

# **CROWN PROSECUTION SERVICE INSPECTORATE**

## **INSPECTION OF CPS ESSEX**

### **EXECUTIVE SUMMARY**

#### **Introduction**

1. This is the seventh report of 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 Chief Crown Prosecutor (CCP) who enjoys substantial autonomy.
2. The inspection was carried out during a period of extensive change for the CPS both nationally and in Essex. Initiatives to reduce delays in the criminal justice system have been 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), has been undertaken in preparation for the move into Criminal Justice Units and a Trial Unit.
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.
4. Essex is a fairly large Area with nine magistrates' courts distributed around the county. There is a higher proportion than average of either way or indictable offences, to some extent balanced by a high number of straightforward minor motoring offences. The Area handled 28,662 defendants in the magistrates' courts and 2,936 in the Crown Court in the year ending 31 March 2000.

#### **Main findings of the Inspectorate**

##### ***Organisation and priorities***

5. The clear identity of CPS Essex headed by its own Chief Crown Prosecutor (CCP) has been warmly welcomed by other criminal justice agencies. The CCP has played a full and effective role in joint initiatives to improve the criminal justice system in Essex within the Chief Officers group, which now forms a sub-group working to the Area Criminal Justice Liaison Committee.
6. The drive to implement the Narey initiatives has done much to reduce delays in the criminal justice system in Essex. The implementation of Narey courts was well planned although not without its difficulties in relation to court sittings and venues. Concerted joint efforts by all agencies and practitioners have enabled a particularly high proportion of cases to proceed to disposal on the first hearing.

7. The new arrangements for the setting up of criminal justice units have also been the subject of careful planning and negotiation. Some tensions still exist about the numbers and siting of these units and the allocation of staff. Certainty will help resolve some of these concerns, but liaison with other agencies and management of staff will require sensitive handling in the coming months.
8. The drive to carry forward the Glidewell principles that CPS lawyers should concentrate on more serious cases and those in the Crown Court is already strongly under way. The projected improvements can already be seen in better file management and more robust decision-making.
9. Inspectors commended these efforts and a number of other matters in CPS Essex, but found others which needed attention, some urgently. Inspectors identified difficult sensitive aspects of the implementation of the changes that require a sensitive and open lead by the CCP in dealing with both CPS staff and other agencies.
10. During this transitional and demanding phase the Area senior managers need to display clear commitment to CPS operations in casework in the magistrates' court. The casework support systems in the magistrates' court require checking, unification and reinforcement to overcome problems in the progress of cases and in their preparation for trial. Inspectors considered it a matter of priority to do this to reduce the adverse impact on others and to ensure that the new criminal justice units start from a position of strength.
11. Again during this difficult phase it is especially important to maintain open two-way communication between managers and staff. The Area Management Team is already using a variety of methods of communication to ensure information gets to and is taken in by staff. Staff are the Area's key resource: some may not be allocated their first preferences for positions or jobs, and there are other uncertainties, so it is vital that the value of every individual's efforts and skills are made clear.
12. The communication, consultation and negotiation at strategic and working levels with other criminal justice agencies needs to be continued in order to find mutually acceptable solutions and practices. The legitimate needs of other court users within the criminal justice system in Essex must be recognised and care exercised to ensure that the plans are workable without undue reliance on the resources or changed practices of others.
13. The Area has made considerable efforts to improve the level of service and support to victims and witnesses. External consultees commented upon this and examples of caring attitude and manner were both related to inspectors and observed at court. Inspector nevertheless observed one case where the high standards were not maintained by an agent and saw other cases where administrative failures led to very late dropping of cases or failing to de-warn witnesses, to their inevitable inconvenience.
14. The Area has a positive attitude to part-time staff. The percentage of staff belonging to ethnic minorities is slightly higher than in the population of the county as a whole. The Area needs to conclude developments and carry forward its action plan on diversity and racial equality and to reach out to local community groups to improve relationships and the Area's standing with members of ethnic minorities in the community.

## **Casework**

15. Overall, the Area's performance in respect of casework and casework decision-making is good. This is not reflected in the recorded numbers of adverse decisions, that is judge ordered and judge directed acquittals in the Crown Court and cases dismissed as no case to answer or discharged at committal proceedings in the magistrates' courts. However, it is likely that these figures are inaccurate and that the actual performance of the Area in this respect accords more with inspectors' overall view of the quality of decision-making. Inspectors commended the Area's commitment to improving the standard of its casework in the Crown Court.
16. Nevertheless, there are a small number of cases in which the standard of decision-making was poor, and some others in which the management and administration of cases resulted in adverse results or resources being wasted by the CPS and other agencies. Casework support systems and processes, particularly in the magistrates' courts teams require urgent management attention to ensure that incoming post is linked to files, and dealt with, and that witness warning and de-warning is dealt with at an earlier stage. Attention to these systems and more rigorous preparation of summary trials is needed to raise the overall standard of casework performance. Inspectors were pleased to note that a senior manager has now been given clear responsibilities for these matters.
17. Inspectors were pleased to see that the performance in dealing with persistent young offenders had improved significantly in the first quarter of 2000 compared to 1999. The time between arrest and sentence of persistent young offenders fell to 87 days in Essex against the national average of 96 days. Providing greater support and time to the youth justice co-ordinator for the Area, adopting a positive approach to identifying files that involve persistent young offenders and monitoring their progress, should bring about even better performance.
18. The Area managers have identified weaknesses in the Area's undertaking of its duties of disclosure of unused material and it is an issue which has been tackled urgently, joint with the police, through the production of a new training package and joint training.
19. The Report contains 23 recommendations and 14 suggestions designed to help the Area improve aspects of performance.

## **Specific findings**

20. *Advice* - advice for the most part was sound and reasonably timely. Some more effective monitoring of quality and timeliness is needed to obtain consistently high standards.
21. *Review* - there was particularly good performance in reducing delays and in the majority of cases the standards of decision-making was sound. Rigorous review was being applied to cases destined for the Crown Court, but timeliness of continuing review was resulting in late changes to charges, late discontinuance, and the acceptance of pleas that had been previously tendered in the magistrates' court. "Cracked" trials in the magistrates' court are a significant problem.

22. *Case preparation* - the disclosure of unused material is being addressed through joint initiatives with the police, but greater attention needs to be paid to ensure that all aspects of the prosecution's duties of disclosure are undertaken scrupulously. Case preparation in the magistrates' courts needs attention to improve the readiness of cases for trial, and to match the higher standards of preparation and file management being achieved in the Crown Court.
23. *Advocacy* - overall the standard is satisfactory in both the magistrates' court and the Crown Court. Inspectors observed some advocacy of a particularly good standard although some advocates were reactive in style and others less assured in relation to trials. The presentation of trials will be enhanced by the higher standards of preparation which the inspectors have proposed. Care needs to be taken to ensure that experienced advocates appear in the Youth Courts.
24. *Management and operational issues:*
- the CCP and management team have developed a very clear strategy as to the Area's priorities. Having achieved very successful implementation of the Narey initiatives, these focus strongly around the implementation of the Glidewell recommendations and the improvement of performance in the Crown Court.
  - there is a difficult transitional period surrounding the movement to criminal justice units and a trials unit and careful and sensitive change management is needed to avoid divisiveness seeping in. Positive and open communication by Area managers is needed to ensure all staff feel valued and to ensure there is two way communication during these uncertain times.
  - the Area came close to good management of financial resources, but an unexpected payment lead to an overspend. Some additional budgetary control and forward planning are proposed to help the Area consolidate its performance.
  - Area received generally good service from counsel and there is good financial control. Some additional care in selection of the right experience and calibre of counsel for the particular court list or cases in question is called for.
  - the Area accommodation is of good standard. The Area will need to consider its requirements in future with the setting up of CJUs.
  - the Area performance indicators are not wholly accurate, and some greater staff awareness and training, together with management checks, are needed to ensure accuracy.
  - complaints are investigated properly, and generally responded to openly and in a timely fashion. The maintenance of a more comprehensive log would help to ensure the Area learns more from experience.

### **Commendations and the identification of good practice**

25. Inspectors commended a number of aspects of the Area's work which are referred to above. Particular initiatives identified as good practice included the joint training for both police and CPS prosecutors and caseworkers in relation to the disclosure of unused material; and methods of file management in relation to Crown Court cases.
26. The full text of the report may be obtained from the Corporate Services Group at the CPS Inspectorate (Telephone 020 7210 1197).

CPS Inspectorate  
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