

HM CROWN PROSECUTION SERVICE INSPECTORATE

INSPECTION OF CPS DERBYSHIRE (REPORT 4/03)

EXECUTIVE SUMMARY

Introduction

1. This is the report of HM Crown Prosecution Service Inspectorate about CPS Derbyshire. The CPS is a national service, but operates on a decentralised basis with each of its 42 Areas being led by a Chief Crown Prosecutor (CCP) who enjoys substantial autonomy. The inspection was a full (as opposed to intermediate) one, and therefore focused on all aspects of performance.

The Area

2. CPS Derbyshire serves the area covered by the Derbyshire Constabulary. It has one office, situated in Derby. Area business is divided on functional lines between magistrates' court and Crown Court work. The Area was previously reported on in September 2000.
3. At the time of the current inspection, the Area employed the equivalent of 94.4 full time staff. In the year ending 30 September 2002, it dealt with 19,995 cases in the magistrates' courts and 1,807 cases in the Crown Court. In addition, pre-charge advice was given to the police in 1,026 cases, which was 4.9% of its caseload compared with the national average of 3.8%. Unlike many other Areas, there has been an increase in the Crown Court caseload since the time of the last report – an additional 390 cases (27.5%) in the year to 30 September 2002.

Main findings of the Inspectorate

4. The Area has made progress since the last inspection. Generally, the quality of decision-making is sound, with the standard of advices in particular being good. There was evidence, however, of a failure to review cases effectively at an early stage, resulting in cases being allowed to drift. We found that this failure contributed to the lateness of discontinuances, some cracked and ineffective trials and adverse cases where CPS action could have avoided the outcome. Steps need to be taken to ensure that all cases are properly reviewed before the first date of hearing, and that they are continuously reviewed throughout their progress through the courts, and when they are passed from the Criminal Justice Units (CJUs) to the Trial Unit (TU).
5. Progress has been made in relation to some aspects of Crown Court casework. In particular, the quality of instructions to counsel has improved significantly, and timeliness of service of committal papers and delivery of briefs has increased. Much more work, however, needs to be undertaken in relation to disclosure in all three units (although the TU has made more progress since the last inspection).

6. The Area is particularly strong in its management of people, as evidenced by the positive results of the 2002 staff survey. Internal communications are good, and there is a commitment to training and evaluation. Staff have a high awareness of equality and diversity issues, and the Area has entered into a partnership with the Positive Action Training and Recruitment Agency. The Area Management Team is cohesive, and has worked hard to develop its performance management. It has devised a wide range of standards for casework, and produces and monitors performance information regularly. They now need to analyse this information more systematically, in order to drive up performance.
7. Relations with the other agencies are cordial, although they could be made more effective if the Area adopted a more targeted approach to exchange and analysis of information. This needs to be undertaken, in particular, in relation to the cracked and ineffective trials data from the magistrates' courts, joint performance monitoring with the police, and the inter-agency monitoring of persistent young offender (PYO) performance (which is variable).
8. The Area entered into negotiations and an agreement with the police, and restructured into functional units, in anticipation of co-location at an early stage. The plans have foundered, however, due to difficulties in accommodation and finance. The Area has moved towards some placing of individual lawyers in police stations - one lawyer is permanently based at one site, and there are plans for others to attend the three other charging police stations. This goes some way towards ensuring early initial review of cases, and to providing the police with a contact point for consultation and the provision of some pre-charge advice. But the CCP needs to seek a more cost-effective solution, possibly considering a broader range of options.
9. The Area has taken positive steps and initiatives to improve public confidence in the CPS, and in its treatment of victims and witnesses. More work needs to be undertaken, however, to agree a local protocol in relation to the special measures to assist young or vulnerable witnesses, and to ensure that the Witness Service is aware of the needs of all witnesses.

Specific findings

Casework

10. Generally, decision-making is sound and objective. The quality of advice, in particular, is good. There is a lack of timely and effective review, however, with cases being allowed to drift on inappropriately. This leads to late discontinuance (particularly in the magistrates' courts) and some cracked and ineffective trials. More could have been done to avoid the acquittal in a high percentage of adverse cases, which is connected with the lack of effective continuing review in some cases. The Area needs to ensure that adverse case reports assess the reasons behind failures realistically, and are analysed, so that it can benefit from any lessons to be learnt.

11. The Area's handling of unused material is weak, with limited evidence of effective steps taken to improve the poor performance previously identified in relation to prosecution disclosure. Similarly, although some work has been undertaken since the last inspection, effective steps to tighten up procedures for custody time limits (CTLs) have only recently been introduced. On the other hand, instructions to counsel are good (a considerable improvement since the last report). Also noteworthy, is the Area's marked improvement in the timeliness of service of committal papers, and delivery of instructions to counsel (significantly above the Area target).

Advocacy and quality of service delivery at court

12. The standard of CPS advocates in the magistrates' courts is satisfactory, but there is concern over the quality of some agents. CPS advocates in the Crown Court are good. There is a high rate of returned briefs by counsel.
13. The Area provides good quality service to the courts and court users, with some particularly notable initiatives (for example, the use of administrative support in some magistrates' courts, and the use of a publicly sited table for caseworkers in the Crown Court). However, the standard of service is compromised by a lack of timely review or preparation on the part of prosecutors.

Victims and witnesses

14. The Area has improved its care of victims and witnesses, but needs to address some of its systems for supplying information to the Witness Service.
15. The Area has fully implemented the standard model for Direct Communication with Victims, which gives responsibility for communication to individual prosecutors. Generally the standard of communication with victims is high, although not all relevant cases are identified so as to ensure that the Area is able to provide a service of sufficient quality.

Performance management

16. The Area has made clear progress in its approach to performance management since the last inspection. Staff (at all levels) are committed to the timely production of performance information, and there is a good general level of awareness about how the Area is performing in relation to the CPS national targets.
17. The Area routinely monitors most aspects of performance but there is room for further development. The information gathered could be analysed more effectively to identify aspects for improvement, and to inform future action planning.

People management and results

18. Overall, the Area has sound employment practices and procedures. Internal communications are good. Staff are kept up to date (through a variety of media) with key developments within the CPS, at corporate and Area level, and the criminal justice system. The results of the 2002 staff survey were generally positive. Staff in Derbyshire experience fewer frustrations at work than in 2000, and less than average nationally.

19. Managers show a high level of commitment to training and development, and there is good evidence of staff progression. The Area has an Equality and Diversity Committee, which produces an action plan. This is the subject of regular discussion and action.

Management of financial resources

20. The Area plans and manages its finances effectively. It demonstrates a responsible attitude to its budget, and has effective processes for monitoring and controlling expenditure. The Area has negotiated a number of good value contracts for services and equipment.

Partnerships and resources

21. The Area has close working relationships with its CJS partners, being an active member of a number of inter-agency groups, and has entered into a number of protocols with other agencies, particularly the police. This has led to better working relationships, and the exchange of information and data between the various agencies. There now needs to be a more targeted approach to the analysis of information to improve Area and joint performance.
22. There has been variable performance in dealing with PYO cases. Although the Government's target (71 days) has been achieved in the past, the average processing time increased to 88 days for July to September 2002. The Area has undertaken work to improve performance already, but needs to ensure that relevant data is fully analysed, and the progress on current cases monitored.

Policy and strategy

23. Managers have set an appropriate direction for the Area, and are aware of the changing needs and expectations of their stakeholders. In addition to initiating inter-agency planning, the Area has also included its partners in consultations about its own plans. Information pertaining to policy and strategy is well promulgated, but decisions made are not always implemented.

Public confidence

24. The Area has taken positive steps and initiatives to improve public confidence in, and awareness of, the CPS, and its performance in this respect is better than many other Areas. Managers and staff have a good awareness of equality and diversity issues, and adopt a positive attitude toward their involvement with the community.
25. There remain some aspects that are capable of improvement, in particular the Area's positive work to improve its standing in the community would benefit from adopting a more pro-active approach toward the media.
26. The Area has invoked a number of systems and innovations to improve its performance in relation to victims and witnesses, as well as with its criminal justice system partners. At present, full use is not being made of the systems, resulting in information either not being recorded or, where it is, not being properly evaluated and acted upon, where necessary.

Leadership and governance

27. The Area benefits from having a clear vision, which is well communicated and understood. In general, staff understand the direction in which the Area wishes to proceed, and are aware how they make a contribution to this.
28. No co-location has yet been achieved with the police, although there have been positive negotiations. The Area sees the plans as having foundered due to lack of suitable accommodation and sufficient funding. The Area needs to consider the widest possible range of options and seek a more cost-effective solution. Early thought has been given to the implementation of the recommendations from the Auld Report regarding pre-charge advice, and one prosecutor is based in a police station.
29. Cordial relations exist with CJS partners and these could be further developed to secure a greater focus on achieving specific outcomes.

Recommendations

30. Inspectors made the following seven recommendations:
 1. Unit Heads ensure that all files receive timely and full initial review, and that reviews are fully recorded.
 2. Unit Heads ensure that all files are kept under continuous review, particularly at the summary trial review stage, when cases are passed to the TU for preparation for committal for trial, and when legal decisions need to be made after committal.
 3. Unit Heads ensure that lawyers:
 - * ask for proper descriptions, or copies, of unused material;
 - * properly undertake their duties of primary and secondary disclosure at the appropriate time and make appropriate records;
 - * properly undertake their duties of disclosure in relation to sensitive and third party material; and
 - * record all decisions.
 4. The Area Management Team ensure staff receive training and monitor the implementation, operation and effectiveness of the CTL desktop instructions.
 5. The Area Management Team should:
 - * increase its focus on the performance issues that support the delivery of the Public Service Agreement targets (for example, cracked and ineffective trial data, and unsuccessful outcomes etc.);

- * ensure that any analysis of the performance data clearly identifies areas for improvement, and notes any remedial action that will be taken; and
 - * improve the identification of risk as part of the formal planning process, and its active management thereafter.
6. Area managers ensure that the data on PYO cases is fully analysed, and the progress of current PYO cases is monitored, in order to improve timeliness.
 7. The CCP should drive forward the implementation of the Glidewell recommendations on co-location and joint working, adapted to facilitate the new charging initiative, considering a broader range of options.

The full text of the report may be obtained from the Corporate Services Group at HMCPS Inspectorate (telephone 020 7210 1197), and is also available at www.hmcp.si.gov.uk.

HMCPS Inspectorate
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