



## Her Majesty's Crown Prosecution Service Inspectorate Follow-up inspection of CPS Surrey

### CPS Surrey makes considerable progress

Her Majesty's Crown Prosecution Service Inspectorate (HMCPISI) has today published its second follow-up inspection report on CPS Surrey, carried out in April 2011.

HM Chief Inspector, Michael Fuller QPM, said:

*"CPS Surrey has now made significant progress against recommendations made in 2009. Managers and staff have worked hard together to improve casework quality and reliability, and while there is still room for improvement, solid foundations have been laid for sustained performance. The continued hard work of the staff and the direction afforded by management has achieved this level of progress."*

Summary of follow-up inspection findings:

- The Area has made substantial progress in implementing all but one of the recommendations made in the 2009 inspection. The handling of fatal road traffic cases, analysis of failed Crown Court cases, and direct communication with victims had all improved by the first follow-up inspection in June 2010.
- Since then, further progress has been made against seven of the remaining eight recommendations. The main points are:
  - Case progression systems and their performance management are now robust.
  - Legal decision-making and other aspects of the casework process are now properly assessed in accordance with the core quality standards monitoring scheme.
  - The disclosure of unused material has improved considerably, although the underlying process needs to be tightened further.
  - Internal communication has improved, but room for improvement still remains.
- The Area has made good progress in addressing the aspects for improvement that were also identified in 2009. In particular, the cost of instructing external advocates in the Crown Court has reduced significantly.

Tables of the assessment of progress against recommendations and aspects for improvement can be found at annex A.

For any queries or interviews please call Anisha Visram on 020 7210 1187 or mobile 07901 856 348.

#### Notes to editors:

- 1 HMCPISI is an independent statutory body established by the Crown Prosecution Service Inspectorate Act 2000, which came into force on 1 October 2000. The Chief Inspector is appointed by, and reports to, the Attorney General.
- 2 CPS Surrey was the subject of a full Area effectiveness inspection in 2009. The inspection rated performance as Fair. A follow-up inspection took place in June 2010. This, second, follow-up inspection took place in April 2011.

- 3 The purpose of the follow-up visit was to assess the progress made against the recommendations and aspects for improvement contained in the 2009 report.
- 4 CPS Surrey was one of 42 CPS Areas, each of which had a chief crown prosecutor, and it served the area covered by Surrey Police. Along with CPS Kent and CPS Sussex, CPS Surrey was subsumed into the new CPS South East Area on 1 April 2011. CPS South East, which is one of 13 larger Areas, was created as part of the national re-structure.

## Annex A

### Progress against recommendations

Recommendation	Rating as at June 2010	Rating as at April 2011
1 Improve MG3 quality and monitor regularly.	Limited progress.	Substantial progress.
2 Supervise legal work in optimum business model.	Not progressed.	Substantial progress.
3 Devise and support strategy to boost performance in asset recovery.	Limited progress.	Limited progress.
4 Strengthen analysis of adverse outcomes in Crown Court cases.	Substantial progress.	Substantial progress <sup>1</sup> .
5 Ensure compliance with CPS policy in handling road traffic fatality cases.	Substantial progress.	Substantial progress <sup>1</sup> .
6 Prosecutors to view all child witness video interviews and record their assessment.	Limited progress.	Achieved.
7 Improve performance in the disclosure of unused material.	Not progressed.	Substantial progress.
8 Ensure compliance with CPS direct communication with victims scheme.	Substantial progress.	Substantial progress <sup>1</sup> .
9 Ensure robust and targeted casework quality assurance takes place.	Not progressed.	Substantial progress.
10 Train and develop staff to support them in their new roles in combined unit structure.	Limited progress.	Substantial progress.
11 Improve communications between management and staff and address low morale amongst lawyers.	Limited progress.	Substantial progress.

<sup>1</sup> The Area achieved or made substantial progress towards this recommendation in the last report and therefore progress against this recommendation was not assessed in our follow-up.

## Progress against aspects for improvement

Aspect for improvement	Position as at June 2010	April 2011 judgement
<p>1 The optimum business model folder system for magistrates' courts cases should be implemented.</p>	<p>Achieved.</p>	<p>The Area <b>achieved or made substantial progress</b> towards this recommendation in the last report and therefore progress against this recommendation was not assessed in our follow-up.</p>
<p>2 A system should be developed to improve case progression and ensure compliance with court directions.</p>	<p>Not progressed.</p>	<p><b>Not progressed.</b> Both the 2009 report and the 2010 follow-up concerned compliance with Crown Court directions only. The Area had no system in place for monitoring compliance at the time of our visit in 2010. This was still the case in April 2011 as managers considered that only directions or orders carrying sanctions for non-compliance need be monitored. As there was a CMS task available to deal with these and they were rare in any event, managers thought it was not an efficient use of resource to monitor them separately. Our file examination still showed failures in half of the relevant cases to comply with post-PCMH directions.</p>
<p>3 Adequate cover must be provided for cases heard at Kingston Crown Court and if necessary the Area Strategy Board should negotiate a service level agreement with CPS London for court cover.</p>	<p>No longer applicable.</p>	<p><b>No longer applicable.</b></p>

Aspect for improvement	Position as at June 2010	April 2011 judgement
4 Advocates should complete court endorsements as soon as practicable and they should be clear, legible and completed on the appropriate part of the file jacket.	Limited progress.	<b>Substantial progress.</b> As part of the much more thorough analysis of casework files through both OBM file quality monitoring and CQSM, specific attention has been devoted to endorsement quality with managers compiling reports and addressing weaknesses by individual feedback. Our file examination found that the quality of endorsements was good in 55.6% of cases, fair in 38.9% and poor in 5.6%.
5 There is a need to: <ul style="list-style-type: none"> <li>• fully define the role and responsibilities of the specialist crime champions/ co-ordinators;</li> <li>• allocate time to them to monitor sensitive and hate crime cases, and analyse unsuccessful outcomes.</li> </ul>	Substantial progress.	The Area <b>achieved or made substantial progress</b> towards this AFI in the last report and therefore progress has not been assessed in our follow-up.
6 Steps should be taken to agree a protocol with Surrey Social Services for the disclosure of third party material.	Achieved.	The Area <b>achieved or made substantial progress</b> towards this AFI in the last report and therefore progress has not been assessed in our follow-up.
7 Managers should remind all relevant staff that custody time limit expiry dates apply to each charge. Endorsements on the file should indicate which expiry date applies to which charge. Applications to extend custody time limits should comprehensively set out the reasons why such an extension is justified.	Substantial progress.	The Area <b>achieved or made substantial progress</b> towards this AFI in the last report and therefore progress has not been assessed in our follow-up.

Aspect for improvement	Position as at June 2010	April 2011 judgement
8 Prosecutors should ensure they request police to seek a victim personal statement if one is not present in appropriate cases.	Not progressed.	<b>Limited progress.</b> There were seven files in our sample where it was appropriate for a victim personal statement to have been available, but only one was present. The issue has been raised with the police at prosecution team performance management meetings but a more targeted approach involving witness care unit staff would be more likely to improve performance.
9 When feedback is given to staff it should be handled in the most appropriate and constructive manner.	Limited progress.	<b>Substantial progress.</b> We were shown a number of examples of written feedback that were constructive.
10 There needs to be greater clarity over the role (if any) of the local prosecution team performance management meetings.	Limited progress.	<b>Substantial progress.</b> The Area have reinstated monthly PTPM meetings with the police in 2011, with minutes of the first two meetings showing the SDCP and DCPs in attendance and structured agendas that include discussions around joint performance and adverse case analysis.
11 Controls on prosecution costs should be reviewed <sup>2</sup> .	Not progressed.	<b>Substantial progress.</b> See main report text.
12 The business plan should set out how priorities will be achieved and the timescales for completion, and progress against priorities should be reviewed regularly and remedial action implemented where required.	Limited progress.	<b>No longer applicable.</b> With the changes in structure at the Group level, Areas were not expected to complete their own business plans in 2010-11. However, it was positive to see the Area employing a detailed plan to address the inspectorate's recommendations, which was reviewed and amended at regular intervals.

2 The Area should undertake an investigation to determine the causes of the very high unit costs for Crown Court cases in Surrey and, once identified, work to reduce unit costs to a level in line with other CPS Areas.

Aspect for improvement	Position as at June 2010	April 2011 judgement
<p>13 The risk register should be reviewed regularly and the scope of risks expanded to include those involving staff engagement and change management issues and interdependencies between projects.</p>	<p>Not progressed.</p>	<p><b>Substantial progress.</b> The risk register has been regularly reviewed in 2010-11 by the Area Strategy Board and updated to include pertinent risks relating to staff engagement and organisational changes.</p> <p>A separate risk register was set up for the move to an integrated prosecution team with the police, which included staff engagement risks. Regular updates of the status of risks have been provided along with measures in place to address risks.</p> <p>It was not apparent that issues and interdependencies between projects had been considered, however.</p>
<p>14 The community engagement strategy should be developed to consult with the local community and broaden the base of community groups the Area engages with.</p>	<p>Substantial progress.</p>	<p>The Area <b>achieved or made substantial progress</b> towards this AFI in the last report and therefore progress has not been assessed in our follow-up.</p>