

Area Assurance Inspection of CPS North East

August 2017

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1 Headlines

1.1 We set out here our headline findings in respect of our inspection of the Crown Prosecution Service (CPS) North East Area. Its performance as assessed against the criteria of the inspection framework was as follows:

Criteria	Score
<i>Part A: The success of CPS people</i>	
Senior management demonstrates effective leadership and engages with staff to identify and utilise opportunities to deliver a quality of service	Fair
Senior managers work effectively and are influential with criminal justice partners	Good
The Area is committed to CPS values , equality and diversity policies and staff development to deliver improvement in staff engagement, effectiveness, well-being and morale	Fair
Overall score for the success of CPS people	GOOD
<i>Part B: Continuously improving</i>	
The Area's key performance data is analysed effectively and used to inform resource allocation, to robustly identify the Area's strengths and weaknesses and to drive improvement	Poor
Resources are systematically managed and deployed effectively	Good
Joined-up working is effective and delivers improvements in outcomes for users	Fair
Overall score for continuously improving	FAIR
<i>Part C: High quality casework</i>	
Reviews and decisions (including charging decisions, the use of applications, and acceptance of plea) are proportionate; properly recorded; comply with the Code for Crown Prosecutors and any relevant policy and guidance; include consultation with the police; and contribute to successful outcomes and victim and witness satisfaction (magistrates' courts)	Fair
Case preparation and progression is effective and timely (magistrates' courts)	Poor
Reviews and decisions (including charging decisions, the use of applications, and acceptance of plea) are proportionate; properly recorded; comply with the Code for Crown Prosecutors and any relevant policy and guidance; include consultation with the police; and contribute to successful outcomes and victim and witness satisfaction (Crown Court)	Poor
Case preparation and progression is effective and timely (Crown Court)	Poor
Overall score for high quality casework	POOR

Criteria	Score
<i>Part D: Public confidence</i>	
Communications with victims under all applicable initiatives, the Victims' Code or policies (including consulting victims on discontinuance or pleas, letters under the Victim Communication and Liaison scheme, communications with bereaved families, and the Victims' Right to Review) occur where required, and are timely and of a high standard	Fair
The views and interests of the victim, witnesses and public are reflected and protected by the appropriate use of remand or bail conditions, Victim Personal Statements and ancillary orders at sentencing	Fair
The Area is responsive to community groups, victims and witnesses, complainants, other stakeholders and the public and uses their feedback robustly to identify strengths and weaknesses and to improve service delivery	Good
Overall score for public confidence	GOOD

1.2 The North East Area has recently undergone a complete change to its senior management team. At the time of our inspection in June 2017 it had just introduced a new management structure, in accordance with a national directive following a review of CPS Area structures. Additionally, the previous Chief Crown Prosecutor and Area Business Manager had for some time been running two Areas, North East and CPS Direct. What the Area now needs is a period of sustained stability to enable the new management team to address the issues identified in this report.

1.3 Staff engagement, as measured in the Civil Service People Survey, has improved over a number of years but there remain a number of aspects of concern and challenge. These included a lack of visibility at senior management level, a lack of understanding of Area priorities and a need to continue to build a 'whole Area' ethos. A number of initiatives have been tried, none of which have been wholly successful.

1.4 There has been success at creating a 'One Team' approach in the administrative section of the magistrates' court unit, but this has not been fully developed elsewhere. There has been some work to improve this aspect, but it has not been systematic or effective. There is no consistency across the Area with regard to the regularity of team meetings and team information briefings.

1.5 There is effective engagement with criminal justice partners at the strategic level and the Area demonstrates a high level of commitment, which has resulted in some improvements. There has been effective use of Individual Learning Accounts to develop staff, but morale has clearly been affected by a number of issues with regard to senior management movement and deployment, which has led to some staff thinking the Area is undervalued nationally.

1.6 The performance information provided to managers is comprehensive, but there is little evidence that it is used to analyse performance robustly to any extent. North East has addressed some aspects of performance and improvement can be demonstrated, for example the timeliness of letters to victims. Other performance issues are deep rooted and appear to be regarded as intractable, such as the proportion of cracked and ineffective trials due to prosecution reasons. The effective use of the Individual Quality Assessment process needs to improve significantly.

1.7 The Area operates consistently within its allocated budget. In 2015-16 it underspent by £105,598, which represented 0.6% of its total budget, and in 2016-17 by £74,821 (0.4%). (Unlike some other CPS Areas, North East's non-ring fenced and prosecution spend budgets are combined.) Financial planning is good and savings have been made by reducing the spend on agents and deploying Crown Advocates effectively. However in 2016-17 there was a large spend on pre-charge advice by counsel, which needs to be controlled and give better value for money. The allocation of staffing resources across the Area needs to be reviewed.

1.8 At the operational level North East contributes to a wide range of joint agency groups, either bi-laterally with the police or under the auspices of the Local Criminal Justice Boards. It was difficult, however, to find where this had led consistently to improved outcomes. Work has been carried out to drive up file quality and this has seen some positive results, but the results from the File Quality Assessment returns by prosecutors do not reflect the true position with regard to compliance with the National File Standard.

1.9 Much needs to be done to improve both magistrates' courts and Crown Court casework before it can be considered of high quality. In 2016-17 the proportion of successful outcomes in the magistrates' courts was the same as the national average (84.7%), and in the Crown Court was above that (80.3% compared with 78.8%). However, there is a need to show that the CPS adds value to how casework is handled.

1.10 In the magistrates' court, too many cases are proceeding to the first hearing with either no review or a late review and too many do not meet the required standard. The handling of the process for the disclosure of unused material was satisfactory, although still needs improvement. After the first hearing there is inadequate 'grip' on cases, with a lack of compliance with court directions. In our file sample, compliance was timely in only 41.2% of cases. The effective trial rate in the magistrates' courts in 2016-17 was only 39.7%, compared with 47.0% nationally. There was a similarly low level of performance with regard to the proportion of cracked and ineffective trials due to prosecution reasons and unsuccessful outcomes attributable to prosecution witness issues.

1.11 In some Crown Court cases in our file sample the quality of pre-charge advice from counsel fell short of the required standard. As in the magistrates' court cases, the proportion of initial case reviews by Area lawyers which meet the required standard needs improving significantly. Again, too many cases had either no review or the review was carried out late. Some aspects of the disclosure process must improve, particularly the accuracy and completeness of disclosure record sheets.

1.12 Crown Court case progression is beset by the same problems as in the magistrates' courts, with the effective trial rate (35.0%) far below the national average (50.7%). In too many instances the reason for the cracked or ineffective trial is attributable to the prosecution.

1.13 There are positive aspects to how the Area engages with community groups through the use of local scrutiny panels for a range of subjects. Training given to prosecutors has also helped improve awareness around subjects such as transgender issues. The Victim Liaison Unit manages its performance well, but not all prosecutors are clear on when they should be contributing to the letters sent to victims. It was, however, encouraging that the Area has taken on board comments from community groups that have led to an improvement in the quality of letters sent to hate crime victims. There is also a need to reduce the number of data security breaches where personal details of victims or witnesses are sent out wrongly.

Strengths

1.14 We identified the following strengths:

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- 1** The performance management approach of the Victim Liaison Unit (paragraph 5.14).
 - 2** The Area's commitment to engaging with local community groups (paragraph 5.20).
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Issues to address

1.15 The following issues need to be addressed by the Area:

1 Senior managers must develop a strategy to ensure that they have constructive visibility with staff across each office (paragraph 2.5).

2 Senior managers must develop an effective communication policy which delivers an Area wide understanding of the local and national vision and priorities (paragraph 2.12).

3 Managers must ensure that all staff have Personal Development Plans (paragraph 2.30).

4 All legal managers should comply fully with the requirement to carry out Individual Quality Assessment of lawyers' work, and use the findings to provide feedback and secure performance improvement where required (paragraph 3.8).

5 The Area Business Manager should review spend on pre-charge advice by counsel, including the levels of financial delegation, to ensure effective use of the Area's budget (paragraph 3.12).

6 The senior management team should review the resource allocation across units and offices to assure themselves that it is distributed equitably (paragraph 3.20).

7 Legal managers should ensure prosecutors comply with the requirements of the police file quality assessment process so that the returns are an accurate assessment of quality (paragraph 3.25).

8 Legal managers must ensure all cases are reviewed before the first hearing in compliance with the Magistrates' Court Standard Operating Practice (paragraph 4.12).

9 The magistrates' court unit Senior District Business Manager should review the process for contacting legal managers from court, ensuring that it does not impact adversely on administrative staff and functions (paragraph 4.14).

10 Legal managers must ensure lawyers comply with magistrates' court directions or seek extensions of time where this is not practicable (paragraph 4.33).

11 Legal managers should:

- analyse the reasons for magistrates' courts and Crown Court cracked and ineffective trials due to prosecution reasons
- analyse the reasons for unsuccessful outcomes due to prosecution witness issues
- set out what needs to be done to improve performance (paragraph 4.39).

12 Legal managers must quality assure charging advices in Crown Court cases and ensure they meet the required standard (paragraph 4.47).

13 Legal managers must ensure lawyers comply with the Standard Operating Practice to ensure a timely and qualitative review takes place in every Crown Court case (paragraph 4.54).

14 In Crown Court cases legal managers must:

- ensure the police are asked to rectify defective unused material schedules
- provide guidance to the police where required on what further work needs to be done in light of the defence statement
- quality assure disclosure record sheets, and ensure that they reflect accurately the complete disclosure audit trail and decision-making process (paragraph 4.64).

15 The Area should liaise with its police partners to ensure that appropriate guidance is given to police officers to ensure personal details of victims and witnesses are only endorsed on the correct part of the witness statement form (paragraph 5.4).

16 Legal managers should ensure all lawyers are aware of when a bespoke paragraph in communications with victims is required (paragraph 5.8).

Context and methodology

1.16 CPS North East has offices in Newcastle and Middlesbrough and is aligned with Cleveland, Durham and Northumbria police forces. It covers ten magistrates' courts and three Crown Court centres. In the 12 months to March 2017 it had the full-time equivalent of 247.1 staff and its budget for 2016-17 was £17,925,951.

1.17 In the 12 months to March 2017 the Area finalised 30,061 magistrates' court cases and 4,253 Crown Court cases. The overall magistrates' court caseload is declining at a greater rate than found nationally, while in the Crown Court it is also declining, at a marginally greater rate than nationally.

1.18 During the same period the Area secured convictions (either after trial or by a guilty plea) against 84.7% of defendants in magistrates' court cases and 80.3% of defendants in the Crown Court. Magistrates' court performance was the same as national performance and improving, and Crown Court performance was better than nationally (78.8%), although declining.

1.19 The effective trial rate in both the magistrates and the Crown Court is well below the national average and we discuss this in detail in chapter 4.

1.20 Further information on performance data is at annex D.

1.21 At the time of our inspection in June 2017, North East was in the very unusual position of having a completely new senior management team. The Chief Crown Prosecutor (CCP) left in February 2017 to take up a new post in another Area. They were followed by a temporary CCP for a short period, whose substantive grade was Deputy Chief Crown Prosecutor (DCCP). He then left to take up a DCCP post in another Area, although he had been in the North East for about three years. There had also been two temporary DCCPs (one of whom held the post for a short time only), but both of those have now moved. Added to this, the Area Business Manger (ABM) moved shortly before our inspection to another Area and the Head of the Business Centre was set to do likewise.

1.22 The Area also had to change its structure in accordance with a revised CPS national Area framework. This took place shortly before our visit and involved the removal of one DCCP post and the creation of two senior posts below that position.

1.23 Finally, for a significant period of time the CCP and ABM were running two Areas, North East and CPS Direct.

1.24 It is in this context that some of the findings in this report must be considered. What the Area needs now is a period of sustained stability at senior management level.

1.25 Inspectors examined 120 magistrates' court and Crown Court files finalised between January and March 2017. We refer at the relevant parts of the report to the key findings from this examination. The full findings, together with a detailed breakdown of the file sample, can be found at annex C.

1.26 Our fieldwork took place in June 2017. We spoke with members of the judiciary, representatives of partner agencies and CPS staff, both formally and informally. Court observations were undertaken to assess the effectiveness of case progression.

1.27 We set out at annex D key Area data compared against CPS national average performance. Where available, the most recent performance data is for the 12 months to March 2017.

1.28 The report sets out our findings in respect of each section of the inspection framework. The framework, including the more detailed sub-criteria, is set out at annex B.

Scoring

1.29 Inspectors assessed how well the Area met the expectations in each section of the framework as assessed against the criterion and the sub-criteria. Performance against each of the criteria was assessed as Excellent, Good, Fair or Poor.

1.30 A glossary of the terms used in the report is at annex A.

2 Part A: The success of CPS people

Performance expectation

The Area is led and managed effectively to ensure it has the right people equipped with the appropriate tools and skills for the job to deliver a high quality service. This is achieved by ensuring all staff have the right technology, systems and skills, to enable decisions to be made fairly, at the right time and at an appropriate level.

Criteria	Score
<i>Part A: The success of CPS people</i>	
Senior management demonstrates effective leadership and engages with staff to identify and utilise opportunities to deliver a quality of service	Fair
Senior managers work effectively and are influential with criminal justice partners	Good
The Area is committed to CPS values , equality and diversity policies and staff development to deliver improvement in staff engagement, effectiveness, well-being and morale	Fair
Overall score for the success of CPS people	GOOD

Performance against the Part A criteria

Summary: There have been attempts to improve staff engagement and, although there has been a small increase in staff engagement as measured in the Civil Service People Survey, there remain a number of aspects of concern and challenges. These included a lack of visibility at senior management level, a lack of understanding of Area priorities and a need to continue to build a whole Area ethos.

2.1 There has been success at creating a One Team approach in the administrative section of the magistrates' court unit, but this was absent elsewhere. The Area has done some work to try to break this down, but it has not been systematic or effective. There is no consistency across the Area with regard to the regularity of team meetings and team information briefings.

2.2 There is effective engagement with criminal justice partners and the Area demonstrates a high level of commitment at the strategic level, which has resulted in some improvements. There has been effective use of Individual Learning Accounts to develop staff, but morale has clearly been affected by a number of issues with regard to senior management movement and deployment, which has led to some staff thinking the Area is undervalued nationally.

Criteria	Score
A1 Senior management demonstrates effective leadership and engages with staff to identify and utilise opportunities to deliver a quality of service	Fair

2.3 The Area has seen an improvement in its Employee Engagement Score as measured by the Civil Service People Survey (the CS survey) from 54% in 2015 to 57% in 2017, close to the national average (58%). Similarly the Leadership and Managing Change score has improved by 6% to 35%, although still 8% below the national average. However, there remain a number of issues which need to be addressed.

2.4 Many staff with whom we spoke indicated that there was a lack of visibility at the senior manager level. This was in part attributed by them to the fact that the CCP and ABM also held those roles at CPS Direct and led to staff feeling the North East Area was undervalued. Staff and many managers reported that this, and other changes, left them feeling for a significant period without any clear direction. Only 38% of staff in the 2016 CS survey strongly agreed or agreed that senior managers were visible, which is 18% less than found nationally in the CPS. We are aware that the new senior management team have quickly identified this as priority for them.

2.5 There was evidence of a good team ethos in the administrative section of the magistrates' court unit, which had strong foundations in the One Team programme that had been introduced by the Area to tackle some long standing performance issues. It was not as fully developed amongst prosecutors. A similar change programme has been started in the Crown Court unit but has some way to go before it delivers. We noted that there was still a considerable strength of feeling in some units that the workload was not distributed evenly between the two offices. Senior managers had gone to some lengths to dispel this, but with limited success.

Issue to address

Senior managers must develop a strategy to ensure that they have constructive visibility with staff across each office.

2.6 In our survey, 73.2% of staff who responded said they strongly agreed or agreed they were clear on the CPS vision, values and CPS/Area priorities/objectives as outlined in the CPS 2020 vision and annual local Area plan. However, when we spoke with staff and managers there was very limited clarity and many were unclear about what the Area vision was or its priorities. A consistent message was that there was only one priority, namely to clear task lists. Senior managers agreed that this was seen as a performance priority and may have contributed to a 'what is measured matters' ethos.

2.7 There was genuine commitment from senior managers to communicate with staff and the DCCPs shared responsibility for producing a weekly blog which was placed on the North East online site. Efforts had been made to get staff to use the site by putting essential information on there, for example rotas. It was acknowledged that more needs to be done to get staff to regard this as an essential vehicle for sharing news and information.

2.8 The senior management team tried to engage in a structured way with staff, by reinvigorating the Area staff forum, having regular CCP telephone conference 'dial-ins' and, in March 2017, the Acting CCP and ABM held 'road shows' in Newcastle and Middlesbrough. Despite this, staff take up and engagement levels were poor, the staff forum was withdrawn and there was limited take up for the CCP dial-in.

2.9 A 'New Voices' survey and focus groups with recently recruited staff have been undertaken to gauge initial views and understand whether there were any issues the Area needed to address, or that could help influence the Area engagement strategy. A number of key issues were identified with the recruitment process, which have been addressed. There was less evidence that there had been a systematic approach to addressing other aspects raised, for example new recruits having no clear understanding of their role and new prosecutors feeling disconnected from colleagues and the Area due to deployment in back to back courts. No clear plan was developed to deliver changes effectively to address the issues raised.

2.10 An engagement strategy has been produced which sets out how the Area and individual members of staff have responsibilities to work together to develop a fair and inclusive working culture. The strategy includes a number of actions and objectives. The Area has recently rewritten the strategy as it was felt that North East's priorities could be better communicated, so staff can understand how they add value. It was therefore too early to determine whether this was going to achieve more than the earlier efforts.

2.11 Team information briefings (TIBs) and team meetings were held inconsistently across the Area, had partly fallen into disuse and staff in some units indicated they would welcome them more regularly. There was more consistency in the magistrates' court unit, where TIBs with administrative staff were carried out daily and there were regular weekly team meetings. There were regular TIBs for lawyers in Newcastle, but this was not replicated in Middlesbrough.

2.12 There is a lack of effective feedback from meetings and some managers said that the Area was 'on hold' waiting for the new senior team. In the CS survey only 48% of staff gave a positive response to being kept informed through team meetings. This was a 6% decline from the previous year and 13% lower than the CPS average.

Issue to address

Senior managers must develop an effective communication policy which delivers an Area wide understanding of the local and national vision and priorities.

2.13 There was strong evidence of a disconnect and tensions between the two offices, with staff in each not appreciating or understanding respective workloads. This divide between staff in some units meant that there was little evidence of a one Area feel. Senior managers have done much to disprove this, but the perception remains.

2.14 There were good levels of corporacy demonstrated by all managers and examples given to show that once decisions were made managers supported these when communicating to staff, for example decisions on the movement of case progression managers from the magistrates’ court to the Crown Court unit and how they were deployed.

Criteria	Score
A2 Senior managers work effectively and are influential with criminal justice partners	Good

2.15 There are regular meetings between CPS senior managers and criminal justice system stakeholders, partners and the senior Crown Court judiciary in the Area. They did not meet with the judiciary in the magistrates’ courts and we were told there were issues that District Judges would have liked to address. The CCP and DCCP attend the Local Criminal Justice Boards (LCJBs) and there are good working relationships with the Police and Crime Commissioners (PCCs) in all three police force areas.

2.16 The level of engagement at the LCJBs is positive and the CPS plays a key role in many of the LCJB sub-groups, for example chairing the Effectiveness and Efficiency sub-group (Northumbria). Other operational managers chair or attend subject matter sub-groups, such as on victim and witness issues, and court based initiatives.

2.17 Many criminal justice system partners reported that there were extremely positive relationships. They said they were able to talk openly and honestly and that the CPS was responsive and easy to get hold of when needed. This was leading to performance improvements driven at the strategic level, for example the Area has gained commitment from Northumbria Police to place a police officer in the Rape and Serious Sexual Offences (RASSO) unit to help improve police file quality. There have been regular exchanges between police and CPS operational administrative staff in an attempt to understand needs and demands. Staff talked positively about this and how it helped them build relationships and improve processes.

2.18 The CPS has also worked with all police forces in the Area to deliver joint training on disclosure, which we discuss in chapter 4. There is a strong link with the Independent Domestic Violence Advocates and community groups, who report that the CPS is responsive and supportive. We discuss the latter, together with local scrutiny panels, in more detail in chapter 5.

2.19 Her Majesty's Courts and Tribunals Service (HMCTS), the police and the CPS have worked closely in partnership on a revised scheduling pattern for magistrates' courts in Northumbria, which will result in a reduction in sittings, allowing for a better use of CPS resources. This work was done in partnership and with full consultation. Additionally the DCCP (magistrates' court) carried out a series of joint observations with justices' clerks in Durham and Cleveland to look at best practice and also to identify issues that may be causing disparities in performance. This resulted in a number of local changes and identified issues that have been tackled in both the CPS and HMCTS.

2.20 In our survey, 66.2% of staff said that there was a good or excellent working relationship with the police and 72.0% thought that partnership working was delivering positive results.

Criteria	Score
A3 The Area is committed to CPS values , equality and diversity policies and staff development to deliver improvement in staff engagement, effectiveness, well-being and morale	Fair

2.21 Fewer than half (48.1%) of staff who replied to our survey thought that managers in North East act as role models or demonstrate a commitment to CPS values and equality and diversity policies. The CS survey results also showed that staff were 12% less confident than the national average that senior managers in the North East were consistent in demonstrating CPS values. However, 73% of staff in the CS survey responded positively to whether there was inclusion and fair treatment, which was an improvement on the previous year and 1% better than the national average. We were also told of examples of where inappropriate behaviour had been drawn to the attention of managers.

2.22 In our survey 68.4% of respondents stated they had utilised their Individual Learning Accounts (ILAs), with almost all the Area budget spent, indicating a very high take up rate. However, only 42.1% thought that the use made of the ILA had helped them to develop and we were told it was not always sufficiently tailored to individual needs. The response to a training needs analysis was patchy.

2.23 In the CS survey, 62% of staff indicated that they had discussed their ILA and personal development with their manager. We were given examples of where ILA money had been pooled to deliver shared training. The Area has also used ILA money to develop a series of training events to address well-being in the work place. A number of staff had completed a specific work/life balance course, building personal resilience – positive strategies for stress, a mental health awareness course and a mental health for employers course. Staff interviewed said that they found these courses effective and helpful.

2.24 A training management board has recently been set up, chaired by a DCCP, to co-ordinate and assure the senior management team that training has been delivered and also that there is clarity about training priorities and how these fit in with national mandatory training requirements.

2.25 There has been a 6% improvement, to 58%, in the CS survey results for staff who thought that they were able to access the right level of training and development, although this is still 1% behind the CPS average.

2.26 The Area has managed sickness levels with an average of 7.3 days lost to sickness absence in 2016-17, although the average is increasing. It is, however, slightly better than the CPS national average of 7.7 days. Over the same period the Area has reduced the levels of stress related absence from 32.0% to 22.1%, which is now the best performance in the CPS. Whilst managers could not directly attribute this improvement to any one issue, they indicated that there had been a conscious decision to focus effort on raising awareness of well-being and, as noted, that the ILA spend had been used to develop well-being focused courses.

2.27 The ABM supported managers to refine the absence processes. The aim of this support was to empower them to take responsibility and manage absence cases in an effective way. The ABM developed an absence management check-list which defines the expected process for dealing with absence. This has been shared nationally because it is simple and effective.

2.28 There was little awareness in the Area, either by managers or staff, of the CPS national Simply Thanks scheme and some of those who were aware thought the process is too cumbersome. There had also been a very marked reduction in the number of people being put forward by their peers for staff awards. However, staff said that they were regularly thanked for good work and also for going the extra mile. Some staff indicated that it was motivational to be named in the 'hats-off' section of the DCCP weekly blog. There were also examples of managers sending notes of thanks to staff.

2.29 Some Crown Prosecutors were temporarily promoted to Senior Crown Prosecutors and moved to the Crown Court unit to give them a training opportunity and an experience of some of the more serious cases, However, this was not managed wholly effectively, with a view that some staff were ‘left to get on with it’.

2.30 Only 36.0% of staff in our survey felt that poor performance would be addressed, although managers were able to demonstrate how they were tackling cases of poor performance during interviews. It is of concern that not all staff have Personal Development Plans.

Issue to address

Managers must ensure that all staff have Personal Development Plans.

2.31 We found that the level of morale varied considerably across the groups of staff we interviewed and was influenced by the unit in which they worked.



3 Part B: Continuously improving

Performance expectation

The Area continuously improves how it works, deploying resources to work effectively and using efficient processes.

Criteria	Score
<i>Part B: Continuously improving</i>	
The Area's key performance data is analysed effectively and used to inform resource allocation, to robustly identify the Area's strengths and weaknesses and to drive improvement	Poor
Resources are systematically managed and deployed effectively	Good
Joined-up working is effective and delivers improvements in outcomes for users	Fair
Overall score for continuously improving	FAIR

Performance against the Part B criteria

Summary: The performance information provided to managers is comprehensive, but there is little evidence that it is used to analyse performance robustly to any extent. The Area has addressed some aspects of performance and improvement can be demonstrated, for example the timeliness of letters to victims. Other performance issues are deep rooted and appear to be regarded as intractable, such as the proportion of cracked and ineffective trials due to prosecution reasons. The effective use of the Individual Quality Assessment process needs to improve significantly. The Area operates consistently within its allocated budget. In 2015-16 it underspent by £105,598, which represented 0.6% of its total budget, and in 2016-17 by £74,821 (0.4%). However, in 2016-17 there was a large spend on pre-charge advice by counsel, which needs to be controlled and quality assessed to give better value for money. The allocation of staffing resources across the Area needs to be reviewed.

Criteria	Score
B1 The Area's key performance data is analysed effectively and used to inform resource allocation, to robustly identify the Area's strengths and weaknesses and to drive improvement	Poor

3.1 The Area has a quarterly performance review (QPR) process. Quarterly performance packs are produced which are split between the Crown Court and magistrates' courts work, focussing on the national high weighted measures. Red, Amber and Green ratings are used to help with interpretation and understanding. Performance information is also split between police forces and rankings for each (where available) is shown. There is reference to the national levels of ambition for the measures, comparison against the national averages and movements in performance are compared to the previous quarter. Although the necessary performance information is provided, we were told that the QPR process had become unstructured and not really challenging.

3.2 There is a monthly Area Operational Board meeting, which focuses on delivery of operational matters against the Area's priorities. There is also a weekly meeting of senior managers to determine strategy and high level issues. There was little evidence that the Area Operations Board has been used to analyse performance robustly to any extent.

3.3 There are aspects of performance which the Area has addressed and have resulted in improvement, for example the timeliness of letters to victims and the proportion of cases that are dropped after three or more hearings.

3.4 There are, however, a number of aspects which still need addressing, for example the level of cracked and ineffective trials due to prosecution reasons in the Crown Court, and the proportion of unsuccessful outcomes due to victim issues in both the Crown Court and magistrates' courts. There is a view that the data was based on inaccurate recording of reasons on court forms, but we found little evidence of any analysis of this aspect of performance. This is surprising considering how far the Area lags behind national performance.

3.5 Performance information is available to staff in various forms and at various levels, although we found levels of understanding to be very mixed. In our staff survey, 78.6% of staff thought that performance information is shared with them in an understandable format at least some of the time. Only a third thought this occurred frequently. In addition, only 37.7% believed that there were mechanisms or systems in place to learn lessons, for example learning from mistakes, identifying good practice and undertaking regular performance quality checks.

3.6 A few staff were sighted on overall performance, but others thought that the Area was 'in the green' as they were clearing their task lists. There was a lack of a cohesive view on Area improvement priorities, with many staff and managers focusing purely on what they were being pressed for currently.

3.7 Casework Quality Assurance monitoring is not consistently applied to enable the identification of aspects for improvement or good practice. In accordance with a national initiative the Area has recently established a casework quality group, which has a clear rationale and remit and a standing agenda to cover key issues. At the time of our inspection it was too early to say whether it was making an impact.

3.8 The necessary quality checks are not applied consistently, for example Individual Quality Assessments (IQAs) of prosecutors work. IQA is still seen as an extra role and not as part of the job. Despite weekly and monthly compliance checks the assessments are still not being completed and many were outstanding at the time of our inspection. The primary drive is to get the numbers up and we found very few examples of where it could be demonstrated as driving improvement.

Issue to address

All legal managers should comply fully with the requirement to carry out Individual Quality Assessment of lawyers' work, and use the findings to provide feedback and secure performance improvement where required.

3.9 In team meetings the performance focus is on task management and there is no evidence of consistent in-depth analysis, challenge and learning. On an individual level there is a system of checking all staff Personal Development Reviews are completed, but this is focussed on compliance and makes no assessment to ensure that these are consistently and universally of high quality.

3.10 In our survey only 10.5% of staff identified that they had monthly performance meetings with their manager and it was of concern that 48.7% said they did not have quarterly meetings to discuss performance, which includes 9.2% who couldn't remember ever having a meeting to discuss performance outside of the formal appraisal meeting. This was despite the fact that 68.4% said they were set individual or team performance objectives or targets to achieve on a regular basis (at least quarterly).

Criteria	Score
B2 Resources are systematically managed and deployed effectively	Good

3.11 The Area operates consistently within its allocated budget. In 2015-16 it underspent by £105,598, which represented 0.6% of its total budget and in 2016-17 by £74,821 (0.4%). (Unlike some other CPS Areas, North East's non-ring fenced and prosecution spend budgets are combined.)

3.12 There is systematic monitoring of the budget and actual spend. Year-end forecasts are established and reviewed periodically and potential problem spend aspects identified. There are positive examples of budget control, for example the agent spend was initially forecast as £230,000 (an overspend of £50,000 against budget) but this was reduced to enable the Area to come in on budget. In 2016-17 there was a high level of spend of over a quarter of a million pounds on pre-charge advice by counsel. We were told that RASSO cases are now all dealt with in-house at this stage, reducing spend, but we are not assured that this is the position with other types of Crown Court cases. If spend was maintained at the same rate as in the first two months of the current financial year, it would still result in spending over £150,000 on pre-charge advice. Although other budget controls are tight, we found that there was a lack of clarity in this aspect.

Issue to address

The Area Business Manager should review spend on pre-charge advice by counsel, including the levels of financial delegation, to ensure effective use of the Area's budget.

3.13 North East's Responsibilities Assurance Declaration (RAD) identify that the Area's financial management processes have remained fairly constant from year to year. The RAD also confirms that major external cost areas, such as prosecution and agent costs, are subject to routine monitoring and budgetary amendments made where necessary.

3.14 Prosecution costs are managed effectively by the Area. The CPS Headquarters Court Business Unit undertakes a series of Area and Casework Division audits to test the proper management and application of the counsel fee payment process and provide assurance that fees are being paid accurately. Case Auditors conducted an Area audit in April 2017 and made no recommendations in respect of the payment of fees and identified no aspects for improvement. The work noted that *"The systems in place to support accurate and timely GFS payments are excellent and there is evidence of good practice to show management checks are completed"*.

3.15 North East liaises and negotiates with CPS Headquarters finance to agree budget amendments. As it operates a combined budget it has greater freedom than other Areas to make transfers between the prosecution and non-ring fenced (administration) budgets. The Area Operations Board maintains an ongoing review of these budgets and associated spend and has made amendments throughout the year as required. As part of this process the Area has sought and been allocated budgetary increases in tranches throughout the financial year, such as additional Very High Cost Case funding.

3.16 Prosecution costs are now allocated against average unit costs and caseload. The backlog of cases in Newcastle Crown Court caused North East some issues in identifying the correct allocation. Non-RASSO Crown Court caseload was lower in 2016-17 than the previous year, but RASSO caseload was up significantly against initial estimates. In the magistrates' courts both caseload and the number of court sessions has reduced. Effective liaison with Headquarters finance has ensured that a corresponding reallocation of prosecution costs has been made to the Area in tranches throughout the year.

3.17 Financial delegation was reviewed in 2016-17 and, where required, renewed for this financial year. The ABM has overall responsibility for setting the financial delegation limits. These lie mainly with Senior District Business Managers (SDBMs) and fees clerks. The Area has an established process of SDBM monitoring of unit expenditure and the completion of a monthly financial assurance schedule.

3.18 The agent budget is set following a review of anticipated need by the relevant senior managers. There was a significant 38.0% reduction on expenditure on agents in 2016-17 compared with 2015-16, which is in contrast to a national average reduction of 3.0%. When reflected against overall North East spend, this is a reduction from 2.3% to 1.4% of the Area budget.

3.19 The use of Crown Advocates (CAs) is closely monitored by the CA manager to make best use of their resource. Our review of the utilisation of CAs identified that 70% of their potential time available is spent on Crown Advocacy work, which compares well with other CPS Areas. One CA had been working in the RASSO unit, which had a negative impact on this figure. When comparing the full cost of CAs in the Area (salary plus uplift) to the counsel fees saved, in 2016-17 North East is the only CPS Area to make a notional profit.

3.20 There is a continual review of staffing levels and allocation, for example the increased demand on the RASSO unit resulted, as mentioned above, in the allocation of a CA full-time in 2016-17. They have now returned to advocacy work following assigning extra resource to the unit on a more permanent basis. However, we were not assured that resources were allocated equitably across units (as opposed for the Area as whole) and that there were possible imbalances between the magistrates and Crown Court units. In

part this may extend to the two separate Area locations, as not all work can yet be done digitally. One of the perceived issues which needs to be considered is that Cleveland Police and Durham Constabulary use more body worn video camera evidence than Northumbria Police, which prevents those cases being reviewed by Newcastle based lawyers. This could be addressed by the Middlesbrough office passing over the hard copy media to Newcastle.

Issue to address

The senior management team should review the resource allocation across units and offices to assure themselves that it is distributed equitably.

3.21 The Area has reviewed its staffing structure and skills mix in light of its anticipated need for the next three financial years up to 2019-20 and this has been accepted by CPS Headquarters. The plan is fully resourced and has been developed in line with expected budget allocations.

Criteria	Score
B3 Joined-up working is effective and delivers improvements in outcomes for users	Fair

3.22 At the operational level the Area provides performance data to partners, which is used to collate a joint report for the Efficiency and Effectiveness LCJB sub-groups. The data pack allows for performance comparison across the three police forces. The Prosecution Team Performance Management (PTPM) 'dashboard' is produced quarterly by the Area's Performance Manager, who has also produced a redrafted monthly report aimed at improving understanding for users and to help identify issues. Reports are also produced on other aspects of casework performance, such as hate crime.

3.23 The monthly PTPM meetings are seen as a key mechanism to help deal with operational issues for the police and the CPS and are attended by police and CPS managers. Whilst there are some examples where general issues such as file quality are discussed, these tend to be case specific. There needs to be a more overarching approach to some aspects, for example compliance with the Director's Guidance on Charging.¹ We also noted that the same issues could appear a number of times before the action was closed.

¹ *Director's Guidance on Charging (5th edition)*; CPS; May 2013.
www.cps.gov.uk/publications/directors_guidance/index.html

3.24 As noted earlier the Area has recently established a casework quality group, which will also determine the structure for dealing with stakeholders and interaction with the three police forces. It will deal with issues for the regional disclosure working group with the police, set the agenda for the monthly meetings with police RASSO leads and also the agenda and issues for PTPM meetings. It is, however, too early to identify progress with stakeholders as a result of establishing this group.

3.25 Generally, staff feel that they have good day to day relations with criminal justice system partners and felt that resolving everyday issues was not a problem. We noted examples of where partnership liaison has helped resolve some issues but some aspects, such as police file quality, remain stubbornly difficult to improve, although there are local initiatives. However, this is not helped by the very low number of cases identified by the CPS under the file quality assessment process as not meeting the National File Standard.² Police force managers with whom we spoke accepted that the rate of return was not a true reflection of police file quality.

Issue to address

Legal managers should ensure prosecutors comply with the requirements of the police file quality assessment process so that the returns are an accurate assessment of quality.

3.26 There are deep seated problems with the length of time it takes to get contested cases heard at Newcastle Crown Court, which may impact adversely on a number of aspects of the Area's performance. Agreement had recently been reached with HMCTS on a new approach aimed at alleviating the problem. We were unclear as to how this would operate, but in any event it was too early to identify what impact this would make. The Area has also worked with the same court centre to improve facilities for victims and witnesses.

3.27 There is some evidence of tackling the poor completion by counsel of hearing record sheets, but this appears to be on an individual case file basis.

3.28 Overall, although the Area has effective working relations with its partners and is undoubtedly committed to joint working, it was difficult to see where this has consistently led to improved outcomes for users.

² *National File Standard*; CPS; May 2015.
www.cps.gov.uk/publications/directors_guidance/dpp_guidance_5_annex_c.pdf



4 Part C: High quality casework

Performance expectation

The Area delivers justice through excellent, timely legal decisions, casework preparation and presentation, leading to improved outcomes.

Criteria	Score
<i>Part C: High quality casework</i>	
Reviews and decisions (including charging decisions, the use of applications, and acceptance of plea) are proportionate; properly recorded; comply with the Code for Crown Prosecutors and any relevant policy and guidance; include consultation with the police; and contribute to successful outcomes and victim and witness satisfaction (magistrates' courts)	Fair
Case preparation and progression is effective and timely (magistrates' courts)	Poor
Reviews and decisions (including charging decisions, the use of applications, and acceptance of plea) are proportionate; properly recorded; comply with the Code for Crown Prosecutors and any relevant policy and guidance; include consultation with the police; and contribute to successful outcomes and victim and witness satisfaction (Crown Court)	Poor
Case preparation and progression is effective and timely (Crown Court)	Poor
Overall score for high quality casework	POOR

Performance against the Part C criteria

Summary: Much needs to be done to improve both magistrates' court and Crown Court casework before it can be considered of high quality. In 2016-17 the proportion of successful outcomes in the magistrates' courts was the same as the national average (84.7%) and in the Crown Court above it (80.3% compared with 78.8%). However, there is a need to add value to how casework is handled. In the magistrates' courts too many cases are proceeding to the first hearing with either no review or a late review and too many do not meet the required standard. The handling of the process for disclosure of unused material was satisfactory, although still needs improvement. After the first hearing there is an inadequate grip on cases, with a lack of compliance with court directions. In our file sample compliance was timely in only 41.2% of cases. The effective trial rate in the magistrates' courts in 2016-17 was only 39.7%, compared with 47.0% nationally. There was a similarly low level of performance with regard to the proportion of cracked and ineffective trials due to prosecution reasons and unsuccessful outcomes attributable to prosecution witness issues.

4.1 In some Crown Court cases in our file sample the quality of pre-charge advice from counsel fell short of the required standard. As in the magistrates' court cases, the proportion of initial case reviews (39.2%) which meet the required standard needs improving significantly. Again, too many cases had either no review or were carried out late. Some aspects of the disclosure process must improve, particularly the accuracy and completeness of disclosure record sheets.

4.2 Crown Court case progression is beset by the same problems as the magistrates' courts, with the effective trial rate (35.0%) far below the national average (50.7%). In too many cases the reason for the cracked or ineffective trial is attributable to the prosecution.

4.3 In accordance with the Director's Guidance on Charging cases may be charged by the police without reference to the CPS, or as directed by CPS Direct (CPSD) or Area based lawyers. In assessing Area performance in this aspect, including compliance with the Code for Crown Prosecutors (the Code),³ we only consider those cases where the charge is directed by an Area lawyer. However, in order to give a full picture we comment on the quality of all charged cases, regardless of how initiated.

Criteria	Score
C1 Reviews and decisions (including charging decisions, the use of applications, and acceptance of plea) are proportionate; properly recorded; comply with the Code for Crown Prosecutors and any relevant policy and guidance; include consultation with the police; and contribute to successful outcomes and victim and witness satisfaction (magistrates' courts)	Fair

4.4 In our file sample there were 61 cases finalised in the magistrates' courts. Of these, 39 were police charged cases and the Code was applied correctly in all but one (97.4%). Two of the three Area charged cases were Code compliant (66.7%). In the remaining 19 cases the charging decision was made by CPSD, who applied the Code correctly in all but one (94.7%).

4.5 The police complied with the Director's Guidance in 87.2% of applicable cases. Although we were told in interviews with the police and CPS that compliance with the Director's Guidance is discussed at joint meetings, only one of the five cases where CPS charging advice should have been sought had feedback to the police to that effect.

³ Code for Crown Prosecutors; CPS; January 2013.
www.cps.gov.uk/publications/code_for_crown_prosecutors/

4.6 There is a widespread view that the quality of police files needs improving. In our file sample, only 19.3% of magistrates' courts police files fully met the National File Standard (NFS). A further 77.2% partially met the NFS requirements and the remaining 3.5% did not meet the standard. Police file submissions were timely in 77.2% of magistrates' courts cases.

4.7 The main failing in standards was "overbuild", which accounted for nearly half of the cases that fell below the NFS (43.5%). In many of the cases, this was due to the police supplying statements unnecessarily where there was a guilty anticipated plea (GAP). The next most common reason, "other", included not providing evidential hard copy media such as CCTV or body worn video, non-compliance with the disclosure requirements of the NFS, or failing to have the officer and/or supervisor sign off the file submission.

4.8 The Area has arranged with Northumbria Police that they will supply a file at the pre-charge advice stage that is compliant with the NFS for not guilty anticipated plea (NGAP) cases. This is intended to ensure that no further work is required before the first hearing. However, most of the overbuilt cases in our file sample were police charged and/or GAP cases. The agreement may, however, help explain why Northumbria Police had a slightly better standard of NFS compliance than Cleveland Police and Durham Constabulary.

4.9 North East has been engaged in joint dip sampling of police summaries (MG5s) to identify common problems, such as poor précis of the evidence or not completing all the relevant parts of the form. Whilst this had yet to show a significant impact in the files we examined (which were finalised in January to March 2017), there were signs of more recent improvement in our 'reality' checks conducted on-site in June 2017. A sample of cases examined as part of on-site court observations showed that 19 out of 40 (47.5%) fully met the NFS, with a further 18 files (45.0%) partially complying. Only three (7.5%) did not meet the standard.

4.10 Post-charge, the Code was applied correctly in 53 out of 57 applicable cases (93.0%). Of the four cases that did not comply, two had not met the Code at the charging stage and the Area had failed to rectify this post-charge. Both concerned the quality of identification evidence. One ended in a successful submission of no case to answer and the second in an acquittal after a full trial. The remaining two cases were incorrect decisions taken by the Area to discontinue assault allegations, one on a nine year old child where undue weight was attached to a defence that had not been raised and was not cogent, and the other a domestic abuse allegation where a victimless prosecution should have proceeded.

Case study

The alleged victim of an assault by her partner called 999 but the call was terminated. The victim was unwilling to assist the police, but gave an account to the officers when they arrived at her home. The Area decided to discontinue the charge (a common assault) even though there was ample evidence on which a victimless prosecution could have been based. This included the 999 call, the officers' evidence of the victim's distress and the suspect's agitated demeanour, body worn camera footage of the scene, and an admission by the suspect in interview. There was clearly a public interest in proceeding, as the alleged assault occurred in a domestic setting in front of the couple's child, who was distressed, and the suspect had previous convictions for violence.

4.11 A timely and good quality review is essential if a case is to be dealt with efficiently at the first hearing and make the progress expected under the magistrates' court Transforming Summary Justice (TSJ) initiative. In our file sample, there was a proper and proportionate initial review in 40 of the 59 applicable cases (67.8%). The review did not meet the required standard in six (10.2%) and in 13 (22.0%) there was no review. Our reality checks on-site showed a similar position, with no review in eight of the 38 applicable cases (21.1%). Similar work conducted recently by the CPS Headquarters Compliance and Assurance Team supports our finding that the quality needs to improve.

4.12 In our file sample, the reviews which took place were late in almost a third of cases (30.4%) and in our reality checks in 57.9% of cases. This was a major cause of late service of the initial details of the prosecution case (IDPC) on the court and defence. Late or missing initial reviews exacerbate the impact of police file weaknesses or omissions, as well as hampering the court's ability to prepare properly. Our reality checks contradict what we were told by managers and prosecutors about the Area's review team being up to date with their work for the first hearing.

Issue to address

Legal managers must ensure all cases are reviewed before the first hearing in compliance with the Magistrates' Court Standard Operating Practice.

4.13 A good initial review should include proper completion of the preparation for effective trial (PET) form, setting out what sort of evidence the prosecution will rely on, which witnesses it proposes to call, what evidence it thinks can be read, and any applications it proposes to make. In accordance with the principles of TSJ, applications can be made orally without notice (although that is at the discretion of the court) and most we noted were dealt with in this manner at the first hearing.

4.14 Of the 36 relevant cases in our reality checks, the PET form fully met the expected standard in 19 (52.8%) and a further six (16.7%) partly met expectations. Better consideration of acceptable pleas at the initial review stage would assist with addressing some of the concerns expressed by stakeholders over the time taken to get a decision from a manager on this aspect. It would also save administrators' time, as the dedicated phone line meant to be for administrative queries from court is frequently being used to contact lawyer managers for legal decisions. There was only one magistrates' court case in our file sample where pleas were accepted and in that case we concluded it was inappropriate to do so.

Issue to address

The magistrates' court unit Senior District Business Manager should review the process for contacting legal managers from court, ensuring that it does not impact adversely on administrative staff and functions.

4.15 In our file sample, 80.0% of cases had accurate and timely hearing record sheets. This is undoubtedly contributing to the very low number of overdue tasks to record hearing outcomes we found in our reality checks. The three that were overdue all showed recent activity to chase the information needed.

4.16 In our file sample, the decision to discontinue the case was timely in 81.8% of cases examined. In 2016-17, of the cases that were discontinued, 28.3% were dropped on or after the third hearing. This is better than both the national average and the national level of ambition.

4.17 The average number of hearings in contested cases in 2016-17 was 2.94, only slightly above the national average of 2.92, and there has been steady improvement since 2014-15.

4.18 For guilty plea cases, the average number of hearings per case is 1.72, which is only marginally above the national average of 1.69.

4.19 The standard of compliance with the duties of disclosure of unused material shows signs of improvement, but there is still room to do better and to work with police partners on their performance.

4.20 In our file sample, the police complied fully with their disclosure obligations in 38 out of the 61 magistrates' courts cases (62.3%) and partly in the remaining 23 (37.7%). There were no cases with a complete lack of compliance. Performance varied across North East, with that of the Durham Constabulary being significantly better. The primary reasons for marking down police files were inadequate descriptions of items of unused material or provision of the wrong schedule.

4.21 There has been some joint training with the police on disclosure (which we discuss below) but, as with police file quality generally, the lack of accurate and robust feedback from the CPS to the police hampers the ability of the Area to comply with its disclosure obligations.

4.22 Initial disclosure was completed properly and fully in 21 of the 35 relevant magistrates' court cases (60.0%) and partly in a further 12 (34.3%). There were two cases where the standard was not met at all. Continuing disclosure was required in only six magistrates' court cases and was carried out to the required standard in five (83.3%). There were no cases with a complete failure to disclose undermining or assisting material to the defence.

4.23 There was one case in our file sample involving sensitive material and it was handled correctly. No cases in the magistrates' courts involved third party material.

4.24 The reality checks of TSJ NGAP cases on-site confirms that there is still work to be done. Disclosure was carried out properly before the first hearing in 20 of the 34 applicable cases (58.8%), a compliance rate which would inevitably increase were the standard and timeliness of initial reviews to improve.

Criteria	Score
C2 Case preparation and progression is effective and timely (magistrates' courts)	Poor

4.25 In our file sample, of the 60 applicable magistrates' court cases, there were eight where the anticipated plea was incorrectly identified (13.3%). Six misidentifications were by the police and two were by the Area (out of three cases). In cases where a guilty plea is anticipated the IDPC is much briefer than where it is considered the defendant will deny the charge, which adversely impacts on the defence representatives' ability to advise their clients effectively if the wrong plea has been anticipated. Additionally, the prosecutor and court will not have prepared the case to the same level and this can mean important aspects of preparation, such as relevant applications, are missed or delayed and trial dates set without witness availability.

4.26 Our reality checks on-site showed that IDPC was late or not served at all in 24 of the 40 cases assessed (60.0%) and the most common reason was late review. Where the defence solicitors were identified in advance this did not lead, in most cases, to the IDPC being served in a timely manner. Court interviewees told us that IDPC was often late, but that increasingly it contained the right information.

4.27 Early identification of the defence solicitors also did not lead to engagement ahead of the first hearing, a central tenet of TSJ, in all but the very occasional case in our file sample or the reality checks on-site. This accords with the findings of our TSJ follow-up inspection.⁴ In most court observations the engagement was by means of the PET form, which was completed in paper form by the defence and handed to the prosecutor. This was usually as or after the case started, requiring the prosecutor to complete their part from the pre-prepared electronic version while the case was being conducted.

4.28 The proportion of cases where defendants plead guilty at the first hearing is much worse than the national average and is declining. In 2016-17 it was 65.0% compared with 66.9% in 2015-16. National performance was 70.0% and 70.7% respectively.

4.29 Of the 60 applicable magistrates' court cases, 45 (75.0%) had an effective first hearing. Of those hearings that were not effective in two-thirds (66.7%) it was the defence who were responsible, often due to non-attendance of the defendant.

⁴ *Business as usual? A follow-up review of the effectiveness of the Crown Prosecution Service contribution to the Transforming Summary Justice initiative*; HMCPSI; June 2017.
www.justiceinspectorates.gov.uk/hmcpsi/inspections/business-as-usual-transforming-summary-justice-follow-up-report/

4.30 Court observations confirmed it was rarely the prosecution that was responsible for an ineffective first hearing. Similarly we were also told that prosecutors did all they could to ensure that a trial was effective, ‘cobbling together’ cases on the day or the night before. Evidence from court stakeholders confirmed that much of the trial preparation appeared to be last minute.

4.31 The case progression process involves the court and the Area looking at cases coming up for trial in a fortnight’s time and assessing trial readiness. We were told that cases often are not ready at this stage and furthermore, this is likely to be the first time the case has been checked by the CPS since the first hearing. The ‘one-touch’ approach envisaged by TSJ is realistic where police file quality meets the NFS, issues are addressed at the initial review stage and where nothing changes thereafter. Where that is not the case, however, work remains to be done after the first hearing such as dealing with additional material from the police, witness queries and defence communications.

4.32 This process does mean that the file is looked at two weeks before trial, rather than the one or two days before, but not when additional material arrives or queries occur. The current operating model requires that every contested case is allocated to a specific lawyer who is then responsible for managing and completing the tasks on that case. When the necessary work cannot be completed the allocated lawyer should liaise with their manager, who has an overview of the unit and is best placed to make alternative arrangements for the work to be completed if necessary.

4.33 In our file sample, court directions were complied with fully and in a timely manner in 41.2% of cases, there was partial compliance in 11.8% and no compliance in 47.1%. This accords with the view of stakeholders and with our finding that only just over half the cases (53.5%) were adequately gripped by the lawyer or team and progressed properly. For example, in the four cases requiring special measures applications two (50.0%) were not made on time. Late reviews and case preparation also mean late requests for additional evidence or short notice witness warnings.

Issue to address

Legal managers must ensure lawyers comply with magistrates’ court directions or seek extensions of time where this is not practicable.

4.34 In 2016-17, 84.7% of magistrates' court cases resulted in a successful outcome, the same as the national average. This compares with 84.3% in 2015-16, although it is still below where the Area was in 2013-14 (84.8%). In those cases which go to trial there was a conviction in 66.7%, compared with 64.5% nationally.

4.35 Successful outcomes in domestic abuse cases have improved over the last three years to 74.7% in 2016-17, but North East still remains 1.0% behind the national average.

4.36 The effective trial rate in the magistrates' courts in 2016-17 was 39.7%, compared with 36.8% in 2015-16. The national average in 2016-17 was 47.0%, making North East the poorest performing CPS Area.

4.37 Cracked and ineffective trials due to prosecution reasons are also high. Just under a quarter of all cases that cracked or were ineffective in 2016-17 were due to the prosecution (24.9%), although this has improved since 2015-16 (27.3%). This compares with 22.4% nationally in 2016-17. The proportion of unsuccessful outcomes due to witness issues was 35.9% in 2016-17 and performance has declined from 34.5% in 2015-16. Again, the Area is well adrift from the national average of 30.5% in 2016-17.

4.38 These are long standing issues and, despite the good working relations with partners, little has been done by way of analysis. North East considers inaccurate data recording is an issue, but has not yet resolved fully issues across the Area over access to the cracked and ineffective trial forms.

4.39 The Area has undertaken work with the courts on the effectiveness of first hearings. Where possible, the court provides a District Judge for NGAP courts and the Area uses a more experienced lawyer to prosecute the NGAP court. This more robust approach at the NGAP hearing should deliver improved guilty pleas at first hearings, which in turn would improve the cracked trial rate due to late guilty pleas.

Issue to address

Legal managers should:

- analyse the reasons for magistrates' courts and Crown Court cracked and ineffective trials due to prosecution reasons
- analyse the reasons for unsuccessful outcomes due to prosecution witness issues
- set out what needs to be done to improve performance.

4.40 As we have similar concerns about Crown Court performance (see below) we have included that venue in the issue to address.

4.41 The process for ensuring cases with a custody time limit (CTL) are kept under review is well managed. Our checks on-site revealed no issues and it is some years since the Area had a CTL breach.

4.42 Checks done in the week before we went on-site in June 2017 showed 833 case progression based tasks, of which 558 were overdue tasks to check incoming material, correspondence or communications. Of these, 471 (84.4%) were flagged as red on the case management system (CMS), with some dating as far back as January 2017. Tasks for cases originating in Cleveland or Durham are more numerous than their shares of the caseload would suggest ought to be the appropriate. The number of tasks outstanding suggests that the checks we were told are being done by legal managers have yet to be effective in driving better task management. This is an issue not confined to North East and was apparent in a number of CPS Areas during the TSJ follow-up inspection.

Criteria	Score
C3 Reviews and decisions (including charging decisions, the use of applications, and acceptance of plea) are proportionate; properly recorded; comply with the Code for Crown Prosecutors and any relevant policy and guidance; include consultation with the police; and contribute to successful outcomes and victim and witness satisfaction (Crown Court)	Poor

4.43 In our file sample the Code was applied correctly at the charging stage in 55 out of 59 Crown Court cases (93.2%). There were four police charged cases and the Code was applied correctly at that stage in each.

4.44 The Code was applied correctly by Area lawyers at the charging stage in eight out of nine relevant cases (88.9%). In the remaining 46 cases the charging decision was taken by CPSD and the Code was applied correctly in 43 (93.5%).

4.45 Inspectors assessed none of the Area charging decisions as excellent, 22.2% as good, 11.1% fair and 66.7% poor. Although based on very low numbers this is of concern. In particular, we identified some poor quality charging advice from counsel as illustrated by the following anonymised example:

Case study

- 1 Thank you for your instructions in this case, which I have had the opportunity to review. Having done so, I advise that X is charged with a single offence of sexual assault on Y, by touching; the date of the offence being between the [date given in original advice].
- 2 The witness bundle can consist of the following:
 - (i) Named
 - (ii) Named
 - (iii) Named
 - (iv) Named
 - (v) Named
 - (vi) Any relevant police evidence
- 3 The exhibit bundle can simply consist of the defendant's interview transcripts. I do not propose to rely upon the exchanges between A and B
- 4 Otherwise, disclosure can be dealt with in the usual way. I do not envisage that the protocol will be required.

I can be contacted in chambers in the usual way.

4.46 We discuss the financial aspect of instructing counsel to provide pre-charge advice in chapter 3, which does not provide value for money. Only a Crown Prosecutor can direct a charge and therefore a CPS lawyer would have to assure themselves that counsel had applied the Code correctly. It is difficult to see how this could be done in this case, unless the lawyer read all the papers. The Area has now stopped instructing counsel to provide pre-charge advice in RASSO cases, but at the time of our inspection was still doing it regularly in other case categories. We also noted other cases in our file sample where using counsel to give pre-charge advice meant that CPS lawyers never got a proper grip on the case. We have been informed that this practice has now stopped.

4.47 The Code, post-charge, was applied correctly in 55 out of 59 cases (93.2%).

Issue to address

Legal managers must quality assure charging advices in Crown Court cases and ensure they meet the required standard.

4.48 Cleveland Police still submit a hard copy advice file, which we were informed is sent to counsel if they are instructed to provide pre-charge advice. Copies are not kept, which is a risk should papers go missing and also prevents there being a full audit trail of what is sent to counsel.

4.49 Overall, the police complied with the NFS in 11 out of 45 relevant cases (24.4%). Although slightly better than the magistrates' court (19.3%), there is still substantial work to be done with police partners. We discuss this in more detail in chapter 3.

4.50 The main defects in the files examined were the lack of key evidential CCTV and witness statements. Prosecutors raised non-compliance with the police in only 31.6% of relevant cases. We also noted that the police are still being asked to provide an 'upgrade file' when there should be specific guidance as to what further material is required. This was reflected in our on-site process checks and was also raised by police representatives.

4.51 Two of the four police charged cases should, in accordance with the Director's Guidance on Charging, have been sent to the CPS for charging advice. Whilst we noted from minutes of meetings that compliance with the Director's Guidance is discussed with police partners, there was nothing on either file to indicate that it happened in these two cases.

4.52 A proper and proportionate initial review took place in 20 out of 37 relevant cases (54.1%). We saw examples of thorough reviews which identified the issues, helped to build a stronger case and contributed to the successful outcome. However, too many did not include the trial strategy or address the key issues, for example in a case which was sent to the Crown Court the review comprised of "*let's see to what he pleads*", when it was clear there was not a realistic prospect of conviction in respect of one of the charges. Another review in similar circumstances identified correctly that some charges were fatally flawed but they were included on the indictment at the Pre-Trial Preparation Hearing (PTPH) and were still live on the day of trial (although the whole case was discontinued when the complainant failed to attend).

4.53 In a further 14 cases (27.5%) no review was carried out. In those cases where it did take place it was timely in 11 out of 37 (29.7%). The finding in respect of our on-site process checks of live files was better, in that each case had been reviewed before the first hearing, but only one of the five cases examined and observed at court had a fully prepared PTPH form.

4.54 In the week before our on-site visit inspectors carried out a reality check of the relevant outstanding tasks on CMS, which confirmed that there were 289 outstanding review related Crown Court tasks. Of these, 170 (58.8%) were marked as overdue. The Area's internal compliance checks acknowledge that there is an issue with the timeliness of post-sending reviews.

Issue to address

Legal managers must ensure lawyers comply with the Standard Operating Practice to ensure a timely and qualitative review takes place in every Crown Court case.

4.55 A common issue raised in our interviews with criminal justice partners and the judiciary was a perceived reluctance for decisions to be taken at court on what pleas or basis of plea are acceptable to the prosecution. Whilst this in part impacts on case progression, it is also reflective of the quality of reviews; if they contained a detailed strategy they would set out clearly which pleas or basis of plea are acceptable to the prosecution. We also found that hearing record sheets (HRSs) are not being uploaded onto CMS in a timely manner, nor do they always contain the necessary detail. Only 35 of the 59 cases (59.3%) met fully the quality and timeliness requirement. In one case examined it took 25 days to upload the HRS and others were seen where it took more than a week.

4.56 The IQA scheme should pick up issues around the quality of reviews. However, we are not satisfied these are being done routinely as required across the units. Some IQAs had been carried out recently in the RASSO unit and there was also evidence from previous assessments of where improvement was required.

4.57 The handling of the disclosure of unused material needs to improve but there are some positive aspects, particularly around the training provided.

4.58 We accept that there are issues around police performance, which makes it more difficult for lawyers to comply with their obligations. In our file sample, the police complied with their disclosure obligations fully in only 28 out of 59 cases (47.5%). There were substantial differences between the three police forces, with Durham and Cleveland fully compliant in about two thirds of cases, but Northumbria in only a third. The principal issue was the poor quality of the description of the item, but again there were disparities in performance across the three police forces.

4.59 If lawyers do not address these issues then this impacts adversely on compliance with their obligations. We found that initial disclosure was only dealt with correctly in 29 out of 59 cases (49.2%) and continuing disclosure in 22 out of 38 relevant cases (57.9%). An issue raised by the police was that they did not get guidance on what was required of them following receipt of the defence statement, which was then compounded by them receiving it late.

4.60 In two cases there was a complete failure to disclose undermining or assisting material to the defence, although neither resulted in a potential miscarriage of justice. One case was discontinued and the other was an acquittal after trial.

Case study

The defendant was charged with possessing a controlled drug with intent to supply. This followed the execution of a drugs search warrant at an address. The schedule of sensitive material was blank. Experience shows that these warrants are almost always intelligence led. The lawyer made no enquiry of the police as to whether there was any intelligence material.

4.61 In contrast to the case study, in another case sensitive material was handled correctly, all the schedules were completed fully and an appropriate application was made to the court to withhold information from the defence.

4.62 Overall, sensitive material was dealt with correctly in nine out of 11 relevant cases (81.8%). The timeliness of disclosure needs to improve. Overall, we assessed only 27 out of 49 cases (55.1%) as having timely disclosure throughout their lifetime.

4.63 In accordance with national procedures, the Area now requires sight at the charging stage of all relevant material held by third parties, for example local authorities. This has been subject to much discussion with the police as it represents a significant change in approach. From speaking with stakeholders it was apparent that progress had been made in this respect, but there was more to do in preventing unnecessary hearings caused by defence challenges to third party material disclosure. There were only nine cases in our file sample where third party issues arose, of which five (55.6%) were handled correctly.

4.64 On each Crown Court file where the disclosure provisions are triggered, there should be a disclosure record sheet (DRS) which provides a decision-making audit trail. It also assists the prosecutor at court if they are challenged as to whether material has been served. We found that the DRS was completed correctly in 19 out of 49 relevant cases (38.8%). There was a complete failure to endorse the DRS in only two cases (4.1%). Regularly we would find that the decision-making around initial disclosure is entered, but compliance then tails off in the latter stages of the process.

Issue to address

In Crown Court cases legal managers must:

- ensure the police are asked to rectify defective unused material schedules
- provide guidance to the police where required on what further work needs to be done in light of the defence statement
- quality assure disclosure record sheets, and ensure that they reflect accurately the complete disclosure audit trail and decision-making process.

Criteria	Score
C4 Case preparation and progression is effective and timely (Crown Court)	Poor

4.65 The Crown Court Better Case Management (BCM) initiative is not as embedded as the magistrates’ courts TSJ scheme. The Area has seen a much higher increase in contested cases than found nationally, with an increase of 11.6% in 2016-17 compared with 1.1% nationally. These are the cases which require more work and a bigger resource commitment.

4.66 The proportion of cases which result in a successful outcome has declined from 81.9% in 2015-16 to 80.3% in 2016-17. National performance has also declined, but at a lower rate, from 79.2% to 78.8%. However, as can be seen North East still performs better than the national average, but in those cases which go to trial the Area only secured a conviction in 52.4%, compared with 56.8% nationally.

4.67 Conversely, there has been a substantial improvement in the proportion of cases where the defendant pleads guilty at the first hearing, from 24.8% to 36.2%, although this is below the national average of 39.9% and the CPS level of ambition (40.0%).

4.68 Convictions for offences of rape declined from 54.9% to 52.3%, below the national average of 56.9% in 2016-17. There are, however, wide variations across the Area with performance improving in the Durham and Cleveland police force areas, but declining substantially in Northumbria. It is not for the Inspectorate to analyse why there are these variations, but it is accepted generally that the longer the delay in cases coming to trial the higher the risk that victim and witness issues will impact on the likelihood of a successful outcome.

4.69 The Area has introduced a weekly telephone conference dial in with the Crown Court centres across the region to help improve case progression. These are viewed favourably as a means of dealing with case specific queries and as an aid to case progression. However, it was apparent that the Area was struggling to deliver its Crown Court work with the resource available (which we discuss in chapter 3). Our reality checks on Paralegal Officers' check new tasks showed that many were overdue, which could also impact on lawyers if those tasks required their input.

4.70 Crown Court staff monitor compliance with the timeliness targets under BCM with regard to the uploading of the PTPH form and indictment. Non-compliance is referred back to the CPS, although we were told that this does not happen often. Our on-site checks on live cases confirmed that the form was being uploaded on time, but that the necessary material for a fully effective hearing was not always being uploaded onto the Crown Court Digital Case System. This finding was supported by the views of external interviewees.

4.71 We noted in our file examination applications to the Crown Court to extend the time for service of the prosecution case and in one the reason was stated as an *"unexpected increase in the lawyer's workload"*.

4.72 There remain issues with securing effective defence engagement, although this is not unique to North East. However, we were also told that some cases are delayed while advocates take instructions on acceptable pleas. This should not be necessary if the review notes set out clearly what is acceptable.

4.73 The findings from our file examination indicate that compliance with Judges' orders made at the PTPH needs to improve, with only 16 out of 44 cases (36.4%) showing full compliance and 24 (54.5%) partial compliance. CPS data indicates a higher level of performance (84.8%).

4.74 The Area has been in discussion with one court centre with regard to the nature of some of the Judges' orders, which may be impacting on performance. However, despite our findings there was a general view, not only expressed by CPS staff, that defence compliance with their orders was a bigger issue. We were told that compliance courts were going to be held as a consequence.

4.75 Overall we found that only 17 out of 58 relevant cases (29.3%) were fully gripped and partially so in 35 (60.3%). This would include aspects such as preparing and serving applications, complying with Judges' orders, responding to communications and reviewing cases where necessary. Stakeholders confirmed that they would get last minute requests for further work and that there could be a considerable delay before victim and witness issues were addressed.

4.76 We recognise that Crown Court cases are usually more complex than those in the magistrates' courts, but it is of note that our findings for the latter were much better, with 53.5% of cases fully gripped. This is further evidenced by our finding in respect of discontinuing cases, which was timely in only six of the 11 relevant cases (54.5%).

4.77 The most significant issue the Area faces is the level of cracked and ineffective trials. It attributes this in part to the workload at Newcastle Crown Court, which is resulting in a lengthy period between the defendant entering their plea and the trial date. We understand a new system has been introduced at this court centre to reduce the risk of an ineffective trial through witness non-attendance, although we were not clear as to how this would operate.

4.78 The Area recognised the issue and was aware of the data, although there was very limited evidence of in-depth analysis of the causes. As the following performance information shows, this is a priority. In 2016-17 the Crown Court effective trial rate was 35.0%, a decline of 0.6% compared with 2015-16. However, nationally the rate in 2016-17 was 50.7%, an improvement of 0.7%. This made North East the worst performing Area in this aspect.

4.79 In the light of this the Area's cracked and ineffective trial rate due to prosecution reasons did not compare favourably with national performance. In 2016-17 it was 24.9%, which was a substantial improvement from 2015-16 (27.3%) but still some way below national performance (22.4%) and the CPS level of ambition (10.0%). Similarly, the proportion of unsuccessful outcomes due to witness issues was 29.4% in 2016-17, a substantial decline in performance from 2015-16 (25.2%). It is also well below the 2016-17 national performance (22.9%).

4.80 We discuss witness attendance rates in chapter 5, but are of the view that the positive picture they show does not reflect accurately what is happening on the ground.

4.81 All this is also impacting on the number of hearings per case, which is an indicator of efficient throughput. In 2016-17 there were an average of 5.30 hearings in contested cases, compared with 5.25 nationally, and 3.93 in cases where there was a guilty plea compared with 3.65 nationally. In both categories cases dealt with in Cleveland and Durham had better throughputs than the Area average.

4.82 The Area has not had a CTL failure for a number of years. Our process checks on the operation of the CTL regime did not indicate any aspects of concern and it is clear that the CPS works closely with the courts in monitoring these cases. They have also emphasised to counsel the need to ensure HRSs are endorsed accurately in this aspect. However, in our file examination we noted an HRS had not been completed accurately to show the CTL had been extended.



5 Part D: Public confidence

Performance expectation

The service to victims and witnesses is central to the work of the Area. It ensures that decisions are appropriately explained and its interaction with victims and witnesses takes account of their needs, is open and direct, and shows empathy. The Area works with and learns from local communities to build confidence in the criminal justice system.

Criteria	Score
<i>Part D: Public confidence</i>	
Communications with victims under all applicable initiatives, the Victims' Code or policies (including consulting victims on discontinuance or pleas, letters under the Victim Communication and Liaison scheme, communications with bereaved families, and the Victims' Right to Review) occur where required, and are timely and of a high standard	Fair
The views and interests of the victim, witnesses and public are reflected and protected by the appropriate use of remand or bail conditions, Victim Personal Statements and ancillary orders at sentencing	Fair
The Area is responsive to community groups, victims and witnesses, complainants, other stakeholders and the public and uses their feedback robustly to identify strengths and weaknesses and to improve service delivery	Good
Overall score for public confidence	GOOD

Performance against the Part D criteria

Summary: There are positive aspects to how the Area engages with community groups through the use of local scrutiny panels for a range of subjects. Training given to prosecutors has also helped improve awareness around subjects such as transgender issues. The Victim Liaison Unit (VLU) manages its performance well, but prosecutors are not all clear on when they should be contributing to the letters sent to victims. It was, however, encouraging that the Area has taken on board comments from community groups leading to an improvement in the quality of letters sent to hate crime victims. There is a need to reduce the number of data security breaches where personal details of victims or witnesses are sent out wrongly.

Criteria	Score
<p>D1 Communications with victims under all applicable initiatives, the Victims' Code or policies (including consulting victims on discontinuance or pleas, letters under the Victim Communication and Liaison scheme, communications with bereaved families, and the Victims' Right to Review) occur where required, and are timely and of a high standard</p>	Fair

5.1 In our file sample, we found that in 48 out of 62 relevant cases (77.4%) the prosecutor took all necessary steps to secure victim and witness engagement in the court process. In one case issues around the capacity of the victim to give evidence were addressed far too late in the process and in another there was insufficient support for an elderly victim.

5.2 Despite this stakeholders confirmed that there were few issues around the quality of applications for special measures, although they were not always timely. This accords with our file sample findings, where the appropriate special measures were applied for in 19 out of 23 relevant cases (82.6%) but were only timely in 11 of the 19 (57.9%).

5.3 A significant proportion of staff (68.3%) who responded to our survey thought the Area provided a good or excellent service to victims and witnesses and 65.9% thought generally the Area worked well with the witness care units (WCUs) and agencies such as Victim Support.

5.4 There have, however, been a number of data security breaches whereby personal details relating to victims and/or witnesses have inadvertently been disclosed. The majority of these relate to details being included in the IDPC package which is sent to the court, the defence representative or the defendant if unrepresented. Often this happens when personal details are erroneously included by the police in witness statements, which are then not edited by the Area before they are sent. This puts an unnecessary burden on CPS staff, to have to check the statements when there should not be a need.

Issue to address

The Area should liaise with its police partners to ensure that appropriate guidance is given to police officers to ensure personal details of victims and witnesses are only endorsed on the correct part of the witness statement form.

5.5 The timeliness of communications with victims across all relevant criteria is monitored rigorously by the VLU. There have been substantial improvements in performance in relation to the timeliness of letters to victims and witnesses who, because of the nature of the offence, are entitled to an enhanced service. In 2016-17, 88.7% of letters in this category were sent on time, compared with 76.9% the previous year. This makes North East one of the better performers when compared to the national average (81.4%). Our findings, which do not distinguish between the required levels of service, were that ten of the 13 (77.0%) letters sent in our file sample were timely. But in a further five cases, we could find no evidence of any letter being sent.

5.6 The quality of the letters was variable, with five of the 13 (38.5%) fully meeting the requirements. We were concerned to note that in one case the first name of the defendant had been erroneously put in the address line, when it should have been the first name of the young victim. There were also other aspects of the letter which may have caused distress. In another the letter was entirely 'legalese' and would give the average reader no idea why certain casework decisions had been taken.

5.7 The Area has recently undertaken an assessment of the quality of its letters and also those sent out by witness care officers in the WCUs. It was encouraging to note that the Area had improved the empathy shown to victims in hate crime cases following feedback from community groups.

5.8 In certain types of case the letter should contain a bespoke paragraph by the lawyer setting out the reason why the case was discontinued. If this happens at court it should be on the HRS, therefore late uploading of the HRS will impact on timeliness. We were told that the HRS did not always contain the necessary paragraph to be copied into the letter and we also found that lawyers were not clear as to when this paragraph was required.

Issue to address

Legal managers should ensure all lawyers are aware of when a bespoke paragraph in communications with victims is required.

5.9 All relevant Area staff received training on the Speaking to Witnesses at Court initiative⁵ and there was engagement with local counsel to ensure they were aware of their obligations. The Area has carried out a number of compliance checks and identified that not all HRs are endorsed with what was communicated to the witness at court. However, in the documentation provided we also saw very thorough notes and were told of an instance when the endorsement enabled the Area to deal effectively with a complaint.

Criteria	Score
D2 The views and interests of the victim, witnesses and public are reflected and protected by the appropriate use of remand or bail conditions, Victim Personal Statements and ancillary orders at sentencing	Fair

5.10 The CPS record of the charging decision made full reference to all relevant applications and ancillary matters (for example consideration of special measures and restraining orders), in 36 of the 76 relevant cases (47.4%). This was supported by comments made by some interviewees who said the relevant information was not available to prosecutors at the first hearing.

5.11 We also found that in 10.0% of the cases submitted by the police which did not meet the NFS, the primary cause was the absence of a Victim Personal Statement. There was also an approach in one police force that they would not obtain one until a guilty plea was entered. Where a defendant pleads guilty and is sentenced at the first hearing, as is envisaged by TSJ, this approach denies the victim their engagement in that process.

5.12 Restraining orders are usually applied for appropriately either on conviction or acquittal, but are not always prepared in advance. This can lead to delay in sentencing hearings.

5.13 The data indicates that in 2016-17 North East had a witness attendance rate of 90.0%. However this is a 'snap shot' survey taken over a short period of time. In light of the issues identified in the casework section, it is unlikely to accurately reflect the true position.

⁵ *Speaking to Witnesses at Court*; CPS; March 2016.
www.cps.gov.uk/Publications/Prosecution/speaking-to-witnesses-at-court-guidance-mar-2016.pdf

Criteria	Score
D3 The Area is responsive to community groups, victims and witnesses, complainants, other stakeholders and the public and uses their feedback robustly to identify strengths and weaknesses and to improve service delivery	Good

5.14 As with VLU letters, the timeliness of complaints is monitored closely by the VLU and North East is one of the better performing Areas. In 2016-17, 86.2% of responses to complaints were within the required timescales, compared with 83.5% in 2015-16. This compares favourably with national performance (72.4%). The VLU has also analysed complaints and identified themes and whether these changed over time. This information is then given to unit heads. However, there was concern that too many complaints were not resolved at the first instance and escalated to the next stage. Feedback from a community liaison panel which had reviewed complaints at the Area's request indicated that the stage 2 responses were of better quality than those at stage 1.⁶

Strength

The performance management approach of the Victim Liaison Unit.

5.15 Key priorities within the Area business plan are aimed at improving public confidence.

5.16 There are a variety of meetings held, both with criminal justice partners and community groups, which are focussed on improving public confidence. With partners this includes regular meetings across the three police forces to discuss hate crime cases and learn from experience.

5.17 There have also been a number of initiatives to improve the victim and witness experience, for example increasing the availability of remote evidence links as a result of funding obtained by the Northumbria Police and Crime Commissioner. There is also a charity called Victim First Northumbria, set up by the PCC, with whom the Area works closely.

⁶ Stage 1 is the CPS's response to a complaint, dealt with by the office where the problem happened. If a complainant is not satisfied with the stage 1 response they can request that the issue is escalated to stage 2, for re-examination by the CCP or DCCP.

5.18 Work was also being carried out by the Victims and Witnesses sub-group of the Northumbria LCJB on why trials crack, with a specific focus on aspects such as the issue of witness summons and witness withdrawal of support. The results of this work were not available at the time of our inspection, but need to be considered carefully in the light of North East's performance outcomes in this aspect.

5.19 There are a number of hate crime scrutiny panels, together with the local scrutiny improvement panel. All of these meet regularly and scrutinise relevant cases. There is robust discussion and actions to improve are identified. These are usually followed through and the feedback from community groups was overwhelmingly positive. There is a clear commitment by the CPS to work with local groups to identify how casework can improve. Thought is also given to who the most appropriate person is to attend community group meetings, to ensure the best input.

5.20 Joint media events have also been held with local community groups, which help to raise the profile of the CPS and ensure that there is a consistent message.

Strength

The Area's commitment to engaging with local community groups.

5.21 The Area has good relationships with the police WCUs and still has two staff working in both the Northumbria and Durham units. Unusually, the Area runs the whole of the Cleveland Crown Court WCU and the police run the magistrates' court unit. In total there are seven CPS witness care staff, which is a sizeable proportion of the national CPS WCU allocation.

6 Part E: Efficiency and value for money

Performance expectation

The Area ensures it delivers the maximum benefit for users and stakeholders with the resources available. It has the right people doing the right things at the right time for the right cost, and delivering the right outcome. It is focussed on ensuring that successful outcomes and quality service delivery are achieved through proper governance, casework quality, the effective use of resources, and efficient and effective processes that avoid unnecessary, duplicated or additional work.

This aspect was not scored.

Summary: The Area has firm budgetary controls and makes effective use of its Crown Advocates. The reduction in agent usage has reduced spend on that aspect and it has successfully bid for additional funds where required. The amount of money spent on pre-charge advice by counsel needs to be reviewed, as does the clarity around financial delegation for this aspect. Some of the advice given by counsel, with regard to quality, does not deliver value for money. Since our fieldwork we have been informed that this practice has stopped.

6.1 The Area has also benefitted from an increase in staff numbers in 2016-17 compared with 2015-16 and, on average, prosecutors have fewer contested cases to deal with per person than the national average. However, there is a need to review where staffing resources are allocated to ensure they are being distributed in accordance with the caseload demands within units.

6.2 Magistrates' court caseload has dropped at a greater rate than found nationally, by 16.0% from 2015-16 to 2016-17 compared with 7.3% nationally. The Area also has a much lower proportion of contested cases when compared against its overall magistrates' court caseload, at 7.8% compared with 11.2% nationally in 2016-17.

6.3 In the Crown Court the volume of work reduced by 10.0% compared with 10.9% nationally. Again there is a much lower proportion of contested cases, 14.5% compared with 19.8% nationally.

6.4 At both the strategic and operational level North East contributes meaningfully to Local Criminal Justice Boards and bi-lateral performance groups. These are leading to some benefits for users of the criminal justice system and stakeholders, but some deep rooted issues still need addressing. Internally, more needs to be done to quality assure casework and demonstrate that it is leading to improved performance.

6.5 Conviction rates in the magistrates' courts are on a par with the national average and better than that in the Crown Court, although declining. Conviction rates for offences of rape are below the national average, particularly in Northumbria. There are many aspects of casework performance which need to improve substantially to add value and potentially lead to improved outcomes. These include the timeliness and quality of review work and effective case progression.

6.6 The monitoring of custody time limits is efficient, evidenced by the lack of a CTL failure for a number of years.

6.7 Effective processes are in place to monitor the timeliness of letters sent to victims and those who make complaints. There is a need for some improvement in the quality of the letters, which should be easy to address if aspects of the process are clarified with prosecutors.

6.8 Through its work with a variety of scrutiny panels and other related activities, the Area engages effectively with local communities and this has led to improvements in how aspects of casework are handled.

6.9 As we stated at the outset of this report, what the Area now needs is a period of sustained stability at the senior management level if it is to deliver the improvements we have identified, increase efficiency and add substantive value to its casework.

Annexes

A Glossary

Agent

Agents are lawyers who are not employed by the CPS but who are booked, usually on a daily basis, to prosecute cases in court on its behalf. They are not empowered to take decisions under the Code for Crown Prosecutors and have to take instructions from CPS lawyers in this regard.

Allocation and sending

The methods by which cases move from the magistrates' court to the Crown Court. Indictable only offences are sent and either way offences which are too serious to remain in the magistrates' court are allocated to the Crown Court. See also *indictable only offences* and *either way offences*.

Area Assurance Programme (AAP)

HMCSI rolling programme of inspection of CPS Areas.

Area Business Manager (ABM)

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

Associate Prosecutor (AP)

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.

Barrister/counsel

Member of the independent Bar who are instructed by the CPS to prosecute cases at court.

Basis of plea

When the defendant pleads guilty to the charge, but does not agree the full facts as set out by the prosecution. The prosecution must then decide whether to accept the basis on which the defendant is pleading guilty.

Better Case Management (BCM)

The single national process for case management of Crown Court matters. It is led by Her Majesty's Courts and Tribunals Service (HMCTS) and involves the CPS and police. The aim is to deal with cases more efficiently.

Case management system (CMS)

IT system for case management used by the CPS. Through links with the police systems CMS receives electronic case material.

Casework Quality Standards

Set out the benchmarks of quality that the CPS seeks to deliver in prosecuting crime for the public. They cover treatment of victims and witnesses, legal decision-making, casework preparation and advocacy.

Charging decision

The process by which the police and the CPS decide whether there is sufficient evidence for a suspect to be prosecuted. The process is governed by the Director's Guidance on Charging 5th edition which came into effect in May 2013.

Chief Crown Prosecutor (CCP)

The most senior legal manager at CPS Area level and the person who is held to account for its assurance controls and performance.

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' (DPP) power to determine cases delegated, but must exercise them in accordance with the Code and its two stage test – the evidential and 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.

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.

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. See also *Criminal Procedure Rules*.

CPS Direct (CPSD)

The CPS Area which takes the majority of CPS decisions as to charge under the charging scheme. Lawyers are available on a single national telephone number so that advice can be obtained at any time.

Cracked trial

On the trial date, the defendant offers acceptable pleas or the prosecution offers no evidence. A cracked trial requires no further trial time, but as a consequence the time allocated has been wasted and witnesses have been unnecessarily inconvenienced, thus impacting confidence in the system. See also *offer no evidence*.

Criminal Procedure Rules (CPR)

The Criminal Procedure Rules determine the way a criminal 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). See also *court orders/directions*.

Crown Advocate (CA)

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

Custody time limit (CTL)

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

Digital Case System (DCS)

An online system used in the Crown Court which reduces the paper flowing through the criminal justice system by enabling all parties to access the same electronic case file.

Director of Public Prosecutions (DPP)

Senior Civil Servant who is the head of the CPS.

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. There are various regimes and the type of case determines which one applies. See also *Manual of Guidance (MG) forms: MG6 series, streamlined disclosure and Streamlined Disclosure Certificate*.

Discontinuance

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

Effective trial

The trial goes ahead as a contested hearing on the date that it is listed.

Either way offence

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

Graduated Fee Scheme (GFS)⁷

The Graduated Fee Scheme is used to remunerate advocates for all cases committed, sent or transferred to the Crown Court where the trial estimate recorded by the court is 40 days or less and there are no more than two trial advocates instructed in the case.

Guilty anticipated plea (GAP)

A Guilty Anticipated Plea involves a case whereby the defendant is expected to admit the offence at court following an assessment of the available evidence.

Hate crime

An offence aggravated by hostility based on race, disability or sexual orientation.

Hearing record sheet (HRS)

A CPS electronic record of events at court. If completed correctly it acts as a continual log of court proceedings and court orders.

High weighted performance measures

Measures of performance CPS Headquarters specifically regards as highly important.

Indictable only offence

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.

Individual Learning Account (ILA)

The ILA gives every member of CPS staff access to £350 a year for professional development to ensure all staff have the tools and skills to do their job.

Individual Quality Assessment (IQA)

The CPS scheme to assess the performance of individuals and compliance with the CPS's Casework Quality Standards. See also *Casework Quality Standards*.

Ineffective trial

The trial does not go ahead on the trial date due to action or inaction by one or more of the prosecution, defence or the court and a further listing for trial is required.

⁷ *Graduated Fee Scheme C - Manual of Guidance*; CPS; March 2012.
www.cps.gov.uk/publications/finance/advocate_fee_remuneration_march_2012.html

Initial details of the prosecution case (IDPC)

The material which the prosecution is obliged to serve on the court and the defendant before the first hearing. Documents to be included vary dependent upon the type of case and anticipated plea, but always include the charge sheet and the police report (MG5).

Judge ordered acquittal (JOA)

Where the Judge dismisses a case as a result of the prosecution offering no evidence before a jury is empanelled. See also *offer no evidence*.

Local Criminal Justice Board (LCJB)

There are a number of Local Criminal Justice Boards (or partnerships) in England and Wales, which bring together the chief officers of all the criminal justice agencies and partnerships in order to co-ordinate delivery of the criminal justice system.

The National Criminal Justice Board is the primary forum for setting direction for the criminal justice system.

Manual of Guidance (MG) forms

National forms used by the police and CPS to prepare a case file.

MG3: used to record the charging decision.

MG5: used to detail the police report – a case file summary setting out the circumstances of the offence(s) and the evidence that is relied upon in the case.

MG6 series: used to schedule the unused material in a Crown Court case and are endorsed with decisions as to whether the material should be disclosed:

- *MG6C* covers non-sensitive material and is served on the defence
- *MG6D* covers sensitive material and is not served on the defence
- *MG6E* is the police disclosure officer's report which details their view as to what should be disclosed. See also *disclosure*, *streamlined disclosure* and *Streamlined Disclosure Certificate*.

National File Standard (NFS)

This document details what must be included in the police file for particular types of cases. The latest version was published in May 2015.

No case to answer

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.

Non-ring fenced budget

Money which the CPS is free to allocate to any service that requires it.

Not guilty anticipated plea (NGAP)

A Not Guilty Anticipated Plea involves a case whereby the defendant is expected to deny the offence at court following an assessment of the available evidence.

Offer no evidence

Where the prosecution offer no evidence in relation to an offence for which the defendant has been arraigned. This results in a finding of not guilty.

Paralegal Officer/Assistant

A member of CPS staff who deals with, or manages, day-to-day conduct of a prosecution case under the supervision of a Crown Prosecutor and, in the Crown Court, attends court to assist the advocate.

Police and Crime Commissioner (PCC)

PCCs are elected by their constituents. Their primary role is to set the strategic direction of local policing and to hold the Chief Constable to account for the performance of the police force. They now also have responsibility for the commissioning of support services for victims.

Pre-charge decision (PCD)

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 on Charging.

Pre-Trial Preparation Hearing (PTPH)

This is a first hearing before the Crown Court at which cases should be effectively managed and listed for trial. There is a specific PTPH form which should be completed as far as possible prior to the hearing and completed at that hearing. This is part of the BCM initiative

Preparation for effective trial (PET) forms

Completed by the defence, prosecution and the court, they are used in the magistrates' court to manage cases due for trial.

Prosecution Team Performance Management (PTPM)

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

Rape and Serious Sexual Offences (RASSO)

Includes rape, sexual assault, sexual activity offences, abuse of children through prostitution or pornography, and trafficking for sexual exploitation.

Resource and Efficiency Measures (REM)

Created a standardised way of measuring the resources needed to carry out work across the CPS. By measuring how long tasks take and how many are processed a CPS Area can obtain an overview of the resources required to complete key processes.

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. See also *Code for Crown Prosecutors*.

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. See also *disclosure*.

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.

Standard Operating Practices (SOPs)

National CPS processes that apply consistency to business practices. They provide a set procedure for all Areas to adhere to. Examples of SOPs are those for Transforming Summary Justice, Better Case Management and custody time limits.

Streamlined disclosure

The new streamlined disclosure process was introduced as part of Transforming Summary Justice. The main principle is that an unused material report is to be available for the defence at the first hearing in magistrates' courts cases:

- in GAP cases, a standardised form of written confirmation is to be provided to the defence, which confirms that the prosecution understand their common law duties
- in NGAP cases, there is to be early provision of unused material. An unused material report, called the Streamlined Disclosure Certificate (SDC), replaces the MG6 series and is served as soon as a not guilty plea is entered. See also *disclosure, Manual of Guidance (MG) forms: MG6 series and Streamlined Disclosure Certificate*.

Streamlined Disclosure Certificate (SDC)

This certificate replaces the MG6 disclosure forms for NGAP cases which are dealt with in the magistrates' courts. See also *disclosure, Manual of Guidance (MG) forms: MG6 series and streamlined disclosure*.

Transforming Summary Justice (TSJ)

A cross-criminal justice agency initiative which aims to reform the way in which criminal casework is undertaken in the magistrates' courts and to create a swifter criminal justice system, with reduced delay and fewer hearings. The initiative is based on ten characteristics to be implemented by all the agencies to achieve its aims.

Unsuccessful outcome

Cases which result in an acquittal or are discontinued.

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. See also *disclosure*.

Victim Communication and Liaison scheme (VCL)

A CPS scheme under which victims are informed of decisions to discontinue or alter substantially any charges. The CPS must notify the victim within one working day if they are vulnerable or intimidated and within five working days for all other victims. In some case categories a meeting will be offered to the victim or their family to explain these decisions.

Victim Liaison Unit (VLU)

A dedicated team of CPS staff in every Area responsible for all direct communication with victims, administering the Victims' Right to Review scheme, complaints, and for overseeing the service to bereaved families.

Victim Personal Statement (VPS)

This gives victims a voice in the criminal justice process by helping others to understand how a crime has affected them. If a defendant is found guilty, the court will take the VPS into account, along with all the other evidence, when deciding upon an appropriate sentence.

The Code of Practice for Victims of Crime (the Victims' Code)⁸

A statutory code of practice for the treatment of victims of crime, with which all criminal justice agencies must comply. Its aim is to improve victim contact with the criminal justice agencies by providing them with the support and information they need.

⁸ *The Code of Practice for Victims of Crime [the Victims' Code]*; Ministry of Justice; December 2015. www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime

Victims' Right to Review scheme (VRR)

Under the scheme a review of the following CPS decisions can be sought: not to charge; to discontinue (or withdraw in the magistrates' courts) all charges thereby ending all proceedings; to offer no evidence in all proceedings; and to leave all charges in the proceedings to "lie on file" (this is the term used in circumstances where the CPS makes a decision not to proceed and requests that the charges be allowed "to lie on the file" marked 'not to be proceeded with without the leave of this Court or the Court of Appeal').

Vulnerable and intimidated witnesses

Witnesses who may be vulnerable or intimidated for the purposes of special measures assistance include, all child witnesses (under 18) and any witness whose quality of evidence is likely to be diminished because they are suffering from a mental disorder (as defined by the Mental Health Act 1983) or have a significant impairment of intelligence and social functioning, or have a physical disability or are suffering from a physical disorder. Complainants to sexual offences are automatically defined as an intimidated witness unless they wish to opt out.

Witness care unit (WCU)

Unit responsible for managing the care of victims and prosecution witnesses from the 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 may have a combination of police and CPS staff (joint units), but most no longer have CPS staff.



B Area Assurance Programme inspection framework

Introduction

The framework is split into five sections: The success of CPS people; Continuous improvement; Delivering high quality casework; Ensuring public confidence; and Efficiency and value for money. Each section has a performance expectation and a number of criteria against which evidence will be gathered. Sub criteria have been identified for each section which can be used as a guide to help assess performance.

The framework aligns significantly with the current CPS priorities and takes account and considers other key initiatives such as Standard Operating Practices (SOPs), Transforming Summary Justice (TSJ) and Better Case Management (BCM).

Overall, inspectors are looking to see that the CPS delivers the maximum benefit for users and stakeholders with the resources available. This means the right people doing the right things at the right time for the right cost, and delivering the right outcome. The focus will be on ensuring that successful outcomes and quality service delivery are achieved through proper governance, casework quality, the effective use of resources, and efficient and effective processes that avoid unnecessary, duplicated or additional work.

Part A: The success of CPS people

Performance expectation

The Area is led and managed effectively to ensure it has the right people equipped with the appropriate tools and skills for the job to deliver a high quality service. This is achieved by ensuring all staff have the right technology, systems and skills, to enable decisions to be made fairly, at the right time and at an appropriate level.

Criteria

- 1 **Senior management demonstrates effective leadership and engages with staff to identify and utilise opportunities to deliver a quality of service.**
 - 1.1 Senior managers act as role models demonstrating commitment to CPS values and equality and diversity policies.
 - 1.2 Senior managers have effective engagement with staff on strategic and operational matters.
 - 1.3 Senior managers effectively communicate the vision, values and direction of the CPS.
 - 1.4 All managers motivate staff, build effective teams, and challenge inappropriate behaviour.

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- 1.5 All managers understand and take responsibility for implementing senior management decisions.
 - 1.6 Regular and open dialogue occurs through team meetings, with feedback to senior managers of relevant information.
 - 1.7 Senior managers take time to make themselves available to staff at key points in the business calendar or during change processes.
- 2 Senior managers work effectively and are influential with criminal justice partners.**
- 2.1 Senior managers promote an open and constructive approach with criminal justice colleagues.
 - 2.2 The Area works effectively with Local Criminal Justice Boards (or similar where applicable).
- 3 The Area is committed to CPS values, equality and diversity policies and staff development to deliver improvement in staff engagement, effectiveness, well-being and morale.**
- 3.1 The Area has integrated equality into all relevant strategies and plans, including the Area training plan, and there is equality of access to training.
 - 3.2 The Area is implementing a plan to improve staff engagement levels which is delivering results.
 - 3.3 Sick absence reduction targets have been set and actions taken to meet them.
 - 3.4 Good performance is identified and rewarded, and poor performance tackled appropriately.

Part B: Continuously improving

Performance expectation

The Area continuously improves how it works, deploying resources to work effectively and using efficient processes.

Criteria

- 1 The Area's key **performance data** is analysed effectively and used to inform resource allocation, to robustly identify the Area's strengths and weaknesses and to drive improvement.

- 1.1 There is regular and robust analysis of performance by the Area Management Team, which is based on reliable and timely performance data and other relevant information.
- 1.2 Analysis of performance informs decision-making and resource allocation, leads to remedial action being taken where appropriate, and contributes to improving performance.
- 1.3 There is effective benchmarking of performance across the Area, with other Areas, national performance and CPS levels of ambition, which informs decision-making and resource allocation.
- 1.4 Performance information is disseminated in a readily understood format to staff.
- 1.5 Area quality assurance and performance monitoring measures identify aspects for improvement and good practice, which are shared with staff and which drive improvements in service delivery.
- 1.6 Teams are held to account for their performance.
- 1.7 Senior managers assess performance robustly, using regular reality checks (such as dip samples, reviews of failed cases and court observations) to inform their understanding of front-end delivery levels.
- 1.8 The APR process is applied robustly and openly and used to improve performance.

2 Resources are systematically managed and deployed effectively.

- 2.1 The Area's budget is systematically controlled through appropriate delegation, proper monitoring, and accurate knowledge of committed expenditure.
- 2.2 The Area's budgetary allocation and planning support strategic and operational delivery.
- 2.3 The Area has an effective and transparent system of allocating funds to budget holders. There are clear financial delegation limits, which are understood by staff.
- 2.4 Area managers are effective in negotiating financial matters with Headquarters and partners.
- 2.5 The Area has effective systems for assessing the most appropriate staffing structure and staffing levels across the Area, which are used to ensure that work is conducted by staff at the right level.
- 2.6 The balance between in-house prosecutors and agents' usage represents a good use of resources.

3 Joined-up working is effective and delivers improvements in outcomes for users.

- 3.1 There are effective arrangements for joint performance management with criminal justice partners, which include robust quality assurance processes.
- 3.2 Relevant performance information, areas for improvement and good practice are shared between criminal justice partners and used to identify strengths and weaknesses.
- 3.3 Joint improvement strategies are implemented, actions are followed up and improvement results.

Part C: High quality casework

Performance expectation

The Area delivers justice through excellent, timely legal decisions, casework preparation and presentation, leading to improved outcomes.

Criteria

Magistrates' courts casework

- 1 Reviews and decisions (including charging decisions, the use of applications, and acceptance of plea) are proportionate; properly recorded; comply with the Code for Crown Prosecutors and any relevant policy and guidance; include consultation with the police; and contribute to successful outcomes and victim and witness satisfaction.**
 - 1.1 The Area checks that all files received from the police comply with National File Standard and the principles of Transforming Summary Justice (TSJ). Unresolved issues are escalated when appropriate.
 - 1.2 The Area feeds back effectively to the police where they do not comply with the Code for Crown Prosecutors or the Director's Guidance on Charging (5th edition).
 - 1.3 The Area ensures that there is a timely and proportionate review in all cases requiring one, which is appropriately recorded.
 - 1.4 Reviews and decisions comply with the Code and any relevant policy or guidance; include a prosecution case theory or trial strategy to maximise the prospects of a successful outcome; and identify when ancillary orders or additional information may be requested at sentencing.

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- 1.5 Reviews and decisions are robustly quality assured.
 - 1.6 The Area complies with its duties of disclosure in relation to unused material.
 - 1.7 Disclosure is robustly quality assured, aspects for improvement are identified, and performance improves as a result.

2 Case preparation and progression is effective and timely.

- 2.1 Area systems support the effective progression of cases, including compliance with the Criminal Procedure Rules and SOPs.
- 2.2 The Area ensures that cases progress at the first magistrates' court hearing in accordance with TSJ principles.
- 2.3 The Area ensures that the number of effective trials and successful outcomes are increasing through effective case preparation and progression.
- 2.4 The Area has an effective system for the management and monitoring of custody time limits.
- 2.5 CMS task lists and reports are used robustly to manage, monitor and improve case progression.

Crown Court casework

3 Reviews and decisions (including charging decisions, the use of applications, and acceptance of plea) are proportionate; properly recorded; comply with the Code for Crown Prosecutors and any relevant policy and guidance; include consultation with the police; and contribute to successful outcomes and victim and witness satisfaction.

- 3.1 The Area checks that all files received from the police comply with National File Standards and the principles of BCM. Unresolved issues are escalated when appropriate.
- 3.2 The Area feeds back effectively to the police where they do not comply with the Code for Crown Prosecutors or the Director's Guidance on Charging.
- 3.3 The Area ensures that there is a timely and proportionate review in all cases requiring one, which is appropriately recorded.
- 3.4 Reviews and decisions comply with the Code and any relevant policy or guidance; include a prosecution case theory or trial strategy to maximise the prospects of a successful outcome; and identify when ancillary orders or additional information may be requested at sentencing.
- 3.5 Reviews and decisions are robustly quality assured.

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- 3.6 The Area complies with its duties of disclosure in relation to unused material.
 - 3.7 Disclosure is robustly quality assured, aspects for improvement are identified, and performance improves as a result.

4 Case preparation and progression is effective and timely.

- 4.1 Area systems support the effective progression of cases, including compliance with the Criminal Procedure Rules and SOPs.
- 4.2 The Area ensures that cases progress in the Crown Court in accordance with BCM principles.
- 4.3 The Area ensures that the number of effective trials and successful outcomes are increasing through effective case preparation and progression.
- 4.4 The Area has an effective system for the management and monitoring of custody time limits.
- 4.5 CMS task lists and reports are used robustly to manage, monitor and improve case progression.

Part D: Public confidence

Performance expectation

The service to victims and witnesses is central to the work of the Area. It ensures that decisions are appropriately explained and its interaction with victims and witnesses takes account of their needs, is open and direct, and shows empathy. The Area works with, and learns from, local communities to build confidence in the criminal justice system.

- 1 **Communications with victims under all applicable initiatives, the Victims' Code or policies (including consulting victims on discontinuance or pleas, letters under the Victim Communication and Liaison scheme, communications with bereaved families, and the Victims' Right to Review) occur where required, and are timely and of a high standard.**
 - 1.1 The needs of victims and witnesses are fully considered and there is timely and appropriate liaison and support throughout the prosecution process.
 - 1.2 The Area ensures compliance with the requirement to consult victims in appropriate cases, including discontinuance and acceptance of pleas.

- 1.3 The Area ensures that communications with victims and bereaved families are sent where required and are of a high standard, with reference to sources of support or additional rights (including the Victims' Right to Review) where appropriate.
 - 1.4 Area training plans give appropriate priority to training on victim and witness issues and relevant policies and guidance.
- 2 The views and interests of the victim, witnesses and public are reflected and protected by the appropriate use of remand or bail conditions, Victim Personal Statements and ancillary orders at sentencing.**
- 2.1 The Area ensures that victim and witness issues are considered at the pre-charge stage and clear instructions are provided to advocates for all hearings.
 - 2.2 The Area ensures that applications to refuse bail, seek bail conditions or appeal the grant of bail are appropriate and proportionate and are effective in protecting the victim and the public.
 - 2.3 The Area ensures that the opportunity to make a Victim Personal Statement has been provided in applicable cases and that prosecutors take the necessary steps to present it to the court in the way that the victim chooses, as far as possible.
 - 2.4 Area processes ensure that the right ancillary orders are sought at sentencing or other disposal to protect the victim, witnesses or public.
- 3 The Area is responsive to community groups, victims and witnesses, complainants, other stakeholders and the public and uses their feedback robustly to identify strengths and weaknesses and to improve service delivery.**
- 3.1 Senior managers are committed to engaging with, and securing the confidence of, victims and witnesses, other stakeholders and the public.
 - 3.2 The needs of victims and witnesses are identified, addressed and incorporated into the core business of the Area.
 - 3.3 The Area prioritises engagement with stakeholders or community groups at the greatest risk of exclusion and discrimination.
 - 3.4 Complaints, Victims' Right to Review communications, and other feedback from stakeholders, community groups and the public are used to identify aspects for improvement.
 - 3.5 Actions identified from feedback are implemented effectively and followed up robustly.

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- 3.6 The Area can demonstrate improvement in service delivery, engagement or community confidence as a result of actions taken on feedback received.
 - 3.7 The Area engages effectively with witness care units, victim and witness support agencies, and other criminal justice partners to deliver improvements in victim and witness care at court.

Part E: Efficiency and value for money

Performance expectation

The Area ensures it delivers the maximum benefit for users and stakeholders with the resources available. It has the right people doing the right things at the right time for the right cost, and delivering the right outcome. It is focussed on ensuring that successful outcomes and quality service delivery are achieved through proper governance, casework quality, the effective use of resources, and efficient and effective processes that avoid unnecessary, duplicated or additional work.

- 1.1 Area managers actively promote the concept of value for money throughout the Area.
- 1.2 Effective and efficient case progression is avoiding duplication and minimising waste by ensuring that only appropriate cases are brought to court in an expedient manner.
- 1.3 High quality casework is maximising the likelihood of a successful result.
- 1.4 Partnership working is delivering positive results in outcomes for users.
- 1.5 The Area, through effective management, makes best uses of its resources to optimise their effectiveness and delivers successful outcomes.

C File sample composition and examination findings

Question	Answer	All cases
Pre-charge decision by the police		
The police decision to charge was compliant with the Code for Crown Prosecutors	Yes	97.7%
	No	2.3%
The police decision to charge was compliant with the Director's Guidance	Yes	83.7%
	No	16.3%
The police MG3 correctly identified whether a guilty or not guilty plea was anticipated	Yes	83.7%
	No	16.3%
Pre-charge decision by the CPS		
The CPS decision to charge was compliant with the Code for Crown Prosecutors	Yes	92.2%
	No	7.8%
The MG3 included proper case analysis and case strategy	Fully met	28.9%
	Partially met	55.3%
	Not met	15.8%
The MG3 made reference to all relevant applications and ancillary matters	Fully met	47.4%
	Partially met	39.5%
	Not met	13.2%
There were appropriate instructions and guidance to the court prosecutor contained in either the MG3 or the PET or PTPH created with the MG3	Fully met	51.3%
	Partially met	35.5%
	Not met	13.2%
The CPS MG3 correctly identified whether a guilty or not guilty plea was anticipated	Yes	82.2%
	No	17.8%
The action plan met a satisfactory standard	Fully met	43.1%
	Partially met	36.1%
	Not met	20.8%

Question	Answer	All cases
Rate the overall quality of the MG3	Excellent	0%
	Good	30.3%
	Fair	44.7%
	Poor	25.0%
Code compliance after charge		
The police file submission complied with the National File Standard for the type of case	Fully met	21.6%
	Partially met	74.5%
	Not met	3.9%
The main failing in the police file was in relation to	VPS	10.0%
	MG5	3.8%
	MG11	13.8%
	Overbuild	32.5%
	Other	40.0%
Police file submission was timely	Yes	83.5%
	No	16.5%
All Code decisions after charge complied with the Code for Crown Prosecutors	Yes	93.1%
	No	6.9%
Initial case review and preparation for the first hearing		
The case received a proper and proportionate initial case review where appropriate	Yes	54.5%
	No	20.9%
	Not done	24.5%
The initial case review was carried out in a timely manner	Yes	51.8%
	No	48.2%
The prosecutor prepared the case effectively in accordance with TSJ/BCM to ensure progress in court at the initial hearing(s)	Yes	63.5%
	No	36.5%

MG5 Police report including case file summary

MG11 Statement made by a witness to be used as evidence

Question	Answer	All cases
The prosecutor identified and raised with the police any lack of compliance with TSJ/BCM	Yes	32.0%
	No	68.0%
The first hearing was effective, complied with TSJ/BCM expectations (where appropriate) and resolved all outstanding issues	Yes	75.4%
	No	24.6%
Any issues with the effectiveness of the TSJ/BCM hearing were primarily occasioned by whom	Police	17.2%
	CPS	27.6%
	Defence	55.2%
Case progression after the first hearing		
The lawyer or team exercised sound judgement and grip on the case	Fully met	39.6%
	Partially met	46.5%
	Not met	13.9%
There was timely compliance with court directions or Judges' orders	Fully met	37.7%
	Partially met	42.6%
	Not met	19.7%
Any decision to discontinue was made and put into effect in a timely manner	Yes	68.2%
	No	31.8%
The decision to accept pleas or a basis of plea was sound	Yes	75.0%
	No	25.0%
Any basis of plea was in writing and signed by the prosecution and defence	Yes	66.7%
	No	0%
	Not known	33.3%
Hearing record sheets were completed accurately, contained sufficient instructions to progress the case and were uploaded to CMS in a timely manner	Fully met	69.7%
	Partially met	28.6%
	Not met	1.7%

Question	Answer	All cases
Disclosure		
The police complied with their disclosure obligations	Fully met	55.0%
	Partially met	43.3%
	Not met	1.7%
The main failing in the police disclosure was in relation to	Listing items wrongly	7.4%
	Poor description of items	38.9%
	Lack of schedule	7.4%
	Wrong schedules	16.7%
	Other	29.6%
The prosecutor complied with the duty of initial disclosure, including the correct endorsement of the schedules (but not including timeliness of disclosure)	Fully met	59.5%
	Partially met	36.9%
	Not met	3.6%
The prosecutor complied with the duty of continuing disclosure (but not including timeliness of disclosure)	Fully met	61.4%
	Partially met	18.2%
	Not met	20.5%
The failure to comply with the duty of disclosure was a complete failure to disclose undermining or assisting material (late disclosure is not a complete failure)	Yes	5.9%
	No	94.1%
The prosecution complied with its duty of disclosure in a timely manner	Yes	60.2%
	No	39.8%
Sensitive unused material was dealt with appropriately	Fully met	83.3%
	Partially met	8.3%
	Not met	8.3%
Third party material was dealt with appropriately	Fully met	55.6%
	Partially met	33.3%
	Not met	11.1%

Question	Answer	All cases
The disclosure record sheet was properly completed with actions and decisions taken on disclosure	Fully met	39.3%
	Partially met	52.4%
	Not met	8.3%
Rate the overall quality of handling of unused material by the CPS	Excellent	0%
	Good	40.5%
	Fair	41.7%
	Poor	17.9%
Victims and witnesses		
Where appropriate the prosecutor took all necessary steps to secure victim engagement in the court process	Fully met	77.4%
	Partially met	17.7%
	Not met	4.8%
The prosecutor took account of the rights, interests and needs of victims and witnesses including consulting with them where appropriate	Fully met	62.0%
	Partially met	31.6%
	Not met	6.3%
The appropriate special measures were applied for	Yes	82.6%
	No	17.4%
The application was timely	Yes	57.9%
	No	42.1%
There was a timely Victim Communication and Liaison (VCL) when required	Yes	55.6%
	No	16.7%
	Not done	27.8%
The VCL was of a high standard	Fully met	38.5%
	Partially met	46.2%
	Not met	15.4%

Question	Answer	All cases
Police service quality		
Rate the overall quality of the service from the police	Excellent	0%
	Good	31.7%
	Fair	50.8%
	Poor	17.5%
CPS service quality		
Rate the overall value added by the CPS	Excellent	0%
	Good	28.7%
	Fair	53.0%
	Poor	18.3%

D Area performance data

Outcomes	National			North East			Variance 2014-15 to 2016-17
	2014-15	2015-16	2016-17	2014-15	2015-16	2016-17	
Magistrates' court							
Successful outcomes	84.2%	83.8%	84.7%	81.9%	84.3%	84.7%	-
Discontinuance	10.5%	10.3%	9.6%	15.3%	12.5%	11.6%	-
Crown Court							
Successful outcomes	79.4%	79.2%	78.8%	81.5%	81.9%	80.3%	-
Judge ordered acquittals	12.5%	12.2%	11.6%	12.6%	11.3%	12.1%	-
Charging volumes							
Number of pre-charge decisions	307,037	276,696	265,275	17,345	15,328	13,090	-24.5%
Magistrates' court							
Guilty pleas	71.2%	71.2%	72.5%	68.1%	70.2%	70.8%	-
Attrition	22.4%	21.8%	20.5%	27.5%	24.7%	23.7%	-
Crown Court							
Guilty pleas	71.9%	71.4%	70.2%	76.6%	77.1%	73.2%	-
Attrition	20.5%	20.6%	21.0%	19.0%	18.1%	20.2%	-

Staffing and caseload changes						
	2014-15	2015-16	% change 2014-15 to 2015-16	2016-17	% change 2015-16 to 2016-17	2 yr average % change 2014-15 to 2016-17
Areas and CPS Direct plus Proceeds of Crime						
Staff in post	4,983.7	4,585.1	-8.0%	4,513.6	-1.6%	-9.4%
Prosecutors in post	2,240.3	2,110.7	-5.8%	2,113.0	0.1%	-5.7%
Administrators in post	2,743.4	2,474.5	-9.8%	2,400.6	-3.0%	-12.5%
Magistrates' court						
Completed cases	557,887	534,121	-4.3%	495,235	-7.3%	-11.2%
Contested cases	54,167	59,964	10.7%	55,323	-7.7%	2.1%
Contested cases proportion of completed cases	9.7%	11.2%	1.5	11.2%	-0.06	1.5
<i>Contested cases with conviction</i>	33,075	37,513	13.4%	35,685	-4.9%	7.9%
Proportion of contested cases resulting in conviction	61.1%	62.6%	1.5	64.5%	1.9	3.4
Contested cases per prosecutor*	24.2	28.4	4.2	26.2	-2.2	2.0
Crown Court						
Completed cases	98,505	96,338	-2.2%	85,881	-10.9%	-12.8%
Contested cases	16,847	17,351	3.0%	17,028	-1.9%	1.1%
Contested cases proportion of completed cases	17.1%	18.0%	0.9	19.8%	1.8	2.7
<i>Contested cases with conviction</i>	9,568	9,862	3.1%	9,675	-1.9%	1.1%
Proportion of contested cases resulting in conviction	56.8%	56.8%	0.0	56.8%	-0.0	0.0
Contested cases per prosecutor*	7.5	8.2	0.7	8.1	0.1	0.6

*Contested cases figures include mixed plea cases

Staffing and caseload changes						
	2014-15	2015-16	% change 2014-15 to 2015-16	2016-17	% change 2015-16 to 2016-17	2 yr average % change 2014-15 to 2016-17
North East						
Staff in post	264.9	237.7	-10.3%	247.1	4.0%	-6.7%
Prosecutors in post	104.5	93.6	-10.4%	99.4	6.2%	-4.9%
Administrators in post	160.4	144.1	-10.1%	147.8	2.5%	-7.9%
Magistrates' court						
Completed cases	36,966	35,799	-3.2%	30,061	-16.0%	-18.7%
Contested cases	2,088	2,316	10.9%	2,357	1.8%	12.9%
Contested cases proportion of completed cases	5.6%	6.5%	0.8	7.8%	1.4	2.2
<i>Contested cases with conviction</i>	1,291	1,480	14.6%	1,573	6.3%	21.8%
Proportion of contested cases resulting in conviction	61.8%	63.9%	2.1	66.7%	2.8	4.9
Contested cases per prosecutor*	20.0	24.7	4.8	23.7	-1.0	3.7
Crown Court						
Completed cases	4,978	4,724	-5.1%	4,253	-10.0%	-14.6%
Contested cases	552	569	3.1%	616	8.3%	11.6%
Contested cases proportion of completed cases	11.1%	12.0%	1.0	14.5%	2.4	3.4
<i>Contested cases with conviction</i>	278	270	-2.9%	323	19.6%	16.2%
Proportion of contested cases resulting in conviction	50.4%	47.5%	-2.9	52.4%	5.0	2.1
Contested cases per prosecutor*	5.3	6.1	0.8	6.2	0.1	0.9

*Contested cases figures include mixed plea cases

Efficiency, costs and quality	National			North East			Improvement/ deterioration 2015-16 to 2016-17	Comparison to national average 2016-17
	2014-15	2015-16	2016-17	2014-15	2015-16	2016-17		
Efficiency								
Completed cases per administrator (FTE)	239.3	254.8	242.1	261.5	281.2	232.2	Det	Worse than
Completed cases per prosecutor (FTE)	293.0	298.7	275.0	401.4	433.0	345.4	Det	Better than
In-house magistrates' court sessions	72.4%	70.5%	69.4%	73.2%	68.9%	76.7%	Imp	Better than
Associate Prosecutor magistrates' court sessions	27.0%	25.1%	24.5%	24.2%	25.7%	29.6%	Imp	Better than
Cases dropped at 3rd or subsequent hearings (magistrates' court)	34.1%	30.5%	29.6%	34.2%	31.8%	28.3%	Imp	Better than
Average sessions per Associate Prosecutor per week	5.59	6.50	6.72	5.29	7.09	7.38	Imp	Better than
Hearings per magistrates' court case (guilty plea)	1.87	1.80	1.69	1.96	1.86	1.72	Imp	Worse than
Hearings per Crown Court case (guilty plea)	3.84	3.97	3.65	4.24	4.32	3.93	Imp	Worse than
Percentage of magistrates' court guilty pleas at first hearing	70.8%	70.7%	70.0%	68.0%	66.9%	65.0%	Det	Worse than
Percentage of Crown Court guilty pleas at first hearing	33.1%	31.8%	39.9%	24.7%	24.8%	36.2%	Imp	Worse than
CPS savings per Crown Advocate	£65,389	£65,550	£63,193	£64,602	£89,981	£86,521	Det	Better than

Efficiency, costs and quality	National				North East				Comparison to national average 2016-17
	2014-15	2015-16	2016-17	Improvement/deterioration 2015-16 to 2016-17	2014-15	2015-16	2016-17	Improvement/deterioration 2015-16 to 2016-17	
Cost									
Prosecution cost per defendant (Crown Court)	£1,080	£1,124	£1,223	Det	£929	£951	£1,055	Det	Better than
Overall spend per completed case	£588	£602	£657	Det	£430	£422	£520	Det	Better than
Overall spend per total staff (FTE)	£77,404	£82,767	£84,641	Det	£68,031	£71,879	£72,231	Det	Better than
Outcomes									
Magistrates' court successful outcomes	84.2%	83.8%	84.7%	Imp	81.9%	84.3%	84.7%	Imp	Same as
Crown Court successful outcomes	79.4%	79.2%	78.8%	Det	81.5%	81.9%	80.3%	Det	Better than
Magistrates' court discontinuances	10.5%	10.3%	9.6%	Imp	15.3%	12.5%	11.6%	Imp	Worse than
Crown Court Judge ordered acquittals	12.5%	12.2%	11.6%	Imp	12.6%	11.3%	12.1%	Det	Worse than

FTE Full-time equivalent



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