



The Review of the Crown Prosecution Service

Summary of The Main Report with
the Conclusions and Recommendations

Chairman: Rt. Hon. Sir Iain Glidewell

*Presented to Parliament by
the The Attorney General
by Command of Her Majesty, June 1998*

Cm 3972

3.50

published by The Stationery Office

The full text of the Report has been published as Cm3960

Contents

Summary of the Report

- Part I: The CPS, Past and Present
Part II: The CPS, The Future

List of Conclusions and Recommendations

- Chapter 4 How the CPS has performed: Specific Issues raised in the Terms of Reference
Chapter 7 Redefining the Objectives
Chapter 8 The Prosecution Process: Proposals for Change
Chapter 9 Central Casework and Special Casework Lawyers
Chapter 10 Future Organisation
Chapter 11 Management and People
Chapter 12 Information Systems and Technology
Chapter 13 Financial Accounting
Chapter 15 Overall Conclusion
-
-

Summary of the Report

Part I: The CPS, Past and Present

The formation and history of the Crown Prosecution Service

1. The origins of the Crown Prosecution Service (the CPS) are to be found in the Report of the Royal Commission on Criminal Procedure, chaired by Sir Cyril Philips, which was published in 1981. The Report concluded that it was undesirable for the police to continue both to investigate and to prosecute crime, and that the wide differences in prosecution practice throughout England and Wales required a major change in the prosecution process. Philips advised that the functions of investigation and of deciding whether to charge a person with an offence should remain with the police, but that from then onwards the conduct of the prosecution should be the responsibility of a new locally-based prosecuting service with some national features. The Government at that time accepted in principle the recommendations for a new Prosecuting Service, but not the proposal that the Service should be locally accountable. Government therefore opted for the establishment of a national Prosecution Service headed by the Director of Public Prosecutions and under the superintendence of the Attorney General, which would not be accountable to any local body.
2. This concept was embodied in the Prosecution of Offences Act 1985 which created the Crown Prosecution Service. The CPS started to operate in 1986.
3. The new Service found itself occupying a position between the police and the courts. The police continued to be responsible for deciding on the charge and for preparing a case file for the CPS. The CPS had a new role, that of reviewing cases passed to it after the police had charged a defendant in order to decide whether the evidence justified the charge. If the reviewing lawyer decided that the evidence was not sufficient he could decide to discontinue or to charge a lesser offence. The exercise by the CPS of this new power created tensions between CPS lawyers and the police. In contrast it does not seem that the establishment of the CPS greatly affected the working of the courts. To add to the initial problems, the CPS was certainly under-staffed at first. Moreover, many of the staff had inadequate training and preparation, particularly in London.
4. The CPS was originally organised into 31 Areas, each with a Chief Crown Prosecutor. Almost from the start it entered the cycle of internal review and reorganisation which has marked its history so far. In 1987, four Regional Directors were appointed to assist with the running of the 31 Areas but only two years later were found to have added an unnecessary layer of management and were removed. In 1993, following an internal report, the present structure of 13 Areas was adopted. The enlarged Areas became responsible for the performance and management of the Branches. At the same time a Headquarters organisation very similar to that which currently exists was put in place. The DPP took over the Chief Executive duties formerly exercised by the Deputy DPP whose post was put into abeyance.
5. Before and at the time of the formation of the CPS concerns were expressed in the Philips Report and in Parliament that a national prosecution service could become too centralised and bureaucratic. We believe that this has happened since 1993. We heard conflicting opinions as to whether at that time a proper balance between a national prosecution framework and a reasonable degree of local autonomy had been achieved. Some people said it had; others told us that inconsistencies were growing between the Areas in the application of national policies and standards and that there was a gulf in communications between national HQ and the 31 Areas. The 1993 reorganisation was intended to solve these problems. It did so by devolving the actual casework to the Branches while vesting many of the powers of management in the new 13 Area Headquarters. There was devolution in the sense that many of these powers were transferred from Central Headquarters to the Areas but that was where devolution of management ceased. In our view it was and is proper to regard the 13 Areas as in effect branches of Headquarters. If that is correct the reorganisation resulted in a greater degree of control and authority

being vested in Headquarters than had previously been the case. We agree that the 1993 reorganisation did have the effect of welding the CPS into the national organisation which it is today and that this was a considerable achievement. Nevertheless, we believe that the price paid in the over-centralisation of management was too great. With the benefit of hindsight we conclude that, however good its intentions, the 1993 reorganisation was on balance a mistake.

6. When it started the CPS was grossly under-staffed. At the end of the first six months it had less than 3,500 staff, of whom 1,250 were lawyers. The shortage was worst in London. Recruitment at first proved difficult, but became easier, so that by 1993 there were over 6,000 staff in post, including over 2,000 lawyers. The greatest numbers were in 1995 (6,400 total staff, 2,200 lawyers). Government expenditure curbs have led to a reduction since then: the numbers are back down to under 6,000 total staff and less than 2,000 lawyers. As to finance for the CPS, the pattern has been similar. The CPS budget, in real terms, rose to about 320 million in 1992/93. It then remained steady for four years, but has been reduced to about 300 million in the present year. This contrasts with a total expenditure of 682 million on criminal Legal Aid for defendants.

The CPS today

7. During its short life the CPS has been the subject of many reviews and investigations which have made it difficult for it to settle down. Nevertheless, the first twelve years of the CPS have seen some real achievements. The CPS is now established as a national and independent organisation operating in accordance with a Code for Crown Prosecutors and contributing to the formulation of Government policy on criminal justice.

8. The CPS now employs about 6,000 people of whom some one-third are lawyers. They deal with more than 1.3 million cases annually in the Magistrates Courts and about 120,000 in the Crown Court. Much of the work is routine and involves minor offences but at the other end of the scale CPS staff are responsible for handling complex and serious cases which often attract considerable public interest. The CPS has little control over its workload. The case files arrive from the police who have already agreed the date of the first hearing with the court. Both the quality and the timeliness of production of the files received from the police are sometimes a cause of concern to the CPS and in the relationship between the police and the CPS there is a tendency for one to blame the other for weaknesses in performance. In its relationship with the courts the CPS has no say in the listing of cases to be heard in the Magistrates or Crown Courts.

9. The CPS Headquarters offices in London and York manage the 13 Areas which control the network of 93 Branches which are the key operating units of the organisation, plus Central Casework in London. The Area offices are very much an extension of Headquarters. The CPS has adopted a concept known as whole case management. Until this was applied the preparation of all Crown Court work was handled by a unit separate from that which dealt with the Magistrates Courts. The whole case management concept has led to the introduction of teamworking. Each Branch is headed by a Branch Crown Prosecutor and is normally organised into two or more teams of lawyers and lay caseworkers who share the work arising from prosecutions in both courts. The introduction of teamworking, which was accompanied by the introduction of open plan offices, has resulted in a great degree of dissatisfaction amongst the staff. We see much merit in the concept of teamworking, particularly in the removal of the division between lawyers and caseworkers. However, it is the particular form of teamworking and the way it was introduced which have caused much resentment.

10. The prosecution process is essentially local in nature and whilst senior managers claim to have devolved management to a local level we discovered that the Branches feel closely controlled and are required to operate in highly standardised ways. Until recently there were small groups of special caseworkers, who dealt with the more complex cases in each Area. These lawyers have been dispersed; apart from those cases which are remitted to Central Casework the Branches are expected to deal with all cases, from the most minor to the most serious. Attempts in recent years to introduce computer-based systems to assist in casework and case management have not been successful.

11. Until recently, an increasing proportion of the CPS budget was spent on accommodation and some Headquarters functions. In the last few years this trend has been reversed and the staff at Headquarters has been reduced in size. There has also been a drive to allocate work to staff at a lower level of experience than formerly and there is no doubt that some very experienced people have left the CPS since 1992. Although the number of cases has fallen overall, until a recent upwards trend, the workload per case has increased and become more difficult as a result of factors such as changes to the law on disclosure, Charter initiatives, internal monitoring and the increasing incidence of more serious crime. Overall we have found that at Branch level the CPS has more work to do and fewer experienced people to do it.

12. Teamworking has not resulted in the more experienced lawyers spending more time on the serious cases; the CPS is still

focussed on the high volume work in the Magistrates Courts. Furthermore, the most senior lawyers are now expected to devote the majority of their time to management. We estimate that the top 400 lawyers in the CPS spend less than a third of their time on casework and advocacy. We think this is undesirable. The CPS requires more staff in its operating units. Our recommendations aim to ensure that the resources of the CPS are redistributed so as to be devoted to its core activity, the conduct of prosecutions.

How the Prosecution Process Works at Present

13. In order to present the case for the prosecution in court the CPS needs to have a file containing the evidence and other relevant information, including any criminal record the defendant may have. While it is for the police to obtain the evidence as part of the process of investigation, in our view the assembly of the file is part of the conduct of the proceedings for which the CPS is, or should be, responsible. Until now, however, the police have continued to compile prosecution files in a special unit often called an Administrative Support Unit (ASU). The most critical point in the flow of case papers between the investigating officer and the CPS prosecutor in court is at the interface between the ASU and the CPS Branch office.

14. Another cause of discord between the police and the CPS stems from the power of the CPS to discontinue a prosecution. One of a CPS lawyers most important tasks is to review the evidence in the file in order to decide whether it justifies the charge laid by the police, applying criteria set out in the Code for Crown Prosecutors. If the evidence is not sufficient, the lawyer may either substitute a lesser charge (downgrading) or discontinue the prosecution altogether. The exercise of this power, which was newly-given in 1986, was resented at that time by some police officers, but most now recognise and accept that it is a valuable provision which should ensure that only those prosecutions proceed to court in which there is an appropriate chance of a conviction in accordance with the Code. This is a safeguard not only for defendants who should not have been charged but also for the public purse.

How the CPS has performed

15. Our Terms of Reference require us to assess whether the CPS has contributed to the falling number of convictions for recorded crime. One thing is clear: the CPS is not concerned with the vast majority of recorded crime. The CPS is responsible for the conduct of all criminal proceedings after there has been a charge by the police or a summons. In 1996, of the crimes recorded by the police (nearly 5 million), only 1 in every 9 (576,000) resulted in a charge or summons. Recorded crimes do not include the large number of motoring offences, so the CPS is concerned with only one out of nine recorded crimes..

16. From there onwards our task becomes more difficult. To carry out such an assessment we have had to examine the available statistics, which has not proved an easy matter. The Home Office, the Court Service and the CPS each produce statistics relating to criminal prosecutions and often the figures within apparently similar parameters are inconsistent with each other. It was to be expected that when the CPS came into existence convictions would fall as a proportion of total cases simply as a result of the CPS properly exercising their new power to discontinue some cases. However, figures produced by the CPS have shown that in recent years the proportion of cases in the Crown Court resulting in conviction has increased, but this trend differs from that shown by the figures published in the Judicial Statistics produced by the Court Service, which show a decline in convictions over the period 1985 to 1996. We have tried but failed to find an explanation for the disparity in the two sets of statistics. We cannot therefore say that the CPS figures are wrong. We have recommended that attempts are made to agree one set of figures.

17. Overall the CPS discontinues prosecutions in, on average, 12% of cases where the police have charged. The CPS Inspectorate have found, in their consideration of Branch performance, few decisions to discontinue which they considered wrong. However, there is some evidence that the average rate of discontinuance varies greatly between types of offence, with the highest discontinuance rates being for charges of violence against the person and criminal damage, and the lowest for motoring offences. This is clearly a matter for concern, the reasons for which must be investigated.

18. We have been specifically asked to comment on the proposal in the Narey Report that the CPS should no longer have the power to discontinue cases on certain public interest grounds, namely that the court is likely to impose a nominal penalty or that the loss involved is small. We have recommended that the proposal should not be adopted but that the incidence of discontinuance on these grounds should be rare. To that end we have also recommended a small amendment to the Code for Crown Prosecutors.

19. Charges are sometimes downgraded and such few statistics as are available seem to show that this happens most frequently with those which relate to serious crime, public order offences and road traffic accidents causing death. We have no evidence which proves that downgrading happens when it should not. Nonetheless, we suspect that inappropriate downgrading does occur and have recommended that cases of downgrading are specifically examined by the Inspectorate during visits to CPS Units. Both the police and the CPS are helped by the existence of guidance in the form of Charging Standards and whilst we approve their existence we have raised questions about the content of some of the standards. More information is needed about the reasons why charges are downgraded. We have recommended research to consider both this matter and discontinuance.

20. The CPS figures show that the proportion of those pleading Not Guilty in the Crown Court who were convicted increased between 1991/92 and 1996/97 to about 40%. We have, however, given particular consideration to the statistics relating to acquittals in the Crown Court. Both the CPS statistics and Judicial Statistics agree that in 1996 less than half of these were acquittals by a jury. In other words, more than half of all acquittals in the Crown Court resulted from an order or direction of the judge. There are often good reasons why such an order or direction should be made - a vital witness may not appear to give evidence or may prove unreliable in the witness box - but nevertheless the statistic is a cause for concern. In our view, when the CPS has decided to proceed with a case after review, it is reasonable to expect that, unless a major witness is absent, the case will be strong enough to be put before a jury. We conclude that the performance of some parts of the CPS in this respect is not as good as it should be, and improvement is needed.

21. The overall conclusion from this study of the available statistics is that in various respects there has not been the improvement in the effectiveness and efficiency of the prosecution process which was expected to result from the setting up of the CPS in 1986. Where the statistics show a recent improvement, that is often a recovery from a deterioration which took place in the years immediately after 1986. We do not place responsibility for this situation wholly on the CPS; in large part it stems from the failure of the police, the CPS and the courts to set overall objectives and agree the role and the responsibility of each in achieving those objectives.

22. Also under the heading How the CPS has performed the Report contains a Chapter describing the present state of the relationships between the CPS and the other agencies with whom it works and to whom it relates in the criminal justice system. The tensions between the police and the CPS which existed in the early years have been greatly eased, but in some places have not disappeared. There is still a tendency for each to blame the other if a prosecution file is incomplete or some other essential document missing, and, as a result, a case has to be adjourned. In order to establish their independence from the police after 1986, many in the CPS became isolationist, creating a rift in communication. In addition, many police ASUs are not functioning as effectively as they did when they were first created. As a result the CPS finds that it has to duplicate some of the work the ASU staff have done, in order to prepare a satisfactory prosecution file. It is important to seek a remedy for both problems.

23. There are frequent complaints by both magistrates and judges of inefficiency in case preparation or delay on the part of the CPS. Often the CPS is not the cause of the delay, but sometimes it properly has to accept the blame. Part of the problem lies with court listing practices, into which the CPS at present has no input. Timeliness is a most important aspect of the fair and effective prosecution of crime, but at present the Magistrates Courts and the CPS have different, and often inconsistent, performance indicators for timeliness.

24. In the Crown Court, all cases are at present prosecuted by members of the Bar. Both judges and the Bar raised several issues on which action, either by the CPS or by Government Departments, is needed. They include a considerable disparity between the higher fees paid to defence Counsel under the Legal Aid Scheme and those paid to prosecuting Counsel briefed by the CPS; the issue of briefs being returned by Counsel; problems arising from a shortage of CPS staff in the Crown Court, and a difficulty in Counsel obtaining fresh instructions while in court. These are all matters we address.

25. Finally in this part of the Report we consider the proper role of the CPS in relation to victims and witnesses, particularly its obligations arising out of the Victims Charter.

26. Our assessment of the CPS is that it has the potential to become a lively, successful and esteemed part of the criminal justice system, but that, sadly, none of these adjectives applies to the Service as a whole at present. If the Service - by which we mean all the members of its staff - is to achieve its potential, it faces three challenges. Firstly, there must be a change in the priority given to the various levels of casework; the centre of gravity must move from the bulk of relatively minor cases in the Magistrates Court in order to concentrate on more serious crime, particularly the gravest types, in the Crown Court. Secondly, the overall organisation, the structure and the style of management of the CPS will have to change. Government

has started this process by deciding that the CPS should in future be divided into 42 Areas, each headed by a Chief Crown Prosecutor. Each of these CCPs should be given as much freedom as possible to run his Area in his own way, and he should support his staff to enable them to get on with the core job of prosecuting. Thirdly, the CPS must establish more clearly its position as an integral part of the criminal justice process. It is no longer the new kid on the block.

Part II: The CPS - The Future

The future of the CPS in the criminal justice system

27. The role of the CPS within the criminal justice system has not until now been spelt out and put into the context of its key objectives and related performance indicators. Nor have the relationships with the police and the courts been properly defined. At present neither the police nor the CPS have overall responsibility for the preparation of the case file. We have therefore recommended that the CPS should take responsibility for:

- the prosecution process immediately following charge;
- arranging the initial hearing in the Magistrates Court;
- witness availability, witness warning and witness care.

28. We believe that the police should remain responsible for the investigation of offences and for charging as well as for the preliminary preparation of case papers. Very often some part of the investigation will take place after the charge has been put but by then the CPS should have taken responsibility for the conduct of the prosecution and be putting together the case file. Our major recommendation is that there should be a single integrated unit to assemble and manage case files, combining the present police ASU and those parts of the CPS Branch which deal with file preparation and review. In this way we intend to bridge the gulf between the police and the CPS to which we have referred.

29. We do not wish to be prescriptive about the precise form of these units, which will need to take account of local circumstances. However, we propose as a model a Criminal Justice Unit in the charge of a CPS lawyer with mainly CPS staff, although many of these might be the civilian police staff at present employed in ASUs. Such a unit will need to be able to call on the police to take action in obtaining more evidence and so a senior police officer will need to be part of the unit, which would be housed in or near the relevant police station. The unit would deal with fast-track cases in their entirety and with simple summary cases, that is, with both the file preparation and the necessary advocacy. The CPS should primarily be responsible in the Magistrates Courts for the timely disposal of all cases prosecuted by its lawyers and share with the court one or more performance indicators related to timeliness. These will involve the other main part of the CPS at the local level where we have recommended the formation of Trial Units to deal with advocacy in some trials in the Magistrates Courts and the management and preparation of all cases in the Crown Court. Such a unit would be staffed both by lawyers and caseworkers, not mainly by non-lawyers as was the case in the past. 30. We hope that these changes will lead to a shift in the centre of gravity of the CPS towards the Crown Court. In return we hope that the Crown Courts will work more closely with the CPS over listing to allow for the proper preparation of cases and assembling of witnesses and evidence.

31. No doubt as a result of financial stringency, CPS staff have increasingly been withdrawn from the Crown Court. We wish to reverse this trend. We recommend that a CPS lawyer should be present at each major Crown Court Centre and that there should be more CPS caseworkers or administrative staff available to support Counsel in the Crown Court. We also make proposals to alleviate some of the other problems in the relationship between the CPS and the Bar to which we have already referred, especially the disparity in the fees paid to the Bar for prosecution and defence work, returned briefs, and the difficulty of Counsel obtaining fresh instructions when he is in court.

32. CPS lawyers have recently been granted limited rights of audience in the Crown Court. We are keen for them to take the opportunity to exercise these rights as soon as they can, probably starting with plea and directions hearings, which we see as a key to greater efficiency and fewer adjournments.

33. We recognise that the police and the courts are aware of the difficulties presented by their current organisation and working relationships with the CPS and have put in place a number of groups and initiatives to help to resolve them. We do not agree that all these have practical value but their existence shows a welcome willingness to attempt to work together. We

should like to see one joint body at local level representing all the relevant criminal justice agencies, to achieve the necessary unity of purpose and harmony in approach.

Central Casework

34. The role of Central Casework in the CPS is absolutely vital. It deals with a wide variety of work which, by reason of its difficulty, importance or sensitivity, cannot properly be dealt with in the Areas. Moreover, the importance and difficulty of its work is likely to increase, partly because serious international crime is increasing and partly because the incorporation of the European Convention on Human Rights into United Kingdom legislation is bound to create a considerable amount of extra work for the CPS. There are justified concerns about the functioning of and management systems in Central Casework in recent years. These need to be addressed, and indeed the CPS has various changes in hand. We are strongly in favour of Central Casework continuing to exist in much its present form, but as far as possible with its capability enhanced. We make recommendations to this end, including some about its structure.

Special Casework

35. Those who were, until fairly recently, Special Casework Lawyers, have for reasons which the CPS has explained to us, been distributed amongst the Branches if they are still employed by the CPS. We believe that the necessity to deal with serious crime and difficult cases around the country, particularly the demands of the newly formed National Crime Squad, are such that the groups of Special Casework Lawyers which previously existed should be reconstituted, but in a new form. We recommend that there should be five or six such groups, each containing a number of Special Casework Lawyers with support staff, throughout the country, probably located conveniently for the offices of the National Crime Squad and the Judicial Circuits. We have considered how they should be managed and have decided that the best pattern would probably be that they should be part of Headquarters. This would mean that there would be a Head of Special Casework with a small staff in Headquarters. We have also considered, and have some observations to make, about the management of fraud cases within the CPS. We believe that instead of being distributed between Central Casework and Special Casework as hitherto, complex cases should now be dealt with by Special Casework lawyers with a special unit handling City and large international fraud. This would not disturb existing arrangements which direct the most serious cases to the SFO.

The future organisation of the CPS

36. On coming into office in 1997 the Government announced that the CPS was to be reorganised into a structure of 42 Areas, each to be coterminous with a police force. Our Terms of Reference include that reorganisation as the basis for our work. It would be possible to make a change to a 42 Area structure with minimal disturbance to the current Branch and Headquarters organisation. However, this would not achieve the devolution which we believe is essential. Our view is that the reorganisation should be taken as an opportunity for a genuinely new start, building on the achievements of the past twelve years but creating a form of management at both national and local levels which is different in both structure and style.

37. The objectives of the changes that we propose are to:

- set up a decentralised national service through the genuine devolution of as much responsibility and accountability as possible to the CCPs in the new Areas;
- redefine the role of the Headquarters organisation;
- ensure that all but the most senior lawyers in the CPS, including CCPs, spend much more of their time prosecuting;
- improve the career structure for all staff;
- Give each CCP responsibility for managing the administrative support and services in his Area, subject only to the constraints of nationally based accounting and data processing systems.
- Reduce the bureaucracy by prioritising the information flows and limiting the Headquarters support functions to a

few key advisory services.

38. We see the decision to restructure the CPS into 42 Areas not as increasing the number of Areas from 13 to 42 but as:

- removing completely a layer of management by disbanding the 13 Areas, and
- ensuring that in most Areas, if not all, the Area itself becomes the key operating unit instead of the Branch, of which there are 93 at present.

39. In deciding on the functions of the new Areas, we have thought of the CPS as analogous in some respects to a very large legal firm specialising in criminal prosecution and operating from 42 separate offices of greatly differing sizes. The local CCPs will be bound by central policies and procedures but will have a large degree of autonomy in carrying out their professional duties and managing their local offices.

The Local Structure

40. This may vary between Areas. 32 out of the 42 new Areas have at present only one or two Branches which often serve mainly one Crown Court. For them a useful model might be that there should be a series of Criminal Justice Units throughout the Area, each serving one or more police divisions and one or two Magistrates Courts, together with one Trial Unit for the Area dealing with all Crown Court cases and the summary trials which have not been dealt with in the CJU. The Trial Unit would be located in the Area Office.

41. The remaining 10 larger Areas may need different arrangements. We would expect there to be several Trial Units related to the Crown Courts. The location of the new CJUs would be a matter for the CCP.

42. The position of the new CCPs is clearly one of great importance. The competence, integrity and personality of the men and women who are appointed to these roles will be vital to the success of the move to a decentralised national Service. What is important is that even in the smallest Area, the CCP will have the ability and authority to negotiate and co-operate with the judiciary, the Chief Constable and the senior representatives of other bodies and agencies.

43. We propose that below the CCP the functions of the new Area Headquarters should be divided between legal operations on one hand and the management of process and administration on the other. We recommend that the latter function will be the responsibility of an Area Business Manager. He will have two main fields of responsibility:

- the administration of the Area, including being accountable to the CCP for planning, budgeting and financial control; and
- working to improve the efficiency of the prosecution process.

The Area Business Manager would report directly to the CCP and would have a small staff.

44. The conduct of prosecutions would be under the direct control of the CCP. The heads of the CJUs and Trial Units would in most of the Areas report directly to the CCP, but in the largest Areas it might be desirable for them to report to an Assistant CCP, who would be in charge of one of the Trial Units.

National Headquarters

45. The Headquarters of the CPS should have two main functions: setting the national framework for prosecution, and resourcing and monitoring the Areas. The one function requires top quality legal professionalism, and the other, high calibre managerial skills. The DPP clearly has to be a lawyer whose main concerns should be with the very considerable legal responsibilities that go with the position. The management of the process and administration and control of the organisation as a whole should, we recommend, be entrusted to a Chief Executive. He would be the second most senior officer in the Headquarters organisation and be directly responsible to the DPP who would be relieved of the great bulk of administrative work.

46. The Chief Executive need not - and probably would not - be a lawyer by profession. He would be the Principal

Establishment and Finance Officer (PEFO) for the CPS and would have working to him two Divisional Heads; one, the Head of Finance and the other the Head of Personnel, as well as other functional managers responsible for Strategic Planning and IT. He would have a functional link with the Area Business Managers.

47. The DPP, freed to concentrate largely on the prosecution and legal process, would be immediately supported by a Director, Central Operations. He, in turn, would, we envisage, have three divisions under him, each with a Head who would deal with Policy (broadly, the functions of the present Casework Services); Central Casework; and Special Casework.

48. We propose that there should be no intermediate layer of management between the DPP and the CCPs in the 42 Areas. We recognise that this is a much wider span of management control than is often thought appropriate. We discuss in the Report how, in the circumstances, we believe it can be achieved.

London

49. London is different. It is by far the largest of the present 13 Areas, employing nearly 1,000 staff and accounting for more than a sixth of the total CPS budget. The problems of the CPS as a whole tend to be writ large in London, and it also has some problems of its own. The latter are largely related either to the greater problems in co-ordinating the work of the police, the CPS, and the courts, or to the difficulties, which were there from the beginning, of maintaining standards of performance in a much more demanding environment.

50. The Attorney General has already agreed with the DPP that there will continue to be a single Chief Crown Prosecutor for London. This fits in well with the organisation of the Metropolitan Police, where the Commissioner has designated one of his Assistant Commissioners to be functionally responsible, from the police standpoint, for the smooth running of the criminal justice process. There are five Assistant Commissioners, each responsible for a Metropolitan Police Area. We recommend that the CPS mirrors this organisation by appointing five Assistant Chief Crown Prosecutors.

51. Although London is in some respects significantly different from the rest of the country, we nonetheless see no reason why the organisation which we have suggested for the other large conurbations should not also work perfectly well in London. Thus we envisage a number of Trial Units, linked with the main Crown Court centres, and a related network of Criminal Justice Units. The appointment of a single Business Manager responsible for the whole of London will be critical, but we see many advantages in retaining a single administrative centre, rather than creating a precedent by setting up administrative structures at Sub-Area level.

52. We also regard it as particularly important that London should have an effective body to co-ordinate the work of all the main criminal justice agencies. Currently the CPS chairs the TIG Strategic Board for London. We recommend that this body, or its successor, is given the necessary status to play an effective part in the delivery of criminal justice in the capital.

Management and People

Management of the CPS

53. The concept of a national framework for the CPS involves central accountability for the management of the process and of the resources. However, the nature of the process in which the CPS is involved demands that the Areas need to be granted as much autonomy as possible, if they are to deliver an effective and efficient local service. Whatever the intention, the freedom of action able to be exercised at operational level is, at present, very limited. We have concluded that the CPS is still too bureaucratic despite recent moves that are designed to move the organisation in the right direction. The result has been the effective withdrawal from prosecution of many senior lawyers, the demoralisation of others and a negative impact on the effectiveness of prosecution.

54. We have concluded that the management functions of the CPS Headquarters need to be contained and concentrated, specifically on:

- Policy formulation;

- The planning and budget cycle;
- Performance monitoring;
- Control of key appointments and associated personnel activities;
- Information systems and technology;
- Internal inspection and audit.

55. The move to 42 Areas, the changes that will follow from the implementation of the fast-track provisions of the Crime and Disorder Bill, and the changes resulting from our own proposals, will together mean that almost everyone in the CPS will be asked to carry out his job rather differently in the future. It will also necessarily mean a change in the way the CPS is managed. We hope that what will emerge will be a more collegiate management style which, having devolved genuine power and responsibility to the Areas, continues both to encourage and support local and individual initiative. Combined with this, as an inevitable counterbalance, is the requirement for a rigorous and effective system of accountability, for which we make proposals.

People in the CPS

56. As an organisation the CPS ought to be a showcase for the legal profession, providing attractive career opportunities for young and competent lawyers and caseworkers. This is not the current perception but we hope that, in time, it could become so. It is certainly our belief that overall the CPS as an organisation and the people who work for it are currently under too much pressure. We were also made aware of the fact that many of the staff were concerned at what they saw as limited career possibilities within the CPS and about the inadequacy of their training. The latter applied particularly to the caseworkers, and to the lawyers who had moved into management.

57. The CPS is no different from any other organisation in that the aspirations of its employees cannot always be met particularly when sometimes the aspirations are unrealistic. Nonetheless, until now there have been a number of constraints, both internally and externally imposed, particularly on the career options for CPS lawyers. Recent developments such as the granting of limited rights of audience in the Crown Court, and the changes which will inevitably follow from the Crime and Disorder Bill enabling the DPP to confer on lay staff powers of review and presentation, provide scope to both lawyers and non-lawyers to take on new and more interesting work. We believe that many of our proposals will serve the same cause.

58. There is already a need for more training of CPS staff. Carrying our proposals into effect will make that need greater, so that people may feel and be properly equipped to face the challenges of their new or altered jobs. We make proposals for the enhancement of staff training in all Areas, but for administrators and business managers as a first priority. There will be a cost for this, which we have taken into account in our financial estimates referred to below.

Information systems and technology

59. Attempts by the CPS to introduce an effective IT-based case management system have not been successful. Implementation of the system (SCOPE) which has been introduced into about half the Branches has been halted and work is in hand to devise a programme to introduce new systems and a communications infrastructure as soon as possible. Hitherto all the agencies in the criminal justice system have tended to take a very parochial view of their IT systems requirements despite the efforts of inter-departmental groups to foster a unified approach to computerisation. Now, however, steps are being taken to improve the management of IT in the criminal justice system and it is to be hoped that this work will enable swift action to prevent the initiatives of individual departments from impeding the development of consistent and where possible integrated systems. It is important that the CPS does not act in isolation and we have therefore recommended that it joins with the Police IT Organisation to implement a new integrated system under the auspices of the new IT organisation for the criminal justice system.

60. We therefore welcome the emergence of an over-arching criminal justice IT organisation but are concerned that, unless it has a significant budget and powers of its own, it will be no more effective than its predecessors.

Accountability

61. The DPP is by Statute accountable to the Attorney General and to Parliament. The nature and extent of her accountability is a subject of some complexity; we discuss it in the Report, but cannot summarise what we say without losing the argument. One point, however, we can properly make here. It has become apparent that there is a difference of opinion between us and senior CPS management as to the rigidity of the constraints imposed on the DPP by her accountability. We are confident that genuine devolution of power - the power to make decisions - to the new Areas will bring benefits in better casework and more efficient management. The devolution must, however, carry with it some risk that somewhere, sometime, somebody will make a wrong decision. In our view the potential benefits far outweigh the risk. CPS management seem to take the view that, unless that risk is minimal, the DPP's accountability does not allow her to take it, even though this would sacrifice the benefits of devolution. We cannot and do not accept this interpretation, nor do we believe that it is currently accepted by Government. Sir Humphrey has moved on.

62. The CPS as a whole, being a national service, is not and should not be accountable to any local body, but we believe it should add to the steps it has taken in recent years to inform people about its work generally, and to respond to public concerns in each of the Areas. We discuss this subject under the heading of Answerability, and suggest a possible forum in which from time to time local CPS representatives could be answerable for the general conduct and policy of their Area, though not for the detail of any individual case.

63. In the past two years the CPS has established an Inspectorate, which publishes reports both on standards of casework in Areas or Branches, and on specific themes. We are impressed by the quality of these reports, but we believe and recommend that the Inspectorate should be made more independent by having a lay Chairman appointed by the Attorney General and a number of lay members, and that its remit should be widened. We make proposals to achieve these aims.

Funding

64. Our Terms of Reference require us to cost our recommendations taking account of the need to operate within existing provision. We devote a Chapter of the Report to explaining how in our view this can be achieved.

The way forward

65. We referred earlier to the three key respects in which the CPS needs to change. Firstly it needs to give greater priority to the more serious cases. Secondly it must have a new organisation, structure and style of management. Thirdly, it needs to establish firmly its proper role in the criminal justice process.

66. If our recommendations are adopted, the staff of the CPS, at all levels, must accept the desirability of and understand the aims of those changes. New working practices and a new culture will be necessary if the CPS is to thrive and find its rightful place in the criminal justice system.

67. Moving the emphasis from the less serious to the more serious cases, while continuing to give proper consideration to each prosecution, will require not only change in the CPS but also in the police and the courts. We are confident that at the local level the staff of the CPS will, when they understand the nature of the change required of them, be able to take the CPS forward in the way we have recommended. We are also confident that the staff of the courts and the police will give the CPS their support.

68. On one issue we are quite clear. In its short life the CPS has been subjected to a whole series of Reviews, external and internal. Some have resulted in major changes in the structure and staffing of the Service or parts of it, others in considerable changes in working practices. The present 14 Area structure has only lasted for five years. We repeat that, whether all or any of our other recommendations are adopted, the move to 42 Areas is inevitably another major reconstruction. We are not, of course, suggesting that the decision by Government to set in train that reconstruction was wrong; indeed, as we have said earlier, we agree with it, and our proposals are based upon it and are designed to produce the most benefit from it. Nevertheless, constant change is inevitably unsettling for all staff, and for a time must affect their performance. If the recommendations of this Review are accepted and when they have come into effect, the CPS must be given the opportunity

to settle down and make the new systems work. No doubt there will be initial problems, and mistakes will be made. Some fine tuning of the machinery may prove necessary. But our firm recommendation is that when the new structure and procedures are in place, there should be no further major changes to, nor review of, the CPS or any major part of it for a considerable period of time. As a body, the members of the Crown Prosecution Service must be allowed to regain their pride and achieve their potential - in a word, get on with the job. We believe that together they can do so. We wish them well.

List of Conclusions and Recommendations

Chapter 4

How the CPS has performed: Specific Issues raised in the Terms of Reference

Statistics

1. **We recommend** that at least the core elements of criminal statistics are isolated in such a way as to enable meaningful comparisons to be made, agency by agency. (*paragraph 11*)
2. Agreement is necessary between the Court Service and the CPS to produce their Crown Court statistics on the same basis using the same methods of counting, the same descriptions for different categories of disposal and the same basic conventions. **We recommend** that attempts should be made to achieve such an agreement as soon as possible. (*paragraph 57*)

Discontinuance

3. Because the incidence and nature of Section 23 based discontinuances is so critical to understanding the way the CPS is working, **we recommend** that statistics on this are collected and published separately, rather than being reported together with the other reasons why cases do not proceed to court. (*paragraph 27*)
4. **We recommend** that a study be made of the reasons for discontinuance in the categories of offence for which the rate of discontinuance is above average. (*paragraph 32*)
5. **We recommend** that there should be a formal requirement, including incorporation in the CPSs Manual of Guidance, for the prosecutor to obtain a supporting opinion from a superior in any case in which a decision to discontinue is doubtful or difficult. (*paragraph 34*)
6. The Inspectorate should bear in mind, as they probably already do, when considering decisions to discontinue that decisions may be made too quickly, before all the evidence which might be available has been obtained. (*paragraph 36*)
7. **We conclude** that removing the power from the CPS to discontinue on grounds that *the court is likely to impose a very small or nominal penalty or the loss or harm can be described as minor and was the result of a single incident, particularly if it was caused by a mis-judgement* is too sweeping.

We advise that the recommendations in the Narey Report to that effect should not be adopted. (*paragraph 40*)

8. **We recommend** that the words ... *in cases of any seriousness* should be deleted from paragraph 6.2 of the Code for Crown Prosecutors, and that, until such time as the Code is formally amended, the CPS should issue a general instruction that the test set out in the sentence should be applied in every case where discontinuance on public interest grounds is being considered and should take the opportunity to make the amendment formally as soon as possible. (*paragraph 41*)

Downgrading

9. If research which has already been done suffices, **we recommend** that the Inspectorate should specifically consider

recent cases of downgrading when they conduct inspections of CPS Branches, so as to decide, as they do with discontinuance, whether the decisions were or were not justified.

If that research is not sufficient, **we recommend** that research be commissioned into the reasons for downgrading charges in cases of offences against the person, public order offences and cases where death has resulted from a motor accident, to run in parallel with the research into the reasons for discontinuance we have recommended in paragraph 32. (*paragraph 47*)

Chapter 7

Redefining the Objectives

10. It is necessary to define more clearly the proper relationship and responsibilities of the three main agencies in the criminal justice system: the police, the CPS and the courts. (*paragraphs 4 & 8*)

11. We suggest a restatement of the aim and objectives of the CPS and that the objectives and related performance indicators of all the criminal justice agencies are made consistent and mutually reinforcing. (*paragraphs 9 & 11*)

Chapter 8

The Prosecution Process: Proposals for Change

File Preparation and Case Management

12. **We recommend** that where two or more local criminal justice liaison bodies have similar concerns, and some joint membership, they should amalgamate into one body or form a new group in which all the relevant criminal justice agencies are represented, to promote coordination and the overall effective operation of the system. The members of such a group should consist of people able to commit their organisations to put into effect its decisions. (*paragraph 3*)

13. **We recommend** the amalgamation of some of the functions of the CPS Branch and the police ASU, so that the CPS can assume responsibility for the prosecution process from the point of charge. (*paragraph 8*)

14. Such a single integrated unit, which we have christened a Criminal Justice Unit, could be either a police Unit with one or more CPS lawyers working permanently in it, or a CPS Unit with some police staff. **We firmly recommend** the second option. The CJU would cover one or more police divisions, and serve one Magistrates Court or Petty Sessional Division. (*paragraphs 9 & 26*)

15. **We recommend** that the new Criminal Justice Units should have sole conduct of fast-track cases. This recommendation builds on but goes further than recommendations for fast-track justice in the Narey Report. (*paragraph 11*)

16. **We recommend** that the Criminal Justice Units should be responsible for case management in the Magistrates Courts. (*paragraph 12*)

Trial Advocacy

17. We see advantages in the presentation in court of fast-track cases by experienced but not legally qualified caseworkers, for which provision is made in the Crime and Disorder Bill. We express **reservations** about the process of review being undertaken by non-lawyers. (*paragraphs 18 & 19*)

18. **We propose** the establishment of a Trial Unit, to be responsible for all prosecutions in the Crown Court, and to be available to undertake the advocacy in Trials of either-way cases in the Magistrates Courts. (*paragraphs 21 & 22*)

The Courts

19. **We recommend** that the CPS has separate overall timeliness targets for cases going to the Magistrates Courts (from charge or summons to completion) and for the Crown Court from committal to first hearing and, separately, to completion. **We also recommend** that steps be taken to formulate an overall indicator of timeliness in the Magistrates Courts process which would apply both to the courts and the CPS. (*Chapter 5, paragraph 37 and Chapter 8, paragraph 29*)
20. **We recommend** that in every case the CPS - the Criminal Justice Unit, if there is to be one - should be informed immediately whenever a charge is brought or an application is made for a warrant or summons. **We further recommend** that the CJU should take over from the police the task of agreeing with the Magistrates Courts staff the date of the first hearing in every case which is not on the fast track. (*paragraph 30*)
21. **We recommend** that the CPS should be involved in the process of listing in the Magistrates Courts of cases which do not follow the fast-track. (*paragraph 32*)
22. **We conclude** that greater CPS involvement in listing is necessary for the more effective and efficient conduct of work in the Magistrates Courts. (*paragraph 32*)
23. Our general desire to see the preparation and conduct of Crown Court work given a higher priority by the CPS leads us to **recommend** that the new CCPs pay early attention to the quality of brief preparation. **We also recommend** that lawyers released from spending much time on less serious cases by the adoption of the fast-track justice method and by our other proposals, should be moved to devote more time and attention to working jointly with caseworkers on Crown Court preparation whether or not they are going to appear as advocates themselves. (*paragraphs 35 & 36*)
24. We welcome the limited rights of audience in the Crown Court which have been granted to CPS lawyers, and support the proposal by the CPS that their first task when trained and authorised will be to appear as advocates for the prosecution on plea and directions hearings. (*paragraph 37*)
25. When the new CCPs are appointed **we recommend** that one of their priorities should be to consider, in consultation with the Crown Courts they serve and the Bar they instruct, how many members of CPS staff are needed to service properly a Crown Court centre. **We also recommend** that in every major Crown Court centre there should be a CPS lawyer in overall charge of the CPS staff there, available to give advice and solve the difficulties which inevitably arise from time to time. (*paragraphs 38 and 39*)
26. Our view is that the CPS should be given a greater say in the listing process in the Crown Court. (*paragraph 40*)

The Bar

27. We understand that Ministers are already aware of the problem of disparity in the level of fees paid to prosecution and defence Counsel so our **recommendation** is that they should treat its solution as a matter of some urgency. (*paragraph 45*)
28. We suggest various ways in which the working relationship between the CPS and the Bar might be improved. (*paragraph 46*)
29. The DPP should initiate a bilateral discussion with the Bar Council to achieve a clear agreement on the workings of the Farquharson guidelines. (*paragraph 48*)
30. **We recommend** that the CPS and the Bar should not only discuss the results of monitoring returned briefs, but publish them, to demonstrate that they are, if belatedly, truly alive to the problem and determined to cure it. (*paragraph 52*)

Witnesses and Victims

31. **We recommend** that, as soon as practicable, an agreement should be reached between the CPS and the police that the

CPS should have the overall responsibility for witness warning. *(paragraph 54)*

32. **We recommend** that the transfer to the CPS of the responsibility for giving information and, where desired, an explanation to complainants/victims should take place in each CPS Area as soon as the resources of that Area permit. *(paragraph 55)*

Chapter 9

Central Casework and Special Casework Lawyers

33. Our view is that Central Casework should be a centre of excellence, and should continue to handle the same range of work as it does at present, with the exception of fraud cases, as to which see paragraph 40. The general level of skill, experience and seniority must be retained and indeed enhanced, as a valuable resource of experience and expertise. *(paragraph 18)*

34. A top priority is the provision of an effective case management system. *(paragraph 21)*

35. We support the present plans for Central Casework insofar as they introduce:

- realistic staffing and recruitment externally of fresh people;
- better training; and
- improved casework audit procedures. *(paragraph 22)*

36. **We recommend** that Central Casework should revert to being an integral part of Headquarters with the Head of Central Casework responding to the Director Central Operations and accountable through him to the DPP. *(paragraph 23)*

37. **We conclude** that Special Casework Lawyers should be available to provide early advice to the police. *(paragraph 32)*

38. **We recommend** the establishment of small groups of special casework lawyers with their own support staff, including caseworkers, to be based in five or six centres in England and Wales and known as Special Casework Units. *(paragraphs 33 & 34)*

39. **We recommend** that the Special Casework Units, though based in the Areas and probably conveniently located in Area offices, should nonetheless report to a Head of Special Casework, who would be based in and be part of Headquarters. *(paragraph 36)*

Fraud

40. **We recommend** that all fraud work which at present goes to Central Casework and that which goes to Special Casework Lawyers should in future be handled by the Special Casework Units. *(paragraph 40)*

41. The larger and more complex city and international fraud cases dealt with by the CPS should be handled by the London Special Casework Unit, suitably enhanced. *(paragraph 41)*

Chapter 10

Future Organisation

42. **We propose** that the structure of the new 42 Areas should differ greatly from that of the present 13 Areas. In our model the 42 Areas will replace the present Branch structure as the accountable (key) operating units. Within each Area, according

to their size and the number and location of Magistrates Courts and Crown Courts, there will be one or more Trial Units and a series of Criminal Justice Units. (*paragraphs 12 - 15*)

43. This proposal differs from the present whole case management system at present espoused by the CPS. Our major **objective** for the CPS as a whole, to which the present management subscribe, is the pursuit of excellence. Where we differ is in our belief that this can only be achieved if, broadly speaking, the staff of the CPS, and especially those with particular skills or expertise, concentrate on what they do well. (*paragraph 18*)

44. **We recommend** that urgent consideration should be given to incorporating our proposals into the proposed pilot projects being planned to implement the fast-track proposals in the Crime and Disorder Bill. These are being carried out through the Trials Issues Group and as they are not scheduled to begin until October there is time to broaden the study. (*paragraph 20*)

45. **We propose** that the appointment process for the 42 CCPs should be by open competition. (*paragraph 21*)

46. **We recommend** that the organisation in the new Areas below CCP level should be clearly divided between legal operations on the one hand and the management of the business process and the administration on the other. (*paragraph 22*)

47. **We recommend** the appointment in each Area of a Business Manager. (*paragraph 23*)

National Headquarters

48. The Headquarters of the CPS has two broad functions: providing the national framework for prosecution and managing the organisations resources. The DPPs main concerns are properly with her considerable legal responsibilities. To support her directly in this work, **we propose** a senior Director, Central Operations. (*paragraph 28*)

49. For the other function, **we recommend** that the management of the system and the administration of the organisation should be in charge of a Chief Executive, who will probably not be a lawyer. (*paragraph 28*)

50. **We propose** that a body such as the Directors Strategic Board should continue and should comprise the eight most senior Headquarters Managers and up to seven CCPs. (*paragraph 28*)

51. The Chief Executive should be second in rank to the DPP, but neither he nor the Director of Central Operations should be designated Deputy DPP. (*paragraph 29*)

Managing the 42 Areas and Transitional arrangements

52. **We propose** that each of the 42 CCPs should be directly responsible to the DPP. However, we recognise (*paragraphs 39, 42 and 43*) that this may need to be supplemented during the transitional phase and suggest further arrangements, which should be in operation for no longer than two years. (*paragraphs 38, 39, 42 & 43*)

53. **We conclude** that it would be undesirable to reintroduce a layer of regional management, but we envisage a limited representational and coordinating role at a Regional level for the CCPs in the larger Areas. (*paragraphs 38, 40 & 41*)

London

54. **We recommend** that in London the CPS should appoint five Assistant Chief Crown Prosecutors, each to be responsible for a geographic Area coterminous with each of the Metropolitan Police Areas and the City of London Police. (*paragraph 58*)

55. **We recommend** that CPS London should be organised, managed and administered broadly on the same lines as in the other large conurbations. (*paragraphs 59 & 62*)

56. The special problems of London can only be solved by greater cooperation between all the agencies concerned with

criminal justice in London. The Trial Issues Group Strategic Board for London has, we believe, a central role to play in this. *(paragraph 63)*

Chapter 11

Management and People

57. **We make proposals** for improving the career structure and opportunities for lawyers in the CPS. They include more time spent prosecuting for more senior lawyers and less migration into management, the Special Casework Units we propose, and taking up rights of audience in the Crown Court. *(paragraphs 15 & 16)*

58. **We recommend** that the Lord Chancellors Department and the Law Officers should consider allowing CPS lawyers to progress, via part-time sitting, to appointment as Stipendiary Magistrates or Circuit Judges. *(paragraph 19)*

59. **We also make proposals** for improving the career structure and prospects of non-lawyers in the CPS. *(paragraphs 21 - 23)*

60. **We recommend** the establishment of a central Training and Management Development Unit with an appropriate increase in funding. *(paragraph 28)*

Chapter 12

Information Systems and Technology

61. **We recommend** the setting up of a Criminal Justice Information Technology Organisation to co-ordinate all cross-agency IT developments in the criminal justice system. It should have effective powers and a budget of its own. *(paragraph 14)*

62. We conclude that the CPSs most urgent IT requirement is for an effective case management system and the communications infrastructure to go with it. *(paragraphs 19 & 20)*

63. We accept that the CPSs IT needs will, in future, probably and properly be provided by an external service supplier, but we are sceptical that a PFI contract, as strictly defined, is in the interests either of the CPS or the criminal justice system as a whole. We also doubt whether it is a practical proposition. *(paragraphs 23 - 25)*

64. **We recommend** that the NSPIS case preparation system is integrated with the CPS operational system and that the Police Information Technology Organisation should be the project managers for the new integrated system. *(paragraph 26)*

65. The imperatives for the CPS in relation to IT are, in addition to implementing an effective case management system:

- that IT needs to be centrally driven, even if PITO becomes the agent of change.
- the transformation of the CPS into a computer literate organisation.

Chapter 13

Financial Accounting

66. We envisage a system of financial accountability with the following elements:

- CPS costs more closely related to the objectives of the organisation.

- Budgets assessed and allocated by the centre, against annual and three-year projections of workload and critical performance objectives.
- Each of the 42 Areas reporting directly to Headquarters on a monthly and/or quarterly basis against a profiled expenditure and a limited number of pre-set targets and key performance parameters.
- Quantified output performance indicators, eg unit case costs in the Magistrates Courts, costs for contested trials, etc. (*paragraph 22*)

67. **We recommend** that the CPS install a new costing system. (*paragraph 23*)

Inspectorate

68. We conclude that it is essential to retain and expand the role of the CPS Inspectorate. (*paragraph 27*)

69. **We recommend** that the CPS Inspectorate should have an independent part-time chairman and there should be two or three part-time lay members of an Inspectorate Board. (*paragraphs 37 & 38*)

70. **We recommend** that the chairman should be appointed by, and answerable to, the Attorney General and that the Inspectorate comprises CPS staff who should be answerable to the DPP. (*paragraph 40*)

71. **We recommend** that internal financial audit and checks on performance efficiency and effectiveness should be brought within the sphere of the new and enlarged CPS Inspectorate. (*paragraph 41*)

72. **We recommend** that the Inspectorate should report on its inspections to the DPP but that its reports should not be published. However, we further recommend that the chairman should publish an Annual Report. (*paragraph 43*)

Answerability

73. We conclude that community strategy groups proposed in the Crime and Disorder Bill offer the best way forward as a forum to which the CPS may relate and recommend CPS involvement with them at a local level. (*paragraph 55*)

74. **We recommend** that the CPS continues to be represented on local TIGs or similar bodies, but particularly on the joint local body representing all criminal justice agencies which we favour. (*paragraph 56*)

Chapter 15

Overall Conclusion

75. **We recommend** that once any new structure and procedures are in place there should be no further major changes to, nor review of, the CPS or any major part of it for a considerable period of time. (*paragraph 6*)

