

CROWN PROSECUTION SERVICE INSPECTORATE

INSPECTION OF CPS DERBYSHIRE

EXECUTIVE SUMMARY

Introduction

1. This is the seventh report of the Crown Prosecution Service Inspectorate in the new cycle of inspections based on the 42 Area structure adopted by the CPS on 1 April 1999. The CPS is a national service, but operates on a decentralised basis with each Area 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 Derbyshire. 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. This 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.
4. The Inspectorate last visited Derbyshire in 1997 as part of the Branch inspection programme. At the time, Derbyshire was a Branch in the former East Midlands Area. Inspectors looked carefully at how local managers and staff had developed performance in the light of that inspection report.

The Area

5. CPS Derbyshire has its headquarters in Derby and shares boundaries with the other criminal justice agencies in the county. It employs the equivalent of 78.5 full-time staff, although this figure includes several who are part-time. In the year ending 31 March 2000, the Area dealt with 20,007 defendants in the magistrates' courts and 2,404 defendants in the Crown Court. In a further 983 cases, advice was given to the police before charge.

Main findings of the Inspectorate

6. Inspectors were impressed with the overall standard of service given by CPS Derbyshire. The Area deals well with much of its casework. Managers and staff at all levels demonstrate a high level of commitment and professionalism.
7. Some aspects of casework handling require management attention. The effectiveness of the review of cases at summary trial and committal stage is inconsistent and lawyers fail to demonstrate an on-going rigorous analysis in a significant number of cases. This contributes to the poor quality of instructions to counsel. In common with many other Areas, there are weaknesses in the handling of unused material and CPS Derbyshire cannot yet claim to comply scrupulously with the requirements of prosecution disclosure.
8. Area staff are well respected by their criminal justice partners and at operational levels the working relationship is cordial and generally co-operative. Senior managers in the Area liaise regularly with their counterparts in other agencies to address issues of joint concern and develop local and national initiatives. There are a number of local issues where the Area needs to work closely with other agencies to develop effective performance: the phasing of witnesses in the magistrates' courts; monitoring with the courts the reasons for cracked and ineffective trials; assessing the effectiveness of listing arrangements for early first and early administrative hearings; the arrangements for paper plea and directions hearings in Derby Crown Court; and CPS coverage in the Crown Court.
9. Inspectors are pleased to note that a protocol on the fast-tracking of cases involving persistent young offenders has been signed by all agencies in Derbyshire. Despite this, national figures show that Derbyshire was substantially outside the Government's target of dealing with these cases within 71 days of arrest. In 1999, cases took 142 days to finalise, compared with the national average of 108 days. Recent figures are more encouraging: in the first quarter of 2000, the average finalisation time was reduced to 117 days.
10. The Area has a minority ethnic representation of 3.9% of the workforce, which slightly exceeds the census benchmark for Derbyshire of 3.28% of the local population. There is a wide spread of grades of members of staff from minority ethnic groups. The Area benefited in its development of equality and diversity planning from the involvement of the Black Police Officers' Association in Derbyshire. There are 2.4% of staff in the Area with a disability. There remains some work to be done by senior managers to ensure that all staff understand fully the nature of, and reasons for, CPS policy on equality and diversity.

Specific findings

11. Advice – the quality of pre-charge advice to the police is good, but timeliness needs to be improved.
12. Review – the evidential and public interest tests in the Code for Crown Prosecutors are applied well. The quality of review decisions is generally good. Prosecutors usually select appropriate charges and demonstrate a willingness to increase the level of police charges in appropriate cases. Inspectors considered that the quality of endorsements of initial review decisions was significantly better than in many other Areas, but more needs to be done to develop the effectiveness and endorsement of summary trial and committal review. Sensitive cases are handled well, although the swiftness with which child abuse cases are transferred to the Crown Court should be improved.
13. Case preparation – the new fast-track procedure has led to an improvement in the timely provision of advance information. The mechanics of summary trial preparation are generally dealt with in a timely and efficient manner. The Area came close to achieving its targets for the timely service of committal papers and delivery of instructions to counsel. Inspectors were disappointed to find that the quality of instructions to counsel remains poor despite a recommendation in the 1997 report. Inspectors are concerned about several aspects of the Area’s handling of unused material. In particular, lawyers need to ensure that they have a comprehensive description of scheduled items from the police; they should record their review decisions and ensure that primary disclosure is made at the appropriate stage in all cases; the Area needs to disclose any convictions recorded against prosecution witnesses at the appropriate time in all cases; and papers relating to disclosure should be kept together in the file. The Area is planning additional training with the police to address some of these issues.
14. Advocacy – the standard of advocacy in the magistrates’ courts is satisfactory. A small number of prosecutors would benefit from better planning and preparation of their cases. Applications for remands in custody were not always presented in a structured and assured manner. Inspectors were impressed by the Area’s two designated caseworkers (as a third is currently undergoing training). In the Crown Court, the performance of the Area’s two higher court advocates was good, although the quality of advocacy by prosecuting counsel was mixed.
15. Management and operational issues
 - the management team works well together and communication with staff is generally effective. Morale amongst most members of staff is good and there is a strong informal support network in the Area. Caseworkers were under particular pressure at the time of the inspection. This had been recognised by Area managers and action had been taken to address concerns.

- the Area has developed a comprehensive range of measures, including the analysis of trends and the provision of data by the Area Secretariat, to monitor and address staff absence through sickness.
- CPS Derbyshire was awarded Investors in People status in February 2000. There is an impressive range of training available, but more should be done to examine training needs and evaluate the success of training activities.
- Area staff demonstrate good awareness of the needs of victims and witnesses, although pressures at court sometimes prevent prosecutors and caseworkers from spending as much time with victims and witnesses as they would like. The Area works well with Victim Support and the Witness Service.
- accommodation is modern and reasonably spacious. The clear desk policy needs to be enforced more strictly.
- the Area identified errors in the performance indicator (PI) finalisation codes in some Crown Court cases. Appropriate steps have been taken to give guidance to staff and monitor accuracy. Inspectors were satisfied that the PIs give an accurate picture of the Area's caseload and outcomes.
- complaints are investigated properly and responded to openly. Timeliness is generally good. The Area needs to ensure that the quality of replies is consistently high.

Commendations and identification of good practice

16. The Inspectorate commended four aspects of the Area's work as good practice. These included the provision of guidance by the Area's youth specialist co-ordinator; the use of a specially designed fax frontsheet for transmitting defence statements to the police; early discussion and agreement with the defence over witness requirements in summary trials; and the Area's procedures for sickness monitoring.

Recommendations and suggestions

17. Inspectors have made 11 recommendations, identifying those aspects of performance where it is felt improvements should be made. The recommendations cover: timely provision of advice; the effectiveness of summary trial and committal review; handling of unused material; monitoring cracked and ineffective summary trials; the quality of instructions to counsel; custody time limit monitoring, and the procedure for applying for extensions; the use of case management plans; analysing training needs; implementing the clear desk policy; and monitoring the effectiveness of the equality and diversity plan.

18. In addition, the report makes seven suggestions identifying aspects of performance in respect of which local managers will wish to consider taking action. The relevant areas are: the presentation of bail applications; the timely transfer of child abuse cases; monitoring the effectiveness of witness phasing arrangements; the provision of information to the Probation Service; file management; dealing with correspondence; and monitoring advocacy in the magistrates' courts and Crown Court.
19. The full text of the report may be obtained from the Corporate Services Group at CPS Inspectorate (telephone 020 7210 1197).

CPS Inspectorate
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