

CDS Direct Six Month Evaluation Report

Introduction

1. This paper provides a review of the first six months operation of CDS Direct which went live on 31st October 2005.
2. The objectives set for the pilot were that:
 - 70% of initial telephone contact should be attempted within 15 minutes
 - 95% of initial telephone contact should be attempted within 30 minutes
 - That the costs of running the pilot should at least equal the savings made
3. Any statistics in this paper are for the period 31 October 2005 (launch of the pilot) until 30 April 2006 unless another date is specified.

Executive Summary

4. This paper proposes that:
 - The pilot has exceeded the targets established at the outset.
 - The annual cost savings are estimated at £5.6 million
 - The pilot should continue in its current format for at least a further six months.
 - Because the benefits of handling non indictable calls where no interview time within 90 minutes is known at the time of request are unproven this aspect of the pilot should be discontinued.
 - That employment liabilities of continuing the project need to be resolved.
 - The results of the pilot should be shared with the professional bodies.

Cost Benefit

5. There are three elements to cost savings that can attributed to the project:

Issue	Annual savings
Provision of telephone advice ¹	£ 549,000
Reduction in contract price with First Assist ²	£ 100,000
Reduction in cases where attendance previously occurred ³	£4,967,000
Total savings	£5.6 million

Volumes

- Total cases handled by CDS Direct: **36211**
- Average Monthly: **6035**
- Average Daily: **200**

6. The outcome of such cases was:

- Cases closed by telephone advice 25,441 (70%)
- Cases where telephone advice was given and the case deployed e.g. attendance for interview 2,980 (8%)
- Cases where case examined and then referred back to DSCC without CDS providing advice e.g. police advise case is not just drink driving but drink driving and taking without consent (case outside remit of pilot) 7790 (22%). For this category of cases, no cost savings have been attributed.

7. Further work is in hand to examine whether cases initially received by CDS Direct and then referred back to DSCC without advice provided can be minimized.

¹ See Annex 1

² Estimated by First Assist as a result of reduction in deployment effort following transfer of case to CDS Direct which results in closure

³ See Annex 2

Speed of Contact

8. The achievement for the pilot was that:

- % of calls attempted within 15 minutes (target 70%): **94.90%**
- % of calls attempted within 30 minutes (target 95%): **98.76%**

9. A sample of 50 files for CDS Direct and 50 for private practice (5 files for 10 randomly chosen providers) was also examined with the following results:

- Average time for first call by CDS Direct 5.7 minutes
- Average time for first call by private practice 7.6 minutes

10. It should however be noted that, for private practice, only 36 files could be included in the sample as for 14 files not all relevant times were recorded.

Analysis of Duty Vs Own Client Work

	Duty Jan 05 to Oct 05	Own Jan 05 to Oct 05	Duty Nov05/Feb 06	Own Nov05/Feb 06
Merseyside	26%	74%	25%	75%
Boston and Spalding	69%	31%	59%	41%

11. As the above table shows, there has been a very small (1%) increase in own client work in Merseyside post pilot and a 10% increase in own client work for Boston and Spalding.

12. It is not clear what has caused the change in Boston although it is suggested that providers may have agreed a process with the police whereby work is passed direct to the provider and claimed at own client rates. The effect of a movement to own client will result in lower claims.

Analysis of Attendance Costs

Nationally

Period	Average Cost
Jan/Oct 05	£262.31
Nov/Dec 05	£261.63

Merseyside

Period	Volume	Average Cost
Jan/Oct 05	2610	£247.90
Nov/Dec 05	509	£265.31

13. The above analysis suggests that there has been an increase in attendance costs for Merseyside and further reports are being obtained although the effects of other CJ initiatives such as CPS charging will be difficult to isolate.

Boston and Spalding

Period	Volume	Average Cost
Jan/Oct 05	962	£272.67
Nov/Dec 05	127	£327.25

14. The above analysis suggests that there has been an increase in attendance costs for Boston however it should be noted that significant local issues have occurred in Boston regarding the use of interpreters which has significantly increased attendance costs. As an example, an average claim of £46.49 for disbursements occurred in the month of November 2005.

Analysis of Custody Records

15. A sample of 50 custody records (25 prior to the pilot and 25 post pilot) were obtained from Merseyside and Boston. Unfortunately, the records do not compare only CDS Direct cases prior to and post pilot and hence the

results shown need to be treated with significant caution. In addition, the sample size obtained is very small.

Boston and Spalding

- The average detention time prior to the pilot was 8 hours 6 minutes. This compares with post pilot as 6 hours 58 minutes.
- Removing the top and bottom 5 cases from the sample (as such may distort the average) gives an average detention time of 8 hours 6 minutes prior to the pilot and 7 hours 54 minutes post pilot.
- Average time between arrival of legal adviser and charge/bail pre pilot: 6 hours 15 minutes⁴.
- Average time between arrival of legal adviser and charge/bail post pilot: 3 hours 23 minutes.⁴
- Average difference between actual interview time and time stated by police (for those cases where CDS Direct were not involved) 1 hour 10 minutes.⁴

Merseyside

- The average detention time prior to the pilot was 8 hours 28 minutes. This compares with post pilot as 13 hours 23 minutes.
- Removing the top and bottom 5 cases from the sample (as such may distort the average) gives an average detention time of 8 hours 28 minutes prior to the pilot and 9 hours 41 minutes post pilot.

16. Before any firm conclusions can be drawn from the above analysis, a larger sample size will be required and comparison with CDS cases prior to and post pilot undertaken.

Peer Review

17. A sample of CDS Direct files (randomly selected by the Institute of Advanced Legal Studies) has been compared with private practice⁵ and the results are that both were assessed as threshold competence (3).

18. A full analysis is underway of the results and retraining will take place to increase the average achievement of CDS Direct files. A further peer review will be undertaken later this year when a higher peer review result

⁴ this information could not be obtained from Merseyside custody records as the relevant times were not recorded

⁵ 10 providers chosen at random with 10 files for each; 50 files CDS Direct

should emerge. When contracts are tendered, it will be a contractual requirement that peer review 1 or 2 must be obtained and maintained.

Police Concern Issues

19. CDS Direct advisers have the ability to record, on the computer system, a case as a “police concern”. This actions triggers an after the event review initially by the supervisor and then the project manager.
20. In the period 31 October to 21 April a total of 188 such cases have been examined by the supervisor and project manager and considered important enough to warrant further investigations. Several examples of poor service to our clients can be seen and the main policy issues that have arisen are:
 - When client are in a rest period, when should this be interrupted to provide legal advice? Does this change if the request for legal advice was made only a few minutes before client is placed in a rest period?
 - When a client is said to be "drunk" when does this prevent the provision of legal advice? What qualification does a police officer have to assess?
 - When a client is undergoing a breath test, how can legal advice best be given? It is frequently the case that advice is requested at 02.01 and we call at 02.02 and are denied access as "breath test being administered"
 - Warrants - delays in understanding what the warrant has been issued for and delays in transportation causing clients to be detained for 2 or 3 nights.
21. Reports on all concern cases are sent monthly to LSC regional offices for further investigation. The Commissions' CDS Policy team is also working with the Association of Chief Police Officers (ACPO) to identify potential improvements. It is however recognized that, subject to operational guidelines, individual police officers will consider each matter on a case by case basis.

Police Stations that are Difficult to Establish Contact With

22. For each police station in the country, we are now able to produce reports showing the number of calls attempted and the number of times the telephone number was engaged or no reply was received. Again these reports are distributed monthly to regional offices and CDS Policy are also following up with ACPO.
23. In April 2006, 22% of outgoing calls to police custody suites were unsuccessful. This requires additional costs as repeat calls need to be made but also delays, or at worst case scenario negates, our client's ability to receive legal advice that has been requested.

Police Stations that are Not Ready When Contact is Established

24. In addition to the above, in April 2006 a further 23% of case resulted in the police not being ready when telephone contact was established. In many cases, this is understandable as an investigating officer may be taking witness statements however the report by police station, shows a significant variance and this may indicate poor efficiency at selected police stations. Again these reports are distributed monthly to regional offices and CDS Policy are also following up with ACPO.

Police Stations that Conduct Interviews for Cases we Expect to Close by Way of Telephone Advice

25. We analyse the percentage of cases where, although we would expect to close by the provision of telephone advice, deployment is necessary because the police intend to interview. Reports are produced monthly showing achievement for each police station nationally. Again these reports are distributed monthly to regional offices and CDS Policy are also following up with ACPO.
26. For the period 31 October 2005 to April 2006, 16% of cases needed to be deployed for this reason.
27. CDS Direct can close a case for £22 via telephone advice whereas deployment costs on average £300⁷. Each case deployed (where an attendance is required) therefore requires an additional £278 expenditure.

⁷ The average claim for 1C duty work for the period November 2005 to February 2006 was £300.71.

28. For CDS Direct cases this could cost in the region of £3.26M⁸ annually and, if the picture is the same for own client work, the total additional costs involved could be £8.15M⁹.

Boston/Spalding and Merseyside Cases

29. The pilot had two areas of operation:

- Nationally where the General Criminal Contract restricted advice to telephone only (such as drink driving) unless good reason to attend e.g. police interview.
- Boston and Merseyside non indictable cases where the time of interview was not within 90 minutes when the request for legal advice is made.

30. The approximate volumes involved for the pilot period of 31 October 2005 to 31 March 2006 are:

- Cases that are deployed without reference to CDS Direct (interview planned within 90 minutes) = 700
- Cases to CDS Direct 1400 of which
- 40% are returned with advice being given (either outside scope e.g. indictable only or client not able to be advised)
- 52% Telephone advice given and then deployed
- 8% closed by way of telephone advice

31. In addition 550 cases are handled where the General Criminal Contract restricts advice to telephone only.

32. Further work is needed for these type of cases to examine:

- Where cases are not currently handled by CDS Direct, does an interview take place and, if so, when
- Are client's detention times increased or decreased
- Is police behaviour to these cases changing as suggested by some providers to dissuade client from receiving telephone advice

⁸ 5865 cases X 278 X 2 (for annual figure)

⁹ assuming split of duty/own is 40/60

Complaints

33. The volume of complaints received is as follows:

Month	Justified	Unjustified	Total
November 2005 (includes 31 st October)	10	5	15
December 2005	8	2	10
January 2006	4	9	13
February 2006	4	12	16
March 2006	1	4	5
April 2006	1	2	3

34. The total of 28 justified complaints represents 0.1% of total cases handled. All save one complaints (which was not justified) have originated from providers.

35. The root cause of complaints has been identified as:

- Not all non imprisonable cases captured : process now much more robust and vast majority now captured. Some may not be captured e.g. where police are not clear of offence at outset or where offence is a rarely occurring one.
- Advice passed to deployed duty solicitor : Process now much better in that advisers specifically list all comments to read out to deployed duty solicitor. DSCC have confirmed that very few queries are now received from solicitors when cases are deployed.
- Some cases excluded from pilot for one weekend : staffing shortage which did not reoccur

Obtaining Feedback from Clients

36. Obtaining feedback from clients is clearly desirable but a number of issues have prevented this being obtained:

37. A lasting “relationship” between a detained client and CDS Direct is not formed unlike private practice where work will often be continued, after the client is released from detention

38. Many clients will not welcome receipt of written follow up at their home address, not matter how discretely worded, as the fact they have been detained at a police station may not be known by other members of the household

39. CDS Direct do not collect client's home address details. Although these are collected by the police, there is a firm reluctance by the police to release this information
40. Efforts were made to obtain client addresses from the police in Lincolnshire but this request was refused. The process to obtain a sample of custody records from Merseyside was so protracted that a decision was made not to request this detail from that police authority.

Obtaining Feedback from the Police

41. We have obtained formal feedback from the Association of Chief Police Officers who supported the pilot and continue to do so.
42. In addition, since January 2006, a sample of 10 custody staff are recontacted in Merseyside and Boston police stations where a recent request for legal advice has been made.
43. The results of the surveys for the period January to March 2006 are:
- Have you heard of CDS Direct? Yes 97% No 3%

 - From the Detainee's point of view, has CDS Direct made things
 - Better 23%
 - Worse 27%
 - No change 50%

 - From your point of view, has CDS Direct made things
 - Better 20%
 - Worse 17%
 - No change 63%
44. All custody staff sampled were invited to make specific comments. Only five did so:
- Give the adviser ID numbers so that we can recontact them easier
 - The service is not publicized enough
 - CDS Direct causes the police more work because we do a lot by telephone. Duty solicitors turn up more often
 - CDS Direct are awkward – they tell us how to do our job
 - It is a good idea and a good service

Internal Issues to Be Resolved

45. It is recommended that CDS Policy explore, with regional offices, the raising of CDS Direct issues via Local Criminal Justice Boards. These issues include:

- Police concern cases
- Police stations that are difficult to contact
- Police stations that are not ready when contact is established
- Police stations that require interviews for cases expected to be closed by telephone advice

Future Options

46. In the light of the Carter Review we have considered possible future options for developing CDS Direct and the DSCC. Including all own client work for those cases restricted to telephone only advice, would generate additional savings of £8.6m (additional to the £5.6m shown earlier, assuming the split between own and duty work is 60/40) and require the employment of an additional 70 advisers.

47. Including nationally all non indictable cases where an interview is not planned for within 90 minutes would require an additional 52 or 130 adviser depending on whether own client work is excluded or not. Given that the benefits of this aspect of CDS Direct are not substantial we see little merit in this proposal.

Recommendations

48. The pilot has demonstrated savings to the fund and continues to do so.

49. Lord Carter's review raises questions about the long-term future of CDS Direct in the context of the reform of the police station scheme. Our view in the light of the evidence we have is that CDS Direct and the DSCC should be extended to own client work. This will both enhance proven savings and underpin other proposals in Lord Carter's review (eg fixed fees, 20% out of panel working, separate VHCC panel). In our view our experience of CDS Direct gives us confidence that this reform is deliverable.

50. The pilot should continue handling those cases limited to telephone only advice and we recommend that it should until any further changes as a result of Lord Carter's review, following consultation, are implemented.

51. The LSC agreed during consultation that we would allow a £8 “call acceptance fee” for any case deployed to private practice post CDS Direct involvement. In part, this was to allow payment for occasional telephone calls e.g. to confirm time of interview or any post attendance calls needed. During the pilot, this has reduced savings by £24k (2980 cases x £8). The concern that would be caused by withdrawing this payment is in excess of the financial benefit and so the acceptance fee should remain.

John Sirodcar
Head of Direct Services Programme

Annex 1

Calculation of savings for provision of telephone advice

Expenditure

Cost of advisers, inclusive of supervisor's time: £569,991

Savings

Cases closed by CDS Direct: 25441

Savings (at £30.25 per call): £769,590

Cases handled by CDS Direct and then deployed: 2980

Savings (at £22.25 per call): £66,305.00

Additional savings from London cases (5594 closed and 402 advised and then deployed @ £1.45 per case) £8694

Gross savings: £ 844,589

Net Savings

Net saving (for 6 month pilot): **£ 274,598**

Projected annual savings £549k

Or to look at it another way, each case where CDS Direct provides advice costs £22.

Annex 2**Savings from cases where attendance costs were previously claimed**

Month	Claim Code	No Of Claims	Total Supplier Cost
2005-05	1B	6403	251,374.96
2005-06	1B	6273	238,093.27
2005-07	1B	6369	248,872.26
2005-08	1B	6201	240,783.77
2005-09	1B	5992	232,413.30
2005-10	1B	5917	226,972.54
Total		37155	1,438,510.10
2005-11	1B	4746	189,281.86
2005-12	1B	4182	163,594.57
2006-01	1B	4448	182,674.34
2006-02	1B	3640	155,380.01
Total		17016	690,930.78
2005-05	1C	20395	6,072,299.63
2005-06	1C	20039	5,919,687.21
2005-07	1C	20913	6,213,900.07
2005-08	1C	20548	6,211,929.06
2005-09	1C	19714	5,866,020.15
2005-10	1C	19404	5,851,140.21
Total		121013	36,134,976.33
2005-11	1C	20815	6,242,385.96
2005-12	1C	17829	5,283,577.08
2006-01	1C	21227	6,404,261.89
2006-02	1C	19924	6,064,819.56
Total		79795	23,995,044.49

The above is an extract from a business objects reports showing 1B claims (telephone advice only) and 1C claims (attendance plus telephone advice). For 1C claims we do not know whether all claims include a telephone advice call but, in the worst case scenario for costs savings, it is assumed that this is so.

The above reports shows the following:

Prior to the pilot (May 2005 to October 2005) there were a total of 37,155 one B claims

Prior to the pilot (May 2005 to October 2005) there were a total of 121,013 one C claims

So the percentage of 1B claims pre to the pilot as a total of 1B plus 1C was 23.5%

After the pilot for the four months from November 2005 to February 2006 the relevant figures are

There were a total of 17,016 one B claims

There were a total of 79,795 one C claims

In addition CDS Direct closed 25,441 cases in 6 months or 16961 in 4 months

So, whilst the volume of attendances per month is relatively stable at 20k/month, the underlying increase in the volume of DSCC cases (running at 9% per annum) has resulted in the percentage of 1B claims post pilot as a total of 1B plus 1C increasing to 29.9% so there has been an increase of 27.1% or 6.4% percentage points, in the proportion of cases closed by telephone advice.

So there has been an increase of 6.5% in cases closed by telephone advice.

The average claim for 1C duty work prior to the pilot was £298.60.

Assuming that each 1C claim includes one advice call, this leaves “pure” attendance costs of £268.35

Projecting savings for the 12 months since the pilot

6.4% of 290,433 cases = 18509

Savings per case = £268.35 = £4,966,770

The above makes some assumptions which are assessed as reasonable:

- The relationship between 1B and 1C cases remained constant pre and post pilot
- The cases previously closed by attendance and now closed by telephone advice share the cost profile of attendance claims

