



**HMCPSI**

HM Crown Prosecution  
Service Inspectorate

# Handling defence correspondence

**August 2019**

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## Who we are

Her Majesty's Crown Prosecution Service Inspectorate (HMCPPI) inspects prosecution services, providing evidence to make the prosecution process better and more accountable.

We have a statutory duty to inspect the work of the Crown Prosecution Service and Serious Fraud Office. By special arrangement, we also share our expertise with other prosecution services in the UK and overseas.

We are independent of the organisations we inspect, and our methods of gathering evidence and reporting are open and transparent. We do not judge or enforce; we inform prosecution services' strategies and activities by presenting evidence of good practice and issues to address. Independent inspections like these help to maintain trust in the prosecution process.

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# 1. Summary

**1.1.** Responding in a timely and appropriate manner to correspondence is key to providing effective customer service. Effective correspondence handling has a real impact on an organisation's reputation. For some time, there has been an anecdotal narrative that the Crown Prosecution Service (CPS) does not deal with correspondence effectively: that letters go unanswered, cases do not progress effectively, and this impacts the overall efficiency of the criminal justice system.

**1.2.** This inspection somewhat undermines that narrative. There are certainly things that the CPS can do to improve, and there were cases within our file examination where defence correspondence was not answered or there was no visible response on file – but this was in a minority of cases. Generally, the CPS dealt with defence correspondence quickly. In cases where the CPS needed to contact other agencies (usually the police) to obtain further information before it could answer the query, this was done quickly and in some cases (23.5%), answers were chased when other agencies did not reply. Section 6 sets out the full findings from our file examination.

### **This inspection somewhat undermines the narrative that the CPS does not deal with correspondence effectively**

**1.3.** The CPS's reputation in the defence community may be exacerbated by the lack of meaningful engagement with the defence. The fact that the defence is not one entity makes communicating and liaising about issues that may impact the service on both sides difficult. In all Areas we visited, there had been some attempt to engage, but this was ad-hoc. Our file examination highlighted examples of the CPS

trying to contact the defence and, in most cases, having to leave a message because defence solicitors were unavailable. Responses to our defence survey indicated that the defence's view was that the CPS rarely answers the phone.

**1.4.** The CPS should seek a joint commitment with the defence community to work together to determine the optimum model for engagement with the defence. More effective defence engagement will also present an opportunity for the CPS to set out the impact of poor practice on the efficiency of the system. In many cases, we found duplicate letters from the defence – because they sent them to more than one source – and also letters without any clear references, which creates additional work when linking to the file.

**1.5.** The CPS's case management system (CMS) was initially developed to replicate the paper file in a digital form. Over the years, there have been a series of system developments but, in its current form, it does not promote the effective management of correspondence. The CPS is investing in a new case

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management platform (Modern CMS) and some of the early functionality improves the process for managing and handling correspondence. However, there are some simple changes that would allow those dealing with defence correspondence to immediately identify whether all issues had been dealt with; for example, linking incoming correspondence and outgoing replies.

**1.6.** The current case management system<sup>1</sup> is not user friendly, requires multiple actions by staff to 'book in' incoming correspondence and, in cases with large numbers of items of correspondence, makes it extremely difficult to understand whether matters have been dealt with. In one simple case in our file examination, there were six items of defence correspondence on the same 'correspondence tab' as 230 pieces of case correspondence. Filtering and identifying only defence correspondence is not possible.

**1.7.** More recently, the CPS has started to create central correspondence teams in Areas. These units were in differing states of roll out in the four Areas we visited. It was too early for inspectors to assess whether the change was making a difference to the timeliness and quality of the handling of defence correspondence, but in other Areas where the units had been established for some time, feedback from the defence indicated that this model had a positive impact on the service they received. Whilst it is recognised that the units are still developing, it would be helpful if the CPS could develop a series of best practice and guidance at a national level, to support the roll out of the developing units.

**1.8.** We found that staff were generally aware of their remit in terms of what they could deal with and what defence correspondence may need to be answered by staff with legal knowledge. The CPS has developed a series of guidelines to support those working in the magistrates' court teams. This clearly sets out the scenarios of what should be dealt with. It would be helpful if this guidance was further developed to include common forms of correspondence received in the Crown Court unit. Between the Areas we visited, there was a noticeable difference in the levels of understanding of what paralegal officers could and should deal with and what needed to be referred to the lawyer in the case.

**1.9.** In September 2018, at a national workshop, a decision was taken to set a timescale of 48 hours for correspondence to be dealt with. This also includes the handling of defence correspondence. This change was not clearly understood or, in some cases, there was no awareness that this change had been made when we engaged with staff in Areas. The CPS needs to clarify the change and communicate this more effectively internally, as the levels of

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<sup>1</sup> The original case management system is being developed with a modern user interface and upgraded functionality. The updated system is commonly referred to as 'Modern CMS'.



awareness amongst many operational and legal staff were low. It was also unclear to inspectors whether the definition of 'dealt with' meant that the query should be fully answered or whether commissioning an action from a third party counted as 'dealt with'. We found that 90.7% of defence correspondence was logged in the CMS case file within 48 hours of receipt and 85.5% of correspondence was actioned on time.

**1.10.** We make the following recommendations.

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### Recommendations

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Area Business Managers in all Crown Prosecution Service Areas should ensure that staff are clear on the timescales for dealing with and responding to correspondence and whether this includes dealing with and responding to the request. (3.12)

Crown Prosecution Service Headquarters should develop a set of general principles and produce some general guidance setting out the types of defence correspondence that paralegal staff can deal with. (3.16)

Whilst recognising that the Crown Prosecution Service (CPS) cannot require the defence to work with it to develop a national strategy dealing with the issue of defence engagement, we nevertheless recommend that such a strategy would be of benefit to both parties, and that the CPS (Headquarters) should consider how best it can work with the defence to produce one. Once this has been developed, the CPS should provide any resultant best practice and guidance to Areas. (8.6)

**1.11.** We set out in the report a number of issues to address. Whilst the impact of these issues is not as great as our recommendations, the CPS will need to consider how it changes and improves its processes to address our concerns.

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### Issues to address

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Crown Prosecution Service Headquarters should ensure that all Areas are aware of the issue of undelivered and incorrectly filtered email, and that they monitor junk folders whilst exploring solutions at a national level. (5.9)

Crown Prosecution Service Areas should work with the defence and Her Majesty's Courts and Tribunals Service to ensure the effective use of the Crown Court digital case system. (5.19)

The Crown Prosecution Service should reinforce guidance to remind lawyers of the link between manual reminder tasks and dealing with correspondence, to ensure that only necessary tasks remain on the case management system. (5.48)

Crown Prosecution Service (CPS) Headquarters should review the use of the direct engagement log and communicate clear guidance to CPS Areas to ensure all legal staff understand the expectation of how frequently the log should be completed. (6.18)

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## **2. Context and methodology**

## Context

**2.1.** Management of correspondence is a key process which must be carried out by all agencies in the criminal justice system (CJS). Processing correspondence effectively and on time leads to the prompt progression of cases, reduces delays in the court system, and has the potential to save money across the CJS. Additionally, effective correspondence handling can also lead to service improvements for victims and witnesses and improved confidence in the Crown Prosecution Service (CPS).

**2.2.** When correspondence is not dealt with efficiently, it can introduce significant delays; cause unnecessary work for the CPS, police and wider CJS; and may result in victims and witnesses being requested to attend court when not required. Poor correspondence handling can increase overall resource costs and may lead to duplication of effort and other inefficiencies.

**2.3.** HMCPSP inspected correspondence management by the CPS in 2011, when most correspondence was managed using paper based systems. The CJS now uses digital systems as the primary way to manage, transfer and share information quickly. The CPS now receives the majority of its correspondence digitally directly to its case management system (CMS) or via secure email.

**2.4.** This inspection focused solely on the management and handling of defence correspondence by the CPS. There has been a narrative in the CJS community that the CPS does not handle or manage defence correspondence well. We were keen to test this narrative and produce a clear evidence base. For this inspection, we have only examined correspondence received from and sent to representatives of the defence. This correspondence often drives case progression and requires the CPS to make requests to investigating agencies to make further enquiries or provide additional evidence.

## Methodology

### The team

**2.5.** The team consisted of four business management inspectors. To inform the inspection, we used the framework at annex A.

### File examination

**2.6.** We examined a total of 200 contested files which were finalised in November and December 2018. The file selection examined 30 magistrates' court and 20 Crown Court cases, including both successful and unsuccessful

outcomes, in four CPS Areas. We examined the files against a standard question set, found in annex B. We sampled a maximum of five pieces of correspondence from each file against a series of measures: the date and type of the correspondence, the timeliness of the action taken by the CPS, whether the CPS had to make a request to another agency for information, and whether they answered all points raised. The four CPS Areas we visited were East Midlands, North East, West Midlands and Yorkshire and Humberside. The key results of our file examination can be found in annex C.

### **Analysis**

**2.7.** The inspection team reviewed a number of documents provided by the four CPS Areas, which related to key sections of the inspection framework. Inspectors assessed information relating to (amongst other things): training material about correspondence handling; CMS task management data; any complaints specifically related to the handling of defence correspondence; and specific actions related to the handling of correspondence set by CPS Headquarters in its quarterly performance meetings.

### **Survey of defence practitioners**

**2.8.** We invited defence practitioners to complete a digital survey on how they viewed the performance of their local CPS Area when they correspond. The four CPS Areas were asked to provide the contact details of 20 defence firms they have regular contact with. As well as writing directly to those firms, we published a letter in the Law Society Gazette in February 2019, encouraging defence firms in the Areas we were visiting to complete the survey and providing details of how to access the survey. 12 defence practitioners replied to our survey. The key results can be found in annex D.

### **Fieldwork**

**2.9.** The inspection team visited the four Areas in February 2019 and spoke with a number of local staff who were involved in managing and handling defence correspondence. We also spoke to senior managers responsible for operational delivery and strategy. Inspectors spoke to senior managers at CPS Headquarters who are responsible for some of the major IT changes that are being made to support the handling of correspondence.

### **3. National guidance and strategy**

## National guidance

**3.1.** CPS Areas receive correspondence from a number of CJS partners and other agencies. The majority of correspondence that drives casework is received from the police, witness care units, defence representatives and the courts. Correspondence with the defence is dealt with almost exclusively using secure email, with defence practitioners emailing requests to CPS Areas' centralised email boxes and the CPS responding with emails sent from the CPS case management system (CMS). Defence representatives can also serve defence case statements, along with other types of application, on the CPS in Crown Court cases using the Crown Court digital case system (DCS).

**3.2.** The CPS has clear guidance on how to deal with correspondence. This covers correspondence received from the defence. It is detailed in the CPS's Standard Operating Practice (SOP) and supporting 'how to' guidance. Nationally, the CPS has a strategy to improve the management of all correspondence as part of a wider case progression strategy.

**3.3.** The SOP sets out national processes that apply consistently to business practices. These provide a set procedure for all Areas to adhere to. The CPS has recently introduced further guidance on handling correspondence, which is intended to be supplementary to the SOP.

**3.4.** In interviews with senior staff at CPS Headquarters, we were told of work taking place and other initiatives planned with the police at a national level to improve the quality of files submitted by the police. It is hoped that these initiatives will help reduce the levels of defence requests for missing material by ensuring that better quality evidence is served in the initial details of the prosecution case. It is too early to assess whether this work will have the required benefit. Other HMCSI inspection work indicates that when incomplete police files are submitted, it can lead to increased requests from the defence.

## Reviewing current local arrangements for the handling of correspondence

**3.5.** As a result of an internal assurance report and concerns about Areas' compliance with the SOP, CPS Headquarters held a national workshop in September 2018 with representatives from all CPS Areas, with the aim of improving how correspondence is managed. It was acknowledged by CPS Headquarters that senior operational managers had faced issues when changing the culture from a paper based system to an environment where operational delivery staff use email and task lists to manage and prioritise correspondence. Another aim of the workshop was for senior operational

## Handling defence correspondence

managers to consider how they could instil long lasting cultural change by empowering operational delivery staff to take responsibility for responding to defence correspondence when appropriate. This would mean that correspondence was being dealt with by the right staff at the first opportunity.

**3.6.** Following the workshop, CPS Headquarters provided Areas with a correspondence toolkit, based on guidance developed by CPS London. The toolkit brought together new and existing guidance to help Areas review local strategies for handling correspondence. The guidance set out the types of correspondence that operational delivery staff can deal with, along with details of the action that should be taken. Areas were asked to amend the toolkit to accommodate local practices.

**3.7.** Inspectors were told by operational managers in all four Areas that the toolkit had been adapted for local purposes and shared with operational delivery staff. However, during focus group discussions it was apparent that the majority of legal managers, lawyers and paralegal staff were unaware of the toolkit. Instead, they relied on their own experiences and how they thought that correspondence should be managed and responded to.

**3.8.** As well as the guidance in the toolkit, CPS Areas were also asked to complete a draft action plan. This was intended to help Areas address some of the long standing issues around correspondence handling. CPS Headquarters requested that all Areas carry out a standard set of actions to help them develop processes and systems that would improve general correspondence handling. Areas were asked to:

- review structures
- implement a revised timescale for dealing with correspondence
- ensure all staff had access to the national toolkit
- develop training plans for all staff, to include yearly refresher training.

**3.9.** In each of the Areas we visited, managers had reviewed their structures and had amended them or were in the process of moving to a single correspondence unit. It was not clear whether Areas had considered how this change would improve the overall handling of correspondence and the impact this would specifically have on the management and handling of defence correspondence.

**3.10.** As part of the evidence provided, we noted that the Areas we visited had completed action plans. These had been submitted to CPS Headquarters. Whilst inspectors understand that a local solution may be the most effective way to

develop structures, the senior managers we spoke to felt that a lack of general guidance from CPS Headquarters about what an effective model should include (based on the experience of where different structures had been trialled) was a missed opportunity. Inspectors found that in each Area, some of the discussion replayed similar issues. CPS Headquarters may wish to consider following up the action plans by assessing the effectiveness of the structures used in the Areas.

**3.11.** Based on conversations with managers and staff involved in the handling of correspondence, there is a long standing organisational assumption that the CPS deals with correspondence within 24 hours of receipt. However, this is not set out in CPS guidance or the SOP; there is no specific guidance that sets 24 hours as a target or timescale for action. At the national workshop in September 2018, it was felt that because of resource issues, dealing with correspondence in 24 hours was not achievable.

**3.12.** Senior managers agreed that Areas should implement a two working day (48 hour) standard response time for all mailbox items. This was to be communicated across the CPS and Area Business Managers (ABMs) were charged with ensuring this was understood locally. During the course of the inspection, there was an inconsistent response from staff about the timescale for managing correspondence. Some operational delivery staff told inspectors that they were unclear whether the 48 hour timescale was to provide a response or to forward the correspondence into the case management system (CMS). Most lawyers and paralegal staff inspectors spoke to were unaware of a specific timescale and instead referenced the escalation process of tasks in the CMS. Once tasked to a lawyer, the CMS allows three days for a response before the task becomes overdue.

<b>Recommendation</b>
Area Business Managers in all Crown Prosecution Service Areas should ensure that staff are clear on the timescales for dealing with and responding to correspondence and whether this includes dealing with and responding to the request.



## Training

**3.13.** CPS Headquarters wrote to ABMs in October 2018 to clarify the training available to Areas following the national workshop. This identified two options available to Areas:

- correspondence handling training, which would have to be delivered locally, based on the correspondence toolkit
- specific training in managing correspondence in the CMS: a practical course that would be provided by the operations directorate to Area digital trainers, who would then be charged with delivering it locally.

**3.14.** Whilst we found that most operational delivery staff were familiar with the toolkit, most of the paralegal officers and lawyers we spoke to were not aware of this guidance. During interviews, the only Area where specific reference was made to the toolkit was West Midlands, where paralegal officers told inspectors that they had been issued with the toolkit.

**3.15.** The toolkit makes no reference to the role of the paralegal officer and what they can deal with without escalating to a lawyer. The CPS may wish to consider producing guidance for paralegal officers as to what types of defence correspondence they should respond to without the need to refer to a lawyer.

**3.16.** Staff in all four Areas identified that they had received training in how to manage casework using the SOP as well as some refresher training on task management in recent months. However, this did not specifically cover the handling of defence correspondence. Despite this, some staff of all grades told inspectors that they were unaware of where national guidance could be found. Inspectors were told that clearer and consolidated guidance would be welcome.

### Recommendation

Crown Prosecution Service Headquarters should develop a set of general principles and produce some general guidance setting out the types of defence correspondence that paralegal staff can deal with.

**3.17.** West Midlands had recognised that operational delivery staff had less experience in dealing with Crown Court correspondence. As a result, the Area had identified an experienced paralegal officer to train the operational delivery staff in the direct contact team (centralised correspondence unit). The Area had also drafted additional guidance to help staff in the unit identify the type of defence correspondence that could be dealt with before escalating it. The guidance was still being developed at the time of the visit, but operational delivery staff told inspectors that the initial draft was helping them to identify aspects of Crown Court correspondence they could deal with.

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**3.18.** Where staff training had been completed, inspectors were told that this was usually with colleagues from the same profession (operational delivery or legal) and focused on the tasks and responsibilities for their grade without giving an overview of the overall process. This does not allow staff to easily understand how their role can impact on other grades or professions when tasks are not fully completed. Training which gives an overview of the whole process of handling a piece of correspondence would help to raise awareness and improve efficiency.

## **4. Structures and staffing**

## Structures of systems in Areas

**4.1.** All Areas we visited had decided to move to a single specialised correspondence unit, with the aim of improving efficiency and increasing resilience. In some cases, the Areas considered that this would allow them to deal with some of the issues involved with handling and managing correspondence.

**4.2.** CPS West Midlands created a centralised correspondence unit in April 2018, but the units in the other Areas we visited were established more recently. At the time of our visit, CPS East Midlands was just beginning the process of moving to a centralised unit. CPS North East commenced with the new structure in November 2018 and Yorkshire and Humberside in February 2019. All Areas had contacted other Areas that had already established a central correspondence unit in order to learn from the experience.

**4.3.** The centralised correspondence units incorporate a number of functions. The units deal with:

- the Area's mailboxes that receive email correspondence from defence solicitors, the police and the courts
- any letters or other information that are received on paper and scanned to produce a digital copy
- digital evidence which is uploaded to Egress, the system used by CPS to store digital information.

**4.4.** The more established units in the CPS deal with incoming telephone calls, mainly from the defence. None of the Areas we visited had or planned to have the central correspondence unit operating as a focus for all incoming telephone calls, though CPS West Midlands was considering this approach. West Midlands has also aligned the Victim Liaison Unit (VLU) to the central correspondence unit to bring together the responsibility for dealing with all incoming correspondence. Other Areas were considering adopting the same model of aligning the VLU.

**4.5.** Once established and operational, Areas will need to review the effectiveness of the new structures to ensure that they deliver an improved service.

## Staffing and rotation

**4.6.** The centralised correspondence units present the opportunity to have a specialised team of staff dealing efficiently and effectively with all incoming correspondence. In the Areas we visited, inspectors saw operational delivery staff with a range of experience in these units, from very recent recruits to staff with many years' experience. The unit in the North East had experienced operational delivery staff and the benefits of this were observed in the way they were able to deal with correspondence effectively, either by dealing with it themselves or by being able to identify urgent correspondence and ensure that the person responsible for dealing with it was available. Guidance is available to operational delivery staff via the correspondence toolkit (see paragraph 3.6) and SOP, but these cannot cover all types of requests or enquiries from the defence, nor replace a good understanding of the prosecution system.

**4.7.** The correspondence units are supervised by operational delivery business managers. We found that whilst the role of the manager was broadly similar, there was some variation. The manager ensures that all mailboxes are cleared and will move work between staff on the unit as the need arises. Managers monitor the work and produce daily figures on the work done and any outstanding work to be prioritised the following day.

**4.8.** In Yorkshire and Humberside, an operational delivery business manager sifted the magistrates' court mailbox, looking at the contents of the correspondence and dividing work between the unit's staff, including indicating which correspondence is to be dealt with by the operational delivery staff. While this may be a practical approach, allowing an experienced manager to direct work to staff of the appropriate level, it is difficult to see, given the volume of correspondence received on a daily basis, how one individual can sift all incoming correspondence. There is also a risk that this de-skills (or stops the development of) those working in the unit. Whilst inspectors could see some benefits of this approach, it comes with a risk of resilience and de-skilling that may outweigh the benefits set out by the Area.

**4.9.** In the past, the responsibility for managing and dealing with incoming correspondence had been part of the case progression manager's (CPM's) role in some Areas. CPMs were generally experienced paralegal staff. The job description for the CPM included *"To effectively manage a robust gateway by filtering all incoming communications, ensuring that timely responses and actions required are completed expeditiously."* In many instances, the CPM had been seen as a single point of contact for the defence and staff told us that the CPM had been able to assist Crown Court paralegal officers who were not immediately available by dealing with correspondence requiring urgent action.

**4.10.** The role of the operational delivery business manager in Yorkshire and Humberside has some similarities to the old CPM role, in terms of filtering correspondence, but it does not retain the responsibility for overseeing timely responses and action. Many of the staff we spoke to, at all levels, felt that the loss of CPMs had resulted in poorer service when dealing with correspondence. However, the CPS's guidance is quite clear that responsibility for managing and handling correspondence falls across various roles, and if the processes operated effectively and roles were fully resourced, the management of correspondence should be effective.

**4.11.** It was clear from the documents provided, and from speaking to staff, that Areas have had difficulties dealing with the volume of work that comes into the centralised correspondence units. Units are resourced in accordance with the national resource model, but all the Areas we visited had found it necessary to allocate overtime at some point in order to deal with the unit's workload. All Areas reported difficulties at the time of our inspection, particularly in relation to dealing with digital media received from the police. In the national action plan produced after the September 2018 workshop, CPS Headquarters accepted that the assumptions made in the national resource model needed to be reviewed to ensure that the correspondence units were adequately resourced. This work is ongoing.

### Telephone contact

**4.12.** The creation of correspondence units was in part to ensure that there is an initial resourced point of contact. An issue raised by the defence solicitors who responded to our survey was the difficulty they have contacting the right person in CPS by phone. The comments mentioned that getting through to anyone in the CPS was difficult and that, when calls were answered, being put through to someone who could discuss the case was not often straightforward. This is a long standing issue and the CPS recognises that this is a problem and has been a narrative of the defence for a long time.

**4.13.** CPS Headquarters told us that feedback in those Areas where central correspondence units have existed for a while is positive about the impact of this change. The four Areas we visited had yet to develop the correspondence units to take phone calls. It appears, from the limited feedback we received from our defence survey (12 respondents), that being able to get through the right person remains an issue for the defence – despite the CPS introducing a process which informs the defence of the name and phone number of the reviewing lawyer and the name of their manager in cases. However, given the feedback elsewhere, the creation of correspondence units that take all phone calls may address this issue.

**4.14.** Effective telephone contact between the CPS and the defence is further complicated by the unavailability of the defence. Many paralegal officers and lawyers mentioned that they had difficulties contacting the defence by phone, with defence solicitors often not being available to take the call, and that messages they left were not regularly returned. We saw examples of this in our file examination. CPS North East had held events at a number of magistrates' courts aimed at improving defence engagement and felt that phone contact had increased recently as a result.

**4.15.** In all Areas we visited, staff identified issues with the operation of the telephone system used by the CPS nationally. As the Areas were yet to move all calls to a central unit, Areas operated 'hunt groups' on the phone system, where any member of a team in the group could pick up the call. We were given many examples of where this facility did not work effectively.

**4.16.** Areas' managers accepted that issues with the phone system needed to be addressed, and have issued further instructions to staff. There are also plans to improve the national telephony system. Some senior Area managers were concerned that there had been a change in culture around staff taking responsibility for picking up and handling phone calls; some felt that this may be because of remote working and the fact that phones ringing cannot be heard. In one Area, operational delivery staff were monitoring instances where they were not able to put calls through to lawyers and this information was being fed back to legal managers to investigate. CPS Headquarters told us that a more effective IT based telephone system will be introduced across all Areas before the end of 2020, which will address some of the issues raised.

**4.17.** Some Areas have introduced a direct phone line number for the defence to contact to request initial details of the prosecution case (IDPC) on the day of the first hearing. In responses to our survey, the defence mentioned having difficulties getting through to this number on the morning of the hearing. Some respondents said that the line is constantly engaged and that it makes it difficult to obtain IDPC before the hearing. Engaging with the defence to obtain feedback on the operation of these direct phone numbers, while encouraging the defence to request IDPC before the day of the hearing, would allow Areas to consider the best way forward.

## Impact of dealing with hard media

**4.18.** In all Areas, operational delivery staff assigned to handling correspondence reported pressure on resources caused by uploading digital evidence to Egress. This had required staff to work overtime on several occasions to clear backlogs. Issues included:

- variable upload speeds to Egress
- the unpredictability of the number of discs which would be received from the police.

**4.19.** Staff told inspectors that there was an expectation that uploading material to Egress could be completed as they carried out their allocated duties. They felt that this was not always realistic.

**4.20.** There had been some work to improve speeds with Egress recently, but at the time of our visits to the Areas, the volume of material received on disc from the police and the time taken to upload material to Egress remained an issue. In CPS North East, one local police force (Northumbria) operates a different system, requiring no resource input from CPS staff. Instead, the material is accessible through a link sent by the police. CPS Yorkshire and Humberside was involved in a pilot that removed the need for the discs to be sent to the CPS, but it still required some resource because the material had to be downloaded, saved and uploaded to Egress.

**4.21.** CPS Headquarters told inspectors that Egress was a temporary solution and that in the long term, there is an expectation that all police forces will have a system similar to the one seen in the North East. The effect of the issues around Egress was to increase the pressure on the resources in the correspondence units.



## **5. Process for handling correspondence**

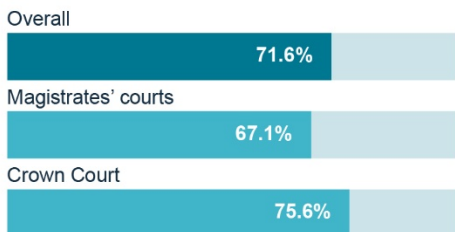
## Area mailboxes

**5.1.** To manage incoming correspondence, all CPS Areas have a number of centralised mailboxes to which the defence and other agencies send emails. We found inconsistencies in the number and structure of mailboxes used in the Areas. Areas split mailboxes in several ways, often between magistrates' court and Crown Court cases, and sometimes further by court region and/or by case type (contested and non-contested).

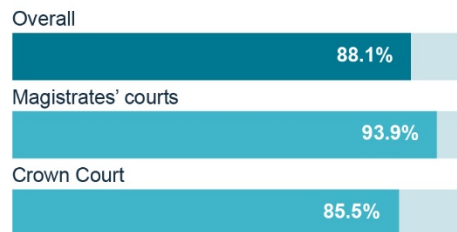
**5.2.** In three of the Areas we visited, there were at least six separate mailboxes. In Yorkshire and Humberside, the Area had reduced the number of mailboxes to two – one for all magistrates' court correspondence and one for all Crown Court mail. This streamlined structure for the mailboxes potentially offers less confusion for external agencies aiming to send emails to the correct mailbox. However, it concentrates the volume of receipts into two mailboxes. Our file examination revealed that of the four Areas, Yorkshire and Humberside had the lowest percentage of emails forwarded onto the case in the CMS within 24 hours – 51.3% in magistrates' court cases against an average of 75.7% across the four Areas, and 76.8% in Crown Court cases against an average of 83.9%.

### Percentage of correspondence entered into CMS within 24 hours

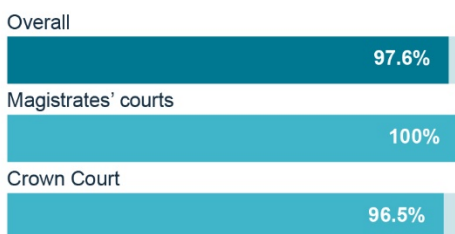
#### East Midlands



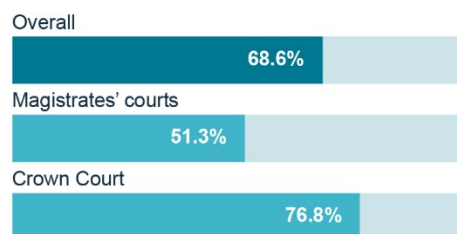
#### West Midlands



#### North East



#### Yorkshire & Humberside



#### Magistrates' courts overall



#### Crown Court overall



#### Overall average



## Handling defence correspondence

**5.3.** Area staff tasked to deal with correspondence also raised concerns about the delays in moving the correspondence from the mailbox to the case on the CMS. At the time of our visit, the Area was introducing a new central correspondence unit, which may improve performance.

**5.4.** Of the 12 defence solicitors who responded to our survey, 83.3% confirmed that they sent correspondence to the CPS by secure email. None mentioned any issues with the structure of the mailboxes being a barrier to effective contact. However, staff told us that defence solicitors may send the same email to multiple mailboxes, which adds to the volume of receipts.

**5.5.** In order to sort and prioritise defence correspondence more effectively, the CPS asks defence solicitors to put enough information in the subject line to allow efficient clearing to appropriate sub-folders and forwarding to the CMS. Of the 24 magistrates' courts cases in our file examination that included email requests for IDPC, nine (37.5%) had been correctly labelled by the defence. Of the 18 Crown Court files with such requests, nine (50%) had been correctly labelled.

**5.6.** Yorkshire and Humberside had taken steps to raise awareness of this requirement amongst defence solicitors by sending out a letter. All Areas should raise awareness amongst the defence firms they deal with to ensure that they receive enough detail in subject lines to deal with them effectively.

**5.7.** While we were on-site in the Areas, we were told of a number of technical issues related to sending and receiving emails. This has an impact on the efficiency and effectiveness of dealing with correspondence.

**5.8.** Simply, the issue relates to the receipt of emails into the Area mailboxes. Some emails, including those from the defence, were being directed to junk folders instead of the correct mailbox folder. It also appeared that notifications of undelivered emails were also being directed to the junk folders. All CPS Areas need to be aware of this issue and ensure that junk folders are checked on a daily basis.

**5.9.** There is another technical issue that may hamper the effective handling of correspondence with the defence. If the defence's secure mailboxes are at their limit, responses sent by the CPS are not able to be delivered. It is not always obvious to the sender that the email has not been properly delivered.

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### Issue to address

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CPS Headquarters should ensure that all Areas are aware of the issue of undelivered and incorrectly filtered email, and that they monitor junk folders whilst exploring solutions at a national level.

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## Volumes

**5.10.** The volume of emails received varies from day to day. Staff estimated that they were regularly dealing with between at least 120 to 150 items of correspondence a day, from a number of sources including the defence, the police and the courts.

**5.11.** As part of our file examination, we noted how many pieces of correspondence were received from the defence in each case. We estimate that Areas received 1.6 items of defence correspondence on average in magistrates' court contested cases, and 7.7 pieces on average in Crown Court contested cases. Using these figures, we would estimate that the minimum number of items of defence correspondence received by the CPS per year in contested cases would be 67,507 in magistrates' court cases and 99,854 in Crown Court cases. Using this average, the table below illustrates the minimum number of items of defence correspondence that would be received in the Areas we visited in one year.

CPS Area	Magistrates' courts	Crown Court	Total
East Midlands	5,963	6,014	11,977
North East	2,952	3,573	6,525
West Midlands	7,814	10,772	18,586
Yorkshire and Humberside	6,086	8,016	14,102

**5.12.** Operational delivery staff and managers constantly monitor and clear mailboxes throughout the working day. Emails are also received outside office hours and at weekends.

**5.13.** Concerns about the volume of emails in the mailboxes led the Areas we visited to check the external mailboxes, noting who had sent each email and whether it was appropriate to send it to the external mailbox. Common issues were found in all the Areas we visited after these checks. The issues fall into three broad categories:

- repeat emails from defence solicitors and, in some instances, the defence sending a number of emails at the same time for individual items that could have been included in one email
- emails sent from the police to the mailbox rather than across the two-way interface directly into the CMS
- emails between CPS staff relating to cases, which have been copied into the mailbox unnecessarily.

**5.14.** These issues add to the volume of emails received, which increases the pressure on the operational delivery staff dealing with the mailboxes against time targets. The fact that CPS staff are adding to the emails in the mailboxes has been addressed in all Areas we visited. However, we were told that this is still an issue. Areas need to take ongoing and effective action to address these issues and reduce the number of emails forwarded to the mailboxes unnecessarily.

**5.15.** Areas have tried to address issues with the volume of defence emails through several methods. Yorkshire and Humberside had written to defence firms requesting that they do not send emails to multiple mailboxes because the duplication causes delays. In other Areas we visited, there was evidence of individual feedback to defence firms where a particular problem was identified. CPS East Midlands had held a meeting with a number of defence firms in one part of the Area, which provided a useful forum for the CPS and the defence to raise and resolve issues. However, these meetings were limited to defence solicitors in one county in the Area and had not been repeated. Action is ad-hoc.

**5.16.** Legal and paralegal staff also received emails from the defence direct to their individual work email addresses. In some instances, these duplicated emails sent to the Area mailboxes. With case ownership and identified lawyers being named in letters to the court and defence, some staff told inspectors that there appears to have been an increase in emails being sent directly to the lawyer in the case. Whilst this may not be a significant problem in terms of the number of emails, it has the potential to cause problems with case progression. If the recipient is away from work for any length of time, the email will not be accessed. Area staff have been reminded to ensure that out of office messages are used when they are away from the office. The practice of the defence sending emails direct to the lawyer, and not via the general mailbox, presents an organisational risk. CPS Headquarters and Areas need to consider whether effective processes are in place to mitigate the risk.

**5.17.** The introduction of the Crown Court digital case system (DCS) has led to the duplication of material being sent from the defence to the CPS. The defence has the facility to upload documents to DCS and send a notification to the case in the CMS, alerting CPS staff to new documents and bypassing the CPS mailbox. The DCS brings a risk to the efficiency of the system.

**5.18.** We were told that the defence often sends the same documents both to the CPS mailbox and via DCS. Our file examination confirmed this; we saw a significant number of Crown Court cases with the same item of correspondence from the defence on the CMS at least twice. In our interviews, it was apparent that Area staff were unaware whether Her Majesty's Courts and Tribunals Service had produced guidance setting out the process to be followed by all

parties using DCS. Such guidance might solve the issue of duplication. It was also not clear whether Areas were tackling this duplication and inefficiency with the courts or defence firms.

**5.19.** Staff also told us that the defence may enter correspondence on DCS which the CPS needs to be aware of, but neglect to use the facility in DCS to send the notification to the CMS. This can have a negative effect on case progression, because the CPS will not be aware of the correspondence and any action it needs to take.

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### Issue to address

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Crown Prosecution Service Areas should work with the defence and Her Majesty's Courts and Tribunals Service to ensure the effective use of the Crown Court digital case system.

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## Timescales for dealing with correspondence

**5.20.** As set out in section 3, there was a lack of clarity in Areas as to the timescales for dealing with correspondence. In some Areas, the operational delivery staff in the correspondence unit believed that they had 48 hours to move an email into the case on the CMS and either task it to a lawyer or paralegal officer, or deal with it themselves. In other Areas, staff believed the timescale was 24 hours. Inspectors also consider the national guidance to be unclear and somewhat open to interpretation.

**5.21.** Most staff we spoke to believed that a 48 hour timescale to respond to defence correspondence was not achievable in all instances. This is because of the time it takes to move the correspondence from the mailbox onto the CMS, and because the CPS often has to contact the police to be able to provide a full response to the defence. We recommend that the position needs clarification (see paragraph 3.12).

**5.22.** The national action plan raised the possibility of implementing an automatic email response to the defence on receipt of correspondence. Some Areas were considering this as an option but there are technical issues that need to be resolved in setting up automatic responses.

**5.23.** Yorkshire and Humberside sends acknowledgement letters by email on receipt of defence correspondence. This is not an automated response, and it requires the operational delivery staff to complete and email a template letter, which informs the defence solicitor that the CPS has received their correspondence and that it will be dealt with. In a digital environment in which

the sender would usually receive a failed notification if an email had not been delivered, such a response appears to serve little purpose. In terms of efficiency, using the operational delivery staff's time to send out these acknowledgement letters can only add to the pressures on them, and could cause delays in dealing with incoming correspondence.

**5.24.** Correspondence unit staff generally dealt with emails in order of receipt, but also looked to prioritise emails where it was clear that the case was in court that day or the next. The speed at which emails could be moved into the CMS was influenced by the information given in the subject line of the defence email. We observed that, where the defence had not included essential details such as the unique reference number or the defendant's full name and date of birth, this caused additional work for the CPS to identify the correct case on the CMS. Some operational delivery staff sent the email back to the defence if it was missing this information, asking for the necessary details, but others would search on the CMS or other systems to try to identify the case. This clearly causes delays in dealing with correspondence. Better engagement with the defence locally would allow Areas to feed back about issues such as this that could improve the efficiency of dealing with defence correspondence.

## Labelling on the CMS

**5.25.** An important part of the work undertaken by staff in the correspondence units is to ensure that the piece of correspondence is placed into the correct case on the CMS, with a description identifying which organisation has sent it and a short and accurate summary of the content. This allows the person tasked to deal with it to prioritise their work. It also makes it easier to find particular pieces of correspondence that may need to be referred to at a later date amongst other items on the case.

**5.26.** During our file examination, we found regular inconsistencies in these descriptions of the sources of communications. This caused issues if staff had to identify correspondence from a particular source quickly. Of the 492 applicable pieces of correspondence we examined, 332 (67.5%) were labelled correctly as being a communication from the defence.

**5.27.** If correspondence is correctly labelled, staff can apply a filter in the CMS to search for correspondence from specific sources. However, this additional process was not regularly used. The Modern CMS makes it easier to apply these labels to correspondence. The CPS should consider whether this function should be mandated in its guidance and whether staff should be trained in using it.

## Handling defence correspondence

**5.28.** The process of summarising the contents of a piece of correspondence can be difficult when it contains several issues or requests. Operational delivery staff were expected to summarise the most important or urgent aspects of the communications they read in a few words, for action by a lawyer or paralegal staff. A degree of experience was often necessary to do this quickly and accurately.

**5.29.** The CPS's SOP and correspondence toolkit (see paragraph 3.6) contain a suggested national standard for labelling different types of correspondence. However, we did not see staff referring to this document. Our file examination also highlighted variations in practice. Legal and paralegal staff in all Areas mentioned that they did not always find the description of the item of correspondence accurate or helpful; this was particularly so in Crown Court cases.

**5.30.** The CMS does not link together the incoming correspondence from the defence with the response sent by CPS. The CPS recognises that this is an issue, and is trying to address the limitation by developing improved systems of correspondence management in the Modern CMS.

**5.31.** Issues can arise when checking whether defence correspondence has been dealt with. If a large Crown Court case was reallocated to paralegal staff or a reviewing lawyer partway through the proceedings, staff found it difficult to check that appropriate action had been taken on correspondence received.

**5.32.** Correspondence from all parties, including the CPS's responses, is listed in date order on the CMS. In some cases this list can contain hundreds of items. In one Crown Court case we examined that involved five defendants, there were 45 items of correspondence from the defence – but this was in a list of more than 1,500 incoming and outgoing communications. The list included items from the police, the witness care unit and the court, as well as internal emails and notes between staff involved in the case. In a less complex case involving one defendant, there were six items of incoming defence correspondence among 230 items in total.

**5.33.** We have been assured that the Modern CMS will make the management of correspondence more effective, but there will still be a reliance on operational delivery staff to accurately summarise the content of incoming correspondence from the defence.

## Allocation

**5.34.** Operational delivery staff dealing with correspondence allocate it to lawyers and paralegal officers when they are unable to deal with it. All the Areas



we visited aimed to ensure that work arising from correspondence was dealt with by the right level of staff in order to improve efficiency savings. Our file examination found that, of the 374 pieces of correspondence where it was possible to identify who had dealt with it, 96% had been handled by the correct level of staff.

**5.35.** The correspondence toolkit is designed to assist with the process of allocation by setting out the types of correspondence that operational delivery staff can deal with and the actions they each require. This will reduce the volume of correspondence unnecessarily allocated to lawyers. In our file examination, we found that 17.1% of correspondence had been dealt with by operational delivery staff, and 57.5% by lawyers. The remaining 25.4% was dealt with by other grades.

**5.36.** The toolkit guidance is primarily concerned with magistrates' court cases and does not specifically cover work that operational delivery staff can deal with on Crown Court cases.

### **National guidance would provide some consistency in what paralegal officers deal with and would identify any gaps in training**

**5.37.** Few lawyers and paralegal officers had seen the toolkit, and were therefore unsure what the operational delivery staff had been instructed to deal with. Many lawyers and paralegal officers said that they often dealt with work that they believed operational delivery staff could have dealt with; it was easier to deal with it than send it back. In all Areas we visited, there was limited evidence of feedback between paralegal staff or lawyers and operational staff

regarding inappropriate allocation. Feedback to correspondence unit managers would help to reduce this occurrence and improve efficiency. Greater awareness by all staff of the work that operational delivery staff can carry out would also help make sure that feedback is based on the standards and expectations set out in the guidance. It would also keep more work at the appropriate grade.

**5.38.** Most correspondence in Crown Court cases was allocated to the paralegal officer assigned to the case. The paralegal officer would deal with the correspondence if appropriate and refer to the reviewing lawyer if necessary. However, lawyers felt that what they dealt with depended on the experience of the paralegal officer. In our file sample, paralegal officers had dealt with 29% of the correspondence in Crown Court cases and lawyers had dealt with 54.3%.

**5.39.** CPS West Midlands carried out a task clearing exercise following the national workshop. This identified reminder tasks allocated to lawyers which could have been dealt with by paralegal officers, and this has helped the Area to

identify training requirements for paralegal staff. National guidance would provide some consistency in what paralegal officers deal with and would identify any gaps in training.

**5.40.** The experience of the operational delivery staff in the correspondence units was also a factor in ensuring that they identified correspondence that required urgent action. Operational delivery staff can add a red flag to the task in the CMS, alerting the lawyer or paralegal officer to prioritise the case. We were told that this was not often used and some staff were not aware of this as an option. All staff should be reminded to use this option in appropriate circumstances.

## CMS correspondence tasks and task lists

**5.41.** Operational delivery staff forward correspondence received from the defence to the CMS. If they cannot deal with the request, then they have to raise a task in the CMS for either the reviewing lawyer (in magistrates' court cases) or the allocated paralegal officer (in Crown Court cases).

**5.42.** Tasks are configured in the CMS to an agreed national standard, allowing the task to automatically escalate according to set timescales. Due dates are automatically calculated from the date the task is created, and are not influenced by the date the correspondence was received or the next court hearing date. For example, if a defence letter was received on 1 June, even if action was required for a court hearing date on 3 June, the system would set a due date of 4 June; the system automatically uses a three day timescale regardless of the urgency of the task. We found that the due date cannot be altered manually to an earlier date.

**5.43.** Between the nationally agreed 48 hour timescale to raise a task in the CMS and the automatic system-generated three day due date, this gives a maximum of five days to deal with defence correspondence. The CPS recognises the limitation of the CMS, but this makes the management and handling of urgent correspondence more time consuming and dependent on a timely and effective process to manage correspondence. Our file examination findings, set out in section 6, indicate that there is some room for improvement.

**5.44.** The correspondence toolkit refers to weightings related to dealing with defence correspondence. However, these do not reflect how CMS tasks are configured in terms of due dates. It was clear from our discussions with staff that there was confusion about the overall timescales for dealing with correspondence. We have addressed this in our recommendations (see paragraph 3.12).

**5.45.** Task lists are not a true reflection of the volume of outstanding correspondence requiring action on a case. Only one correspondence task can be raised on a case at any one time, regardless of how many pieces of unread correspondence require attention. For example, we saw one Crown Court case with 41 unread items of correspondence under the single correspondence task. This included correspondence from the police, defence and counsel, and internal memos.

**5.46.** In managing a task list, individuals can apply filters to help them prioritise their work – for example, if a defendant is in custody, or by hearing date – but workloads cannot be filtered by the source of the correspondence. There is an expectation that staff deal with work in due date order and the February 2019 action plan expected all CPS Areas to remind staff of this. However, many staff we spoke to felt that working to the due date did not always reflect the priority. Staff often managed their work in hearing date order instead.

**5.47.** In Crown Court cases, paralegal staff must add an additional ‘reminder’ task when there is a request from the defence which requires a decision from a lawyer. Inspectors were told that reminders were often left on the CMS and had to be cleared at a later time, when other work was carried out or additional checks made. When the lawyer has completed the required action and cleared the correspondence task, the associated reminder is not automatically removed, leading to an increase in reminders about correspondence that has already been dealt with. Deleting reminders after dealing with them would allow staff to deal more efficiently with outstanding work.

**5.48.** The whole structure of task lists is focused on numbers. Given the limitations of the CMS, these are at best an estimate of the amount of outstanding work. If the CPS is to have a better understanding of the management of correspondence, any future system will need to have the capability to track and manage correspondence from different recipients. Based on our discussion with the CPS, this functionality is a long way off.

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### **Issue to address**

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The Crown Prosecution Service should reinforce guidance to remind lawyers of the link between manual reminder tasks and dealing with correspondence, to ensure that only necessary tasks remain on the case management system.

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## **6. CPS effectiveness in dealing with defence correspondence**

## Outcomes of our file examination

**6.1.** We examined 200 files and 503 pieces of defence correspondence. Of the 503 pieces of defence correspondence, 181 related to magistrates' court cases and 322 related to Crown Court cases. 41 of the 503 did not require the CPS to respond.

**6.2.** The majority of the correspondence received from the defence (390 items, 77.5%) was via secure email.

**6.3.** Of the 503 pieces of correspondence we examined, 395 (78.5%) were received 10 or more working days ahead of the trial – 114 of the 181 pieces of correspondence related to magistrates' court cases (63%) and 281 of 322 pieces related to Crown Court cases (87.3%).

**6.4.** Our file examination showed 407 pieces of correspondence (80.9%) had been transferred into the CMS within 24 hours of their receipt – 75.7% of magistrates' court correspondence and 83.9% of Crown Court correspondence. Twenty-nine pieces of correspondence (5.8%) were transferred into the CMS four or more days after receipt. The average time taken between receipt and transfer into the CMS was 0.95 days.

**6.5.** We examined the types of correspondence received and found that 36% of the correspondence did not fall into a standard description (standard items include defence case statements, requests for evidence, and requests for initial details of the prosecution case, amongst other things). The fact that more than one third of correspondence was not standard emphasises the importance of there being an accurate summary of the contents of the correspondence (see paragraph 5.27).

**6.6.** 462 of the pieces of correspondence we examined required some action by the CPS. We found that 395 (85.5%) had been initially actioned in the CMS. In the magistrates' court cases, 80.4% of defence correspondence had been actioned upon receipt, and in the Crown Court cases, 88.4% of correspondence had been actioned upon receipt. The performance varied between Areas. In the North East, only 9 out of 111 pieces of correspondence (8.1%) were not initially actioned; in the East Midlands, this was 16 out of 137 pieces (11.7%); in the West Midlands, 20 out of 103 pieces (19.4%); and in Yorkshire and Humberside, 22 out of 111 pieces (19.8%).

**6.7.** Of the 503 pieces of defence correspondence we looked at, 196 (39%) required the CPS to make a request to another agency before it could respond. The majority of the requests (88.8%) were made to the police. In just over half of

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these (55%), the request to the police was made within 24 hours of the receipt of the defence correspondence. However, in 30.8% of instances, a request was not made until four or more days after the correspondence had been received.

Performance varied between magistrates' court and Crown Court cases. In the magistrates' court cases, 45.8% of requests were made within 24 hours and 45.8% were made four days or more after receipt. Performance in Crown Court cases was better, with 56.6% of requests made within 24 hours and 28.3% made four or more days after receipt. Trials in the magistrates' courts are listed more quickly than those in the Crown Court and delays in requests may have an adverse impact on case progression and lead to unnecessary adjournments.

**6.8.** We assessed that the CPS needed to chase a response in 51 of the requests made to other agencies. We found evidence that the CPS had done so in 12 instances (23.5%).

**6.9.** Of the 196 pieces of correspondence which required a request to another agency, we could see a response to 142 requests and no response to 43 requests. Of the responses to requests from the CPS, 86 (46.5%) were received within three days of the request being made. However, the agencies the CPS asked for additional material (mainly the police) took four days or more to respond in 56 instances (30.3%).

**6.10.** Where a response was received, the CPS replied to the defence within five days in 98 instances (68.1%); 71 of those replies (72.4%) were within 24 hours. We found that 28 replies (19.4%) were sent six days or more after receiving the response from the other agency.

**6.11.** Overall, 145 (31.4%) of the 462 pieces of correspondence which required a response were answered within 24 hours of their receipt in the CMS (39.9% in magistrates court cases, 26.4% in Crown Court cases). We could not see a response on the CMS to 99 pieces of correspondence (21.4%).

**6.12.** Many of the figures show quite a positive picture in terms of timeliness of response by the CPS. Still, inspectors saw examples of correspondence in which the defence had written to the CPS multiple times requesting the same items and instances where we could find no response in the CMS to the defence's query. When correspondence is dealt with quickly, the CPS provides an efficient service to the defence. However, the longer correspondence goes unanswered, the more follow-ups the defence sends, which results in the CPS having to manage additional items of correspondence.

## Direct engagement log

**6.13.** The CPS has a duty to engage with the defence at an early stage and there is an expectation that this contact will be recorded on the file. A direct engagement log has been created in the CMS for this purpose. Guidance has been provided by CPS Headquarters which sets out the purpose of the log and what is expected of staff who record entries in it.

**6.14.** Different terminology is used across the various guidance documents. There was a lack of clarity amongst staff regarding the use of the direct engagement log, with some lawyers unclear whether it should be completed throughout the life of a case. We found conflicting information on the CPS 'infonet' as to whether the log should be completed in both magistrates' court and Crown Court cases.

**6.15.** In our file examination, we found that 45.6% (36) of the applicable logs had been completed in Crown Court cases.

**6.16.** The majority of lawyers told inspectors that they complete the log after making initial attempts to contact the defence, before the first hearing in magistrates' court cases or the pre-trial preparation hearing (PTPH) in Crown Court cases. However, they identified that establishing contact with the defence is challenging, because representatives are frequently at court and the lawyer must leave a message and subsequently rely on calls being returned.

**6.17.** Inspectors were told that completing the log duplicated notes made elsewhere in the CMS.

**6.18.** In three of the four Areas we inspected, inspectors were told that direct engagement logs were rarely requested by the local courts and were often not required by the court. However, in the North East we were told that the local judiciary expects the CPS to provide the log at the PTPH.

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### Issue to address

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Crown Prosecution Service (CPS) Headquarters should review the use of the direct engagement log and communicate clear guidance to CPS Areas to ensure all legal staff understand the expectation of how frequently the log should be completed.

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## **7. Management oversight of effectiveness**



## Assurance processes

**7.1.** There is effective management supervision in each of the four Areas. This provides assurance that 'check new correspondence' tasks are managed effectively, as part of their wider monitoring of individual and unit task lists.

**7.2.** The monitoring carried out by managers includes:

- daily monitoring of the mailbox volumes by operational delivery business managers
- monitoring of workloads by line managers
- regular scrutiny of task numbers, and examination of reasons behind any issues, by senior Area managers and in meetings with CPS Headquarters
- some monitoring of the quality of responses.

**7.3.** Line managers in Areas have responsibility for monitoring the workload of their staff to ensure that all tasks, including those relating to correspondence, are being dealt with effectively. Managers have access to a monthly report provided by CPS Headquarters which summarises the volume of all CMS tasks across the Area, and their variance against the previous month. The report contains a summary page which focuses on the volumes and monthly variance of new correspondence tasks, along with other types of correspondence related tasks. The report does not highlight the volume of unread material associated with the tasks, because the system does not have the functionality to allow for this level of detail (see paragraph 5.45).

**7.4.** At the time of our Area visits, CPS Headquarters had started to provide Areas with a daily case progression report which lists all live CMS cases in the Area and the total number of outstanding tasks for each case. However, it is too early to assess whether this will be a useful tool to manage and monitor tasks.

**7.5.** Area performance managers produce a range of local reports weekly for line managers and senior Area managers, highlighting trends in the overall volumes of tasks across the Areas' CMS units. However, Areas did not have a consistent approach to the format of the reports, and the reports we saw varied in terms of the detail they included.

**7.6.** Some of the reports produced allow managers to identify backlogs of tasks and allocate resources accordingly. In each of the four Areas we visited, managers are expected to report to senior managers on any action taken to

manage and reduce tasks. Inspectors thought this level of assurance provided a useful means of assuring senior managers that cases are being progressed effectively. However, the CPS may wish to consider whether standardised reports would provide even greater clarity.

7.7. In the documents provided, we saw that task volumes were regularly discussed at senior management meetings in all the Areas we visited. Any variances in performance were examined and, if necessary, work was commissioned to investigate the reasons for any increase in the volume of outstanding tasks. The results of these investigations would be reported back at the next meeting with an outline of action taken to improve performance.

**The number of outstanding tasks does not always accurately reflect the actual amount of outstanding work, because the CMS raises a single task for multiple pieces of correspondence on a case**

7.8. CPS Headquarters receives feedback from the Areas on the management of task lists at regular quarterly performance meetings and at meetings attended by all Area Business Managers. The discussion focuses on the management of the number of outstanding tasks in the Area and the issues that are affecting performance.

7.9. Areas are working to a figure suggested by CPS Headquarters. This is an ambition to achieve. There is no specific figure assigned to the number of correspondence tasks

outstanding on the CMS. However, the number of tasks does not always accurately reflect the actual amount of outstanding work in the units, because the CMS raises a single task for multiple pieces of correspondence on a case. In two of the four Areas we visited, the minutes of the quarterly performance meetings between senior Area managers and CPS Headquarters recorded discussions of the Areas' performance against the ambition suggested by CPS Headquarters.

7.10. There is no assurance process, nationally or locally, specific to the handling of defence correspondence. Assurance processes instead focus on the management of the central mailboxes and the management of tasks in the CMS, to ensure that they are monitored and drive case progression.

7.11. CPS Headquarters should consider reviewing its assurance mechanisms. There are no specific mechanisms in place for Areas to provide effective feedback on issues and best practice with their management of defence correspondence.

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**7.12.** There are limited checks carried out on the quality of outgoing correspondence to the defence. Some legal managers stated that they perform regular individual quality assessments (IQAs) to monitor the overall quality of casework completed by their staff and would give feedback to individuals if an issue with a response to the defence had led to a detrimental effect on the case. In the West Midlands, paralegal business managers carry out dip samples on the quality of the correspondence which has been served, and provide feedback to paralegal staff where improvements are required.

**7.13.** The monitoring data used to measure performance in dealing with correspondence is limited. It is centred on the volume of emails in the mailboxes and on the number of outstanding tasks. There is no automatically generated data available to CPS managers that gives any assessment of how quickly correspondence is being dealt with. We were told that there is no way the current system can provide this information and the CPS would have to carry out manual checks in order to assess timeliness.

## **8. Stakeholder engagement**

## Engagement with defence solicitors

**8.1.** It is recognised that engagement with the defence, both nationally and locally, is challenging because of the number of defence firms and the lack of centralised representation which can agree actions on behalf of all defence representatives. There are no regular forums at a national level where operational issues are discussed between the CPS and representatives from the defence.

**8.2.** In September 2018, CPS Headquarters attended an event arranged by the Law Society which included representatives with a strategic view from some of the largest defence firms in the country. Inspectors were told that the event gave the defence the opportunity to raise operational concerns with the CPS.

**8.3.** The main focus of the discussions was the provision of the initial details of the prosecution case (IDPC) and what the defence perceives to be a frequent lack of response to their queries from the CPS. At the meeting, the CPS was able to explain some of the reasons behind these issues and outline actions being taken to address them. This includes further training for its operational delivery staff, to ensure they could respond directly to the defence in appropriate circumstances, and providing the defence with the contact details of the reviewing lawyer and line manager in cases where a not guilty plea was anticipated.

**8.4.** A little more than a third of items received from the defence (36%) do not fit a standard description (see paragraph 6.5). A clearer, agreed naming convention would assist operational delivery staff, allowing them to provide more accurate summaries of the correspondence.

**8.5.** Opportunities to engage with the defence locally are, in the main, limited to court user group meetings. The four Areas stated that representation from the defence is often inconsistent. Inspectors were told that defence representatives cannot agree operational changes on behalf of the local firms, which limits the effectiveness of the discussions.

**8.6.** CPS East Midlands had arranged a meeting with representatives from local defence firms in one of the counties covered by the Area. The meeting was well received by those attending and provided a useful forum at which issues could be raised by both sides and resolved. This is a positive step by the Area, but engagement needs to be regular and include defence firms from across the wider Area. CPS West Midlands had made attempts to engage with the defence outside of the court user meetings, but these have been limited to single events. However, inspectors were told that these Areas received positive feedback from

## Handling defence correspondence

those attending these events, and it was hoped that more regular meetings could be established. CPS North East had held events at a number of magistrates' courts, aimed at improving defence engagement.

### **Recommendation**

Whilst recognising that the Crown Prosecution Service (CPS) cannot require the defence to work with it to develop a national strategy dealing with the issue of defence engagement, we nevertheless recommend that such a strategy would be of benefit to both parties, and that the CPS (Headquarters) should consider how best it can work with the defence to produce one. Once this has been developed, the CPS should provide any resultant best practice and guidance to Areas.

# **Annex A**

## **Inspection framework**

# Handling defence correspondence inspection framework

## Introduction

The framework is split into four sections: “National strategy and guidance”, “Operational handling of defence correspondence”, “Training and awareness of guidance and systems” and “Stakeholder engagement”. Each section has a number of criteria against which evidence will be gathered.

The framework aligns significantly with the current CPS priorities and considers other key initiatives such as Standard Operating Practice (SOP), Transforming Summary Justice and Better Case Management.

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.

## National strategy and guidance

- National guidance assists CPS Areas in implementing efficient and effective systems to deal with defence correspondence.
- The level of performance expected of Areas by CPS Headquarters is clear and achievable.
- CPS Areas and CPS Headquarters use any performance data related to correspondence handling to drive improvement.
- Assurance mechanisms are in place in CPS Areas to provide feedback to CPS Headquarters regarding performance and issues.
- CPS Headquarters has effective mechanisms to provide assurance, with outcomes from this assurance activity being used to improve performance.
- There are forums to agree reasonable expectations with the defence and the courts as to response times to particular types of correspondence and there are effective processes to communicate agreements across the CPS.



## Operational handling of defence correspondence

- Areas have clear systems in place for the receipt, effective allocation and timely handling of defence correspondence.
- Areas' systems comply with national guidance and are SOP compliant.
- Areas have an effective naming convention in place for clear identification of correspondence on the CMS, and this consistently applied.
- An effective system is in place to sift incoming defence correspondence to ensure it is prioritised and actioned appropriately.
- Action taken on correspondence with the defence is evidenced on the CMS whether it has been done in writing, by telephone or in person.
- Effective management supervision in the Area ensures that all correspondence is uploaded to the CMS and allocated within 48 hours of receipt and that the Area's mailbox is cleared on a daily basis.
- CMS tasks are correctly applied and drive efficient handling of correspondence.
- Areas ensure efficiency savings by allocating tasks arising from correspondence to the appropriate grade of staff.
- Responses to correspondence are timely, high quality and answer all the points raised.
- Effective systems are in place to monitor and chase responses required from other agencies – for example, the police and the courts.

## Training and awareness of guidance and systems

- All staff receive training and are supplied with clear guidance on effectively managing, prioritising and correctly recording defence correspondence, and have access to Area and national guidance.
- Staff are aware of the types and categories of correspondence they are able to deal with according to the Area system.

## Handling defence correspondence

- There is an effective system for communicating changes in systems for dealing with correspondence (such as changes to the CMS or Area/national guidance).
- Staff receive regular feedback on their performance in dealing with correspondence, with actions arising to improve performance.

## Stakeholder engagement

- There are mechanisms/forums in place at the local and national levels to receive feedback on performance and agree appropriate amendments to CPS commitments where appropriate.
- CPS Headquarters is active in discussions at a national level about agreements affecting the CPS's response times – when Criminal Procedure Rules are amended, for example.
- The CPS examines feedback from the defence at the local and national levels to learn lessons, build on strengths and mitigate weaknesses in its systems for dealing with correspondence.

**Annex B**  
**File examination question**  
**set**

## Handling defence correspondence

The following questions were used to assess the management and timeliness of responses to defence correspondence. Questions 8 to 24 were repeated for each individual piece of correspondence:

1. First hearing date
2. Trial date
3. Was the defence engagement log completed?
4. Were the initial details of the prosecution case (IDPC) served on the defence?
5. Was the email received from the defence requesting the IDPC worded correctly to allow the CPS to deal with them effectively?
6. Were the defence's contact details entered correctly on the CMS?
7. Has all the defence correspondence been marked as read on the CMS?
8. Date of correspondence
9. Date correspondence was received in the CMS
10. Was the correct naming convention applied?
11. Format of correspondence (email, letter, telephone call, at court request, Crown Court digital case system, other)
12. Type of correspondence (request for evidence, request for IDPC, request for disclosure, request for media, request for medical/forensic/expert, defence statement, defence chasing response, basis of plea, change of plea, application, other, not applicable)
13. Was the correspondence initially actioned?
14. Who (and what grade) dealt with the correspondence?
15. Was the correspondence dealt with at the correct grade?
16. Was the correspondence clear in what it asked for?
17. What format did the CPS respond with? (email, letter, telephone call, not known, other)
18. Did the CPS have to make a request to another agency? (choice of agency)

## Handling defence correspondence

19. What date was the request made?
20. Did the CPS set a response date?
21. Was a chaser sent by the CPS if the response was not received on time?
22. What date did the response reach the CPS?
23. What date was the correspondence finally dealt with by the CPS?
24. Were all points raised answered by the CPS?

# **Annex C**

## **File examination data**

Days between date of correspondence and date received in CMS	East Midlands		North East		West Midlands		Yorkshire and Humberside		Magistrates' courts		Crown Court		Total	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
Within 24 hours	106	71.6	122	97.6	96	88.1	83	68.6	137	75.7	270	83.9	407	80.9
2-3	23	15.5	2	1.6	11	10.1	31	25.6	24	13.3	43	13.4	67	13.3
4-5	9	6.1	0	0.0	2	1.8	3	2.5	10	5.5	4	1.2	14	2.8
6-10	7	4.7	1	0.8	0	0.0	4	3.3	9	5.0	3	0.9	12	2.4
11 or more	3	2.0	0	0.0	0	0.0	0	0.0	1	0.6	2	0.6	3	0.6
<b>Total</b>	<b>148</b>	<b>100</b>	<b>125</b>	<b>100</b>	<b>109</b>	<b>100</b>	<b>121</b>	<b>100</b>	<b>181</b>	<b>100</b>	<b>322</b>	<b>100</b>	<b>503</b>	<b>100</b>

Days between date of correspondence and date received in CMS	East Midlands		North East		West Midlands		Yorkshire and Humberside		Magistrates' courts		Crown Court		Total	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
Within 48 hours	123	83.1	124	99.2	107	98.2	102	84.3	154	85.1	302	93.8	456	90.7
3-5	15	10.1	0	0.0	2	1.8	15	12.4	17	9.4	15	4.7	32	6.4
6-10	7	4.7	1	0.8	0	0.0	4	3.3	9	5.0	3	0.9	12	2.4
11 over more	3	2.0	0	0.0	0	0.0	0	0.0	1	0.6	2	0.6	3	0.6
<b>Total</b>	<b>148</b>	<b>100</b>	<b>125</b>	<b>100</b>	<b>109</b>	<b>100</b>	<b>121</b>	<b>100</b>	<b>181</b>	<b>100</b>	<b>322</b>	<b>100</b>	<b>503</b>	<b>100</b>

Days from date received in CMS to date dealt with	East Midlands		North East		West Midlands		Yorkshire and Humberside		Magistrates' courts		Crown Court		Total	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
Within 24 hours	65	47.4	37	33.3	27	26.2	16	14.4	67	39.9	78	26.5	145	31.4
2-3	13	9.5	12	10.8	16	15.5	19	17.1	21	12.5	39	13.3	60	13.0
4-5	9	6.6	7	6.3	12	11.7	5	4.5	5	3.0	28	9.5	33	7.1
6-10	9	6.6	7	6.3	5	4.9	16	14.4	15	8.9	22	7.5	37	8.0
11 or more	25	18.2	24	21.6	15	14.6	24	21.6	25	14.9	63	21.4	88	19.0
Not visibly dealt with	16	11.7	24	21.6	28	27.2	31	27.9	35	20.8	64	21.8	99	21.4
<b>Total</b>	<b>137</b>	<b>100</b>	<b>111</b>	<b>100</b>	<b>103</b>	<b>100</b>	<b>111</b>	<b>100</b>	<b>168</b>	<b>100</b>	<b>294</b>	<b>100</b>	<b>462</b>	<b>100</b>
No action needed	11		14		6		10		13		28		41	



Days from date received in CMS to date dealt with	East Midlands		North East		West Midlands		Yorkshire and Humberside		Magistrates' courts		Crown Court		Total	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
Within 48 hours	76	55.5	45	40.5	34	33.0	30	27.0	82	17.7	103	22.3	185	40.0
3–5	11	8.0	11	9.9	21	20.4	10	9.0	11	2.4	42	9.1	53	11.5
6–10	9	6.6	7	6.3	5	4.9	16	14.4	15	3.2	22	4.8	37	8.0
11 or more	25	18.2	24	21.6	15	14.6	24	21.6	25	5.4	63	13.6	88	19.0
Not visibly dealt with	16	11.7	24	21.6	28	27.2	31	27.9	35	7.6	64	13.9	99	21.4
<b>Total</b>	<b>137</b>	<b>100</b>	<b>111</b>	<b>100</b>	<b>103</b>	<b>100</b>	<b>111</b>	<b>100</b>	<b>168</b>	<b>100</b>	<b>294</b>	<b>100</b>	<b>462</b>	<b>100</b>
No action needed	11		14		6		10		13		28	9.5	41	

Days from date of correspondence to date dealt with	East Midlands		North East		West Midlands		Yorkshire and Humberside		Magistrates' courts		Crown Court		Total	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
Within 24 hours	49	35.8	32	28.8	19	18.4	9	8.1	49	29.2	60	20.4	109	23.6
2-3	17	12.4	16	14.4	19	18.4	17	15.3	25	14.9	44	15.0	69	14.9
4-5	12	8.8	5	4.5	14	13.6	10	9.0	9	5.4	32	10.9	41	8.9
6-10	15	10.9	10	9.0	8	7.8	18	16.2	24	14.3	27	9.2	51	11.0
11 or more	28	20.4	24	21.6	15	14.6	26	23.4	26	15.5	67	22.8	93	20.1
Not visibly dealt with	16	11.7	24	21.6	28	27.2	31	27.9	35	20.8	64	21.8	99	21.4
<b>Total</b>	<b>137</b>	<b>100</b>	<b>111</b>	<b>100</b>	<b>103</b>	<b>100</b>	<b>111</b>	<b>100</b>	<b>168</b>	<b>100</b>	<b>294</b>	<b>100</b>	<b>462</b>	<b>100</b>
No action needed									13		28	9.5	41	

Days from date of correspondence to date dealt with	East Midlands		North East		West Midlands		Yorkshire and Humberside		Magistrates' courts		Crown Court		Total	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
Within 48 hours	59	43.1	40	36.0	30	29.1	19	17.1	63	13.6	85	18.4	148	32.0
3–5	19	13.9	13	11.7	22	21.4	17	15.3	20	4.3	51	11.0	71	15.4
6–10	15	10.9	10	9.0	8	7.8	18	16.2	24	5.2	27	5.8	51	11.0
11 or more	28	20.4	24	21.6	15	14.6	26	23.4	26	5.6	67	14.5	93	20.1
Not visibly dealt with	16	11.7	24	21.6	28	27.2	31	27.9	35	7.6	64	13.9	99	21.4
<b>Total</b>	<b>137</b>	<b>100</b>	<b>111</b>	<b>100</b>	<b>103</b>	<b>100</b>	<b>111</b>	<b>100</b>	<b>168</b>	<b>100</b>	<b>294</b>	<b>100</b>	<b>462</b>	<b>100</b>
No action needed									13		28	9.5	41	

Q11. Format of correspondence	Total	%
Email	390	77.5%
Letter	43	8.5%
Telephone	19	3.8%
DCS	45	8.9%
Other	6	1.2%
<b>Total</b>	<b>503</b>	<b>100%</b>

Q12. Type of correspondence	Magistrates' courts		Crown Court		Total	
	Total	%	Total	%	Total	%
Application	14	7.7%	42	13.0%	56	11.1%
Defence Statement	5	2.8%	67	20.8%	72	14.3%
Defence Chasing Response	16	8.8%	17	5.3%	33	6.6%
Request For Disclosure	21	11.6%	18	5.6%	39	7.8%
Request For Evidence	27	14.9%	28	8.7%	55	10.9%
Request For IDPC	29	16.0%	12	3.7%	41	8.2%
Request For Media	8	4.4%	9	2.8%	17	3.4%
Basis Of Plea	0	0.0%	2	0.6%	2	0.4%
Change of Plea	1	0.6%	1	0.3%	2	0.4%
Request For Medical/Forensic/Expert	0	0.0%	5	1.6%	5	1.0%
Other	60	33.1%	121	37.6%	181	36.0%
<b>Total</b>	<b>181</b>	<b>100%</b>	<b>322</b>	<b>100%</b>	<b>503</b>	<b>100%</b>

Q10. Was the correct naming convention applied?	East Midlands		North East		West Midlands		Yorkshire and Humberside		Magistrates' courts		Crown Court		Total	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
Yes	71	50.0	88	71.5	74	69.8	99	81.8	73	42.4	259	80.9	332	67.5
No	71	50.0	35	28.5	32	30.2	22	18.2	99	57.6	61	19.1	160	32.5
<b>Total</b>	<b>142</b>	<b>100</b>	<b>123</b>	<b>100</b>	<b>106</b>	<b>100</b>	<b>121</b>	<b>100</b>	<b>172</b>	<b>100</b>	<b>320</b>	<b>100</b>	<b>492</b>	<b>100</b>
Not applicable									9		2		11	

Q13. Was the correspondence initially actioned?	East Midlands		North East		West Midlands		Yorkshire and Humberside		Magistrates' courts		Crown Court		Total	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
Yes	121	88.3	102	91.9	83	80.6	89	80.2	135	80.4	260	88.4	395	85.5
No	16	11.7	9	8.1	20	19.4	22	19.8	33	19.6	34	11.6	67	14.5
<b>Total</b>	<b>137</b>	<b>100</b>	<b>111</b>	<b>100</b>	<b>103</b>	<b>100</b>	<b>111</b>	<b>100</b>	<b>168</b>	<b>100</b>	<b>294</b>	<b>100</b>	<b>462</b>	<b>100</b>
Not applicable													41	

Q14. What grade dealt with the correspondence?	East Midlands		North East		West Midlands		Yorkshire and Humberside		Magistrates' courts		Crown Court		Total	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
Operational delivery	32	27.4	19	20.4	6	6.9	7	9.1	45	35.2	19	7.8	64	17.1
Lawyer	61	52.1	48	51.6	57	65.5	49	63.6	82	64.1	133	54.3	215	57.5
Paralegal officer	15	12.8	21	22.6	15	17.2	20	26.0	0	0	71	29.0	71	19.0
Other	9	7.7	5	5.4	9	10.3	1	1.3	1	0	22	9.0	24	6.4
<b>Total</b>	<b>117</b>	<b>100</b>	<b>93</b>	<b>100</b>	<b>87</b>	<b>100</b>	<b>77</b>	<b>100</b>	<b>128</b>	<b>100</b>	<b>245</b>	<b>100</b>	<b>374</b>	<b>100</b>
Not applicable													45	
Not known	18	15.4	18	19.4	15	17.2	33	42.9	37		47		84	

'Other' also includes crown advocate, District Crown Prosecutor, Senior District Crown Prosecutor and paralegal assistant.

Q16. Was the correspondence clear in what it asked for?	Total	%
Yes	458	98.9
No: but CPS clarified	4	0.9
No: no action taken	1	0.2
<b>Total</b>	<b>463</b>	<b>100</b>
Not applicable	40	

Q18. Did the CPS have to make a request to another agency?	East Midlands		North East		West Midlands		Yorkshire and Humberside		Magistrates' courts		Crown Court		Total	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
Court	4	8.5	0	0	2	4.5	0	0	2	6.1	4	2.4	6	3.1
Police	38	80.9	48	92.3	42	95.5	46	86.8	29	87.9	146	89.0	174	88.8
Witness care	1	2.1	2	3.8	0	0	4	7.5	0	0	7	4.3	7	3.6
Expert	0	0	1	1.9	0	0	0	0	0	0	1	0.6	1	0.5
Other	4	8.5	1	1.9	0	0	3	5.7	2	6.1	6	3.7	8	4.1
<b>Total</b>	<b>47</b>	<b>100</b>	<b>52</b>	<b>100</b>	<b>44</b>	<b>100</b>	<b>53</b>	<b>100</b>	<b>33</b>	<b>100</b>	<b>164</b>	<b>100</b>	<b>196</b>	<b>100</b>
No	71		34		39		29		97		76		173	
Not applicable													134	

Q20. Did the CPS set a response date?	East Midland		North East		West Midlands		Yorkshire and Humberside		Magistrates' courts		Crown Court		Total	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
Yes	9	23.1	22	43.1	22	55.0	19	39.6	15	48.4	57	38.8	72	40.4
No	26	66.7	18	35.3	14	35.0	19	39.6	9	29.0	68	46.3	77	43.3
Not known	4		11	21.6	4	10.0	10	20.8	7	22.6	22	15.0	29	16.3
<b>Total</b>	<b>39</b>	<b>100</b>	<b>51</b>	<b>100</b>	<b>40</b>	<b>100</b>	<b>48</b>	<b>100</b>	<b>31</b>	<b>100</b>	<b>147</b>	<b>100</b>	<b>178</b>	<b>100</b>
Not applicable (where request made)													18	
Not applicable (where no request required)													307	



Q21. Was a chaser sent by the CPS?	East Midlands		North East		West Midlands		Yorkshire and Humberside		Magistrates' courts		Crown Court		Total	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
Yes	1	25.0	5	26.3	4	40.0	2	10.5	2	28.6	10	22.2	12	23.1
No	2	50.0	2	10.5	4	40.0	7	36.8	3	42.9	12	26.7	15	28.8
Not known	1	25.0	12	63.2	2	20.0	10	52.6	2	28.6	23	51.1	25	48.1
<b>Total</b>	<b>4</b>	<b>100</b>	<b>19</b>	<b>100</b>	<b>10</b>	<b>100</b>	<b>19</b>	<b>100</b>	<b>7</b>	<b>100</b>	<b>45</b>	<b>100</b>	<b>52</b>	<b>100</b>
Not applicable													457	

Days taken for CPS to make request to another agency	East Midlands		North East		West Midlands		Yorkshire and Humberside		Magistrates' courts		Crown Court		Total	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
Within 24 hours	24	61.5	28	62.2	17	47.2	24	49.0	11	45.8	82	56.6	93	55.0
2-3	1	2.6	6	13.3	9	25.0	8	16.3	2	8.3	22	15.2	24	14.2
4-5	6	15.4	3	6.7	3	8.3	5	10.2	3	12.5	14	9.7	17	10.1
6-10	3	7.7	3	6.7	6	16.7	4	8.2	5	20.8	11	7.6	16	9.5
11 or more	5	12.8	5	11.1	1	2.8	8	16.3	3	12.5	16	11.0	19	11.2
<b>Total</b>	<b>39</b>	<b>100</b>	<b>45</b>	<b>100</b>	<b>36</b>	<b>100</b>	<b>49</b>	<b>100</b>	<b>24</b>	<b>14</b>	<b>145</b>	<b>49</b>	<b>169</b>	<b>100</b>
Request pre-dates defence correspondence	2		5		6		3		7		9		16	

Days taken from CPS request to agency response	East Midlands		North East		West Midlands		Yorkshire and Humberside		Magistrates' courts		Crown Court		Total	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
Within 24 hours	15	36.6	16	32.0	15	35.7	11	21.2	11	35.5	46	29.9	57	30.8
2-3	6	14.6	7	14.0	7	16.7	9	17.3	6	19.4	23	14.9	29	15.7
4-5	2	4.9	3	6.0	1	2.4	8	15.4		0.0	14	9.1	14	7.6
6-10	2	4.9	7	14.0	2	4.8	3	5.8	3	9.7	11	7.1	14	7.6
11 or more	6	14.6	8	16.0	6	14.3	8	15.4	7	22.6	21	13.6	28	15.1
No response received	10	24.4	9	18.0	11	26.2	13	25.0	4	12.9	39	25.3	43	23.2
<b>Total</b>	<b>41</b>	<b>100</b>	<b>50</b>	<b>100</b>	<b>42</b>	<b>100</b>	<b>52</b>	<b>100</b>	<b>31</b>	<b>100</b>	<b>154</b>	<b>52</b>	<b>185</b>	<b>100</b>

11 cases were missing the CPS request date to agency.

Days taken from agency response to finally dealt with	East Midlands		North East		West Midlands		Yorkshire and Humberside		Magistrates' courts		Crown Court		Total	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
Within 24 hours	18	40.9	20	39.2	12	27.3	21	40.4	9	32.1	62	39.0	71	37.2
2-3	6	13.6	3	5.9	3	6.8	5	9.6	5	17.9	12	7.5	17	8.9
4-5	1	2.3	5	9.8	3	6.8	1	1.9	1	3.6	9	5.7	10	5.2
6-10	1	2.3	5	9.8	2	4.5	3	5.8	1	3.6	10	6.3	11	5.8
11 or more	7	15.9	3	5.9	4	9.1	3	5.8	7	25.0	10	6.3	17	8.9
Not dealt with	0	0.0	5	9.8	8	18.2	5	9.6	4	25.0	14	8.8	18	9.4
No response received	11	25.0	10	19.6	12	27.3	14	26.9	5	17.9	42	26.4	47	24.6
<b>Total</b>	<b>44</b>	<b>100</b>	<b>51</b>	<b>100</b>	<b>44</b>	<b>100</b>	<b>52</b>	<b>100</b>	<b>28</b>	<b>17</b>	<b>159</b>	<b>54</b>	<b>191</b>	<b>100</b>
Dealt with before agency response	3		1				1				5		5	

# **Annex D**

## **Defence solicitor survey**

## Responses by Area

Area	Number of responses
East Midlands	2
North East	1
West Midlands	2
Yorkshire and Humber	7
<b>Total</b>	<b>12</b>

## Survey results

Question	Answer	%
Does the CPS regularly engage early in the case?	Sometimes	25.0%
	Rarely	50.0%
	Never	25.0%
What is your usual method of contact with the CPS?	Secure email	83.3%
	Letter	8.3%
	Other	8.3%
Is the CPS timely in providing a response to your correspondence?	Usually late	83.3%
	More often late	16.7%
Do you have to chase the CPS for a response to your correspondence?	Often	100%
In general, does the CPS answer all points raised in your correspondence?	Often	8.3%
	Sometimes	16.7%
	Rarely	58.3%
	Never	16.7%
Do you have a forum at which to raise any issues regarding correspondence with the CPS?	Yes	16.7%
	No	83.3%

# **Annex E**

## **Glossary**

### **Agent**

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

### **Area**

The Crown Prosecution is divided into 14 geographical Areas across England and Wales. Each Area is led by a Chief Crown Prosecutor, supported by an Area Business Manager.

### **Area Business Manager (ABM)**

The most senior non-legal manager at CPS Area level or Division level. The operational delivery profession lead.

### **Barrister/Counsel**

Member of the Self-employed Bar (formerly known as the Independent Bar) who are instructed by the CPS to prosecute cases at court.

### **Better Case Management (BCM)**

The single national process for case management of Crown Court matters, led by Her Majesty's Courts and Tribunals Service and involving 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 police systems, the CMS receives electronic case material. Such material is intended to progressively replace paper files.

### **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.

### **Criminal Procedure Rules (CPR)**

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).

### **Crown Prosecution Service (CPS)**

The principal prosecuting authority in England and Wales, responsible for: prosecuting criminal cases investigated by the police and other investigating bodies; advising the police on cases for possible prosecution; reviewing cases



## **Handling defence correspondence**

submitted by the police; determining any charges in more serious or complex cases; preparing cases for court; and presenting cases at court.

### **Defence statement**

A statement submitted to the prosecution in Crown Court cases and some magistrates' court cases, which sets out the defence to the allegations and can point the prosecution to other lines of inquiry.

### **Digital Case System (DCS)**

A digital system of storing and serving a digital case rather than using paper. Used for Crown Court cases.

### **Operational delivery business manager (DBM)**

The most senior non-legal manager at the unit level. The operational delivery profession lead of the unit.

### **Individual quality assessment (IQA)**

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

### **Infonet**

An internal digital information network used by the CPS.

### **Initial details of the prosecution case (IDPC)**

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

### **Paralegal Business Manager (PBM)**

Responsible for coordinating and managing the work of the paralegal officers and assistants.

### **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.

### **Plea and Trial Preparation Hearing (PTPH)**

A first hearing before the Crown Court, at which cases should be effectively managed and listed for trial. A PTPH form should be completed as far as possible before the PTPH and completed at that hearing. This is part of the Better Case Management initiative.

**Standard Operating Practice (SOP)**

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

**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 overseeing the service to bereaved families.

**Witness care unit**

A unit responsible for managing the care of victims and prosecution witnesses from a point of charge to the conclusion of a case. Staffed by witness care officers and other support workers whose role it is to keep witnesses informed of progress during the course of their case. Units may have a combination of police and CPS staff (joint units) but most no longer have CPS staff.

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