



CPS GLOUCESTERSHIRE

THE INSPECTORATE'S REPORT ON
CPS GLOUCESTERSHIRE

EXECUTIVE SUMMARY

MAY 2007

*Promoting Improvement
in Criminal Justice*

*HMcp*si**
HM Crown Prosecution Service Inspectorate

Introduction

This is the report of Her Majesty's Crown Prosecution Service Inspectorate's (HMCPIS) inspection of CPS Gloucestershire (the Area), carried out in February 2007.

There are two types of inspection. A full one considers each aspect of Area performance within the Framework, while a risk-based inspection considers in detail only those aspects assessed as requiring scrutiny. This is based on HMCPIS's overall performance assessment (OPA) and other key data.

The OPA of CPS Gloucestershire, undertaken in June 2005, assessed the Area as "Fair" and as a result of this and recent performance data it was determined that the inspection should be a risk-based one.

HMCPIS's OPA report identified a total of 38 aspects for improvement. In the course of this inspection, inspectors assessed the extent to which these have been addressed.

Overview

Gloucestershire is a relatively small CPS Area. It comprises a mix of both urban and rural communities with a population of approximately 566,000. Whilst the county as a whole is relatively affluent, the urban centres of Gloucester and Cheltenham, as well as the smaller towns, experience continuing problems with crime. There are five magistrates' courts, although two of these are infrequently used for criminal matters, and one Crown Court centre. The most serious cases are sent to the Crown Court at Bristol.

Taking account of the findings of the OPA and more recent performance data, it was decided that this inspection would focus on six of the 13 criteria in the Area Effectiveness Inspection Framework. The other seven have been assessed with a 'lighter' touch. It should be borne in mind when reading this report that the subjects covered in greater detail are those aspects of work that were considered weakest through our risk assessment process.

There have been significant changes in the Area's senior management team since the OPA. In January 2006, a new Crown Chief Prosecutor and Area Business Manager were appointed (from within the Area) on a temporary basis. Then in mid-2006, a new Trials Unit Head was appointed from outside the Area on a temporary basis, to fill the position vacated by the new Chief Crown Prosecutor.

The temporary nature of three of the four senior management appointments, and of those backfilling positions vacated, is affecting longer term planning. These and future uncertainties about the long term structure of the Area will hopefully be resolved in the new financial year when CPS national plans are implemented.

The further promulgation of the overall CPS vision, to ensure that all staff understand its implications for the Area, would assist senior managers in addressing some of the challenging issues faced. Central to these are the effective deployment of lawyers and associated casework issues such as case 'ownership'. Between the last inspection in September 2003 and the OPA in June 2005, annual caseload fell substantially (by 29.1%) because of proper recording procedures (not including specified proceedings of mainly minor traffic offences) and the tendency of police to use measures other than prosecution to bring offences to justice. Since the OPA, annual prosecution caseload has fallen by 3.8%. Whilst casework in the magistrates' courts and Crown Court was not fully inspected, the issue of case ownership and case preparation and progression emerged as important issues that need to be addressed. Inspectors also found some weaknesses in relation to disclosure, an aspect that was not inspected in full, which require attention.

The Area has made good progress in relation to the charging initiative since the OPA, having moved to statutory charging in October 2005, with improved benefits realisation now apparent. This also provides a good example of effective joint working with partners, with whom high level relationships are generally positive and constructive. However, some joint projects have been less successful. The Witness Care Unit has not fulfilled its early promise and needs attention, and the Effective Trial Management Programme is not fully embedded, with less than optimal case progression arrangements and a high level of ineffective trials.

Senior managers have demonstrated good progress in relation to managing resources. While overall staff deployment is not yet optimal, Higher Court Advocate (HCA) deployment is set to exceed targets and that of designated caseworkers (DCWs) is showing recent signs of improvement. Planned improvements in relation to managing performance need to be taken forward.

Pre-charge advice and decisions

Since moving to the statutory charging scheme good progress has been made. The scheme attracts a high level of priority with the more experienced lawyers being deployed and advice mainly provided face-to-face. Benefits can be measured in terms of improved guilty plea and attrition rates, which are now all significantly better than the national targets. However, there is scope for improvement in relation to the rate of magistrates' courts and Crown Court discontinuances which, although slightly better than the national average, are not meeting targets. The relatively high level of pre-charge decisions to take no further action in cases merits more effective monitoring, and the quality of recording decisions and setting action plans needs improvement.

Casework in the magistrates' courts

This aspect was not fully examined, but inspectors assessed performance as part of their analysis of a sample of Area files, and identified issues which were then explored on-site in interviews. The standard of decision-making is generally high, but the recording and evidencing of those decisions is weak. Unsuccessful outcomes are improving, although the analysis of adverse cases could be improved. Case progression and preparation for trial are matters of concern, and the absence of case ownership and effective case progression procedures are hampering performance. The rate of ineffective trials is high at 25.4%, compared to 19.4% nationally, and analysis of ineffective hearings needs to be more robust. The level of vacated trials is very high at 44.9% in the year to 31 December 2006, compared with 29.4% in 2005-06. Much of this increase is as a result of an initiative to reduce trial backlogs which included vacating trials that, on review, were not expected to lead to a conviction. There are high levels of offences brought to justice in Gloucestershire, although the proportion of these that are convictions is only 35%, the lowest in the country.

Casework in the Crown Court

This aspect was not fully examined, but again inspectors assessed performance as part of their analysis of the file sample. The standard of decision-making was reasonable, but the recording of reviews and decisions was poor. The conviction rate is better than nationally, and case progression and preparation are more effective than in the magistrates' courts, although a dedicated case progression officer would improve joint work with criminal justice system partners. The ineffective trial rate was almost as good as nationally last year, but has worsened since to 18.4% in the year to 31 December 2006 compared to 12.5% nationally. There needs to be more systematic and robust analysis of ineffective trials and adverse outcomes.

Presenting and progressing cases at court

Weaknesses in case progression mean that matters are not always ready for court, and concerns were expressed about advocates' preparedness, particularly that of agents. The standard of some endorsements is poor and there is little monitoring of advocacy.

The standard of advocacy generally is satisfactory, but there is insufficient pro-activity by lawyers. DCWs enjoy the confidence of the courts. Good joint work has been done to reduce significantly the waiting times for trials, but at the expense of a high number of vacated and ineffective trials. There was a period of 27 weeks between a case being listed for trial and the trial in the magistrates' courts. This has been reduced to about 11 weeks, but further joint work is needed to further reduce this if summary justice is to be speedy.

Sensitive cases and hate crime

This was not assessed as a specific topic, but some information was gathered during interviews, observations and examination of the file sample. The decision-making in sensitive cases was sound, and the Area's performance in unsuccessful outcomes for hate crime is strong. The specialist domestic violence court has overcome initial difficulties, and is now working well. Champions and specialists need to be empowered to take more positive roles in relation to disseminating information and actively contributing to performance improvement.

Disclosure of unused material

This aspect was not fully examined, but inspectors assessed performance as part of their analysis of the file sample, and explored issues on-site in interviews. Performance appears to have declined. Initial disclosure, both in the magistrates' courts and the Crown Court, was poor, largely due to the lack of proper endorsements on unused material schedules. Performance on continuing disclosure and sensitive material also suffered from poor recording of decisions. However, the handling of third party material is much better, and the rate of ineffective trials due to a disclosure issue is better than the national average.

Custody time limits

This aspect was not fully examined, but inspectors assessed performance as part of their analysis of the file sample. Gloucestershire's documented systems largely comply with national guidance, although Crown Court cases in which a custody time limit is due to expire should be referred to the reviewing lawyer or Unit Head for a decision whether to seek an extension. There has been one custody time limit failure, in October 2006.

The service to victims and witnesses

This aspect was not fully examined, but inspectors found that the Witness Care Unit has not fulfilled its early promise, as a result of which all Crown Court cases have been removed from its remit. The Unit relies on police staff, with two CPS witness care staff working separately.

Efforts have been made to improve the number of letters sent under the Direct Communication with Victims scheme and recent improvement has been achieved. Multiple listing of trials has had an adverse impact on the service to witnesses at court.

Delivering change

Senior managers have a clear sense of purpose for the short term and the Area Business Plan for 2006-07 is much improved. Systems for reviewing progress against the Plan need to be developed as do risk assessment and management procedures.

There is some evidence of success in implementing nationally-driven change, but some joint change projects have been less successful and senior managers need to ensure that change programmes are regularly monitored and reviews acted on promptly. Staff are generally satisfied with training provided, but further work is needed to address individual development needs and prepare staff to meet future demands.

Looking to the future, the envisaged re-structure has been delayed, but the business case for any change has yet to be made. This is causing uncertainties for staff and needs to be resolved.

Managing resources

Since our OPA significant improvements have been made in Area systems and processes used to account for and manage resources, and action has been taken to secure economies and better value for money. The budget overspend in 2005-06 was reduced, although at 2.3% was still significant. Further reduction is forecast for 2006-07. Work is being undertaken to manage and control the prosecution budget more effectively.

Staff deployment, however, is not yet optimal and work is needed to manage lawyers' work allocation more effectively and as part of this to ensure greater case ownership to reduce duplication of effort and gain consistency of approach to cases. Sickness absence levels are high although showing signs of improvement which should help reduce agent usage, which until very recently has been high. HCA deployment is set to exceed targets in 2006-07 and DCW deployment is recently showing positive signs of improvement.

Managing performance to improve

Senior managers' plans for an improved performance reporting and management system have yet to be implemented in full and current arrangements are lacking in robustness. In particular there is limited systematic identification and follow through of action to deliver improvement. Performance appraisal and Casework Quality Assurance are not being used effectively as performance tools and a culture of continuous performance improvement has yet to be developed. Nevertheless, there has been some performance improvement in key aspects, including some as a result of joint work with partner agencies.

Leadership

Senior managers are visible and generally seen to be approachable. Communication, though improving, is not yet fully effective. The overall CPS vision needs to be further promulgated to ensure that all staff understand fully its implications for the Area. The morale of caseworkers and administrative staff is generally good, but that of lawyers is more mixed and there are some long term issues that need to be addressed. Some lawyers have admirable concern for individual cases, but do not appreciate fully the need to secure improvement to criminal justice as a whole in Gloucestershire within existing resources. The new leadership is promoting an open and constructive approach to partnership working and high level relationships are generally positive. Leadership needs to build on its strengths to address and resolve some of the challenging issues faced.

Community confidence

This aspect was not fully examined. The Area maintains a community log and staff at all levels participate in a wide range of events, including court open days and a programme of visits to educational institutions. The officer who led the Area's work on community engagement transferred to another post in late 2006 and a decision on the future of the role is awaiting the outcome of new CPS regional structures, but any further delay may stall previous good work.

Added value of the CPS locally

Senior managers have developed CPS Gloucestershire's profile amongst partner agencies and the Chief Crown Prosecutor is set to chair the Gloucestershire Criminal Justice Board in 2007-08. The Area adds value to the local criminal justice system through the statutory charging scheme, which is embedding well with improving benefits realisation apparent. The standard of casework decisions by prosecutors is generally good, although prosecutors could be more pro-active in ensuring cases proceed promptly. This would be enabled by more effective case preparation and case progression arrangements.

Equality and diversity issues

A generally positive approach is taken to equality and diversity issues and the Area demonstrates strong performance in hate crimes (comprising racially aggravated and homophobic offences). Equality and diversity considerations have been incorporated within the Area Business Plan. There is also a separate Area Workforce Representation Plan and Race Equality Scheme. Senior managers have recognised that there is scope for improved equality and diversity planning and are working with the CPS Regional Projects and Performance Officer with a view to strengthening planning for 2007-08. However, the Area is currently working without an Equality and Diversity Champion and inspectors were concerned that this may stall further progress.

Follow-up from previous report

Of the 38 aspects for improvement identified in the OPA, only 12 have been achieved or had substantial progress made. Limited progress has been made in a further 18 and no progress in seven, with one no longer relevant, as it related to the previous leadership. Not all of these have been repeated within this report and Area managers will need to ensure that action is taken to address outstanding aspects.

Recommendations and aspects for improvement

Inspectors made seven recommendations about the steps necessary to address significant weaknesses relevant to important aspects of performance, which are considered to merit the highest priority.

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- 1 Senior managers should improve the effectiveness of the Area's case progression systems, and consider introducing dedicated case progression officers (paragraph 6.9).

 - 2 Senior managers should, as soon as feasible, set out and communicate a clear rationale and timetable for any changes in structures considered necessary, in order to resolve the uncertainty in relation to the longer term structure of the Area (paragraph 11.7).

 - 3 Senior managers should ensure that all major change programmes are regularly monitored and reviews acted on promptly (paragraph 11.14).

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- 4 Senior managers should improve the deployment of staff and allocation of work to ensure greater accountability and case ownership including;
- further work with courts on listing patterns and list sizes; and
 - analysis of underlying issues that potentially contribute to budget pressures, for instance case backlogs, case throughput rates and lengths of sittings in the magistrates' courts (paragraph 12.20).
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- 5 Senior managers should implement the planned performance reporting regime to:
- address weaknesses identified in the previous system;
 - provide managers with a sound basis for improvement planning;
 - engage staff more effectively in performance improvement; and
 - promote a culture of continuous performance improvement (paragraph 13.8).
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- 6 Senior managers need to ensure the Casework Quality Assurance scheme is fully complied with including:
- ensuring that assessments made are robust; and
 - putting in place clear feedback and review mechanisms to ensure that Casework Quality Assurance properly supports casework improvement (paragraph 13.23).
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- 7 Senior managers should:
- improve communication, including action to promote the Service's national vision and its implications for the Area; and
 - engage with and secure the commitment of lawyers to working towards the national vision and to make an active contribution to improving the effectiveness of the criminal justice system in Gloucestershire (paragraph 14.7).
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Inspectors additionally identified 18 aspects for improvement within the Area's performance.

- 1 The quality of MG3s and action plans (paragraph 3.11).
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- 2 Systematic monitoring of cases resulting in no further action (paragraph 3.11).
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- 3 Development of a stronger prosecution team ethos. There is scope for police officers to seek early advice more frequently prior to the charging decision stage, and for prosecutors to deliver consistently high quality action plans (paragraph 3.21).
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- 4 Quality of instructions to counsel, particularly regarding pleas (paragraph 6.9).
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- 5 The standard of endorsements on files, particularly by agents (paragraph 6.9).
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- 6 Monitoring of the standards of advocacy should be more structured and systematic (paragraph 6.15).
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- 7 The number and timeliness of Direct Communication with Victims letters (paragraph 10.4).
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- 8 Development of the Area Business Plan review process to provide a fuller and more robust account of progress (paragraph 11.7).
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- 9 Further development of the Area's risk management procedures including training for managers on the purpose and function of risk management (paragraph 11.14).
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- 10 Further development of the Area Training Plan to reflect individual needs and prepare staff to meet the future requirements of the Service (paragraph 11.19).
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- 11 Development of training and development evaluation processes (paragraph 11.19).
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- 12 Continued control and management of the administration budget to eliminate overspend (paragraph 12.9).
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- 13 Continued action to control and manage prosecution costs more effectively and to improve the timeliness of graduated fees scheme payments (paragraph 12.9).
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- 14 Continued action to manage sickness absence effectively (paragraph 12.20).
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- 15 Full implementation of the performance development review system to ensure all staff have clear objectives for 2007-08 and receive regular performance reviews (paragraph 13.8).
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- 16 Timely prosecution team performance management data to be provided to partners with supporting analysis and narrative to add value to joint performance meetings. Agreement also needs to be reached on how best to monitor file quality (paragraph 13.13).
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- 17 Review allocation of Management Information System (MIS) licences and provide appropriate support training to ensure MIS and the Compass case management system (CMS) are fully used to support performance improvement (paragraph 13.20).
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- 18 Responsibilities and objectives for managers need to be set out clearly in Forward Job Plans, including those for specific change projects, in order that managers are properly accountable (paragraph 14.10).
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Strengths

Inspectors also identified two strengths.

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- 1 The pre-charge decision system is well embedded with a high proportion of face-to-face interviews (paragraph 3.21).

 - 2 Reduced waiting times for trials in the magistrates' courts (paragraph 6.9).

The full text of the report may be obtained from the Corporate Services Group at HM Crown Prosecution Service Inspectorate (telephone 020 7210 1197) and is also available online at www.hmcpsi.gov.uk.

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