

HM CROWN PROSECUTION SERVICE INSPECTORATE

INSPECTION OF CPS DORSET (REPORT 14/03)

EXECUTIVE SUMMARY

Introduction

1. This is the report of HM Crown Prosecution Service Inspectorate about CPS Dorset. 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 an intermediate one rather than a full inspection. Following a risk assessment, inspectors focussed primarily on the quality and timeliness of the Area's casework decision-making and all aspects of management.
2. CPS Dorset serves the area covered by the Dorset Constabulary with its sole office in Bournemouth, where it is co-located with the police. Area business is divided on functional lines between magistrates' courts and Crown Court work. The Area was previously reported on in May 2000. At the time of the current inspection it employed the equivalent of 52.3 full-time staff. In the year ending March 2003, it dealt with 12,306 cases in the magistrates' courts and 1,059 cases in the Crown Court. The Area also gave pre-charge advice to the police in a further 329 cases.

Main findings of the Inspectorate

3. CPS Dorset is performing well and making a significant positive contribution to the local criminal justice system. It has taken the lead in implementing a number of initiatives designed to secure improvements in public confidence and is committed to ensuring access to justice by all sectors of the community. Since the last report, the Area has concentrated on improving its service and performance in the Crown Court, which is now of a high standard. Further work is needed to bring work in the magistrates' courts up to the same level.
4. The quality of decision-making in both Units is good, as is the quality of pre-charge advice to the police. Advocacy in the Crown Court is good, but there is scope for extending coverage by Higher Court Advocates (HCAs: CPS lawyers with special training who are authorised to conduct cases in the Crown Court). The quality of instructions to counsel is generally excellent. At present there is excessive agent use in the magistrates' court, which is associated with a variable standard of advocacy, and with a lack of effective file ownership, which means that the good quality of decisions is not always followed through to successful outcomes. Measures to reinvigorate file ownership in the Magistrates' Court Unit (MCU) should be a priority for the Area.
5. Sensitive cases (those involving allegations of child abuse, racially aggravated crime, domestic violence, rape and those arising out of fatal road traffic accidents) are handled very well. There are also very good systems both for identifying and disseminating learning points from casework and for internal communication of legal and operational issues. Performance of the prosecution's obligations in relation to the disclosure of unused material was good in both Units.

6. There are some outstanding problems in relation to summary trial processes, which were identified in the last report. These revolve particularly around the briefing of agents for pre-trial reviews (PTRs), the checking of agents' PTR files on return from court, and trial readiness checks by lawyers, all of which require attention as a priority.
7. The implementation of the scheme for Direct Communication with Victims (DCV) was conducted in an exemplary manner and the quality of letters is excellent.
8. There is a good foundation for performance management, although a more focused approach would make the process more effective. The Area is pro-active in sharing performance information with other criminal justice agencies and properly interested stakeholders in the wider community.
9. The Area demonstrates a sustained commitment to high quality training for legal staff. Internal communication is good, but more effective systems are required in the MCU to ensure that all staff are contributing fully.
10. Specified offences (written pleas of guilty to minor charges in the magistrates' court, which do not require CPS involvement) have been included in the Area's performance indicators (PIs). This practice wrongly inflates caseload and should cease.

Specific findings

Casework

11. The quality of casework decisions was generally high, with a particularly heartening performance on those tests that measure the extent to which the CPS adds value to cases. On all other significant measures in the file sample, the Area was performing well or very well, and often at a level substantially above the national average.
12. The quality of advice was good, and provides a promising basis for the success of the shadow charging scheme, which at the time of the inspection was about to start, with 12 lawyers participating on a rota basis.
13. The initially good quality of decisions in the MCU is not consistently being followed through at present, due to a combination of high agent usage, weak file ownership and defective pre-trial checks. This has been exacerbated in the recent past by management staffing problems beyond the Area's control, but now requires priority management attention.
14. By contrast, the Area demonstrates strong case ownership and control in the Crown Court Unit (CCU), as is demonstrated particularly in the quality of its work on sensitive cases and in the comprehensiveness of its instructions to counsel.

Advocacy and quality of service delivery at court

15. Quality of service in the Crown Court is good, though this could be improved further if the Area's HCAs were to cover more plea and directions hearings (PDHs). So far as work in the magistrates' courts is concerned, over half of all sessions are conducted by agents, and almost all trials. Inspectors took the view that it would be beneficial if CPS lawyers were to conduct more trials in the magistrates' court. Some agents, including all those observed on this inspection, appear regularly for the CPS and are experienced and competent, but some others are not so familiar with CPS or court procedures, which does not assist the Area's performance in the magistrates' courts. Agents are also making some review decisions outside the scope of their authority. The Area's lawyers observed were competent in all respects, except for one lawyer who appeared to be not fully prepared.

Victims and witnesses

16. The Area treats the needs of victims and witnesses with the appropriate seriousness and priority. Implementation of the initiative for Direct Communication with Victims has been a major success in Dorset and the quality of letters was excellent. In the Crown Court the Area works closely and well with the Witness Service to identify those for whom special measures may be needed. In the magistrates' courts the Area was very supportive when the Witness Service was set up, though the systems for informing that organisation about special measures applications and discontinuances need attention.

Performance management

17. The Area has devoted a substantial amount of effort and energy to collecting and distributing performance data, though they have lost a little in terms of focus. However, there is a good foundation for a solid performance management system, which can be made more effective with some relatively simple changes. Managers also need to ensure that they undertake the monitoring activity prescribed in Area plans. The Area is pro-active in sharing performance information with other criminal justice agencies and interested stakeholders in the wider community.

People management and people results

18. Analysis of documentation (plans, minutes etc.) reviewed prior to the inspection indicated a strong performance in people management. The reality at the time inspectors visited was that some of the prescribed activities were not actually happening, although findings were still mainly positive. More effective systems are needed in the MCU to ensure all staff are contributing fully.
19. Communication is considered to be important in the Area and, as such, significant effort goes in to keeping people informed. Training is also given high priority, although administrative staff feel that there is room for some improvements.

20. The Area has suffered from some staffing difficulties over the past year with unusually high long-term sickness levels, which are now reducing, and problems in recruitment. The Area believes the outlook is now more positive in both of these respects.

Management of financial resources

21. The Area has good systems to monitor and control its budget expenditure. However, it is handling a substantial number of specified offences, which are being included in the performance indicators, contrary to CPS rules. The Area will have received substantial funding to which it is not entitled. Conversely, there are large backlogs of case finalisations, and an under-recording of advices, which would bolster funding if handled appropriately.

Partnerships and resources

22. The Area is well respected among CJS agencies and plays a significant role in raising the profile of criminal justice issues within the community. Working relationships with all agencies are consistently positive and collaborative at both operational and strategic level. A significant amount of work was underway at the time of the inspection to prepare the Area for the implementation of the Compass case management system in September 2003.

Policy and strategy

23. The Area Management Team (AMT) has a clear sense of purpose and has plans in place to achieve their goals. A great deal of effort has gone into planning major initiatives including co-location, charging and Compass implementation. However, it appears that the considerable efforts in planning for the future have, to some extent, come at the expense of 'business as usual'. While there have been some extenuating circumstances in terms of changes to management and staffing problems, there are some long standing problems in the MCU which, so far, have not been effectively addressed. A number of activities detailed in the Area Business Plan and supporting documents have not been taking place as new priorities have taken precedence.

Public confidence

24. CPS Dorset is committed to improving confidence in the criminal justice system and has taken a number of steps to inform the media and the community in general of its role within the system, raise its profile locally, and increase access to justice by minority groups. The Area is alert to the needs of minority communities, being keen to ensure, for example, that homophobic crime is dealt with properly and to ensure access to justice by other victims of hate crimes.

Leadership and governance

25. The Area is making a positive contribution to the development of the criminal justice system in Dorset. The CCP is chair of the Local Criminal Justice Board and is well respected among colleagues in other agencies. The Area works hard with other agencies in driving towards the achievement of CJS targets, although there is still some way to go in attaining the desired performance results, particularly in negotiations with the magistrates' courts over listing policies. The Area is going through a year of substantial change with the implementation of co-location, charging and Compass, all within a nine-month period. This is made more challenging by the fact that there is a very new management team in the MCU, with both managers taking up their current roles in the last few months.

Recommendations

26. Inspectors made the following five recommendations:
1. MCU Head to restore or introduce a system whereby either the lawyer allocated, or in their absence the duty lawyer, scrutinises all PTR files not being handled by CPS lawyers, both before and immediately after the PTR, to ensure that agents are instructed fully, that the instructions have been carried out, and to take forward any necessary actions.
 2. MCU Head to restore or introduce a system whereby either the lawyer allocated, or in their absence the duty lawyer, checks each file set down for trial to ensure that all necessary evidence has been obtained and that the evidential test continues to be met.
 3. MCU Head introduce effective systems to ensure that all files are tracked, reviewed and actioned at the appropriate time.
 4. The Casework Quality Assurance scheme is followed in both Units.
 5. The Area must stop including specified offences in PIs immediately. They should also clear the backlog of finalisations at the earliest opportunity.

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 online at www.hmcp.si.gov.uk.

HMCPS Inspectorate
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