



**CPS Leicestershire and Rutland**  
The Inspectorate's report  
on CPS Leicestershire and Rutland

Executive Summary

July 2009



## **Methodology**

This is the report of Her Majesty's Crown Prosecution Service Inspectorate's (HMCPPI) inspection of CPS Leicestershire and Rutland (the area) carried out in April 2009.

CPS Leicestershire and Rutland was last subject to a full inspection in April 2007. Subsequently in December 2007, it was rated as 'Poor' in HMCPPI's overall performance assessments (OPAs) of all CPS areas. This was primarily the result of poor management of area resources, failures in victim and witness care and poor results in magistrates' courts casework.

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 HMCPPI's OPA and other key data. As the area was assessed as 'Poor' it was determined that the inspection should be a full one.

The purpose of this inspection was to assess the progress the area has made since the OPA. This summary provides an overview of the inspection findings as a whole.

## **Overview**

CPS Leicestershire and Rutland has made substantial strides in addressing all the weaknesses identified in the last inspection and OPA. The area has established a clear sense of purpose, a vision which resonates with those working in the area, and harnessed the pride and enthusiasm of staff to 'do justice in every case'. Inspectors were impressed with the positive attitude and approach of all staff in the desire to improve performance and do a good job. The area had effectively used the recommendations outlined in the 2007 inspection report and the findings of the OPA as a blueprint for change. Whilst area staff viewed the OPA rating as disappointing, senior management has used it as a means of galvanising the good work that was taking place in the area and refocused activity to address highlighted weaknesses.

The focus on 'going back to the basics' as highlighted in the last inspection report halted the drift that was apparent in 2007. The area has developed a strategy for change and directed improvement activity on those matters which can impact upon public confidence.

As performance and outcomes have improved, the area has been able to regain the confidence of criminal justice partners. Since the OPA the area has changed the arrangements for authorising the police to charge suspects following a comprehensive joint review undertaken in April 2008. Additionally the area has introduced the CPS optimum business model (OBM) to improve case preparation and readiness in magistrates' courts cases. As part of the drive to improve results and processes, the area has also worked closely with the courts to ensure that Simple, Speedy, Summary Justice (CJSSS) is a success.

Many partners were keen to impress upon inspectors that the CPS was a much improved organisation. Partners now trust the CPS to deliver on its promises.

## **Pre-charge advice and decisions**

Whilst our file examination revealed a generally positive picture of decision-making there were some variations in quality. The area has made a number of changes to the charging processes and systems as a result of the joint charging review. Many of the files in our sample pre-dated the implementation of the new arrangements. Because of this, inspectors specifically looked at an additional sample of current cases. Although the sample was relatively small there was evidence of a greater consistency in the standard of decision-making and case preparation.

Area decisions complied with the evidential stage of the full Code test in 67 out of 70 relevant cases (95.7%) and in all cases the public interest test was applied correctly. Area performance in respect of the benefits of pre-charge decision-making show significant improvement on the position at the 2007 OPA.

### **Decision-making, preparation and progression in magistrates' courts cases**

At the time of the last OPA, area performance was hampered by a lack of effective case progression; this was especially so in magistrates' court cases. The introduction of the OBM approach to working, and CJSSS have resulted in improvements. This change is evidenced by the improved results in the magistrates' court successful outcomes (improved by 5.4%) and effective trials (improved by 5%), although both remain below the national average.

There has been a significant increase in the number of discharged committals since the OPA. This weakness has been identified by the area and action is being taken to rectify the problem.

### **Decision-making, preparation and progression in Crown Court cases**

Case progression in Crown Court casework needs to be improved. The area approach to Crown Court caseworker deployment results in reduced availability for committal preparation; there is evidence that this is resulting in some delays and it can make case progression more reactive than proactive. This has also had an impact on area performance with regard to custody time limits. The area has recognised this and has recently commissioned a review of Crown Court case preparation with a view to using the efficiencies identified from OBM and implementing these in the trials unit.

Whilst case progression needs to be strengthened area performance with regard to successful outcomes has substantially improved since the OPA. The area is now in the top quartile of national performance and has improved its performance by 7.4% since the OPA.

### **The prosecution of cases at court**

The standard of advocacy in the magistrates' courts is satisfactory. During the inspection we observed 26 advocates at all grades in both the magistrates' courts and the Crown Court. Whilst the majority was at least competent or above, four advocates, both CPS and counsel, were assessed as below average in some respects. Court listing arrangements have assisted the effective deployment of associate prosecutors who are generally well regarded by other court users. Higher courts advocates (HCAs) are monitored in the Crown Court although assessments could be more robust and need to be followed by action plans detailing the areas for improvement.

### **Serious violent and sexual offences, and hate crime**

The area has worked with Her Majesty's Courts Service to introduce specialist domestic violence courts which have been successful in driving up performance. Area outcomes for serious violent and sexual offences, and hate crimes are mixed. The area outcomes in respect of hate crime are excellent. However, in contrast, the rate of successful outcomes in rape cases were poor in 2008-09, although area specialists and co-ordinators are working with partners to improve this. The area has worked hard to ensure that specialist prosecutors are involved in dealing with cases at the outset and that there is continuity throughout.

### **Disclosure of unused material**

Area handling of unused material has also improved since the OPA to the extent that disclosure performance was well above the national average at the time of our last thematic review of disclosure. The area has taken a number of positive steps to improve, including commissioning a review of files by

CPS headquarters and implementing their recommendations. Unused material is also specifically considered by duty prosecutors at charging in all likely summary trial cases. Some attention needs to be given to the more consistent completion of disclosure record sheets.

### **Custody time limits (CTLs)**

Following a CTL failure in 2007-08, the area completely revised its systems. A newly appointed CTL champion updated area guidance and instructions in accordance with the recently revised national guidance. This was followed by training for all relevant staff. File examination showed that expiry and review dates were correctly calculated and endorsed on the files, although two cases were noted where an extension of the CTL was not recorded on the file. Monthly quality assurance checks are carried out on a sample of CTL cases.

There were two CTL failures in 2008-09, both of which were reported to CPS headquarters, but these were the result of lack of proactive case progression rather than failures of the CTL monitoring system.

### **The service to victims and witnesses**

The service offered to victims and witnesses by the area was a real weakness at the time of the last OPA. The area has focussed a substantial amount of effort to improve this aspect of its business and a number of improvements have been implemented. There is no doubt that CPS Leicestershire and Rutland are offering a better service to victims and witnesses since our last visit and there are structures and processes in place which the area can use to improve their service even further.

The area is now mainly complying with the need to notify victims when cases are dropped or substantially altered, with performance being above the national average for both timeliness and numbers of letters sent. A recent change to victim and witness care in magistrates' court cases, which has been progressed jointly with the police, has some scope for further improvement.

### **Managing performance to improve**

Understanding performance is core to being able to drive and manage improvement. Since the OPA and last inspection the area has implemented an effective performance management regime. The area benefited from the appointment of an experienced performance officer (on a six month loan from the police) to kick start the change. The area has maintained the momentum and is now in a position to understand its performance and drive improvement and target weaknesses.

Performance results are now effectively communicated and this has raised levels of awareness within the area and has been crucial to driving up the desire to deliver better results. Work has also taken place to set clear expectations at the individual level and ensure that there is an effective personal performance system in place which is consistent.

### **Managing resources**

The implementation of new systems since the OPA has improved the area's management of its resources. The overall budget position for 2008-09 was a small over-spend of £14,183, which is less than 0.3% of overall budget.

Managers have taken a bold approach in limiting the availability of flexible working arrangements where unit targets have not been met and in managing vacancies to cope with a reduction in budget resulting from a reduced caseload. The area has exceeded its target for deployment of associate prosecutors in the magistrates' court and deploys its HCAs effectively in the Crown Court.

### Leadership and management

Turning the area round from a 'poor' rated area has required a significant amount of effort. A mainly new senior team worked hard to develop a set of clear key messages linked to a vision, and complemented by area objectives. This has given the area a new impetus and inspectors found a tangible feeling of pride, a desire to do a good job and, in many cases evidence of staff at all grades who were happy to go that extra mile to deliver a quality outcome. The area has been able to marshal change to ensure the effective implementation of a number of major change initiatives; this has produced good results.

### Partnership working and community confidence

The relationship with the police has been reinvigorated through the joint approach to charging and is helped by the willingness of the CPS to address problems and provide solutions. The area partnership approach has produced substantial benefits to the local criminal justice system; police files are of better quality, cases are beginning to progress more effectively, and most results have improved since the last OPA.

The area has a very effective community engagement strategy. It is using this engagement to drive improvement positively using findings from scrutiny panels to learn lessons.

### Conclusions

The area has made considerable improvements since the last OPA and continues to move forward. Some of the changes such as OBM, CJSSS and revised charging arrangements are inevitably recent but there is already evidence that they are having a positive effect on performance. Significant improvements have been demonstrated in most case outcomes and, although some remain below the national averages, the area has in place the processes and systems to achieve even better. Senior managers have fostered a culture of pride in the area which is demonstrated by staff at all levels and provides a firm foundation for continued improvement. In the light of our overall findings, CPS Leicestershire and Rutland is now rated as **FAIR**.

### Summary of judgements

<b>Critical aspects</b>	<b>OPA 2007</b>	<b>Inspection 2009</b>	<b>Direction of travel</b>
Pre-charge advice and decisions	Fair	Good	Improved
Decision-making, preparation and progression in magistrates' courts' cases	Poor	Fair	Improved
Decision-making, preparation and progression in Crown Court cases	Fair	Fair	Improved
The service to victims and witnesses	Poor	Fair	Improved
Leadership and management <sup>1</sup>	Fair	Good	Improved
<b>Overall critical assessment level</b>	<b>Poor</b>	<b>Fair</b>	<b>Improved</b>
The prosecution of cases at court	Fair	Good	Improved
Serious violent and sexual offences and hate crimes	Good	Good	Stable

1 Leadership and management captures elements included formally in "Delivering change" which has now been removed from the framework as a stand alone aspect.

2 No direct comparison possible as the framework against which the area is inspected has been changed.

Disclosure of unused material	Fair	Good	Improved
Custody time limits	Fair	Fair	Stable
Managing performance to improve	Fair	Good	Improved
Managing resources	Poor	Fair	Improved
Partnership working and community confidence	No direct comparator	Good	No direct comparator <sup>2</sup>
<b>Overall assessment</b>	<b>Poor</b>	<b>Fair</b>	<b>Improved</b>

### Recommendations

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.

We have made four recommendations to help improve the Area's performance.

- 1 Area managers take the necessary action to ensure case progression in Crown Court cases is improved (paragraph 5.9)
- 2 Area managers ensure the quality of instructions to advocates is improved (paragraph 5.13)
- 3 Area managers ensure that the disclosure record sheet is completed in every case so that it provides a complete audit trail of all disclosure actions and events (paragraph 8.15)
- 4 The area, working with police partners, should ensure that WCU staff are trained to use WMS appropriately, understand their roles and why it is important to capture information (paragraph 10.8)

### Aspects for improvement

We additionally identified five aspects for improvement within the area's performance.

- 1 The dissemination of learning points effectively across the area (paragraph 7.7)
- 2 The area should further develop the sharing of lessons learned to help inform future charging decisions and enhance understanding of Crown Court practice (paragraph 11.6)
- 3 The area needs to ensure a consistent approach when checking standards across the area (paragraph 11.8)
- 4 Controls on prosecution costs and graduated fee scheme payments should be improved (paragraph 12.6)

- 5 The area needs to ensure there are sufficient opportunities for crown prosecutors to undertake magistrates' courts trial advocacy (paragraph 12.10)
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### **Strengths**

We identified four strengths within the Area's performance.

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- 1 The use of the case management system to record actions (paragraph 5.22)
  - 2 The effective communication of a clear vision and message that has been fully accepted and understood by staff (paragraph 13.7)
  - 3 The approach to acknowledging good performance (paragraph 13.20)
  - 4 The approach to community engagement and the way this has been prioritised and used to improve area processes and outcomes (paragraph 14.8)
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### **Good practice**

We also identified four examples of good practice:

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- 1 The adoption of a comprehensive charging manual which includes charging guidance on common offences (paragraph 3.11)
  - 2 The holding of advocacy master classes to drive up the quality of trial advocacy (paragraph 6.6)
  - 3 Quarterly performance reports in the specialist case categories which are used to direct training and action for improvement (paragraph 7.5)
  - 4 The introduction of a performance meeting of all unit heads together with the CCP and ABM which has had the effect of galvanising the area to seek to improve as a cohesive whole (paragraph 11.3)
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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.hmcp.si.gov.uk](http://www.hmcp.si.gov.uk)

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