is rolling out across all Areas between November 2005 and March 2006.
- On 21 October the Attorney General introduced a ten point Prosecutors Pledge that sets out the level of service that victims can expect to receive from prosecutors. Prosecutors play a key role in protecting victims' interests, in particular when accepting pleas and during sentencing. The Pledge is a further step towards the objective of placing victims at the heart of the Criminal Justice System and applies to all prosecuting authorities, including advocates instructed by the prosecuting authorities in the Crown Court.
- The CPS has appointed Specialist Prosecutors in 14 CPS Areas to work with the police and local communities to tackle anti-social behaviour. Good practice developed in those Areas is being used to improve the ways anti-social behaviour is addressed in all 42 Areas.
- CPS continues to recover assets from criminals under the Proceeds of Crime Act 2002 and earlier legislation. The Service is also implementing the recommendations of "Payback Time", the joint review of asset recovery by the inspectorates of the CPS, police and the Courts Service. CPS worked with partner agencies in the production of the revised National Best Practice Guide to Confiscation Order Enforcement, which was published earlier this year. In the first half of 2005-2006, the CPS has secured over 1,400 confiscation orders with a total value of £31.5 million.
- Effective community engagement by the CPS improves prosecutions and employment policy and practices, and makes a significant contribution to raising public confidence in the Criminal Justice System. The Service agreed its Community Engagement Strategy in May 2005 and work is underway on a range of initiatives that will help the CPS undertake effective community engagement. This includes three Area community engagement pilots that are testing different community engagement approaches, tools and techniques that will help inform good practice and guidance to staff undertaking community engagement work.

Progress since April 2005

CJS

- The Code of Practice for Victims of Crime was published in October 2005. The Code sets out the minimum services victims can expect to receive from the Criminal Justice System. It includes a guarantee that victims get better and timelier information about the progress of their case, and that all victims and their families have access to relevant information such as; Witness Care Units, Victims' Advocates and the appointment of a Victims Commissioner by April 2006. The Code of Practice comes into force in April 2006, with rights of appeal.
- Inside Justice Week took place across England and Wales during October 2005. The event involved a range of regional activities organised by the 42 LCJBs to open up the Criminal Justice System to the public and encourage public participation.
- The Witness and Victim Experience Survey (WAVES) was launched in December 2004 to measure the experience of victims and witnesses in cases which progress to the charging stage and beyond. WAVES will provide local data in all areas of England and Wales on levels of victim and witness satisfaction across a range of key measures. This data will be used to assess performance and improve services to victims and witnesses.
- The Respect Task Force was established on 5 September 2005. This supports neighbourhood policing, alcohol and anti-social behaviour strategies.
- CPS Domestic Violence Team is working with the Home Office and Department for Constitutional Affairs in the development of a total of 25 specialist DV courts across England and Wales by the end of March 2006 to improve DV prosecutions. The list of the courts was announced in Inside Justice Week.

Delivering Efficiencies

Introduction

SR 2004 set new efficiency targets for the CPS to deliver savings of £20 million in 2005-2006, £27 million in 2006-2007 and £34 million in 2007-2008. The targets will be delivered through planned efficiencies broadly covering:

- The implementation of the charging programme, designed to improve the effectiveness and the efficiency of the criminal justice process and is measured by the improvement in the guilty plea rate, fewer discontinuances and reduction in the proportion of cases that do not result in a conviction;
- Improvements in productive time, through the use of the COMPASS and the Case Management System, and in the deployment of Higher Court Advocates and Designated Caseworkers;
- Rationalising administrative and support functions by reorganising business centres, improving service levels and by relocating work out of the South East; and
- Improving procurement practices, to reduce the costs of goods and services whilst ensuring quality is maintained. Where alternative items or services are acquired, a standard specification is developed and delivered.

The CPS expects the charging programme to account for around 60 per cent of planned savings by 2007-2008 with another 20 per cent coming from productive time efficiencies and the remainder through improved efficiency in the provision of corporate services and savings delivered through more effective procurement practices. Cashable savings are estimated to be over 50 per cent of the gains in 2005-2006. The CPS is on track to deliver the first year savings.

Actions taking place to deliver efficiencies

- By the end of November 2005, 26 of the CPS's 42 Areas were operating under the new Statutory Charging arrangements which were introduced by the Criminal Justice Act 2003.
- The structural reorganisation of Service Centres has been completed.
- The COMPASS project successfully passed an OGC-led Gateway Review 5 and received a 'green' assessment rating. The COMPASS benefits annual report for 2004-2005 was published in July 2005.
- HCA pathfinder sites in CPS Hertfordshire and CPS Hampshire & Isle of Wight reached the interim evaluation stage and both sites recorded significant successes. All Areas are implementing local plans to increase the use of HCAs and DCWs as part of a strategy to increase CPS in-house advocacy.
- Procurement initiatives are being rolled out and are in line to meet the 2005-2006 savings target of £0.5m as well as the targets for future years.
- There is no target for workforce reductions. Good progress is being made on relocating work out of the South East.

Plans for delivering efficiencies over the next 6–12 months

- The roll out of the Statutory Charging programme to all 42 Areas will be completed. Final assurance checks and post implementation reviews for Areas moving to the Statutory Charging regime will continue.
- New benefits realisation plans and funding for the COMPASS project for 2006-2007 will be agreed.
- The Service Centre Review project will complete the programme of placing all displaced staff. New business centres will have service level agreements in place with Areas and with HQ.
- Continuous review and re-negotiation of supplier contracts to ensure that challenging efficiency delivery targets for procurement are met.
- New targets for HCA and DCW deployment for future years in the light of experience to date will be agreed.

PSA Targets from Spending Review 2002

SR 2002 included PSA targets for improving the delivery of justice, public confidence, and value for money.

To improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice, to 1.15 million by 2005-2006, with an improvement in all Criminal Justice System areas, a greater increase in the worst performing areas and a reduction in the proportion of ineffective trials.

'Ineffective trials' are trials that do not go ahead on the date expected and have to be rescheduled.

'Unsuccessful outcomes' are finalised cases that do not result in a conviction, such as discontinuances in magistrates' courts cases and judge directed acquittals in the Crown Court.

Performance Measures	Latest Outturn
<p>Increasing the number of offences for which an offender is brought to justice.</p> <p>The target will be met if there are 1.15 million offences for which an offender is brought to justice in the year ending March 2006, compared with the baseline year ending March 2002.</p> <p>This aspect of the target was modified in SR 2004, superseding the previous target of 1.2 million offences brought to justice in 2005-2006.</p>	<p>Ahead.</p> <p>Latest performance on offenders brought to justice is 1.194 million in the year ending June 2005. This is 19.1% above baseline. Performance must be maintained but we have already achieved our interim 2005-2006 target.^{3, 4}</p>
<p>An improvement in all Criminal Justice System Areas</p> <p>The target will be met if, in each of the 42 Criminal Justice Areas, more offences are brought to justice in 2005-2006 than in the baseline year 2001-2002.</p>	<p>On Course.</p> <p>On the latest information available, 37 of the 42 Criminal Justice Areas have improved their performance over the baseline year.</p>

³ All performance figures and percentage improvements given in this section exclude miscellaneous motoring offences, which were included in the performance figures given in the 2004 performance reports but (apart from the offence of tampering with a motor vehicle) are no longer counted towards the Offences Brought To Justice total.

⁴ This figure includes an estimate for Hampshire & Isle of Wight as data for this area was not available at the time of publishing.

Performance Measures	Latest Outturn
<p>A greater increase in worse performing areas.</p> <p>The target will be met if the average performance improvement achieved by the worse performing Criminal Justice Areas between 2001-2002 and 2005-2006 is greater than the national average performance improvement for the same period.</p>	<p>On Course.</p> <p>Current performance to June (0.623million) is well above trajectory (0.549 million) and the “worst performing” element of the target will be met if this performance is maintained at its current level. The monitoring of “worst performing” areas will cease in 2006 as the SR 2002 period under which the target was set ends.</p>
<p>A reduction in the proportion of ineffective trials.</p> <p>The target will be met if the national level of ineffective trials is reduced from 24% to 17% (March 2006) for Crown Courts and from 31% to 23% (March 2006) for magistrates’ courts.</p>	<p>Ahead.</p> <p>At September 2005 the proportion of ineffective trials in the Crown Court Centres had reduced from 24% (baseline) to 13.9%, an improvement of 10.1 percentage points. For the magistrates’ courts the proportion of ineffective trials has reduced from 31% to 21.3% in the quarter ending September 2005, an improvement of 9.7 percentage points.</p> <p>Current performance is the best to date and the figures are already at the March 2006 target level.</p>

To improve the level of public confidence in the Criminal Justice System, including increasing that of ethnic minority communities, and increasing year on year the satisfaction of victims and witnesses, whilst respecting the rights of defendants.

Performance Measures	Latest Outturn
Improve the level of public confidence in the Criminal Justice System.	Ahead. Baseline (BCS 2003) : 39% Latest outturn (Year to June 05): 43%
- including increasing that of ethnic minority communities.	Ahead. Baseline (BCS 2003): 49% Latest outturn (Year to Mar 05): 56%
- increasing year on year the satisfaction of victims.	Slippage. Baseline (BCS 2004) 59% Latest outturn (year to June 05): 58%
- increasing year on year the satisfaction of witnesses.	On Course. Baseline (BCS 2004) 57% Latest outturn (year to June 05): 58%
- whilst respecting the rights of defendants.	The rights of defendants are protected by law. We will investigate and take action if there is any evidence that the rights of defendants are not being respected or that public confidence in rights being respected is falling.

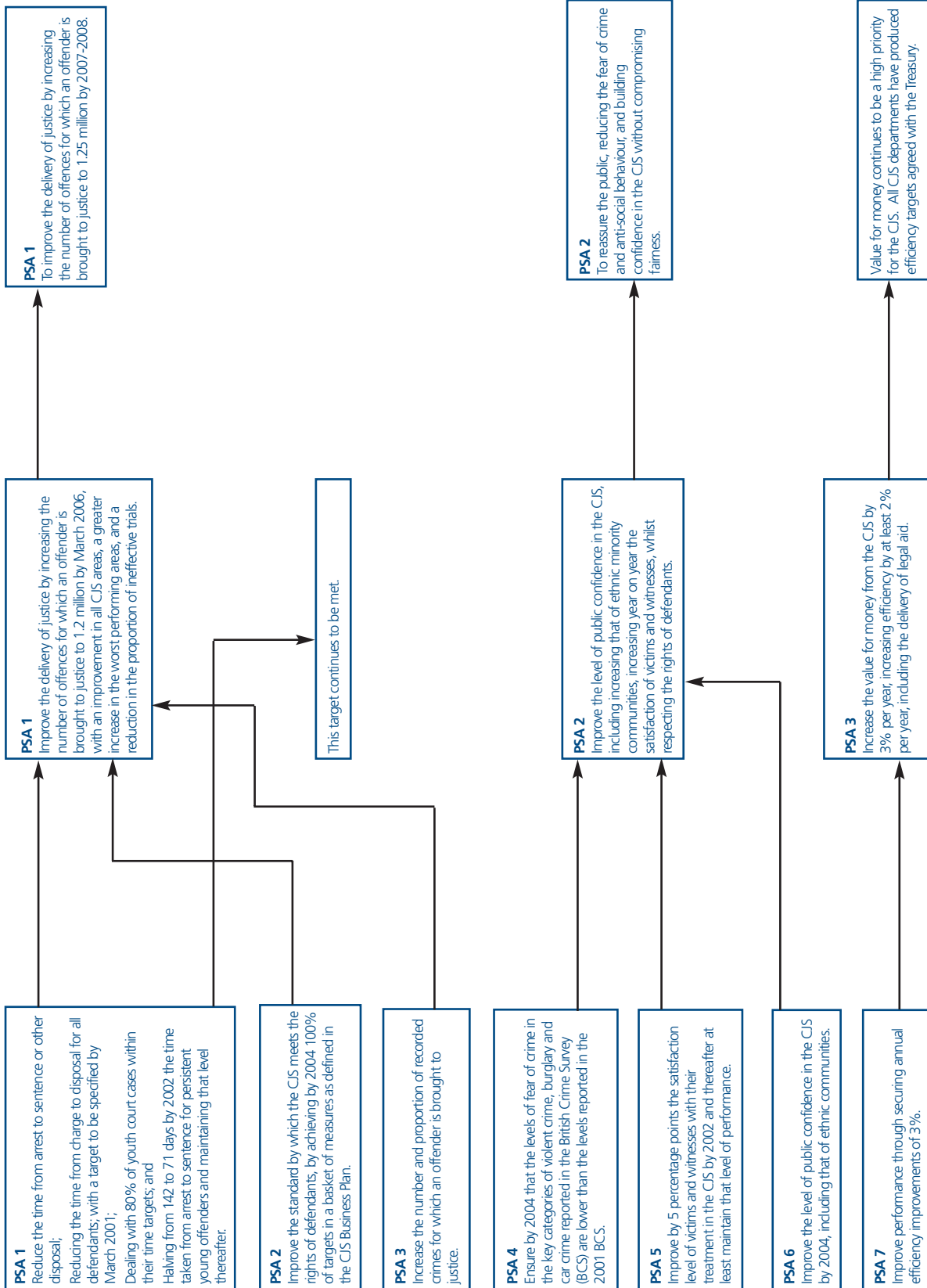
To increase value for money from the Criminal Justice System by 3 per cent a year.

Performance Measures	Latest Outturn
<p>To increase value for money from the Criminal Justice System by 3% per annum.</p> <p><i>The CPS contribution to the target will be met if by year ending March 2006, there is an improvement in efficiency or value for money of at least 3% compared with the year ending March 2003.</i></p> <p>Some CPS-led initiatives have efficiency and value for money benefits for the police and the courts as well as the CPS.</p>	<p>The CPS increased value for money and made efficiency savings for re-investment in frontline prosecution services through:</p> <ul style="list-style-type: none"> • The introduction of charging arrangements; • Use of the COMPASS Case Management System; • Increased use of HCAs and DCWs; • Improvements to the management of leases on the estate; and • Improved terms from suppliers as a result of introducing on-line ordering and procurement.

SR2004

SR2002

SR2000





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