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CPS Thames Valley Unit Focussed Inspection Report

February 2014



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Chief Inspector's foreword

During 2012 a comprehensive and thorough analysis of the quality of CPS files (known as "ACEP") was undertaken where the performance of all 42 CPS units was assessed and compared. My evaluation of data reflecting the performance of the Thames Valley unit from the CPS databank and the Inspectorate risk model supports the view that the two key aspects of legal decision-making and case progression are undermining the unit's ability to deliver improved performance.

The unit's results from ACEP 2012 revealed that in at least 12 per cent of legal decisions taken by prosecutors there was a failure to apply properly the Code for Crown Prosecutors. Moreover the unit was ranked consistently in the bottom quartile of most comparative performance data tables, including specifically the rates of unsuccessful outcomes in both Crown Court and magistrates' court cases.

I therefore commissioned an inspection of the Thames Valley unit focussed around the two aspects of legal decision-making and case progression to discover whether the CPS Area had identified and tackled effectively the underlying causes of its weak performance. At the same time it was apparent that how the unit's managers deployed their resources and managed performance both individually and as a leadership group would inevitably need to be scrutinised.

The Area is well aware of the problems it has faced for some years in the unit with poor legal decisions both at the pre-charge stage and throughout the trial preparation process. At this time these problems remain, especially in magistrates' court casework, but there is a more

encouraging picture in Crown Court casework where greater rigour in applying the Early Guilty Plea scheme is beginning to impact on the timeliness and rate of successful outcomes.

If the unit's performance across the whole range of its casework is to show sustained and genuine improvement, then much greater attention must be paid to individual performance management of its staff, coupled with a renewed commitment to establishing quality standards that are understood and applied by staff and their managers.

Changes taking place at a national level create some risks for the Area which will need to be carefully managed. The imminent adoption of standard operating procedures through the CPS Refocusing Programme will bring about important changes for the unit and Thames and Chiltern Area. Caution must be exercised to guard against inherent weaknesses in performance simply being spread more thinly across the wider Area rather than being tackled robustly at source.

I consider that this is a pivotal time for the Area. The changes currently in progress should lead to improvements in casework but only if the strategic direction set has sufficient commitment at the operational level.



Michael Fuller QPM BA MBA LLM LLD (Hon)
Her Majesty's Chief Inspector

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1 Executive summary

1.1 The purpose of this inspection was to look closely at the performance of the Crown Prosecution Service (CPS) Thames Valley unit and analyse the causes for its record of poor legal decisions, weak case progression and low rate of successful outcomes¹. The unit is a part of the Thames and Chiltern Area (one of 13 areas across the CPS nationally) and prosecutes cases investigated by Thames Valley Police originating in Berkshire, Buckinghamshire and Oxfordshire. It was chosen as a subject of inspection because of the unit's position in the relative performance tables held by the CPS nationally and by Her Majesty's Crown Prosecution Service Inspectorate (HMCPIS).

1.2 Performance in Thames Valley compares unfavourably with other CPS units across the country including Bedfordshire and Hertfordshire, the other two units in the Thames and Chiltern Area. Since the creation of the larger Area in 2011, the respective outcomes have continued to diverge in many aspects and so it appears likely that the factors affecting performance remain embedded. If the expected benefits of the imminent CPS Refocusing Programme - whereby teams will be working together on discrete stages of case preparation instead of being based on geographical locations - are to be realised, then it is vital that the Area can tackle the root causes of its performance weaknesses rather than distribute them in a wider pool.

1.3 By way of introduction, in the files looked at for this focussed inspection, the rate of compliance with the Code for Crown Prosecutors (the Code) test at charging was disappointing at 88.7 per cent². This places the unit in the unsatisfactory position of trying to progress one in ten of its cases that should not have been charged. It is also relevant to point out that the number of police charged cases has increased since changes to the Director's Guidance on Charging and that the unit has only recently started to carry out a formal review of some of these cases prior to their first court hearing. Although a proportion of these cases will be identified at an early stage as weak, scarce resource will often be wasted on building such cases only to discontinue at a late stage or pursue to trial and result in an unsuccessful outcome. Whilst these decisions were all taken by prosecutors or police officers not under the unit's management, it is incumbent upon them to recognise these cases as early as possible and deal positively with them.

1.4 This focussed inspection found that the unit has struggled to maintain an efficient case progression system for its contested casework and has on occasion had to apply for special funding to tackle backlogs of magistrates' courts trials that required preparation for hearing. Although these measures significantly reduced the backlogs, they soon returned once funding was withdrawn. The Area has worked to improve case listing arrangements in the magistrates'

1 Successful outcomes are cases resulting in a guilty plea or conviction after trial.

2 All charging decisions by the CPS or the police, must comply with the Code for Crown Prosecutors. The Code is a public document, issued by the Director of Public Prosecutions that sets out the general principles Crown Prosecutors should follow when they make decisions on cases. Any successful Code test compliance rate which is less than 93 per cent is assessed by the Inspectorate as poor.

court in the past 18 months, bringing the waiting time for a magistrates trial down from six months to within eight to 12 weeks from the entry of a not guilty plea; however considerable backlogs remain. Inspectors visited the unit during the during the peak summer holiday period and it was clear that a shortage of resources put even greater pressure on the unit to keep up with their workload.

1.5 This inspection found that the processing of Crown Court casework has improved more recently and this is partly due to advances in the use of the Early Guilty Plea scheme, initially in Berkshire but now being introduced more gradually into Buckinghamshire and Oxfordshire. During the first quarter of 2013-14 there were encouraging signs that this trend may continue and the Area's efforts to spread good practice acquired during the Berkshire pilot scheme across the other Crown Court centres in Thames and Chiltern are to be welcomed. However the unit's ranking compared to other CPS units remains a concern in respect of successful outcomes and effective trials in Crown Court casework.

1.6 The two aspects influencing the unit's performance data were identified as the quality of its legal decision-making and the effectiveness of its case progression. While magistrates' court performance caused greater concern, inspectors did identify potential common factors in both the case progression of magistrates and Crown Court cases that need to be addressed if sustained improvements are to be realised. We were not able to recognise well established or understood processes of individual performance management so that the unit's managers could not readily address performance issues with staff and

where necessary take corrective action. Core quality standards monitoring (CQSM) has been used within the Area but has been of limited assistance so far in raising quality standards.

1.7 The unit needs to devise and implement a set of quality standards for prosecutors to achieve in carrying out their review function. The time is now right for challenging but achievable productivity levels to be communicated to staff so that a further measure of performance is available to line managers. At the same time it is essential that regular, targeted and robust monitoring is instituted to measure how well staff are meeting these standards.

1.8 In recognising its weaknesses in case progression, the Area has introduced a Central Management Unit (CMU) to oversee and allocate resources to trial preparation teams based upon availability and anticipated workload. However unless managers have the confidence that they will be able to deploy the resource they have been allocated and know what level of quality and output they can reasonably demand from their staff, the Thames Valley unit will always struggle to sustain improved performance. In other words, the unit needs to deal with the cause of its problems not just the symptoms.

1.9 There are encouraging signs that the unit's managers understand the underlying issues and are now beginning to tackle individual performance in a more robust manner, but this has to become accepted practice across the board and not just an exceptional course. None of the issues we have highlighted are easily or quickly resolved but introducing a culture of addressing unsatisfactory performance firmly but fairly is a necessary step.

Recommendations

1 The unit's performance in respect of handling of unused material needs improvement both in terms of the quality of recording of the decisions and compliance with tasks such as the endorsement of sensitive material schedules and completion of disclosure record sheets. The disclosure improvement programme led by the CCU Head should be supported by timely and challenging evaluation measures (paragraph 3.21).

2 The Area Board should:

- i undertake a benchmarking exercise to establish quality standards for initial reviews, full file reviews, early guilty plea reviews and all other lawyer and paralegal tasks and then ensure that these standards are used to measure and where required manage individual performance; and
 - ii refine further its approach to CQSM so that it delivers both an Area-wide assessment of performance and a more focussed picture of weaknesses either in particular aspects of casework or in specific units such as Thames Valley, teams or individuals. A greater concentration on live casework would also help managers to intervene more effectively and give them opportunities to influence the outcomes (paragraph 3.25).
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3 The Area Board needs to consider its magistrates' court 'Early Review' team project and evaluate its contribution towards improving the rate of guilty pleas recorded at first hearing and whether any improvement justifies any adverse impact on summary trial preparation due to the withdrawal of prosecutor resource (paragraph 3.29).

4 The unit's managers should revisit the standards they use to assess police file quality to ensure that the feedback given to police identifies issues, where they exist, and files are rated consistently across the different teams (paragraph 4.10).

5 The Area Board should carry out a prompt review of the Central Management Unit (CMU) to evaluate how effective it has been against its objectives. If it is to continue, a more defined role would be of assistance so that it can function more proactively than reactively in deploying prosecutor resource and provide accurate data to the Board on the productivity of units (paragraph 5.7).

6 The Area Board should address urgently its approach to individual performance management in the Thames Valley unit so that members of staff can be properly held to account for their performance by line managers against well understood standards both of quality and output. This should include:

- regular but proportionate monitoring of individuals' performance by line managers should be embedded as 'business as usual' and where necessary, managers should be supported by the Board so that they are equipped with the knowledge and skills they need to carry out this responsibility, and
 - setting realistic but challenging targets for the number of files to be dealt with per session in the case progression teams informed by the level of resource allocated. Prosecutors allocated to these teams should not be distracted by other extraneous tasks while deployed on pod work (paragraph 5.13).
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Good practice

1 The unit has devised an electronic feedback form for prosecutors to assess the quality of police files which doubles up as a means of requesting outstanding material from the police (paragraph 4.9).

2 The unit has worked hard to improve its rate of compliance with judges' orders in Crown Court casework such that it is now performing well in relation to this obligation (paragraph 5.12).

2 Introduction

2.1 When developing the inspection programme for 2012-13 it was planned to use the information gathered in the year to inform a small number of focused inspections in 2013-14. In particular it was anticipated that the data from the national Annual Casework Examination Programme³ (ACEP) file reading approach would support existing information gathered from the HMCPSI risk model and the performance outcomes as shown in the CPS databank.

2.2 The primary purpose of these focussed inspections is not to give a broad unit/Area based assurance, but to investigate in greater detail specific aspects of work in order to ascertain the reasons for the specific outcomes, and where necessary make recommendations aimed at improving performance. These fall under the umbrella of inspecting for improvement, as outlined in our 2013-14 Business Plan, rather than assurance (although the file examination findings will contribute to the national casework quality assurance from this year's ACEP). It was decided to pilot the revised approach rather than planning a large number of such inspections.

2.3 Based on the data analysis from the various sources, a unit inspection of Thames Valley was conducted focussed around the decision-making process and case progression systems (this did not include the other units within the Thames and Chiltern Area). This was based on their position in the Inspectorate risk model (38th of 42 and reduced by three places from the last quarter of 2012-13), their position in the CPS databank (39th of 42 and static) and the findings of the 2012 ACEP file read where more than 12 per cent of files contained a Code test failure at either the charging or review stage.

2.4 Within the risk model the Area scores poorly for both decision-making and case progression which are the most significant aspects of work that affect overall outcomes. The unsuccessful outcome rates in magistrates' court and Crown Court work are in the bottom quartile ranked 40th and 36th respectively.

Methodology

2.5 The methodology was driven by the need to answer the inspection question: *'Is CPS Thames Valley identifying and tackling effectively the causes of its weak performance in respect of decision-making and case progression?'*

2.6 A sample of 76 finalised cases was examined (split equally between magistrates' court and Crown Court files). We covered all aspects of casework in the file reading in order to gather up to date information on issues where previous data suggests that performance is at a reasonable level. Magistrates' court files were read electronically; the Area provided paper files for Crown Court cases.

2.7 The case progression systems were subject to examination through more detailed on-site dip sampling, including some checks of custody time limits as the unit had a failure in 2012-13. As part of the evaluation we have examined the local practices for allocation/ staff deployment to case progression work. Managers including the Chief Crown Prosecutor (CCP) were interviewed to discuss performance management both internally and jointly with criminal justice system partners. At these meetings we also discussed the unit's priorities and associated plans to deliver against the key objectives of the unit.

³ An examination of over 2,800 cases drawn from each of the 13 CPS areas.



3 Inspection findings

Legal decision-making

3.1 As with all 42 CPS units, Thames Valley was included in the Inspectorate's Annual Casework Examination Programme during 2012. The results of the examination of prosecution case files disclosed weaknesses in decision-making at the charging stage and at subsequent case review.

3.2 In addition, inspectors identified a number of aspects for improvement including the recording of key events on the case management system (CMS), the standard of case progression and grip⁴, the quality of legal applications and avoiding and learning from adverse outcomes, as well as compliance with the duties of initial and continuing disclosure.

3.3 The examination of the 76 cases was carried out as close in time as possible to the visit by inspectors to the unit's offices in August 2013 and, in addition, observations of live casework were helpful in putting some of the inspection findings into context. Full details of the results of the file examination can be found in the table at annex A.

Pre-charge decision-making

3.4 Of the 76 files examined, all but five were cases charged by the CPS; the remainder were charged by the police. Eight of the 71 CPS decisions were found not to have complied with the test laid down in the Code for Crown Prosecutors representing a failure rate of 11.3 per cent. This is a high figure and is

significantly higher than the ACEP 2012 rate of 6.2 per cent (six of 97 cases). Any successful Code test compliance rate which is less than 93 per cent is assessed by the Inspectorate as poor and so performance has dipped since the previous year.

3.5 It must be stated clearly that the majority of charging decisions are now made not by Area or unit-based prosecutors but by staff working for CPS Direct (CPSD) which provides a 24 hour service to police in most volume casework. CPSD made 55 of the 76 charging decisions (or 72.4 per cent); Area prosecutors made 16 (21.0 per cent); and the police charged five cases (6.6 per cent). All eight decisions identified as Code test failures at charging were made by CPSD prosecutors. All decisions made by Area prosecutors or by the police were in accordance with the Code test.

3.6 The unit cannot therefore be held responsible for the quality of these charging decisions although local managers should take all opportunities to feed back to CPSD when they disagree with them and establish effective channels of communication. The responsibility of the unit clearly remains to review all charged cases as early as possible so that weak cases can either be strengthened so that there is a realistic prospect of conviction, or discontinued where no further evidence can reasonably be gathered. In cases involving a pre-charge decision, Thames Valley was ranked 41st out of 42 units in magistrates' court attrition and 38th out of 42 units in Crown Court attrition⁵.

4 An assessment of 'grip' includes consideration of whether there is clear evidence that the case has been built proactively, possible defences have been considered, new material has been acted on expeditiously, disclosure kept under review and the lawyer or team has focused effectively on the trial issues.

5 The rate of attrition represents the number of cases that do not result either in a guilty plea or conviction after trial.

12 months to 1st quarter 2013-14	Thames Valley unit PCD attrition rate/ unit ranking	Thames and Chiltern Area PCD attrition rate	CPS national PCD attrition rate
Magistrates' court	27.8% (41 of 42)	25.3%	22.0%
Crown Court	21.8% (38 of 42)	20.4%	19.4%

PCD = pre-charge decision

3.7 Inspectors also assessed the quality of the charging decision record, known as the MG3. Overall none was considered excellent but more than a third (38.0 per cent) were good while the remainder were either fair (45.1 per cent) or poor (16.9). Although most MG3 documents were completed by CPSD prosecutors, 16 (22.5 per cent) were completed by Area prosecutors. Of these, only 25.0 per cent were rated good, with 68.7 per cent fair and 6.3 poor (this represents only one case).

Post-charge review and decision-making

3.8 Thames Valley unit's performance has been poor in respect of attrition particularly in magistrates' court outcomes. The quality of reviews by prosecutors was a measure given priority during the file examination. Inspectors found that only 55.3 per cent of magistrates' court cases were reviewed to the required standard although a higher proportion of Crown Court cases, at 71.1 per cent, received a proper review.

3.9 Inspectors also assessed whether the lawyer or team exercised sound judgement and had a real grip on the case by progressing it efficiently and effectively. Overall only half of the relevant cases were marked as "fully met"

in this category. Crown Court casework fared slightly better at 55.6 per cent as opposed to magistrates' court casework at 44.7 per cent. This does represent an improvement since the ACEP 2012 file examination which revealed that 40.0 per cent of all files were marked as fully met in this category.

3.10 In the light of the findings detailed above, the fact that at the continuous review stage, the unit achieved a rate of 94.6 per cent compliance with the Code test is to its credit. This rate brings the unit within the fair category for post-charge decision-making, according to the Inspectorate scoring matrix and is slightly better than the ACEP 2012 figure of 93.3 per cent.

3.11 This result was based upon four cases where inspectors considered that prosecutors had failed to apply the test correctly. In three of these cases, wrong decisions at charging were not corrected at the full file stage so that unnecessary work was carried out. In the fourth, a weak case was exposed at an ineffective Crown Court trial, but the unit's lawyers pursued the case to a second trial without undertaking a further review. At the second trial, the judge intervened at the end of the prosecution case and it was dropped.

12 months to 1st quarter 2013-14	Thames Valley unit (Mags & Crown Court)	Thames and Chiltern Area (Mags & Crown Court)	CPS national (Mags & Crown Court)
Domestic violence attrition rate (%)	33.4%	30.0%	25.8%

Domestic violence cases

3.12 The unit has a particular challenge in dealing effectively with its caseload of domestic violence prosecutions. Its own performance data in July 2013 ranked the unit 42nd out of 42 CPS units for the rate of discontinuance of domestic violence cases. The overall rate was 26.0 per cent but this figure climbed to 34.7 per cent (or more than a third) when considering magistrates' court cases only. The greater proportion of domestic violence cases is heard in the magistrates' court. The outcomes in terms of attrition are equally alarming where an attrition rate in the magistrates' courts was recorded as 34.2 per cent and 33.4 per cent in the magistrates' court and Crown Court combined.

3.13 The Area has recognised that these cases are making a significant impact on the unit's performance and has appointed one of its senior managers to address the problem and to work closely with partners through the Local Criminal Justice Board⁶. The urgency of this situation should not be underestimated if sustained improvements in discontinuance and attrition are to be achieved. Inspectors recorded that four of the nine individual cases where a failure of the Code test was identified were cases of domestic violence.

⁶ The Local Criminal Justice Board is a strategic group comprising key agencies responsible for all aspects of criminal justice performance within the Thames Valley region and includes CPS representation.

12 months to 1st quarter 2013-14	Thames Valley unit (Mags & Crown Court)	Thames and Chiltern Area (Mags & Crown Court)	CPS national (Mags & Crown Court)
% of prosecutions dropped after 3rd or subsequent hearing	40.1%	37.4%	37.8%

Timeliness of decisions

3.14 Several cases were identified where decisions to discontinue some or all of the charges against a defendant were taken at or very close to trial, when an earlier and more proactive approach to the review

should have been taken. Thus, valuable CPS resource and courtroom space would have been preserved for cases that did ultimately proceed to trial. This corresponds with the high level of late discontinuances.

File examination findings	Standard	ACEP 2012	TVF 2013
The prosecutor's duty of initial disclosure was carried out to the required standard	Fully met	65.4%	61.8%
The prosecutor's duty of continuing disclosure was carried out to the required standard	Fully met	81.0%	77.8%
Sensitive material was handled appropriately	Fully met	82.1%	61.2%
A comprehensive audit trail of disclosure decisions was maintained on a disclosure record sheet	Fully met	78.2%	52.2%
Disclosure duties were complied with in a timely fashion	Fully met	70.5%	72.7%
Overall quality of handling of unused material	Excellent	1.4%	0.0%
	Good	30.0%	28.4%
	Fair	57.1%	58.2%
	Poor	11.4%	13.4%

Disclosure of unused material

3.15 Cases that proceed to summary trial or are sent to the Crown Court trigger the duty on the prosecution to fulfil its obligations to handle unused material revealed by the police and discharge its statutory duties of disclosure. Hence, this is an important task to be carried out as part of the review of full or upgrade files and close attention should always be paid to it by prosecutors. The duty is comprised of two stages known as 'initial' and 'continuing'.

3.16 Initial disclosure was carried out to the required standard in all respects in 61.8 per cent of the relevant cases. This compares with a figure of 65.4 per cent in the ACEP 2012 review. It should be noted that it was not possible to make a judgement in five magistrates' court cases where the electronic file supplied by the unit did not contain copies of the schedules endorsed by the prosecutor.

3.17 Continuing disclosure was carried out to the required standard in all respects in 77.8 per cent of relevant cases. Again performance has deteriorated slightly since 2012 where a figure of 81.0 per cent was achieved.

3.18 Timeliness overall of disclosure was fully met in less than three quarters of the cases examined (72.7 per cent) and this fell to 59.4 per cent in Crown Court cases, where late responses to defence case statements were commonly found.

3.19 Sensitive material was handled appropriately in only 61.2 per cent of the cases examined but where there were issues with sensitive material, the fact that prosecutors had failed to endorse blank MG6D schedules accounted for two thirds of these. Although a blank schedule in most cases will signify the absence of any sensitive material, the prosecutor is still required to endorse the schedule in order to show that they

have understood this. The increasing incidence of electronic endorsement of schedules may have contributed to this result as the correct versions of schedules may not have been saved onto the digital file.

3.20 Inspectors were able to say that an adequate audit trail of disclosure decisions existed in just 46.1 per cent of cases.

3.21 Overall, the handling of disclosure by the CPS was assessed as good in only 28.4 per cent of cases, fair in 58.2 per cent and poor in 13.4. The unit could do much more to improve this outcome. For example, most of the failings with sensitive material handling and record sheets are compliance issues. Inspectors were told that the Area Disclosure Champion (the CCU Head) has been tasked with implementing a disclosure improvement programme and this is to be welcomed.

Recommendation

The unit's performance in respect of handling of unused material needs improvement both in terms of the quality of recording of the decisions and compliance with tasks such as the endorsement of sensitive material schedules and completion of disclosure record sheets. The disclosure improvement programme led by the CCU Head should be supported by timely and challenging evaluation measures.

Core quality standards monitoring

3.22 In common with all CPS units, Thames Valley has been deploying the CQSM process to its internal assessment of the quality of its decision-making and case progression for over three years. This process requires unit managers to review a selected sample of prosecution files and identify whether the various quality standards have been fully or partially met, or in some cases not met at all.

3.23 As part of ACEP in 2012, the accuracy and robustness of the analysis of selected cases by District Crown Prosecutors was compared with the independent views of inspectors. That analysis revealed that the unit's own assessment lacked accuracy when addressing quality. Although there was no similar direct comparison in this inspection, managers were asked how much reliance was placed upon their CQSM data to identify their performance.

3.24 Whilst there was evidence that specific aspects of poor performance had been selected from CQSM data and used by the Area Board to generate discrete projects, it was too early to see any improvements and it was accepted that there were still inconsistencies in the way that individual managers marked files. Greater consistency will be easier to achieve when the Area's own file quality standards are made available to all staff.

3.25 The results of this monitoring need to be more consistently evaluated and applied by senior managers so that a clear and effective strategy can be developed, aimed at recognising good performance and driving improvement where performance is below the standard expected.

Recommendation

The Area Board should:

- i undertake a benchmarking exercise to establish quality standards for initial reviews, full file reviews, early guilty plea reviews and all other lawyer and paralegal tasks and then ensure that these standards are used to measure and where required manage individual performance; and
- ii refine further its approach to CQSM so that it delivers both an Area-wide assessment of performance and a more focussed picture of weaknesses either in particular aspects of casework or in specific units such as Thames Valley, teams or individuals. A greater concentration on live casework would also help managers to intervene more effectively and give them opportunities to influence the outcomes.

Police file quality

3.26 In the file sample of 76 finalised cases, inspectors also considered the quality of initial files supplied by the police to the CPS for first court hearings and found that only 52.0 per cent fully complied with the standard required. They contained all material that was necessary for an initial review to be carried out by a prosecutor if charged by the police and enabled progress to be made at the first hearing. A further 38.7 per cent only partially complied with this standard so that at least one document was missing or illegible although in itself, this would not have prevented the case being progressed. The remaining 9.3 per cent were considered inadequate. The Area has been focussing on trying to improve performance but significant progress has yet to be achieved.

Initial file review

3.27 The practice in the Thames Valley unit has for some years been that cases for first hearing would not be formally reviewed by a prosecutor except of course where it was a CPS charging decision. We were told that this was an approach forced upon the unit by a lack of prosecutor resource. Of course, inspectors accept that all prosecutors who present cases in the magistrates' court will necessarily have carried out a basic form of review simply by reading the police file and dealing with the court appearance. Nevertheless, in the majority of cases no recorded review had been entered onto CMS and the opportunity to build cases early by plugging obvious evidential gaps was lost. Similarly, cases or charges that ought to have been discontinued at the outset were often allowed to drift after not guilty pleas were entered at first hearing.

3.28 With the imminent adoption by the CPS of standard operating procedures (SOPs) for magistrates' court work, the Area has introduced an experimental process whereby a dedicated team of prosecutors will review a proportion of police charged cases before the first hearing in order to address the concerns raised in the previous paragraph. At the time of the inspection in August 2013, the Area had decided to limit the cases covered by this team to charges of assault and public order as they determined that these were most often the cause of summary not guilty pleas.

12 months to 1st quarter 2013-14	Thames Valley unit	Thames and Chiltern Area	CPS national
% of guilty pleas at first hearing (magistrates' court)	63.3%	65.7%	67.4%

3.29 Whilst the aim of this project is sound, inspectors have some reservations about the resourcing of the team on a sustained basis and whether the self-imposed limitation on types of offence is justified. However the unit's rate of guilty pleas recorded at first magistrates' court hearing was 63.3% for the rolling year to the end of June 2013 which placed Thames Valley bottom of all 42 CPS units and so any improvement is to be welcomed.

Recommendation

The Area Board needs to consider its magistrates' court 'Early Review' team project and evaluate its contribution towards improving the rate of guilty pleas recorded at first hearing and whether any improvement justifies any adverse impact on summary trial preparation due to the withdrawal of prosecutor resource.

12 months to 1st quarter 2013-14	Thames Valley unit	Thames and Chiltern Area	CPS national
% of guilty pleas at first hearing (Crown Court)	38.9%	37.2%	38.5%

Early Guilty Plea scheme in Crown Court cases

3.30 The unit has over two years' experience at operating an Early Guilty Plea scheme at Reading Crown Court and managers believe that benefits in terms of increased levels of successful outcomes are beginning to accrue. Thames Valley had a greater percentage of guilty pleas at first hearing in the Crown Court, than the national average in the first quarter of 2013-14 (rolling year to date).

3.31 As other Crown Court centres within Thames Valley and indeed across the Area as a whole begin to engage with similar schemes, it is hoped that lessons learned at Reading can be used to improve Crown Court outcomes and efficiency. Inspectors remain cautious in their assessment of how robust or durable these improvements might prove to be and will look for a clear trend of improvement sustained over a longer period.



4 Case progression

Magistrates' Court Unit

4.1 Thames Valley has two magistrates' court teams, one based in Cowley (servicing Buckinghamshire and Oxfordshire) and the other based at Reading (for cases from Berkshire). Both teams operate optimum business model (OBM) pods⁷ with team lawyers deployed to work on the pod each day. A case progression manager and District Crown Prosecutor (DCP) oversee the allocation and completion of key tasks in each team.

4.2 Inspectors looked at a number of live files on-site (in addition to the 76 read as part of the file sample) and spoke to staff and managers in each of the pods to assess whether case progression was having an effect on the units' performance. The aspects of case progression that inspectors examined included whether:

- adequate and timely case information was received from the police
- missing police material was requested promptly and other actions, such as serving initial disclosure of the prosecution case (IDPC)⁸, was timely
- file reviews were effective and timely
- case progression tasks were allocated effectively and managed rigorously against any performance expectations
- CMS was being used effectively to manage case progression (electronic working)

Preparation for first hearing

4.3 Inspectors looked at 12 cases being prepared for a first hearing in the magistrates' court. The findings revealed that the initial police material was received by the CPS an average of five days prior to the first hearing and was of sufficient quality 80 per cent of the time (as assessed by the police Evidential Review Officer⁹).

⁷ The optimum business model is a CPS initiative for handling its casework. The model sets out a framework of structures, roles and processes, and aims to standardise these across different units to improve efficiency and effectiveness. OBM is carried out in a 'pod', which groups roles and processes together geographically in the office.

⁸ Initial disclosure of the prosecution case is the name given to the case material supplied to the defence and magistrates' court by the prosecution in readiness for the first hearing. It should contain as a minimum an outline of the prosecution case.

⁹ An Evidential Review Officer (ERO) is a police employee that is responsible for monitoring and managing the quality of files submitted to the CPS to prevent unnecessary attrition and discontinuance of cases.

Magistrates' court initial case review	Berkshire (Reading)	Buckinghamshire /Oxfordshire (Cowley)	Thames Valley unit total
Number of files reviewed	6	6	12
Average days between papers received and first hearing	4.2	6.2	5.2
% of initial papers that were of sufficient quality	80%	80%	80%
% of police charged cases with review before hearing	50%	25%	33%
Average number of days IDPC served before first hearing	2	2	2

4.4 As mentioned earlier in the report, the Area is now trialling an Early Review team to review certain categories of police charged cases (mainly assault and public order offences), as analysis had shown that these were the most likely to need early intervention by the CPS. In line with this policy, of the six police charged cases in our live sample, two (both public order offences) had had a review by a CPS lawyer before the first hearing. In both cases the review concluded that there was a realistic prospect of conviction and the case proceeded to first hearing.

4.5 Our file check results revealed that IDPC papers were served two days prior to the first hearing, on average, although six of the 12 cases (50 per cent) had papers served on or after the day of first hearing. In the first quarter of 2013-14, the percentage of guilty pleas at first hearing in Thames Valley magistrates' court cases was 63.8 per cent compared to 68.2

per cent nationally. Late service of initial case material on the defence could be contributing to this lower guilty plea rate, as a last minute service of papers may not give the defence adequate time to come to a decision on plea or aid the impression that the prosecution is not properly prepared and therefore less likely to put their case robustly.

4.6 Of the 12 cases reviewed, all had an effective first hearing.

Magistrates' court trial preparation

4.7 Inspectors looked at 12 cases being prepared for trial in the magistrates' court teams at Reading and Cowley. The cases were chosen on the basis that they had a trial date one to two weeks after the date of the inspection visit and therefore should be close to (if not) trial ready.

Magistrates' court trial preparation	Berkshire (Reading)	Buckinghamshire /Oxfordshire (Cowley)	Thames Valley unit total
Number of files reviewed	6	6	12
Average days from plea to upgrade file request	4	6	5
Average days from upgrade file request to upgrade file receipt	23	24	23
% of sufficient upgrade files from police*	83%	100%	92%
Average days between final review and trial	24	24	24
% of cases that had a full file review before trial	83%	100%	92%
% of cases with records of hearings on CMS	100%	100%	100%

* On the basis of the file upgrade quality memos completed by the prosecutors at the time of the full file review.

4.8 The checks revealed that after a not guilty plea, it took the teams an average of five days to make an upgrade file request to the police; with the police submitting the upgrade file an average of 23 days later (i.e. a total of four weeks from the not guilty plea till the receipt of the full file).

4.9 Of the upgrade files submitted by the police, 92 per cent (11 of 12) were graded as sufficient to proceed by the reviewing lawyer. Inspectors used the reviewing lawyer's own assessment of the upgrade files, which they submitted in a file quality feedback form to the police at the time of the full file review. The form includes requests for missing and/or additional items as well as providing the officer with general feedback on things like disclosure.

Good practice

The unit has devised an electronic feedback form for prosecutors to assess the quality of police files which doubles up as a means of requesting outstanding material from the police.

4.10 Inspectors observed that in most of the cases where the upgrade file was marked as sufficient, there were still a number of deficiencies being recorded by the lawyer on the forms, such as statements missing and CCTV not being supplied in a viewable form. The assessment of files as 'sufficient to proceed' when there are still items required, may be giving the police a more positive picture of their file quality than deserved. A more accurate indication of file performance may encourage training or other actions by the police needed to drive improvement.

Recommendation

The unit's managers should revisit the standards they use to assess police file quality to ensure that the feedback given to police identifies issues, where they exist, and files are rated consistently across the different teams.

4.11 In the 12 files assessed by inspectors, full file reviews were carried out on all but one of the cases and were undertaken an average of 24 days before the trial. This should result in the unit having adequate time to review the case properly and address all pre-trial issues. However, of the 12 cases only seven (58 per cent) went ahead on the day set for trial.

Magistrates' court trial effectiveness	Berkshire (Reading)	Buckinghamshire /Oxfordshire (Cowley)	Thames Valley unit total
Number of trial ready cases reviewed by prosecutors	6	6	12
Trials that went ahead on date set	2	5	58%
Trials vacated due to the CPS	2	1	25%
Trials vacated due to the court	0	0	0%
Trials vacated due to the defence	1	0	8%
Trials discontinued at trial by the CPS	1	0	8%

4.12 Three of the trials were vacated for prosecution reasons and a further trial was discontinued on the day. These were largely down to witness problems that were not rectified in time. The unit's performance results also indicate that issues important to trial are not being dealt with in adequate time, as the attrition rate in magistrates' court cases was 28.2 per cent in the first quarter of 2013-14 compared with a national average of 21.4 per cent, ranking it 41st of the 42 units.

4.13 During the inspection visit, inspectors were told by the teams in Reading and Cowley that holiday time and sickness had contributed to a lack of lawyers available for pod work, which had allowed a backlog of reviews to build up again. This meant that lawyers were completing full file reviews on magistrates' court cases approximately one week before the trial date. Despite this, it was also clear that some lawyers assigned to undertake pod work were carrying out trial preparation or other work whilst assigned to the pod. This meant that the number of lawyers assigned to the pod did not reflect the reality (to be discussed

further in the productivity chapter) and the true extent of outstanding work would be difficult for managers to keep under review.

4.14 Both the magistrates' courts teams appeared to be processing correspondence within a day or two of receipt in terms of linking it to a file. However, inspectors did observe some backlogs in updating files coming back from court in the Cowley office. The magistrates' court teams at Reading and Cowley were working electronically to a significant degree. All the files in the live checks had electronic records of hearing on CMS and inspectors were able to complete their checks without referring to any paper files.

4.15 Case progression meetings with the courts are now carried out via the CPS submitting weekly case progression forms and/ or weekly phone calls with court staff. The view of staff we spoke to is that the virtual meetings are less effective than the former meetings in person; particularly as a prosecutor used to attend the case progression meetings, which enabled many issues to be resolved at the meeting with the agreement of all parties.

Crown Court Unit

4.16 The Thames Valley unit operates two Crown Court teams, which like the magistrates' court teams, are based in offices in Cowley (servicing Buckinghamshire and Oxfordshire) and Reading (Berkshire). Both sites operate an Early Guilty Plea (EGP) team for cases coming in from the magistrates' court and trial preparation teams for those Crown Court cases progressing to a trial. Lawyers in the Crown Court teams are rota'd to work on the EGP and trial preparation functions each day and case progression managers and level D managers oversee the allocation and completion of the work.

Early Guilty Plea scheme

4.17 Inspectors looked at 12 cases in the EGP units in the Reading and Cowley offices to assess aspects of case progression. The high level results are set out below.

4.18 The Director's Guidance on the Early Guilty Plea scheme requires EGP reviews to be completed within 72 hours (three days) of a case being sent to the Crown Court. This means cases must be transferred promptly from the magistrates' court teams to the Crown Court EGP team after first hearing to enable this. It took an average of 4.2 days for the files to be transferred to the EGP units in Thames Valley after sending and then a further 4.0 days for a lawyer to complete the EGP review. This amounts to an average of 8.2 days from sending to EGP review for the 12 files assessed, although this could include some non-working days where they fall in the relevant period.

Crown Court Early Guilty Plea team	Berkshire (Reading)	Buckinghamshire /Oxfordshire (Cowley)	Thames Valley unit total
Number of files reviewed	6	6	12
Average days between first hearing and transfer to EGP team*	3.7	4.7	4.2
Average days between transfer to EGP team and EGP review*	4.3	3.6	4.0
% of EGP reviews on CMS	100%	100%	100%
% of EGP cases where the defence have been contacted	67%	40%	55%

* Average days is a count of actual days, so includes weekends and public holidays where they fall in the relevant period.

4.19 All of the 12 files examined had had an EGP review, which included an assessment of the suitability of the case for the EGP scheme. The reviews were recorded on CMS in all of the cases and were flagged with the EGP monitoring flag where they have been assessed as suitable for the scheme.

4.20 There was evidence that the defence had been contacted in six of the 11 (55%) cases assessed as suitable for the scheme, although in some cases it was simply a standard letter stating that the cases had been listed for an EGP hearing some time after the EGP assessment. Early contact with the defence is an important factor in the success of the scheme, so the unit may be missing out on early guilty pleas by failing to carry this out consistently and proactively.

4.21 Of the 11 cases assessed as suitable for the scheme, three (27 per cent) were converted into early guilty pleas at the EGP hearing or before the plea and case management hearing (PCMH), which will have freed up resources to work on other cases. A number of other cases were still awaiting hearings at the time of report writing. One was identified for the EGP scheme, on the basis of very strong identification evidence, but a late submission of papers by the CPS meant that this case was taken out of the scheme.

Crown Court trial preparation

4.22 Inspectors also looked at 12 cases being prepared for trial in the Crown Court teams at Reading and Cowley. The cases were chosen on the basis that they had a trial date approximately two weeks after the date of the inspection visit and were expected to be trial ready.

Crown Court trial preparation team	Berkshire (Reading)	Buckinghamshire /Oxfordshire (Cowley)	Thames Valley unit total
Number of files reviewed	6	6	12
Average days from mode of trial/ sending to upgrade file request	5.3	5.5	5.4
Average days from upgrade file request to upgrade file receipt	39.5	25.0	32.3
% of sufficient upgrade files from police*	67%	50%	58%
Average days between review and service on the defence and the courts	2	1	1
% of service of papers to the defence that went ahead on set date	67%	50%	58%
% of cases with electronic records of hearings on CMS	33%	50%	42%

* On the basis of the file upgrade quality memos completed by the prosecutors at the time of the full file review.

4.23 The checks revealed that after sending, an upgrade file was requested from the police after 5.4 days (on average) and the teams received the upgrade file from the police an average of 32.3 days after the request.

4.24 Of the upgrade files submitted by the police, only 58 per cent (seven of 12) were graded as sufficient to proceed by the reviewing lawyer via the file feedback form. This was much lower than the assessment of file quality in the files checked in the magistrates' court sample where 92 per cent were marked sufficient. Where deficiencies were identified, inspectors noted that additional material was requested promptly by the CPS.

4.25 Lawyer managers confirmed in interviews conducted by inspectors that the Crown Court files were reviewed generally by the most experienced and competent prosecutors, who were more likely to raise defects or omissions in file preparation. Also the shortened timescales prevalent in summary trial work were cited by prosecutors as a reason for proceeding with the case in spite of any shortcomings.

4.26 All of the 12 files assessed by inspectors had a full file review and these were carried out an average of one day before service of the prosecution case. Service was only completed on the set date in 58 per cent of the cases reviewed, meaning that the teams are regularly serving cases late and potentially affecting trial effectiveness.

4.27 It was evident that in some instances, late reviews had made issues with the case difficult to rectify before the trial, as was seen on at least one case where a late decision and subsequent action contributed to an unsuccessful outcome that was avoidable.

4.28 In the 12 cases examined for trial readiness, subsequent checks revealed that only five (42 per cent) went ahead on the original trial date. Three (25 per cent) trials were vacated due to prosecution reasons and two (17 per cent) were discontinued at the trial.

Crown Court trial effectiveness	Berkshire (Reading)	Buckinghamshire /Oxfordshire (Cowley)	Thames Valley unit total
Number of trial ready cases reviewed	6	6	12
Trials that went ahead on date set	2	3	42%
Trials vacated due to the prosecution	3	0	25%
Trials vacated due to the court	0	1	8%
Trials vacated due to the defence	0	1	8%
Trials discontinued at trial by the CPS	1	1	17%

4.29 Only five of the 12 cases reviewed had records of hearings on CMS, which meant that the teams were still largely reliant on the paper files to follow the progress of the case.

4.30 Within the last financial year there has been a concerted effort to reduce the time to trial. It was felt that such a reduction would help improve witness attendance and engagement and therefore reduce attrition and provide a stronger approach to be taken to push for more and earlier guilty pleas when dealing with local defence advocates. The Thames and Chiltern Area continues to experience a higher than average proportion of contested cases. In 2012-13 the Area had the third highest contested caseload both per member of legal staff and for all Area staff. This year the contested caseload per member of (all) staff was 50 per cent higher than the national average, despite a small drop from 2011-12. It is noted that the Area has a slightly lower than average caseload per staff member when measuring all cases.

Contested caseload

4.31 While it does appear that Thames Valley has a lower guilty plea rate than other areas (and therefore has a larger number of trials to prepare per staff member), it is not assisting matters by ensuring that contested matters are dealt with as efficiently as possible. For the 12 months to the first quarter of 2013-14, Thames Valley had an average 4.1 hearings per magistrates' court contested case compared to a national average of 3.8 and was ranked 36th of 42 units. The equivalent figure for Crown Court contested cases was 5.1 hearings per case which was better than the national average of 5.1 with the unit ranked 32nd out of 42.

4.32 The table on trial effectiveness included at paragraph 4.28 above shows that out of 12 Crown Court trials, the unit was responsible for three ineffective hearings and discontinued two trials on the day of trial. While inspectors only looked at a small number of trials, performance data for the first quarter of 2013-14 reinforces that this is an aspect that the unit could do better at. In the rolling year to the first quarter of 2013-14, 8.0 per cent of ineffective Crown Court trials in Thames Valley were due to prosecution reasons, compared to a national average of 5.4 per cent. The equivalent figure for magistrates' court ineffective trials was 4.4 per cent due to prosecution reasons which is better than the national average of 5.2 per cent, with unit ranked at 25th out of 42. Improvements in case progression could assist in reducing the number of ineffective hearings and therefore the preparation work the unit is required to undertake.

Custody time limit monitoring

4.33 Inspectors also examined three magistrates' court and three Crown Court cases with custody time limits (CTLs) and found in all but one that they had been handled appropriately. The only discrepancy involved a case where a CTL extension had been granted but the new date had not been recorded in the CTL diary (although correctly recorded on the file and on CMS). The Area has created a 'discrepancy log' to record and action any discrepancies in CTL processes which may include offering relevant staff any additional training required.

5 Performance management

5.1 During the 12 months leading up to this inspection, senior managers have had to attend the national CPS Board to account for performance and submit action plans to improve, which has resulted in a focus on a number of key performance outcomes which are weighted in the CPS performance model. It is understandable that the Area will want to improve in those measures that would improve its position in the CPS performance table. However, inspectors were not sure that this approach allowed the Area to consider the reasons for its current performance in a strategic way. There are numerous drivers of performance and like all CPS areas partners and external factors can contribute to outcome performance. The Area has rightly focussed the majority of its attention on improving outcomes which it can influence which has meant that it is easiest to look at those targets and processes it can control. Whilst it is understandable that the Area focus is on the immediate need, it would be beneficial for managers to take a step back and to consider the causes of poor performance from a wider strategic view.

5.2 The Area recognises that it has not yet successfully implemented individual performance management. At the time of the inspection there were several members of staff subject to a performance improvement plan and others have specific objectives to improve aspects of performance. However, as the Area has yet to develop clear expectations for productivity and casework quality, it will be difficult to manage effectively individual performance. It is not surprising that staff fed back to us that poor performance could be better managed, when they see and experience wide variations in quality and productivity that are left unchecked.

5.3 The Area is open to utilising good practice where it can and has taken this approach in its recent changes made to performance management. Recent visits to the CPS in Wales by the Business Change and Development Manager (BCDM) and the Deputy Chief Crown Prosecutor have helped inform the approach taken to managing performance in Thames and Chiltern. Area performance review meetings have now been separated into magistrates' courts and Crown Court performance with an additional pre-meeting with level B2 managers. The Area believes that this has enabled a better and more in-depth focus on both magistrates and Crown Court operations and allowed more time for analysis and challenge. This however does represent a significant allocation of manager resource each month and a significant improvement in outcomes has yet to be seen to justify this extra commitment.

Resource deployment

5.4 The Area has recently made a clear commitment to strengthening its approach to performance improvement through the establishment of the Central Management Unit (CMU). The CMU consists of a full-time section head together with a part-time member of staff, amounting to 1.6 full-time equivalent (FTE) staff, and commenced a three month implementation period in May 2013. The main areas that the CMU has focussed upon in its early set up phase have been:

- the centralisation of managing annual leave for legal staff through recommendations to line managers in light of resource requirements
- allocation of lawyer resource across the Area to help achieve a more even distribution across each county

5.5 Lawyer resource is now increasingly being seen as an Area-wide resource. The CMU undertakes the weekly allocations of staff to court and case progression teams following conference calls with the District Crown Prosecutors and case progression managers.

5.6 To date the CMU has been set limited criteria of achievement in its initial stages. These criteria have focussed around achieving the establishment of a working unit and the creation of processes designed to make a positive impact upon the allocation of resources. Whilst this does appear to have been achieved the Area has yet to establish measurable and challenging targets for improvement of resource allocation and utilisation and for these then to be linked to outcome measures. Such measures are essential if the CMU is to make a significant and lasting impact on the Area's efficiency and value for money performance.

5.7 Whilst using the CMU to help resource allocation, the Area is clear that the CMU cannot be responsible for the performance management of staff. The CMU have a clear role to advise DCPs if specific units or individuals' performance is out of line with others in respect of file review productivity. However, it remains the responsibility of line managers to address any issues with specific staff. Whilst recognising the benefit of reviewing and comparing Thames Valley's productivity with the Area's other units this has yet to be done.

Recommendation

The Area Board should carry out a prompt review of the Central Management Unit (CMU) to evaluate how effective it has been against its objectives. If it is to continue, a more defined role would be of assistance so that it can function more proactively than reactively in deploying prosecutor resource and provide accurate data to the Board on the productivity of units.

Availability of lawyers

5.8 Annual leave requests from lawyers are now routed through the CMU to help managers make informed leave decisions. The Area recognises that there has been an inconsistent approach to the granting of annual leave amongst line managers with some not adhering to the number of "leave slots" available and granting more leave than the unit can sustain. Whilst the responsibility for authorising leave remains the responsibility of the DCPs, they are required to consider any recommendations of the CMU which takes account of any potential impact on resourcing at an Area level. The Area suffers from varied working practices across the units; for example some being "fully paralegalised" others less so. The impact of term time working also varies across the Area and the level of staff absence due to sickness has had a significant impact this year. Centralising the leave applications through the CMU should help "even out" the impact upon resourcing across the Area.

Individual performance management and productivity

5.9 The Area recognises that the productivity of lawyers in the case progression teams is not consistent across the unit and is not being successfully challenged where it falls below acceptable levels, which was confirmed by our on-site interviews and observations. Case progression managers maintain manual records of casework together with witness issues and other work allocated to lawyers assigned to the case progression units. Analysis of these records over a two-three week period revealed that the average number of full file reviews completed by the lawyers in magistrates' court teams averaged 2.9 files per day. However, this varied between one and ten reviews per day per lawyer. Work that is allocated but not completed is simply returned to the respective case progression manager at the end of a day and allocated out again the next day. No formal and comprehensive individual performance records are maintained to show individuals' output or productivity which would assist the respective level D managers to challenge and manage work effectively.

5.10 Clearly with a low proportion of guilty pleas, the resultant contested caseload for the Area will result in a challenging level of throughput of file reviews. As noted in the preceding paragraph, the level of full file reviews generally completed is approximately two to three per lawyer per session. The Area recognises that these two elements combined are putting a strain on resource and the CMU is seen as a key driver to help improve the situation.

5.11 Magistrates' courts outcomes have continued to be a problem area. Between 2011-12 and 2012-13 magistrates' court successful outcomes have deteriorated slightly and are only around the national average. Senior managers are now starting to take a more robust and challenging approach to performance by setting Performance Development Review (PDR) targets for line managers to address poor performance of individuals managed by them. The PDRs of all level D and B2 managers across the Area have been scrutinised by senior managers to ensure they accurately reflect performance and deficiencies. Line managers are now being tasked to replicate this with their own staff but senior managers do recognise that the level of experience, skills and abilities in respect of its line managers does vary across the Area.

5.12 The Thames Valley unit has made some improvements in its Crown Court results but when compared to others nationally further improvements are needed. Between 2011-12 and 2012-13 the Crown Court attrition rate in Thames Valley has improved slightly from 23.1 per cent to 22.8 per cent but when compared to the national average of 19.3 this places them still 41st. In the 12 months to June 2013 the unit has continued to improve this figure to 21.8 per cent but again this still only places them 38th nationally. Compliance with judges' orders and directions on time has improved significantly over the year from 46.8 per cent in the first quarter of 2012-13 to 88.6 per cent in the first quarter of 2013-14. While recognised as having better Crown Court results than magistrates' courts in Thames Valley, the Area needs to continue and build upon this recent improvement.

Good practice

The unit has worked hard to improve its rate of compliance with judges' orders in Crown Court casework such that it is now performing well in relation to this obligation.

5.13 To help with setting standards, an "Expectations Document" has recently been circulated to DCPs which sets out high level expectations of lawyers in terms of the numbers of reviews to be completed in a day and other aspects. More detailed guidance would be needed for this to be used as a day to day reference guide or indeed as a standard against which individual performance could be measured. The Area has demonstrated that they are prepared to tackle poor performance through the implementation of Performance Improvement Plans (PIPs). There are currently ten staff members working to these plans. The implementation of challenge and accountability is however not being supported through clear targets for levels of work being set.

Recommendation

The Area Board should address urgently its approach to individual performance management in the Thames Valley unit so that members of staff can be properly held to account for their performance by line managers against well understood standards both of quality and output. This should include:

- regular but proportionate monitoring of individuals' performance by line managers should be embedded as 'business as usual' and where necessary, managers should be supported by the Board so that they are equipped with the knowledge and skills they need to carry out this responsibility, and
- setting realistic but challenging targets for the number of files to be dealt with per session in the case progression teams informed by the level of resource allocated. Prosecutors allocated to these teams should not be distracted by other extraneous tasks while deployed on pod work.

Annexes

A File examination data 2013

		All cases	Excl N/A	Mags Ct excl N/A	Crown Ct excl N/A
1	The decision to charge was compliant with the Code Test	Yes	63 (82.9%)	88.7%	90.9%
		No	8 (10.5%)	11.3%	9.1%
		N/A	5 (6.6%)	-	-
		Total	76	-	-
2	The pre-charging decision applied the correct Code test (full or threshold)	Yes	66 (86.8%)	93.0%	97.0%
		No	5 (6.6%)	7.0%	3.0%
		N/A	5 (6.6%)	-	-
		Total	76	-	-
3	The police decision to charge was compliant with the Code test	Yes	5 (6.6%)	100%	100%
		No	0 (0.0%)	0.0%	0.0%
		N/A	71 (93.4%)	-	-
		Total	76	-	-
4	The MG3 included proper case analysis and case strategy	Fully met	31 (40.8%)	43.7%	39.4%
		Partially met	25 (32.9%)	35.2%	36.4%
		Not met	15 (19.7%)	21.1%	24.2%
		N/A	5 (6.6%)	-	-
		Total	76	-	-
5	The MG3 made reference to all relevant applications and ancillary matters	Fully met	38 (50.0%)	54.3%	59.4%
		Partially met	26 (34.2%)	37.1%	34.4%
		Not met	6 (7.9%)	8.6%	6.3%
		N/A	6 (7.9%)	-	-
		Total	76	-	-
6	The MG3 included appropriate instructions and guidance to the court prosecutor	Fully met	39 (51.3%)	54.9%	51.5%
		Partially met	26 (34.2%)	36.6%	45.5%
		Not met	6 (7.9%)	8.5%	3.0%
		N/A	5 (6.6%)	-	-
		Total	76	-	-
7	Were all factors relevant to mode of trial considered at PCD (e.g. seriousness, aggravating and mitigating features, joinder, Sentencing Council Guidelines on sentence, allocation, taken into consideration, and totality)	Fully met	35 (46.1%)	70.0%	75.0%
		Partially met	13 (17.1%)	26.0%	25.0%
		Not met	2 (2.6%)	4.0%	0.0%
		N/A	26 (34.2%)	-	-
		Total	76	-	-

N/A = not applicable

N/K = not known

		All cases	Excl N/A	Mags Ct excl N/A	Crown Ct excl N/A	
8	Did the action plan meet a satisfactory standard	Fully met	28 (36.8%)	48.3%	66.7%	35.3%
		Partially met	21 (27.6%)	36.2%	20.8%	47.1%
		Not met	9 (11.8%)	15.5%	12.5%	17.6%
		N/A	18 (23.7%)	-	-	-
		Total	76	-	-	-
9	Rate the overall quality of the MG3	Excellent	0 (0.0%)	0.0%	0.0%	0.0%
		Good	27 (35.5%)	38.0%	36.4%	39.5%
		Fair	32 (42.1%)	45.1%	48.5%	42.1%
		Poor	12 (15.8%)	16.9%	15.2%	18.4%
		Total	76	-	-	-
10	Was the initial file received from the police of good quality	Fully met	39 (51.3%)	52.0%	59.5%	44.7%
		Partially met	29 (38.2%)	38.7%	29.7%	47.4%
		Not met	7 (9.2%)	9.3%	10.8%	7.9%
		N/A	1 (1.3%)	-	-	-
		Total	76	-	-	-
11	The case was correctly recorded on CMS	Fully met	47 (61.8%)	61.8%	76.3%	47.4%
		Partially met	24 (31.6%)	31.6%	15.8%	47.4%
		Not met	5 (6.6%)	6.6%	7.9%	5.3%
		N/A	0 (0.0%)	-	-	-
		Total	76	-	-	-
12	File endorsements and housekeeping were accurately and appropriately maintained	Fully met	45 (59.2%)	59.2%	68.4%	50.0%
		Partially met	25 (32.9%)	32.9%	23.7%	42.1%
		Not met	6 (7.9%)	7.9%	7.9%	7.9%
		N/A	0 (0.0%)	-	-	-
		Total	76	-	-	-
13	The case was reviewed properly while it was in the magistrates' court	Fully met	26 (34.2%)	55.3%	57.9%	44.4%
		Partially met	19 (25.0%)	40.4%	39.5%	44.4%
		Not met	2 (2.6%)	4.3%	2.6%	11.1%
		N/A	29 (38.2%)	-	-	-
		Total	76	-	-	-

N/A = not applicable

N/K = not known

		All cases	Excl N/A	Mags Ct excl N/A	Crown Ct excl N/A	
14	The case was reviewed properly once it had moved into the Crown Court (including sending)	Fully met	27 (35.5%)	71.1%	-	71.1%
		Partially met	8 (10.5%)	21.1%	-	21.1%
		Not met	3 (3.9%)	7.9%	-	7.9%
		N/A	38 (50.0%)	-	-	-
		Total	76	-	-	-
15	The lawyer or team complied with the duty of continuous review in accordance with the Code including any decision to end any charge at any stage	Yes	70 (92.1%)	94.6%	100%	89.2%
		No	4 (5.3%)	5.4%	0.0%	10.8%
		N/A	2 (2.7%)	-	-	-
		Total	76	-	-	-
16	The indictment was correctly drafted in all respects	Yes	32 (42.1%)	88.9%	-	88.9%
		No	4 (5.3%)	11.1%	-	11.1%
		N/A	40 (52.6%)	-	-	-
		Total	76	-	-	-
17	Where any unsuccessful outcome (including ineffective trials) was foreseeable, everything practicable was done to prevent it	Fully met	6 (7.9%)	60.0%	60.0%	60.0%
		Partially met	2 (2.6%)	20.0%	20.0%	20.0%
		Not met	2 (2.6%)	20.0%	20.0%	20.0%
		N/A	66 (86.8%)	-	-	-
		Total	76	-	-	-
18	Was there timely compliance with court directions	Fully met	30 (39.5%)	49.2%	40.7%	55.9%
		Partially met	26 (34.2%)	42.6%	55.6%	32.4%
		Not met	5 (6.6%)	8.2%	3.7%	11.8%
		N/A	15 (19.7%)	-	-	-
		Total	76	-	-	-
19	Was there timely compliance with judges' orders in Crown Court cases	Fully met	19 (25.0%)	61.3%	0.0%	63.3%
		Partially met	6 (7.9%)	19.4%	0.0%	20.0%
		Not met	6 (7.9%)	19.4%	100%	16.7%
		N/A	45 (59.2%)	-	-	-
		Total	76	-	-	-
20	The lawyer or team exercised sound judgement, had a grip on the case and progressed it efficiently and effectively	Fully met	37 (48.7%)	50.0%	44.7%	55.6%
		Partially met	28 (36.8%)	37.8%	47.4%	27.8%
		Not met	9 (11.8%)	12.2%	7.9%	16.7%
		N/A	2 (2.6%)	-	-	-
		Total	76	-	-	-

N/A = not applicable

N/K = not known

		All cases	Excl N/A	Mags Ct excl N/A	Crown Ct excl N/A	
21	Did the case proceed to trial on the most appropriate charges (not necessarily the same charges as advised at PCD)	Yes	58 (76.3%)	92.1%	93.9%	90.0%
		No	4 (5.3%)	6.3%	6.1%	6.7%
		N/A	13 (17.1%)	-	-	-
		N/K	1 (1.3%)	1.6%	0.0%	3.3%
		Total	76	-	-	-
22	Could at least one ineffective hearing (other than ineffective trials) have been avoided by prosecution actions	Yes	11 (14.5%)	91.7%	100%	88.9%
		No	1 (1.3%)	8.3%	0.0%	11.1%
		N/A	64 (84.2%)	-	-	-
		Total	76	-	-	-
23	Could at least one ineffective trial have been avoided by prosecution actions	Yes	1 (1.3%)	100%	-	100%
		No	0 (0.0%)	0.0%	-	0.0%
		N/A	75 (98.7%)	-	-	-
		Total	76	-	-	-
24	Was there compliance post-charge with the relevant CPS policy for the type of sensitive or specialist case concerned	Fully met	33 (43.4%)	82.5%	80.0%	85.0%
		Partially met	7 (9.2%)	17.5%	20.0%	15.0%
		Not met	0 (0.0%)	0.0%	0.0%	0.0%
		N/A	36 (47.4%)	-	-	-
		Total	76	-	-	-
25	Sufficient written instructions were prepared for the advocate in Crown Court cases	Fully met	4 (5.3%)	11.4%	-	11.4%
		Partially met	29 (38.2%)	82.9%	-	82.9%
		Not met	2 (2.6%)	5.7%	-	5.7%
		N/A	41 (53.9%)	-	-	-
		Total	76	-	-	-
26	Was the input from counsel/Crown Advocate (brief endorsements and advice given in writing, by e-mail or at conferences) properly recorded on the file and/or CMS as appropriate	Yes	11 (14.5%)	73.3%	-	73.3%
		No	4 (5.3%)	26.7%	-	26.7%
		N/A	61 (80.3%)	-	-	-
		Total	76	-	-	-
27	The prosecutor complied with the duty of initial disclosure, including the correct endorsement of the schedule (but not including timeliness of disclosure)	Fully met	42 (55.3%)	61.8%	67.6%	55.9%
		Partially met	19 (25.0%)	27.9%	20.6%	35.3%
		Not met	2 (2.6%)	2.9%	2.9%	2.9%
		N/A	8 (10.5%)	-	-	-
		N/K	5 (6.6%)	7.4%	8.8%	5.9%
		Total	76	-	-	-

N/A = not applicable

N/K = not known

		All cases	Excl N/A	Mags Ct excl N/A	Crown Ct excl N/A	
28	The prosecutor complied with the duty of continuing disclosure, including the correct endorsement of the schedule (but not including timeliness of disclosure)	Fully met	21 (27.6%)	77.8%	33.3%	83.3%
		Partially met	4 (5.3%)	14.8%	0.0%	16.7%
		Not met	1 (1.3%)	3.7%	33.3%	0.0%
		N/A	49 (64.5%)	-	-	-
		N/K	1 (1.3%)	3.7%	33.3%	0.0%
		Total	76	-	-	-
29	The sensitive material schedule and any sensitive material were handled appropriately	Fully met	41 (53.9%)	61.2%	50.0%	72.7%
		Partially met	3 (3.9%)	4.5%	0.0%	9.1%
		Not met	20 (26.3%)	29.9%	41.2%	18.2%
		N/A	9 (11.8%)	-	-	-
		N/K	3 (3.9%)	4.5%	8.8%	0.0%
		Total	76	-	-	-
30	There was an appropriate audit trail of disclosure decisions on the disclosure record sheet	Fully met	35 (46.1%)	52.2%	38.2%	66.7%
		Partially met	12 (15.8%)	17.9%	11.8%	24.2%
		Not met	20 (26.3%)	29.9%	50.0%	9.1%
		N/A	9 (11.8%)	-	-	-
		N/K	0 (0.0%)	0.0%	0.0%	0.0%
		Total	76	-	-	-
31	The prosecution discharged its duties of disclosure in a timely fashion	Fully met	48 (63.2%)	72.7%	85.3%	59.4%
		Partially met	11 (14.5%)	16.7%	5.9%	28.1%
		Not met	7 (9.2%)	10.6%	8.8%	12.5%
		N/A	10 (13.2%)	-	-	-
		Total	76	-	-	-
32	Was non-compliance a failure to disclose undermining or assisting material	Yes	1 (1.3%)	4.8%	12.5%	0.0%
		No	20 (26.3%)	95.2%	87.5%	100%
		N/A	55 (72.4%)	-	-	-
		Total	76	-	-	-
33	Was the issue in the handling of sensitive material solely a failure to endorse a blank MG6D	Yes	15 (19.7%)	65.2%	78.6%	44.4%
		No	8 (10.5%)	34.8%	21.4%	55.6%
		N/A	53 (69.7%)	-	-	-
		Total	76	-	-	-

N/A = not applicable

N/K = not known

		All cases	Excl N/A	Mags Ct excl N/A	Crown Ct excl N/A	
34	Rate the overall quality of handling of unused material by the CPS	Excellent	0 (0.0%)	0.0%	0.0%	0.0%
		Good	19 (25.0%)	28.4%	20.6%	36.4%
		Fair	39 (51.3%)	58.2%	64.7%	51.5%
		Poor	9 (11.8%)	13.4%	14.7%	12.1%
		N/A	9 (11.8%)	-	-	-
		Total	76	-	-	-
35	Assess the police contribution to the unused material exercise including scheduling, timeliness of response, understanding of sensitive material etc.	Excellent	0 (0.0%)	0.0%	0.0%	0.0%
		Good	30 (39.5%)	45.5%	51.5%	39.4%
		Fair	26 (34.2%)	39.4%	39.4%	39.4%
		Poor	7 (9.2%)	10.6%	6.1%	15.2%
		N/A	10 (13.2%)	-	-	-
		N/K	3 (3.9%)	4.5%	3.0%	6.1%
Total	76	-	-	-		
36	Where CTLs applied, the preparation was prioritised to make sure that the trial could start or committal take place within the custody time limit, or the CPS acted with all due diligence and expedition when asking the court to extend the time limit	Yes	21 (27.6%)	91.3%	100%	88.9%
		No	2 (2.6%)	8.7%	0.0%	11.1%
		N/A	53 (69.7%)	-	-	-
		Total	76	-	-	-
37	Where CTLs applied, the case was monitored and handled in accordance with national standards	Yes	21 (27.6%)	87.5%	80.0%	89.5%
		No	1 (1.3%)	4.2%	0.0%	5.3%
		N/A	52 (68.4%)	-	-	-
		N/K	2 (2.6%)	8.3%	20.0%	5.3%
Total	76	-	-	-		
38	Was the quality of any application to extend satisfactory	Yes	0 (0.0%)	-	-	-
		No	0 (0.0%)	-	-	-
		N/A	76 (100%)	-	-	-
		Total	76	-	-	-
39	The prosecution was right to accept or reject the pleas offered and/or any basis of plea	Yes	11 (14.5%)	84.6%	100%	75.0%
		No	0 (0.0%)	0.0%	0.0%	0.0%
		N/A	63 (82.9%)	-	-	-
		N/K	2 (2.6%)	15.4%	0.0%	25.0%
Total	76	-	-	-		

N/A = not applicable

N/K = not known

		All cases	Excl N/A	Mags Ct excl N/A	Crown Ct excl N/A	
40	Any basis of plea was in writing and signed by the prosecution and defence	Yes	1 (1.3%)	50.0%	0.0%	100%
		No	0 (0.0%)	0.0%	0.0%	0.0%
		N/A	74 (97.4%)	-	-	-
		N/K	1 (1.3%)	50.0%	100%	0.0%
		Total	76	-	-	-
41	Where a trial cracked with a guilty plea to one or more charges, could more have been done to avoid the trial listing (e.g. by canvassing pleas or accepting pleas at an earlier stage)	Yes	5 (5.6%)	55.6%	62.5%	0.0%
		No	4 (5.3%)	44.4%	37.5%	100%
		N/A	67 (88.2%)	-	-	-
		Total	76	-	-	-
42	The Victims' Code, Prosecutors' Pledge and any other policy guidance on the treatment of witnesses was complied with	Fully met	55 (72.4%)	87.3%	87.9%	86.7%
		Partially met	7 (9.2%)	11.1%	12.1%	10.0%
		Not met	1 (1.3%)	1.6%	0.0%	3.3%
		N/A	13 (17.1%)	-	-	-
		Total	76	-	-	-
43	When proposing to stop the case, or to alter the charges substantially (where it was practicable to do so) the police or other investigators were consulted before reaching a final decision	Yes	16 (21.1%)	76.2%	84.6%	62.5%
		No	5 (6.6%)	23.8%	15.4%	37.5%
		N/A	55 (72.4%)	-	-	-
		Total	76	-	-	-
44	There was timely DCV communication when required	Yes	14 (18.4%)	70.0%	72.7%	66.7%
		No	6 (7.9%)	30.0%	27.3%	33.3%
		N/A	56 (73.7%)	-	-	-
		Total	76	-	-	-
45	The DCV communication was of a high standard	Fully met	6 (7.9%)	37.5%	50.0%	16.7%
		Partially met	7 (9.2%)	43.8%	30.0%	66.7%
		Not met	3 (3.9%)	18.8%	20.0%	16.7%
		N/A	60 (78.9%)	-	-	-
		N/K	0 (0.0%)	0.0%	0.0%	0.0%
		Total	76	-	-	-
46	Were the views of the victim taken into account when deciding to discontinue one or more charges, accept lesser pleas or take a basis of plea	Yes	14 (18.4%)	63.6%	53.8%	77.8%
		No	8 (10.5%)	36.4%	46.2%	22.2%
		N/A	54 (71.1%)	-	-	-
		Total	76	-	-	-

N/A = not applicable

N/K = not known



B Case examination results 2012

Question	Answers	Non-CQSM totals	CQSM totals	Combined % totals	% excl N/A
1 Was the early investigative advice of good quality (Complex Casework Unit and Rape and Serious Sexual Offences only)	Fully met	2	0	2	40.0%
	Partially met	3	0	3	60.0%
	Not met	0	0	0	0.0%
	N/A	80	12	92	-
	Total	85	12	97	-
2 The pre-charge decision applied the correct Code test (full or threshold) and the decision to charge was compliant with the Code test	Fully met	64	7	71	91.0%
	Partially met	1	0	1	1.3%
	Not met	5	1	6	7.7%
	N/A	15	4	19	-
	Total	85	12	97	-
3 The police decision to charge was compliant with the Code test	Fully met	12	0	12	80.0%
	Partially met	0	0	0	0.0%
	Not met	3	0	3	20.0%
	N/A	70	0	70	-
	Total	85	0	85	-
4 All relevant CPS policies were applied at the pre-charge stage	Fully met	52	8	60	76.9%
	Partially met	12	0	12	15.4%
	Not met	6	0	6	7.7%
	N/A	15	4	19	-
	Total	85	12	97	-
5 The MG3 included proper case analysis and case strategy	Fully met	25	4	29	37.2%
	Partially met	28	2	30	38.5%
	Not met	17	2	19	24.4%
	N/A	15	4	19	-
	Total	85	12	97	-
6 The MG3 made reference to all relevant applications and ancillary matters	Fully met	45	4	49	72.1%
	Partially met	13	3	16	23.5%
	Not met	3	0	3	4.4%
	N/A	24	5	29	-
	Total	85	12	97	-

N/A = not applicable

N/K = not known

Question	Answers	Non-CQSM totals	CQSM totals	Combined % totals	% excl N/A
7 The MG3 included appropriate instructions and guidance to the court prosecutor	Fully met	42	6	48	63.2%
	Partially met	18	2	20	26.3%
	Not met	8	0	8	10.5%
	N/A	17	4	21	-
	Total	85	12	97	-
8 Were all factors relevant to mode of trial considered at PCD (e.g. seriousness, aggravating and mitigating features, joinder, Sentencing Council Guidelines on sentence, allocation, taken into consideration (TIC), and totality)	Yes	22	-	22	66.7%
	No	10	-	10	30.3%
	N/K	1	-	1	3.0%
	N/A	52	-	52	-
	Total	85	-	85	-
9 In youth cases, were relevant grave crimes factors identified and weighed correctly and an appropriate comment recorded in the MG3	Yes	3	-	3	42.9%
	No	4	-	4	57.1%
	N/K	0	-	0	0.0%
	N/A	78	-	78	-
	Total	85	-	85	-
10 Were the most appropriate charges advised at the PCD stage	Yes	49	-	49	76.6%
	No	15	-	15	23.4%
	N/K	0	-	0	0.0%
	N/A	21	-	21	-
	Total	85	-	85	-
11 Did the action plan meet a satisfactory standard	Yes	42	-	42	68.9%
	No	19	-	19	31.1%
	N/K	0	-	0	0.0%
	N/A	24	-	24	-
	Total	85	-	85	-
12 Did the police provide sufficient material for a properly informed decision to be made (including relevant background information in sensitive cases)	Yes	69	-	69	98.6%
	No	1	-	1	1.4%
	N/K	0	-	0	0.0%
	N/A	15	-	15	-
	Total	85	-	85	-

N/A = not applicable

N/K = not known

Question	Answers	Non-CQSM totals	CQSM totals	Combined % totals	% excl N/A
13 Rate the overall quality of the MG3/3A	Excellent	1	-	1	1.4%
	Good	18	-	18	25.7%
	Fair	33	-	33	47.1%
	Poor	18	-	18	25.7%
	N/K	0	-	0	0.0%
	N/A	15	-	15	-
	Total	85	-	85	-
14 The file endorsements clearly set out what happened at court in relation to bail	Fully met	69	6	75	85.2%
	Partially met	6	3	9	10.2%
	Not met	4	0	4	4.5%
	N/A	6	3	9	-
	Total	85	12	97	-
15 All reasonable efforts were made to prevent the release on bail of a defendant who posed a risk to the victim or the public generally	Fully met	19	3	22	88.0%
	Partially met	0	0	0	0.0%
	Not met	3	0	3	12.0%
	N/A	63	9	72	-
	Total	85	12	97	-
16 Were the statutory provisions relevant to bail for a youth correctly identified and recorded on the file	Yes	2	-	2	100%
	No	0	-	0	0.0%
	N/K	0	-	0	0.0%
	N/A	83	-	83	-
	Total	85	-	85	-
17 Were all factors relevant to mode of trial put before the court by the prosecution (e.g. seriousness, aggravating and mitigating features, joinder, Sentencing Council Guidelines on sentence, allocation, TIC, and totality)	Yes	1	-	1	2.8%
	No	0	-	0	0.0%
	N/K	35	-	35	97.2%
	N/A	49	-	49	-
	Total	85	-	85	-

N/A = not applicable

N/K = not known

Question	Answers	Non-CQSM totals	CQSM totals	Combined totals	% excl N/A
18 In youth cases, were the factors relevant to the grave crime decision put before the court by the prosecution	Yes	5	-	5	83.3%
	No	0	-	0	0.0%
	N/K	1	-	1	16.7%
	N/A	79	-	79	-
	Total	85	-	85	-
19 The case was correctly recorded on CMS	Fully met	60	11	71	74.7%
	Partially met	19	1	20	21.1%
	Not met	4	0	4	4.2%
	N/A	2	0	2	-
	Total	85	12	97	-
20 File endorsements (other than bail) and file housekeeping were accurately and appropriately maintained	Fully met	39	9	48	50.5%
	Partially met	31	3	34	35.8%
	Not met	13	0	13	13.7%
	N/A	2	0	2	-
	Total	85	12	97	-
21 The case was reviewed properly while it was in the magistrates' court (including committal)	Fully met	31	5	36	50.7%
	Partially met	14	4	18	25.4%
	Not met	15	2	17	23.9%
	N/A	25	1	26	-
	Total	85	12	97	-
22 The case was reviewed properly once it had moved into the Crown Court (including sending)	Fully met	20	3	23	48.9%
	Partially met	18	3	21	44.7%
	Not met	3	0	3	6.4%
	N/A	44	6	50	-
	Total	85	12	97	-
23 The decision to end any charge was compliant with the Code test	Fully met	20	3	23	88.5%
	Partially met	0	0	0	0.0%
	Not met	3	0	3	11.5%
	N/A	62	9	71	-
	Total	85	12	97	-

N/A = not applicable

N/K = not known

Question	Answers	Non-CQSM totals	CQSM totals	Combined % totals	% excl N/A
24 Where an unsuccessful outcome was foreseeable, everything practicable was done to prevent it	Fully met	9	0	9	60.0%
	Partially met	1	0	1	6.7%
	Not met	3	2	5	33.3%
	N/A	72	10	82	-
	Total	85	12	97	-
25 Case progression was carried out in accordance with the Criminal Procedure Rules	Fully met	33	4	37	46.8%
	Partially met	34	4	38	48.1%
	Not met	3	1	4	5.1%
	N/A	15	3	18	-
	Total	85	12	97	-
26 The lawyer or team exercised sound judgement, had a grip on the case, and progressed it efficiently and effectively	Fully met	30	0	30	40.0%
	Partially met	30	0	30	40.0%
	Not met	15	0	15	20.0%
	N/A	10	0	10	-
	Total	85	0	85	-
27 The lawyer or team complied with the duty of continuous review in accordance with the Code	Fully met	73	0	73	93.6%
	Partially met	0	0	0	0.0%
	Not met	5	0	5	6.4%
	N/A	7	0	7	-
	Total	85	0	85	-
28 Where an ineffective trial was foreseeable, everything practicable was done to prevent it	Fully met	1	0	1	25.0%
	Partially met	2	0	2	50.0%
	Not met	1	0	1	25.0%
	N/A	81	12	93	-
	Total	85	12	97	-
29 By the first case management hearing/pre-trial review/plea and case management hearing, had the prosecution identified the relevant trial issues	Yes	48	-	48	78.7%
	No	11	-	11	18.0%
	N/K	2	-	2	3.3%
	N/A	24	-	24	-
	Total	85	-	85	-

N/A = not applicable

N/K = not known

Question	Answers	Non-CQSM totals	CQSM totals	Combined totals	% excl N/A
30 Was there timely compliance with court directions	Yes	35	-	35	58.3%
	No	25	-	25	41.7%
	N/K	0	-	0	0.0%
	N/A	25	-	25	-
	Total	85	-	85	-
31 Did late or inadequate responses to communications from the court, police, WCU or defence cause unnecessary work or an adverse impact on case progression	Yes	18	-	18	72.0%
	No	6	-	6	24.0%
	N/K	1	-	1	4.0%
	N/A	60	-	60	-
	Total	85	-	85	-
32 Rate the quality of written applications (hearsay, bad character evidence, special measures), skeleton arguments and any formal responses to defence applications	Excellent	0	-	0	0.0%
	Good	4	-	4	11.4%
	Fair	24	-	24	68.6%
	Poor	7	-	7	20.0%
	N/K	0	-	0	0.0%
	N/A	50	-	50	-
	Total	85	-	85	-
33 Did the case proceed to trial on the most appropriate charges (not necessarily the same charges as advised at PCD)	Yes	49	-	49	90.7%
	No	5	-	5	9.3%
	N/K	0	-	0	0.0%
	N/A	31	-	31	-
	Total	85	-	85	-
34 How many ineffective hearings (other than ineffective trials) could have been avoided by prosecution actions	0	0	-	0	0.0%
	1	5	-	5	62.5%
	2	2	-	2	25.0%
	3	0	-	0	0.0%
	4 or more	0	-	0	0.0%
	N/K	1	-	1	12.5%
	N/A	77	-	77	-
Total	85	-	85	-	

N/A = not applicable

N/K = not known

Question	Answers	Non-CQSM totals	CQSM totals	Combined totals	% excl N/A
35 How many ineffective trials could have been avoided by prosecution actions	0	0	-	0	0.0%
	1	3	-	3	100%
	2	0	-	0	0.0%
	3	0	-	0	0.0%
	4 or more	0	-	0	0.0%
	N/K	0	-	0	0.0%
	N/A	82	-	82	-
	Total	85	-	85	-
36 Was there compliance post-charge with the relevant policy for the type of sensitive or specialist case concerned	Yes	35	-	35	94.6%
	No	2	-	2	5.4%
	N/K	0	-	0	0.0%
	N/A	48	-	48	-
	Total	85	-	85	-
37 Did lack of continuity of case ownership have an adverse impact on decision-making or case progression (note especially for specialist cases such as rape and child abuse)	Yes	0	-	0	-
	No	0	-	0	-
	N/K	0	-	0	-
	N/A	85	-	85	-
	Total	85	-	85	-
38 The indictment was correctly drafted in all respects	Fully met	28	5	33	71.7%
	Partially met	11	1	12	26.1%
	Not met	1	0	1	2.2%
	N/A	45	6	51	-
	Total	85	12	97	-
39 Sufficient written instructions were prepared for the advocate	Fully met	22	3	25	53.2%
	Partially met	14	3	17	36.2%
	Not met	4	1	5	10.6%
	N/A	45	5	50	-
	Total	85	12	97	-

N/A = not applicable

N/K = not known

Question	Answers	Non-CQSM totals	CQSM totals	Combined % totals	% excl N/A
40 Was the input from counsel/Crown Advocate (brief endorsements and advice given in writing, by e-mail or at conferences) properly recorded on the file and/or CMS as appropriate	Yes	19	-	19	65.5%
	No	10	-	10	34.5%
	N/K	0	-	0	0.0%
	N/A	56	-	56	-
	Total	85	-	85	-
41 The prosecutor complied with the duty of initial disclosure, including the correct endorsement of the schedule (but not including timeliness of disclosure)	Fully met	45	6	51	65.4%
	Partially met	18	2	20	25.6%
	Not met	7	0	7	9.0%
	N/A	15	4	19	-
	Total	85	12	97	-
42 The prosecutor complied with the duty of continuing disclosure, including the correct endorsement of the schedule (but not including timeliness of disclosure)	Fully met	31	3	34	81.0%
	Partially met	2	1	3	7.1%
	Not met	5	0	5	11.9%
	N/A	47	8	55	-
	Total	85	12	97	-
43 The sensitive material schedule and any sensitive material was handled appropriately	Fully met	56	8	64	82.1%
	Partially met	5	0	5	6.4%
	Not met	9	0	9	11.5%
	N/A	15	4	19	-
	Total	85	12	97	-
44 There was an appropriate audit trail of disclosure decisions on the disclosure record sheet	Fully met	55	6	61	78.2%
	Partially met	12	2	14	17.9%
	Not met	3	0	3	3.8%
	N/A	15	4	19	-
	Total	85	12	97	-
45 The prosecution complied with its duties of disclosure in a timely fashion	Fully met	47	8	55	70.5%
	Partially met	11	0	11	14.1%
	Not met	12	0	12	15.4%
	N/A	15	4	19	-
	Total	85	12	97	-

N/A = not applicable

N/K = not known

Question	Answers	Non-CQSM totals	CQSM totals	Combined % totals	% excl N/A
46 Was compliance with initial disclosure duty timely	Yes	57	-	57	81.4%
	No	13	-	13	18.6%
	N/K	0	-	0	0.0%
	N/A	15	-	15	-
	Total	85	-	85	-
47 Was compliance with continuing disclosure duty timely throughout the case	Yes	25	-	25	67.6%
	No	12	-	12	32.4%
	N/K	0	-	0	0.0%
	N/A	48	-	48	-
	Total	85	-	85	-
48 Was non-compliance a failure to disclose undermining or assisting material	Yes	1	-	1	3.6%
	No	27	-	27	96.4%
	N/K	0	-	0	0.0%
	N/A	57	-	57	-
	Total	85	-	85	-
49 Was non-compliance (timeliness or substance) caused or aggravated by the failure of the police or any other agency to provide the right material at the right time	Yes	12	-	12	35.3%
	No	22	-	22	64.7%
	N/K	0	-	0	0.0%
	N/A	51	-	51	-
	Total	85	-	85	-
50 Was the issue in the handling of sensitive material solely a failure to properly endorse a blank MG6D	Yes	3	-	3	21.4%
	No	11	-	11	78.6%
	N/K	0	-	0	0.0%
	N/A	71	-	71	-
	Total	85	-	85	-

N/A = not applicable

N/K = not known

Question	Answers	Non-CQSM totals	CQSM totals	Combined % totals	% excl N/A
51 Rate the overall quality of handling of unused material	Excellent	1	-	1	1.4%
	Good	21	-	21	30.0%
	Fair	40	-	40	57.1%
	Poor	8	-	8	11.4%
	N/K	0	-	0	0.0%
	N/A	15	-	15	-
	Total	85	-	85	-
52 Where CTLs applied, the preparation was prioritised to make sure that the trial/committal could take place within the custody time limit, or the CPS could demonstrate all due diligence and expedition if an extension was required	Fully met	12	3	15	83.3%
	Partially met	1	0	1	5.6%
	Not met	2	0	2	11.1%
	N/A	70	9	79	-
	Total	85	12	97	-
53 Where CTLs applied, the case was monitored and handled in accordance with national standards	Fully met	13	2	15	83.3%
	Partially met	1	0	1	5.6%
	Not met	1	1	2	11.1%
	N/A	70	9	79	-
	Total	85	12	97	-
54 Was the CTL expiry date calculated correctly for each defendant and/or charge	Yes	13	-	13	86.7%
	No	2	-	2	13.3%
	N/K	0	-	0	0.0%
	N/A	70	-	70	-
	Total	85	-	85	-
55 Was the quality of any application to extend the CTL satisfactory	Yes	3	-	3	100%
	No	0	-	0	0.0%
	N/K	0	-	0	0.0%
	N/A	82	-	82	-
	Total	85	-	85	-
56 In unsuccessful outcomes, had there been any material change in evidential strength or public interest since PCD or initial review in non-PCD cases	Yes	16	-	16	45.7%
	No	19	-	19	54.3%
	N/K	0	-	0	0.0%
	N/A	50	-	50	-
	Total	85	-	85	-

N/A = not applicable

N/K = not known

Question	Answers	Non-CQSM totals	CQSM totals	Combined % totals	% excl N/A
57 In adverse outcomes, was there an adverse outcome report or any other evidence on the file or CMS that lessons learnt had been noted	Yes	3	-	3	10.0%
	No	27	-	27	90.0%
	N/K	0	-	0	0.0%
	N/A	55	-	55	-
	Total	85	-	85	-
58 The prosecution was right to accept the pleas offered and/or to accept the basis of plea	Fully met	9	2	11	84.6%
	Partially met	0	0	0	0.0%
	Not met	2	0	2	15.4%
	N/A	74	10	84	-
	Total	85	12	97	-
59 Any basis of plea was in writing and signed by the prosecution and defence	Fully met	3	2	5	55.6%
	Partially met	1	2	3	33.3%
	Not met	1	0	1	11.1%
	N/A	80	8	88	-
	Total	85	12	97	-
60 Where a trial cracked with a guilty plea to one or more charges, could more have been done to avoid the trial listing (e.g. by canvassing pleas or accepting offered pleas at an earlier stage)	Yes	0	-	0	0.0%
	No	0	-	0	0.0%
	N/K	1	-	1	100%
	N/A	84	-	84	-
	Total	85	-	85	-
61 Have decision-making, case progression and presentation taken proper account of safeguarding issues in relation to child defendants	Yes	4	-	4	80.0%
	No	1	-	1	20.0%
	N/K	0	-	0	0.0%
	N/A	80	-	80	-
	Total	85	-	85	-
62 The Victims' Code, Prosecutors' Pledge and any other policy guidance on the treatment of witnesses was complied with	Fully met	54	6	60	96.8%
	Partially met	2	0	2	3.2%
	Not met	0	0	0	0.0%
	N/A	29	6	35	-
	Total	85	12	97	-

N/A = not applicable

N/K = not known

Question	Answers	Non-CQSM totals	CQSM totals	Combined totals	% excl N/A
63 Were the right special measures sought (including use of intermediary etc)	Yes	24	-	24	92.3%
	No	2	-	2	7.7%
	N/K	0	-	0	0.0%
	N/A	59	-	59	-
	Total	85	-	85	-
64 Have decision-making, case progression and presentation taken proper account of safeguarding issues in relation to child victims and witnesses	Yes	9	-	9	81.8%
	No	2	-	2	18.2%
	N/K	0	-	0	0.0%
	N/A	74	-	74	-
	Total	85	-	85	-
65 When proposing to stop the case or to alter the charges substantially, where it was practicable to do so, the police or other investigators were consulted before reaching a final decision	Fully met	16	4	20	87.0%
	Partially met	0	0	0	0.0%
	Not met	3	0	3	13.0%
	N/A	66	8	74	-
	Total	85	12	97	-
66 There was timely DCV communication when required	Fully met	13	2	15	78.9%
	Partially met	0	0	0	0.0%
	Not met	4	0	4	21.1%
	N/A	68	10	78	-
	Total	85	12	97	-
67 The DCV communication was of a high standard	Fully met	5	2	7	46.7%
	Partially met	8	0	8	53.3%
	Not met	0	0	0	0.0%
	N/A	72	10	82	-
	Total	85	12	97	-
68 Were the views of the victim taken into account when deciding to discontinue one or more charges, accept lesser pleas or take a basis of plea	Yes	10	-	10	58.8%
	No	0	-	0	0.0%
	Not asked	7	-	7	41.2%
	N/K	0	-	0	0.0%
	Total	85	-	85	-

N/A = not applicable

N/K = not known

Question	Answers	Non-CQSM totals	CQSM totals	Combined totals	% excl N/A
69 Were the appropriate orders sought at sentencing to address the needs of the victim, such as compensation, restraining orders etc	Yes	38	-	38	100%
	No	0	-	0	0.0%
	N/K	0	-	0	0.0%
	N/A	47	-	47	-
	Total	85	-	85	-
70 In applicable cases, did the prosecution put before the court evidence of hate crime motivation and information on relevant sentencing provisions	Yes	5	-	5	100%
	No	0	-	0	0.0%
	N/K	0	-	0	0.0%
	N/A	80	-	80	-
	Total	85	-	85	-
71 Was there proper consideration of asset recovery	Yes	4	-	4	80.0%
	No	0	-	0	0.0%
	N/K	1	-	1	20.0%
	N/A	80	-	80	-
	Total	85	-	85	-

* No equivalent in database N/A = not applicable N/K = not known



C Area and unit performance data

Key performance outcomes

	Thames Valley unit			Thames and Chiltern Area			CPS national		
	2011-12	2012-13	12 mths to 1st quarter 2013-14	2011-12	2012-13	12 mths to 1st quarter 2013-14	2011-12	2012-13	12 mths to 1st quarter 2013-14
Pre-charge decisions									
<i>Magistrates' court</i>									
Discontinuance	18.4%	20.3%	20.7%	16.9%	17.6%	18.7%	16.1%	16.1%	16.2%
Guilty plea	65.0%	64.2%	64.3%	66.5%	66.9%	66.7%	71.2%	71.7%	71.8%
Attrition	25.9%	27.5%	27.8%	23.9%	24.5%	25.3%	21.8%	22.0%	22.0%
<i>Crown Court</i>									
Discontinuance	11.1%	11.5%	11.4%	9.6%	10.2%	10.4%	11.7%	11.4%	11.4%
Guilty plea	64.3%	62.8%	65.1%	66.5%	66.2%	67.3%	72.4%	71.8%	71.8%
Attrition	23.1%	22.8%	21.8%	20.5%	20.6%	20.4%	19.4%	19.3%	19.4%
Magistrates' court									
Successful outcomes	85.8%	85.4%	85.0%	86.4%	86.1%	85.5%	86.7%	86.2%	86.0%
Cracked trials	34.0%	35.6%	36.4%	37.6%	34.8%	35.6%	39.1%	38.5%	38.2%
Effective trials	45.0%	44.7%	43.8%	46.4%	46.6%	45.6%	43.4%	44.3%	44.5%
Ineffective trials	21.0%	19.7%	19.8%	16.0%	18.6%	18.8%	17.5%	17.2%	17.4%
Crown Court									
Successful outcomes	77.8%	77.8%	78.8%	79.9%	79.7%	79.6%	80.8%	80.5%	80.2%
Cracked trials	28.9%	27.6%	27.5%	31.1%	27.2%	26.9%	39.1%	36.6%	36.3%
Effective trials	54.3%	55.8%	55.5%	53.8%	56.0%	56.3%	46.3%	49.6%	50.4%
Ineffective trials	16.8%	16.6%	17.0%	15.2%	16.8%	16.8%	14.5%	13.8%	13.4%
Judge ordered acquittals	10.6%	11.4%	11.4%	9.3%	10.2%	10.5%	11.6%	11.5%	11.5%



D Glossary

Area Business Manager

The most senior non-legal manager at CPS area level.

Associate Prosecutor

A CPS employee who is trained to present cases in the magistrates' court on pleas of guilty, to prove them where the defendant does not attend or to conduct trials of non-imprisonable offences.

Case management system (CMS)

IT system for case management used by the CPS. Through links with police systems CMS receives electronic case material. Such material is intended to progressively replace paper files as part of the T3 implementation. *See also Transforming through technology (T3).*

Case progression manager (CPM)

An administrative member of CPS staff who manages the progression of cases through the optimum business model system. They oversee and manage the prioritisation of OBM cases; ensuring cases are ready for trial on their trial date. *See also optimum business model (OBM).*

Code for Crown Prosecutors (the Code)

The public document that sets out the framework for prosecution decision-making. Crown prosecutors have the Director of Public Prosecutions' power to determine cases delegated to them, but must exercise them in accordance with the Code and its two stage test - the evidential and the public interest stages. Cases should only proceed if, firstly, there is sufficient evidence to provide a realistic prospect of conviction and, secondly, if the prosecution is required in the public interest. *See also threshold test.*

Committal

Procedure whereby a defendant in an either way case is moved from the magistrates' court to the Crown Court for trial, usually upon service

of the prosecution evidence on the defence, but occasionally after consideration of the evidence by the magistrates. *See also either way offences.*

Complex Casework Unit (CCU)

A unit set up within each CPS area which handles the most serious cases, such as organised crime, people or drug trafficking, and complex frauds.

Conditional caution

A caution which is given in respect of an offence committed by the offender and which has conditions attached to it (Criminal Justice Act 2003).

Contested case

A case where the defendant elects to plead not guilty, or declines to enter a plea, thereby requiring the case to go to trial.

CPS core quality standards (CQS)

Standards which set out the quality of service that the public are entitled to expect. The standards reflect legal and professional obligations.

CPS Direct (CPSD)

This is a scheme to support areas' decision-making under the charging scheme. Lawyers are available on a single national telephone number out of normal office hours so that advice can be obtained at any time. It is available to all areas.

Core quality standards monitoring (CQSM)

A system of internal monitoring against the standards, whereby each area undertakes an examination of a sample of completed cases to assess compliance.

Court orders/directions

An order or direction made by the court at a case progression hearing requiring the prosecution to comply with a timetable of preparatory work for a trial. These orders are often made under the Criminal Procedure Rules.

Cracked trial

A case listed for a contested trial which does not proceed, either because the defendant changes his plea to guilty, or pleads to an alternative charge, or because the prosecution offer no evidence.

Criminal Justice: Simple, Speedy, Summary (CJSS)

An initiative introducing more efficient ways of working by all parts of the criminal justice system, working together with the judiciary, so that cases brought to the magistrates' courts are dealt with more quickly. In particular it aims to reduce the number of hearings in a case and the time from charge to case completion.

Criminal Procedure Rules (CPR)

Criminal Procedure Rules determine the way a case is managed as it progresses through the criminal courts in England and Wales. The rules apply in all magistrates' courts, the Crown Court and the Court of Appeal (Criminal Division).

Crown Advocate (CA)

A lawyer employed by the CPS who has a right of audience in the Crown Court.

Custody time limits (CTLs)

The statutory time limit for keeping a defendant in custody awaiting trial. May be extended by the court in certain circumstances.

Direct communication with victims (DCV)

A CPS scheme requiring that victims be informed of decisions to discontinue or alter substantially any charges. In some case categories a meeting will be offered to the victim or their family to explain these decisions.

Discharged committal

A case where the prosecution is not ready to commit the defendant to the Crown Court, but the magistrates' court refuses to adjourn the case.

Discontinuance

The formal dropping of a case by the CPS through written notice (under section 23 Prosecution of Offences Act 1985).

Early Guilty Plea scheme (EGP)

A scheme introduced by the Senior Presiding Judge in a number of Crown Court centres which aims to identify cases where a guilty plea is likely. The aim is to separate these cases into EGP courts which expedite the plea and sentence thereby avoiding unnecessary preparation work.

Either way offences

Offences of middle range seriousness which can be heard either in the magistrates or Crown Court. The defendant retains a right to choose jury trial at Crown Court but otherwise the venue for trial is determined by the magistrates.

File endorsements

Notes on a case file that either explain events or decisions in court or that provide a written record of out of court activity.

Indictable only, indictment

Cases involving offences which can be heard only at the Crown Court (e.g. rape, murder, serious assaults). The details of the charge(s) are set out in a formal document called the "indictment".

Ineffective trial

A case listed for a contested trial that is unable to proceed as expected and which is adjourned to a later date.

Instructions to counsel

The papers which go to counsel setting out the history of a case and how it should be dealt with at court, together with case reports. These are sometimes referred to as the "brief to counsel".

Judge directed acquittal (JDA)

Where the judge directs a jury to find a defendant not guilty after the trial has started.

Judge ordered acquittal (JOA)

Where the judge dismisses a case as a result of the prosecution offering no evidence before a jury is empanelled.

No case to answer (NCTA)

Where magistrates dismiss a case at the close of the prosecution evidence because they do not consider that the prosecution have made out a case for the defendant to answer.

Optimum business model (OBM)

A CPS initiative for handling its casework. The model sets out a framework of structures, roles and processes, and aims to standardise these across different units and areas to improve efficiency and effectiveness.

Paralegal Career Family Structure

A new CPS career structure which defines the roles and responsibilities for non-legal staff from paralegal assistant to Associate Prosecutor.

Paralegal officer (PO)

A member of CPS Crown Court staff who deals with, or manages, day-to-day conduct of prosecution cases under the supervision of a CPS lawyer. The PO often attends court to assist the advocate.

Plea and case management hearing (PCMH)

A plea and case management hearing takes place in every case in the Crown Court and is often the first hearing after committal or sending in indictable only cases. Its purpose is twofold: to take a plea from the defendant, and to ensure that all necessary steps are taken

in preparation for trial or sentence and that sufficient information has been provided for a trial date or sentencing hearing to be arranged.

Pre-charge decision (PCD)

Since the Criminal Justice Act 2003, this is the process by which the police and CPS decide whether there is sufficient evidence for a suspect to be prosecuted. The process is governed by the Director's guidance, the latest edition of which came into effect in early 2011.

Pre-trial application

An application usually made by the prosecution to the court to introduce certain forms of evidence in a trial (e.g. bad character, hearsay etc).

Proceeds of Crime Act 2002 (POCA)

Contains forfeiture and confiscation provisions and money laundering offences, which facilitate the recovery of assets from criminals.

Prosecution Team Performance Management (PTPM)

Joint analysis of performance by the CPS and police locally, used to consider the outcomes of charging and other joint processes.

Prosecutor's duty of disclosure

The prosecution has a duty to disclose to the defence material gathered during the investigation of a criminal offence, which is not intended to be used as evidence against the defendant, but which may undermine the prosecution case or assist the defence case. Initial (formerly known as "primary") disclosure is supplied routinely in all contested cases. Continuing (formerly "secondary") disclosure is supplied after service of a defence statement. Timeliness of the provision of disclosure is covered in the Criminal Procedure Rules. *See also unused material.*

Review, (initial, continuing, summary trial, full file etc)

The process whereby a crown prosecutor determines that a case received from the police satisfies and continues to satisfy the legal test for prosecution in the Code for Crown Prosecutors. One of the most important functions of the CPS.

Section 51 Crime and Disorder Act 1998

A procedure for fast-tracking indictable only cases to the Crown Court, which now deals with such cases from a very early stage - the defendant is sent to the Crown Court by the magistrates.

Sensitive material

Any relevant material in a police investigative file not forming part of the case against the defendant, the disclosure of which may not be in the public interest.

Special measures applications

The Youth Justice and Criminal Evidence Act 1999 provides for a range of special measures to enable vulnerable or intimidated witnesses in a criminal trial to give their best evidence. Measures include giving evidence through a live TV link, screens around the witness box and intermediaries. A special measures application is made to the court within set time limits and can be made by the prosecution or defence.

Streamlined process (Director's guidance)

Procedures agreed between the CPS and police to streamline the content of prosecution case files; a restricted amount of information and evidence is initially included where there is an expectation that the defendant will plead guilty.

Summary offences

Offences which can only be dealt with in the magistrates' courts, e.g. most motoring offences, minor public order and assault offences.

Threshold test

The Code for Crown Prosecutors provides that where it is not appropriate to release a defendant on bail after charge, but the evidence to apply the full Code test is not yet available, the threshold test should be applied.

Transforming through technology (T3)

A national CPS programme introducing electronic working and aiming to provide, through the use of enhanced technology, a more efficient Service. The CPS proposes to change its business processes by moving to full digital working by April 2013.

It involves electronic files being put together by the police and being sent digitally to the CPS. Cases will then be prepared electronically and prosecuted from laptops or tablets in court.

Unused material

Material collected by the police during an investigation but which is not being used as evidence in any prosecution. The prosecutor must consider whether or not to disclose it to the defendant.

Upgrade file

The full case file provided by the police for a contested hearing.

Witness care unit (WCU)

Unit responsible for managing the care of victims and prosecution witnesses from a point of charge to the conclusion of a case. Staffed by witness care officers and other support workers whose role it is to keep witnesses informed of progress during the course of their case. Units have often a combination of police and CPS staff (joint units).

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