

# **HM CROWN PROSECUTION SERVICE INSPECTORATE**

## **INSPECTION OF CPS HERTFORDSHIRE (REPORT 4/05)**

### **EXECUTIVE SUMMARY**

#### **Introduction**

1. This is the report of HM Crown Prosecution Service Inspectorate (HMCPSI) about CPS Hertfordshire (the 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. The inspection was a full one, with all aspects of casework and management considered. The Area was previously reported on in May 2002.

#### **The Area**

2. CPS Hertfordshire serves the area covered by the Hertfordshire Constabulary. Area Headquarters (the Secretariat) is based at St Albans.
3. Area business is divided on functional lines between magistrates' courts and Crown Court work. The three Criminal Justice Units (CJUs) are responsible for the conduct of all cases dealt with in the magistrates' courts. CJU Central is based at St Albans and covers the magistrates' courts cases there; CJU East is based at Hertford and covers cases at Hertford, Stevenage and Cheshunt Magistrates' Courts; and CJU West, based at Watford, covers the Watford and Dacorum Magistrates' Courts. The Crown Court Unit (CCU) reviews and handles cases dealt with in the Crown Court and is based at St Albans.
4. At the time of the inspection in September 2004, the Area employed the equivalent of 88.6 full-time staff. In the year ending June 2004, it dealt with 20,967 cases in the magistrates' courts, 1,551 in the Crown Court, and gave pre-charge advice to the police in a further 4,292 cases.

#### **Main findings of the inspectorate**

5. The Area has made progress since the last inspection; a number of strengths and positive aspects of performance are apparent, but some recommendations have not been achieved.
6. Casework outcome in the Area is satisfactory. The results for the Public Service Agreement (PSA) targets are good and public confidence in the criminal justice system as a whole in Hertfordshire is relatively high. The Area is implementing all three major initiatives to which the CPS is committed nationally (the shadow charging scheme, Effective Trial Management and No Witness No Justice) and has co-located with the police throughout the Area. It is also one of the two national pilots for the enhancement of the role of Higher Court Advocates (CPS lawyers who, after specific training, are authorised to appear in the Crown Court).

7. While the overall annual caseload (to the end of June 2004) has increased since the last inspection from 19,594 cases to 25,259 cases, the Area has received extra funding which has enabled it to nearly double its complement of lawyers. The number of cases per lawyer has therefore fallen, and the 2004 statistics include a much higher proportion of pre-charge advice. On the other hand, newly recruited lawyers tend to have less experience and established prosecutors are deployed to implement the new CPS initiatives, which has put strain on Area operations.
8. The quality of Hertfordshire's decision-making and advocacy remains sound despite the increase in pressure, but the timeliness of case preparation has suffered. The Area will need to ensure that outstanding work is commenced early and completed in time for the next hearing. The handling of unused material and the Area's performance under the Direct Communication with Victims (DCV) scheme need to improve significantly.
9. Further work is required to engage criminal justice partners more effectively, particularly in the way the agencies work together to tackle the lengthy delay between listing and summary trials.
10. More work is also needed to improve communications with staff within the Area, and in performance management. Engagement with the local community can also be strengthened.

## **Specific findings**

### ***Key performance results***

11. Area casework outcomes are better than the CPS national averages in several respects, including the acquittal rates in both Crown and magistrates' courts. The quality of decision-making about whether to proceed with cases is good, and the review of cases from first appearance to trial in the magistrates' and the Crown Court was satisfactory.
12. With the notable exception of persistent young offender (PYO) cases, timeliness of preparation is an issue. The timeliness and quality of police files play a part, but a more pro-active approach at review to help the police build a case should help reduce the need to do remedial work later.

### ***Casework***

13. The quality of pre-charge advice to the police was good, but the timeliness of advices outside the shadow pre-charge advice scheme could be better.
14. Decision-making at various stages of the review process is sound, but prosecutors need to make timely requests for further evidence or information from the police.
15. Discontinuances are generally timely and well handled.
16. There are occasions when the prosecution is not ready for trial in the magistrates' courts and the trial becomes ineffective. The Area needs to improve its timeliness in the service of prosecution papers in Crown Court cases and the progression of these cases can also be better. The timeliness and quality of police files have a negative impact, but the Area should try to minimise the effect by being more pro-active in case-building at all review stages.

17. Instructions to counsel are timely and of a satisfactory quality, but the Area needs to ensure that instructions on acceptable pleas are routinely included.
18. Although training has been carried out on the revised Joint Operational Instructions (JOPI) on the disclosure of unused material, weaknesses remain in the disclosure process.
19. Decision-making in sensitive cases (those involving child abuse, domestic violence, rape, racially aggravated offences, or from road traffic fatalities) is usually sound, but compliance with CPS policies on these cases needs to be strengthened.
20. Prosecutors need to be more objective and enquire in greater frequency and detail the reasons for adverse case outcomes to enable the Area reap the benefits of the procedure.

#### ***Advocacy and quality of service delivery at court***

21. The standard of advocacy is satisfactory. The Area does not have a high agent usage, although it is on the increase. It will need to monitor the standard of its advocates to ensure the maintenance of a sound level of service delivery.
22. The delivery of files to court is satisfactory. Court preparation is timely, although readiness for court is sometimes let down by not ensuring that all necessary actions are taken. Court endorsements are good.
23. The Area should avoid as far as practicable the use of court briefs (where instructions to counsel are delivered at court on the day).

#### ***Victims and witnesses***

24. There has been an improvement to witness care at court. Appropriate use is made of Special Measures for giving evidence; full use is made of procedures to avoid unnecessary witness attendance; and the Area tries to ensure phasing of witness attendance at the Crown Court.
25. Relationships with the Witness Service are satisfactory, although the Area should try to provide them with better information about changes to witness attendance at court.
26. The Area has implemented the Direct Communications with Victims scheme, which explains to victims the reasons for dropping or reducing charges. The quality of letters is generally good, but more work is needed to ensure that cases falling within the scheme are identified and action taken.

#### ***Performance management***

27. The Area's performance management system focuses on the individual units rather than the Area as a whole. Action is needed to develop a unified system to provide a common format for all reports and an overall assessment of the Area's performance.
28. Joint performance management (JPM) with the police and the courts is well established and generally effective.

### ***People management and results***

29. Staff deployment between the units is decided by the Area Business Manager in consultation with the Unit Heads, and is endorsed by the Area Management Team (AMT). The units then assign their own staff to meet operational needs. The AMT will need to ensure that resource allocation between the units is flexible enough to allow for re-deployment to meet short-term business needs.
30. There are limited opportunities for staff to influence and participate in the running of the Area. There is a need to develop and implement a communications strategy which fully engages them.
31. There is a high level of satisfaction amongst Area staff with access and support for training and development. Of particular note was CPS Hertfordshire's commitment to developing staff, including providing support to obtain external qualifications.

### ***Management of financial resources***

32. There are sound systems for projecting and controlling expenditure and financial guidelines are being adhered to.

### ***Partnerships and resources***

33. Partnerships within the local criminal justice system (CJS) are generally strong at the operational level, but the failure to resolve some long-standing issues between agencies hinders improvements across the county. Despite the Area's commitment to improving performance, its perceived inability to assist in the delivery of effective case management in the magistrate's courts is undermining its credibility with its CJS partners.
34. Progress has been made towards co-location and shadow charging has been good at the CJUs at Hertford and Watford. Further work is needed at CJU Central and the CCU to realise the benefits of co-location.
35. The Area has yet to fully embrace the use of the Compass electronic case tracking system and secure e-mail.

### ***Policy and strategy***

36. The planning for, and implementation of, policy and the various change initiatives is generally unit-based, and although sound, can be hampered by poor working relationships.

### ***Public confidence***

37. The Area would benefit from developing a complaints logging system that provides an analysis of the nature of complaints.
38. CPS Hertfordshire does not have a high profile in the local community; there needs to be more engagement with local communities and the media.

### ***Leadership and governance***

39. The Area Management Team is a cohesive group and members are supportive of each other. It has a clear vision for the Area and provides strong leadership.
40. The separate locations and lack of day-to-day interaction between the units has led to some staff being unaware of the wider Area perspective, with their focus being at unit level.

### ***Bringing offenders to justice***

41. The Hertfordshire Criminal Justice Board (HCJB) is exceeding its target for bringing offenders to justice. The CPS contributes to this by providing pre-charge advice, and by its low discontinuance and acquittal rates.

### ***Reducing ineffective trials***

42. The ineffective trial rate in the magistrates' courts is better than the national average, but this does not take into account the number of trials vacated before the trial date. The number of trials that do not go ahead on the appointed date contributes to the overall delay in bringing a case to trial. The Area is working with the magistrates' courts to agree a protocol on listing to help with this.
43. The ineffective trial rate in the Crown Court is 18.8%, which is slightly worse than the national average of 17.3%, and the CPS is responsible for just over a quarter of ineffective trials.

### ***Improving public confidence***

44. The British Crime Survey 2003–04 shows that residents in Hertfordshire had higher levels of confidence in many aspects of work of the local criminal justice agencies than the national average. The HCJB has an Action Plan to raise public confidence, and the CPS has played a full part in it.

### ***Value for money***

45. The AMT decides on the deployment of resources to ensure that best value is obtained. The current financial and performance management regimes allow the Team to accurately monitor resources and assess future liabilities.

### ***Equality and diversity issues***

46. The Area has a diverse workforce and equality and diversity policies are embedded into its Business Plans.

## **Recommendations**

47. 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.

48. We have made five recommendations to help improve the Area's performance:
1. The AMT should ensure that each unit complies with the Joint Operational Instructions on handling unused material and, in particular, ensures that:
    - \* disclosure decisions and actions are properly recorded;
    - \* previous convictions for prosecution witnesses are obtained and considered for disclosure (paragraph 4.29).
  1. The Unit Heads should ensure that Direct Communication with Victims letters explaining the reason for the decision are sent in all cases within the scheme in a timely manner, and this should be extended to include discharged committals (paragraph 6.7).
  2. The AMT standardise and enhance its performance management regime (paragraph 7.6).
  3. The Area should develop and implement a strategic framework to enable it to effectively engage with staff (paragraph 8.24).
  4. The AMT should take action to improve effective engagement with CJS partners at a strategic level (paragraph 10.6).

#### **Good practice**

49. We have also identified one aspect of good practice by the Area that might warrant adoption nationally.
1. The Area uses a spreadsheet to monitor the progress of cases and to assess police performance under the shadow charging scheme (paragraph 4.41).

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.hmcpai.gov.uk](http://www.hmcpai.gov.uk).

HMCPS Inspectorate  
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