



# CROWN PROSECUTION SERVICE

ANNUAL REPORT AND RESOURCE ACCOUNTS 2005 - 06





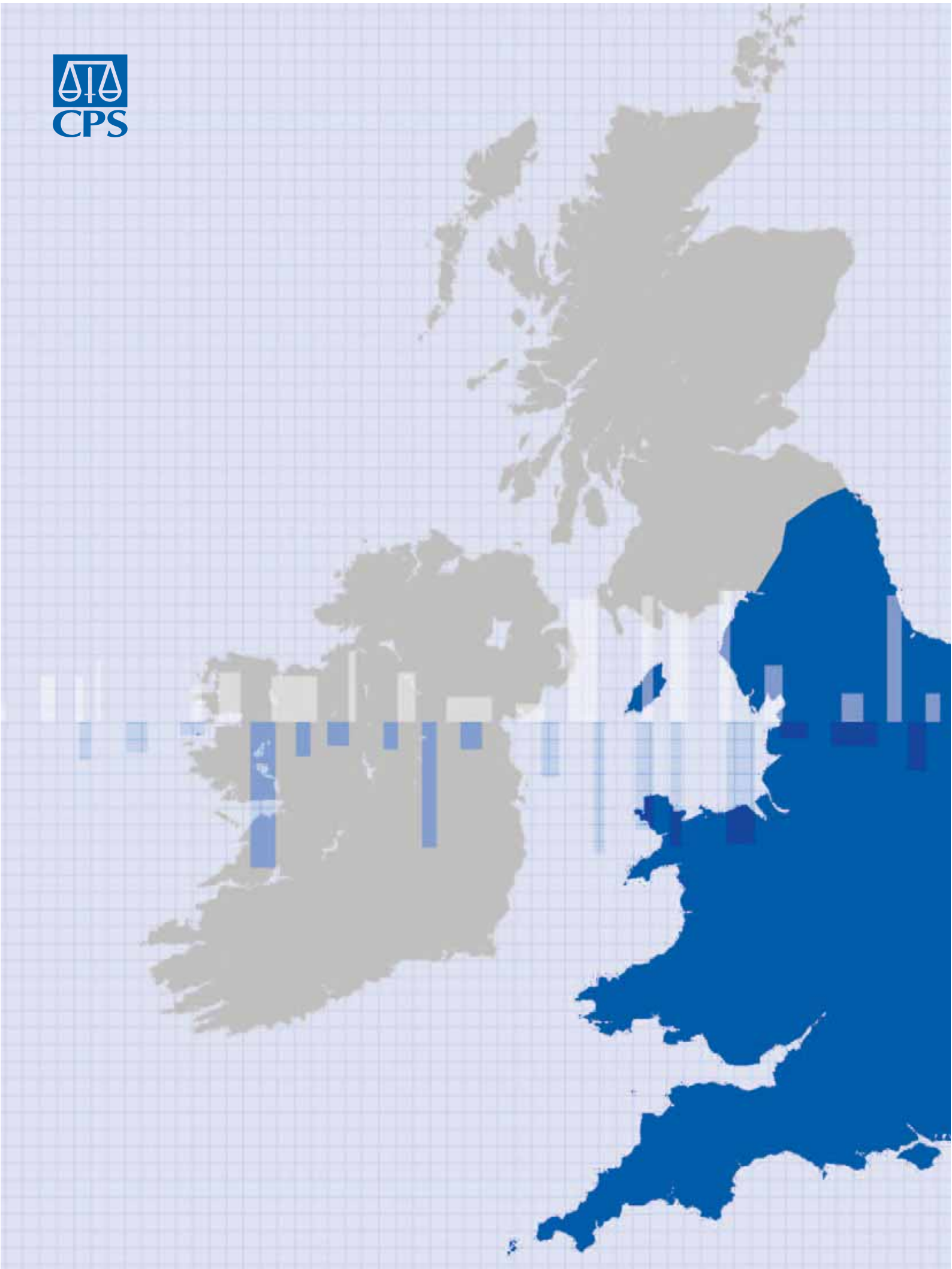
**Annual Report and Resource Accounts**

For the period April 2005 - March 2006

From the Director of Public Prosecutions to the  
Attorney General

Presented to Parliament in pursuance of section 9 of  
the Prosecution of Offences Act 1985, Chapter 23,  
and pursuant to the GRA Act 2000, Section 5

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I am pleased to report to you on the performance and reform of the Crown Prosecution Service during 2005-06. This year I have also incorporated the Resource Accounts within this publication, in order to provide a clear breakdown of how our achievements have been funded.

The CPS continues to make good progress towards achieving its vision of building a world-class prosecution service. During the past year we have prosecuted over 1.1 million cases, with over 895,000 convictions in the magistrates' courts and over 72,000 in the Crown Court.

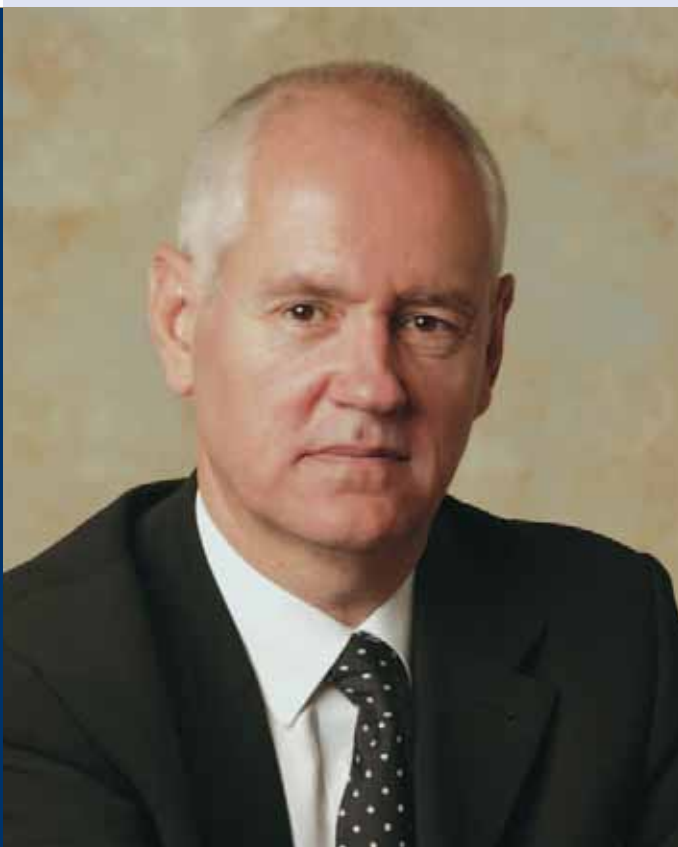
Working closely with police colleagues, the CPS has successfully introduced Statutory Charging in all 42 Areas almost one year ahead of schedule – a truly momentous achievement. CPS Prosecutors are now selecting the charge in all but the most minor cases and are operating at the very centre of the Criminal Justice System. As you yourself have noted, Statutory Charging is the single most significant development in the handling of criminal casework since the establishment of the CPS in 1986. At its heart lies a completely transformed relationship between the CPS and the police, working together as a prosecution team to build strong cases right from the start. This partnership has already resulted in an increased number of guilty pleas, reducing the burden on the courts and, most importantly, providing a better service to the victims and witnesses involved in each case.

In addition, our face-to-face charging arrangements continue to be supported by CPS Direct, the national out-of-hours telephone service that allows police to access charging advice throughout the night and at weekends. Over the past year, 123 CPS Direct prosecutors handled 157,150 calls and provided 96,108 charging advices.

The Advocacy Strategy, introduced in 2004, has been a great success with more and more in-house advocates prosecuting in the higher courts. The two pathfinder pilots in Hertfordshire and Hampshire and Isle of Wight have led the way, with approximately 40% of non-contested cases in the Crown Court now being prosecuted by our own lawyers. All Areas are now increasing their use of Higher Courts Advocates, and the extended powers that I introduced for Designated Caseworkers allow them to take on more complex work in the magistrates' courts – fully realising the impressive range of skills that they have acquired.

In October 2005 I introduced three new Casework Divisions, dealing with organised crime, counterterrorism and specialised crime. These divisions were created in order to provide a first class prosecution service to the Serious Organised Crime Agency and ensure that the CPS is capable of dealing with the full range of serious crime. Prosecuting these high profile cases enables CPS staff to demonstrate their skills at the highest levels and contribute to improving public confidence in the Criminal Justice System.

The CPS has continued to use information technology to transform the way it works. We now have almost four million cases registered on the COMPASS Case Management System. Working with colleagues in the Criminal Justice System, the CPS has increased its links with court systems, tested exchanges with police systems, and improved the information available to victims and witnesses through the introduction of the dedicated Witness Management System. In 2006, the CPS launched an Information Systems Strategy which runs to 2008 and provides a framework for us to build on the considerable progress that we have already made.



Ken Macdonald QC

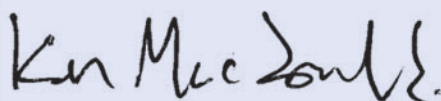
During the year, the Service also introduced the >invest< programme, which sets out a clear career path for all staff and reflects the future demands on the business in terms of delivering charging and advocacy. Our aim is to create a total reward and benefit package which will recognise and reward high performance within the organisation. This year we also undertook a national campaign to attract external candidates to the Legal Trainee Scheme. We received over 2,000 applications for only 25 posts. This programme of work, along with our continued dedication to developing the skills of all of our people, can only serve to enhance our reputation as an employer of choice.

We continue to promote equality and diversity, both within the organisation and in the communities we serve. This year the Service was acknowledged by the Commission for Racial Equality and the Law Society through the presentation of the Equality Award for best large public sector employer of solicitors. This award demonstrates how far the CPS has evolved, and will continue to improve through the implementation of the CPS Equality & Diversity policy statement and strategy.

I have continued my community engagement meetings, promoting understanding of the work of the Service and engaging in discussion on issues of concern. I have also introduced three pilots to work even more closely with communities and identify ways in which we can build public trust and improve the service that we provide. These pilots will run throughout 2006 and will provide best practice guidance for all of our Areas.

I am proud of these achievements, which show the talent and dedication of all of our staff. Their hard work has already helped to transform the CPS and will be the driver for continued improvements next year.

There are challenges ahead, and I expect all staff to meet them with the same level of tenacity and professionalism that I have already seen throughout this organisation. Charging and advocacy are our key reforms, and they are the bedrock for a strong, independent and effective prosecution service. In addition, our work with communities will help us to develop robust and practical policies that will improve people's quality of life and build trust in the work of the Criminal Justice System.



**KEN MACDONALD QC**

**Director of Public Prosecutions**

**Role**

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

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

**Code for Crown Prosecutors**

Before charging a defendant and proceeding with a prosecution, Crown Prosecutors must first review each case against the Code for Crown Prosecutors. The Code 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 (CCP) who is responsible for the delivery of a high quality prosecution service to his or her local community. A 'virtual' 43rd Area, CPS Direct, is also headed by a CCP and provides 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.

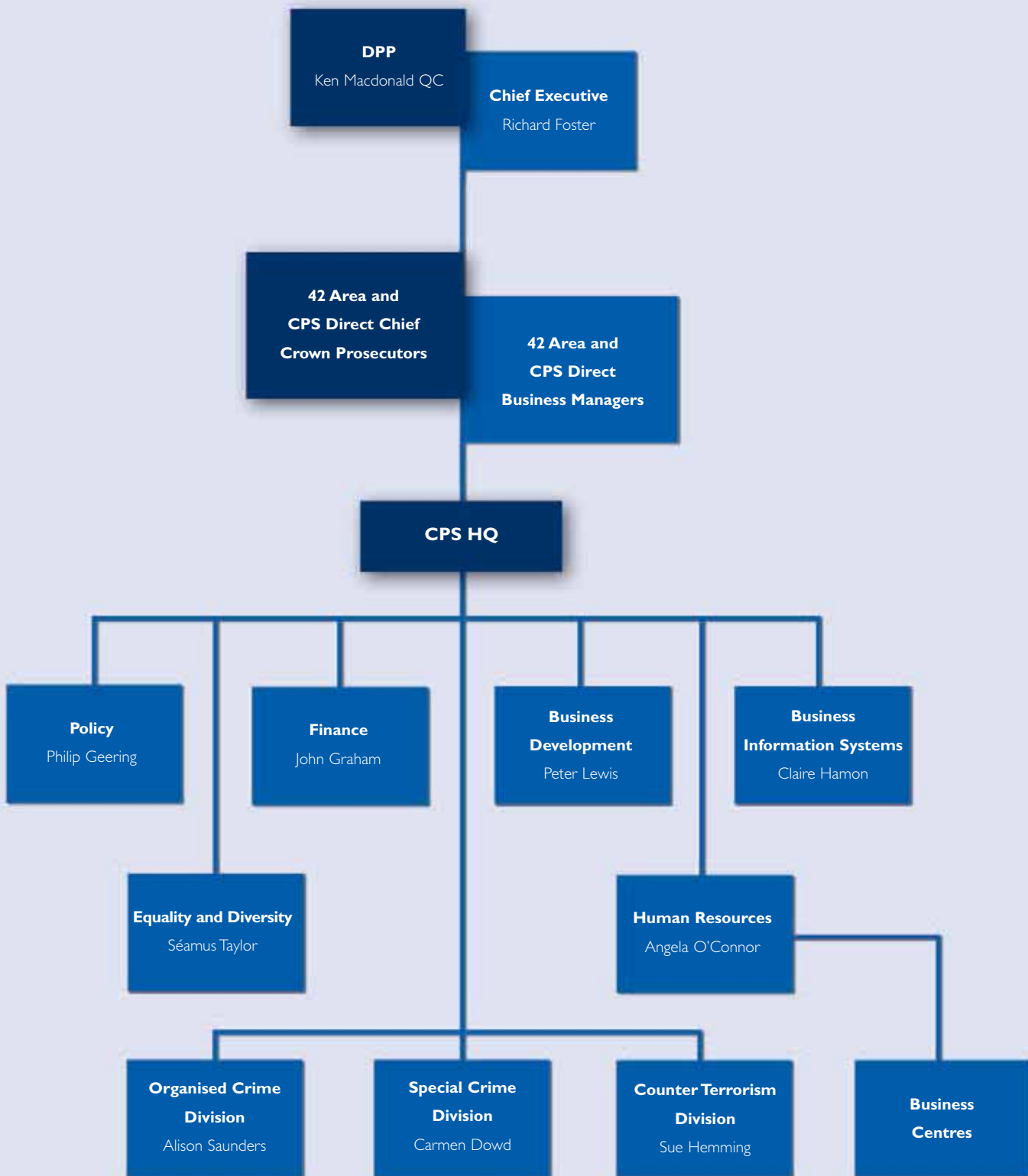
Each CCP is supported by an Area Business Manager (ABM), and their respective roles mirror, at a local level, the responsibilities of the DPP and the Chief Executive. Administrative support to Areas is provided through a network of business centres.

The CPS is working closely with the Home Office and Department for Constitutional Affairs (DCA) on the recently-announced Police Reform proposals. The Service is reviewing its organisation in readiness to respond to police force restructuring and ensure the CPS continues to provide a high quality prosecuting service in partnership with the police.

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

**Office for Criminal Justice Reform**

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





**Aim**

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

The CPS's overall aim, which reflects the Government's priorities for the CJS, 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 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:** providing an independent prosecution service, working with the police from the outset of a case to its disposal; advising the police before charge; building and testing the strongest possible prosecution case and presenting that case fairly in the courts on behalf of the public.
- **Championing justice and the rights of victims:** assessing the needs of victims and witnesses and their likely evidence from the outset and throughout the life of the case; making sure their experience of the CPS and the CJS encourages them and others to come forward in future to play their part in bringing offenders to justice.
- **Inspiring the confidence of the communities we serve:** being visible, open and accountable for our decisions; being responsive to the needs of the community and providing a valuable public service; being seen as the decision makers who decide which cases should be brought to court and bringing them to justice.

**A Joined-up CJS****Police**

Increased detection rate brings more offenders into the justice process

Fixed Penalty Notices used to stamp out anti-social behaviour

Prolific offenders pursued relentlessly

**Crown Prosecution Service**

Advice is available to police 24/7

Charge determined by CPS

Prepares cases for prosecution

Supports witnesses through the process

Enhanced prosecutor role in sentencing

**Courts**

Encourage alternative ways of resolving disputes

Where cases come to court, they are dealt with efficiently

Specialist courts deal with domestic violence, anti-social behaviour and organised crimes

Trials take place on scheduled day

Court buildings and facilities tailored to witness needs

Community engaged in justice process

Sentences are effective

**National Offender Management Service**

Swift action taken where community penalties are breached

Drug-using criminals receive treatment

**Youth Justice Board**

Continued drive to reduce reoffending

**Every Criminal Justice Agency**

Participates in LCJBs

Treats victims and witnesses as individuals

Has motivated staff providing excellent customer service

Enforces decisions and penalties of the court swiftly and effectively, with high risk offenders fast-tracked

Works to eliminate racial discrimination

- **Driving change and delivery in the CJS:** as a self-confident leader; influential in delivering local criminal justice and in shaping the CJS of the future.
- **Being renowned for fairness, excellent career opportunities and the commitment and skills of all our people:** where everyone is treated on merit; where people of ability can rise to the top and where all our people are renowned for their commitment, skills and dedication to justice.
- **Having a strong capability to deliver:** by transforming HQ support to frontline delivery; securing value for money and efficiencies to reinvest in frontline prosecution services; improving the management of prosecution costs; harnessing IT to support CPS business; and delivering through effective programme and project management.

### Sustainable Development

In March 2005 the Government published 'Securing The Future', an updated Strategy for Sustainable Development in the UK. The Strategy set out the Government's overall plans and required all government departments to draw up proposals for tackling sustainable development issues. The CPS as part of the Law Officers' Departments has completed an action plan which will be reported on in 2006-07. The Annual Report details performance against social, community, and economic aspects throughout the report with a specific section on environmental issues on page 36.

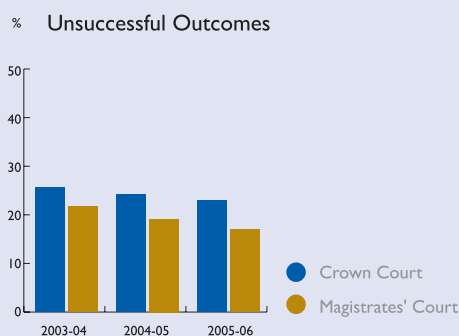
### Cases for Advice and Prosecution

- In 2005-06 the CPS took pre-charge decisions in 570,757 cases, an increase of 29.4% from 2004-05. The CPS prosecuted a total of 1,176,112 defendant cases in magistrates' courts and in the Crown Court, compared with 1,262,815 in the previous year.

### Case Results

- During 2005-06, 895,822 defendants were convicted in magistrates' courts and 72,351 were convicted in the Crown Court. The CPS made a substantial contribution to the CJS target of narrowing the justice gap, although only the serious offences fall within the scope of this measure.
- The percentage of cases discontinued in magistrates' courts continued to fall, from 13.8% in 2003-04 to 12.5% in 2004-05, and 11.6% in 2005-06.
- Unsuccessful outcomes in magistrates' courts fell from 21.1% of all outcomes in 2003-04 to 19.2% in 2004-05 and to 17.2% in 2005-06.
- In the Crown Court, unsuccessful outcomes fell from 25.4% of outcomes in 2003-04 to 24.2% in 2004-05 and 22.8% in 2005-06.

- Overall, unsuccessful outcomes fell from 21.4% of all outcomes in 2003-04 to 19.6% in 2004-05, and 17.7% in 2005-06; while convictions rose from 78.6% during 2003-04 to 80.4% in 2004-05 and 82.3% in 2005-06.



### People

- At the end of March 2006, the CPS employed a total of 8,184 people, 376 more than at the same time the previous year. This includes 2,832 prosecutors and 4,731 caseworkers and administrators. Over 92% of all staff are engaged in, or support, frontline prosecutions. The CPS has 604 prosecutors able to advocate in the Crown Court and in the Higher Courts and 266 Designated Caseworkers (DCWs) able to present cases in magistrates' courts.

### Delivery of Public Service Agreement Targets

- Latest available figures show 1.267 million offences were brought to justice for the year ending December 2005.
- The proportion of ineffective trials in the Crown Court has reduced from 14.4% in March 2005 to 12.7% in January 2006. For the magistrates' courts the proportion of ineffective trials has reduced from 22.7% for the quarter ending March 2005 to 21.1% in the quarter ending January 2006.
- The British Crime Survey shows that for the year to December, 44% of people believe the CJS is effective in bringing people who commit crimes to justice, and the number of victims and witnesses who were satisfied with the CJS rose to 59%.

**CPS Reform**

- Statutory Charging has now been implemented in all 42 Areas, almost 12 months ahead of schedule. CPS Direct, the out-of-hours telephone service which allows experienced prosecutors to work from home to provide police with charging advice throughout the night, continues to support the charging arrangements.
- The CPS is continuing to increase advocacy in the higher courts through its Advocacy Strategy. Higher Courts Advocates (HCAs) in the two pathfinder projects in Hertfordshire and Hampshire and Isle of Wight have advocated in approximately 40% of non-contested and 11% of contested Crown Court hearings. Following guidance from the DPP, DCWs are now able to conduct contested bail hearings and pre-trial reviews in magistrates' courts.
- No Witness No Justice (NWNJ), a joint CPS and police initiative, successfully implemented 165 Witness Care Units in England and Wales by December 2005, which are providing an enhanced level of service to all victims and witnesses where a charge has been brought.
- The COMPASS Case Management System has expanded even further and is now supporting staff in almost 700 sites, with the number of users increasing to 8,900. Approximately four million cases have now been registered on the system.
- The CPS has introduced >invest<, a new pay and workforce strategy that will help the Service develop an effective framework of policies, pay and reward systems. >invest< will reflect current and future business demands, including charging and advocacy, and will set out a clear career path for all staff.
- The NAO report on 'CPS: Effective use of Magistrates' Courts Hearings' identified examples of good practice in the CPS and made 10 recommendations intended to improve the CPS's performance in the magistrates' courts. The report recognises that the criminal justice agencies need to work together more closely to improve the efficiency of the prosecution of magistrates' courts cases.

## Public Service Agreement (PSA) Targets

PSA targets were set for the CJS in the Spending Review 2004 (SR 2004) for 2005-08. The targets, reported on at pages 10-11, are the responsibility of the Home Office, DCA and the CPS. Similar PSA targets were also set in the Spending Review 2002 (SR 2002) for 2003-06 and are reported on at pages 14-16. The relationship between the SR 2002 and the SR 2004 targets is shown below.

### PSA Targets Progression Map

#### SR 2002

##### PSA 1

Improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.15 million by 2005-06, with an improvement in all CJS areas, a greater increase in the worst performing areas, and a reduction in the proportion of ineffective trials.

##### PSA 2

Improve the level of public confidence in the CJS, including increasing that of ethnic minority communities, and increasing year on year the satisfaction of victims and witnesses, whilst respecting the rights of defendants.

#### SR 2004

##### PSA 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 2007-08.

##### PSA 2

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

### Efficiency Savings

SR 2004 also requires the CPS to deliver £34 million efficiency savings by March 2008 (pages 12-13). Additionally the value for money PSA target set in SR 2002 is still being taken forward (page 16). The CPS has no workforce reduction target in SR 2004 but has set a target of relocating 20 posts by 31 March 2008.

## 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 2007-08.**

'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.

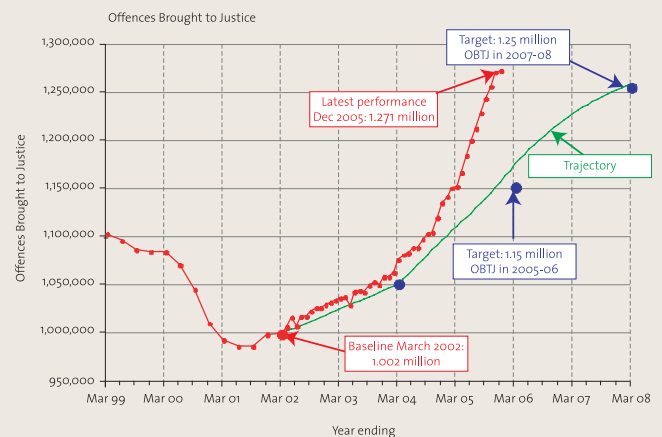
### Increasing the number of offences for which an offender is brought to justice.

The target will be met if there are 1.25 million crimes for which an offender is brought to justice in the year ending March 2008.

The target for the period 2005-06 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 2005-06. At the same time, a higher target of 1.25 million offences brought to justice was set for 2007-08.

### On Course.

Latest performance on offenders brought to justice is 1.271 million<sup>1</sup> in the year ending December 2005. This is 26.8% above baseline. Performance must be maintained but provisional data shows that we are already ahead of the 2007-08 target level.



<sup>1</sup> This data is provisional and is likely to be subject to minor revision. The figures quoted here were correct at 11 April 2006.

## PSA Target 2:

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

Public confidence in the CJS 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, DCA and the CPS.

#### Improve the level of public confidence in the CJS.

This is determined using questions in the BCS which ask whether the public believes the CJS is effective in bringing people who commit crimes to justice.

#### Ahead.

Baseline (BCS 2002-03):	39%
Target (BCS 2007-08):	An increase
Annual Outturn (BCS 2004-05):	43%
Latest Outturn (Year to December 2005):	44%

#### Reduce the number of people in ethnic minority communities who believe the CJS would treat them worse than people of other races.

This is determined using questions in the Home Office Citizenship Survey which ask whether people from a black or minority ethnic background believe the CJS would treat them worse than people of other races.

#### On Course.

Baseline (HOCS 2001):	33%
Target (HOCS 2007):	A reduction
Latest Outturn (HOCS 2005):	31%

#### Increasing satisfaction of victims and witnesses.

This is measured using BCS questions on victim and witness satisfaction with the CJS.

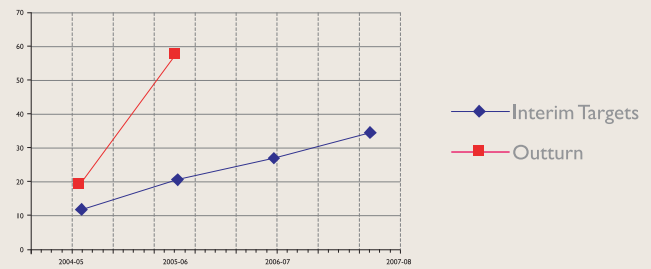
#### On Course.

Baseline (BCS six months to March 2004):	58%
Target (BCS 2007-08):	An increase
Annual Outturn (BCS 2004-05):	59%
Latest Outturn (Year to December 2005):	59%

## DELIVERING EFFICIENCIES

SR 2004 set a new efficiency target for the CPS to deliver savings of £34.1 million in 2007-08. To achieve this overall target the CPS has set interim plans of £20.1 million in 2005-06, £26.6 million in 2006-07 and £34.1 million in 2007-08.

The table below shows the efficiency targets per year, along with the discrete year savings made to date for 2004-05 and 2005-06.



Workstream	2004-05		2005-06		2006-07	2007-08	
	CPS Plan	Actual	CPS Plan	Actual <sup>2</sup> *	CPS Plan	SR 2004 Target	Cashable
	£m	£m	£m	£m	£m	£m	£m
Charging Programme	10.0	15.6	15.0	19.2	17.5	20.0	10.0
Productive Time	1.3	2.4	3.8	34.8	6.1	8.1	4.3
Procurement	0.3	2.5	0.5	2.1	1.0	2.5	2.1
Corporate Services	-	-	0.8	1.1	2.0	3.5	1.1
<b>Total</b>	<b>11.6</b>	<b>20.5</b>	<b>20.1</b>	<b>57.2</b>	<b>26.6</b>	<b>34.1</b>	<b>17.5</b>

\* To March 2006

As at the end of 2005-06 the CPS achieved efficiency savings of £57.2m, this represents a positive result with the realised savings significantly higher than originally anticipated. This has primarily come through greater savings being realised through the Productive Time workstream from the COMPASS and Advocacy Programmes.

The targets have, and 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; is measured by success in terms of the improvement in the guilty plea rate, reductions in discontinuance and reductions in the proportion of cases that do not result in a conviction;
- Improvements in productive time, measured through a survey of users of the COMPASS Management Information System and in the deployment of HCAs and DCWs;
- Savings through HQ rationalisation, relocation and corporate services reorganisation, where service levels and process quality have been measured and benchmarked and serve as quality performance measures. These are measured through the number of staff redeployed, overhead cost comparison, and transaction processing costs; and

- Improving procurement practices, which focuses on reducing the costs of goods and services and developing structured specification for goods and services for a range of suppliers whilst ensuring the quality of goods and services is maintained.

The CPS expects productive time efficiencies to account for around 63 per cent of planned savings by 2007-08 with another 28 per cent coming from the charging programme and the remainder through improved efficiency in the provision of corporate services and savings delivered through more effective procurement practices. Cashable savings are being re-invested in charging, COMPASS and the Case Management System, and meeting new workload pressures on frontline staff.

<sup>2</sup>This data is provisional and may be subject to minor revision. The figures quoted here were correct at 28th April 2006.

### Actions taking place to deliver efficiencies

- All 42 CPS Areas are now 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, including reducing the number of Service Centres to deliver services to Areas as efficiently and effectively as possible.
- The COMPASS project successfully passed an Office of Government Commerce-led Gateway Review 5 on benefits realisation. The COMPASS benefits annual report for 2004-05 was published in July 2005.
- HCA pathfinder sites in CPS Hertfordshire and Hampshire and 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. New targets for HCA and DCW deployment for future years have been set in the light of experience to date.
- Procurement initiatives have been implemented with the savings achieved exceeding the 2005-06 target of £0.5m.
- Good progress is already being made with the CPS recording 43 posts relocated out of London and the South East as at the end of 2005-06.

### Plans for delivering efficiencies over the next 6-12 months

- Following the rollout of the Statutory Charging programme to all 42 Areas, final assurance checks and post-implementation reviews will continue.
- The benefits realisation plans and funding for the COMPASS project for 2006-07 will be agreed with Criminal Justice IT (CJIT) and HM Treasury.
- The Service Centre Review project will complete the programme of redeploying 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 will continue to ensure that challenging efficiency delivery targets for procurement are met.



## Performance Measures

## Latest Outturn

**PSA Target 1:**

**Improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.15 million by 2005-06, with an improvement in all CJS 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.

**Increasing the number of offences for which an offender is brought to justice.**

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.

This aspect of the target was modified in SR 2004, superseding the previous target of 1.2 million offences brought to justice in 2005-06.

**Ahead.**

Latest performance on offenders brought to justice is 1.271 million<sup>3</sup> in the year ending December 2005. This is 26.8% above baseline.

Performance must be maintained but we have already achieved our interim 2005-06 target.

**An improvement in all CJS Areas.**

The target will be met if, in each of the 42 Criminal Justice Areas, more offences are brought to justice in 2005-06 than in the baseline year 2001-02.

**On Course.**

For the year ending December 2005, 39 areas were performing at a level ahead of their March 2002 baselines.<sup>4</sup>

**A greater increase in worst performing Areas.**

The target will be met if the average performance improvement achieved by the worst performing Criminal Justice Areas between 2001-02 and 2005-06 is greater than the national average performance improvement for the same period.

**On Course.**

18 areas have been classified as 'worse performing'. For the year ending December 2005, the aggregated performance of these areas was on track to achieve the target.<sup>5</sup>

**A reduction in the proportion of ineffective trials.**

The target will be met if the national level of ineffective trials is reduced from 24% to 17% (March 2006) for Crown Court and from 31% to 23% (March 2006) for magistrates' courts.

**Ahead.**

At January 2006 the proportion of ineffective trials in the Crown Court Centres had reduced from 24% (baseline) to 12.7%, an improvement of 11.3 percentage points. For magistrates' courts the proportion of ineffective trials has reduced from 31% to 21.1% in the quarter ending January 2006, an improvement of 9.9 percentage points.

Current performance is the best to date and the figures are already at the March 2006 target level.

<sup>3,4,5</sup> This data is provisional and is likely to be subject to minor revision. The figures quoted here were correct at 11 April 2006.

## PSA Target 2:

**Improve the level of public confidence in the CJS, including increasing that of ethnic minority communities, and increasing year on year the satisfaction of victims and witnesses, whilst respecting the rights of defendants.**

### Improve the level of public confidence in the CJS.

#### Ahead.

Baseline (BCS 2002-03):	39%
Target (BCS 2005-06):	An increase
Annual Outturn (BCS 2004-05):	43%
Latest Outturn (Year to December 2005):	44%

### - including increasing that of ethnic minority communities.

#### Ahead.

Baseline (BCS 2002-03):	49%
Target (BCS 2005-06):	An increase
Annual Outturn (BCS 2004-05):	56%
Latest Outturn (Year to December 2005):	57%

### - increasing year on year the satisfaction of victims.

#### Slippage.

Baseline (BCS six months to March 2004):	59%
Target (BCS 2005-06):	An increase
Annual Outturn (BCS 2004-05):	58%
Latest Outturn (Year to December 2005):	59%

### - increasing year on year the satisfaction of witnesses.

#### On Course.

Baseline (BCS six months to March 2004):	57%
Target (BCS 2005-06):	An increase
Annual Outturn (BCS 2004-05):	58%
Latest Outturn (Year to December 2005):	59%

### - 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.

## Performance Measures

## Latest Outturn

**PSA Target 3:**

**To increase value for money from the CJS by 3 per cent a year.**

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.

Some CPS-led initiatives have efficiency and value for money benefits for the police and the courts as well as the CPS.

The CPS increased value for money and made efficiency savings for re-investment in frontline prosecution services through:

- The introduction of charging arrangements;
- Improved use of the COMPASS Case Management System;
- Increased use of HCAs and DCWs;
- Reduction in the use of agents in the magistrates' courts;
- The rationalisation of the Service Centres providing transactional support services;
- Improvements to the management of leases on the estate; and
- Improved terms from suppliers as a result of introducing online ordering and procurement.

Reduction in Unsuccessful Outcomes in magistrates' courts and the Crown Court.

**MET.** The proportion of unsuccessful outcomes fell from 21.4% in 2003-04 to 19.6% in 2004-05, and to 17.7% in 2005-06, meeting the annual target of 18%.

Reduction in unsuccessful outcomes for hate crime.

**NOT MET.** The proportion of hate crimes resulting in an unsuccessful outcome fell from 42.1% in 2004-05 to 38% in 2005-06, but fell short of the annual target of reducing these outcomes to 36%.

#### Charging

A reduction in the discontinuance rate for magistrates' courts and Crown Court activity.

**NOT MET.** Magistrates' courts discontinuance was 16.3% in March 2006 compared to 16% in March 2005 and failed to meet the March 2006 target of 13.6%. Crown Court discontinuance reduced from 14.6% in March 2005 to 13.3% in March 2006 close to the 13.1% target.

#### Charging

An increase in the guilty plea rate for magistrates' courts and Crown Court activity.

**NOT MET.** Magistrates' courts guilty plea rate for March 2006 was 68.1% compared to 68.7% in March 2005 close to the 71.2% target. Crown Court guilty plea rate was 65% in March 2006 compared to 65.8% in March 2005 close to the 66.1% target.

#### Charging

A reduction in the attrition rate for magistrates' courts and Crown Court activity.

**MET.** Magistrates' courts attrition was 23.1% in March 2006 compared to 22.6% in March 2005 and a 31% target for March 2007. Crown Court attrition was 23.2% in March 2006 compared to 24% in March 2005 and a 23% March 2007 target.

Assets Recovered under Proceeds of Crime Act (POCA).

**MET.** The CPS secured 3,009 confiscation orders with a value of over £87 million, compared with 1,402 POCA and 666 pre-POCA orders to a total of £61.2million in 2004-05 and exceeding the 2005-06 targets of 2,280 orders to a value of £68 million. The CPS has also obtained 548 restraint orders exceeding the target for 2005-06 of 431 orders.

#### No Witness No Justice

42 Areas having Witness Care Units (WCUs) in place by December 2005.

**MET.** 165 WCUs established across England and Wales by December 2005.

#### COMPASS

Increase in % of cases with a magistrates' court or Crown Court trial having completed a full file review.

**NOT MET.** The national average completion of full file reviews has increased from a baseline of 30% in December 2004 to 36.3% in April 2005 and 46.25% in March 2006, but fell short of the annual target of 60%.

#### COMPASS

Increase in % of cases with a Crown Court trial having an indictment completed.

**MET.** The national average for completion of indictments was consistently above target throughout the year; increasing from a baseline of 85% in December 2004 to 90.3% in April 2005 and 94.9% in March 2006.

Prosecution costs/Admin costs.

**MET.** The CPS managed within budget for 2005-06.

Reduce sickness absence rate.

**NOT MET.** The trend remains downward, with 54% of Areas meeting individual targets and the average number of working day sick per employee now 8.5 days over the calendar year 2005, down from 8.7 in the calendar year 2004 and 9.2 in 2003. This is below the average for the Civil Service as a whole – 9.8 for the calendar year 2005 – but falls short of the target of 8.0 days by March 2006.

### Charging

The Criminal Justice Act 2003 gave the CPS responsibility for the decision to charge in all but minor cases. The SR 2004 settlement required the delivery of Statutory Charging across all 42 Areas by March 2007.

Working in partnership with the Association of Chief Police Officers (ACPO) and local police forces, Statutory Charging arrangements are now in place in all 374 police custody units across England and Wales, with 280 providing some form of face-to-face advice. By 3 April 2006, all 42 Areas had been approved onto the statutory scheme – almost 12 months ahead of the SR 2004 target date.

The charging arrangements are already delivering considerable benefits, with prosecutors working closely with the police to build robust cases for prosecution that are helping to bring more offenders to justice, increase guilty pleas and reduce the number of cases that are discontinued.

On 29 July 2005, Michael Barton, 17, shouted racist abuse at Anthony Walker as he waited at a bus stop with his cousin Marcus Binns and girlfriend Louise Thompson. The three walked away but were ambushed by Barton and his cousin Paul Taylor, 20, in a local park where Anthony was killed.

After fleeing to the continent, Barton and Taylor returned to the UK on 3 August. Colin Davies, Head of Serious Organised Crime Division, CPS Merseyside, was briefed by the police on the interviews with Barton and listened in to police interviews with Taylor. During breaks he was able to give the police advice on areas they should concentrate on. By 2.30am the following morning Colin authorised both defendants be charged with murder and conspiracy to cause grievous bodily harm with intent. Colin worked closely with Anthony's family and the police. He spent considerable time explaining the legal issues and likely outcomes, ensuring that the entire family understood what was happening and why.

On the first full day of trial at Preston Crown Court, sitting in Liverpool, Taylor pleaded guilty to both charges. On 30 November 2005 the jury found Barton guilty of murder. The judge ruled that the case had a racial factor and on 1 December Barton was sentenced to a minimum of 18 years and Taylor a minimum of 23 years in prison. Following the verdict, Colin, caseworker Neil Wright, the QC and the junior walked into the suite set aside for liaison with the family and were applauded by the Walker family. "It was a very moving, touching moment," said Colin "The dignity and courage shown by the Walker family during the trial was amazing."

Colin Davies, CPS Merseyside



Stephanie Brown and her team, Sarah McIlwain and Helen Thorpe, worked closely with the police to secure the early guilty pleas of quadruple killer Mark Hobson. Stephanie was contacted by the police just before midnight on 18 July 2004 after the bodies of twins Claire and Diane Sanderson were discovered in Hobson's flat. On the same day the bodies of a house-bound couple, James and Joan Britton, were found by neighbours in their home 25 miles away. Stephanie and her team worked with the police to scrutinise 10,000 statements and numerous exhibits. She also advised on security for Hobson's court appearances and successfully fought off defence attempts to move the trial to London. In May 2005, at Leeds Crown Court, Hobson was sentenced to life meaning life, a decision upheld by London's Court of Appeal in November 2005. Following their hard work, Stephanie and her team received a Chief Officer's Commendation from North Yorkshire Chief Constable Della Cannings.

### CPS Direct

Area charging arrangements are supported by CPS Direct, an out-of-hours telephone service that allows experienced prosecutors to work from their own homes to provide the police with charging advice through the night and at weekends. By the end of March 2006, the 123 prosecutors working for CPS Direct had dealt with 157,150 out-of-hours calls from police forces and provided 96,108 advices on the charges to be applied.

A CPS Direct Duty Prosecutor helped CPS London make legal history when Farhan Osman was successfully prosecuted for attempted rape without the victim ever being traced. Osman was arrested minutes after the attack, but the victim and witness who had helped the girl had disappeared. CPS Direct Prosecutor

Sophie Judge said: "It was an interesting case to deal with because of the lack of a victim and the fact that I had to rely entirely on the account of the CCTV given over the phone by the officer in the case." Sophie consulted CPS Direct colleagues on duty that night, taking into account their experience and suggestions to assist in making the decision to charge. Her decision was later confirmed by the reviewing lawyer and on 14 June 2005 at Inner London Crown Court, Osman pleaded guilty to attempted rape. On 12 August 2005, at the same court, he was sectioned under Section 37 of the Mental Health Act.

In separate incidents on 21 April 2005, three girls were approached by a man as they walked close to their school. Two of the girls managed to run away, but the third was dragged into the school grounds and subjected to a prolonged violent and sexual assault. Following an anonymous tip-off, police arrested Peter Cunliffe two days later. Cunliffe was already on bail for serious sexual assault and had breached the conditions by running away and staying with his grandmother in the area close to the scene of the offences. Moira MacMillan, seconded from Avon and Somerset to CPS Direct, took the call and worked with the police for several hours providing ongoing legal support to the investigation through a series of telephone calls, e-mails and faxes. Moira advised on a number of evidential issues, including whether identification procedures were necessary and what alternative sources of evidence might place the suspect at the scene should the DNA swabs prove negative. Moira continued to advise until the point of charge, when Cunliffe was charged as a result of this incident with sexual offences and child attempt/abduction. In November 2005, at Preston Crown Court, Cunliffe was sentenced to a total of 15 years' imprisonment.

## Advocacy

As part of becoming a world-class prosecuting service, the CPS is developing its own high quality advocacy in all courts. During 2005-06, HCAs in the two pathfinder projects in Hertfordshire and Hampshire and Isle of Wight, continued to advocate more cases in the Crown Court, with HCAs covering approximately 40% of non-contested and 11% of contested Crown Court hearings.

In the first three quarters of 2004-05, the value of HCA generated counsel fee savings was £1.2 million (ex VAT), equating to 2.1% of the total Crown Court Graduated Fee Scheme (GFS) advocacy value. In 2005-06, the value of generated counsel fee savings was £4.7 million (ex VAT), equating to 6.4% of the total Crown Court GFS advocacy value. The number of trials conducted by HCAs nationally in the first three quarters of 2005-06 has increased from 26 in 2004-05 to 93 in 2005-06.

The DPP issued revised General Instructions to DCWs in relation to magistrates' courts advocacy, which came into force on 2 January 2006. DCWs may now conduct contested bail hearings and pre-trial reviews in magistrates' courts. The new powers were used initially in London and Humberside, the early implementation Areas. Following national rollout of a new training programme, DCWs in all Areas are now able to exercise the full range of powers.

Between August and October 2004, undercover police infiltrated a heroin supply network in Hampshire and made a number of test purchases. Ian Harris, HCA CPS Hampshire and Isle of Wight, was allocated to the case. He gave detailed written advice on the strengths and weaknesses of the evidence and indicated which potential suspects should be arrested for which offences. At the police station Ian gave immediate pre-charge advice when the defendants were arrested. Twelve defendants were charged with offences of supplying and being concerned in the supply of heroin. The next morning Ian appeared in the magistrates' court. One of the defendants pleaded guilty at this stage and was committed for sentence. The remaining 11 defendants were committed to the Crown Court for trial after Ian had prepared the committal papers and drafted the indictments. At subsequent Plea and Case Management Hearings at Portsmouth Crown Court, eight defendants pleaded guilty, with the remaining three pleading guilty on the morning of the trial at which Ian appeared as prosecuting counsel. The defendants were sentenced to terms of up to four years' imprisonment. Every hearing at the Crown Court was prosecuted by a CPS HCA, the majority by Ian.

Christine Hutton, CPS Direct





HCAs Susan Krikler, Margaret Mascarenhas, Shilpa Shah and Martin Yale, CPS Hertfordshire

CPS London lawyer Michael Mulherrins made legal history by becoming the first HCA to act as a junior in an Old Bailey murder trial and was the first in-house advocate to support Treasury Counsel. In November 2005, Elliot White posed as a postman to gain access to the Chelsea home of city banker John Monckton. Damien Hanson, armed with a gun and a knife, together with White, burst into the house, stabbing Mr Monckton and his wife and stealing £4,000 of costume jewellery. During the attack Hanson accidentally stabbed White and police traced the convicted drug dealer from the blood left at the scene. White pleaded guilty to robbery, but claimed he did not know Hanson was armed. All support papers for trial were prepared by Michael. He also handled all the advocacy, approximately seven hearings, leading up to the month-long trial. This included applications to present bad character evidence, which led to the jury hearing about Hanson's four previous convictions. In February 2006, Hanson was sentenced to three life sentences for murdering Mr Monckton, attempting to murder his wife and robbery. White was jailed for 18 years for manslaughter, wounding with intent and robbery.

In September 2005, the Director told the DCW conference in Grantham: "The time has finally come to give you as DCWs, a freer rein; to let you emerge from behind previous restrictions; to take centre-stage as primary providers of skilled, professional advocacy in magistrates' courts – our providers of choice"



Claire Paczko, DCW, CPS Northumbria

### Strengthening Prosecution of Serious, Sensitive & Complex Crime

In preparation for the Serious Organised Crime Agency (SOCA) becoming fully operational on 1 April 2006, the CPS restructured its Casework Directorate into three new divisions to deal with counterterrorism, organised crime and specialised crimes. From September 2005, the Organised Crime Division (OCD) assumed responsibility for all new cases referred to the CPS by the National Crime Squad (NCS), as well as taking on some existing NCS cases being dealt with by CPS Areas. A feature of the new arrangements is very early involvement of prosecutors in NCS operations, to ensure that strong cases can be built for prosecution from the outset of an investigation.

OCD has appointed five high-calibre barristers as Senior Crown Advocates to advise and prosecute cases in the Division, ensuring that in-house advocates are conducting the most serious and complex of CPS cases.

Counter Terrorism Division (CTD) deals with all terrorist-related cases throughout England and Wales. Its Specialist Prosecutors also deal with incitement to racial hatred, crimes against humanity and Official Secrets Act cases. The CTD deals with some of the Service's most high profile and challenging work and has had some significant

successes since its inception. These have included gaining convictions against Zardad for extra-territorial offences of torture and hostage taking, Andrew Rowe for Terrorism Act offences, and Abu Hamza for solicitation to murder and incitement to racial hatred.

The Special Crime Division (SCD) is responsible for prosecuting and assisting the prosecution of a range of the most sensitive, specialised and novel cases within the Service. The Division prosecutes cases where, for operational and/or resourcing reasons, work needs to be undertaken by the Centre rather than in the Areas. This may include the extradition of a defendant, or where a case is made the subject of an appeal to the House of Lords. The profile of cases conducted by the SCD will inevitably change over time, and work is ongoing to consider devolution of work to Areas in order to achieve the correct balance between local responsibility and those cases that ought properly be dealt with from the centre. Examples of cases currently being handled are – the death of Jean Charles de Menezes, the prosecution for Health and Safety offences in relation to the Ladbroke train crash and the prosecution of Nick Griffin.

A complex trail of intelligence and evidence led the NCS from a house in the Netherlands, rented with a false passport, to a yacht in Venezuela. In the Netherlands police seized 200 kilos of amphetamine and 238 kilos of cannabis. But even this paled when, in May 2000, on-board a yacht owned by Edward Jarvis and berthed off the Venezuelan coast, 300 kilos of cocaine was found. The following day a further 293 kilos was seized being delivered to the same yacht. Together the NCS and CPS, led by Specialist Prosecutor Ian Richardson of the OCD, conducted a thorough analysis of all the evidence and intelligence and embarked upon a rigorous case building exercise, including cooperation with various interested agencies in the UK and abroad, detailed liaison with many jurisdictions, and complex arguments on abuse of process and jurisdiction. The result of this was that following his release from prison in late 2004 for other offences, Jarvis was arrested and charged in relation to all the drugs seized. In November 2005, at Preston Crown Court, Jarvis was convicted and sentenced to 28 years in prison in relation to the drugs and Venezuela matters, 12 years concurrent for the drugs offences in Holland and a further two years for passport offences.

Gerry Wareham, Unit Head for OCD in York said: "This case typifies the kind of crime SOCA and the OCD were set up to fight. Global criminals impact on the entire international community and require a cooperative international response from criminal justice agencies. This case shows we are ready to meet that challenge."

In September 2004, police launched an investigation following the rape and sexual assault of a victim in her own home. Peter Raymond Jarvis became the main suspect, but he fled to Spain after police made some preliminary enquiries with him. Initially it was thought he would return to the UK voluntarily, but on 12 June 2005 there was a suggestion that he would move to a country not covered by the European Arrest Warrant, or any other extradition arrangements. The officer in charge contacted Dorset CCP John Revell at his home that evening to ask him to come to the Major Crime Unit in Bournemouth to help. John reviewed all the information and advised there was sufficient evidence to prosecute Jarvis. Shortly before midnight they went to the home of a magistrate so that the Arrest Warrant could be issued. That night John was in continual contact with the police and Rosemary Fernandes, CTD prosecutor. Rosemary prepared the relevant documents for the European Arrest Warrant (a fast track process replacing lengthy extradition procedures in the European Union), which was issued at Bow Street Magistrates Court on the morning of Monday, 13 June. This was immediately sent to Spain, where Jarvis was arrested and returned to the UK. Jarvis was charged with a total of 10 offences including rape, robbery and actual bodily harm. In April 2006, following trial at Bournemouth Crown Court he was convicted of 10 offences and sentenced to concurrent sentences of life for the three rapes, four years for robbery, five years for forcing his victim to engage in sexual activity without consent and 18 months for assault. He received a two-year jail term for blackmail, three years for burglary and one year each for theft and attempted theft.

The UK hosted the Conference to Fight Human Trafficking Across Europe in October 2005. Crown Prosecutor Glynn Rankin, along with a Metropolitan police colleague, spoke at the conference to explain the UK approach to fighting illegal immigration crime. Glynn said: "Recent successful convictions have shown that we can tackle these large, complex investigations which cross national boundaries and bring to justice the evil people who traffic in human misery – no matter where they are from." During 2005 the CPS has dealt with four human trafficking cases leading to 15 people being convicted.



### Conditional Cautioning

Conditional cautions were established by the Criminal Justice Act 2003. In appropriate cases they can be used as a means to divert from court those whose offending is serious enough to warrant prosecution, but who are prepared to admit their offence and agree to undertake rehabilitative or reparative activities as a condition of being cautioned. Unlike the simple caution, the decision whether or not to offer a conditional caution can only be taken by a prosecutor, either as part of the Statutory Charging process or on review of a case charged by the police.

The Conditional Cautioning scheme began to operate in December 2004 on a phased implementation basis. By July 2005 it was operating in selected police divisions in seven force areas in Lancashire, Thames Valley, South Yorkshire, West Mercia, Northumbria, West Midlands and Merseyside (at the North Liverpool Community Justice Centre). Lancashire subsequently expanded the scheme across its whole force area. During the first year of operation, just over 200 conditional cautions were issued.

A preliminary report in November 2005 found that the early implementation stage had been successfully achieved; a fuller report is expected by the end of July 2006. Work is in hand to disseminate the lessons learnt from the best-performing Areas and to embed it in a model informing the national implementation of conditional cautioning, which began on 1 April 2006.

### Diversion

The development of Conditional Cautions is closely allied to the wider proposal to promote greater diversion from court by allowing prosecutors to impose penalties on offenders who admit their offences and agree to accept the prosecutor's offer in lieu of conviction. Proposals by the Solicitor General include allowing prosecutors to impose standardised, discounted penalties such as fines, compensation orders, youth referral orders and conditional discharges as convictions. These proposals are being referred to the CJS Review (21st Century Justice or 'Triple S' – Simple Speedy Summary) being conducted by the DCA for further exploratory work during 2006-07. Further information on the Review is on page 30.

### Pre-trial Interviews

The piloting of pre-trial witness interviews began in CPS Cumbria, Greater Manchester, Lancashire and Merseyside in January 2006. Experienced and specially trained prosecutors now have the opportunity to assess the reliability of, or clarify, a witness's evidence prior to charge or trial. The pilots will run until 30 September 2006 when they will be independently evaluated and a decision will be taken on rollout to the remaining CPS Areas.

### Disclosure

Disclosure is the process through which the prosecution reviews and then provides the defence with unused material which might reasonably be considered capable of undermining the case for the prosecution against the accused, or of assisting the case for the accused. The Disclosure Manual was fully revised, extended in scope, and re-published in April 2005 to reflect the prosecution team approach to the disclosure process, moving through investigations, advice and charge, to prosecution. The Manual also contains guidance to deal with the most sensitive and complex disclosure issues arising in serious, organised and cross-border crime. The CPS has contributed extensively to the development of a Judicial Protocol on disclosure and is currently participating in an inter-departmental review of third party material.

### Sentencing

In October 2005, the Attorney General published new and detailed guidelines on the acceptance of pleas and the prosecutor's role in the sentencing exercise. The guidelines give direction on how prosecutors should meet the objectives of protecting victims' interests and of securing fairness and transparency in the process. It provides detailed guidance and instructions to prosecutors on how to deal with a basis of plea and sentence indications. It also reiterates the previous advice on explaining reasons for prosecution decisions to victims and taking account of their views. The guidelines also provide formal guidance to prosecutors on dealing with assertions in defence mitigation that are derogatory towards the victim.

The Prosecutor's Pledge was published simultaneously with the new sentencing guidelines. The Pledge sets out 10 standards of service that victims can expect from prosecutors, further information on the Pledge is provided on page 24. All prosecutors have been made aware of the guidelines and the Pledge and should have regard to them during sentencing procedure.

### Community Justice

Community justice involves all criminal justice agencies joining with the community to combat the anti-social behaviour and quality of life crime which is an integral element of the Government's 'RESPECT' agenda. The Home Office joined forces with the DCA and the CPS to develop and deliver the first community justice project – the Community Justice Centre, North Liverpool. The Community Justice Court commenced sitting on 9 December 2004 in a specifically-designated courtroom at Liverpool City Magistrates Court. The court moved to the North Liverpool Community Justice Centre in August 2005, housing a courtroom, and a variety of agencies including CPS, police, probation service and youth offending team. The courtroom commenced

operations in September 2005 sitting as a magistrates' and youth court and since February 2006 has exercised its Crown Court jurisdiction to hear cases committed for sentence. The Centre operates a multi-agency problem-solving model which involves both proactive work to tackle problem areas identified within the community, and work with individual offenders post-conviction to identify and address the underlying causes of their offending behaviour. The multi-agency team, which includes representatives of Probation Service, Community Psychiatric Services and the City Housing Office, assists the judge post-conviction to identify appropriate community-based sentences, including undertaking unpaid work or attending counselling.

### **No Witness No Justice**

The NWNJ project is a partnership between the Prime Minister's Office of Public Services Reform, the CPS, ACPO and OCJR. The initiative aims to provide a more customer-focused and responsive service to victims and witnesses and improve their experience of the CJS.

National implementation of NWNJ saw the successful creation of 165 Witness Care Units (WCUs) in England and Wales by December 2005. Cases handled by the WCUs have improved witness attendance rates in both magistrates' courts and the Crown Court from 77.3% to 85% currently. In the most serious cases i.e. those heard in the Crown Court, ineffective and cracked trials due to witness issues have reduced by 41%.

The Units provide a single point of contact from the point at which a charge has been brought until the conclusion of the case. Dedicated witness care officers ensure that the needs of the individual victims and witnesses are identified and met so that they have all the support and information they need to enable them to attend court and give their best evidence.

The NWNJ project will continue to rollout the Witness Management IT System used in WCUs to track the progress of cases and help witness care officers provide a comprehensive service to meet the needs of victims and witnesses.

An 18-year-old woman was the victim of an attempted robbery at a travel agents. While the accused did not escape with any cash, the damage he caused was significant. When Janet, a witness care officer at Surrey WCU, called the victim she realised the young woman was extremely distressed. The young woman was increasingly convinced that she would be the victim of a similar attack at work, eventually finding it difficult not just to do her job, but to leave her house.

Janet put the victim in contact with the local Victim Support and the court Witness Service who were able to provide support and counselling. Janet also contacted the police officer and the CPS caseworker who were handling the case to make them aware of the victim's fears.

The young woman gave a victim personal statement to the police and the court duly applied special measures so that she could give her evidence behind a screen.

The defendant was remanded in custody following the incident, but the victim needed constant reassurance that this was still the case. It was only when a bail application by the defence was refused that the victim really started to believe that the right systems were in place to support her.

At the time of the trial the young woman, although still scared, was determined to give evidence. At Guildford Crown Court the defendant entered a late guilty plea and was sentenced to five years' imprisonment.

At Maidstone WCU, Louise found herself with a very reluctant witness; she came up with an innovative but simple solution to ensure his attendance at court.

The witness admitted to Louise that he was an alcoholic, and that he found it extremely difficult to handle appearances in public. In particular, he was embarrassed that other people would notice that his hands shook as a result of DTs (delirium tremens).

The witness care officer asked if an application could be made to allow the witness to deliver his evidence sitting down. The application was granted, enabling the witness to sit on his hands and avoid any embarrassment caused by his illness.

He phoned after the trial to thank Louise for her help, and the respect that she had shown him.

### Prosecutors' Pledge

On 21 October 2005, the Attorney General introduced a 10-point Prosecutors' Pledge that sets out the level of service that victims can expect to receive from prosecutors. This includes considering the impact of a crime on the victim or their family when making a charging decision, promoting and encouraging two-way communications between a victim and a prosecutor; and after a conviction applying for compensation, restitution or future protection of the victim where appropriate. The Pledge underpins the new Attorney General's Guidelines outlining the important role that prosecutors play in protecting victims' interests at key stages of the criminal justice process, in particular in accepting pleas and at sentencing. (Further information on sentencing is provided on page 22).

Wiltshire CCP Karen Harrold prosecuted the *Daily Express* and *Daily Telegraph* under Section 5 of the Sexual Offences (Amendment) Act 1992 that prohibits publication of material likely to lead to the identification of a victim of a sexual assault. The papers published a picture of the victim entering court before the trial. This enabled RAF colleagues to identify her when they had no prior knowledge of the case. The victim's views were taken on the acceptability of pleas in line with the Prosecutors' Pledge and close contact was maintained throughout the case, even though the victim was serving in the Gulf. Karen prosecuted the case throughout, using the victim's personal statement and explaining how the media coverage had affected the victim's health, working and personal relationships and her potential career. The court awarded the maximum compensation possible of £15,000. After the verdict, the victim told Karen that the trauma of the original trial left her devastated and under huge personal strain, but the positive action taken to address the wrong done to her by the papers really was a light in the dark and she now felt vindicated and 'less of a victim' as a result.

Karen Harrold, CCP Wiltshire



### Victims' Code

The Code of Practice for Victims of Crime (The Victims' Code) was launched in October 2005, as part of the Domestic Violence Crime and Victims Act 2004, and came into full effect on 4 April 2006. The Code sets out the services victims can expect to receive from the CJS, including notifying vulnerable or intimidated victims within one working day and all other victims within five working days if there is insufficient evidence to charge a defendant, and identifying any special measures that may be appropriate. For the first time, the Code gives the right to appeal should victims feel that any of the agencies have not met their obligations as set out in the Code.

### Improving the Service to Vulnerable or Intimidated Witnesses

The CPS continues to work closely with OCJR and other agencies to implement the special measures contained in Part II of the Youth Justice and Criminal Evidence Act 1999. Since October 2005, live links have been available for all vulnerable and intimidated witnesses in both the Crown Court and magistrates' courts. In 2006, the CPS intends to implement video evidence for intimidated witnesses in some categories of crime including rape and serious sexual assault. Six Pathfinder Areas have continued their work on the use of intermediaries for vulnerable witnesses and the evaluation team will report on this in 2006 before deciding on national rollout.

The CPS has also continued its programme of Area events to encourage the use of 'witness profiling' for vulnerable witnesses in partnership with Liverpool City Council. This includes working with Social Services to increase support, including pre-court visits, and identifying possible special measures that a witness may need.

On 20 November 2004 a group of up to 12 men attempted to force their way into the Premonition Nightclub in Birmingham City Centre. Ishfaq Ahmed was shot in the back as he tried to prevent the men entering the club and three others were shot and wounded. Dean Smith, Carl Spencer, Jamal Parchment, Leonard Wilkins, Michael Christie and William Carter were soon arrested and charged with murder. CPS West Midlands lawyers John Davies and Rachel Hammond, caseworker Angela Trotter, and legal trainee Ian Crooks worked on the case and, with the police, ensured that appropriate measures were taken to protect witnesses. The witness stand was completely rebuilt to allow only the judge and jury to see the witnesses, screens were erected to allow witnesses to get to and from the stand without being seen, and when giving evidence their voices were distorted. After a nine-week trial all defendants were convicted of murder and sentenced to a minimum of 30 years before being eligible for parole.

West Midlands CCP David Blundell said, "The CPS and police used techniques learned from the Ashton shooting case to provide support to witnesses in order for them to come forward and give evidence."



Ian Crooks, Angela Trotter, Rachel Hammond and John Davies, CPS West Midlands

## Domestic Violence

The CPS continues to contribute to the Government's strategy to tackle domestic violence. Key elements of the CPS policy on prosecuting cases of domestic violence, which was revised in 2005, included a greater focus on the victim's priorities of safety, support and information and, wherever possible, constructing cases for prosecution on the basis of evidence other than that from the victim.

In June 2005, the CPS completed a two year Domestic Violence Project, with pilots in Caerphilly, Gwent and Croydon. The Project illustrated ways to increase the number of domestic violence incidents reported to police that resulted in a case at court; reduce the number of cases withdrawn or discontinued; increase the number of offenders brought to justice, including through more guilty pleas; and strengthen cases through the use of evidence other than victim statements. Good Practice Guidance from this work was distributed to all CPS Areas in November, for use in developing Area Business Plans for 2006-07.

The CPS Domestic Violence Team is also working with the Home Office and DCA, to establish 25 specialist domestic violence courts across England and Wales from April 2006 with a further 25 courts to start in April 2007. The £2.5 million funding, announced at the end of March 2006, is being utilised to employ independent domestic violence advisors and independent sexual assault advisors to support victims in these courts and develop Sexual Assault Referral Centres (SARCs).

The CPS has linked up with voluntary organisations in a campaign to highlight the problem of violence against women and children, and to warn offenders of the charges they face if they are prosecuted. The campaign targets nine categories of crime including domestic violence, rape and sexual assaults, child abuse and honour crimes. Posters displaying the contact details for voluntary groups such as Refuge and Childline will be displayed in community centres, housing offices, police stations, courts, doctors' surgeries and hospitals across England and Wales and beer mats with the same message will be distributed to pubs and bars. The DPP, Ken Macdonald said, "Violent behaviour towards women and children, in whatever form it takes, is criminal. These crimes have a devastating effect on the victims and their families too. We take them very seriously and we prosecute. Our message to victims is – don't suffer in silence. Not only will we bring offenders to court where there is evidence to do so, but we work closely with the police, courts and voluntary sector to make sure that support and special arrangements are put in place to help vulnerable and intimidated victims during the prosecution process."



"Mandy" was put in contact with the Caerphilly specialist domestic violence court pilot project after suffering years of abuse at the hands of her partner. The police had been called out on numerous occasions, but charges were dropped due to fear of the consequences, or because of pressure put upon her. The situation changed when her partner severely stabbed her.

He was arrested and charged, and this time Mandy was contacted by the multi-agency pilot. The Police Domestic Violence Officer offered Mandy advocacy support from an Independent Domestic Violence Advisor (IDVA). She was given information about court proceedings, giving evidence and kept informed of the progress of the case. Her partner continued to pressurise her to withdraw the complaint, but because of the support she received she felt able to pursue the charges.

Due to her links with the DV team, the continued intimidation by her partner was reported to the police and he then faced further charges of attempting to pervert the course of justice for putting her under pressure to withdraw the complaint.

He was convicted of grievous bodily harm and sentenced to 32 months' imprisonment, but was still contacting Mandy. With the help of the specialist DV pilot team again, action was taken to ensure no further contact was made by the offender; including barring his phone calls to her from prison and liaising with the Home Probation Officer with regard to his release conditions. Mandy is now starting to rebuild her life, her confidence is growing, she has found a job, and is looking forward to the future.

### Hate Crime

The Attorney General and the DPP launched the CPS Policy on Prosecuting Racist & Religious Crime in July 2003. In 2005-06, the CPS reviewed its performance in the prosecution of hate crimes including racist and religious crimes. From April 2005 to March 2006 there has been a 41% increase in recorded hate crime cases compared with 2004-05, with domestic violence accounting for 84% of these cases. From April 2005 targets were introduced to reduce unsuccessful outcomes in hate crimes, with specific reference to domestic violence. From April 2005 to March 2006, hate crime successful outcomes increased from 57.9% to 62%, while domestic violence successful outcomes increased from 55% to 59.7%.

On 21 August 2005 Ashed Mahmood, who was on crutches following a road accident, and wearing traditional clothing, was leaving Maidstone town centre when Richard Wallace hit him on the head with a glass. Wallace accosted Mr Mahmood and accused him of saying something about the people he was with. A witness then heard Wallace shout religious abuse. Reviewing lawyer Jane Scotchmer consulted Area Racist and Religiously Aggravated Crime Specialist Keith Yardy, and referred the case to the DPP. The CPS prosecuted on the basis that the crime was religiously aggravated and would not accept a plea to assault. On 14 November 2005 at Maidstone Crown Court, Richard Wallace admitted wounding Mr Mahmood with intent to cause him grievous bodily harm. On 12 December 2005 Wallace was sentenced to four and a half years in jail, three years for the offence and 18 months uplift for the religious/racial element.

In the 2005 Justice Awards, CPS Humberside Crown Prosecutor Paula Craven was highly commended in the category 'Outstanding achievement in caring for victims & witnesses.' Paula is personally committed to encouraging more victims to give evidence, and has instigated several projects to help prevent retractions and secure more convictions. As a result of her work, CPS Humberside had a 70% conviction rate in domestic violence cases.



**Community Engagement**

The CPS Community Engagement Strategy was agreed in May 2005. The Strategy sets out the high level policy commitments on equality and diversity, the broad outcomes the CPS is seeking to achieve, and the high level actions and areas for future focus to achieve the commitments. To develop the Strategy, the CPS has launched three community engagement pilots to look at different ways of engaging with the wide range of communities. The West Yorkshire pilot is building community engagement into the day-to-day business, focusing on two geographic areas (rural and urban), by providing communities with information about hate crime and a business plan that takes the communities' views into account. Thames Valley is looking at innovative ways of engaging local citizens and the business community, in a city centre, a town and a medium sized village, to improve the response to anti-social behaviour at a multi-agency level. Durham is exploring ways of building the confidence of local communities, particularly those affected by hate crime, to encourage more people to come forward and remain involved in cases. These pilots will help inform good practice guidance to be issued in 2006-07.

The CPS has introduced an initiative to increase engagement with Muslim communities through a series of meetings in eight Areas in England and Wales during 2006. The first meeting took place in London in February and was followed by meetings in Birmingham, Cardiff and Batley (West Yorkshire). Each of these 'Listening, Reassurance and Information' evenings consisted of presentations from CPS prosecutors dealing with counterterrorism, incitement to racial hatred, and racially and religiously-aggravated crime, and concluded with a discussion on the issues raised.

The CPS won the individual prize for outstanding contribution to engaging communities for the second year running at the 2005 Justice Awards. CPS Avon and Somerset Senior Crown Prosecutor Saf Ibrahim, won the award for being instrumental in the recruitment of black and minority ethnic people into the public service. Thanks to his efforts, more than 10% of CPS Avon & Somerset's staff are from ethnic minority communities.

Saf Ibrahim, CPS Avon and Somerset



In November 2005, Criminal Justice Unit manager Philippa Woodridge won an award from the Education and Business Partnership (EBP) for the commitment she has shown in helping students prepare for the world of work. David Owen, Chair of EBP stated, "...this award recognises your contribution to education business links within the county and the difference it has made to the young people you have reached." After receiving the award Philippa said, "I am thrilled to receive this award. Working with students has been a regular community engagement activity for CPS Gloucestershire over the past year and I look forward to further developing the links I have made with the schools and colleges."

Philippa Woodridge, CPS Gloucestershire



**Tackling Anti-Social Behaviour**

During 2005-06, the Anti-Social Behaviour (ASB) Project continued to build on work carried out by the Specialist Prosecutors in 14 CPS Areas. All Areas have negotiated, or are in the process of negotiating, protocols with partner agencies, and have carried out training for staff and for colleagues in partner agencies. Action plans on how an Area intends to implement ASB policy are in place in the majority of Areas, with the remainder to be completed in 2006-07.

In 2005 HM Crown Prosecution Service Inspectorate (HMCPIS) produced a report on how the CPS was handling ASB and social impact crime. In response to the seven recommendations in the review, the CPS is implementing an action plan which includes appointing an ASB co-ordinator in all Areas and developing an ASB Strategy document to provide good practice and lessons learnt by ASB Specialists.

At an ASB co-ordinators meeting the Attorney General said, "I want the CPS prosecutors to be seen by communities as their champion in dealing with the unacceptable behaviours of a relatively small number of people which can make other people's life a misery." The role of ASB co-ordinators was "not only to be good lawyers they must also listen to local concerns, be innovative problem solvers, and network builders – forming and being part of networks within their communities."

Attorney General Lord Goldsmith, Peter Lewis, Director Business Development, and Sarah Johnston, ASB project leader



CPS Gwent's exemplary working relationship with the Area's Community Safety Partnership (CSP) has led to an 80% success rate in post-conviction anti-social behaviour order (ASBO) applications. The CSP are made up of representatives from the police, probation service, youth offender team, local authority legal department and the community safety/ASB division. Siobhan Blake, ASB co-ordinator, along with Specialist Prosecutors David Wooler and Claire Burton work together to identify cases at an early stage and share information. The local community praised the CSP for its efforts, where ASBOs issued have meant residents in the Hillside estate in Abergavenny no longer suffer harassment from local offenders.

Madhu Rai, CCP Gwent, with Gwent ASBO team Siobhan Blake, Claire Burton and David Wooler



### Recovering Proceeds of Crime

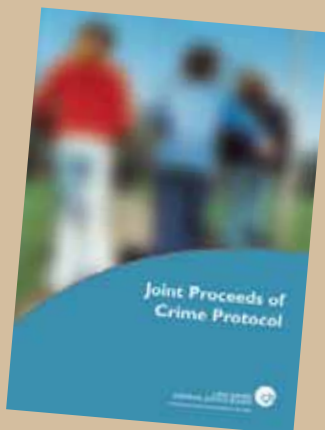
From April 2005 to March 2006, the CPS secured 3,009 confiscation orders to a value of over £87 million, exceeding the 2005-06 targets of 2,280 orders to a value of £68 million. The CPS has also obtained 548 restraint orders, which exceeds the target for 2005-06 of 431 orders.

The CPS/Enforcement Task Force continues to recover monies in respect of confiscation orders and compensation orders on behalf of victims.

The Regional Asset Recovery Teams (RARTs) have contributed by assisting in obtaining larger value Confiscation Orders and in other areas of asset recovery work such as co-ordinating local training and disseminating best practice.

In January 2004 Ayub Khansia was arrested and charged with possession of a class 'A' drug (1.5kg of heroin) with intent to supply. He pleaded guilty and was sentenced to seven and a half years' imprisonment. Following his conviction, an investigation was launched into Khansia's financial situation with a view to starting confiscation proceedings. He had few assets in his own name but had put the majority of assets in the name of other family members. The enquiry led to the arrest and charge of four members of his family, all of whom pleaded guilty to money laundering in July 2005. In December 2005, following a confiscation hearing at Preston Crown Court, a confiscation order of over £2 million was made against Ayub Khansia, with the remaining family members receiving confiscation orders totalling almost £530,000.

Kendal Lindley, CPS Lancashire Special Casework Lawyer said: "This is a fantastic example of what can be achieved by the successful cooperation between all agencies including CPS Lancashire, Lancashire Constabulary, HM Revenue and Customs and civilian analysts. The RART was specifically set up to target criminals who have substantial assets from acquisitive crime or drug dealing. The ultimate beneficiaries in all this are the local community as a large percentage of the money which is recovered will be used by all the agencies to fight crime and reduce the fear of crime. It's payback time for criminals."



### Joined-up IT

Working in collaboration with the police and CJIT, the CPS has successfully piloted the electronic transfer of case information between police and CPS IT systems. The CJS Exchange facility, created by CJIT, has enabled immediate electronic information sharing between the CPS and partner agencies. The initial pilot between the CPS Case Management System and police IT system (NSPIS) in Humberside was successfully concluded in 2005 and the exchange is now live in Avon and Somerset. These interfaces will continue to rollout throughout 2006-07. By using the interface, the burden of inputting the same data into both police and CPS systems has been substantially reduced.

During 2005, two new releases of the Case Management System were implemented to support legislative change and enhance data. This information is increasingly being exploited throughout the organisation and across the CJS, using the Management Information System (MIS) to interrogate and extract data that supports strategic planning and performance enhancements. In addition, the information contained within the MIS is being used across the CJS at both national and local criminal justice levels, by automatically feeding into the Criminal Justice MIS which was introduced in Spring 2006.

The CPS is also developing a system to support the Effective Trial Management Programme through improved case progression. This development will ensure we have a national approach to ensuring judicial instructions are complied with speedily and effectively.

### Electronic Information at Court

The CPS has also worked closely with the DCA and has completed the rollout of the Exchange of Hearing Information By Internet Technology (XHIBIT) which provides up-to-date listing and results information for the CPS and for victims and witnesses at Crown Courts. The CPS continues to work with other prosecuting authorities and with colleagues in the DCA to explore opportunities for making wider use of electronic tools such as electronic presentation of evidence.

### Prolific and Priority Offenders

The CPS has continued to work closely at a national and local level during 2005-06 with Crime and Disorder Reduction Partnerships and Community Safety Groups on the three-strand Prolific and Priority Offender (PPO) Programme. Working predominantly with police partners the CPS has focused on the 'Catch and Convict' strand, providing a premium service in terms of the preparation and presentation of cases involving offenders alleged to represent a significant threat to the wellbeing of the local community.



CJS performance is monitored through J-Track, an IT system used to track and monitor PPOs. A J-Track London User Group has been set up to raise awareness within CPS London of this part of the PPO process and best practice from this group will be promulgated to other Areas.

### **Drug Intervention Programme**

The Drug Intervention Programme (DIP) involves the CPS, criminal justice agencies and the National Treatment Agency working with other service providers to offer a way out for offenders regularly committing crime to fund their drug habit. CPS performance is measured by comparing Home Office figures for the number of drug tests carried out, to the number of DIP cases that have been identified. CPS compliance has risen from 46% in April 2005 to 70% in April 2006. To improve performance further the CPS Priority Offenders Delivery Unit has held four DIP seminars and visited five CPS Areas to look at local systems, discuss issues, and disseminate best practice.

In March 2006, 'Testing on Arrest' and 'Restriction on Bail' provisions came into force to encourage earlier and better levels of drug intervention. Under 'Testing on Arrest' offenders are being tested at arrest instead of at charge, allowing the initial drug assessment to be completed in the police station and increasing the chances of meaningful drug rehabilitation. 'Restriction on Bail' applies across England and makes drug treatment a condition of bail where someone has tested positive for drugs. In preparation for the launch of these two important initiatives the CPS has held three national seminars for staff with invited speakers representing the Home Office, Government Office for London and Metropolitan Police.

### **Criminal Case Management**

The CPS has been working with the OCJR, other CJS agencies, the senior judiciary and representatives from the defence in the production of the next edition of the Criminal Case Management Framework (CCMF) for hearings involving adults. The CCMF articulates the roles and responsibilities of the agencies in bringing offenders to justice by helping to improve case preparation and progression from charge to finalisation. The CCMF is being implemented through the Effective Trial Management Programme and was introduced in all 42 Areas by March 2006 as part of the overall strategy to reduce the number of ineffective trials in the Crown Court and in magistrates' courts.

Work is currently underway to produce a CCMF for Youth cases. The CPS has once again worked as part of the multi-agency Case Management Team within OCJR to assist in the production of the YCCMF by the summer of 2006.

### **Improving the Management of Prosecution Costs**

The CPS works closely with the DCA on a shared strategy for defence and prosecution costs, to ensure that both parts of government are joined-up in their approach to dealing with the management of criminal cases.

A key focus of CPS activity in 2005-06 has been to improve the management of Very High Cost Cases. There are a small number of such cases but they can have a significant impact on expenditure of prosecution costs. In July 2005, the CPS introduced a new way of procuring the services of barristers in very high cost cases through new arrangements initially in West Yorkshire, Greater Manchester and the three HQ Casework Divisions. The new arrangements achieve greater certainty around the fees payable for cases that are due to last eight weeks or more, by identification of a fixed hourly rate at the beginning of a case, and planning and managing the work of counsel in 8-12 week stages. The Very High Cost Cases Scheme will be rolled out across the remaining CPS Areas from July 2006.

The CPS also introduced Case Management Panels during 2005 to oversee the strategies being applied in the prosecution of these very high cost cases likely to take more than eight weeks at trial. Case Management Panels in respect of the most serious and complex cases are chaired by the DPP, whilst others are chaired by CCPs or Heads of Casework Divisions. The process enables the Director, and CCPs, to provide personal assurance to the Attorney, and the wider CJS community, that appropriate consideration has been given to all pertinent issues surrounding the launch of any substantial prosecution case due to last eight weeks or more at trial, and that the case is kept under regular review.

### **Simple, Speedy, Summary Justice**

The cross CJS review to speed up and simplify the administration of cases in magistrates' courts will look at processes throughout the CJS to ensure that they are efficient, effective and proportionate. The CPS will be contributing significantly to this work as well as reviewing its own internal processes and structures informed by the recent review work of Lord Justice Thomas.

The aim is to ensure that the administration and organisation of the CPS can effectively and efficiently service a simpler, speedier process. The Service will be improving joint working with other criminal justice agencies by providing a more streamlined way of dealing with magistrates' court cases. The CPS will develop a standard efficient model of its administration to provide proper oversight of cases and develop effective procedures to identify urgent and high risk cases.

**Prosecution Team Performance Management**

The CPS is working closely with ACPO and individual police forces to complete the implementation of a joint performance management system that will enable the police and CPS to monitor and improve management in cases that are brought for prosecution. Building on the existing CPS Case Management System, the Prosecution Team Performance Management (PTPM) arrangements provide detailed data at police Basic Command Unit level to monitor performance of cases handled both at the pre-charge and post-charge stage. PTPM has been implemented in all 42 Areas with 50% of post-implementation reviews completed.

Jim Fox, PTPM project manager



**Recruiting & Developing Our People**

The CPS continues to improve its recruitment procedures whilst reducing costs. The introduction of the National Recruitment Centre in Liverpool provides both managers and their prospective employees with a streamlined service that includes advice from a recruitment professional and an increasing number of vacancies available online. The overall time taken to recruit staff has now reduced to seven weeks.

The recruitment initiatives are supported by an induction process, part of which is online through the virtual Prosecution College which provides a range of online modules direct to every employee's desk. The varied and constantly changing nature of the work means that other management development and legal training continue to have been developed throughout the year for delivery using a variety of mechanisms including e-learning, classroom environment, master classes and conferences. Particular support has been given to the charging programme and delivery of training as part of the NWNJ rollout.

Chris Long, CPS West Yorkshire prosecutor, beat tough competition from the private sector to win the 'Young Achiever' award at the prestigious 2005 Yorkshire Lawyers Awards event. Chris qualified as a lawyer in 1999 and practised probate, property and commercial law. He joined the CPS in January 2003 with no previous public service or criminal law experience, but has quickly become one of the Area's top prosecutors. On winning the award Chris said: "I really couldn't believe it, the CPS has given me a great opportunity and I've received some incredible support from colleagues. I work in a great team of people who are all committed to achieving the same goal." West Yorkshire CCP, Neil Franklin said: "I'm absolutely delighted. We are all proud of his achievement, which reflects the excellent work going on across the Area and the commitment of all our staff."

Chris Long, CPS West Yorkshire



In November 2005, Nazir Afzal, Director of CPS London West Sector, was named Legal Personality of the Year by the Society of Asian Lawyers, which represents approximately 15,000 professionals. Guy Mansfield QC and Chairman of the Bar Council said Nazir was a 'role model' for lawyers entering the profession. On receiving the award Nazir commented: "I believe this prestigious award recognises the great strides the CPS has made in building its reputation as a world-class prosecuting authority, with its commitment to substantially improving its reputation with practitioners and public alike."

### Legal Trainees/Legal Scholarships

Since the Law Scholarship Scheme began in 2003, 549 staff have benefited, or continue to benefit, from the opportunities provided, including 51 scholars who have qualified as solicitors or barristers. This achievement was recognised in November 2005 when the CPS won the Personnel Today award for Excellence in Training – with the Law Scholarship Scheme and Legal Trainee Scheme both forming part of this joint award.

In 2005-06 there were 331 scholars, including 45 legal trainees. Also this year a national campaign to attract external applicants for the Legal Trainee Scheme was undertaken. Over 2,000 applications were received for 25 posts.

Mark Marriott, CPS South Yorkshire, has been with the CPS for 20 years with the goal of becoming a Crown Prosecutor. Mark began in 1986 studying for the Institute of Legal Executive Exams. When the Law Scholarship Scheme was announced he gained funding for his law degree and professional skills course. Mark completed his final exams and passed the interview board to become a Crown Prosecutor in late 2005. He took up post in April 2006.

Mark Marriott, CPS South Yorkshire



Patricia Ashford of CPS South Wales has been studying law and management through the Law Scholarship Scheme for the last three years. Her hard work was recognised when she was presented with the Most Promising Student for 2005 award at the *Western Mail* Welsh Law Awards 2005. Patricia said: "it was a shock to even be nominated, so winning the award was fantastic." Patricia hopes to complete her legal qualifications in 2006.

Patricia Ashford, CPS South Wales



### Leadership and Development

The Leadership and Management Development Programme 'Transform' has continued to provide development opportunities for managers at all levels. Unit Heads (who manage teams of prosecutors, caseworkers, and administration staff in Areas) have participated in a comprehensive leadership development programme, and executive coaching has been undertaken by a cadre of senior managers.

Working with the NWNJ project, all witness care managers have completed tailored management training and a number of bespoke development programmes have been delivered for individual management teams.

### Representative Workforce

The CPS Annual Equalities in Employment Report 2004-05 was published in January 2006. The report shows a significant increase in the number of senior women employees and the numbers of Black and Minority Ethnic legal trainees in the past year. The number of female CPS employees at Senior Civil Service level has increased to 33.3%, with female CCPs increasing to 24.5%. In April 2005, Black and Minority Ethnic employees made up 14.8% of all CPS employees, exceeding the Civil Service average of 8.1%.

### Staff Survey

The results from the Staff Survey 'YourVoice 2006' were published in June 2006. The survey highlighted improvements on the 2004 Survey including: a 14% increase in the number of staff who feel they are treated with fairness and respect, a 13% improvement in the belief that the CPS worked well with other parts of the CJS, and a further 6% improvement in the belief that the CPS is offering a good service. There was also a marked improvement in perceptions of Health and Safety management within the organisation. Overall the survey findings were very positive, but there are areas for improvement particularly in the area of performance management, and ensuring all staff feel valued and have opportunities to develop within the Service. Workshops are being arranged across the country to help Areas and HQ Directorate managers to understand their specific results, and to begin planning activities to address areas for improvement. HR will continue to work with the business over the coming months in taking these actions forward and facilitating the spread of good practise.

### Deliver a Pay and Workforce Strategy

The Pay and Workforce Strategy, >invest< is a new way of rewarding the work of CPS people. The programme will help the CPS develop an effective framework of policies, pay and reward systems to bring a new focus to all roles and responsibilities and support change in the organisation. >invest< will reflect current and future business demands, including charging and advocacy and for the first time will set out a clear career path for all staff.

The programme is also developing a simplified pay system that is transparent, fair and flexible. The aim is to create a total reward and benefit package which will recognise and reward high performance within the organisation. The CPS is also introducing an appraisal system that is easy to understand and makes clear what skills are required to deliver our objectives and straightforward guidance for managing performance.

Consultation has taken place throughout the CPS, taking into account the views of staff through workshops on job roles, and identifying the skills needed. The first elements of the programme were introduced in April 2006 and will continue to rollout throughout 2006-07.



### Review Counselling and Welfare Services

During 2004 the CPS reviewed its counselling and support services and concluded that the in-house provision of services no longer met the demand of the organisation. From 1 July 2005 the CPS Counselling and Support Service was outsourced to Care First, which provides an independent and professional counselling, information and advice service. The new service not only provides support to CPS staff but also to their partners and dependants. The service provided by Care First is totally confidential and free of charge. The service is available 24 hours a day, 7 days a week and provides telephone advice, face-to-face counselling, management support plus workshops and training. Care First also has a separate contract, quite distinct from the counselling service, to provide a Professional Support service to all operational delivery staff. This service is designed to support staff to deal with issues involving serious casework or working directly with victims, and involves a regular debriefing session facilitated by a Care First counsellor.

### Restructuring

The programme to restructure and professionalise HR Directorate was completed in 2005. HR Business Partners were introduced to improve performance management, provide strong, professional advice to frontline managers and develop effective HR policies in support of the Service's reform programme.

Following a review of the way it provides support services to Areas and HQ, CPS has rationalised its 10 Service Centres into five specialist Business Centres for the provision of Pay, Recruitment, HR Advice, Finance, and Facilities Management. The migration of this work was completed in August 2005, and the next year will be spent implementing revised processes and retraining staff to improve efficiency and customer service. The Service Centre rationalisation is allowing CPS to relocate around 30 posts from the South East and meet commitments in the Lyons Review.

In January 2005 an implementation plan was put in place for Policy Directorate to become more pro-active and outward looking, with the introduction of Account Managers responsible for influencing criminal justice legislation and reform in the Home Office and the DCA. The Business Information Systems Directorate has also streamlined its management team and increased its capability to provide information and communications technology support to the prosecution process; and to work with CJIT, the police and courts to join up CJS IT systems.

### Police Reform

The CPS is facing a challenging time in the months ahead as it awaits the Government's final set of decisions on the restructuring of the Police Service. To ensure it retains the benefits that have been derived from working in an aligned structure, the CPS plans to restructure CPS Areas to follow the same geographical boundaries as the new strategic police forces. The CPS aims to move quickly during 2006-07 to end the uncertainty for staff and to create the new CPS Areas as soon as there is a definitive picture of the number and structure of new police force Areas. It is currently intended to bring those new CPS Areas into being in 2007-08.

The CPS also intends to create Casework Units dedicated to serious crime cases in Areas to mirror the Protective Service Units which are likely to be created in each of the new police forces. In this way, the CPS will ensure that it provides legal advice of the highest calibre at all stages of investigations into serious crime and bring the strongest possible prosecution case to court.

### Centre of Excellence

The CPS Project and Programme Management Centre of Excellence (COE) promotes and shares programme and project management knowledge and techniques, spreads understanding of proven methods for successful change management, and helps develop appropriate programme and project management training.

During 2005 the COE, working collaboratively with staff across HQ Directorates, developed a report that provided an overview of the strategic change portfolio for the Delivery and Change Committee; trained staff in project management techniques; designed an e-learning module for project management; managed the Office of Government Commerce Gateway process for CPS projects; and started a programme of health checks for CPS change programmes and projects, including NWNJ, Witness Management System, and the Personnel Information Management System replacement project.

### Improving Governance

The CPS is governed by a Board that comprises the DPP, Chief Executive, HQ Directors and a number of CCPs and an ABM. A degree of external challenge is provided by the Chief Executive of the OCJR and three Non-Executive Directors. Further information on governance is located in the Resource Accounts on pages 40-44.



Cabinet Secretary Gus O'Donnell with the DPP, Richard Foster, and HQ Directors

### Maximising Attendance

In April 2004, the Maximising Attendance Project was launched with the aim of improving absence management in the CPS. The Project is focusing on the following five main areas of activity over two years:

- Improving management information;
- Establishing realistic but challenging targets for the reduction of sickness absence;
- Reviewing and updating the current policies on sickness absence;
- Providing guidance for managers and individuals on sickness absence management roles and responsibilities with training where appropriate; and
- Developing solutions to tackle longer-term absences.

The CPS continues to provide local managers with quarterly feedback on absence trends, together with support from HR professionals who have been successful in reducing the number of long-term absences. A review of absence policy and processes has resulted in more clarity and the development of a toolkit for managers.

Work is currently underway to better understand the impact of absence on running costs and so far the CPS has reduced the administrative costs of supporting long-term absences by about £400,000 in 2005. The CPS average absence per person for the period 1 January – 31 December 2005 was 8.5 days.

### COMPASS

The COMPASS Programme is a Private Finance Initiative (PFI) between the CPS and LogicaCMG and gives CPS prosecutors, caseworkers and administrators the technology they need to deliver a constantly improving, modern and efficient service to the public.

The COMPASS infrastructure has grown from supporting staff in less than 100 sites in 2001, to supporting staff working in 680 sites, with the added dimension of 1,000 staff having access to CPS systems from anywhere in the United Kingdom via a telephone line. The number of users, including police staff, has grown by 31% to 8,900; and court links have increased by 300% to 200. Over 100 CPS Direct staff now have IT links to work from home and provide a 24/7 advice service to the police.

Since the implementation of the Case Management System in 2003, approximately 4 million cases have been registered on the system, allowing information to be input and retrieved quickly, in support of effective decision making.

### Improved Procurement

In 2005-06 CPS has continued to develop eProcurement to deliver efficiency savings. All requirements over £50,000 were tendered electronically, reducing the cost of conducting the tender process for both the department and suppliers. Online ordering solutions are now available for stationery, printing, hotel accommodation and rail bookings. The CPS has also successfully used framework contracts arranged by other government departments for its requirements in respect of stationery, reprographics, hotel accommodation and conference bookings, temporary staff, professional services, furniture and information network services.

The CPS awarded a significant contract for the provision of telephony services during the year. The new technology available through this contract will provide the opportunity to achieve cost savings and enable the department to consider new and innovative ways of working for staff, including remote working.

The new contract for information network services will provide the CPS with a strategic information management capability enabling the Service to improve the way it stores, manages and disseminates information, both internally and externally to the public and other members of the criminal justice community. The system, Infonet, will also bring improved ability, through electronic document management, for the CPS to meet Freedom of Information and Data Protection Act access requests.



James Carter and Gordon Cranford, Procurement and Commercial Services

### Sustainable Development

The CPS approach to sustainable development is to:

- Integrate sustainable development into decision making;
- Raise awareness of sustainable development; and
- Improve the performance of the estate.

The Sustainable Development in Government Report identified a number of areas for improvement across government. To address issues raised, the CPS, along with the other Law Officers' Departments, has agreed the Law Officers' Departments Sustainable Development Action plan. The plan will raise awareness of sustainable development issues and includes work to conserve energy, minimise waste and ensure buildings are operated to improve environmental performance.

In 2004-05, 49.8% of electricity purchased directly by the CPS was from renewable sources and consumption of fossil fuels reduced by 12% compared to 2000-01. The majority of the CPS uses recycled paper.

The Central Property Unit and Procurement and Commercial Services continue to work jointly to ensure that appropriate aspects of sustainable development are included in criteria when evaluating suppliers for the provision of goods and services. Suppliers are actively encouraged to put forward innovative solutions that address sustainable development.

### Social and Community Issues

The CPS is also committed to addressing social and community issues and is involved with numerous initiatives that the Service has initiated, or are partners in. These include:

- No Witness No Justice;
- Domestic Violence;
- Hate Crime;
- The Community Engagement Strategy;
- Tackling Anti-Social Behaviour;
- Prolific and Priority Offenders;
- Drug Intervention Programme; and
- Criminal Justice Boards.

Further details on each of these initiatives can be found earlier in this report.

### Communications

The key roles of the Communication Division (CD) are: to explain the work of the CPS, thereby helping to improve public confidence in the CJS; to engender a sense of shared purpose among staff, working towards the attainment of the Vision for the CPS; and to assist the flow of information across the Service. It also provides support for communication managers in the CPS Areas. To achieve this the CPS issues and updates leaflets throughout the year on topics such as 'householders and the use of force against intruders,' and the CPS schools video, *Just Deserts*, is now included in the National Curriculum Citizenship Module.

Following an independent review of CPS communications, the CPS is implementing a programme of strategic communication work. This programme is designed to help improve CPS performance and to increase awareness of the work the CPS is delivering for the public.

The CPS Communications team took part in a day-long course to help their working relationship with team member Michael Singh, who is profoundly deaf. All found the course useful, Doreen Porter, Head of Publicity said: "It removed many of the barriers to communicating with someone who is deaf. It also put into perspective a few misunderstandings we had about how to communicate with deaf people." Following the course Michael said: "I can now communicate with them via signing and fingerspelling, and now that they have the basics, I will teach them more."



### Freedom of Information

The Freedom of Information Act 2000 (FOIA) came into full force on 1 January 2005. The Act gives a right of access to anyone to recorded information held by public authorities. During 2005, the CPS received and responded to 378 requests and 29 internal reviews in relation to FOIA, and 69 Data Protection subject access requests. The CPS continues to work towards our legal obligations under the Acts and promote an open and honest culture across the Service.





## Management Commentary

### Introduction

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

### Spending Review 2004

The Government spending plans for the CPS for the three years from 2005-06 to 2007-08, which were announced in July 2004 as part of the 2004 Spending Review represent an average increase in real terms of 3 per cent a year. From 2005-06 onwards, HM Treasury has agreed to switch front line costs, previously classified as administration costs, into programme costs.

The new spending plans require the CPS to:

- Deliver more challenging Public Service Agreement (PSA) targets;
- Complete the rollout of full statutory charging across England and Wales by March 2007;
- Improve the handling of victims and witnesses, promote their needs, ensure that victims' views are represented and enable both victims and witnesses to give evidence effectively; and
- Deliver significant efficiency savings that amount to £34 million in 2007-08. Further details can be found within the body of the Annual Report under the heading: CRIMINAL JUSTICE SYSTEM PERFORMANCE.

### Departmental Report

The CPS Departmental Report is presented to Parliament as part of the Law Officers' Departments Departmental Report. The report for 2005-06 was published in May 2006.

The coverage of the report includes the following main elements:

- Progress on delivering public services, including departmental objectives, PSA targets and modernising government;
- Recent developments in the CPS, including reorganisation and other new legislative and working practice initiatives;
- An analysis of expenditure over the previous five years and the expenditure plans for the next three years; and
- CPS performance and achievements.

## a) Operating Review

### (i) CPS Business Strategy for 2005-08

The CPS Business Strategy for 2005-08 focuses on how to deliver the PSA targets which represent the Government's key objectives in criminal justice, and the basis on which funding for the Service is provided.

The CPS Vision to become a world class prosecution service and supporting business strategy have been developed with regard to a number of business drivers and changes across the CJS and to wider Civil Service reforms.

The Business Strategy sets out a challenging reform agenda for the CPS over the three years to 2008. The changes set out in the Strategy are part of the wider reform of the CJS and are essential if the CPS is to play its full part in a more efficient and effective CJS and become more accountable to local communities.

The planned changes, which are described in detail in the body of the Annual Report, will mean a more confident, strong and independent CPS that is better equipped to bring more offenders to justice and to prevent offenders profiting from their criminality. It will mean that people will have more confidence and trust in the CPS and in the CJS as a whole.

### (ii) Future Factors

#### CSR2007

The Government has commenced a Comprehensive Spending Review 2007 (CSR2007) which will determine spending plans and performance targets for all departments for financial years 2008-09 to 2010-11. CSR2007 will deliver a long term and fundamental review of government expenditure and new Departmental Expenditure Limits are expected to be announced in summer 2007.

To lay the groundwork for the CSR, the Government is taking forward a programme of work involving:

- An examination of the key long-term trends and challenges that will shape the next decade – including demographic and socio-economic change, globalisation, climate and environmental change, global uncertainty and technological change;

- A national debate to build a shared understanding of how the UK and public services need to respond to these challenges;
- Detailed studies of key areas where cross-cutting, innovative policy responses are required to meet these long-term challenges;
- An ambitious and far-reaching value-for-money programme to release the resources needed to address the challenges, involving both further development of the efficiency areas developed in the Gershon review, and a set of zero-based reviews of departments' baseline expenditure to assess its effectiveness in delivering the Government's long-term objectives; and
- A more strategic approach to asset management and investment decisions, ensuring the UK is equipped with the infrastructure needed to support both public service delivery and the productivity and flexibility of the wider economy.

### (iii) Summary of Performance

The CPS has made substantial progress in its reform programme in 2005-06 and in working to achieve the SR2004 PSA targets. Full details of performance and achievements during the year and comparisons with achievements in previous years can be found in the Annual Report under the heading: CRIMINAL JUSTICE SYSTEM PERFORMANCE.

The CPS's Business Strategy for 2005-08 together with the CPS Business Plan for 2006-07 focus on how the PSA targets will be delivered and are available on the CPS website: [www.cps.gov.uk](http://www.cps.gov.uk).

### (iv) Sustainability

#### Environmental Matters

The key CPS objectives to incorporate sustainable development are discussed in the body of the Annual Report under the headings: Sustainable Development and Social and Community Issues. The CPS, along with the other Law Officers' Departments, have agreed the Law Officers' Departments Sustainable Development Action plan which can be found on the CPS website: [www.cps.gov.uk](http://www.cps.gov.uk)

### b) Financial Review

The CPS net Request for Resources (RfR), as voted by Parliament, for the period to 31 March 2006 was £614 million. Our outturn on expenditure as shown in the 2005-06 Accounts, Statement of Parliamentary Supply, was £602 million.

As part of the 2000 Spending Review plans, the Treasury created a criminal justice reserve which set aside funding to provide for unforeseen pressures and trilaterally agreed new initiatives. The Attorney General, the Home Secretary and the Lord Chancellor agreed to allocate £76 million from the reserve in 2004-05 to the CPS to continue the reform of the Service. The investment has enabled the Service to direct additional resources to the more serious cases, progress the implementation of the charging initiative, bring more offences to justice, provide better support for victims and to implement the recommendations of Speaking up For Justice. The reserve became part of CPS baseline funding from 2005-06.

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

Administration represents the costs of running the Department and includes only those costs not attributed to front line services directly associated with the prosecution of criminal cases. Administration includes staff salaries, other staff related expenditure, accommodation and related costs for administrative staff based in CPS Headquarters. Overall the CPS administration outturn was £54 million compared to net provision of £58 million. The underspend of £4 million reflects decisions to retain reserves to ease resource pressures in 2006-07.

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

Expenditure on Crown prosecutions and legal services was £548 million compared with provision of £556 million representing an underspend of £8 million. The underspend is accounted for by deferment of some accommodation projects and the balance of discrete funding for the No Witness No Justice project. This latter funding is ring-fenced and managed tri-laterally by the CPS, the Home Office and the Department for Constitutional Affairs (DCA). Over £34 million of CPS provision for Programme Costs is provided by way of costs awarded against defendants and collected by the magistrates' courts on our behalf.

Within the overall expenditure position, expenditure on fees paid to counsel was £10 million higher than originally planned for the year. The additional expenditure was offset by a reduction in expenditure on other areas of the Service.

The CPS and DCA use versions of a graduated fee scheme to calculate counsel fees in the majority of Crown Court cases. The concept of broad parity has created some upward pressure on the fees the CPS pays for the longer, more complex cases that have been historically outside the graduated fee scheme. Over 40% of Crown Court cases involved indictable-only offences – the most serious cases of all – compared with 33% in 2000-01 and only 18.2% in 1991-92. There are further reasons for the increase in costs, the extension of recovery of criminal assets, the conclusion of some extremely large cases and the increased use of information technology have all meant longer and more complex cases.

From October 2005 the graduated fee scheme was extended to include Crown Court cases that had cracked on the day of trial, cases where the defendant gave a guilty plea and cases that were expected to last between 25 and 40 days in court. We have taken further measures to help us manage these cost pressures and details are given in the body of the Annual Report on page 30.

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

In all, the Department spent a total of £4 million on the purchase of fixed assets and outturn was £3 million less than the budget.

The Department's net cash requirement outturn was £611 million against an estimate of £623 million. The difference is equivalent to the unspent resource position and the explanation given above also applies here.

During 2005-06 the debtors increased by £7 million from £46 million to £53 million and debtor days from 480 to 503 days. Debtors effectively represent the outstanding value of costs awards due to the CPS that are collected by the magistrates' courts on our behalf. Repayment arrangements agreed with defendants by the courts mean that collection can occur over an extended period of time. The position is exacerbated by the fact that the courts cannot write off doubtful debts save for in very exceptional circumstances.

In the same period creditors reduced from £82 million to £67 million and creditor days from 99 days to 66 days as a result of improvements in the systems and controls used in the department. This represents a 33% improvement in payment performance by value and further efficiency improvements are planned in 2006-07.

### Management

Ken Macdonald QC was appointed the Director of Public Prosecutions in November 2003. The Chief Executive supports the Director. Richard Foster was appointed as Chief Executive on 7 January 2002. The Chief Executive has responsibility for finance, human resources, performance management, IT and business and administrative processes, allowing the Director to concentrate on prosecution and legal processes. The Remuneration Report provides detail of service contracts and salary and pension entitlements for senior officials of the department.

Following a review of the Service's governance arrangements in 2004-05 a smaller, more strategic Board was formed, supported by a range of committees with more Chief Crown Prosecutors (CCPs) and Area Business Managers (ABMs) engaged in decision-making and shaping the CPS. This arrangement reflects the differing sized Areas and the diversity of the CCP and ABM cadres whilst garnering the knowledge of the CPS's Non-Executive Directors (NEDs) who sit on the Board and a variety of committees. The committee structure was finalised during 2005-06 following a review to ensure systems in place were providing effective support to the Board.

The CPS Board supports the Director and Chief Executive. The objectives of the Board are to provide leadership, set direction and review progress. Individual members are corporately responsible for decisions taken by the Board.

**CPS Board**

The members of the CPS Board at 31 March 2006 and their attendance during 2005-06 are as follows:

Board Member	Title	Attendance
Ken Macdonald QC	Director of Public Prosecutions	6
Richard Foster	Chief Executive	6
John Graham	Director, Finance	6
Philip Geering	Director, Policy	6
Peter Lewis	Director, Business Development	6
Claire Hamon	Director, Business Information Systems	6
Angela O'Connor	Director, Human Resources	6
Séamus Taylor	Director, Equality and Diversity	3
Dru Sharpling	CCP, London	2*
Jim England	CCP, West Mercia	4
Neil Franklin	CCP, West Yorkshire	6
Portia Ragnauth	CCP, Durham	6
Deborah King	ABM, Merseyside	6
Anjali Arya	Non-Executive Director	2
Philip Oliver	Non-Executive Director	4
Judith Hunt	Non-Executive Director	4**
Moira Wallace /	Chief Executive, OCJR	4***
Jane Furniss		
Gary Cox	Secretariat	6

\* Dru Sharpling was seconded to the Prime Minister's Delivery Unit from February to April 2006

\*\* Judith Hunt left the Board in December 2005

\*\*\* Moira Wallace left her role as Chief Executive in December 2005; the role was performed by Jane Furniss from January to April 2006

Membership of the Board comprises: The Director, Chief Executive, the Headquarters' functional Directors, the Director of Equality and Diversity, the CCP for London and three other CCPs and one ABM. The Board meets bi-monthly. Their positions will be refreshed after a period of approximately 18 – 24 months at the invitation of the Director in consultation with the Chief Executive. This is to ensure that the CCP and ABM members are representative of the differing sized Areas and are drawn from a diverse background. Three NEDs currently sit on the Board. A recruitment exercise has replaced two of the 2005-06 NEDs who left after their terms of appointment expired.

In April and October each year CCPs, ABMs and key managers in Headquarters meet together at conference to debate strategic issues and key operational problems.

The appointment and termination of staff who are members of the CPS Board, excluding the NEDs who are not employed by the CPS, is undertaken in accordance with the Civil Service Management Code. Where appropriate their remuneration, details of which can be found in the Remuneration Report, is determined by reference to the Senior Salaries Review Body. CPS Board members do not hold any company directorships or have any significant interests that conflict with their management responsibilities.

The role of the Board is to:

- Provide leadership and strategic direction, taking key strategic decisions in driving forward CPS delivery and reform;
- Agree, lead and drive change to deliver the Service's business strategy;
- Build organisational capacity through effective use of our people, resources and information technology;
- Set standards and values for independence, impartiality and fairness, equality of opportunity and diversity;
- Ensure the Service delivers high quality casework and advocacy;
- Promote a culture of openness, transparency and continuous improvement;
- Mainstream equality and diversity in all CPS business;
- Deliver the CPS contribution to PSA and other Government targets and objectives;
- Build effective partnerships with CJS Departments and agencies to make the maximum contribution to CJS delivery and reform;
- Safeguard and enhance the Service's reputation; and
- Ensure a proper framework for effective corporate governance.

Examples of business covered by the Board include:

- Agreeing the >invest< programme;
- Monitoring progress on the Advocacy Strategy;
- Agreeing Equality and Diversity Strategy and Performance;
- Police Reform; and
- Reviewing a stocktake of Victims and Witnesses.

The Board is supported by seven Committees. The Committees are responsible for managing key strategic issues delegated to them by the Board and assuring the Board about the delivery of those issues.

### Policy, Strategy & Diversity (PSD)

To support the CPS Board on leadership, strategic direction and the corporate business strategy.

PSD Members	Attendance
Ken Macdonald QC	4
Richard Crowley	3
Elizabeth Howe	5
Chris Woolley	5
Susan Stovell	4
Richard Foster	4
Philip Geering	5
Chris Newell	4
Claire Hamon	2
Peter Lewis	1
Séamus Taylor	5
Judith Hunt	2*

\*Judith Hunt left the CPS in December 2005

#### Work undertaken

- Reviewed CPS victim and witness portfolio, agreeing priorities;
- Provided guidance on the CPS position in relation to key legislative issues;
- Considered the new Equality and Diversity policy and strategy and recommended them to the CPS Board for adoption; and
- Endorsed the CPS Race Equality Scheme 2005-06.

### Delivery & Change Committee (DCC)

To provide assurance to the CPS Board that the Service is building effective partnerships in the CJS to deliver PSA and other targets and that the Service's overall change programme will deliver the CPS business strategy.

DCC Members	Attendance
Richard Foster	5
Claire Hamon	3
Jean Ashton	7
Peter Lewis	1
Roger Coe-Salazar	5
Philip Oliver	2
Pam Teare / Sue Cunningham	6
Séamus Taylor	4
John Graham	7
Clare Toogood	7
Nick Hawkins	6
Judith Walker	6
Angela O'Connor	5

#### Work undertaken

- Managed the CPS Change Programme, decided on priorities between the different elements of the programme and co-ordinated and monitored the delivery of programme benefits, with a specific focus on some of the main elements of the change programme (charging, advocacy and police reform);
- Determined the corporate risks and developed and monitored suitable counter-measures to manage those risks; and
- Monitored overall departmental performance and reported to the Board (via the quarterly high-level performance report) on performance against targets, delivery of the change programme and the management of corporate risks.

### Finance

To support the Board on the effective use of resources to deliver the Service's business strategy and PSA targets and to develop a culture of continuous operational improvement.

Finance Members	Attendance
David Blundell	7
John Graham	7
Gary Cox	6
Paul Staff	6
Chris Day	6
Gail Pessol	6
Karen Sawitzki	6
Lesley Burton	5
Peter Kelly	7
Peter Tidey	6
Richard Newcombe	7
Steve Przybylski	5
Philip Oliver	3

#### Work undertaken

- Delivered the efficiency plan and identified further efficiencies to free up resources that could be directed to key front line/prosecution activities. This includes the financial benefit realisation plans for key projects;
- Managed financial risks including ensuring that Areas and Directorates are adequately funded together with the expenditure pressures from Counsel fees, future pay settlements and from budget overspends;
- Began preparation for the 2007 comprehensive spending review which includes ensuring that the CPS meets its commitments from SR 2004; and
- Key funding decisions taken on; Advocacy Strategy, Case Auditors, Legal Trainee Scheme, and budget allocations.

**People & Equality**

To provide assurance to the CPS Board that the people strategies and policies support delivery of the business strategy and PSA targets and setting standards and values for impartiality, fairness, equality of opportunity and diversity.

People & Equality Members	Attendance
Nicola Reasbeck	10
Angela O'Connor	9
Séamus Taylor	10
Phillip Geering	6
Edwina Sherwood	9
Anjali Arya	6
Ian Edmundson	9
Lesley Watt	11
Peter Lewis	3
Angela Garbett	8
Karen Wright	9
Barry Hughes	9
Steve Pople	4

**Work undertaken**

- Agreed the Workforce Strategy;
- Reviewed Pay and grading proposals and flexible working;
- Agreed revised performance management strategy;
- Reviewed and agreed the Equality and Diversity Complaints Procedure;
- Agreed the Race Equality Scheme 2005-08; and
- Agreed the CPS Diversity Delivery Plan for 2005-08.

**Information & Communication Technology (ICT)**

To provide assurance to the CPS Board that ICT strategies and policies support delivery of the business strategy and PSA targets; provides value for money; and makes the maximum contribution to joined-up IT across the CJS.

ICT Members	Attendance
John Holt	9
Chris Yule	3*
Iain Everett	7
Helen Phillips	9
John Graham	8
Claire Hamon	8
Gail Lamb	8
Peter Lewis	6
Angela O'Connor	5
Neil Copling	8
Terry Bellinger	4**
Judith Hunt	4
John Suffolk	1***

\* Retired  
 \*\* Meetings not attended due to long-term absence  
 \*\*\* Due to attend quarterly

**Work undertaken**

- Managed all aspects of ICT change activity with particular emphasis on cross-CJS projects;
- Ensured the realisation of business benefits of the COMPASS business case, successfully completing OGC Gateway level 5;
- Monitored CMS and WMS usage statistics per area;
- Ensured ICT provision across the CPS estate delivered value for money, monitored through the development of Area usage reports; and
- Oversaw the development of an IS/IT strategy for 2006-09.

## Professional Standards

To provide assurance to the CPS Board that the CPS is delivering independent, high quality casework and advocacy.

### Professional Standards Members

Professional Standards Members	Attendance
Chris Newell	5
David Archer	4
Bob Capstick	4
Sarah Jane Gallagher	5
Charles Ingham	4
John Revell	3
Rob Turnball	4
Sandie Hebblethwaite	1*
Harry Ireland	2
Anjali Arya	2
Philip Geering	3
Peter Lewis	2

\* Meetings not attended due to long-term absence

### Work Undertaken

- Reviewed legal guidance policy developments for the Service and determined priorities for updating guidance material;
- Monitored overall ethical and professional standards for legal training and determined the standards for CPS staff engaged in managing large and complex cases; and
- Reviewed and advised on proposals for identifying and promulgating good practice in the CPS.

## Audit Committee

To provide objective advice, support and assurance to the Accounting Officer and Additional Accounting Officer on CPS corporate governance, risk management and control systems and on the activity and findings of External Auditors.

### Audit Member

Audit Member	Attendance
Anjali Arya	3*
Philip Oliver	1*
Baljit Ubhey	3
Linda Fox	4
Peter Lewis	3
David Judd	4

\*Anjali Arya replaced Philip Oliver as chair of this committee

### Work Undertaken

- Reviewed and approved the annual audit plan; the Head of Internal Audit's Annual Report to the Accounting Officers and the CPS Board; and the Statement on Internal Control;

- Reviewed and considered NAO observations on the annual accounts and continually reviewed progress against the Internal Audit Plan and all major developments and departmental initiatives that impact on internal control, risk management or corporate governance;
- Requested explanations from departmental management in respect of actions that have impacted upon the control, risk and corporate governance environment; and
- Reviewed and directed internal/external audit cooperation for the next year ended 31 March 2007.

In line with good practice, a review of the effectiveness of the Governance arrangements was undertaken between October 2005 and January 2006. This review tested the arrangements and evaluated the extent to which they comply with HM Treasury's Code of Good Corporate Governance.

The main findings show that the introduction of a smaller, more strategic decision making Board has been a success. There are some recommendations for improving the administration between the Board and committees and between the committees themselves. The structure complies with the Code of Good Corporate Governance and no major decisions on prosecution policies, new initiatives, human resources, ICT or investment decisions are made without going through the appropriate committee or Board arrangements.

The recommendations from the review will be implemented in 2006-07. The committee structure will be further reviewed in 2006-07 once the impact of police reform is known.

## Pensions

The Accounting Policy Note 1 describes the CPS policy on how pension liabilities are treated and the accounting treatment is detailed in Note 8 and in the Remuneration Report.

## Equal Opportunities

The CPS has a strong commitment and increasingly positive reputation on equal opportunities. The Service reviewed and refreshed its policy commitments on equal opportunities in 2005 and its refined policy statement states:

"We are committed to taking account of the diversity of the population we serve and the staff we employ, promoting equality and opportunity for everyone. The Service recognises the challenge of institutional discrimination. We will work to eradicate it. We will work to ensure that prosecution decisions are free from bias or discrimination and that victims, witnesses

and defendants are treated fairly, consistently and with respect. We will provide services in a manner that is appropriate to the individual. We are committed to achieving equality and respecting diversity in employment. We will work to build an inclusive workforce, which at all levels, reflects the communities we serve, where all staff are motivated and with no unjustifiable differences in employees' experiences."

### **An Equal and Diverse Prosecution Service**

The CPS has moved into a second phase in its work to further equality and diversity – it has moved on from a focus on raising awareness of the issues to a focus on outcomes. From April 2005 onwards the Service introduced equalities outcome measures into its performance review system and report on achievements on a quarterly basis. The Service strives to improve its reputation on equality and diversity issues and in the past year its work has been positively recognised through a Commission for Racial Equality-Law Society Award for best large public sector employer of solicitors on race equality.

The CPS is committed to further progress on equality and diversity in employment and has put a Diversity Delivery Plan in place which sets out what we will do to achieve senior workforce representation targets by 2008.

### **Employee Consultation and Providing Information to Employees**

The CPS has continued in its strategy of communicating to staff both formally and informally. The main focus for the promulgation of business information is via a newsletter 'Inform' which is published weekly, in an online format. This information is supplemented by a bi-monthly publication of 'CPS News', which also goes to an audience beyond the CPS. Some Areas and HQ Directorates produce similar publications providing staff with news and information from a more local perspective.

Staff are informed about items of change via team meetings and by newsletters circulated by individual project owners. Informal and formal consultations take place with the Trade Unions over changes that will affect staff. The Human Resources (HR) Directorate also keep the unions informed of HR policy changes and other initiatives that may impact upon their members.

The CPS intranet home page provides a portal to a number of themed areas as well as an online bulletin board, which is used to discuss a variety of business and social subjects.

Other business information is provided both on the intranet and in paper format. Documents such as the Personnel Management Manual, provide information on HR Policy procedures and are maintained in both formats, but are gradually being replaced by a series of booklets and online guides, which are published as policy is reviewed. Other manuals and standard forms are also published on the intranet together with a specialist micro site for the >invest< programme, which is a comprehensive performance management and development initiative.

### **Payment of Suppliers and Witnesses**

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

In 2005-06 the CPS settled 90.31% of undisputed invoices within 30 days of receipt and 83.43% of witness claims within five days. The CPS paid £82.20 with respect to interest due under the Late Payment of Commercial Debts (Interest) Act 1998.

### **Auditors**

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

The cost of audit work was £82,000, which is solely related to audit services and is a notional cost (see note 10).

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



**Ken Macdonald QC**

Accounting Officer

26 June 2006



## Statement of Accounting Officer's Responsibilities

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

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

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

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

## Statement on Internal Control

### Scope of responsibility

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

I am supported in managing the CPS and its key risks by a Chief Executive as additional Accounting Officer, the CPS Board, seven Board committees and six Headquarters Directors. The CPS is organised into geographical Areas, each headed by a Chief Crown Prosecutor (CCP) with a direct line of accountability to me for legal decisions and casework, and, in the first instance, to the Chief Executive for the delivery of CPS objectives and PSA targets, and for managing local risks.

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

### The purpose of the system of internal control

The system of internal control is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives; it can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of departmental policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically. The system of internal control has been in place in the CPS for the year ended 31 March 2006 and up to the date of approval of the annual report and accounts, and accords with Treasury guidance.

### Capacity to handle risk

The CPS Board is responsible for ensuring that appropriate risk management arrangements exist and for ensuring that corporate risks are properly managed. The Delivery and Change Committee (DCC) assists the Board. The role of the DCC is to monitor the progress and effectiveness of all major business change projects and the implementation of the Service's risk management development programme, and to consider regular reports on the management of key corporate risks.

A Risk Management Champion, and a Risk Improvement Manager who is responsible for advising on embedding risk management across the Service, supported the Board during 2005-06 and provided update reports to the Board, the DCC and Audit Committee.

Board level involvement in identifying, assessing and reviewing the progress of management and corporate risks is provided by the Board members sitting on the DCC. The Board also approved the CPS corporate risk tolerance – the amount of risk the Department is prepared to carry.

All corporate risk owners are Headquarters Directors. With the Chief Executive, I personally take part in a quarterly round of performance review meetings with Areas. The frequency of review is determined by a risk-based assessment. These include consideration of any key challenges or risks across 15 key indicators and business change projects plus a range of occasional thematic topics. For 2005-06, this included Area procedures for identifying and assessing their business risks.

The CPS risk management framework is contained in a written policy statement and a practical risk management guide. These were updated and enhanced in 2005-06, reflecting current HM Treasury and Office of Government Commerce standards.

Risk management guidance is provided at the start of each business planning round. In 2005-06, the Service promoted risk training for all senior managers and delivered full risk training days and/or risk awareness seminars to 15 Areas. The CPS Centre of Excellence also delivered a series of project management seminars that focused on managing business change risks.

Support and best practice guidance is available from the Risk Improvement Manager, the Centre of Excellence and a network of Area Business Manager (ABM) mentors, allowing Areas access to practical help and advice on managing their risks. In December 2005, risk awareness guidance available on the CPS intranet was upgraded by the provision of a risk website as part of a delivery skills suite that included change, programme and project management guidance.

### The risk and control framework

All risk management activity is aligned to the corporate aims, objectives, priorities and PSA commitments. Risk management is applied to strategic corporate risks, operational risks and key business change programmes. On behalf of the Board, the DCC oversees the portfolio of business change projects to consider the level of risk assumed, and to advise on the balance of risk and potential benefits of new projects. For 2005-06 the focus for corporate and Area risks was the delivery of the PSA targets and the strategic business changes that underpin effective delivery. The priority corporate risk areas were:

- Change management arrangements and the effective delivery of business benefits and efficiency gains;
- The governance arrangements underpinning effective delivery of the PSA targets and business change commitments;
- Strategic management capacity and capability required to sustain delivery of the PSA targets and business change commitments;
- Maintaining capability to deliver quality core business (business as usual);
- Partnership or key stakeholder performance or relations;
- Development and anticipation of changes to government criminal justice policy.

Risk identification and analysis is linked to departmental strategic planning, business planning and investment/project appraisal procedures. Corporate, Area and HQ Directorate Business plans are constructed in tandem with the relevant risk registers. Corporate and operational business risk owners are responsible for ensuring proper review and re-assessment of the level of risk. For the corporate risks, the DCC are responsible for identifying the risks to be managed corporately and updating the corporate risk register at formal quarterly reviews.

The CPS Board receives quarterly performance and risk highlight reports, and separate reports of any risks escalated by the DCC as not being managed effectively. No corporate risks were escalated to the Board in 2005-06.

In 2005-06 the DCC reviewed the progress of the actions planned to manage the CPS corporate risks. The Board and DCC have exercised fully their governance role in overseeing work of the programme boards responsible for the key change initiatives including Charging, Case Management System, No Witness: No Justice as well as the progress of managing the key risks and issues identified within the programme management regime. I am satisfied that the necessary risk management actions were addressed properly at operational and project level.

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

The Board requires Areas and HQ Directorates to maintain:

- A risk register detailing risk priorities by likelihood and impact and showing ownership;
- A risk management action plan;
- Evidence of regular review and monitoring.

All Area risk registers were reviewed at the start of the year, and a further sample analysed mid year to identify trends and common themes. No issues were escalated to the corporate risk register.

The CPS capacity to handle risk is under continuing review by DCC and the Audit Committee. The Risk Improvement Manager provides half yearly reports on progress against the CPS risk management development strategy. The CPS risk handling capacity was also reviewed formally twice in the year: to inform the report on progress of the government's risk management development programme to the Chief Secretary to the Treasury, and an internal audit review of the level of embedding of risk into CPS business. The key areas for improvement are:

- Deeper embedding of risk – promotion of corporate risk owner involvement in reviewing and updating risks; development of the risk and performance intranet site; and a programme of Quality Assurance and promotional visits to operational managers by the Risk Improvement Manager; the delivery of formal risk training sessions and risk awareness development seminars;

- Demonstrating improved risk handling and better delivery of planned outcomes – integrating risk management into Area operational quarterly performance review, and regular monitoring by CPS Board, Audit Committee and the DCC; and
- Managing risks with partners – reviews of existing arrangements against HM Treasury best practice guidance; working with the Office for Criminal Justice Reform on risks to the delivery of criminal justice PSA targets, and Criminal Justice Information Technology programme on risks to the development of joint information and communications technology; and, seeking to establish an effective criminal justice system risk management forum.

I am satisfied that, although some continuing improvements are desirable to the application of our risk management framework, our risk management arrangements meet the necessary governance standards. The Board has agreed a development programme for embedding risk management in CPS that includes milestones and targets up to 2008.

#### **Review of effectiveness**

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

Board committees have clear responsibility and strategic oversight in those functional areas which are key to good internal control. The Board committees are:

- Policy, Strategy and Diversity;
- Delivery and Change;
- Finance;
- People and Equality;
- Information Communication Technology;
- Professional Standards; and
- Audit.

In the year, the Board commissioned a review of the CPS governance structure against the principles set out in Code of Practice on Corporate Governance. This was the first annual review of its governance arrangements. The CPS aims to conform to all relevant key aspects of the code and has, or will implement in 2006-07, improvements to ensure that:

- Board members notify and register with the secretariat any issues on which they might have a conflict of interest (code principle 2.12);
- The Board and committees maintain a balance of skills and experience appropriate to the needs of CPS business and are fully cognisant of their roles to provide corporate leadership to the organization as a whole (code principles 3.1-3.6);
- Independent non-executive Board members are identified in the annual report (code principle 4.2);
- The terms of reference of the Audit Committee and an annual report on its work are published (code provision 5.3).

The Department has an internal audit function that operates to the Government Internal Audit Standards guidance. They submit regular reports to the Audit Committee, including a report from the Head of Internal Audit that provides an independent opinion on the adequacy and effectiveness of the Department's system of internal control and includes recommendations for improvement to the systems of internal control.

In accordance with Code of Good Practice on Corporate Governance, the Audit Committee has prepared its first annual report on the work of discharging its responsibilities: "the Audit Committee's role is to support the Accounting Officers and CPS Board in monitoring [*the effectiveness of*] the corporate governance, control and risk management arrangements in the CPS. The committee had four quorate meetings during the past twelve months during which it reviewed and approved the annual audit plan; the Head of Internal Audit's Annual Report to the Accounting Officers and the CPS Board; and the Statement on Internal Control. In addition the Audit Committee has reviewed and considered NAO observations on the annual accounts and continually reviewed progress against the Internal Audit Plan and all major developments and departmental initiatives that impact on internal control, risk management or corporate governance. It has, when appropriate, requested explanations from departmental management in respect of actions that have impacted upon the control, risk and corporate governance environment. The Audit Committee has also reviewed and directed internal/external audit cooperation for the next year ended 31 March [2007]".

The committee is considering how to develop the arrangements for preparing and publishing its annual report for 2006-07.

The DCC is responsible for:

- Reviewing the effectiveness of departmental planning and risk management arrangements;
- Monitoring progress of the department's risk management development plan;
- Reviewing progress of the actions planned to manage the CPS corporate risks; and
- Overseeing the departmental change portfolio.

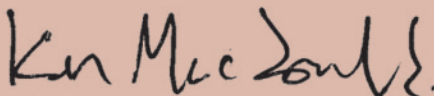
At the end of the calendar year each CCP and HQ Director completes a certificate of assurance. The certificates include a statement on the level of assurance achieved throughout the year by the Area/Directorate against key aspects of the business. They specifically provide an assurance on the effectiveness of local systems to identify and manage the principal risks to the delivery of the PSA targets. All certificates are validated against HM Crown Prosecution Service Inspectorate reports and other performance information.

CPS operates a quarterly performance review programme: Area CCP and Business Managers comment on performance against 15 key measures and occasional thematic/topical criteria that for 2005-06 included local risk management arrangements and the content of their assurance certificates. Action plans for performance improvement are agreed with me, the Chief Executive and the Director of Business Development. For 2006-07 this process will be extended to all managers, including HQ Directors, directly accountable to me and the Chief Executive.

Independent review of business efficiency and effectiveness in the Areas is carried out by HM Crown Prosecution Service Inspectorate. In 2005-06 it undertook a programme of follow up inspection reviews of Area casework and management systems and published reports of Operational Performance Assessment reviews undertaken in all 42 Areas. HM Crown Prosecution Service Inspectorate also carries out joint thematic inspections with other independent Criminal Justice inspectorates.

#### Significant internal control issues

I have no significant internal control issues to report for 2005-06 and all previously reported issues have been cleared.



**Ken Macdonald QC**

Accounting Officer

26 June 2006

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

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

I certify that I have audited the financial statements of the Crown Prosecution Service for the year ended 31 March 2006 under the Government Resources and Accounts Act 2000. These comprise the Statement of Parliamentary Supply, the Operating Cost Statement and Statement of Recognised Gains and Losses, the Balance Sheet, the Cashflow Statement and the Statement of Operating Costs by Departmental Aim and Objectives and the related notes. These financial statements have been prepared under the accounting policies set out within them.

### **Respective responsibilities of the Accounting Officer and auditor**

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

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

I report to you my opinion as to whether the financial statements give a true and fair view and whether the financial statements and the part of the Remuneration Report to be audited have been properly prepared in accordance with HM Treasury directions issued under the Government Resources and Accounts Act 2000. I also report whether in all material respects the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them. I also report to you if, in my opinion, the Annual Report is not consistent with the financial statements, if the Department has not kept proper accounting records, if I have not received all the information and explanations I require for my audit, or if information specified by HM Treasury regarding remuneration and other transactions is not disclosed.

I review whether the statement on pages 46 to 49 reflect the Department's compliance with HM Treasury's guidance on the Statement on Internal Control, and I report if it does not. I am not required to consider whether the Accounting Officer's statements on internal control cover all risks and controls, or to form an opinion on the effectiveness of the Department's corporate governance procedures or its risk and control procedures.

I read the other information contained in the Annual Report and consider whether it is consistent with the audited financial statements. This other information comprises only the Annual Report, including the unaudited part of the Remuneration Report and the Management Commentary. I consider the implications for my report if I become aware of any apparent misstatements or material inconsistencies with the financial statements. My responsibilities do not extend to any other information.

### **Basis of audit opinion**

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

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

**Opinions**

In my opinion:

- the financial statements give a true and fair view, in accordance with the Government Resources and Accounts Act 2000 and directions made thereunder by HM Treasury, of the state of the Department's affairs as at 31 March 2006 and the net cash requirement, net resource outturn, resources applied to objectives, recognised gains and losses and cashflows for the year then ended;
- the financial statements and the part of the Remuneration Report to be audited have been properly prepared in accordance with HM Treasury directions issued under the Government Resources and Accounts Act 2000; and
- in all material respects the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them.

I have no observations to make on these financial statements.

**John Bourn**

Comptroller and Auditor General  
National Audit Office  
157-197 Buckingham Palace Road  
Victoria  
London SW1W 9SP

30 June 2006

### Statement of Parliamentary Supply Summary of Resource Outturn 2005-06

								2005-06	2004-05
								£000	£000
		Estimate			Outturn				Outturn
								Net total outturn compared with Estimate: saving/ (excess)	
Note	Gross expenditure	A in A	Net Total	Gross expenditure	A in A	Net Total		Net Total	
Request for resources 1	2	649,798	36,227	613,571	638,243	36,227	602,016	11,555	568,513
Total resources	3	<b>649,798</b>	<b>36,227</b>	<b>613,571</b>	<b>638,243</b>	<b>36,227</b>	<b>602,016</b>	<b>11,555</b>	<b>568,513</b>
Non- operating cost A in A		-	-	-	-	-	-	-	-

### Net cash requirement 2005-06

				2005-06	2004-05
				£000	£000
				Net total outturn compared with Estimate: saving/ (excess)	Outturn
Note	Estimate	Outturn			
Net cash requirement	4	<b>623,220</b>	<b>611,367</b>	<b>11,853</b>	<b>562,613</b>

### Summary of income payable to the Consolidated Fund

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

		Forecast 2005-06		Outturn 2005-06	
		£000		£000	
Note	Income	Receipts	Income	Receipts	
Total	5	-	-	<b>2,000</b>	<b>2,893</b>

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

## Operating Cost Statement for the year ended 31 March 2006

	Note	£000	£000	£000	2005-06	restated 2004-05
		Staff Costs	Other Costs	Income	£000	£000
<b>Administration Costs:</b>						
Staff costs	8	29,837				33,306
Other administration costs	9		23,808			27,515
Operating income	11			(146)		(277)
<b>Programme Costs</b>						
Staff costs	8	299,004				265,072
Other programme costs	10		285,594			274,320
Less: income	11			(37,631)		(34,573)
<b>Totals</b>		<b>328,841</b>	<b>309,402</b>	<b>(37,777)</b>	<b>600,466</b>	<b>565,363</b>
<b>Net operating cost</b>	3				<b>600,466</b>	<b>565,363</b>
<b>Net resource outturn</b>					<b>602,016</b>	<b>568,513</b>

All income and expenditure are derived from continuing operations.

## Statement of Recognised Gains and Losses for the year ended 31 March 2006

	Note	2005-06	2004-05
		£000	£000
Net gain on revaluation of tangible fixed assets	19	576	3,157
<b>Recognised gains for the financial year</b>		<b>576</b>	<b>3,157</b>



Balance Sheet  
as at 31 March 2006

		<b>2006</b>	<b>2005</b>
	Note	£000	£000
<b>Fixed assets:</b>			
Tangible assets	12	<b>25,923</b>	<b>27,733</b>
Intangible assets	13	<b>946</b>	-
<b>Debtors falling due after more than one year</b>	14	<b>3,864</b>	<b>4,513</b>
<b>Current assets:</b>			
Debtors	14	52,551	46,035
Cash at bank and in hand	15	14,543	25,615
		67,094	71,650
<b>Creditors (amounts falling due within one year)</b>	16	(66,931)	(82,342)
<b>Net current assets / (liabilities)</b>		<b>163</b>	<b>(10,692)</b>
<b>Total assets less current liabilities</b>		<b>30,896</b>	<b>21,554</b>
<b>Provisions for liabilities and charges</b>	17	<b>(10,231)</b>	<b>(11,075)</b>
		<b>20,665</b>	<b>10,479</b>
<b>Taxpayers' equity:</b>			
General fund	18	16,403	6,334
Revaluation reserve	19	4,262	4,145
		<b>20,665</b>	<b>10,479</b>



Ken Macdonald QC  
Accounting Officer  
26 June 2006

## Cash Flow Statement for year ended 31 March 2006

Net cash outflow from operating activities  
 Capital expenditure and financial investment  
 Payments of amounts due to the Consolidated Fund  
 Financing  
 Increase/(decrease) in cash in the period

	<b>2005-06</b>	<b>2004-05</b>
<i>Note</i>	<i>£000</i>	<i>£000</i>
20(a)	(604,618)	(550,220)
20(b)	(3,856)	(7,042)
	(5,175)	(2,700)
20(d)	602,577	579,742
20(e)	<b>(11,072)</b>	<b>19,780</b>

# STATEMENT OF OPERATING COSTS BY DEPARTMENTAL AIM AND OBJECTIVES

## Statement of Operating Costs by Departmental Aim and Objectives for the year ended 31 March 2006

### Aim:

To deliver a high quality prosecution service that brings offenders to justice, helps reduce both crime and the fear of crime and thereby promotes 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.

	2005-06			2004-05		
	£000	£000	£000	£000	£000	£000
	<b>Gross</b>	<b>Income</b>	<b>Net</b>	<b>Gross</b>	<b>Income</b>	<b>Net</b>
Objective	638,243	(37,777)	600,466	600,213	(34,850)	565,363
<b>Net operating costs</b>	<b>638,243</b>	<b>(37,777)</b>	<b>600,466</b>	<b>600,213</b>	<b>(34,850)</b>	<b>565,363</b>

The Department's objective was as follows:

**To ensure the effective delivery of justice.**

See Note 21

## NOTES TO THE DEPARTMENTAL RESOURCE ACCOUNTS

### I. Statement of Accounting Policies

The financial statements have been prepared in accordance with the 2005-06 *Government Financial Reporting Manual (FReM)* issued by HM Treasury. The accounting policies contained in the *FReM* follow UK generally accepted accounting practice for companies (UK GAAP) to the extent that it is meaningful and appropriate to the public sector.

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

Where the *FReM* permits a choice of accounting policy, the accounting policy which has been judged to be the most appropriate to the particular circumstances of the department for the purpose of giving a true and fair view has been selected.

The Department's accounting policies have been applied consistently in dealing with items considered material in relation to the accounts.

#### I.1 Accounting Convention

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

#### I.2 Basis of Consolidation

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

#### I.3 Fixed Assets

##### *Tangible Fixed Assets*

Tangible fixed assets are stated at the lower of replacement cost and recoverable amount. With effect from 1 April 2002 all expenditure on tangible fixed assets of £500 or over is capitalised. From 1 April 2004 this includes leasehold improvements. On initial recognition they are measured at cost including any costs such as installation directly attributable to bringing them into working condition.

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

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

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

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

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

##### *Intangible Fixed Assets*

Most software licences used in the business are paid for on an annual basis and their cost is charged to the Operating Cost Statement over the period to which the licences relate. However, during 2005-06 the CPS has purchased certain licences for use over an extended period of time. These have been capitalised as intangible fixed assets, following the same conventions and principles as those applied to tangible fixed assets.

#### I.4 Depreciation

##### *Tangible Fixed Assets*

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

Freehold buildings	20 to 50 years
Furniture and fittings	3 to 10 years
Information technology	4 years
Transport equipment	3 to 5 years

Leasehold improvements are written off over the shorter of:

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

#### *Intangible Fixed Assets*

Intangible fixed assets are depreciated at rates calculated to write them down to estimated residual value on a straight-line basis over their estimated useful lives, normally 7 years.

### **1.5 Operating Income**

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

#### *Administration Income*

Administration income is income associated with support to front-line functions. This relates to the recovery of salaries for staff seconded to other Government Departments or Local Criminal Justice Boards and reimbursement of expenditure under the Government's Access to Work scheme. It includes not only income appropriated in aid of the Estimate but also income due to the Consolidated Fund, which in accordance with the *FReM* is treated as operating income.

#### *Programme Income*

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

Bad debts are provided for as a percentage of programme debtors.

In order to account for cost awards, the CPS uses returns submitted by the courts in respect of cash collected, transfers to and from other courts, amounts written off and cost awards

outstanding. The costs reflect the cost of the prosecution but for administrative purposes are recorded against programme costs only. Cost award income is included in the objective in the Statement of Resources by Departmental Aim and Objectives.

Programme income also includes rental income from other Government Departments in jointly occupied buildings, commercial sub-tenants and Non-Departmental Public Bodies; but it also includes other income such as recovery of salaries for staff seconded to other Government Departments or Local Criminal Justice Boards and reimbursement of expenditure under the Government's Access to Work scheme. Rental income received from other Government Departments is netted off against expenditure in accordance with *FReM*.

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

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

#### *Administration Costs*

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

#### *Programme Costs*

Programme costs reflect non-administration costs being the direct cost and associated overheads of prosecution including the employment of counsel and compensation paid to witnesses for costs incurred through their attendance at court. Where a Prosecution case is expected to last 40 days or less (25 days prior to October 2005), payments are made to counsel using a set fee structure, with a target of payment within 20 days of receipt of a valid claim. Cases expected to last in excess of 40 days (or where three trial counsel are instructed) are excluded from this system and payments to counsel for these cases may take considerable time to negotiate. It is not possible to ascertain the actual amount owed on these cases at year-end until some months later. In view of this the Department estimates such counsel fees outstanding for inclusion in these accounts.

As stated in the Management Commentary and in the Accounting Policy note above, income and expenditure in these Accounts are analysed across the Department's two functions, Programme (the direct costs of Crown prosecutions and legal services) and Administration (the costs of running the Department), as defined in the *Consolidated Budgeting* guidance issued by HM Treasury. From 1 April 2005 these definitions have changed, and as a result the format and content of certain Notes to the Accounts have changed accordingly. Comparative figures in the Operating Cost Statement and Notes 2, 3, 9, 10 and 21 have been amended to reflect the current guidance. However in Notes 6 and 11 concerning transactions with the Consolidated Fund, restatement has not taken place since the guidance followed at the time the figures were originally prepared remains valid for these Notes.

### 1.7 Capital Charge

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

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

### 1.8 Pensions

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

### 1.9 Operating Leases

Rentals due under operating leases are charged to the Operating Cost Statement over the lease term on a straight-line basis, or on the basis of actual rentals payable where this fairly reflects the usage. Future payments, disclosed at Note 23, "Commitments under Leases", are not discounted.

### 1.10 Private Finance Initiative (PFI) Transactions

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

### 1.11 Provisions

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

### 1.12 Contingent Liabilities

In addition to contingent liabilities disclosed in accordance with FRS 12, the Department discloses for parliamentary reporting and accountability purposes certain contingent liabilities where the likelihood of a transfer of economic benefit is remote. These comprise:

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

### 1.13 Value Added Tax

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

## 2. Analysis of net resource outturn by section

	£000	£000	£000	£000	£000	£000	2005-06 £000	restated 2004-05 £000
					Outturn	Estimate		
							Net Total outturn compared with Estimate	Prior-year outturn
	Admin	Other current	Gross resource expenditure	A in A	Net Total	Net Total		
<b>Request for Resources I:</b>								
Administration	53,645	-	53,645	(124)	53,521	57,538	4,017	58,583
Crown prosecutions and legal services	-	584,598	584,598	(36,103)	548,495	556,033	7,538	509,930
<b>Total</b>	<b>53,645</b>	<b>584,598</b>	<b>638,243</b>	<b>(36,227)</b>	<b>602,016</b>	<b>613,571</b>	<b>11,555</b>	<b>568,513</b>
<b>Resource Outturn</b>	<b>53,645</b>	<b>584,598</b>	<b>638,243</b>	<b>(36,227)</b>	<b>602,016</b>	<b>613,571</b>	<b>11,555</b>	<b>568,513</b>

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

(i) Net total outturn was £11,555 million less than the Estimate, representing 1.88% of net provision. In setting future expenditure plans the CPS maintains a 1% contingency. The remaining difference reflects the deferral of accommodation moves and some slippage in operational projects.

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

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

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

	£000	£000	2005-06 £000	2004-05 £000	
			Outturn compared with Supply Estimate	Outturn	
Note	Outturn	Estimate			
Net Resource Outturn	2	602,016	613,571	11,555	568,513
Non-supply income (CFERs)	5	1,550	-	1,550	3,150
<b>Net operating cost</b>		<b>600,466</b>	<b>613,571</b>	<b>13,105</b>	<b>565,363</b>

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

	£000	2005-06 £000	re-stated 2004-05 £000
	Budget	Outturn	Outturn
Gross Administration Budget	57,838	53,623	60,083
Less Income allowable against the Administration Budget	(300)	(124)	(2,238)
<b>Net outturn against final Administration Budget</b>		<b>57,538</b>	<b>57,845</b>

## 4. Reconciliation of resources to net cash requirement

	Note	Estimate £000	Outturn £000	Net total outturn compared with estimate: saving/ (excess) £000
Resource Outturn	2	613,571	602,016	11,555
<b>Capital:</b>				
Acquisition of fixed assets	12 and 20	7,006	3,856	3,150
Investments		-	-	-
<b>Non-operating A in A:</b>				
Proceeds of fixed asset disposals		-	-	-
<b>Accruals adjustments</b>				
Non-cash items	9 and 10	(8,530)	(7,606)	(924)
Changes in working capital other than cash		9,500	10,655	(1,155)
Changes in creditors falling due after more than one year		-	-	-
Use of provision	17	1,673	2,446	(773)
<b>Net cash requirement</b>		<b>623,220</b>	<b>611,367</b>	<b>11,853</b>

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

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

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

	Note	Forecast 2005-06		Outturn 2005-06	
		Income £000	Receipts £000	Income £000	Receipts £000
Operating income and receipts - excess A in A	6	-	-	1,364	2,688
Non-operating income and receipts - excess A in A	7	-	-	450	-
Subtotal		-	-	1,814	2,688
Other operating income and receipts not classified as A in A	6	-	-	186	205
Other non-operating income and receipts not classified as A in A		-	-	-	-
Other amounts collectable on behalf of the Consolidated Fund		-	-	-	-
<b>Total income payable to the Consolidated Fund</b>		<b>-</b>	<b>-</b>	<b>2,000</b>	<b>2,893</b>



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

	2005-06 £000	2004-05 £000
Operating income		
Administration	146	3,573
Netted-off gross expenditure in sub-head	-	(829)
Programme	38,491	32,106
Netted-off gross expenditure in sub-head	(860)	-
	<b>37,777</b>	<b>34,850</b>
Income authorised to be appropriated-in-aid		
Administration	124	2,238
Programme	36,103	29,462
	<b>36,227</b>	<b>31,700</b>
Operating income payable to the Consolidated Fund		
Administration	22	506
Programme	1,528	2,644
	<b>1,550</b>	<b>3,150</b>

## 7. Non-operating income - Excess A in A

	2005-06 £000	2004-05 £000
Proceeds on disposal of fixed assets	450	-
Non-operating income - excess A in A	450	-

Sale proceeds for the disposal of Winchway House, Haverfordwest.

## 8. Staff numbers and related costs

Staff costs comprise:	£000	£000	2005-06 £000	2004-05 £000
		<i>Permanently employed staff</i>	<i>Others</i>	<i>Total</i>
Wages and salaries	261,575	242,221	19,354	247,875
Social security costs	20,156	20,156	-	18,210
Other pension costs	47,110	47,110	-	32,293
<b>Sub Total</b>	<b>328,841</b>	<b>309,487</b>	<b>19,354</b>	<b>298,378</b>
Less recoveries in respect of outward secondments	(229)	(229)	-	(259)
<b>Total net costs</b>	<b>328,612</b>	<b>309,258</b>	<b>19,354</b>	<b>298,119</b>

**The Principal Civil Service Pension Scheme (PCSPS)** is an unfunded multi-employer defined benefit scheme.

The Crown Prosecution Service is unable to identify its share of the underlying assets and liabilities. The Scheme Actuary (**Hewitt Bacon Woodrow**) valued the scheme as at 31 March 2003. Details can be found in the resource accounts of the Cabinet Office: Civil Superannuation ([www.civilservice-pensions.gov.uk](http://www.civilservice-pensions.gov.uk)).

For 2005-06, employers' contributions of £47,024,672 were payable to the PCSPS (2004-05: £32,235,707) at one of four rates in the range 16.2 to 24.6 per cent of pensionable pay, based on salary bands (the rates in 2004-05 were between 12 and 18.5 per cent). The Scheme Actuary reviews employer contributions every four years following a full scheme valuation. From 2006-07, the salary bands will be revised and the rates will be in a range between 17.1 and 25.5 per cent.

The contribution rates are set to meet the cost of the benefits accruing during 2005-06 to be paid when the member retires, and not the benefits paid during this period to existing pensioners.

Employees can opt to open a **partnership** pension account, a stakeholder pension with an employer contribution. Employers' contributions of £79,106 (2004-05: £52,200) were paid to one or more of a panel of three appointed **stakeholder** pension providers. Employer contributions are age-related and range from 3 to 12.5 per cent (2004-05: 3 to 12.5 per cent) of pensionable pay. Employers also match employee contributions up to 3 per cent of pensionable pay. In addition, employer contributions of £5,822, 0.8 per cent (2004-05: £5,193, 0.8 per cent) of pensionable pay, were payable to the **PCSPS** to cover the cost of the future provision of lump sum benefits on death in service and ill-health retirement of these employees. Contributions due to the **partnership** pension providers at the balance sheet date were £8,761. Contributions prepaid at that date were £Nil.

16 individuals (2004-05: 19 individuals) retired early on ill-health grounds; the total additional accrued pension liabilities in the year amounted to £58,473 (2004-05: £44,632).

#### Average number of persons employed

The average number of whole-time equivalent persons employed during the year was as follows. There were no staff engaged wholly on capital projects.

Objective	Total	2005-06		2004-05
		Permanent staff	Others	Total
To ensure the effective delivery of justice	8,384	8,120	264	8,132
<b>Total</b>	<b>8,384</b>	<b>8,120</b>	<b>264</b>	<b>8,132</b>

## 9. Other Administration Costs

Note	£000	2005-06		restated 2004-05
		£000	£000	£000
<b>Rentals under operating leases:</b>				
Hire of office equipment	51		21	
Other operating leases	6,450		8,021	
		6,501		8,042
<b>PFI service charges:</b>				
Off-balance sheet contracts	25	1,084		1,263
<b>Non cash items</b>				
Cost of capital charge		(199)		(232)
<b>Other expenditure</b>				
Accommodation and associated costs	3,564		4,773	
Communications	375		795	
Training	2,048		2,144	
Travel and subsistence	1,956		1,962	
Printing and stationery	1,423		1,414	
Postage and carriage	396		174	
Other expenditure	6,660		7,180	
		16,422		18,442
		<b>23,808</b>		<b>27,515</b>

## 10. Programme Costs

	Note	2005-06		restated
		£000	£000	2004-05
		£000	£000	£000
<b>Rentals under operating leases:</b>				
Hire of office equipment		501	2,403	
Other operating leases		17,595	19,343	
			18,096	21,746
<b>PFI service charges:</b>				
Off-balance sheet contracts	25		47,426	39,578
<b>Non cash items</b>				
Depreciation		5,358	3,272	
Loss on disposal of fixed assets		25	4	
Loss on revaluation		24	87	
Cost of capital charge:				
Civil Estate		201	164	
Other items		625	609	
Change in bad debt allowance		(112)	1,460	
Auditors' remuneration (Note a)		82	77	
Provisions:				
Provided in year	17	1,636	2,821	
Unrequired provision written back	17	(618)	-	
Unwinding of discount on provisions	17	584	304	
			7,805	8,798
<b>Other expenditure</b>				
Accommodation and associated costs		17,844	15,204	
Communications		6,104	5,023	
Training		1,828	1,719	
Travel and subsistence		4,783	4,598	
Printing and stationery		6,471	3,560	
Postage and carriage		4,092	2,897	
Advocate fees		145,896	149,300	
Costs awarded to CPS written off	29	209	169	
Witness expenses		13,794	13,680	
Other expenditure		11,246	8,048	
			212,267	204,198
			285,594	274,320
Less: programme income	6		(37,631)	(32,106)
			<b>247,963</b>	<b>242,214</b>

**Note a** - There has been no auditors' remuneration for non-audit work.

## 11. Income

	<b>2005-06</b>	<b>2004-05</b>
	<i>£000</i>	<i>£000</i>
	<i>Total</i>	<i>Total</i>
Administration income:		
Consolidated Fund extra receipts	22	506
Other	124	585
Programme income:		
Costs awarded to the CPS	34,420	32,106
Rental receivable from external tenants	2,239	1,653
Rental receivable from other departments	860	829
Netted-off gross expenditure in sub-head	(860)	(829)
Consolidated Fund extra receipts	164	-
Other	808	-
<b>Total</b>	<b>37,777</b>	<b>34,850</b>

## 12. Tangible fixed assets

	<b>Freehold Land and Buildings</b>	<b>Leasehold Improvements</b>	<b>Furniture and Fittings</b>	<b>Information Technology</b>	<b>Total</b>
	£000	£000	£000	£000	£000
<b>Cost or valuation</b>					
At 1 April 2005	5,775	1,116	30,842	1,752	39,485
Additions	-	487	2,333	90	2,910
Disposals	(566)	-	(3,900)	-	(4,466)
Revaluation	666	-	(6)	(20)	640
<b>At 31 March 2006</b>	<b>5,875</b>	<b>1,603</b>	<b>29,269</b>	<b>1,822</b>	<b>38,569</b>
<b>Depreciation</b>					
At 1 April 2005	-	27	11,200	525	11,752
Charged in year	200	224	3,834	571	4,829
Disposals	(29)	-	(3,900)	-	(3,929)
Revaluation	7	-	2	(15)	(6)
<b>At 31 March 2006</b>	<b>178</b>	<b>251</b>	<b>11,136</b>	<b>1,081</b>	<b>12,646</b>
<b>Net book value at 31 March 2006</b>	<b>5,697</b>	<b>1,352</b>	<b>18,133</b>	<b>741</b>	<b>25,923</b>
<b>Net book value at 31 March 2005</b>	<b>5,775</b>	<b>1,089</b>	<b>19,642</b>	<b>1,227</b>	<b>27,733</b>

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

The Accounting Officer is not aware of any material changes in the carrying value of freehold land and buildings and therefore there have been no interim valuations, other than indexation, since 31 March 2005. Other tangible assets are revalued on the basis of latest available indices.

The majority of IT assets in use in the business are held under a PFI contract as detailed in Note 1.10 and 25.

## 13. Intangible fixed assets

Intangible fixed assets comprise software licences.

	<b>2005-06</b>	<b>2004-05</b>
	£000	£000
<b>Cost or valuation</b>		
At 1 April 2005	-	-
Additions	946	-
Disposals	-	-
Revaluation	-	-
<b>At 31 March 2006</b>	<b>946</b>	<b>-</b>
<b>Amortisation</b>		
At 1 April 2005	-	-
Charged in year	-	-
Disposals	-	-
Revaluation	-	-
<b>At 31 March 2006</b>	<b>-</b>	<b>-</b>
<b>Net book value at 31 March 2006</b>	<b>946</b>	<b>-</b>
<b>Net book value at 31 March 2005</b>	<b>-</b>	<b>-</b>

## 14. Debtors

### 14 (a) Analysis by type

	2005-06	2004-05
	£000	£000
<b>Amounts falling due within one year:</b>		
Trade debtors (Note a)	34,543	31,024
Deposits and advances	427	423
Other debtors (Note b)	829	203
Prepayments		
PFI	751	751
Other	11,188	9,774
Accrued income	4,813	3,860
Amounts due from the Consolidated Fund in respect of supply	-	-
	<b>52,551</b>	<b>46,035</b>
<b>Amounts falling due after more than one year:</b>		
Prepayments		
PFI	3,755	4,506
Other	109	7
	<b>56,415</b>	<b>50,548</b>

**Note a** - Included within debtors is £1,769k (2004-05: £2,644k) representing excess Appropriations in Aid that will be due to the Consolidated Fund once the debts are collected.

**Note b** - Included within other debtors is £Nil (2004-05: £19k) representing unexpected receipts due to the Consolidated Fund once the debts are collected.

### 14(b) Intra-Government Balances

	Amounts falling due within one year		Amounts falling due after more than one year	
	£000	£000	£000	£000
	2005-06	2004-05	2005-06	2004-05
Balances with other central government bodies	1,141	421	-	-
Balances with local authorities	2,100	2,496	79	-
Balances with NHS Trusts	-	-	-	-
Balances with public corporations and trading funds	-	-	-	-
Intra-government balances	3,241	2,917	79	-
Balances with bodies external to government	49,310	43,118	3,785	4,513
<b>Total debtors at 31 March</b>	<b>52,551</b>	<b>46,035</b>	<b>3,864</b>	<b>4,513</b>

## 15. Cash at bank and in hand

	2005-06	2004-05
	£000	£000
Balance at 1 April	25,615	5,835
Net change in cash balances	(11,072)	19,780
<b>Balance at 31 March</b>	<b>14,543</b>	<b>25,615</b>
The following balances at 31 March were held at:		
Office of HM Paymaster General	14,486	25,487
Commercial banks and cash in hand	57	128
<b>Balance at 31 March</b>	<b>14,543</b>	<b>25,615</b>

## 16. Creditors

### 16(a) Analysis by type

	2005-06	2004-05
	£000	£000
<b>Amounts falling due within one year:</b>		
VAT	33	21
Other taxation and social security	6,822	6,391
Trade creditors	11,990	12,777
Other creditors	4,505	3,241
Accruals and deferred income	27,269	31,634
	50,619	54,064
Amounts issued from the Consolidated Fund for supply but not spent at year end	11,853	20,643
Consolidated Fund extra receipts due to be paid to the Consolidated Fund		
received	2,690	4,972
receivable	1,769	2,663
	<b>66,931</b>	<b>82,342</b>

### 16(b) Intra-Government Balances

	Amounts falling due within one year		Amounts falling due after more than one year	
	£000	£000	£000	£000
	2005-06	2004-05	2005-06	2004-05
Balances with other central government bodies	27,841	38,059	-	-
Balances with local authorities	262	-	-	-
Balances with NHS Trusts	-	-	-	-
Balances with public corporations and trading funds	-	-	-	-
Intra-government balances	28,103	38,059	-	-
Balances with bodies external to government	38,828	44,283	-	-
<b>Total creditors at 31 March</b>	<b>66,931</b>	<b>82,342</b>	<b>-</b>	<b>-</b>

## 17. Provisions for liabilities and charges

	<b>Early departure costs</b>
	<i>£000</i>
Balance at 1 April 2005	11,075
Provided in the year	1,636
Provisions utilised in the year	(2,446)
Write back of unrequired provision	(618)
Unwinding of discount	584
<b>Balance at 31 March 2006</b>	<b>10,231</b>

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

## 18. General Fund

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

		<b>2005-06</b>		<b>2004-05</b>	
	<i>Note</i>	<i>£000</i>	<i>£000</i>	<i>£000</i>	<i>£000</i>
<b>Balance at 1 April</b>			<b>6,334</b>		<b>11,467</b>
Net Parliamentary funding					
Drawn Down		602,577		579,742	
Deemed		20,643		3,514	
			623,220		583,256
Year end adjustment					
Supply Creditor - current year			(11,853)		(20,643)
Net Transfer from Operating Activities					
Net operating cost for the year		(600,466)		(565,363)	
CFERs repayable to Consolidated Fund	6	(1,550)		(3,150)	
Net Transfer from Non-operating Activities					
CFERs repayable to Consolidated Fund	7	(450)		-	
			(602,466)		(568,513)
Non Cash Charges:					
Cost of capital charge	9 and 10	627		541	
Auditors' remuneration		82		77	
			709		618
Transfer from revaluation reserve	19		459		149
<b>Balance at 31 March</b>			<b>16,403</b>		<b>6,334</b>

## 19. Reserves

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

	<b>2005-06</b>	<b>2004-05</b>
	<i>£000</i>	<i>£000</i>
Balance at 1 April	4,145	1,137
Arising on revaluation during the year (net)	576	3,157
Transferred to general fund in respect of realised element of revaluation reserve	(459)	(149)
<b>Balance at 31 March</b>	<b>4,262</b>	<b>4,145</b>



## 20. Notes to the Cash Flow Statement

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

		<b>2005-06</b>	<b>2004-05</b>
	<i>Note</i>	<i>£000</i>	<i>£000</i>
<b>Net operating cost</b>		<b>(600,466)</b>	<b>(565,363)</b>
Adjustments for non-cash transactions	9 and 10	7,606	7,107
(Increase) in debtors		(5,867)	(285)
Increase/(decrease) in creditors falling due within one year		(3,445)	11,485
Use of provisions	17	(2,446)	(3,164)
<b>Net cash outflow from operating activities</b>		<b>(604,618)</b>	<b>(550,220)</b>

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

		<b>2005-06</b>	<b>2004-05</b>
	<i>Note</i>	<i>£000</i>	<i>£000</i>
Tangible fixed asset additions	12	(2,910)	(7,042)
Intangible fixed asset additions	13	(946)	-
<b>Net cash outflow from investing activities</b>		<b>(3,856)</b>	<b>(7,042)</b>

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

	<b>Capital expenditure</b>	<b>Loans, etc.</b>	<b>A in A</b>	<b>Net Total</b>
	<i>£000</i>	<i>£000</i>	<i>£000</i>	<i>£000</i>
Request for resources I	(3,856)	-	-	(3,856)
<b>Total 2005-06</b>	<b>(3,856)</b>	<b>-</b>	<b>-</b>	<b>(3,856)</b>
<b>Total 2004-05</b>	<b>(7,042)</b>	<b>-</b>	<b>-</b>	<b>(7,042)</b>

### 20(d) Analysis of financing

		<b>2005-06</b>	<b>2004-05</b>
	<i>Note</i>	<i>£000</i>	<i>£000</i>
From the Consolidated Fund (Supply) - current year	18	(602,577)	(579,742)
Advances from the Contingencies Fund		(12,000)	-
Repayments to the Contingencies Fund		12,000	-
<b>Net financing</b>		<b>(602,577)</b>	<b>(579,742)</b>

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

		<b>2005-06</b>	<b>2004-05</b>
	<i>Note</i>	<i>£000</i>	<i>£000</i>
Net cash requirement		611,367	562,613
From the Consolidated Fund (Supply) - current year	18	(602,577)	(579,742)
Amounts due to the Consolidation Fund - received in a prior year and paid over		4,972	2,321
Amounts due to the Consolidation Fund - received in a prior year and not paid over		(2,690)	(4,972)
(Increase)/decrease in cash		11,072	(19,780)

## 21. Notes to the Statement of Operating Costs by Departmental Aim and Objective

Other current expenditures were as follows:

	<b>2005-06</b>	<b>restated 2004-05</b>
<b>Objective</b>	<i>£000</i>	<i>£000</i>
To ensure the effective delivery of justice	247,963	242,214
	<b>247,963</b>	<b>242,214</b>

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

### Capital Employed by Departmental Aim and Objective at 31 March 2006

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

Aim: To deliver a high quality prosecution service that brings offenders to justice, helps reduce both crime and the fear of crime and thereby promotes 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.

	<b>2005-06</b>	<b>2004-05</b>
<b>Objective</b>	<b>Capital employed</b>	<b>Capital employed</b>
	<i>£000</i>	<i>£000</i>
To ensure the effective delivery of justice	20,665	10,479
	<b>20,665</b>	<b>10,479</b>

## 22. Capital Commitments

	<b>2005-06</b>	<b>2004-05</b>
	<i>£000</i>	<i>£000</i>
Contracted capital commitments at 31 March 2006 for which no provision has been made	106	50

## 23. Commitments under leases

### Operating Leases

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

	<b>2005-06</b>		<b>2004-05</b>	
	Land and buildings	Other	Land and buildings	Other
	<i>£000</i>	<i>£000</i>	<i>£000</i>	<i>£000</i>
<b>Obligations under operating leases comprise:</b>				
Expiry within 1 year	1,969	16	1,793	4,356
Expiry after 1 year but not more than 5 years	10,674	1,959	3,339	2,498
Expiry thereafter	12,941	2,881	19,399	-
	<b>25,584</b>	<b>4,856</b>	<b>24,531</b>	<b>6,854</b>

## 24. Other Financial Commitments

The Department has entered into a contract, only cancellable at a significant cost, for the delivery and support of the department's new finance system. Implementation was completed during the current year, and the payments for system support to which the Department is committed during the year following the year of these accounts, analysed by the period during which the commitment expires are as follows.

	<b>2005-06</b>	<b>2004-05</b>
	<i>£000</i>	<i>£000</i>
Expiry within 1 year	-	-
Expiry within 2 to 5 years	656	1,119
Expiry thereafter	-	-
	<b>656</b>	<b>1,119</b>

## 25. Commitments under PFI contracts

The Department has entered into the following PFI contract.

### *Off balance sheet*

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

The Department's ICT service is provided through a managed service contract with a term of 10 years from 1 April 2002 to 31 March 2012. The contract is extendable for a further five years. The estimated capital value of the contract is £21.7m (2004-05: £21m). Under the terms of the contract CPS ICT assets were transferred to the contractor with effect from 1 April 2002. A prepayment was established for the fair value of the ICT assets transferred (£7,510,233.28) and the assets were impaired to a nil value as at 31 March 2002.

### *Charge to the Operating Cost Statement and future commitments*

The total amount charged in the Operating Cost Statement in respect of off-balance sheet PFI transactions was £48,510,539 (2004-05: £40,840,684); and the payments to which the Department is committed during the year following the year of these accounts, analysed by the period during which the commitment expires, is as follows.

	<b>2005-06</b>	<b>2004-05</b>
	<i>£000</i>	<i>£000</i>
Expiry within 1 year	-	-
Expiry within 2 to 5 years	-	-
Expiry within 6 to 10 years	41,946	42,330
	<b>41,946</b>	<b>42,330</b>

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

## 26. Financial Instruments

FRS 13, *Derivatives and Other Financial Instruments*, requires disclosure of the role which financial instruments have had during the period in creating or changing the risks an entity faces in undertaking its activities. Because of the largely non-trading nature of its activities and the way in which government departments are financed, the CPS is not exposed to the degree of financial risk faced by business entities. Moreover, financial instruments play a much more limited role in creating or changing risk than would be typical of the listed companies to which FRS 13 mainly applies. The Department has no power to borrow or invest surplus funds and financial assets and liabilities are generated by day-to-day operational activities and are not held to change the risks facing the Department in undertaking its activities.

### Liquidity risk

The Department's net revenue resource and capital requirements are financed by resources voted annually by Parliament.

The CPS is not therefore exposed to liquidity risks.

### Interest-rate and Foreign currency risk

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

### Fair values

Set out below is a comparison by category of book values and fair values of the Department's financial assets and liabilities as at 31 March 2006.

	Book Value	Fair Value	Basis of fair valuation
	£000	£000	
<b>Primary financial instruments:</b>			
<b>Financial assets:</b>			
Cash at bank and in hand	14,543	14,543	
<b>Financial liabilities:</b>			
Provisions	(10,231)	(10,231)	Note a

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

## 27. Contingent Liabilities disclosed under FRS 12

As at 31 March 2006 the CPS was involved in 11 Employment Tribunal cases. Three cases have subsequently been withdrawn, and one further case dismissed. It is not possible to estimate the financial effect of the remaining seven claims. The CPS was also involved in 18 personal injury claims. Two claims have subsequently settled at a cost of £36,803. Nine cases are in the process of negotiation; these may result in settlements totalling £181,250. It is not possible to estimate the financial effect of the remaining seven claims. In addition, the CPS was also involved in negotiation of costs relating to dilapidation charges. Six claims are expected to be submitted by Landlords, four of which may result in settlements totalling £557,342. It is not possible to estimate the financial effect of the remaining two cases.

Included in the contingent liabilities is one claim which exceeds £250,000. This is a dilapidation claim of £271,136.

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

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

## 29. Losses and Special Payments

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

	2005-06	2004-05
	£000	£000
<b>Losses Statement</b>		
<b>Total (2,104 cases)</b>	290	253

These losses include 1,879 cases relating to costs awarded to the CPS totalling £209k (Note 10) of which the Magistrates' Courts, who are responsible for collecting costs awarded to the CPS, wrote off 1,742 cases with a value of £75k under their delegated powers, and the CPS authorised a further write off of £134k comprising 137 cases.

<b>Special Payments</b>		
<b>Total (31 cases)</b>	397	354

## 30. Related-party transactions

The CPS has close working relationships with all agencies within the criminal justice system and particularly the Courts, their ultimate controlling party being the Department for Constitutional Affairs (see Note 1.5). The Courts are regarded as related parties with which the department has had material transactions, being mainly costs awarded by the Courts to the CPS (see Note 11) less amounts written off (see Note 10).

In response to the recommendations of the Glidewell review the CPS and the Police have combined the administration of case files through the collocation of Criminal Justice Units. In addition the CPS has had a number of transactions with other Government bodies.

During 2004-05 the CPS carried out a review of its Equality and Diversity Complaints procedure. Having followed the necessary procedures for competitive tendering as laid down by the Office of Government Commerce, the contract for this review was awarded to Anjali Arya Consultancy. Anjali Arya is a non-executive Director of the CPS and chair of the Audit Committee. As at 31 March 2006, Anjali Arya Consultancy had been paid a fee of £5,287.50 for completion of the project started in 2004-05 (2004-05 £19,153.44). None of the remaining Board members, key managerial staff or other related parties has undertaken any material transactions with the CPS during the year.

## 31. Third-party assets

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

## Departmental Remuneration Report

The Remuneration Committee comprises:

Richard Foster	(Chief Executive)
Angela O'Connor	(Director; Human Resources)
Mark Burch	(Head of Pay and Performance Management)
Anjali Arya	(non-executive director)

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

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

In reaching its recommendations, the SSRB is to have regard to the following considerations:

the need to recruit, retain and motivate suitably able and qualified people to exercise their different responsibilities;

regional/local variations in labour markets and their effects on the recruitment and retention of staff;

Government policies for improving the public services including the requirement on departments to meet the output targets for the delivery of departmental services;

the funds available to departments as set out in the Government's departmental expenditure limits;

the Government's inflation target.

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

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

In addition, the Remuneration Committee is tasked with considering the relative contributions of the Department's senior employees within each pay band. Paying due regard to completed performance reports, consistency and scope of

objectives and the effects of external factors, the committee will then consider individual merit awards in line with Cabinet Office guidance. If implemented, such merit awards will be in addition to the minimum progression of all SCS pay bands implemented in line with the recommendations of the SSRB (2.5% with effect from 1 April 2005).

### Service Contracts

Civil Service appointments are made in accordance with the Civil Service Commissioners' Recruitment Code, which requires appointment to be on merit on the basis of fair and open competition but also includes the circumstances when appointments may otherwise be made.

The DPP, Ken Macdonald QC, was appointed by the Cabinet Office for a period of three years under a contract dated 1 November 2003 which has an unexpired term of six months; compensation for early termination is payable in accordance with the relevant provisions of the Civil Service Compensation Scheme (CSCS) and the DPP may retire early on medical grounds with benefits provided under the terms of his pension scheme. His contract has recently been extended for a period of two years and will run from 1 November 2006 until 31 October 2008.

Claire Hamon, Director Business Information Systems, serves under a contract dated 3 January 2006 which has an unexpired term of three years eight months. The contract stipulates a notice period of three months; compensation for early termination is payable in accordance with the relevant provisions of the CSCS, and she may retire early on medical grounds receiving payment of relevant ill health retirement benefits.

All other officials covered by this report hold appointments, which are open-ended until they reach the normal retiring age of 60. Early termination, other than for misconduct, would result in the individual receiving compensation as set out in the CSCS.

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

The remuneration of all directors, non-executive directors and staff employed in the CPS is paid entirely in cash.

### Salary and Pension Entitlements

The following sections provide details of the remuneration and pensions interests of the most senior officials of the department.

## Remuneration

Officials	Post held	Date joined or left Board (if applicable)	2005-06	2004-05
			Salary £000	Salary £000
Ken Macdonald	Director of Public Prosecutions		175 - 180	170 - 175
Richard Foster	Chief Executive		140 - 145	125 - 130
Claire Hamon	Director Business Information Systems		130 - 135	110 - 115
John Graham	Director Finance		95 - 100	90 - 95
Angela O'Connor	Director Human Resources		110 - 115	(a)
Séamus Taylor	Director of Equality and Diversity		80 - 85	75 - 80
Peter Lewis	Director Business Development Directorate		120 - 125	105 - 110
Philip Geering	Director Policy		95 - 100	90 - 95
Dru Sharpling	CCP, London		125 - 130	115 - 120
Jim England	CCP, West Mercia	(from 1 Apr 04)	85 - 90	80 - 85
Portia Ragnauth	CCP, Durham	(from 1 Apr 04)	70 - 75	70 - 75
Neil Franklin	CCP, West Yorkshire	(from 16 Sep 04)	95 - 100	50 - 55 (fye 90 - 95)
Deborah King	ABM, Merseyside	(from 16 Sep 04)	55 - 60	30 - 35 (fye 55 - 60)
David Farmer	CCP, Cumbria	(to 15 Sep 04)		30 - 35 (fye 75 - 80)
Robert Turnbull	CCP, North Yorkshire	(to 15 Sep 04)		30 - 35 (fye 75 - 80)
Ed Baltrami	CCP, Thames Valley	(to 15 Sep 04)		30 - 35 (fye 70 - 75)
Chris Newell	Director Casework	(to 15 Sep 04)		45 - 50 (fye 105 - 110)
Sue Cunningham	Head of Corporate Communications Division	(to 15 Sep 04)		30 - 35 (fye 65 - 70)
Garry Patten	Serious and Organised Crime Agency	(from 7 Oct 03 to 15 Sep 04)		45 - 50 (fye 95 - 100)
David Archer	CCP, Avon & Somerset	(to 15 Sep 04)		35 - 40 (fye 80 - 85)
Richard Crowley	CCP, Cambridgeshire	(to 15 Sep 04)		(a)
Martin Howard	CCP, Leicestershire	(to 15 Sep 04)		35 - 40 (fye 80 - 85)
Elizabeth Howe	CCP, Kent	(to 15 Sep 04)		35 - 40 (fye 80 - 85)
Judith Hunt (c)	Non-executive Director	(to 31 Dec 2005)		
Anjali Arya (c)	Non-executive Director			
Philip Oliver (c)	Non-executive Director			

- a) Did not refuse to consent but was not able to confirm the data was accurate and as such was not in a position to give the informed consent.
  - b) There were no benefits in kind provided by the Department to any employees, including members of the CPS Board.
  - c) Non-executive Directors received a fee of £10,650 as remuneration for sitting on the Board during 2005-06. Expenses are paid.
- fy*e = full year equivalent salary

#### *Salary*

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

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

#### *Benefits in Kind*

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

### **Pension Benefits**

#### *Civil Service Pensions*

Pension benefits are provided through the Civil Service pension arrangements. From 1 October 2002, civil servants may be in one of three statutory based "final salary" defined benefit schemes (classic, premium and classic plus). The schemes are unfunded with the cost of benefits met by monies voted by Parliament each year. Pensions payable under classic, premium and classic plus are increased annually in line with changes in the Retail Price Index. New entrants after 1 October 2002 may choose between membership of premium or joining a good quality "money purchase" stakeholder arrangement with a significant employer contribution (partnership pension account).

Employee contributions are set at the rate of 1.5 per cent of pensionable earnings for classic and 3.5 per cent for premium and classic plus. Benefits in classic accrue at the rate of 1/80th of pensionable salary for each year of service. In addition, a lump sum equivalent to three years' pension is payable on retirement. For premium, benefits accrue at the rate of 1/60th of final pensionable earnings for each year of service. Unlike

classic, there is no automatic lump sum (but members may give up (commute) some of their pension to provide a lump sum). Classic plus is essentially a variation of premium, but with benefits in respect of service before 1 October 2002 calculated broadly in the same way as in classic.

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

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

#### *Cash Equivalent Transfer Values*

A Cash Equivalent Transfer Value (CETV) is the actuarially assessed capitalised value of the pension scheme benefits accrued by a member at a particular point in time. The benefits valued are the member's accrued benefits and any contingent spouse's pension payable from the scheme. A CETV is a payment made by a pension scheme or arrangement to secure pension benefits in another pension scheme or arrangement when the member leaves a scheme and chooses to transfer the benefits accrued in their former scheme. The pension figures shown relate to the benefits that the individual has accrued as a consequence of their total membership of the pension scheme, not just their service in a senior capacity to which disclosure applies. The CETV figures, and from 2003-04 the other pension details, include the value of any pension benefit in another scheme or arrangement which the individual has transferred to the Civil Service pension arrangements and for which the CS Vote has received a transfer payment commensurate with the additional pension liabilities being assumed. They also include any additional pension benefit accrued to the member as a result of their purchasing additional years of pension service in the scheme at their own cost. CETVs are calculated within the guidelines and framework prescribed by the Institute and Faculty of Actuaries.



## DEPARTMENTAL REMUNERATION REPORT

Please note that the factors used to calculate the CETV were revised on 1 April 2005 on the advice of the Scheme Actuary. The CETV figure for 31 March 2005 has been restated using the new factors so that it is calculated on the same basis as the CETV figure for 31 March 2006.

#### *Real Increase in CETV*

This reflects the increase in CETV effectively funded by the employer. It takes account of the increase in accrued pension due to inflation, contributions paid by the employee (including the value of any benefits transferred from another pension scheme or arrangement) and uses common market valuation factors for the start and end of the period.

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

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

The two pension schemes provide benefits which broadly match the benefits provided under the Judicial Pension Scheme.

The principal scheme is a registered scheme and provides benefits up to the earnings cap. The supplementary scheme provides benefits on earnings above the cap and is not a registered scheme. The normal retirement age for the scheme is 65.

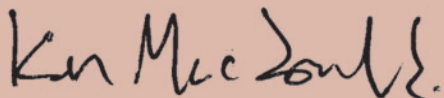
Employee contributions are set at the rate of 3% of pensionable earnings up to the earnings cap. Benefits accrue at the rate of 1/40th of pensionable salary for each year of service. In addition, a lump sum equivalent to 2.25 years' pension is payable on retirement.

#### *Pension benefits:*

<b>Officials</b>	<b>Accrued pension at age 60 as at 31 March 2006 and related lump sum</b>	<b>Real increase in pension and related lump sum at age 60</b>	<b>CETV at 31 March 2006</b>	<b>CETV at 31 March 2005</b>	<b>Real increase in CETV</b>
	£000	£000	£000	£000	£000
Ken Macdonald <i>Director of Public Prosecutions</i>	pension 10 - 15 lump sum 25 - 30	pension 2.5 - 5 lump sum 7.5 - 10	174	70	69
Richard Foster <i>Chief Executive</i>	pension 55 - 60 lump sum 170 - 175	pension 2.5 - 5 lump sum 7.5 - 10	1,280	988	49
Claire Hamon <i>Director Business Information Systems</i>	pension 5 - 10 lump sum n/a	pension 0 - 2.5 lump sum n/a	68	33	18
John Graham <i>Director Finance</i>	pension 35 - 40 lump sum 105 - 110	pension 0 - 2.5 lump sum 2.5 - 5	756	583	29
Angela O'Connor <i>Director Human Resources</i>	pension 25 - 30 lump sum 85 - 90	pension 2.5 - 5 lump sum 10 - 12.5	479	317	57
Séamus Taylor (a) <i>Director of Equality and Diversity</i>	pension 0 - 5 lump sum n/a	pension 2.5 - 5 lump sum n/a	38	n/a	35
Peter Lewis <i>Director Business Development Directorate</i>	pension 35 - 40 lump sum 110 - 115	pension 5 - 7.5 lump sum 15 - 17.5	683	458	86

<b>Officials</b>	<b>Accrued pension at age 60 as at 31 March 2006 and related lump sum</b>	<b>Real increase in pension and related lump sum at age 60</b>	<b>CETV at 31 March 2006</b>	<b>CETV at 31 March 2005</b>	<b>Real increase in CETV</b>
	£000	£000	£000	£000	£000
Philip Geering <i>Director Policy</i>	pension 20 - 25 lump sum 70 - 75	pension 0 - 2.5 lump sum 5 - 7.5	354	239	29
Dru Sharpling <i>CCP, London</i>	pension 5 - 10 lump sum 15 - 20	pension 0 - 2.5 lump sum 2.5 - 5	91	51	23
Jim England <i>CCP, West Mercia (from 1 Apr 04)</i>	pension 20 - 25 lump sum 70 - 75	pension 0 - 2.5 lump sum 2.5 - 5	395	278	24
Portia Ragnauth <i>CCP, Durham (from 1 Apr 04)</i>	pension 15 - 20 lump sum 55 - 60	pension 0 - 2.5 lump sum 5 - 7.5	309	209	23
Neil Franklin <i>CCP, West Yorkshire (from 16 Sep 04)</i>	pension 30 - 35 lump sum 100 - 105	pension 0 - 2.5 lump sum 5 - 7.5	772	595	50
Deborah King <i>ABM, Merseyside (from 16 Sep 04)</i>	pension 20 - 25 lump sum 70 - 75	pension 0 - 2.5 lump sum 2.5 - 5	481	367	19

a) Does not include transferred membership entitlements of previous PCSPS and Local Authority pension schemes, which are in the process of being calculated by the Department for Work and Pensions.



Ken Macdonald QC  
Accounting Officer  
26 June 2006

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

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

**Chart 1 Magistrates' courts: caseload**

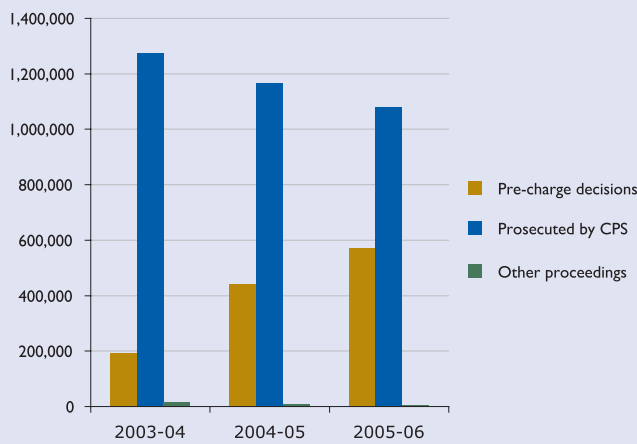


Chart 1 shows the number of cases dealt with by the CPS in 2005-06 and in the two preceding years.

The number of defendants prosecuted by the CPS fell by 7.3% during the year. Several factors may affect this figure, including the number of arrests, the impact of the early involvement of prosecutors, the number of offences cleared up by the police, and the number of offenders cautioned by the police. The present fall in caseload may also be related to lower levels of recorded crime, and to an increasing number of comparatively minor offences now dealt with by way of a fixed penalty without CPS involvement.

	2003-04	2004-05	2005-06
Pre-charge decisions	194,928	441,194	570,757
Prosecuted by CPS	1,274,615	1,168,078	1,082,385
Other proceedings	17,225	7,028	3,890

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

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

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

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



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

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

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

	2003-04	%	2004-05	%	2005-06	%
Summary	836,973	61.4	792,725	63.6	725,993	62.6
Indictable only/either way	525,345	38.6	453,115	36.4	433,985	37.4
Total	1,362,318		1,245,840		1,159,978	

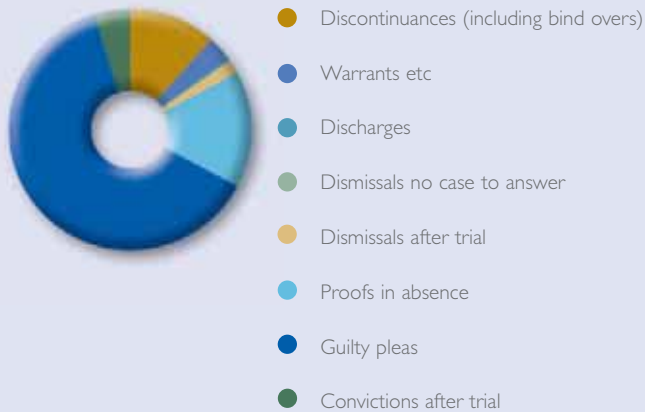
**Chart 3 Magistrates' courts: case outcomes**

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

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

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

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

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

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

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

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

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

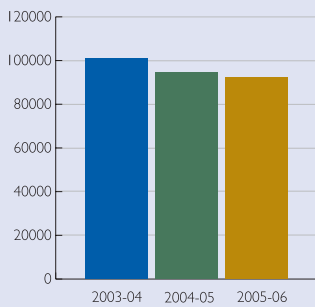
	2003-04	%	2004-05	%	2005-06	%
Discontinuances (including bind overs)	175,779	13.8	146,268	12.5	126,047	11.6
Warrants etc	72,078	5.7	53,408	4.6	36,191	3.3
Discharges	2,225	0.2	3,444	0.3	2,420	0.2
Dismissals no case to answer	3,053	0.2	3,681	0.3	3,037	0.3
Dismissals after trial	15,997	1.3	17,839	1.5	18,868	1.7
Proofs in absence	152,757	12.0	169,681	14.5	168,874	15.6
Guilty pleas	800,525	62.8	716,082	61.3	674,925	62.4
Convictions after trial	52,201	4.1	57,675	4.9	52,023	4.8
Total	1,274,615		1,168,078		1,082,385	

Discontinuances have continued to fall substantially, from 16.2% in 2001-02 to 15.5% in 2002-03, to 13.8% in 2003-04, to 12.5% in 2004-05, and to 11.6% in 2005-06, reflecting the positive impact of the charging initiative.

Convictions rose from 76.8% of all outcomes in 2002-03 to 78.9% in 2003-04, to 80.8% in 2004-05, and to 82.8% in 2005-06. Over the same period, unsuccessful outcomes fell from 23.2% in 2002-03, to 21.1% in 2003-04, to 19.2% in 2004-05, and to 17.2% in 2005-06. This was another positive outcome of charging.

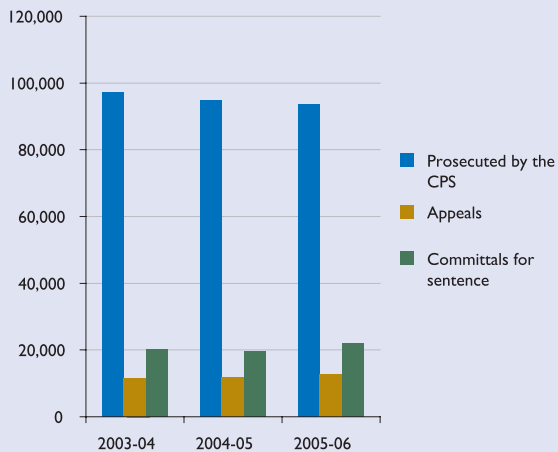
Where a defendant pleads guilty to some charges in a set of proceedings, and not guilty to others that subsequently go to trial, the above figures include both the guilty plea and the outcome of the subsequent contested hearing.

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



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

	2003-04	2004-05	2005-06
committals for trial	100,490	93,936	92,598



**Chart 5: Crown Court: caseload**

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

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

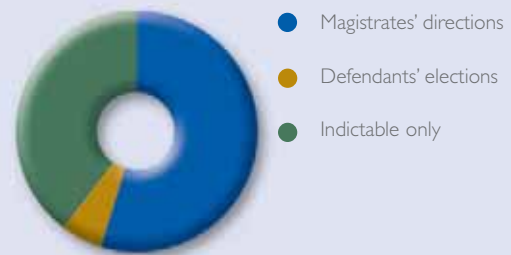
**Appeals:** defendants tried in magistrates' courts may appeal to the Crown Court against their conviction and/or sentence;

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

	2003-04	2004-05	2005-06
Prosecuted by the CPS	97,375	94,737	93,727
Appeals	11,418	11,960	12,741
Committals for sentence	20,191	19,672	21,918

The number of defendants prosecuted fell by 1.1% during 2005-06.

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



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

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

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

	2003-04	%	2004-05	%	2005-06	%
Magistrates' directions	41,997	44.1	49,355	54.3	49,330	54.8
Defendants' elections	13,037	13.7	5,045	5.6	5,025	5.6
Indictable only	40,200	42.2	36,490	40.1	35,626	39.6
<b>Total</b>	<b>95,234</b>		<b>90,890</b>		<b>89,981</b>	

Indictable only cases represented 39.6% of the total compared with only 18.2% in 1991-92.

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

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

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

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

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

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

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

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

	2003-04	%	2004-05	%	2005-06	%
Judge ordered acquittals (including bind overs)	14,358	14.7	13,430	14.2	12,389	13.2
Warrants etc	2,171	2.2	1,635	1.7	1,505	1.6
Judge directed acquittals	1,538	1.6	1,883	2.0	1,555	1.7
Acquittals after trial	6,652	6.8	5,976	6.3	5,927	6.3
Guilty pleas	59,537	61.1	58,222	61.5	60,252	64.3
Convictions after trial	13,119	13.5	13,591	14.3	12,099	12.9
Total	97,375		94,737		93,727	

Convictions rose to 77.2% of all outcomes compared with 75.8% in 2004-05, while unsuccessful outcomes fell to 22.8% compared with 24.2% in 2004-05.

The above figures include acquittals following a mix of guilty and not guilty pleas where a trial has ensued, as well as those in which the defendant pleaded not guilty to all counts on the indictment.

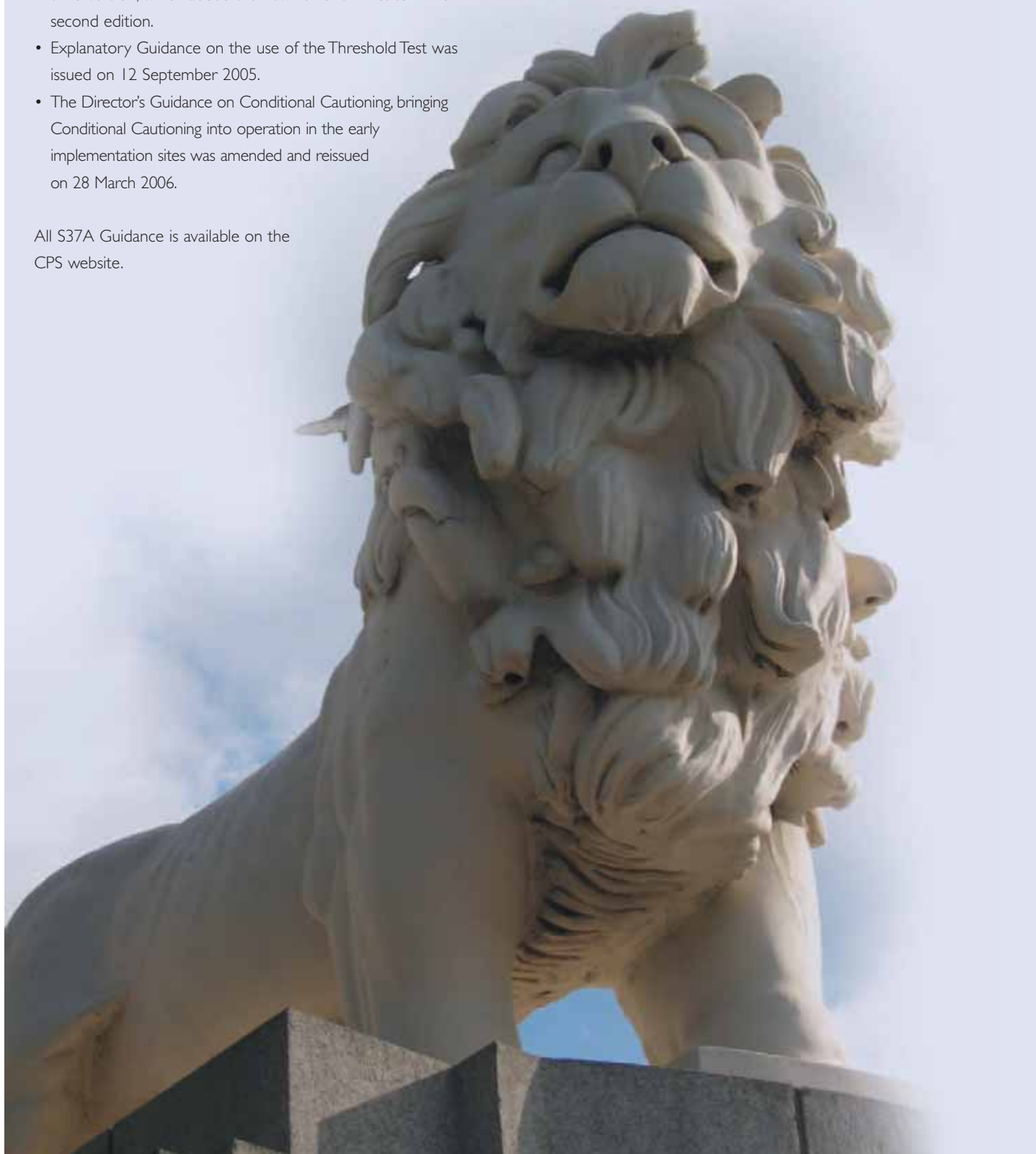
#### AGENT USAGE

The proportion of half day sessions in magistrates' courts covered by lawyers in private practice acting as agents during 2005-06 was 22.8% compared with 26.9% in 2004-05.

During the period of this report the Director of Public Prosecutions has issued guidance under Section 37A(1) of the Police and Criminal Evidence Act 1985 as amended by the Criminal Justice Act 2003, as follows;

- The Director's Guidance on Charging (Second Edition) plus a third version, which added the new Terrorism Act to Annex A second edition.
- Explanatory Guidance on the use of the Threshold Test was issued on 12 September 2005.
- The Director's Guidance on Conditional Cautioning, bringing Conditional Cautioning into operation in the early implementation sites was amended and reissued on 28 March 2006.

All S37A Guidance is available on the CPS website.



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

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

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

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

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

## I INTRODUCTION

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

- 1.3 The Code is also designed to make sure that everyone knows the principles that the Crown Prosecution Service applies when carrying out its work. By applying the same principles, everyone involved in the system is helping to treat victims, witnesses and defendants fairly, while prosecuting cases effectively.

## 2 GENERAL PRINCIPLES

- 2.1 Each case is unique and must be considered on its own facts and merits. However, there are general principles that apply to the way in which Crown Prosecutors must approach every case.
- 2.2 Crown Prosecutors must be fair, independent and objective. They must not let any personal views about ethnic or national origin, disability, sex, religious beliefs, political views or the sexual orientation of the suspect, victim or witness influence their decisions. They must not be affected by improper or undue pressure from any source.
- 2.3 It is the duty of Crown Prosecutors to make sure that the right person is prosecuted for the right offence. In doing so, Crown Prosecutors must always act in the interests of justice and not solely for the purpose of obtaining a conviction.
- 2.4 Crown Prosecutors should provide guidance and advice to investigators throughout the investigative and prosecuting process. This may include lines of inquiry, evidential requirements and assistance in any pre-charge procedures. Crown Prosecutors will be proactive in identifying and, where possible, rectifying evidential deficiencies and in bringing to an early conclusion those cases that cannot be strengthened by further investigation.
- 2.5 It is the duty of Crown Prosecutors to review, advise on and prosecute cases, ensuring that the law is properly applied, that all relevant evidence is put before the court and that obligations of disclosure are complied with, in accordance with the principles set out in this Code.
- 2.6 The Crown Prosecution Service is a public authority for the purposes of the Human Rights Act 1998. Crown Prosecutors must apply the principles of the European Convention on Human Rights in accordance with the Act.

## 3 THE DECISION TO PROSECUTE

- 3.1 In most cases, Crown Prosecutors are responsible for deciding whether a person should be charged with a criminal offence,



and if so, what that offence should be. Crown Prosecutors make these decisions in accordance with this Code and the Director's Guidance on Charging. In those cases where the police determine the charge, which are usually more minor and routine cases, they apply the same provisions.

- 3.2 Crown Prosecutors make charging decisions in accordance with the Full Code Test (see section 5 below), other than in those limited circumstances where the Threshold Test applies (see section 6 below).
- 3.3 The Threshold Test applies where the case is one in which it is proposed to keep the suspect in custody after charge, but the evidence required to apply the Full Code Test is not yet available.
- 3.4 Where a Crown Prosecutor makes a charging decision in accordance with the Threshold Test, the case must be reviewed in accordance with the Full Code Test as soon as reasonably practicable, taking into account the progress of the investigation.

#### **4 REVIEW**

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

#### **5 THE FULL CODE TEST**

- 5.1 The Full Code Test has two stages. The first stage is consideration of the evidence. If the case does not pass the evidential stage it must not go ahead no matter how

important or serious it may be. If the case does pass the evidential stage, Crown Prosecutors must proceed to the second stage and decide if a prosecution is needed in the public interest. The evidential and public interest stages are explained below.

#### **The Evidential Stage**

- 5.2 Crown Prosecutors must be satisfied that there is enough evidence to provide a 'realistic prospect of conviction' against each defendant on each charge. They must consider what the defence case may be, and how that is likely to affect the prosecution case.
- 5.3 A realistic prospect of conviction is an objective test. It means that a jury or bench of magistrates or judge hearing a case alone, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged. This is a separate test from the one that the criminal courts themselves must apply. A court should only convict if satisfied so that it is sure of a defendant's guilt.
- 5.4 When deciding whether there is enough evidence to prosecute, Crown Prosecutors must consider whether the evidence can be used and is reliable. There will be many cases in which the evidence does not give any cause for concern. But there will also be cases in which the evidence may not be as strong as it first appears. Crown Prosecutors must ask themselves the following questions:

#### **Can the evidence be used in court?**

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

#### **Is the evidence reliable?**

- b Is there evidence which might support or detract from the reliability of a confession? Is the reliability affected by factors such as the defendant's age, intelligence or level of understanding?
- c What explanation has the defendant given? Is a court likely to find it credible in the light of the evidence as a whole? Does it support an innocent explanation?

- d If the identity of the defendant is likely to be questioned, is the evidence about this strong enough?
  - e Is the witness's background likely to weaken the prosecution case? For example, does the witness have any motive that may affect his or her attitude to the case, or a relevant previous conviction?
  - f Are there concerns over the accuracy or credibility of a witness? Are these concerns based on evidence or simply information with nothing to support it? Is there further evidence which the police should be asked to seek out which may support or detract from the account of the witness?
- 5.5 Crown Prosecutors should not ignore evidence because they are not sure that it can be used or is reliable. But they should look closely at it when deciding if there is a realistic prospect of conviction.

#### The Public Interest Stage

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

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

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

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

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

**Some common public interest factors against prosecution**

5.10 A prosecution is less likely to be needed if:

- a the court is likely to impose a nominal penalty;
- b the defendant has already been made the subject of a sentence and any further conviction would be unlikely to result in the imposition of an additional sentence or order, unless the nature of the particular offence requires a prosecution or the defendant withdraws consent to have an offence taken into consideration during sentencing;
- c the offence was committed as a result of a genuine mistake or misunderstanding (these factors must be balanced against the seriousness of the offence);
- d the loss or harm can be described as minor and was the result of a single incident, particularly if it was caused by a misjudgement;
- e there has been a long delay between the offence taking place and the date of the trial, unless:
  - the offence is serious;
  - the delay has been caused in part by the defendant;
  - the offence has only recently come to light; or
  - the complexity of the offence has meant that there has been a long investigation;
- f a prosecution is likely to have a bad effect on the victim's physical or mental health, always bearing in mind the seriousness of the offence;

- g the defendant is elderly or is, or was at the time of the offence, suffering from significant mental or physical ill health, unless the offence is serious or there is real possibility that it may be repeated. The Crown Prosecution Service, where necessary, applies Home Office guidelines about how to deal with mentally disordered offenders. Crown Prosecutors must balance the desirability of diverting a defendant who is suffering from significant mental or physical ill health with the need to safeguard the general public;
- h the defendant has put right the loss or harm that was caused (but defendants must not avoid prosecution or diversion solely because they pay compensation); or
- i details may be made public that could harm sources of information, international relations or national security.

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

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

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

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

**6 THE THRESHOLD TEST**

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

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

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

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

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

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

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

## 7 SELECTION OF CHARGES

- 7.1 Crown Prosecutors should select charges which:
- a reflect the seriousness and extent of the offending;
  - b give the court adequate powers to sentence and impose appropriate post-conviction orders; and
  - c enable the case to be presented in a clear and simple way. This means that Crown Prosecutors may not always choose or continue with the most serious charge where there is a choice.
- 7.2 Crown Prosecutors should never go ahead with more charges than are necessary just to encourage a defendant to plead guilty to a few. In the same way, they should never go ahead with a more serious charge just to encourage a defendant to plead guilty to a less serious one.

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

## 8 DIVERSION FROM PROSECUTION

### Adults

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

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

### Simple Caution

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

### Conditional Caution

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

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

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

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

**Youths**

- 8.8 Crown Prosecutors must consider the interests of a youth when deciding whether it is in the public interest to prosecute. However Crown Prosecutors should not avoid prosecuting simply because of the defendant's age. The seriousness of the offence or the youth's past behaviour is very important.
- 8.9 Cases involving youths are usually only referred to the Crown Prosecution Service for prosecution if the youth has already received a reprimand and final warning, unless the offence is so serious that neither of these were appropriate or the youth does not admit committing the offence. Reprimands and final warnings are intended to prevent re-offending and the fact that a further offence has occurred indicates that attempts to divert the youth from the court system have not been effective. So the public interest will usually require a prosecution in such cases, unless there are clear public interest factors against prosecution.

**9 MODE OF TRIAL**

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

**10 ACCEPTING GUILTY PLEAS**

- 10.1 Defendants may want to plead guilty to some, but not all, of the charges. Alternatively, they may want to plead guilty to a different, possibly less serious, charge because they are admitting only part of the crime. Crown Prosecutors should only accept the defendant's plea if they think the court is able to pass a sentence that matches the seriousness of the offending, particularly where there are aggravating features. Crown Prosecutors must never accept a guilty plea just because it is convenient.

- 10.2 In considering whether the pleas offered are acceptable, Crown Prosecutors should ensure that the interests of the victim and, where possible, any views expressed by the victim or victim's family, are taken into account when deciding whether it is in the public interest to accept the plea. However, the decision rests with the Crown Prosecutor.
- 10.3 It must be made clear to the court on what basis any plea is advanced and accepted. In cases where a defendant pleads guilty to the charges but on the basis of facts that are different from the prosecution case, and where this may significantly affect sentence, the court should be invited to hear evidence to determine what happened, and then sentence on that basis.
- 10.4 Where a defendant has previously indicated that he or she will ask the court to take an offence into consideration when sentencing, but then declines to admit that offence at court, Crown Prosecutors will consider whether a prosecution is required for that offence. Crown Prosecutors should explain to the defence advocate and the court that the prosecution of that offence may be subject to further review.
- 10.5 Particular care must be taken when considering pleas which would enable the defendant to avoid the imposition of a mandatory minimum sentence. When pleas are offered, Crown Prosecutors must bear in mind the fact that ancillary orders can be made with some offences but not with others.

**11 PROSECUTORS' ROLE IN SENTENCING**

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

**12 RE-STARTING A PROSECUTION**

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

12.2 These reasons include:

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

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

**The Code is a public document. It is available on the CPS website: [www.cps.gov.uk](http://www.cps.gov.uk)**

**Further copies may be obtained from:**

CPS Communications Branch  
50 Ludgate Hill  
London EC4M 7EX  
Tel: 020 7796 8442  
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CPS Public Enquiry Point:  
Tel: 020 7796 8500 Phone calls may be recorded

**E-mail for enquiries and comments:**  
[enquiries@cps.gsi.gov.uk](mailto:enquiries@cps.gsi.gov.uk)

## DIRECTOR OF PUBLIC PROSECUTIONS' GENERAL INSTRUCTIONS TO CROWN PROSECUTION SERVICE DESIGNATED CASEWORKERS, PURSUANT TO SECTION 7A(3) AND (4) OF THE PROSECUTION OF OFFENCES ACT 1985 ('THE ACT')

### 1. Preamble

- 1.1 These instructions will take effect on 2 January 2006, and will apply to all CPS employees designated by the Director in accordance with section 7A(1) of the Act. Any such employee will be referred to in these instructions as a Designated Caseworker ['DCW'].
- 1.2 These instructions apply whether the DCW has been so designated prior to the date specified in paragraph 1.1, upon that date, or subsequently.
- 1.3 Upon these instructions taking effect in accordance with paragraphs 1.1 and 1.2, all previous instructions issued to DCWs pursuant to section 7A(3) and (4) of the Act, and set out in the appropriate Annex of the Director's annual report to the Attorney General in accordance with section 7A(7)(c) of the Act, will cease to have effect.
- 1.4 The Director may from time to time issue guidance to CPS Areas as to how to approach implementation of these instructions, and dealing with related matters including procedures for supervision of DCWs and training requirements relevant to certain duties.

### 2. Powers and Rights of Audience

- 2.1 All DCWs will exercise the powers and rights of audience of a Crown Prosecutor in the conduct of criminal proceedings in magistrates' courts, including those concerning a defendant's application for bail, or application in relation to bail (including proceedings for breach of bail), whether or not the matter is contested and whether or not the defendant is an adult or youth, except to the extent that the proceedings are any of the excluded proceedings listed in paragraph 2.4 below.
- 2.2 All DCWs will exercise the powers of a Crown Prosecutor in the conduct of criminal proceedings in magistrates courts, including the power to review such proceedings in accordance with the Code for Crown Prosecutors and to determine such proceedings, except to the extent that the proceedings are any of the excluded proceedings listed in paragraph 2.4 below.

- 2.3 The powers of a DCW to review and determine proceedings are further subject to Section 3 below.
- 2.4 For the purpose of these instructions, excluded proceedings are proceedings:
- for an offence triable only at the Crown Court;
  - for an either-way offence in relation to which the defendant has, at a previous hearing, elected to be tried at the Crown Court;
  - for an either-way offence in relation to which the magistrates have decided, at a previous hearing, that a Crown Court trial would be more suitable;
  - for an offence in relation to which a notice of transfer has been given under section 4 of the Criminal Justice Act 1987 or section 53 of the Criminal Justice Act 1991;
  - that take the form of a criminal trial, beginning with the opening of the prosecution case after the entry of a plea of not guilty by the defendant or the defendant's representative and ending with the conviction or acquittal of the defendant;
  - that take the form of a Newton Hearing; or
  - that take the form of a 'special reasons' hearing, namely where the offence carries obligatory disqualification and the defendant is calling evidence in support of 'special reasons' as to why he or she should not be disqualified from driving.
- 2.5 A DCW may exercise the powers and rights of audience of a Crown Prosecutor in order to prove a summary matter in the defendant's absence under section 12 of the Magistrates' Court Act 1980, if and only if there has been no response to the summons and the court proceeds to hear the case in the absence of the accused.

### 3. Powers to Review and Determine Proceedings

- 3.1 The fundamental principle is that DCWs shall only review magistrates' courts cases which are straightforward and which involve no difficult technical issue, or other complication of fact or law.
- 3.2 Consistent with that basic principle, DCWs shall only review summary or either way offences where:
- the defendant is an adult; and
  - the matter is summary-only or considered to be suitable for summary disposal; and
  - a guilty plea is reasonably expected; or
  - (if otherwise) the offence is a minor road traffic offence, provided that the defendant is not a youth.

3.3 A guilty plea may reasonably be expected where a defendant has admitted the offence to police, or the offence has been witnessed by a police officer or police officers and the defendant has given no indication that he or she will plead not guilty.

3.4 A DCW may not review a case in relation to which any of the following applies:

- the decision to charge was not made in compliance with the Director's Guidance on Charging under section 37A of the Police and Criminal Evidence Act 1984, where it is in force in the Area;
- the offence is indictable only;
- where a summary matter, the defendant has pleaded not guilty and the matter has already been set down for summary trial;
- where an either way offence, the matter is awaiting committal or transfer;
- the offence requires the consent of the Director of Public Prosecutions or Attorney General;
- the case involves a defendant who is a youth;
- the matter may be considered sensitive, for example it involves a fatality, a child victim, the defendant is a serving police officer; it relates to a racial incident, or there is some other relevant factor likely to place the case within such a category of sensitivity;
- the charges allege the burglary of a dwelling, or the supply or possession with intent to supply of a controlled drug, irrespective of whether these offences are admitted. In relation to the former, a Crown Prosecutor will have to determine whether section 111 of the Powers of Criminal Courts (Sentencing) Act 2000 (the 2000 Act) applies. In relation to the latter, a Crown Prosecutor will similarly need to determine whether section 110 of the 2000 Act applies, where the drug is Class A, or committal to the Crown Court for a judge to consider confiscation under the Proceeds of Crime Act is otherwise appropriate;
- any dispute as to the facts is such as to raise the possibility of an order under section 58(7) and 58(8) of the Criminal Procedure and Investigations Act 1996 relating to derogatory mitigation; or
- the matter involves obligatory disqualification and there is notification from the defendant or the defendant's representative prior to any review that evidence will be called in respect of 'special reasons' as to why the defendant should not be disqualified.

3.5 Where it becomes apparent during either the review of the file, or during a subsequent hearing, that a summons or charge requires a minor amendment, for example, to correct:

- an error as to the value of any property,
- the date or dates upon which an offence took place,
- the venue for the offence, or
- the description of any relevant object (including the registration details of a vehicle),

the DCW may amend it or apply to the court to amend it without reference to a Crown Prosecutor.

3.6 Without prejudice to the generality of paragraph 3.5, where:

- the matter charged is a road traffic offence involving production of documents by the defendant (otherwise than in specified proceedings), and the defendant has produced documents to the court's Police Liaison Officer (PLO) or other police officer; and
- the DCW is satisfied, as a result of speaking to the PLO or other police officer (or upon seeing a suitable signed statement from either), that the substantive charge is no longer sustainable,

the DCW may withdraw the substantive charge or summons without reference to a Crown Prosecutor and proceed on any alternative charges that are also before the court.

3.7 Where in situations other than those described in paragraph 3.5 or 3.6, the DCW proposes a course of action involving the amendment/substitution/withdrawal or discontinuance or a charge or summons, a Crown Prosecutor must be consulted for a decision. The Crown Prosecutor will then endorse the file as to any decision taken. If the Crown Prosecutor is consulted on the telephone, the DCW should endorse the file with the decision.

*December 2005*



**Criteria for designation**

Applicants for designation are required to have successfully completed probation and they must demonstrate they meet the skills, knowledge and experience required for the post in their written applications. A selection panel considers each application and those applicants who pass the sift are invited to appear before local interview panels. Successful applicants are thereafter recommended for specialised training.

**Training**

Applicants undertake an intensive Service Internal training programme which involves assimilating a comprehensive Resource pack through distance learning and attending a Foundation Course (legal principles) and a separate Advocacy Course. The training equips the applicant with the knowledge and advocacy skills to undertake review and presentational role in the magistrates' courts in accordance with the Director's General Instructions under section 7A (4) of the Prosecution of Offences Act 1985.

An applicant is only recommended for designation where at the conclusion of their training they pass an independent assessment of competence undertaken during that period.

A Designated Caseworker must complete 16 hours of continuing professional development training per year.

**1 Avon & Somerset**

David Archer CCP  
Sarah Trevelyan ABM

**2 Bedfordshire**

Richard Newcombe CCP  
Tim Riley ABM

**3 Cambridgeshire**

Richard Crowley CCP  
Adrian Mardell ABM

**4 Cheshire**

Ian Rushton CCP  
Angela Garbett ABM

**5 and 25 London**

Dru Sharpling CCP  
Lesley Burton OD  
Nazir Afzal SD (West)  
Bob King SBM (West)  
Wendy Williams SD (North)  
Steve Pople SBM (North)  
Simon Clements SD (South)  
Clare Toogood SBM (South)  
Rene Barclay DSC  
Peter Stekelenburg SBMSC

**6 Cleveland**

Martin Goldman CCP  
Margaret Phillips ABM

**7 Cumbria**

Claire Lindley CCP  
John Pears ABM

**8 Derbyshire**

Brian Gunn CCP  
Chris Mitchell ABM

**9 Devon & Cornwall**

Roger Coe Salazar CCP  
Julie Heron ABM

**10 Dorset**

John Revell CCP  
Jason Putman ABM

**11 Durham**

Portia Ragnauth CCP  
Karen Wright ABM

**12 Dyfed-Powys**

Simon Rowlands CCP  
Jeff Thomas ABM

**13 Essex**

Paula Abrahams CCP  
Susan Stovell ABM

**14 Gloucestershire**

Adrian Foster CCP  
Neil Spiller ABM

**15 Greater Manchester**

John Holt CCP  
Kevin Fox ABM

**16 Gwent**

Madhu Rai (CCP on secondment to HQ)  
Chris Woolley Acting CCP  
Helen Phillips ABM

**17 Hampshire & IOW**

Nick Hawkins CCP  
Denise Bailey ABM

**18 Hertfordshire**

Charles Ingham CCP  
Linda Fox ABM

**19 Humberside**

Nigel Cowgill CCP  
Caron Skidmore ABM

**20 Kent**

Elizabeth Howe CCP  
Ken Mitchell ABM

**21 Lancashire**

Bob Marshall CCP  
Angela Walsh ABM

**22 Leicestershire**

Martin Howard CCP  
Jane Robinson ABM

**23 Lincolnshire**

Colin Chapman CCP  
Lisa Daintree ABM

**24 Merseyside**

Paul Whittaker CCP  
Deborah King ABM

**25 London**

See 5 for details

**26 Norfolk**

Peter Tidey CCP  
Catherine Scholefield ABM

**27 Northamptonshire**

Grace Ononiwu CCP  
Fiona Campbell ABM

**28 Northumbria**

Nicola Reasbeck CCP  
Adele Clarke ABM

**29 North Wales**

Ed Beltrami CCP  
Wray Ferguson ABM

**30 North Yorkshire**

Robert Turnbull CCP  
Andrew Illingworth ABM

**31 Nottinghamshire**

Kate Carty CCP  
Gail Pessol ABM

**32 South Wales**

Chris Woolley CCP  
Edwina Sherwood ABM

**33 South Yorkshire**

Judith Walker CCP  
Christopher Day ABM

**34 Staffordshire**

Harry Ireland CCP  
Brian Laybourne ABM

**35 Suffolk**

Ken Caley CCP  
Caroline Gilbert ABM

**36 Surrey**

Sandie Hebblethwaite CCP  
Martyr Wray ABM

**37 Sussex**

Sarah Jane Gallagher CCP  
Iain Everett ABM

**38 Thames Valley**

Baljit Ubhey CCP  
Karen Sawitzki ABM

**39 Warwickshire**

Mark Lynn CCP  
Ian Edmondson ABM

**40 West Mercia**

Jim England CCP  
Laurence Sutton ABM

**41 West Midlands**

David Blundell CCP  
Mike Grist ABM

**42 West Yorkshire**

Neil Franklin CCP  
Jean Ashton ABM

**43 Wiltshire**

Karen Harrold CCP  
Kim O'Neill ABM

**CPS Direct**

Barry Hughes CCP  
Sue Barrand BM

CCP Chief Crown Prosecutor

ABM Area Business Manager

CCP OD Operations Director

SD Sector Director

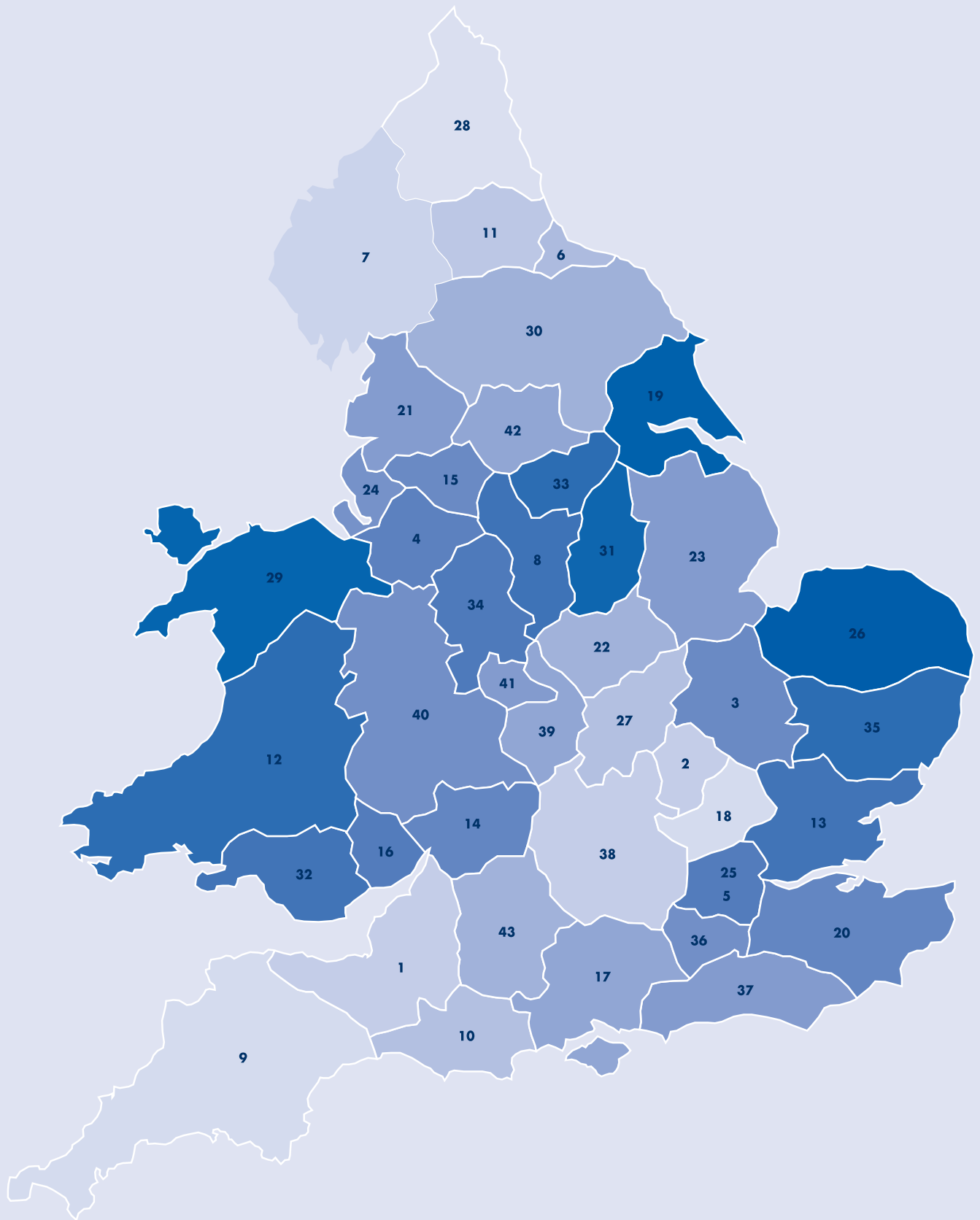
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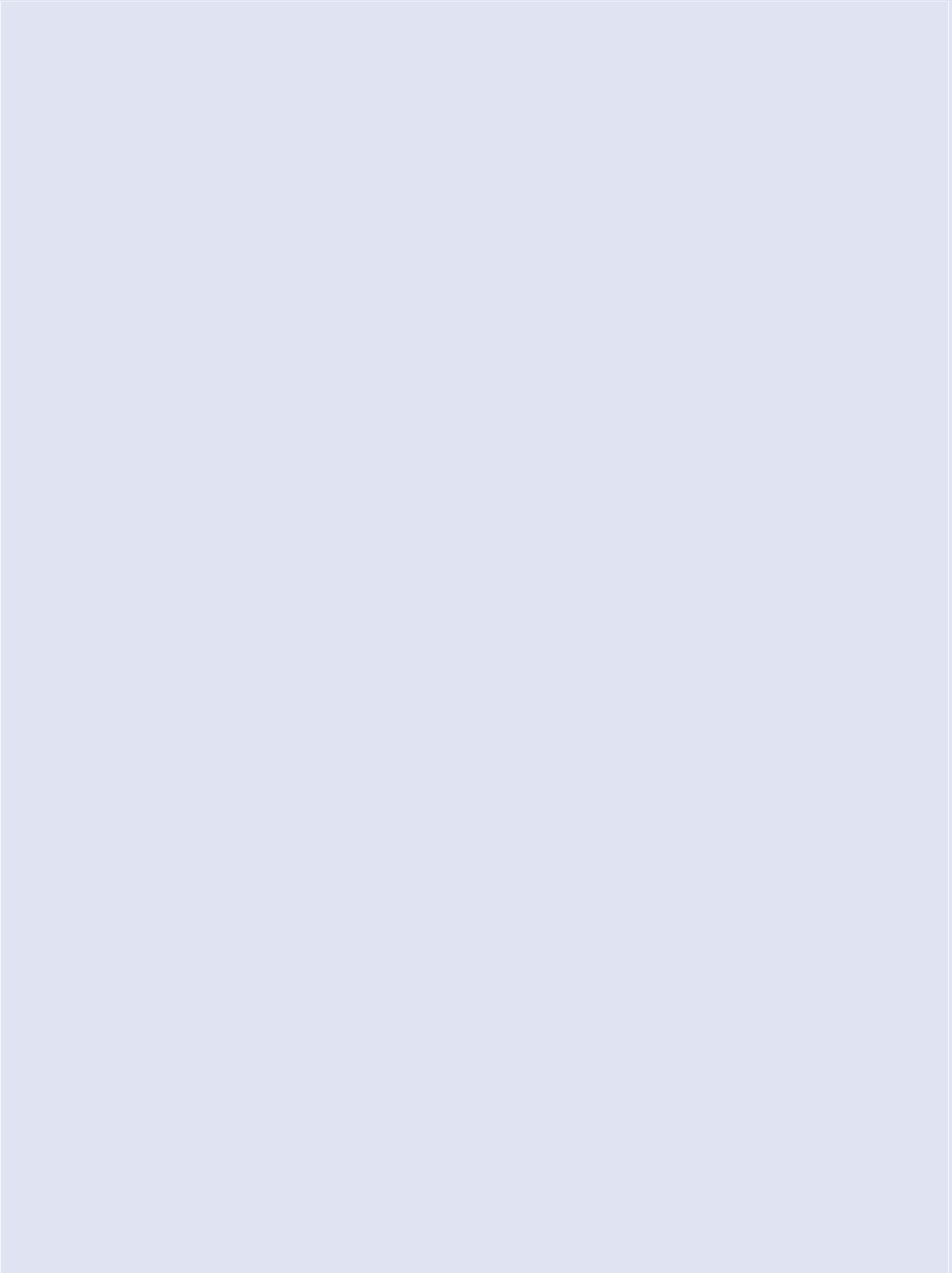
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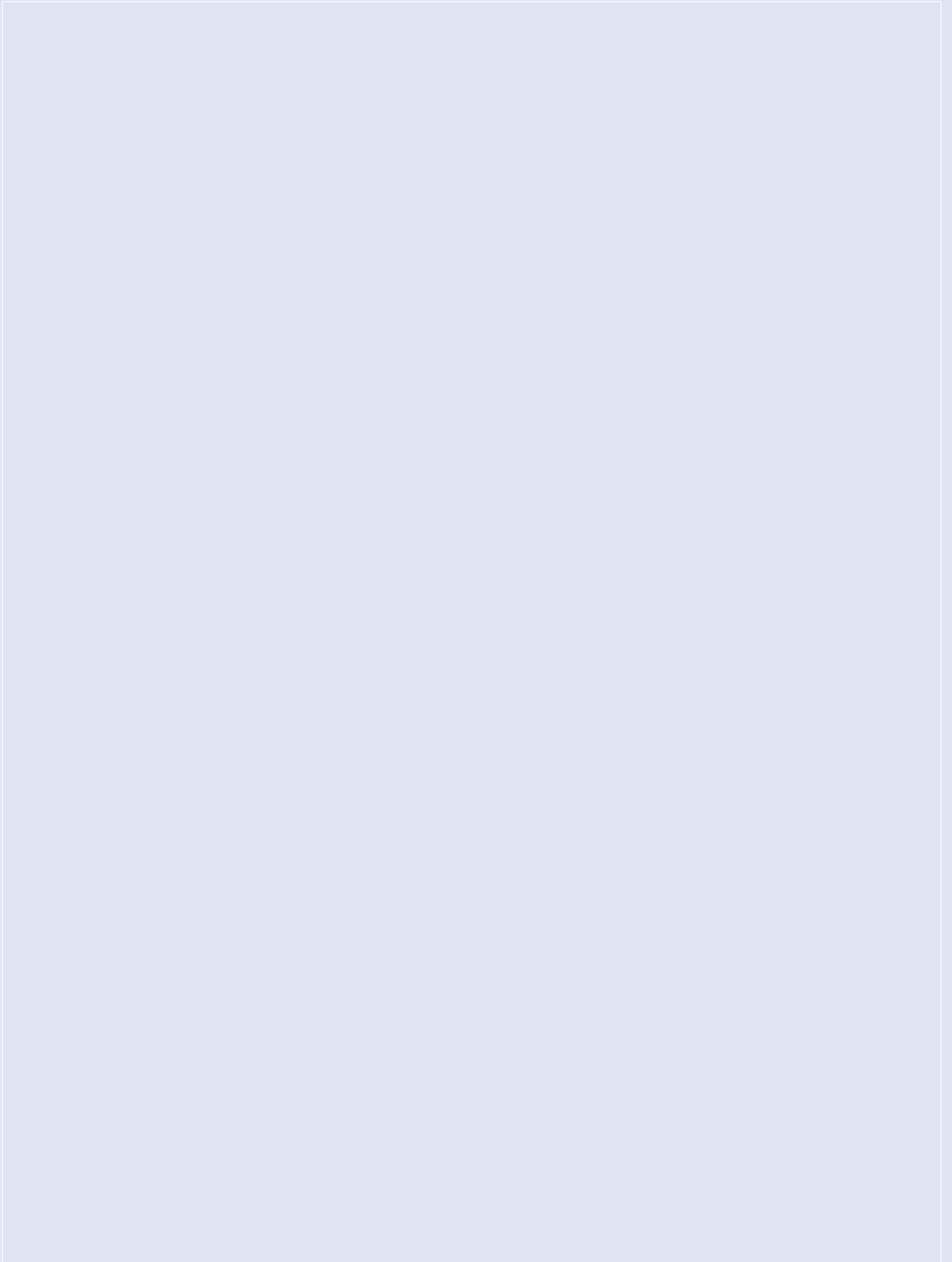
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SBMSC Serious Casework

BM Business Manager









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