



Evaluation of CDS Direct First Phase Expansion

1st April 2008

1. Introduction

Criminal Defence Service Direct (CDS Direct) is a telephone advice service that has been piloted since October 2005, providing initial advice in less serious cases that would otherwise have been referred to a duty solicitor. Following a successful evaluation in 2006 and consultation in 2007, the LSC are expanding CDS Direct so that it can provide initial advice in all such less serious cases including those where the detainee has requested their own solicitor. Minor amendments to Code C of the Police and Criminal Evidence Act (PACE) codes of practice were affirmed by Parliament to enable this expansion of CDS Direct in two phases. The first phase was the expansion of CDS Direct in Greater Manchester, West Midlands and West Yorkshire on 1st February 2008, with the second phase (national roll-out) due to take place on 21st April 2008 subject to satisfactory evaluation of phase one.

This paper evaluates CDS Direct's performance in the first phase areas against the criteria and targets set out in the Benefits Realisation Plan for the service produced by the LSC (available at http://www.legalservices.gov.uk/criminal/cds_direct.asp#how). The evaluation looks at statistics from 1st February to 26th March 2008 inclusive, and shows that during this period, CDS Direct has advised in 9,466 cases of which 2,057 (21.7%) have been own client cases; a breakdown of these totals by offence type is included in Appendix A. In total, the Defence Solicitor Call Centre (DSCC) - which is the referral point for all requests for police station advice - received 10,279 requests for own client advice in matters which, following national roll out, would have been within the scope of CDS Direct in this 8 week period.

While this evaluation of the first two months' data since phase one of the expansion shows that CDS Direct is well placed to handle the additional caseload when it is rolled-out nationally, the LSC will monitor the service on an ongoing basis and will carry out a further evaluation six months after national rollout.

2. Financial Benefits

There is not enough data since the expansion of CDS Direct in phase one to make a further robust assessment of the financial benefits. However this evaluation confirms the viability of CDS Direct to perform well on a national scale and shows that the service is delivering a speedy and quality service to suspects at police stations and helping wider efficiencies at the police station. An evaluation of the financial benefits will be included in the post national rollout evaluation, which will allow for more data to be analysed in order to make more robust judgments on the financial savings that can be attributed to the expansion of CDS Direct; there is no reason to believe that our previous estimate for savings is invalid.

3. Quality

The LSC have undertaken to peer review all three providers in late 2008 with the contractual target being a minimum of Peer Review 2 (this compares with a minimum of Peer Review 3 for face-to-face contracts).

In the interim, each provider is required under their contract to review a sample of files each month and grade in accordance with the Peer Review standards. Providers' own peer reviews will be moderated at least twice a year.

Details of providers' internal peer reviews undertaken during the period of this evaluation are not yet available. Examples of some CDS Direct cases are however included in Appendix B demonstrating the high level of advice and detailed recording of action taken.

4. Timely Service

CDS Direct providers are contractually obliged to provide a timely service. They have key performance indicators (KPIs) relating to the amount of time that passes between a call being received by the DSCC and CDS Direct calling the police station:

90% of requests for advice must be responded to within 15 minutes
95% of requests for advice must be responded to within 30 minutes

In the period 1st February to 26th March, CDS Direct as a whole achieved:

98.96% of requests for advice responded to within 15 minutes
99.67% of requests for advice responded to within 30 minutes

This performance clearly exceeds the KPI targets.

The above figures also compare favourably with the percentage of own client cases being accepted at DSCC between 1st February to 26th March: 86.82% within 15 minutes and 93.97% within 30 minutes. It should however be noted that these figures represent the time that the request for advice was accepted at DSCC, not the time the call was made to the client.

5. Comparative Performance

All providers are performing well. Each has achieved its target in terms of response times to requests for advice and the number of cases handled by each is comparable.

There is insufficient data at this stage to carry out any further analysis on the case duration for different types of offences. Further information will be included in the post national rollout evaluation of the service.

6. Usability

The CDS Direct service must be considered usable by police in order for it to be successful. The target for this is that 85% of custody staff should find the system usable.

The usability of the service has been measured via a short questionnaire attached at Appendix C. Custody staff were asked the questions over the telephone when a case had recently been closed by CDS Direct for a detainee

at their station. The process began on 18th February and the details below are a summary of the results gathered from 18th-22nd February 2008:

- 100% of custody officers said that CDS Direct advisers contacted them either “quickly” or “within a reasonable time”
- 96% of custody officers contacted considered the CDS Direct system to be either “better” or “no different” to the previous system
- 91% considered the CDS Direct system to be workable.

7. Complaints

The level of complaints for CDS Direct from police, solicitors and clients is being monitored with a target that the number of justified complaints should be no greater than the number during the pilot after a three month settling in period following national expansion.

Between 1st February and 26th March 2008, there have been six complaints concerning CDS Direct. All of these complaints have been assessed as unjustified. Further details on the complaints are included in Appendix D.

In the 3 month period 31st October to 1st February (that preceded the expansion of CDS Direct in three CJS areas), one complaint was received; this was proved unjustified following investigation. Whilst the volume of complaints received since 1st February has increased, they have represented 0.06% of the cases handled and feedback has been actively sought on the service through email channels set up for this purpose.

Feedback has also been sought from the CDS Direct advisers as to whether any detainees have objected because they were not speaking with their own solicitor. The advisers were clear that no such instances occurred.

8. Added Value

In addition to the benefits outlined above, CDS Direct also allows us to determine which police stations are not performing as well as others. Advisers note on the Electronic Case Management System any police concern that they may have. These concerns are then fed back to the LSC and any further action taken where appropriate.

Details of around 70 police concerns were recorded in February and March; these are currently being analysed and will then be passed to the relevant LSC Regional Offices to follow up. We will report further information as these issues are progressed.

9. Conclusion

Phase one of the CDS Direct expansion into own client work has had a smooth start and there is no reason to delay national roll out on 21st April. The LSC will evaluate the service continuously over the coming months against the above measures and will address any issues raised to ensure a successful roll out and smooth ongoing delivery of CDS Direct.

Appendix A

CDS Direct cases handled by offence type, 1st February – 26th March 2008

| Offence | Duty | Own | Total |
|-------------------------------|-------------|-------------|--------------|
| Breach of Bail Conditions | 400 | 532 | 932 |
| Breach of Court Injunction | 145 | 116 | 261 |
| Breach of the Peace | 438 | 155 | 593 |
| Drunk And Incapable | 49 | 2 | 51 |
| Drunk & Disorderly | 799 | 73 | 872 |
| Disorderly Conduct | 791 | 90 | 881 |
| Drink/Drugs Driving | 1483 | 117 | 1600 |
| Excess Alcohol | 132 | 8 | 140 |
| Fare Evasion | 43 | 0 | 43 |
| Failure to Provide a Specimen | 119 | 10 | 129 |
| Kerb Crawling | 9 | 0 | 9 |
| Mental Health Act | 129 | 7 | 136 |
| Not Given | 5 | 3 | 8 |
| Other Offence | 670 | 137 | 807 |
| Section 24 PACE (was Sec 25) | 89 | 5 | 94 |
| Positive Breath Test | 427 | 6 | 433 |
| Recall to Prison | 116 | 74 | 190 |
| Refusing a Breath Test | 63 | 0 | 63 |
| Road Traffic Accident | 38 | 5 | 43 |
| Soliciting | 13 | 1 | 14 |
| Warrant | 1451 | 716 | 2167 |
| TOTAL | 7409 | 2057 | 9466 |

Appendix B

Case records

Attached as separate pdf documents

Appendix C

CDS DIRECT QUESTIONNAIRE

Hello. My name is XXX. I am calling from the DSCC. A detained person at your station has recently been advised through our telephone advice service – CDS Direct. I would just like to ask a couple of questions to get your views on the CDS Direct service. The questions should just take a couple of minutes.

1. Following logging the case with DSCC, did a CDS Direct adviser call back to the custody suite?

- Quickly
- Within a reasonable period of time
- Slowly

If slowly, can you give further information?

.....
.....

2. Did the CDS Direct adviser:

- | | Yes | No |
|--|--------------------------|--------------------------|
| Speak to you politely and professionally? | <input type="checkbox"/> | <input type="checkbox"/> |
| Appear confident and knowledgeable when speaking to you? | <input type="checkbox"/> | <input type="checkbox"/> |

If the answer to either of these questions was no, please give details:

.....
.....

3. From your perspective, is giving advice through CDS Direct is a workable system?

- Yes
- No

If not, why not?

.....
.....

4. Was the overall service provided by CDS Direct

Better
No different
Worse

than you experienced before?

Do you have any further comments on the service?

Thank you for your time

Appendix D

CDS Direct Complaints

| Date | Nature of Complaint | Action taken | Outcome |
|-------------|---|---|---|
| 02/02/08 | Complaint that client had mental health issues and was advised that they would have to pay if they wanted to be advised by own solicitor. | Follow up with adviser and check case records. | Complaint not justified – Appropriate adult not allocated by the police and CDS Direct was not informed of client's mental health issues and no concerns were apparent in advising the client. Adviser correctly advised on availability of publicly funded legal advice. |
| 08/02/08 | Own solicitor not notified that client had received advice through CDS Direct. | Case log requested. | CDS Direct adviser complied with client's wishes, complaint unjustified. |
| 22/02/08 | CDS Direct adviser manner | Appropriate adviser contacted. Provider will apologise. | CDS Direct adviser sent letter to complainant explaining situation and apologising for appearance of rudeness. Considered unjustified as correct robust approach to requiring access to client to provide legal advice. |
| 17/03/08 | CDS Direct notified wrong firm of client court appearance | Check DSCC records | Complaint not justified. Confusion arose when police told DSCC one firm and detainee told CDS Direct a different firm. CDS Direct acted correctly in passing the information to the firm that the client actually requested. |
| 19/03/08 | Lack of notification when advised own client | Check DSCC records | Complaint not justified. CDS Direct followed correct procedure – faxed information to office and phoned office to leave a message. |
| 19/03/08 | CDS Direct didn't notify firm that client had been taken to court | Pass to relevant adviser for further investigation | Complaint not justified. CDS Direct adviser complied with client's wishes. |