

HM CROWN PROSECUTION SERVICE INSPECTORATE

INSPECTION OF CPS HAMPSHIRE AND THE ISLE OF WIGHT (REPORT 8/04)

EXECUTIVE SUMMARY

1. HM Crown Prosecution Service Inspectorate has carried out an inspection of the CPS Hampshire and the Isle of Wight Area. 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. Following a risk assessment, the inspection was a full rather than an intermediate one.
2. The CPS Area serves the same area as the Hampshire and the Isle of Wight Constabulary. The Area's Headquarters are based at Eastleigh, and it has six other offices at Aldershot, Basingstoke, Eastleigh, Newport, Portsmouth and Portswood. At the time of our inspection, the Area employed the equivalent of 190 full time staff. In the year ending December 2003, it handled 43,970 cases in the magistrates' courts and 3,843 cases in the Crown Court. In addition, pre-charge advice was given to the police in 1,698 cases.
3. The Area was previously subject to an inspection in November 2000, with the Report published in March 2001.
4. This Summary provides an overview of the inspection findings as a whole. It is broken down into sub-headings that mirror the chapters in the Report, which are based upon our inspection framework, developed from the EFQM Business Excellence Model (see Annex 1 of the Report). It also summarises the performance of the Area in relation to the Public Service Agreement targets, as well as equality and diversity issues.

Overview

5. Since the last inspection, the Area has re-organised into co-located Criminal Justice Units (CJUs) and Trial Units (TUs). A Special Casework Unit (SCU) has also been established. There have been improvements in the handling of Crown Court casework that should provide a sound basis for raising standards higher. There have also been some improvements in aspects of magistrates' courts casework, although more still needs to be done to improve the timeliness and quality of review and preparation for summary trials.
6. Systems for handling custody time limits are not consistent within the Area and need to be reviewed to ensure that they are effectively managed.
7. There is now greater confidence amongst most of the Area's criminal justice partners in its ability to contribute effectively to inter-agency work and partnerships, and the achievement of joint targets set for the criminal justice system. However, concerns persist that the Area will not be able to deliver desired improvements in the timeliness and quality of magistrates' courts casework in the way it has done in the Crown Court.

8. The Area has developed strengths in a number of aspects of people management – training and development; communication; and equality and diversity. A programme of outreach into the community has become well established.
9. However, planning, project management and performance management are all aspects of management that need to be more effective if the Area is to realise its full potential.

Casework

10. The Codes contained in the Code for Crown Prosecutors' tests (evidential and public interest) are generally applied appropriately when review decisions are made.
11. However, timeliness of review and case preparation at summary trial review is poor and undermines efforts to reduce the cracked and ineffective¹ trial rate in the magistrates' courts. Administrative systems within three of the co-located CJUs are not efficient enough to support timely decision-making and case preparation. The timeliness and trial readiness of files delivered to agents is very variable.
12. Decisions to discontinue proceedings are sound, but again timeliness is variable and has an adverse impact on the cracked trial rate.
13. Committal preparation is often late – this is leading to some cases being discharged, albeit the problem is not as substantial as in some Areas we have visited. Service of prosecution papers in indictable only cases is nearly always timely.
14. The first review of cases is generally effective with additional evidence or information being requested in 77.9% of relevant cases. Discontinuances are usually only made after all relevant information has been obtained.
15. The quality of summary trial review can be improved – additional evidence was only requested in 59.1% of relevant cases, and more could have been done to avoid a finding of no case to answer in a substantial proportion of such cases in the sample.
16. Similarly, the quality of review at committal and service of prosecution papers can be improved - requests for additional evidence are made in 76.1% of relevant cases (inspection cycle-to-date average is 87.7%) and more could have been done to avoid judge ordered acquittals and judge directed acquittals in 26.5% of cases. However, once committed, additional work requested by counsel is followed up and effective liaison with the Crown Court helps to ensure cases are generally trial ready when listed for trial.
17. Disclosure is generally correctly handled, except that timeliness is poor in the magistrates' courts.

¹ Cracked and ineffective trials are those which are listed for a contested hearing but do not proceed as such on the day. Cracked trials are those which do not proceed because an acceptable guilty plea is entered or the prosecutor withdraws. Ineffective hearings are those which go to another date for any of a variety of reasons.

18. Child abuse and youth cases are well handled in accordance with CPS policy. Policy in relation to racist incident cases is being applied, although the quality and timeliness of review was variable, as with the general file sample. In cases of domestic violence, CPS policy on handling victim withdrawals was not always followed.
19. Strategies for dealing with the casework of absent members of staff need to be further developed.
20. The Hampshire Casework Committee provides a very good focus for casework policy and guidance.

Advocacy and quality of service delivery

21. Standards of in-house advocacy are variable. Systematic monitoring, and action to raise standards, is required. There has been a high rate of agent usage and systematic monitoring is also required to ensure appropriate agents are instructed.
22. There has been a major improvement in the ability of the Area to deliver the right files to court on time. This is a solid achievement by the co-located units.

Victims and witnesses

23. Witness care is generally good. Regular use is made of the legislative provisions which permit Special Measures in relation to certain categories of young and vulnerable witnesses. There has also been increasing use of phased witness attendance in the Crown Court. More can be done to avoid unnecessary witness attendance in the magistrates' courts, although witnesses attending court are generally given appropriate information and support.
24. Although the Area was a pilot for the CPS national scheme for Direct Communication with Victims, compliance with the scheme's standards is weak in relation to coverage, timeliness and quality.

Performance management

25. There is a solid foundation on which to build a more effective performance management system. The existing system needs honing to focus on the collection of key performance measures, which then need to be properly analysed and translated into actions to deliver improvements.
26. Joint performance management with other agencies can be improved, particularly in relation to cracked and ineffective trials in the magistrates' courts.

People management and results

27. People management is a strength. Training and development, communications, equality and diversity and commitment to family-friendly polices are all positives. However, the Area needs to develop its systems to ensure appropriate staffing levels in each unit.

Management of financial resources

28. Financial controls of administrative costs are generally sound, although the understanding of the accrual system is not strong. We found some non-compliance to CPS national procedures with regard to the inclusion of certain minor offences within the performance indicator system.
29. There is a significant problem with the payment of counsel fees in Eastleigh Trial Unit that still needs to be fully resolved.

Partnerships and resources

30. The Area contributes significantly to inter-agency work. Most relationships are strong and collaborative – particularly at senior level. Joint working with the Crown Court has been effective in reducing the cracked and ineffective trial rate.
31. There is a need to work closely with the police in improving the operational efficiency of the administrative processes in the co-located Criminal Justice Units.

Policy and strategy

32. The Area has shown a willingness to tackle major initiatives and pilots. However, planning for - and evaluation and development of - new projects could have been more effective. The Area has recognised that there is a shortage of project management skills and management time for project work. A Business Development Unit is being set up to remedy this.

Public confidence

33. Complaints are generally well handled.
34. Engagement with the community, particularly minority ethnic communities, is good.

Leadership and governance

35. The Area has had strong leadership with a clear vision at CCP level since its inception.
36. We consider that the recent reorganisation of the Eastleigh Trial Unit and the creation of a Business Development Unit would have benefited from a more analytical approach and more detailed planning.
37. The Area is reviewing its meetings structure to ensure it represents an efficient and effective use of time.

Bringing offenders to justice

38. The Hampshire and the Isle of Wight Local Criminal Justice Board (LCJB) is exceeding its target for bringing offences to justice. The CPS is contributing to this outturn by maintaining a low discontinuance rate, although it is too early to assess the impact of the pre-charge advice scheme on the overall numbers of offences brought to justice.

Reducing ineffective trials

39. The LCJB is performing well on cracked and ineffective trials in the Crown Court – it has met its target of a 19% ineffective trial rate. The cracked trial rate (30%) is better than the national average (38.1%), although it remains above the local target (28%). Whilst the Area’s contribution to reducing the cracked and ineffective trial rate is creditable, there is scope for further improvement.
40. Performance in the magistrates’ courts is not as good – the ineffective trial rate of 34.7% remains above the LCJB target (30%). The cracked trial rate of 34.2% is also above the local target (33%). There is considerable scope for the Area to improve its summary trial review and preparation.

Improving public confidence

41. Data from the British Crime Survey for Hampshire shows a decline in confidence of 1% for the 12 months ending September 2003. The LCJB has now agreed a Public Confidence Action Plan that will include a local victim and witness survey.

Value for money

42. The Area has implemented a policy to reduce agent usage in the magistrates’ courts, now that its lawyer numbers have increased.

Equality and diversity issues

43. The Area has demonstrated a positive approach to equality and diversity - it is an Area strength.

Recommendations

44. We make recommendations about the steps necessary to address significant weaknesses relevant to important aspects of performance, which we consider to merit the highest priority.
45. We have made six recommendations to help improve the Area’s performance:
 1. The Area should improve the quality and timeliness of summary trial review and preparation (paragraph 4.16).
 2. The Area should ensure that CPS Best Practice on custody time limits (CTLs) is applied throughout the Area and that there are consistent and effective management checks (paragraph 4.44).
 3. The Area should ensure full compliance with the Direct Communication with Victims (DCV) standard in relation to coverage, timeliness and quality (paragraph 6.4).
 4. The Area should review how to make best use of magistrates’ courts data on cracked and ineffective trials (paragraph 7.12).

5. The Area Business Manager should review the means by which staffing levels are determined and deployed between the units (paragraph 8.12).
6. The Area, in partnership with the police, should review staffing levels and processes in the CJUs in order to ensure efficient and effective file handling (paragraph 10.5).

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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