

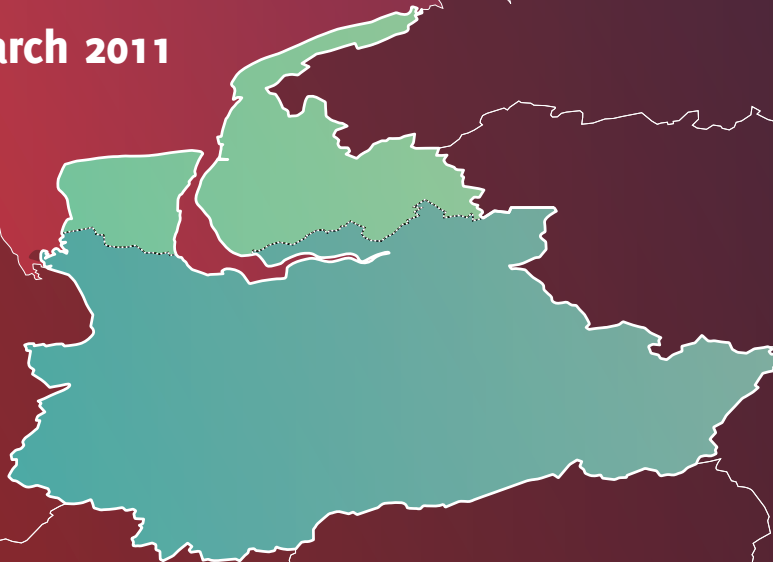


HM Crown Prosecution
Service Inspectorate

CPS Mersey-Cheshire inspection report

Executive summary

March 2011



Executive summary

Background and context

CPS Merseyside and CPS Cheshire were brought together as a Group in 2007 as part of a national restructure designed to streamline the management of the Service, bring together key functions and created economies of scale.

Changes to the structures of both Areas were made in 2010 in order to improve resilience and take account of some local performance issues. At the time of the inspection these changes had been in place for approximately six months, and after some initial challenges, improvement was beginning to be apparent at the time of the inspection.

However, further changes to the structure of the Crown Prosecution Service (CPS) across the country are imminent, and the two Areas that form the Group will become a single CPS Area known as CPS Mersey-Cheshire in April 2011. The restructuring work that was undertaken in 2010 will stand managers in good stead but the amalgamation into a single Area will also present further challenges.

Overall inspection ratings

HMCPSI assesses the Group and Area functions against standard criteria laid out in an agreed framework for inspection. Part of the framework is a scoring matrix against which individual aspects of performance are rated. Governance and the provision of pre-charge decisions are assessed at Group level, whereas casework quality and efficiency are rated at Area level. For Mersey-Cheshire the assessments were as follows.

Section 1: Group based functions		
Governance	Fair	
Pre-charge decision-making	Poor	
Section 2: Area functions		
	Merseyside	Cheshire
Casework quality	Poor	Fair
Efficiency	Fair	Good

In addition to rating the Group and Areas against the inspection framework, we have also assessed performance against the standards that the CPS has developed and set itself. These standards outline the quality of service that the public are entitled to expect from those who prosecute on their behalf. In appropriate sections of the report we have outlined our view of whether standards have been met. Our overall assessment is that in a number of casework standards the Group and Areas have not met the level expected.

Group functions

The inspection found that some of the structures and functions expected of a Group were in place, for example a Group operations centre and the complex casework unit (CCU), and were working relatively well. In particular at Group and Area level financial systems were sound and both Areas have worked well to ensure that they have been able to reduce spend to live within budget. Nevertheless opportunities across the Group to deliver more effective and efficient joined up work were often being missed.

Despite Group arrangements having been in place for several years, there was no real Group ethos. The senior team will need to work to articulate a clear vision. Staff need to be convinced that any coming together of the two Areas will be a partnership of equals who both have positive aspects to bring to the partnership, and to allay fears of one Area being subsumed by the other. There is some good work in both Areas that can be harnessed to ensure that outcomes are improved.

An immediate priority for the Group will be defining and implementing the most appropriate structure, and ensuring that there is a firm foundation for both Areas to move ahead following significant change. This inspection has highlighted significant weaknesses in both Areas in the standard of casework and decision-making, confirming the importance of ensuring that any future structure offers enough assurance at the management level to tackle casework quality.

Good work is undertaken in the complex casework unit and some sensitive and high profile cases have been well handled. By contrast, in the generality of cases handled under the daytime direct scheme, the standard of decision-making at the pre-charge stage needs to be improved. Across both Areas there were inconsistent standards of casework with significant variations in the quality of decision-making, some of which was poor.

In both Areas the poor quality of decision-making and case handling is partially due to the lack of proactive performance management. The performance management regime across the Group needs to be tailored to produce

information that highlights specific weaknesses. Whilst the core quality standards monitoring within the Group is offering some insight into the extent and range of aspects that need attention, monitoring is too narrow to be fully effective. The Group needs to develop a performance management regime whereby standards and expectations are set and applied consistently. This needs to be accompanied by structural arrangements in which managers are given clear accountability for improving casework standards.

CPS Merseyside

Overall CPS Merseyside's performance has been assessed as below the expected standard, with the quality of casework handling in the Area in need of significant improvement. In all instances, the Area missed the opportunity to later correct poor charging decisions that had been made at the outset. Whilst the Area has a successful outcome rate in the Crown Court that matches the national average the management of casework needs to be improved. The Area needs to focus its efforts on the basics which will ensure that it can deliver good quality outcomes.

The Area's participation in the North Liverpool Community Justice Centre and the joint approach with the police on cases of rape highlighted some very good examples of service to vulnerable victims and the community.

The inspection found that the Area was generally delivering fair and just outcomes for users. Whilst there were some inconsistencies in the service to victims and witnesses the Area was mainly able to keep victims and witnesses informed of progress in their cases, and to ensure that in appropriate cases special measures were sought.

However, whilst new systems and case progression processes have been recently introduced across the Area, and the innovative early guilty plea scheme piloted in the Crown Court, there were too many cases seen where the Area had not been proactive in its case progression. In over 60% of cases examined ineffective hearings could have been avoided by better case progression. These hearings have costs for all criminal justice system partners, especially the courts, and focusing attention on improving case progression will deliver real savings. More recently, the Area had been deploying additional resources to case progression functions and there were signs of improvement.

CPS Merseyside has worked hard to reduce a reliance on using agents in the magistrates' courts with nearly all of its magistrates' court work being covered by its own staff. The Area also continues to develop its deployment of crown advocates in the Crown Court. The standard of advocacy in the Area was assessed as mainly good or better and there was evidence of good standards of witness care by prosecutors at court. However, ineffective case progression and problems with case preparation as highlighted above meant that not all cases were progressed at each court appearance. Court users were also aware that ineffective systems within the CPS were having an impact on the Area's ability to be fully efficient.

The Area has worked hard to control costs and ensure that it operates within budget. Planning for future staff deployment and the creation of a financial strategy in response to the comprehensive spending review is at an early stage. The Area is aware that more clarity is needed to ensure that the need to make savings does not compromise

its ability deliver clear accountability and effective governance arrangements.

Whilst the inspection recognises that the Area's recent centralisation and structural change was in part the result of a recognition by senior managers that there needed to be improved accountability, stronger performance management and resilience for the future, our findings indicate that there are some basic fundamentals that need to be tackled. The Area must focus on improving the quality of decision-making and case management. This will require more effective management of people, performance and processes.

CPS Cheshire

The standard of casework-related performance in CPS Cheshire was mixed. A lack of proactivity and some poor legal decision-making meant that the Area missed opportunities to correct mistakes and end cases at the most appropriate time. In some instances cases drifted through the system. However, pre-charge advice in serious and sensitive or complex cases was found to be of a high standard, although the Area did not as a matter of course record casework reviews on its files. This lack of review was also often accompanied by a lack of effective analysis or proactivity by the lawyer decision-maker.

The Area restructure has resulted in revised systems and structures for case progression. On-site checks indicated that these were producing better results than that found in the inspection file examination but the Area must ensure that quality as well as speed of processing is core to its case progression functions.

The handling of unused material by Area lawyers was poor. There was compliance with the prosecution's duties of initial disclosure in only 44% of cases and the Area met its continuing duties in only 50% of cases.

CPS Cheshire conducts all of its own magistrates' court advocacy to a high standard, with observations assessing all advocates as meeting or exceeding all requirements. Victim and witness care by advocates at court was also seen to be of a high standard. The Area needs to ensure that these high standards are also found in the quality of its court endorsements, as in over half of the cases examined inadequate court endorsements made it difficult for accurate information to be provided to victims and witnesses after the court hearing.

The inspection also identified that the Area could improve the more general service it offers to victims and witnesses. Whilst there were effective relationships with the witness care unit and Witness Service, there were weaknesses identified in the Area's processes for application for special measures, the arrangements for consulting victims in cases that are to be discontinued and in the systems that produce letters to victims explaining why cases have been dropped.

The Area has delivered a restructure that has produced greater resilience and also allowed it to cover its commitments in a more effective way. Whilst there is evidence that managers and staff understand and discuss performance outcomes and results, there is a tendency towards complacency; there is a view in the Area that because outcomes and performance results are generally positive nothing more

needs to be done. This inspection shows that with some directed management attention, outcomes and the quality of casework in the Area could be further improved.

The report makes the following recommendations:

Senior managers need to articulate a clear vision and strategy which includes quality as core to all it delivers. This vision needs to be supported by an effective quality management regime and regular reporting to the Group strategy board.

Senior managers need to take action to improve the standards of casework and decision-making in both Areas, including:

- Decision-making at the charging stage.
- Decision-making at file review.
- The handling of disclosure.

The Group needs to establish formal performance management arrangements for the CCU that offer the relevant levels of assurance on the handling of the complex casework. More effective systems and processes need to be introduced to ensure that the CCU is dealing with the correct level of cases from across the Group.

The Group needs to strengthen its charging performance management regime to ensure there is significant improvement in decision-making.

A full copy of the report is available on our website www.hmcpso.gov.uk.