

Nick Walker
Clerk
Justice Committee
House of Commons
London
SW1A 0AA

Sent by email: justicecom@parliament.uk

15 January 2016

Dear Nick,

Thank you for your letter dated 18 December 2015 requesting clarification on a number of points which arose when I gave evidence to the Justice Committee on 15 December. I am grateful for the opportunity to provide this additional information.

1. Staff Sickness Levels

The Committee requested the CPS's most recent figures for staff sickness levels and how these compare to rates across the Civil Service and the Government Legal Service.

The CPS launched its Health, Wellbeing and Attendance (HWA) Strategy in October 2013 as a direct result of the increase in absence levels across the service. The aim of the strategy is to support and improve the health and wellbeing of CPS employees, specifically providing HR support to Area and HQ Business Managers to reduce the number of Average Working Days Lost (AWDL).

The table at **Annex A** demonstrates the significant improvement in AWDL since 2010-11, with the level of AWDL showing a continual downward trajectory, reducing from 9.0 days in March 2015 to a current level of 8.2 days. Short term absence and long term absence have decreased in days lost, and the number of CPS employees with zero absence taken in the year is increasing.

Although AWDL in the CPS remains above that of the Civil Service and the Government Legal Department, significant improvements to CPS levels have been achieved through positive and focused action, which has included:

- the development and launch of a new Attendance Management Policy;
- rolling out mandatory e-learning on the policy across the CPS;
- developing a specific tool to assist managers in the timely application of the policy;
- working more closely with our Occupational Health Provider;
- ensuring a monthly focus on the Departmental top thirty longest absences;
- driving proactive case management by Area Senior Managers and local HR;
- shifting AWDL to become a high-weighted performance measure, and
- holding Areas to account for performance on AWDL at Quarterly Performance Reviews.

We have also seen an improvement in our Employee Engagement Index (EEI), which increased by 1 percentage point from last year (to 54%) and has increased 5 percentage points in total since 2011. It is now as high as it has been at any time since 2009, which is a positive result when considered in the context of significantly reducing resources (31% headcount reduction) and the unprecedented changes our workforce is experiencing (57% office closures, digitalisation of prosecution and standardisation of business process).

The wider Civil Service EEI has dropped 1 percentage point to 58% and the CPS is now only 4 percentage points behind (in 2014 this was 6 percentage points). The improvements in 'My Manager' and 'Learning and Development' results since 2011 have reached double figures this year.

A summary of the CPS People Survey 2015 can be found at **Annex B**.

2. Categories of Information Recorded in the Casework Management System.

The Committee requested further information on the categories of information recorded in the Casework Management System (CMS), including what is mandatory for prosecutors to record.

CPS records identify the volumes and outcomes of pre-charge decisions and prosecutions through CMS. This information is then extracted and reported through the related Management Information System (MIS) database.

Pre-charge decisions

The outcomes of **pre-charge decisions** are recorded on a **suspect basis**. Data is collected identifying the number of decisions to charge, to take no further action for evidential reasons or in the public interest, or where an out of court disposal is appropriate.

Pre-charge decision data can be broken down by the monitoring flags which are explained below.

Prosecutions

CPS **prosecution outcomes** are recorded on a **defendant basis**. In some cases a number of defendants may be prosecuted together in a multi-handed case. When the proceedings are complete and finalised on CMS there are two possible outcomes, either a conviction or an unsuccessful outcome for each defendant.

‘Convictions’ comprise guilty pleas, convictions after trial and cases proved in the absence of the defendant. ‘Unsuccessful outcomes’ represent all outcomes other than a conviction, including prosecutions dropped, discharged committals, dismissals and acquittals, and administrative finalisations. A reason for the unsuccessful outcome is also recorded in CMS.

Prosecutors are required to record the following information in CMS

Pre-Charge Decisions

- Suspect details
- Outcome of the pre-charge decision. (The outcome of the pre-charge decision can be broken down by the monitoring flags – see below)

Prosecutions

- Defendant details
- Offence details⁽¹⁾
- Case Outcome – either a conviction or an unsuccessful outcome⁽²⁾
- Principal Offence Category⁽³⁾
- Reason for the unsuccessful outcome⁽⁴⁾
- Monitoring flags⁽⁵⁾
- Other Case Information⁽⁶⁾

Offences details⁽¹⁾

CMS records the outcome against the defendant and not against specific offences. A limited dataset is, however, available which reports by specific offence, such as harassment, assaults and possession of indecent images. The data shows the number of offences in which a prosecution commenced and reached a first hearing at magistrates' courts.

Case Outcome⁽²⁾

As outlined above, when the case is complete and finalised on CMS, there are two possible outcomes: a conviction or an unsuccessful outcome. CMS records the numbers of both convictions and unsuccessful outcomes.

Principal Offence Categories⁽³⁾

The principal offence category combines a range of individual offences. Defendant data can be broken down and reported by the principal offence category. The

categories cannot be broken down to report prosecution outcomes by a specific offence or offences.

The 12 principal offence categories are as follows:

- Homicide
- Offences Against the Person
- Sexual Offences
- Burglary
- Robbery
- Theft & Handling
- Fraud & forgery
- Criminal Damage
- Drugs Offences
- Public Order
- Motoring
- All Other Offences

The principal offence indicates the most serious offence with which the defendant is charged **at the time of finalisation**. Where the nature of the charges alters during the life of a case, the principal offence at the time of finalisation may be different from the one that would have seemed appropriate at an earlier stage of proceedings. In all such cases the principal offence category to be recorded is that which applies **at finalisation**, regardless of whether this is more or less serious than would have applied earlier in the life of the case.

Reason for the Unsuccessful Outcome ⁽⁴⁾

CMS records a reason for each unsuccessful outcome. Reasons fall into three broad categories: 'Evidential', 'Public Interest' or 'Other'.

Evidential reasons apply where the prosecutor decides that there is insufficient evidence to provide a realistic prospect of conviction. This includes occasions where the case is stopped after prosecution evidence is heard. Public interest reasons

should be allocated where there is considered to be sufficient evidence but the prosecutor decides that public interest factors weigh against prosecution. Other reasons include cases where the defendant is acquitted or dismissed after trial; or where the CPS is not ready and the court refuses an application to adjourn; or, after careful consideration of the circumstances, no other option is appropriate.

The full list of unsuccessful outcomes can be found in **Annex C**.

Monitoring flags ⁽⁵⁾

CPS records identify different types of criminal activity by way of a number of distinct monitoring flags applied to the case record on CMS:

- Domestic Abuse
- Rape
- Child Abuse
- Human Trafficking
- Forced Marriage
- Honour Based Violence
- Racist Hate Crime
- Religious Hate Crime
- Disability Hate Crime
- Homophobic Hate Crime
- Transphobic Hate Crime
- Crime Against an Older Person

These flags are in place to assist the CPS to manage its prosecution function and to monitor performance against a number of key indicators. The data are accurate only to the extent that the flag has been correctly applied.

Other case information ⁽⁶⁾

CMS also includes information on the following fields:

- Case Type (pre-charge, prosecutions or appeals)
- Court Type (Magistrates' Courts, Crown Court or Higher Courts)
- Mode of Trial (Indictable-only, Either-way or Summary-only)
- Sentence Uplifts (for Hate Crime cases)
- Timeliness of compliance with court orders
- Asset recovery
- Victims and Witnesses

Staff are required to complete all fields on CMS.

How is performance data used?

In each financial year, a set of key performance measures is agreed which is then used to assess both Area and organisational performance. The measures are categorised as high, medium, low or un-weighted to reflect the relative importance of the metrics.

A challenging but realistic level of ambition is set for each of the high weighted measures. Performance is also ranked each quarter for the 13 CPS Areas and, to facilitate local dialogue with partners such as the police and courts, at Local Criminal Justice Board level. Progress is monitored throughout the year, specifically through quarterly meetings between the Chief Operating Officer (in future the Directors of Legal and Business Services) and the Area senior management teams (Chief Crown Prosecutor and Area Business Manager) with onward reporting to the CPS Board.

Performance against the basket of high weighted measures is published on the open access CPS website each quarter.

Most recent key performance data

The most recent data for key performance measures is provided at **Annex D**.

3. CPS staff

The Committee asked for clarification on what is meant by CPS 'lawyers', 'advocates' and 'paralegals'. Information on the nature and quality of case workers and lawyers was also requested.

Annex E sets out all the prosecutor and administrative roles within the CPS.

For the purpose of clarity, a lawyer is defined as a qualified barrister or solicitor, responsible for prosecuting criminal cases in the magistrates' courts and Crown Court on behalf of the Crown.

To apply for a post as a prosecuting lawyer with the CPS, applicants must be a solicitor admitted in England and Wales with a full current practising certificate, or a barrister called to the English Bar who has completed pupillage.

Barrister

To qualify as a practising Barrister in the UK, individuals will have completed two stages of qualification, academic and vocational. The academic stage requires the completion of an undergraduate degree in Law (LLB) or an undergraduate degree in any other subject followed by the conversion course. The vocational stage includes completion of the Bar Professional Training Course (BPTC), which entails one year of full time study or two years' part time study followed by pupillage - one year spent as a pupil in barristers' chambers or in another organisation approved by the Bar Standards Board as a Pupillage Training Organisation (PTO), of which the CPS is one.

Solicitor

To qualify as a practising solicitor in the UK, individuals will have completed two stages of qualification, academic and vocational. The academic stage requires the completion of an undergraduate degree in Law (LLB) or an undergraduate degree in any other subject followed by the conversion course. Having obtained a certificate of completion of the academic stage of training from the Solicitors Regulation Authority,

the next stage is to complete the vocational training, including the Legal Practice Course and a training contract. The training contract is the final stage of the qualifying process in preparation for admission to the profession.

Associate Prosecutor

The CPS also utilises Associate Prosecutors (AP), persons designated under section 7A (1) of the Prosecution of Offences Act 1985.

In order to be designated as an AP all persons must meet the criteria and satisfy the personal competencies for the role. These competencies include having experience of casework within the criminal justice system or of lay presentation, and having a working knowledge of criminal law and its application, magistrates' courts procedure and the criminal justice system.

All APs have undertaken an internal training programme which involves assimilating a comprehensive resource pack through distance learning and attending both a foundation course (legal principles) and a separate advocacy course. This training equips the applicant with the knowledge and advocacy skills to undertake a review and presentational role in the magistrates' courts in accordance with the Instructions issued by the Director, under section 7A (3) and (4) of the Prosecution of Offences Act 1985.

The Associate Prosecutor cadre is independently assessed and governed by the Chartered Institute of Legal Executives (CILEX).

Selection Process

All prosecutors are selected through fair and open competition in accordance with the Civil Service Commissioners Code and CPS values. This involves an assessment of application against the professional competences, an on-line psychometric assessment against CPS values and behaviours, a legal casework assessment, presentation and interview, followed by security and professional references.

All prosecutors must complete continued professional development (CPD) in line with their professional governing body.

CPS lawyers continue to deliver strong performance. In 2014-2015 the CPS secured 554,784 convictions, 83.5% of all cases. In magistrates' courts our conviction rate was 84.22%, compared with 79.41% in the Crown Court.

Paralegal Staff

A Paralegal is defined as administrative support working within the casework and court environment providing support to the prosecution team. Though many may have legal qualifications, they will not be qualified to practice as a prosecutor.

There are three specific paralegal roles:

Paralegal Assistant	Provides support to the overall prosecution team; dealing with cases destined for both the Magistrates' Court and Crown Court. They provide casework support and administrative assistance to the prosecution team and help to contribute towards the achievement of the team's targets and objectives. The Paralegal Assistant will attend court and undertake all administrative, liaison, advocate support and representational duties.
Paralegal Officer	Undertaking case management duties within the paralegal team, the Officer will provide assistance to prosecutors as part of the overall prosecution team; they provide assistance through the preparation and on-going maintenance of Crown Court casework from receipt of file pre allocation/sending, through attendance at Crown Court where necessary, to post court conclusion. The Officer will effectively manage all case preparation, case progression and administrative tasks throughout the life cycle of a case, working both independently and in partnership with prosecutors, fellow paralegal staff,

	casework assistants and others within the local criminal justice system, to produce optimum outputs
Paralegal Business Manager	<p>Will ensure the efficient and effective operation of casework handling and performance management systems within the Unit in accordance with guidance provided by managers. Responsible for all the casework and administrative functions and management of Paralegal staff within the team, they will provide leadership in all aspects of performance and management, including the implementation of major change initiatives.</p> <p>The Business Manager plays a pivotal role within the Criminal Justice System (CJS) partners in order to drive through strategic change and improvements within the Unit and to meet the needs of the Service, key stakeholders and the national framework</p>

4. Specialist prosecutors for terrorism and cases involving incitement to hatred

The Committee asked us to provide the number of specialist prosecutors the CPS employs for terrorism and incitement to hatred cases.

Our counter-terrorism team currently comprises one Deputy Head of Division, two Unit Heads and thirteen Specialist Prosecutors. Counter-terrorism cases account for by far the largest proportion of the team's workload, but the team also cover incitement cases, Official Secrets Act offences, piracy, war crimes and crimes against humanity.

As I mentioned when giving evidence, we are currently in the process of recruiting to increase these numbers.

5. Operation Weeting costs

The Committee has asked me to comment on recent media reports that the cost of Operation Weeting, excluding legal costs, was £22.8 million. I regret that I am not in a position to speak about figures which do not belong to the CPS and would encourage you to direct any enquiries on this matter to the Police.

However, I am able to provide details on the costs incurred by the CPS during Operation Weeting, under which we have secured seven convictions (alongside two acquittals).

The prosecution of *R v Coulson, Brooks and others* (up to jury verdicts in June 2014)

Staff costs¹ - £491,128

Counsel fees - £1,195,261

Electronic presentation (EPE) - £96,915

Expert fees - £11,560

Total = £1,794,864

Please note that these costs are for the entire prosecution case which included allegations investigated under Operations Weeting, Sacha and Elveden. It is estimated that two thirds of these costs are attributable to the Operation Weeting part of the case, so the Operation Weeting costs are approximately **£1.1 million**.

Operation Weeting - Corporate Liability advice

Staff costs – £31,995

Counsel fees paid to date - £4,056

Total - £36,051

¹ Staff costs cover the work of CPS employees involved in these matters from May 2013 to date. The data is extracted from the team's hours input into an internal time recording system known as CCTRS (Complex Case Time Recording System). Time was not recorded in respect of these matters before May 2013 due to administrative issues, and there are costs which have not been included in the figures as a result. Staff costs have been calculated as normal by using the CPS-wide hourly rates, which are used to calculate prosecution costs for cost applications to the Court post trial and which are: Lawyers @ £69 per hour; Paralegals @ £51 per hour, and Support Staff @ £44 per hour.

May I take this opportunity to wish you and the Committee a Happy New Year.

Yours sincerely,

A handwritten signature in blue ink that reads "Alison Saunders." The signature is written in a cursive, flowing style.

ALISON SAUNDERS
DIRECTOR OF PUBLIC PROSECUTIONS

Annex A
AVERAGE WORKING DAYS LOST
2010 – 2015

Reporting Period	AWDL Crown Prosecution Service	AWDL Civil Service	AWDL Government Legal Department (Formerly TSol)
2010-11 Q1	9.2	8.7	7
2010-11 Q2	9.0	8.5	6.8
2010-11 Q3	9.0	8.3	6.3
2010-11 Q4	8.9	8.2	6
2011-12 Q1	8.7	8	5.7
2011-12 Q2	8.5	7.9	6
2011-12 Q3	8.4	7.7	6
2011-12 Q4	8.5	7.6	6.4
2012-13 Q1	8.7	7.6	6.5
2012-13 Q2	8.9	7.6	6.7
2012-13 Q3	8.9	7.7	6.8
2012-13 Q4	9.0	7.6	7
2013-14 Q1	9.0	7.6	7
2013-14 Q2	8.9	7.6	6.8
2013-14 Q3	8.9	7.4	6.4
2013-14 Q4	8.8	7.3	6.2
2014-15 Q1	8.9	7.3	6.1
2014-15 Q2	8.9	7.3	5.6
2014-15 Q3	9.0	7.4	5.3
2014-15 Q4	9.0	7.4	5.1
2015-16 Q1	8.9	7.4	5
2015-16 Q2	8.5	Not Published	
Nov 15/16	*8.2	N/A	N/A



Crown Prosecution Service

Returns : 3,588

Response rate : 61%

Civil Service People Survey 2015

Strength of association with engagement

Statistically significant difference from comparison

Employee engagement is shaped by experience at work, as measured by nine themes in the survey shown below.



Civil Service People Survey – CPS Long Term Trend (shown by percentage positive score)

Theme	2011	2012	2013	2014	2015	5 year trend
Employee Engagement Index	49	51	54	53	54	+5
My Work	62	64	69	67	68	+6
Organisational Objectives and Purpose	82	81	83	83	83	+1
My Manager	50	55	60	59	60	+10
My Team	64	69	70	70	71	+7
Learning and Development	30	33	41	39	43	+13
Inclusion and Fair Treatment	60	63	66	65	67	+7
Resources and Workload	61	61	65	62	64	+3
Pay and Benefits	33	34	41	34	36	+3
Leadership and Managing Change	24	29	36	33	33	+9

Annex C – CPS Key Performance Measures

Measure	14/15-Q3	14/15-Q4	15/16-Q1
Magistrates' Court - Conviction Rate	83.8%	84.0%	83.8%
Magistrates' Court - Percentage of GPs at 1st hearing	71.1%	70.2%	70.6%
Magistrates' Court - Prosecutions Finalised in four hearings or fewer	89.5%	89.6%	89.9%
Magistrates' Court - Average number of hearings per case (guilty pleas)	1.94	1.93	1.93
Magistrates' Court - Average number of hearings per case (contests)	3.76	3.68	3.62
Crown Court - Conviction Rate	78.9%	79.2%	80.0%
Crown Court - Early Disposal Rate	38.0%	39.5%	37.3%
Crown Court - Late Dropped Cases Rate	14.8%	14.2%	13.4%
Crown Court - Timely Compliance with Judges' Order and Court Directions	79.4%	78.9%	79.2%
Violence against Women - Rolling Annual Rape Conviction Rate	57.2%	56.9%	57.2%
Violence against Women - Domestic Violence Conviction Rate	74.0%	74.0%	73.7%
Hate Crime - Conviction Rate	83.3%	82.9%	82.9%
Sickness Absence - Average Working Days Lost (days per person)	9.7	9.6	9.6
Employee Engagement Index*	51.0%	51.0%	51.0%

Source: Data for all measures is sourced from CMS/MIS except for Average Working Days Lost which is sourced from iTrent/ePayFact

All data relates to the performance of the 13 CPS Areas

*Data updated annually following publication of the Civil Service Staff Survey

1. CPS data are available through its Case Management System (CMS) and associated Management Information System (MIS). The CPS collects data to assist in the effective management of its prosecution functions. The CPS does not collect data that constitutes official statistics as defined in the Statistics and Registration Service Act 2007.
2. These data have been drawn from the CPS's administrative IT system, which (as with any large scale recording system) is subject to possible errors with data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS. We are committed to improving the quality of our data and from mid-June 2015 introduced a new data assurance regime which may explain some unexpected variance in some future data sets.
3. The official statistics relating to crime and policing are maintained by the Home Office (HO) and the official statistics relating to sentencing, criminal court proceedings, offenders brought to justice, the courts and the judiciary are maintained by the Ministry of Justice (MOJ).

Annex D

Administrative Roles

Grade & Role		FTE
A1	Administrative Assistant	32.9
A2	Administrative Officer	1172.4
	Paralegal Assistant	210.3
B1	Executive Officer	549.7
	Paralegal Officer	565.5
	Legal Trainee	20.6
B2	Higher Executive Officer	176
	Paralegal Business Manager	204.4
	Associate Prosecutor	76.1
B3	Senior Executive Officer	136.6
D	Grade 7(G7)	80.3
E	Grade 6 (G6)	32
SCS	Senior Civil Servant	11
Total Administrative		3272.5

Legal Roles

Grade & Role		FTE
CP	Crown Prosecutor	103.3
G7	Senior Crown Prosecutor	1291.2
	Crown Advocate	260.0
	Senior Crown Advocate	37
	Specialist Prosecutor	187.3
	Principle Crown Advocate	17.6
	Legal Manager 1	177.3
G6	Legal Manager 2	88.1
SLM	Senior Legal Manager	52.8
Total Legal		2216.4