



HM Crown Prosecution
Service Inspectorate

CPS Bedfordshire

Executive Summary

The inspectorate's report on CPS Bedfordshire

Undertaken May 2010

October 2010



Executive summary

Contextual factors and background

Much of the Area's Crown Court casework involves serious offending, and prosecutors have to deal with more of the most serious types of case than the national average. The Area has also had to deal with high profile public order cases.

Compared to other Crown Prosecution Service (CPS) Areas many aspects of performance were better than the national average, for example the successful outcome rate in the Crown Court and the application of the direct communication with victims scheme. The key aspects where improvement is required are the proportion of cases where prosecutors have to direct no further action at the pre-charge stage and the successful outcome rate in cases involving allegations of domestic violence. There are positive signs that this is happening in the early part of 2010-11.

Against a background of solid casework handling, the main concerns identified in this inspection are around aspects of the Area's relationship with the CPS Thames Chiltern Group and the need for the Area to make substantial cost savings in 2010-11. We have made priority recommendations to assist the Area in making those cost savings.

However, the general picture since our overall performance assessment (OPA) 2007 is encouraging, with performance assessed as having improved in seven aspects, and declined in two. Of particular note is the Area's handling of cases involving custody time limits, which is now assessed as excellent compared to fair in 2007.

Summary of findings

The Area faces significant challenges in 2010-11 to achieve the cost savings required to balance its budget. Savings from higher court advocacy will be a major contributor, but at the time of our inspection appeared unlikely to cover the entire shortfall. Further savings must be made, particularly having regard to the national CPS budgetary position, and costed options need to be developed.

In this context it is essential that the Area works closely with staff within the Group Operations Centre to ensure an accurate budget picture is maintained, to keep them informed and to draw on their resource to assist in identifying where further improvements can be made. Whilst there was a high degree of corporacy at Area level, staff did not identify to the same extent with the Group.

Effective use has already been made of the Group equality and diversity and community engagement resource to develop the Area's community engagement strategy. Progress is being achieved and the Area's rating has improved from red to amber/green.

Recent local and national initiatives have been implemented successfully, although it was too early at the time of our inspection for a full evaluation of some, for example the Daytime Direct telephone charging advice service and the Area's optimum business model (OBM) unit for Crown Court casework.

The Area has to provide over a third more resource to Daytime Direct than it did under the previous charging advice structure. This will need to be carefully monitored to ensure that

the Area is not supplying a disproportionate resource to the overall Group requirement. Specialist charging advice is still being delivered face-to-face and is valued by police partners.

The expected benefits of charging are consistently realised in respect of Crown Court casework, but less so in respect of the magistrates' court where performance against the three measures is below national performance. Much work has been done to reduce the proportion of cases where prosecutor have to direct no further action, but it is still higher than the national average. The introduction of Daytime Direct provides an opportunity to strengthen police evidential review officer processes.

The Area handles its serious casework well, the successful outcome rate in the Crown Court is better than found nationally, as is the effective trial rate. There is good file ownership and effective team working between prosecutors, paralegal officers and crown advocates. The position in respect of magistrates' court casework is mixed, the effective trial rate is very good when compared with national performance but the successful outcome rate is not. There are differences in performance between the two magistrates' court OBMs, the one for Bedford works well with good CPS/police integration and division of tasks, but this is less so at Luton and there is a tension between the timescales set down for trial preparation and the timescales set out in the Criminal Procedure Rules.

Other aspects of performance are good, for example the application of the disclosure of unused material provisions, the handling of serious and sensitive cases (although the Area

has had difficulty in improving the successful outcome rate in domestic violence cases) and the care and attention given to the treatment of victims and witnesses. The handling of custody time limit cases is excellent.

Managers undertake appropriate performance management and analysis of casework. There are regular meetings at all levels, including with criminal justice partners and the overall good working relationships has enabled the Area to make performance improvements, for example the introduction of the early guilty plea procedure at Luton Crown Court.

Overall the Area does a lot of things well, but must look critically at its resourcing and how it can reduce its spending. In the light of our findings we assessed the Area's overall performance as **GOOD**.

Summary of judgements

The findings of this inspection take account of the difference in the process between an OPA and a full inspection. The OPA process is one that is very much dependent on an Area self-assessment, partners are not interviewed and there is a very limited file sample. Inspectors spend one day interviewing senior managers and assess the findings on the basis of a 'light-touch' inspection. In contrast a full inspection is carried out over an extensive period of time, a wide range of external partners are interviewed and inspectors examine a large number of files to assess the quality and standards of Area work. This context needs to be understood before any comparison is made between the results in 2007 and this full Area effectiveness inspection (AEI).

Summary of judgements			
Critical aspects	OPA June 2007	AEI May 2010	Direction of travel
Pre-charge advice and decisions	Good	Fair	Declined
Decision-making, preparation and progression in magistrates' courts cases	Fair	Fair	Stable
Decision-making, preparation and progression in Crown Court cases	Fair	Good	Improved
The service to victims and witnesses	Fair	Good	Improved
Leadership and management ¹	Fair	Good	Improved
Overall critical assessment level	Fair	Good	Improved
The prosecution of cases at court	Good	Good	Stable
Serious violent and sexual offences and hate crime	Fair	Good	Improved
Disclosure of unused material	Fair	Good	Improved
Custody time limits	Fair	Excellent	Improved
Managing performance to improve	Good	Good	Stable
Managing resources	Good	Fair	Declined
Partnership working and community confidence ²	Fair	Good	Improved
OVERALL ASSESSMENT	FAIR	GOOD	IMPROVED

¹ Leadership and management captures elements included formerly in 'Delivering Change' which has now been removed from the framework as a stand alone aspect.

² Some aspects of this section were previously included in 'Managing Performance to Improve' and a full like for like performance comparison cannot be made.

Recommendations

There are four priority recommendations which need (unless stated otherwise) to be implemented within three months. These are:

1 The Group senior responsible officer, in conjunction with the Area management team, should within six months of the implementation of Daytime Direct review the Area's current resource provision to determine whether it is at the correct level when compared with resource provision across the Group (paragraph 1.8).

2 The chief crown prosecutor and area business manager should meet regularly with the Group finance manager to review the Area's budget, to enable any remedial actions to be taken promptly (paragraph 10.4).

3 The Area should:

- review its overall structure and produce costed proposals to make substantive savings to achieve a balanced budget;
- work with the Group to produce an agreed budget reduction plan; and
- only backfill essential vacant administrative posts (paragraph 10.19).

4 The Area should reduce its spend on special fee trials by using in-house prosecutors save in exceptional circumstances (paragraph 10.29).

There are nine other recommendations that relate to improving and tightening processes and systems. Whilst they are not immediate priorities they need to be implemented to improve the service offered by the Area. We would expect these secondary recommendations to be implemented within the next 12 months.

1 The Group district crown prosecutor responsible for Daytime Direct charging should:

- bring to the attention of police supervisors those cases where the prosecutor is rubber stamping decisions the police should have taken; and
- discuss with individual prosecutors any case where they appear to have been unnecessarily risk averse (paragraph 1.20).

2 The CJU unit heads should:

- analyse the reasons for cracked and ineffective trials; and
- report issues of concern to the CCP (paragraph 2.18).

3 The trial unit head should:

- review each case where the plea and case management feedback form indicated that the indictment had to be amended;
- identify and disseminate to prosecutors and paralegal officers any learning points; and
- demonstrate that performance is improving against our findings (paragraph 3.7).

4 The Area unit heads should undertake an audit of the level of compliance with the sensitive material procedures and provide written assurance to the CCP either that there is now full compliance or that further steps have been taken to secure full compliance (paragraph 6.13).

5 In cases where victims and witnesses are entitled to the protection of special measures when giving evidence, prosecutors should ensure they make an informed decision as to what measures the victim or witness requires (paragraph 8.8).

6 The Luton CJU head should:

- liaise with the Witness Service and request the detail of all future cases where there has not been timely provision of the necessary information to the Witness Service;
- identify the reasons for any late provision and take any necessary remedial action; and
- demonstrate performance improvement (paragraph 8.10).

7 The Area should ensure that all direct communication with victims letters to the victims of domestic violence include details of the national domestic violence helpline (paragraph 8.11).

8 The Area should:

- clarify with the Group Operations Centre why the Area requires additional performance data and agree jointly with the GOC what proportion of this additional data is essential for its business needs; and

- develop regular meetings with the Group performance officer (paragraph 9.5).
-

9 The Area should undertake a comparative review of the control checks used in the trial unit, and the Bedford and Luton CJUs to ensure that good practice is adopted across all units (paragraph 9.14).

Compliance issues

We additionally identified four quick wins which relate to compliance issues.

1 With immediate effect:

- duty prosecutors should include in the MG3 for youth offenders their view on mode of trial representations in grave crime cases having regard to the age of the defendant, the relevant sentencing council guidelines and pertinent case law; and
- unit heads should monitor compliance as part of the core quality standard monitoring regime (paragraph 1.17).

2 CJU heads should ensure that a pre-charge failed case report, to the required standard, is compiled in every case where the proceedings are discontinued (paragraph 2.9).

3 With immediate effect the trial unit head should instruct trial counsel to provide a report in all rape cases which result in an acquittal (paragraph 5.12).

4 The OBM checklist should be used correctly at Luton CJU (paragraph 9.13).

Strengths

We identified five strengths within the Area's performance.

1 The quality of the Area's pre-charge failed case reports (paragraph 3.14).

2 The very quick notification to the witness care unit of Crown Court results, including where defendants are released on bail (paragraph 4.13).

3 The Area system for ensuring there are timely applications to extend CTLs (paragraph 7.3).

4 Keeping staff informed about matters that affect them (paragraph 11.8).

5 The management of sick absences (paragraph 10.34).

The full text of the report may be obtained from the Corporate and Operational Support Group at HM Crown Prosecution Service Inspectorate (telephone 020 7210 1197) and is also available online at www.hmcp.si.gov.uk

HMCP SI Inspectorate
October 2010