



HM Crown Prosecution
Service Inspectorate

An audit of the handling of correspondence by the CPS

December 2011



Contents

Chief Inspector's foreword	1
1 Summary of findings and recommendations	3
Compliance points	3
Good practice	4
2 How others across government and in private practice deal with correspondence	5
3 What type and how much correspondence does the CPS receive?	7
4 Action taken on correspondence	9
Timeliness of action	9
Partnership issues	11
Quality of response	11
Process issues	12
5 The way forward	15
Annexes	17
A Volume of correspondence received by the Areas in the file sample	17
B Methodology	18
C Glossary	19



Chief Inspector's foreword

Understandably efficient correspondence handling may not be seen as the highest priority when organisational resources are under pressure but the reputational damage caused by poor correspondence handling cannot be underestimated.

Within the Crown Prosecution Service (CPS) the effective handling of correspondence is a vital part of efficient case management. In some instances it can result in a successful and prompt case outcome, thereby reducing costs and increasing confidence in the criminal justice system. Where correspondence is not dealt with effectively it leads to unnecessary work for the CPS and the police.

Systems therefore need to be in place to ensure that correspondence is dealt with efficiently with a view to reducing the likelihood of follow-up correspondence and enabling better case progression.

This report seeks to show how the management of correspondence handling could be improved. Many of the issues highlighted will remain applicable as the Service moves towards digital working and increased electronic communication.

A handwritten signature in black ink, appearing to read 'Michael Fuller', with a stylized, cursive script.

Michael Fuller
HM Chief Inspector



1 Summary of findings and recommendations

- In almost 40% of cases correspondence was responded to, or action taken, within 24 hours of receipt; in almost a further third of cases it was dealt with within five days; in the remainder (33.6%) it took longer than five working days to deal with correspondence.
 - In a quarter of magistrates' courts files and a third of Crown Court files correspondence had not been dealt with properly in that staff had failed to address all or most of the issues.
 - The action taken as a result of any correspondence received was not always apparent. This could result in duplication of work or cases needing to be adjourned to make enquiries, and ultimately, increased costs.
 - When requesting further work by the police, requests were often late and the CPS did not always monitor and chase a response.
 - One Area had recently implemented a process of a senior manager (level D) sifting all incoming post as a means to prioritising, directing action and managing case progression more effectively.
 - Correspondence was regularly dealt with by staff of an inappropriate level.
 - Keeping track of files using the computerised case management system (CMS) was not effective in some Areas leading to delays and inefficient use of resources.
 - Gaps in information were found on files and on CMS as emails were not printed out and placed on the file or added to the case's details on CMS.
 - There was a lack of consistency between Areas in noting the receipt of key correspondence on CMS.
 - The date that post or correspondence is received is not recorded as a matter of course.
 - Monitoring performance in dealing with correspondence was hindered as the date the post was linked to the file was not noted.
- ## Compliance points
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- 1 Areas should ensure that a system is in place to monitor responses from the police where a target date for expected receipt has been set (paragraph 4.10).
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- 2 Areas should ensure that those carrying out the initial sift of correspondence have the appropriate level of experience or training to enable them to direct correspondence to the appropriate member of staff (paragraph 4.13).
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- 3 Areas should ensure that all correspondence has the date of receipt recorded on it to enable efficient handling and monitoring (paragraph 4.15).
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4 Areas should ensure that email correspondence is saved on the CMS file and printed out and stored on the CPS paper file, until a full digital system has been developed (paragraph 4.16).

5 Areas should ensure that CMS is updated every time the location of the file is changed (paragraph 4.18).

6 Areas should ensure that receipt of key correspondence is recorded on CMS (paragraph 4.19).

3 In one Area any defence statements were given to a lawyer, who considered them and then forwarded them with a pro-forma letter to the police highlighting any issues and confirming what needed to be provided, ensuring that only necessary work was undertaken (paragraph 4.9).

4 In one Area, any unlinked post was returned to the administrative managers at the end of the day to decide what action was needed (paragraph 4.17).

Good practice

1 One Area had recently introduced a system whereby the senior manager in the office sifted all the post received. This allows priorities to be established and enables problems to be tackled swiftly. It also acts as a means to quality assure how effectively correspondence is being dealt with (paragraph 4.5).

2 Efforts were made in two Areas to reduce the amount of correspondence from the defence. The CPS would write to the defence solicitors in anticipation, informing them of when the CPS expected to receive the upgraded file of evidence from the police and would be able to supply the defence with further information (paragraph 4.7).

2 How others across government and in private practice deal with correspondence

2.1 We contacted a number of other government departments and some large legal defence firms to see how they handle large amounts of correspondence. Our consideration of other approaches was to identify good practice or best practice and primarily, to enable us to benchmark CPS practices. We have not tried to establish how others perform, so there is no direct comparison in this report of CPS's performance against others, but we do where appropriate refer to the practices of others where we feel this could lead to overall improvement.

2.2 A number of government departments operate a customer 'charter' which sets out their customer service standards. Where charters exist they often contain clear timescales (usually in numbers of days) in which those writing to or contacting the department can expect to be dealt with, either through receipt of an acknowledgement or a substantive reply. More recently charter expectations whilst still being in place, are not always measured. Many targets have been abolished with the aim of reducing bureaucracy. In the departments we contacted we were told that there was no official central monitoring of compliance, but we were assured that local managers would be using charter standards to assess how they were performing. Whilst the CPS has not set out its obligations or expected standards in terms of timescale, in a specific charter, the Core Quality Standards (launched in March 2010) indicate at Standard 5.12 that "We aim to deal with new material submitted by the police or other investigators and correspondence from the defence within a strict time period of receipt".

2.3 It is important to remember that the CPS like other government departments is a monopoly service provider and there is no one else that the public can approach. It is therefore critical to reputation and also service standards that the simple process of handling correspondence efficiently and effectively is engrained into its ethos. Setting targets for dealing with correspondence has the potential to highlight the importance of dealing with correspondence, based on the assumption that 'what is measured gets done', but as other government departments have recently found, the existence of charter standards provides no guarantee that good customer service will follow.¹

2.4 It is therefore unsurprising to find that the main driver of service standards across legal defence firms is the need to offer a good service so that they can retain their clients and thus generate income. There are no specific service standards set out by the Solicitors Regulation Authority other than that clients should be kept up to date with developments in their case (Rule 15). This often leads to firms setting out the service standards they will provide at the same time as issuing written confirmation of instructions. Of the firms we spoke to, it was seen as good practice and in line with professional obligations that clients should expect timely, clear and unambiguous replies to correspondence or general queries. Most firms operated a reply within a day practice, or prioritisation of correspondence to ensure that the most time critical work was dealt with effectively. In one firm the senior partner undertook a daily sift of all the post as a means

¹ Commons Treasury Select Committee - Administration and Effectiveness of Her Majesty's Revenue and Customs (HMRC) 30 July 2011.

of identifying if there were repeat requests, or letters which appeared to indicate that there was a problem on a case, and also as a way to get a quick overview of the level of general casework in the office. This approach, might be thought of as onerous by some, is nevertheless a quick and easy way for managers to assess performance and also head off any problems that could be developing.

2.5 It has to be recognised that defence firms have a different relationship with their clients than the CPS. However, the mindset of dealing with correspondence as a reputational issue, ensuring that they answer letters quickly, and thus keeping clients happy is something that one would expect to find across all service based organisations. Dealing with correspondence from the police and courts as stakeholders in the process may be a little different, but in dealing with correspondence from the defence (an external customer) it should be recognised that the treatment of a piece of correspondence if not handled professionally and correctly can be damaging to both the reputation of the CPS and the outcome of the case. The audit identifies that this is something that the CPS needs to consider if it is to address some of the weaknesses identified throughout this report.

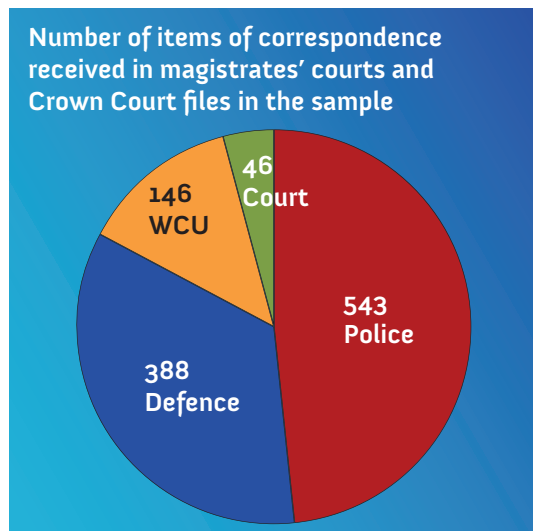
3 What type and how much correspondence does the CPS receive?

3.1 In 2007 the CPS instigated a new model for the operation of its office systems in relation to magistrates' courts work and recently introduced the same system to deal with Crown Court work. The Optimum Business Model (OBM) sought to standardise how correspondence was dealt with to ensure efficiency. It recommends that post received should be filtered through or assessed by a "gateway", to make sure that correspondence is appropriately prioritised and directed to the person best placed to deal with it. This system operated in most Areas visited.

3.2 The CPS receives correspondence from four main sources – the police, defence solicitors, Witness Care Units (WCUs) and the courts. The CPS may also be contacted by individual victims or witnesses.

3.3 In the sample of 144 files there was no correspondence from individual victims or witnesses who had contacted the CPS directly. On average a Crown Court file would have nine pieces of correspondence and a magistrates' court case, seven. Annex A outlines the amount of post received by each Area in the audit. It indicates a significant variation between the amounts of correspondence received in different Areas and seen in the file sample.

3.4 Although the CPS is currently introducing electronic based working, at the time of audit visits correspondence from defence solicitors was usually sent by post and there was no evidence on any of the files that correspondence had been received from the defence via secure email. A good deal of police correspondence was sent by email with some evidence being sent electronically. The majority of contact with the courts and the WCU was via email often direct to a member of CPS staff.



4 Action taken on correspondence

Timeliness of action

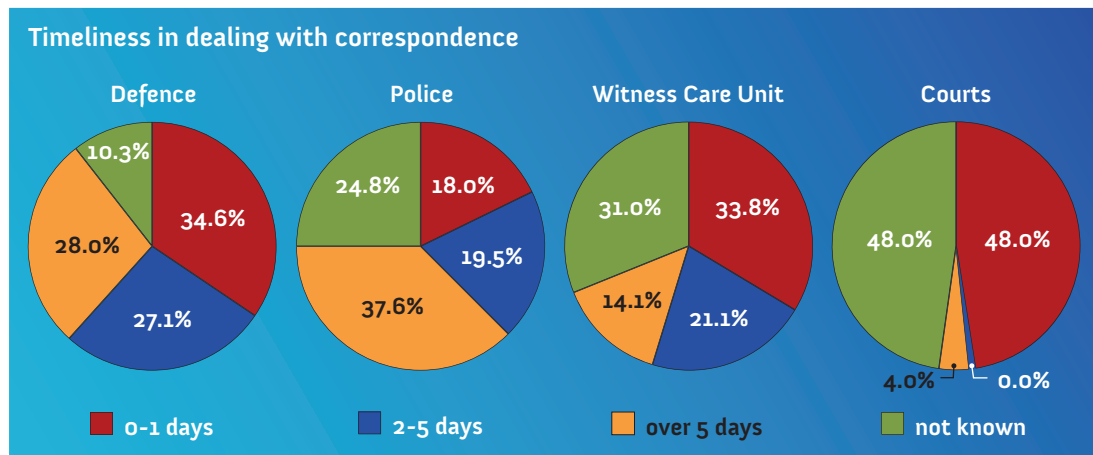
4.1 The OBM guidance states that all queries and requests should be processed within 24 hours of receipt. A CPS Core Quality Standard² states that the CPS will aim to deal with correspondence within a strict time period of receipt. None of the units examined were able to fully meet the target.

4.2 In all Areas most correspondence was dealt with in the OBM units. However in three Areas we found that cases were still allocated to individuals who would deal with associated correspondence and the files were often stored in the individual's own filing system. As there

was no central monitoring this practice carries the risk of urgent correspondence not being dealt with promptly if the individual is away from the office for some time.

4.3 As part of the file examination, the audit team selected on each file one piece of correspondence (where available) from the police, the defence, the courts and the Witness Care Unit and assessed how these had been handled. In total 336 items were examined. Of those items of correspondence chosen where the date of action could be established, 37.6% were handled within 24 hours of receipt. A further 29.0% had been looked at within five days and in 33.6%, action was evident only after five working days.

² CPS Core Quality Standard 5.12.



4.4 Evidence of action having been taken was often difficult to find and in 78 of the 336 items of correspondence examined, it was not possible to establish when or if the item had been looked at or actioned. In some Areas we were told that items may be handed over at case progression meetings with other agencies. However there were no endorsements on the files to show this.

4.5 Magistrates' courts and Crown Court files in all Areas contained examples of correspondence that had been dealt with late, except one magistrates' court unit. This particular unit had at least double the amount of correspondence that was received in the other magistrates' courts units visited. Here there were some examples of particularly good handling of difficult correspondence and there was evidence of a good working relationship with the police. Proactive, efficient communication was helped by the continued presence of the one particular lawyer on the team. This provided continuity and assisted effective case progression. One Area had also recently introduced a system whereby the senior manager (at level D) in the office looked through all the post received. This is in line with the practice seen in many defence firms, and allows for priorities to be set, gives a general level of assurance that correspondence is being handled effectively, and gives an opportunity for any problems to be tackled swiftly. We saw this as **good practice**.

4.6 The reason for delays in dealing with correspondence was rarely apparent from the files. Despite nearly 40% of defence correspondence being responded to only after five working days,

or having no indication of when or if a response was given, there were few further enquiries from the defence about what action had been taken, or when they could expect a response. Where the defence did write again, it was weeks or months after the original correspondence. File examination showed that often the CPS had initiated action in response to the original letter and was awaiting a response from the police. The timeliness of requests to the police varied but there were often substantial delays, requiring the police to reply very quickly. In the magistrates' courts files seven of the 19 requests for further work were sent two days after receipt or later. In 27 of the 43 files in the Crown Court there were delays, with eight of the 27 being sent over 14 days late. An acknowledgement letter to the defence outlining the action taken may have avoided the need to deal with follow-up correspondence, thus saving time and costs to all parties.

4.7 A process which would assist in reducing the volume of correspondence from the defence was seen in two Areas. In one, when a defendant pleaded not guilty in the magistrates' court, the CPS would write to the defence solicitors soon after the not guilty plea hearing with details of the witnesses to be called and informing them when the upgraded file of evidence was expected from the police. This ensured that the defence solicitors were aware of when the CPS would be in a better position to answer any queries they may have. In the other Area they sought to reduce repeated requests from the defence by informing them when the upgraded file was due and they could expect to receive the items requested. This is **good practice**.

Partnership issues

4.8 The file examination highlighted that there was often little analysis by the CPS of exactly what was required of the police as a result of the defence correspondence and the request was simply forwarded to the officer in the case on the assumption that they would know what was wanted. This sometimes resulted in delays, or responses that showed that the officer needed further guidance.

4.9 This was particularly seen in the provision of defence statements. These were often sent to the police without having been seen by a lawyer or a paralegal officer. This approach meant that aspects of the defence statement that did not require any police action, and could have been dealt with immediately by the CPS, were not, and it could be several weeks before the defence received a response. The opportunity to consider the legal aspects of the defence to be used was also delayed. In one Area the defence statement was given to a lawyer who considered it and then forwarded it with a pro-forma letter highlighting any issues and confirming what needed to be provided. This is **good practice**.

4.10 When requesting further work by the police to allow a full response to the defence statement, many Areas set a target date for a response, though it was not clear whether this was monitored and a reply chased. The defence firms we talked to outlined that it was a natural part of case management for reminders to be sent and pro-forma letters to be designed to ensure that they could demonstrate a proactive approach if questioned by their client.

Compliance point

Areas should ensure that a system is in place to monitor responses from the police where a target date for expected receipt has been set.

Quality of response

4.11 The audit also assessed whether correspondence had been handled appropriately and all matters raised had been addressed. All units in all Areas visited had cases in which we found that the correspondence had not been dealt with effectively.

4.12 In a quarter of magistrates' courts files, and a third of Crown Court files, correspondence had not been dealt with properly. In the main staff had failed to address all or most of the issues raised. One Area in particular stood out as having more correspondence than the rest that had not been handled well.

4.13 In both magistrates' courts and Crown Court units we saw examples of correspondence being dealt with by staff of an inappropriate level. In particular we found:

- Items passed to a lawyer that could have reasonably been dealt with by a paralegal officer.
- Letters from the defence that had been forwarded by administrators to the police with no instruction about the action required, which might have been better dealt with if referred to a paralegal officer or a lawyer first.
- In one Area we saw witness summonses requested and continuing disclosure confirmed by paralegal officers without any apparent consultation with a lawyer.

Compliance point

Areas should ensure that those carrying out the initial sift of correspondence have the appropriate level of experience or training to enable them to direct correspondence to the appropriate member of staff.

Process issues

4.14 A record of the date that an item of correspondence has been received – a date stamp, the date on an email or a fax - is essential to ensure correspondence can be prioritised and dealt with efficiently. It also allows managers to monitor how long it has taken to deal with something. Ten of the 72³ items of correspondence examined from the defence had not been date stamped. Six of these were defence statements and may have been handed over at court and bypassed the usual CPS systems. Twenty three of the 72 items of correspondence from the police had no date of receipt on them. Twelve of these were found in one Area.

4.15 It was often not possible to tell what had been sent by the police as the covering form (MG20) did not list what was or should have been enclosed, and the contents had long since been detached, providing no record of what evidence had been forwarded and when. This information may be crucial should the CPS be asked by the court to explain their efforts to progress the case. Liaison with the police

³ One item of correspondence from the police, courts, defence and Witness Care Units where available was selected and examined on each of the 72 files. A total of 336 items were seen.

should ensure that there is a record of receipt of items they send. Correspondence from WCUs and the courts was generally in the form of an email and so the date it was sent to the recipient was clear. The date of receipt of items of correspondence should always be recorded.

Compliance point

Areas should ensure that all correspondence has the date of receipt recorded on it to enable efficient handling and monitoring.

4.16 Correspondence sent via email had particular problems. It was not often possible to ascertain when the email had been opened. In some Areas staff had recently become aware that emails, received and sent, could be saved onto CMS as a record of what had taken place. In some cases in the file examination email correspondence was not always saved on CMS and where it was, it was sometimes not printed out and placed on the file as a record of queries received and action taken. In some cases it was apparent that email correspondence was missing from both the file and CMS and the outcome of enquiries or actions taken could not be determined. Emails should be saved electronically and also printed out and placed on the file as information for the prosecutor at court or for anyone else dealing with the file to see what action has been taken.

Compliance point

Areas should ensure that email correspondence is saved on the CMS file and printed out and stored on the CPS paper file, until a full digital system has been developed.

4.17 Where there had been delays in dealing with correspondence it was not possible to ascertain whether the delay occurred before or after it had been linked to the files as the date was rarely noted. There were five cases in the sample where, from the comments noted on the correspondence, it was clear that it had not been linked to the file for some time. We suggest that the date the correspondence is linked to the file is noted on the correspondence to allow managers to establish where problems are occurring. For hard copy correspondence management checks should be in place to ensure that delays in linking post are monitored. We saw **good practice** in one Area: any unlinked post was returned to the administrative managers at the end of the day to decide what action was needed. Linking correspondence to CMS electronically automatically records the date and this issue will be overcome when electronic working is fully achieved.

4.18 In the most of the Areas visited, staff felt that locating files to link with correspondence was much easier since the introduction of the OBM system. This was because there were fewer places to look for the file. However, the efficiency of linking post still relied heavily on staff using CMS correctly to log the location of a file. In some Areas staff continued to experience problems in finding files as CMS was not always updated when the location had changed. This can lead to delays in linking post to files and is resource intensive when conducting manual searches for the file.

4.19 Despite national guidance there were inconsistencies in the recording of the receipt of key correspondence on CMS. Where it was done consistently, it provided a clear chronology of items received that was sometimes not apparent from the file.

Compliance point

Areas should ensure that receipt of key correspondence is recorded on CMS.

Compliance point

Areas should ensure that CMS is updated every time the location of the file is changed.



5 The way forward

This audit identifies that the CPS needs to improve its correspondence handling. Our file examination highlights that the CPS struggles to deal with correspondence efficiently in line with its own target timescales and expectations.

The poor handling of correspondence is damaging for the CPS's reputation. Often we were told by stakeholders that the CPS struggles to reply to letters and that this has a detrimental impact on effective case handling and progression. The CPS faces some challenges in improving the quality of its response. Whilst the initial sift of correspondence often directed items to the appropriate staff member to deal with, the quality of the response in a significant proportion of cases did not address all the issues that had been raised. The CPS should ensure that monitoring under its Core Quality Standards clearly encompasses both the timeliness of dealing with correspondence and also the quality of the response. Performance management systems need to be strengthened to look at this issue.

In future the presence of paper correspondence will diminish as more is received electronically by email. It is important that the CPS has a process to ensure that all correspondence is dealt with effectively whether it is received electronically or on paper, thus improving efficiency and saving money across the criminal justice system: poor handling in one agency has a potential consequential cost across the system. The audit has identified that there are clearly opportunities for the CPS to improve its processes, which will assist efficiency across the criminal justice system.



Annexes

A Volume of correspondence received by the Areas in the file sample⁴

All items of correspondence from each agency were counted on the 12 Crown Court and 12 magistrates' court files examined in each Area.

Court	Type	Area A	Area B	Area C	Area D	Area E	Area F	All Areas
Crown Court	Defence	42	14	24	59	51	31	221
	Police	51	32	55	83	93	28	342
	Court	5	0	2	1	4	0	12
	WCU	9	6	5	20	18	15	73
	Total	107	52	86	163	166	74	648
Magistrates' courts	Defence	23	16	38	22	26	42	167
	Police	19	16	26	40	32	68	201
	Court	0	2	4	1	5	22	34
	WCU	11	6	10	15	18	13	73
	Total	53	40	78	78	81	145	475
Total for all courts and types of correspondence		160	92	164	241	247	219	1,123

⁴ The sample of Crown Court files provided in one Area contained more cases with multiple defendants and a higher number of indictable only offences where defendants were remanded in custody. This resulted in a greater number of defence statements and applications for bail which increased the volume of defence and police correspondence seen. In other Areas the reasons for the higher volume of correspondence from the defence was not clear.

B Methodology

The audit team visited six CPS Areas of varying caseload. A sample of 12 CPS Crown Court and 12 magistrates' court files were selected on-site. The files were recently finalised cases that had progressed to trial. A number of the Crown Court files were examined whilst on-site to assist in understanding local systems but most were returned to HMCPSI offices for examination against a set of consistent questions.

The audit team spoke to a range of staff in each Area and looked at the systems in place in both the Crown Court and magistrates' court units to deal with correspondence.

C Glossary

Case management system (CMS)

IT system for case tracking and case management used by the CPS.

Core Quality Standards Monitoring (CQSM)

A system of internal monitoring against the standards, whereby each Area undertakes an examination of a sample of completed cases to assess compliance against standards.

Defence statement

A formal notice sent by the defence giving details of the defence case. This should trigger continuing disclosure by the prosecution.

Disclosure (*initial and continuing*)

Initial disclosure is made following the review of unused material provided by the police to the reviewing lawyer. Disclosure is made of items that may undermine the prosecution case or assist the defence. The CPS has a duty of continuing review of unused material to consider if further disclosure should be made as the case proceeds.

Indictable only, indictment

Cases which can be heard only at the Crown Court (e.g. rape, murder, serious assaults). The details of the charge(s) are set out in a formal document called the indictment.

Optimum Business Model (OBM)

A CPS initiative for handling its casework. The model sets out a framework of structures, roles and processes, and aims to standardise these across different units and Areas to improve efficiency and effectiveness.

Paralegal officer

A member of CPS staff who deals with, or manages, day-to-day conduct of a prosecution case under the supervision of a crown prosecutor and, in the Crown Court, attends court to assist the advocate.

Review *initial, continuing, summary trial etc*

The process whereby a crown prosecutor determines that a case received from the police satisfies and continues to satisfy the legal test for prosecution in the Code for Crown Prosecutors.

Upgraded file

At an initial hearing only limited evidence is provided by the police to save time and money in preparing papers that may not be needed if a defendant pleads guilty. However, if a defendant pleads a not guilty a comprehensive file of evidence is needed to prove the case at trial.



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