

HM CROWN PROSECUTION SERVICE INSPECTORATE

INSPECTION OF CPS KENT (REPORT 5/04)

EXECUTIVE SUMMARY

Introduction

1. This is the report of HM Crown Prosecution Service Inspectorate about CPS Kent (the Area).
2. The Crown Prosecution Service (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 one rather than an intermediate inspection.

The Area

3. CPS Kent serves the Area covered by the Kent County Constabulary. It has offices at Canterbury and Maidstone. Area business is divided on functional lines between magistrates' courts and Crown Court work. The Criminal Justice Unit (CJU) has bases in police stations at Canterbury, Folkestone, Gillingham (Medway), Gravesend and Maidstone. The Trials Unit (TU) is based at the Area offices. The Area was previously reported on in February 2001.
4. At the time of this inspection in November and December 2003, the Area employed the equivalent of 145.8 full time staff. During the year ending September 2003, it handled 37,543 cases finalised in the magistrates' courts and 2,784 finalised in the Crown Court. In addition, it provided pre-charge advice to the police in 1,591 cases. The mix of work in Kent includes a significantly lower proportion of indictable only cases (24.9%) than the national average (31.7%). Due to the location of major ports of entry in the county, the Area handles a large number of cases concerning the facilitation of illegal entry to the country.

Main findings of the Inspectorate

5. Inspectors found that the Area has made significant progress in respect of a number of aspects of performance since the time of its last inspection, and had achieved wholly or partially all but one of the 28 recommendations made in the previous report. In particular, it had developed an effective management structure, implemented effectively the recommendations of the Glidewell review and initiated a successful programme of community engagement. Senior management has a high profile with the other local criminal justice agencies, which is illustrated by the CCP who is chair of the Kent Local Criminal Justice Board (LCJB).

6. As one of the Government's 13 priority criminal justice areas, CPS Kent is committed to implementing the shadow charging scheme on a non-statutory basis. By the time of the inspection the scheme was operating during normal office hours at each CJU. This was undoubtedly putting a strain on the Area's CJU resources and contributing to slippage in other aspects of casework, particularly in respect of magistrates' courts summary trial preparation.
7. Inspectors had concerns that the Area had yet to feel the full benefit of its restructuring in accordance with the Glidewell review. CPS staff were still carrying out many magistrates' court administrative tasks, and there were concerns about the quality and prioritisation of some of the tasks carried out by the police. The operation of the single file system at non co-located charging centres was impacting on some aspects of casework, including the timeliness of responses to defence correspondence and the operation of the Direct Communication with Victims scheme (DCV).
8. At the time of the inspection, the fragmenting of the Area's resources into five co-located CJUs and two TUs was impacting on its overall cohesiveness. Staff in the CJUs were becoming parochial, and for some, CPS Kent did not extend beyond the boundaries of the police station in which they worked. However, within the units there was a very good team spirit, with staff willing to help each other out, and a determination to make their unit work.
9. Area performance in narrowing the justice gap was encouraging. If the current rate of improvement is maintained, the Area is projected to meet and exceed significantly its overall target of 5%. It looked unlikely, however, in common with most Areas, that the target to increase the number of offences brought to justice committed by core persistent offenders would be met.
10. Inspectors found that there was room for improvement in the quality of decision-making in respect of some aspects of casework performance. The Code evidential test was not applied properly at initial review in four out of 100 relevant cases. The Code tests were applied properly at summary trial review in all relevant cases, but at committal review, in three judge directed and two judge ordered acquittals in our sample (30 cases), the Code evidential test was not applied properly (approximately 16%).
11. Although decisions to discontinue cases were generally correct, timeliness was poor. This was contributing significantly to the Area's cracked trial rate in magistrates' courts cases. In some parts of the county, the over listing of trials, and the consequent lack of time to hear cases, was contributing to the ineffective trial rate.
12. Sensitive cases involving road traffic fatalities and racist incidents were handled well. In respect of cases involving domestic violence, the Area had undertaken joint work with the police to improve the quality of evidence gathering, but there needed to be a more consistent application of the national CPS policy.
13. There was a need to improve a number of aspects of performance relating to the primary disclosure of unused material, including evidencing that primary disclosure had taken place and improving the timeliness of the disclosure of undermining material.

14. The Area had a number of committals discharged because the prosecution were not ready and the court refused an adjournment. This was arising from the late submission of the full file by the police, or because the file lacked essential evidence.
15. In the TU, instructions to counsel needed to be improved significantly. Lawyers needed to add value to the process by providing a detailed evaluation of the strengths and weaknesses of the prosecution case.
16. Overall the quality of advocacy was good. The Area deployed its designated caseworkers (DCWs) and Higher Court Advocates (HCAs) effectively.
17. Witness care was good in both the magistrates' courts and the Crown Court. Victims and witnesses who required the extra protection afforded by special measures were identified, although late notification by the police affected timeliness.
18. The Area collected a wide range of performance data and produced detailed performance reports. A significant amount of management time was devoted to this activity, but inspectors found that not all managers reaped commensurate benefit.
19. Overall, planning of major initiatives was good. The implementation of the recommendations of the Glidewell review was well planned and reviewed.

Specific findings

Casework

20. In addition to the points set out under the main findings above, inspectors drew attention to the following matters relating to casework:
 - * All advice decisions were taken properly in accordance with the principles of the Code evidential and public interest tests. A full explanation of the advice was given in each case. The advice provided in cases involving a road traffic fatality was of a particularly high standard.
 - * The magistrates' courts ineffective trial rate for the quarter ending June 2003, at 27.7%, was better than the national average (29.4%), although it was short of the Area target (23%).
 - * The Crown Court effective trial rate was good (49.9% against a national average of 39.2%). A low cracked trial rate (22.9% against a national average of 37.7%) was contributing significantly to this aspect of performance. This to some extent masked a high ineffective trial rate which, at 27.2%, was less favourable than compared with the national average of 23.1%. The Crown Court had recently introduced a Certificate of Readiness scheme to assist in reducing the rate.
 - * The Area's persistent young offender (PYO) performance has slipped recently. In the quarter ending September 2003, the Area's overall three-month rolling figure was 76 days, against the national target of 71 days. The national average for the same period was 66 days.

- * The Area maintains adequate systems for the handling of cases where custody time limits (CTLs) apply, although there had been two CTL failures in the last 12 months. The Area needed to clarify the system for identifying and monitoring some cases to ensure that staff were aware of their responsibilities.

Advocacy and quality of service delivery

- 21. Designated caseworkers covered the full range of work permitted under the scheme. Court scheduling arrangements allow the Area to make full use of its DCW resources, thereby freeing up crown prosecutors to undertake other work.
- 22. The Area's HCAs covered a wide range of Crown Court work including plea and directions hearings (PDHs) and sentence hearings. For the year ending April 2003, the Area set itself a demanding target of undertaking 250 HCA sessions. The Area fell just short of this target which, having regard to other resource requirements, was a very creditable performance.

Victims and witnesses

- 23. The Area enjoyed very good working relationships with the Witness Service, and was building on this by the provision of Witness Service facilities in the Maidstone TU.
- 24. The standard and timeliness of DCV letters was acceptable, but a number of relevant cases were slipping through the net.

Performance management

- 25. Performance management had improved since the last inspection, although there was a need to reassess the benefit obtained from some data gathering exercises. Better targeting and analysis of performance management would increase the benefits that the Area undoubtedly got from this work.
- 26. There was a clear desire amongst senior managers to drive up performance, and a commitment by staff to make things work.
- 27. Managers had undertaken some good work in analysing adverse cases, but the findings needed to be shared constructively amongst all lawyers. The Area operated the CPS Casework Quality Assurance scheme, but at the time of the inspection the undertaking of this work had slipped in a few units.
- 28. The Area had set up a joint unit performance management structure for the CJUs and the TUs. Inspectors found that these fora (called JUMPS and TRUMPS) could be effective vehicles to address cross-unit performance issues and restore Area cohesion.
- 29. Whilst co-location with the police had improved the operational interface between lawyers and the police, there remained a need to develop administrative management arrangements.

People management and results

30. Managers had worked hard to address the recommendations made in the last inspection report, particularly those relating to communication, management structure and training. There were still some issues that needed to be addressed, including the effectiveness of the dissemination of some key messages and the raising of morale, which remained low in some parts of the Area.
31. The move to co-location had led to significant staffing challenges. Whilst there were clearly tensions, which had been exacerbated by the introduction of the Integrated Case Management System (ICMS) and the shadow charging scheme, most staff were committed to the changes and had a genuine desire to make things work. The Area was considering how best to organise its staffing structure to deliver these changes.
32. The provision of training was good. The Area Training Plan effectively drew together national initiatives and individual training needs identified in Personal Development Plans.
33. Inspectors found that there was now a more structured approach to team meetings, the CCP and Area Business Manager (ABM) made scheduled visits to all units and the Level E managers had recently embarked on a programme of unit visits.
34. Female, minority ethnic and disabled staff were well represented. The Area had responded positively to some recent equality and diversity issues, including Deaf Awareness training.

Management of financial resources

35. The Area was conscious of its responsibility in financial management and appropriate controls of the budget are in place. Inspectors found, however, that the Area was recording a significant number of specified offences in the performance indicators (PIs), which resulted in over funding under the activity based costing arrangements.
36. Prosecution costs were generally handled well. Controls were in place to ensure that the appropriate paperwork had been completed by caseworkers. Data on performance was included in monthly unit reports.

Partnership and resources

37. The Area engages well with a wide range of agencies who come directly or indirectly into contact with the criminal justice process. Communication between the police and prosecutors in the co-located CJUs was good.
38. The Area had undertaken joint review work with the police and the courts. It had also contributed to a number of joint training initiatives, including the training of probationer constables.

39. Area managers attended an extensive range of meetings, including those involving the Area Child Protection Committee, court user groups and the Local Authority Drug Action Team. At a senior level these partnerships were effective, but some at an operational level could be improved.
40. There was a need for the police and the CPS jointly to review where they were in respect of their working arrangements under Glidewell. Inspectors considered that the review should include the operation of the shadow charging scheme and the single file system.
41. The Local Implementation Team produced a comprehensive plan for the use of ICMS, which was praised by the national implementation team. The initial training for its introduction was well received, but the gap between this and the system going live reduced its effectiveness.

Policy and strategy

42. Overall, planning of major initiatives was good. The implementation of the recommendations of the Glidewell review was well planned and reviewed. The Area was also developing its long term strategy to adapt to the requirements of the shadow charging scheme.
43. The Area had been willing to take on new initiatives and pilots, such as the video interviewing of suspects, but at the time of the inspection considered that it had reached saturation point. Having regard to the extent of the Area's existing commitments, inspectors endorsed this view.
44. Area plans were disseminated widely and staff knew the Area's vision. Shortly after the inspection, the Area held a focus day for staff to discuss the possible structure of the Area to accommodate the requirements of the statutory charging scheme.

Public confidence

45. The Area had done much work since its last inspection to improve its profile, particularly in the minority ethnic community, and played an active role in community liaison meetings. It also played an active role in the Folkestone Asylum Seekers Forum, and had plans to develop its links further with that community. Overall, the Area was now very well respected and was viewed as an open and receptive organisation.
46. Relationships with the local Racial Equality Councils were very good, and this was leading to increased confidence in the quality of casework decision-making.
47. Complaints were handled well, although the Area could make more use of the work done in answering them to enable staff to learn from experience.

Leadership and governance

48. The Area had put a lot of effort into developing its vision and values since the time of its last inspection. The success in this aspect of work is tempered by the fragmentation of the Area, which has taken place as part of the implementation of the Glidewell review.
49. Relationships between the CJUs and the TUs were not good, and these were not helped by TU concerns over some aspects of the casework which they received from the CJUs. Conversely, staff in the CJUs felt that they were bearing the brunt of the shadow charging scheme, with no recognition or support from the TUs. Senior management were taking steps to address these concerns.
50. Overall, Area action plans were good and, where appropriate, cross-referenced with other relevant documents. In addition to reviewing internal action plans, the Area also undertook structured reviews of HMCPSI thematic reports and identified what action was needed to adopt report recommendations.

Recommendations

51. Inspectors made six recommendations to help improve the Areas performance:
 1. The Head of the TU take action to:
 - * increase the quality of management information on the number and spread of discharged committals;
 - * improve the effectiveness of the system for chasing the full file in committal cases;
 - * work with the police to improve the timeliness of the submission of full files; and
 - * improve the timelines of the decision whether to re-instate cases which are discharged (paragraph 4.32).
 2. The Head of the TU take action to improve the quality of instructions to counsel by ensuring prosecutors include:
 - * a qualitative case analysis; and
 - * their view on the acceptability of pleas (paragraph 4.40).
 3. Local unit managers, in conjunction with their counterparts in the other criminal justice agencies, develop an effective joint performance management regime for the criminal justice process (paragraph 7.10).
 4. The Area stops including specified offences in its PIs (paragraph 9.6).

5. The ABM and Level E Unit Heads, in conjunction with their police counterparts, review and implement changes where necessary, to improve the effectiveness of joint CPS/police working arrangements in respect of:
 - * the shadow charging scheme;
 - * administrative arrangements under Glidewell; and
 - * the single file system (paragraph 10.10).
6. The SMT develop and implement strategies to improve the corporate vision of staff across all grades and units (paragraph 13.6).

Good practice

52. Inspectors identified two aspects of good practice, which might warrant adoption nationally:
 1. The use of a bail stamp on Crown Court files, to signify that the defendant is not in custody (paragraph 4.67).
 2. The provision of instructions to counsel where instructed to prosecute complex cases in the magistrates' courts (paragraph 9.5).
53. They also identified a number of strengths, together with a number of aspects of the Area's performance needing improvement.

A copy of the report can be obtained by telephoning the Corporate Services Group of HMCPS Inspectorate (telephone 020 7210 1197), and is also available at www.hmcpso.gov.uk.

HMCPS Inspectorate
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