

CROWN PROSECUTION SERVICE INSPECTORATE

INSPECTION OF CPS CHESHIRE

EXECUTIVE SUMMARY

Introduction

1. This is the report of HM Crown Prosecution Service Inspectorate about CPS Cheshire. The CPS is a national service, but operates on a decentralised basis with each of its 42 Areas led by a Chief Crown Prosecutor who enjoys substantial autonomy.
2. The inspection was carried out during a period of extensive change for the CPS both nationally and in Cheshire. Initiatives to reduce delays in the criminal justice system were being introduced to give effect to the recommendations contained within the Review of Delays in the Criminal Justice System (The Narey Report). The Area's reorganisation into functional units, rather than geographical ones, to take forward the recommendations of the Review of the CPS (The Glidewell Report) was in a transitional stage.
3. The report focuses mainly on the quality of casework decision-making and casework handling but also extends to all matters which go to support the casework process. The Inspectorate examines all aspects of Area performance and has reported on a number of management and operational issues.

The Area

4. CPS Cheshire has its headquarters in Chester and shares its boundaries with the other criminal justice agencies in the county. It has branch offices in Chester and Warrington and employs the equivalent of 82.8 full time staff. In the year ending 30 September 2000, the Area dealt with 21,861 defendants in the magistrates' courts and 2,381 defendants in the Crown Court. In a further 1,361 cases, advice was given to the police before charge. Casework figures suggest that Cheshire deals with a higher than average caseload of the more serious offences. Its summary only caseload for the period was below the national average, whereas either way and indictable offences were higher.

The main findings of the Inspectorate

5. The CCP and the ABM were both appointed in April 1999 when CPS Cheshire became an Area in its own right. Prior to then, the two Branches had been part of the larger CPS North West Area. Senior managers have done much to bring the two Branches together and forge an Area identity, but there is still some way to go. Current priorities focus very much on the Area's plans for completing the reorganisation into function-based units.

6. At the time of our inspection, the Area was structured along geographical lines. Each Branch comprised two teams with responsibilities based on magistrates' courts centres. A pilot scheme at the Chester Branch involving the establishment of a trials unit at the beginning of 2000 had been largely abandoned because of staff shortages. It was maintained only to the extent that the caseworkers of one team retained responsibility for all Crown Court cases. Plans have been formulated for restructuring into a trials unit and a criminal justice unit. At the time of our visit the numbers and locations of teams in each unit had not been settled. The consequent uncertainty has had an adverse effect on staff morale.
7. Despite this Area staff are committed and dedicated and take pride in what they do. Representatives of other agencies commended them for their ability and dedication despite existing pressures and uncertainty.
8. The quality of casework decision-making is very sound. Inspectors considered that the Area has effective casework systems in place which are generally efficiently operated, although they also had concerns about the disclosure of unused material and procedures for monitoring custody time limits. Some decisions to terminate proceedings could have been taken more promptly. The rate of judge ordered acquittals is significantly below the national average, though the proportion of judge directed acquittals is slightly above. In a small minority of cases, there were foreseeable problems, but action which might have prevented the eventual outcome was not taken.
9. The Area uses a number of methods to ensure that appropriate lessons are learned from casework. In addition to an Area Legal Bulletin and the circulation of court attendance notes prepared by senior prosecutors, Branch managers prepare high quality reports in respect of all Crown Court failed cases. These form the basis of discussions with the police.
10. Domestic violence and child abuse cases are appropriately handled by specially trained lawyers. The relatively few racially aggravated offences are prosecuted robustly. Cases involving persistent young offenders, however, require particular attention, in co-operation with other agencies to ensure that the Government target of 71 days between arrest and sentence is met. Performance deteriorated from 105 days in the second quarter of 2000 to 139 days in the third quarter. The Area is trying to improve its performance but feels that it has not had sufficient co-operation from other agencies in the past.
11. The Area handles its Crown Court casework well. Caseworkers are experienced and well regarded by other Crown Court users. Inspectors felt that CPS lawyers could provide a higher profile in the Crown Court as Higher Court Advocates and also assisting at PDHs.
12. The Area has staffing problems, particularly at Chester. It has a high rate of sick absence at an annual rate of 17.2 days per staff member in the first half of 2000/2001. Nevertheless, Area managers have a positive attitude towards part-time working. Individual needs are accommodated as far as overall working arrangements will allow.

Specific Findings

13. **Advice** - Although the Area deals with a high proportion of cases submitted for advice before charge (5.8% of its caseload compared with 3.5% nationally), very few cases are submitted for advice inappropriately. This reflects its well established close and professional relationship with the police. There are Area guidelines dealing with the criteria for submission of cases for advice, though these may require some clarification. The quality of advice is good and is provided particularly promptly.
14. **Review** - The standard of review is good and generally very timely, although initial review occurred in some instances after the defendant's first appearance. Cases proceed on charges which are appropriate to the evidence and accord with relevant charging standards. The rate of discontinuance in the Area was 10% (national average 12.5%). Inspectors noted that there had been an improvement in the standard of review endorsements since a previous inspection, but the overall standard could still be much better. Even though the police and CPS make every effort to identify and reassure vulnerable or reluctant witnesses, many cases are still dropped in the magistrates' court and in the Crown Court because victims or other witnesses retract their evidence or refuse or fail to attend trial. Area and Branch managers pay particular attention to adverse case outcomes. Cases are analysed thoroughly and detailed reports provide a firm basis for discussion of issues with the police and for learning casework lessons within the Area.
15. The Area's performance in dealing with persistent young offenders has been variable and the latest available figures have not been encouraging. Although each agency is keenly aware of the situation, Area managers have felt that sometimes conflicting priorities have caused inter-agency co-operation to be less effective than it might.
16. **Case Preparation** - Under the Narey provisions, advance information in most instances is provided to the defence in court at the first hearing. The content of the disclosure package is usually sufficient to allow the defence to advise their client and enable the case to proceed. No record of the material provided is made on individual files, however.
17. Performance in handling unused material could be improved. Prosecutors and caseworkers understand the law and procedures but existing resources do not always enable them to deal with disclosure as thoroughly as they would like. This was manifest in the way in which both primary and secondary disclosure was dealt with. Inspectors found that there had been compliance with statutory duties in 68% of relevant cases in the file sample in relation to primary disclosure and only 31.6% in relation to secondary disclosure. Sensitive material is generally well handled although there is sometimes an over-cautious approach, often shared by prosecuting counsel, in making applications to the Crown Court to withhold material on public interest grounds.
18. Summary trials are well prepared and cases are checked two weeks in advance of trial to ensure that necessary action has been taken. Although pre-trial reviews are held in most cases, there is a feeling that these have been largely ineffective in the past and cracked trials persist. Committal cases are well prepared though the timeliness of preparation and service requires significant improvement. The difference in the level of achievement between the two Branches supports the view that staff sickness in the Chester Branch has affected performance.

19. The overall quality of instructions to counsel was above average and briefs are generally delivered within the CPS target (14 days in standard cases and 21 days in more complex cases). Although a third of indictments required amendment, those amendments did not indicate any serious errors or misunderstandings. The quality of caseworkers in the Crown Court was universally praised though coverage in long trials did not always provide the appropriate degree of continuity. Procedures for recording and monitoring custody time limits require particular scrutiny.
20. **Case Presentation** - The quality of CPS lawyer advocates and DCWs is very good. Agents are used in the magistrates' courts, largely to prosecute trials. Although there is no formal induction process for agents, recently qualified counsel, who undertake the majority of agency work, spend a week in the CPS office at Chester to familiarise themselves with the work of the CPS. The Area has a high rate of returned briefs and this is monitored by Area managers and the local Bar. Cases in the Crown Court are generally prosecuted by counsel of experience appropriate to the type of case.
21. **Management issues**
- * The establishment of Cheshire as a single CPS Area and the programme of internal restructuring have provided Area managers with considerable challenges. Much has been achieved though there is a need to focus on achieving a greater cohesion between Branches and establishing an identity as a single Area. A number of working groups involving staff at all levels have been established to manage the changes though some staff have felt under pressure in balancing these responsibilities with their normal duties.
 - * Financial systems are sound and expenditure is closely monitored.
 - * The Area works particularly closely with Witness Service and Victim Support though it could improve its performance in respect of phasing witnesses in bigger trials and assisting in arrangements for notifying vulnerable witnesses when a defendant is granted bail or bail conditions are altered.
 - * Working relationships with other criminal justice agencies are generally good and the close level of co-operation has enabled much to be achieved. Area managers have also established links with various community groups and local schools.
 - * Area managers are particularly proactive in promoting equality issues. The CCP is co-founder of the Cheshire Race Issues Group and the Area mentors students from minority ethnic groups. The CPS and other agencies have secured funding to employ staff to recruit from local minority ethnic communities into public service organisations such as the CPS.
 - * Recording of case outcomes is generally better than the overall national picture though we found some inaccuracies. Area managers have completed a review of performance indicator recording systems and are currently compiling a training package for lawyers and caseworkers.
 - * Complaints are investigated thoroughly and dealt with promptly. Responses are helpful and informative.

Commendations and good practice

22. Inspectors commended six aspects of the Area's performance as good practice. These were the quality of its adverse case reports; court attendance notes prepared by senior lawyers as a method of learning from casework; the Area Casework Bulletin; clear identification of individual defendants in custody in multi-defendant cases; work shadowing arrangements for recently qualified counsel; and the development of firm links with the local community.

Recommendations and suggestions

23. Inspectors have made 13 recommendations identifying those aspects of performance which they considered needed development. These include: detailed recording of informal advice to the police; monitoring responses from the police to proposals to terminate cases to ensure that proceedings are terminated at the earliest opportunity; circulating copies of monthly Branch reports on adverse cases to all lawyers; improving the quality of file endorsements; working with other agencies to meet Government targets on dealing with persistent young offenders; recording details of what is served as advance information; ensuring that prosecutors comply scrupulously with their statutory responsibilities on disclosure of unused information; working with other agencies to make pre-trial reviews effective; improving performance in respect of timely preparation and service of committal papers; reviewing custody time limit procedures to ensure accurate calculation and monitoring of expiry dates; reintroducing Higher Court Advocates to prosecuting cases in the Crown Court; returning forms commenting upon the quality of files to assist the police in making improvements; and ensuring that all staff view the CPS video on Equality and Diversity.
24. In addition, the report identifies six aspects of performance in which it suggests Area managers will wish to take action. These relate to: reissuing guidance on the circumstances in which advice is provided to the police; accurate recording of advice cases which are resubmitted; using the allocation of cases to widen the experience of individual lawyers; ensuring that lawyers gain experience of Crown Court casework; discussing with magistrates' courts managers ways to improve the timely notification of individual court lists.
25. The full text of the report may be obtained from the Corporate Services Group at HMCPS Inspectorate (telephone 020 7210 1197).