

HM CPS INSPECTORATE OVERALL PERFORMANCE ASSESSMENT OF CPS KENT

HM Crown Prosecution Service Inspectorate (HM CPSI) has today published their Overall Performance Assessment (OPA) of CPS Kent.

The OPA process provides a benchmark for each CPS Area's performance in thirteen key aspects of work. Each of the aspects is assessed as being excellent, good, fair or poor. The Area is then assessed on its overall performance in the light of these markings.

The overall performance assessment of CPS Kent was FAIR.

The table below provides a breakdown of the assessed level of performance against the thirteen aspects and provides a comparison with the 2005 exercise:

| OVERALL ASSESSMENT | | FAIR | | |
|---|-------------------------|-----------------|-----------------------------|--|
| Critical aspects | Assessment level | | | |
| | OPA 2005 | OPA 2007 | Direction of travel | |
| Pre-charge decision-making | Fair | Fair | Stable | |
| Ensuring successful outcomes in the magistrates' courts | Good | Good | Stable | |
| Ensuring successful outcomes in the Crown Court | Good | Good | Stable | |
| The service to victims and witnesses | Fair | Fair | Stable | |
| Leadership | Good | Fair | Declined | |
| Overall critical assessment level | | Fair | | |
| Progressing cases at court | Fair | Fair | Stable | |
| Sensitive cases and hate crime | Excellent | Good | Declined | |
| Disclosure | Fair | Fair | Stable | |
| Custody time limits | Fair | Fair | Improved¹ | |
| Delivering change | Good | Fair | Declined | |
| Managing resources | Fair | Fair | Stable | |
| Managing performance to improve | Fair | Fair | Stable | |
| Securing community confidence | Excellent | Good | Declined | |
| OVERALL ASSESSMENT | Fair | FAIR | | |

Some aspects have been categorised as critical; this is due to the significant impact that these aspects have on the overall performance of a CPS Area and the service it delivers to the public.

CPS Kent's overall rating has not changed since the previous assessment in 2005. Performance has improved in one aspect and remained stable in eight, but has declined in four. It is too soon to assess the effectiveness of the measures put in place following a change of CCP but senior managers show a

¹ Although the score remains the same the Area had no CTLs failures since at least April 2005 to the time of the inspection

clear commitment and determination to bring about improvement.

Key findings include:

- The overall conviction rates in both the magistrates' courts and the Crown Court have improved since the last OPA, and the overall outcomes in the magistrates' courts and for hate crime cases were excellent in 2006-07.
- The implementation of the charging scheme, under which the CPS takes over from police the responsibility for charging decisions in more serious and contested cases, has not been fully successful.
- Decision-making is generally good, and sensitive cases and hate crime are well handled. There are some weaknesses at the pre-charge stage, such as failing to consider all appropriate issues and decisions being made before all the key evidence is available, but these points are being addressed as part of a plan to reduce the number of cases which have to be discontinued after charge.
- There is not always proper recording of decisions and actions taken.
- The Area's compliance with the prosecution duties of disclosure of unused material to the defence remains fair. CPS Kent has worked closely with the police to monitor and improve police compliance with the disclosure provisions
- Cases generally take longer to progress through the courts than the national average. The proportion of ineffective trials (i.e. contested cases which do not proceed on the day fixed for trial) is worse than the national average, although a high proportion is attributable to lack of court availability.
- The performance in processing cases involving persistent young offenders in Kent was poor in 2006-07 but it has improved significantly, with the Government target of 71 days from arrest to sentence being more than achieved in the three months to July 2007.

The national No Witness No Justice initiative to improve the care and support of victims and witnesses has not been fully effective; Kent does not benefit from dedicated witness care units either within the police service or the CPS. The Area does not always send letters to victims when proceedings are dropped or the charge changed substantially, although those that are sent are timely.

Senior managers are committed to engaging with the whole community, and have identified and worked with groups at particular risk of exclusion. This has not been reflected in public confidence in the ability of the local criminal justice agencies in bringing offenders to justice – which has declined and in December 2006 was below the national average.

Stephen Wooler CB, HM Chief Inspector of HMCPSI, said:

“CPS Kent has maintained its overall rating. The Area's overall conviction rates have improved and the overall outcomes in the magistrates' courts and for hate crime cases was excellent in 2006-07. It needs to strengthen its pre-charge decision making and improve its service to victims and witnesses by addressing problems in relation to the lack of dedicated witness care units and by ensuring that letters are sent to victims in all appropriate cases. I am confident that senior managers have the commitment to bring about improvement, particularly in those aspects of work which have fallen off”.

The inspectorate has visited all 42 CPS Areas over a six month period in order to provide a benchmark from which future work can be informed. This summative report sets out on a comparative basis the

assessments for all 42 Areas. It uses the outcomes of these assessments to determine where best the CPS should focus its resources in order to promote improvement within the CPS and the criminal justice system as a whole. It is also hoped that the CPS Areas, and CPS HQ, will use this information to address issues at local and national level where this is necessary.

This press release should be read in conjunction with the report itself (which contains an integral summary).

Notes to Editors

Her Majesty's Crown Prosecution Service Inspectorate (HMCPPI) was established as an independent statutory body by the Crown Prosecution Service Inspectorate Act 2000, on 1 October 2000. The Chief Inspector is appointed by, and reports to, the Attorney General.

The Overall Performance Assessment (OPA) report is based on assessments and judgements that have been made by HMCPPI using a combination of absolute and comparative assessments of performance. These came from national data, CPS self-assessment, HMCPPI assessments and by assessment under the criteria and indicators of good performance set out in the OPA framework. The exercise included visits to all 42 CPS Areas over a seven month period, between June and December 2007. Each Area is rated excellent, good, fair or poor.

The Inspectorate uses an assessment model which is designed to give pre-eminence to the ratings for 'critical' aspects of work as drivers for the final overall performance level. Assessments for the critical aspects are overlaid by ratings in relation to the other defining aspects, in order to arrive at the OPA. This assessment model is included in the framework and is available to all Areas.

This exercise is not a full inspection and differs from traditional inspection activity. While it is designed to set out comprehensively the positive aspects of performance and those requiring improvement, it intentionally avoids being a detailed analysis of the processes underpinning performance. However, it is designed to provide a benchmark from which future work can be informed. The Inspectorate will use this information to determine where best to focus its resources in order to promote improvement within the CPS and the criminal justice system as a whole. It is also hoped that the CPS Areas, and CPS HQ, will use this information to address issues at local and national level where this is necessary.

CPS Kent serves the area covered by the Kent Police. Its main office is based at Maidstone. In the year ended March 2007 the Area employed 151.6 full time equivalent staff, and handled 26,449 cases before the magistrates' courts and 2,028 in the Crown Court. It also gave advice to the police in 4,129 cases which did not result in proceedings

This news release and the report in relation to CPS Kent are part of a block of individual Area reports published today together with a summative report drawing together the common themes and presenting the assessment for all 42 Areas on a comparative basis.