



The Public Prosecution Service – Setting the Standard

Open

FOREWORD

One of the principal reasons I applied for the post of Director of Public Prosecutions was because I saw that the Crown Prosecution Service had built a firm platform for delivery and that the right direction of travel had been set. I also saw that the CPS was committed to deliver a public service of the highest possible quality and that its staff were committed to making a lasting and positive impact on people's lives by making their communities safer. The months that I have been in office have confirmed this to me. This is a great tribute to all our staff.

But, as in any modern, progressive organisation which values continuous improvement and the constant striving for excellence, there is always more to do. At an early stage, I formed the view that there was a need for greater clarity about the role of the prosecutor and the strategic positioning of the prosecution service in the modern environment, and, as with every large national organisation, there are issues about the extent to which we deliver a consistent service.

To develop my thinking, Peter Lewis, the Chief Executive, and I carried out 62 visits to every CPS Area, Casework Division, HQ Directorate and Business Centre and to the Revenue and Customs Prosecution Office. In that process, we held discussions with 2,290 staff, during 287 hours of meetings and we travelled 6,529 miles. We also received 570 emails from members of staff who were keen to share their views with us about the future of our service.

I also chaired ten focused seminars which were attended by a wide range of the CPS senior management team and which were informed by detailed papers, concentrating on all the key aspects of the prosecutor's role.

This intense programme has confirmed for me my initial view: that the prosecution service is strong; focused and capable of excellent standards of delivery. It is time now to build on that secure platform and to embed the public prosecution service at the heart of delivering criminal justice in the 21st century.

I believe the key to a dynamic and responsive public prosecution service is Core Quality Standards which set out clearly what is expected of us as a public service, committed to delivering criminal justice to the highest possible quality to the communities whom we serve.

This document sets out our way forward. We will take the required actions that underpin the delivery of the ideas discussed but I recognise that the prosecution service alone cannot achieve all that needs to be done. Everyone involved in delivering criminal justice needs to move forward together.

And so, I am pleased to start the discussion about how we are all going to deliver criminal justice of the highest quality so that we inspire confidence and trust in our communities. This document is designed to be part of that wider debate.



KEIR STARMER QC

Director Of Public Prosecutions

I encourage everyone to take part in that debate: without the active involvement of those who deliver criminal justice and those who rely on it to keep them safe, we will not continue to develop and improve. I look forward to hearing your comments.



Setting the Standard

The public's right to live in safety and to be protected from criminal conduct lies at the heart of the criminal justice system. The Crown Prosecution Service (CPS) and the Revenue and Customs Prosecutions Office (RCPO) protect the public by prosecuting firmly and fairly, and by doing so in an open, transparent and independent way. Our duty is to serve our communities and to do justice in every case.

Once, the role of the public prosecutor was a narrow one. But, over time, that role has changed. Today, public prosecutors:

- engage with their communities to inform their work and address their concerns;
- advise and assist the police and other investigating agencies pre-charge;
- address offending and use out-of-court disposals where appropriate;
- decide the charge in all but the most routine cases;
- take the views of victims into account;
- take decisions independently of any improper influence;
- recover assets from criminals;
- ensure that witnesses are able to give their best evidence;
- present their own cases in court; and
- help the court to pass an appropriate sentence.

There has been another important change: the RCPO and the CPS are now merging. That will provide for a more flexible and resilient organisation, better placed to deal with specialist, organised, crime. The merged organisation will provide advice and prosecution services not only to the police, but also to the Serious Organised Crime Agency, Her Majesty's Revenue and Customs and the UK Border Agency.

We have risen positively to the demands of change. But it is time to bank those changes and move on. The blueprint for the CPS when it was created in 1986 no longer applies. A modern public prosecution service is emerging.

Crime presents ever-increasing challenges: in part because of the rapid pace of development in technology and communications; and in part because of the increased focus on crimes such as domestic violence, rape and hate crime. This results, quite rightly, in ever-higher expectations of the public prosecutor.

Our response to these challenges must be clear, coherent and delivered nationally.

But it also needs some radical rethinking. If we are to deal effectively with the challenges of the 21st century, we need to reorientate our approach to criminal justice.

For too long we have been part of a criminal justice system. That needs to change. Criminal justice should not be a **system**; it should be a **service**. And developing criminal justice from a system to a service is now a priority.

That will require the involvement of all those involved in criminal justice. Every agency must contribute to delivering a modern criminal justice service, from investigators to judges; from defence representatives to all other prosecutors.

For us, as prosecutors, the first challenge is to be clear about our role and purpose. A public prosecution service within a modern criminal justice service which is leading the fight against crime rather than reacting to it will be best placed to protect the communities it serves.

Our Vision

In the 21st century, the fundamental role and purpose of the public prosecution service is to:

- protect the public;
- support victims and witnesses;
- deliver justice.

Protect the public: as prosecutors, we have a critical role to play in reducing crime and protecting the public. We will be visible and accountable; representative and diverse. We will deal in an open and honest way with the communities we serve. Our decisions will be informed by the public's concerns.

Support victims and witnesses: we will enable, encourage and support the effective participation of victims and witnesses at all stages in the criminal justice process.

Deliver justice: we will ensure that the right people take the right decisions about prosecution at the right time. We will fairly, appropriately and firmly deal with criminal conduct in the most effective and efficient way and in a way that is transparent so that the public understand why decisions are taken. We will help to make the court system as effective and as efficient as possible. We will respect and protect the human rights of all those affected by our decisions, including victims, witnesses, suspects and defendants.

We do much to support our vision at the moment. However, to deliver our service to the highest possible standard, a fundamental shift in ethos and approach is now needed.

There needs to be a step-change in our effectiveness, responsiveness and transparency. And, in the modern environment, that requires the introduction of publicly facing **core quality standards**.

Core Quality Standards

Prosecutors exercise powers on behalf of the public. They deliver a public service. And that requires prosecutors to deliver their service in accordance with a set of publicly facing **core quality standards**. We need to be a service which is confident to be judged by its results and in which every member of staff knows what they are responsible and accountable for delivering.

Core quality standards lie at the heart of ensuring that excellence is delivered as the norm throughout the national service. They will lay down the minimum in terms of quality and delivery that the public are entitled to expect from those who prosecute on their behalf.

The standards will cover every major aspect of our work: from protecting the public to advising the investigator; through to defining the standards of service in respect of every aspect of the prosecutor's role in court; and from supporting victims and witnesses to dealing with complaints.

Core quality standards will be supported by a set of Minimum Service Delivery Requirements which will run throughout a national service, locally delivered. They will underpin each quality standard so that everyone is clear about what is expected. It will be against these standards and delivery requirements that the public will be able to assess our success. We are confident of being a service judged by its results with a commitment to excellence at its core.

One of our core commitments is to the communities we serve. That is why we are making our prosecutors, community prosecutors. We are putting them firmly within their local communities so that they know the types of crime that cause most local concern and are able to take the public's views into account in their decisions and in the information they place before the courts.

Another core commitment is equality and diversity. We have a pivotal role to play in ensuring that all our decisions and those of others in the criminal justice service are taken without bias. There is no room for a criminal justice service that favours, or is thought to favour, one section of our community over another; neither is there any room for a service that acts, or is thought to act, in a prejudicial way against any particular group. Equality before the law lies at the heart of the criminal justice service and at the core of the public prosecution service.

And visibility and accountability are no longer optional extras for the public prosecution service: they are our duty. We will be open and transparent with the media. We will tell people what we do, explain our decisions clearly and, wherever possible, be willing to give people as much information as possible about our decisions.

Delivering Through Our People

Delivering our service to the highest possible standards requires respected expertise, confidence and vision. It requires an engaged, forward-looking workforce that is a centre of, and for, excellence. Public prosecutors should be experts in their field; fully aware of all the options available to them both within the formal criminal justice service and beyond; eager to engage and lead from the start of a criminal investigation through to the end of the process; and constantly striving to improve.

Our staff must also reflect the diverse communities that they serve and understand the differing impacts that criminal conduct may have on different communities, whether based on geography, based on identity, or based on interest.

Delivering Through Technology

Our workforce must be supported by cutting edge technology. We will use IT systems fully and be willing to embrace technological advances. The electronic case file will allow all the current paperwork that supports a case to be made available electronically to all those who need to see it.

Criminal justice is not delivered as effectively and efficiently as it should be. It is high time for the electronic case file and electronic case management systems to become the main currency in the criminal justice service.

In the modern world, the whole of the criminal justice service should harness the strength and opportunity afforded by information technology.

Taking Responsibility and Leading

As prosecutors, we should take responsibility and lead in identifying and implementing improvements to the criminal justice service as a whole so that together we respond swiftly, efficiently and effectively, to the new challenges ahead.

Some of those challenges are already clear:

- the need for out-of-court disposals to be properly regulated, consistently applied and publicly transparent;
- the need for effective listing of cases in court so that all our time and energy – and that of victims and witnesses – are effectively used;
- the need to recognise that the Crown Court is predominantly a sentencing court and therefore to ensure that its procedures are designed to deal effectively and quickly with those who plead guilty; and
- the need to use our resources efficiently in every aspect of our work.

Out-of-court disposals: the criminal justice service has a number of ways to deal effectively and efficiently with those who commit minor offences that do not need to go to court. The full range of these out-of-court disposals should be available to the investigator and to the prosecutor and they should be applied consistently. Out-of-court disposals provide an

effective way of dealing with criminal conduct which is admitted by the offender: they should be used as fully as the law allows. In order to maintain public confidence, they should be subject to proper regulation, consistent application, and public transparency.

Effective listing of cases: there are too many trials that do not take place on the day set aside for them, often because defendants change their plea from “Not Guilty” to “Guilty” on the day. This causes courts to list more trials than they can effectively deal with on any one day. This practice of over-listing involves a considerable waste of our and the investigator’s time and resources, and also affects victims and witnesses who attend court only to find that the case in which they were to give evidence is not to be heard. We need to agree a better way of listing cases so that the interests of justice may be properly served.

Crown Court sentencing: of the 104,000 cases we place before the Crown Court, 73% result in the defendant pleading guilty without the need for a trial. The extent to which the Crown Court is predominantly a sentencing court requires us to take a fresh look at how best to conduct business there. Guilty pleas need to be identified earlier, so that valuable time and resources can be concentrated on those cases which are actually going to result in a trial.

Using resources efficiently: at a time when it is even more important to deliver public services of the highest quality while ensuring the very best value for money, we will use our unique position at the heart of the criminal justice service to identify how all the criminal justice agencies may work together to maximise all our resources and meet society's expectations.

In driving forward change, we are determined to learn from a strategic analysis of our caseload and the guidance handed down by judges. We are developing a strong and focused analytical capability which examines crime patterns and trends at a local and national level to enable us to deploy all our staff to best effect to meet the communities' needs of the future.

This approach will allow us to play a very important role in ensuring that our criminal laws and procedures are relevant, practical and effective – and based on the real experiences of those who work in the criminal justice service. We will be able to inform those who make our laws about the issues which really affect local communities with a view both to securing new criminal legislation and, just as importantly, to identifying which offences are no longer relevant in today's society.

In this, we work closely with the Attorney General who superintends the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions. The Attorney General ensures that the practical experiences of the prosecutor are heard at the highest level.

The Attorney General has created a Strategic Board to review and improve the delivery of public prosecution, fraud and legal services for which she is responsible.

A key outcome of that Board's work has been the creation of an agreed protocol that sets out how the Attorney General and the Directors of the prosecution services exercise their functions in relation to each other. It confirms the independence of the prosecution services in reaching prosecution decisions. It also sets out the circumstances when the Attorney General will be consulted by the prosecuting departments in order to ensure Parliamentary accountability.

Conclusion

A criminal justice service underpinned by the rule of law and respect for human rights is at the heart of modern democracy. A modern public prosecution service – focused on protecting the public, delivering justice and supporting victims and witnesses – is at the centre of such a service. Core quality standards will ensure that we deliver what is expected in every key aspect of our work. Fair, fearless and effective; open, honest and transparent; protective, supportive and independent: these are the qualities that the public has a right to expect of its public prosecution service. We are determined to meet those expectations.



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