

# HM CROWN PROSECUTION SERVICE INSPECTORATE

## INSPECTION OF CPS MERSEYSIDE (REPORT 3/04)

### EXECUTIVE SUMMARY

#### Introduction

1. This is the report of HM Crown Prosecution Service Inspectorate about CPS Merseyside. 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 who enjoys substantial autonomy. This was a full inspection. The Area was previously reported on in May 2000.

#### The Area

2. CPS Merseyside serves the area covered by the Merseyside Police. It has three main offices at Liverpool, Crosby and Birkenhead and two further units which are co-located with the police in Liverpool. The Area is divided on functional lines between magistrates' courts and Crown Court work. At the time of our inspection, the Area employed the equivalent of 252.9 full time staff. In the year to June 2003, it dealt with 45,414 cases in the magistrates' courts and 4,117 cases in the Crown Court. It gave pre-charge advice to the police in a further 2,227 cases.

#### Main findings of the Inspectorate

3. There is an upward trend in the number of offenders being brought to justice. The target is to increase this by 5% in 2003–04. In the year to September 2003 the Area had achieved 4.94% and expected to reach, if not exceed, the target by the end of the period. We consider that the Area has played a significant part in addressing those areas where it can have some effect.
4. The percentage of ineffective trials in both the magistrates' courts and in the Crown Court remains higher than the national averages. With the co-operation of all criminal justice agencies the trend is slowly downwards. Issues, particularly the non-attendance of witnesses and of defendants, are being jointly analysed and addressed. As trial hearings are listed some four to five months ahead, the Area should carry out a check near the date of the hearing to ensure that all necessary work has been carried out and so prevent adjournments for the prosecution. At the moment this occurs only in Crown Court cases and priority cases, such as those involving persistent offenders.
5. The timeliness of preparation of committals remains an issue, mainly because the full file is received from the police late and piecemeal. During the period from January to March 2003, there were 124 cases which were discharged because the prosecution was not ready, usually because evidence was still awaited from the police. In April to June the number had reduced to 73. The procedures agreed with the police for re-instatement are in place and it is clear that the CPS follow up most of them.

6. With its high quality of decision-making, regular reviews of deployment of staff, effective control of the budget and robust performance management, we consider that the Area gives good value for money.

### **Specific findings**

#### *Casework*

7. Merseyside CPS has a programme for the establishment of units that are co-located with the police following the recommendation in the Review of the CPS by Sir Ian Glidewell. The Liverpool Unit and a Street Crime (Robbery) Unit are set up. The latter has been successful in improving processes and delivering key performance, but urgent work is still needed in the Liverpool Unit to achieve the full benefits of co-location. In all units some administrative processes cause delays, particularly in the linking of police papers and correspondence to the files.
8. Shadow charging arrangements, implementing the recommendation of the Auld Review, have been slow. One pilot scheme is in place but due to present shortages of staff, some others may be delayed.
9. Decision-making and continuing review are good, although a small proportion of cases may be discontinued too readily, including some sensitive cases such as domestic violence or racially aggravated cases. We considered that CPS staff give added value to the preparation of cases but that they remain hampered by the poor quality and timeliness of full files prepared by the police.
10. Although there is room for further improvement, the Area's performance in both the magistrates' courts and the Crown Court for all aspects of the disclosure regime is above the average of the other Areas in the cycle to date.
11. Sensitive cases, which include those involving domestic violence, child abuse, rape and youth defendants, are generally dealt with well, with the help of a sufficient number of trained specialists to give advice. The Area has recognised that some cases involving racist incidents could have been handled better and is taking steps to address the shortcomings.

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

12. The Area prosecutors were mostly competent in all respects and some even better. Two, however, appeared unprepared. Due mainly to the shortage of lawyers, the Area relies heavily on junior members of the Bar to act as agents in the prosecution of trials in the magistrates' courts. The Area does not have a structured system for monitoring its advocates, agents or counsel and monitoring is infrequent.

### *Victims and witnesses*

13. The Area has a particularly high profile in the service provided to witnesses and has a strong relationship with the Witness Service. It arranged a multi-agency conference and participated in other conferences involving witnesses and witness care issues. It also took the lead in producing the leaflet for witnesses attending court. The non-attendance of witnesses has been identified as the main reason for the high ineffective trial rate and the Area, together with the other criminal justice agencies, has agreed a strategy to deal with this. Plans for the future include a joint CPS/police witness warning section within the Crown Court Branch.
14. The quality of letters sent under the Direct Communications with Victims initiative is good, being clear and informative and lacking in formulaic phrases. Although there is a high level of identification of appropriate cases, some room for improvement remains.

### *Performance management*

15. Performance management is very robust. Key priorities, linked to the achievement of the objectives for the CJS at large, are clearly set out in the Area and Branch Plans, together with the objectives and targets that staff are expected to achieve and with allocated responsibility. Quarterly reports from Branches to the Area Management Team ensure that performance is monitored and appropriate adjustments are made.
16. The Casework Quality Assurance Scheme has been fully implemented and Area Champions identify issues to be addressed from the Inspectorate's thematic and joint reports. These also inform future decisions and priorities for the Area.
17. At the higher level, an effective hierarchy of groups is in place to support the Merseyside Criminal Justice Board. Again, a comprehensive regime is in place properly to manage performance of the criminal justice agencies together.

### *People management and results*

18. At the time of this inspection the Area had a shortage of lawyers, which affected its ability to function as effectively as it would wish. Staffing and organisational structure are regularly reviewed and changes made to meet demands. Communication within the Area is satisfactory with effective use being made of new technology. Some Branch and team meetings, an important mechanism for two-way feedback, have become infrequent: they need to be re-invigorated.
19. The Equality and Diversity Action Plan is out of date and has not been very successful in driving a structured approach to these issues. This is being addressed with the help of focus groups involving all levels of staff and, meanwhile, the Area has promoted equality and diversity in a number of ways.

### *Financial management*

20. The Area has good central systems and expertise to monitor and control its budget. The responsibility of the Heads of Branches as budget holders could now be developed further. Its financial regimes allow the Area to assess resources, costs, future needs and outputs at any time.

### *Partnerships and resources*

21. The Area has positive relationships with its CJS partners and works particularly effectively with the Witness Service. It has played an important and effective role in the development of the Merseyside Criminal Justice Board and its supporting groups. Generally, the Area is well regarded by other agencies, which appreciate the constraints under which it is working.
22. Internally, the Area manages its resources well. It has successfully introduced Compass. There has been a high uptake of the system and most staff use information technology well.

### *Policy and strategy*

23. The AMT has a clear direction and ensures that staff understand its aims. When developing its policy and strategy it takes into account all relevant considerations, based on the results of its analysis of performance data. The processes for the development of its strategy are firm and systematic. They include the involvement of all levels of staff to enhance the concepts of ownership and responsibility.
24. The Area, in common with others, has had to deal with complex changes over the last year, responding to requirements for the CPS as a whole. Co-ordination of initiatives has proved difficult, but the Area has managed this well.

### *Public confidence*

25. Considerable work has been done to improve public confidence in the CJS. As mentioned above, more offenders are being brought to justice. The Area is involved at all levels in groups within the CJS that include representatives of the minority ethnic community. There is, however, a need to engage more directly with individual groups in order to establish the Area's individual identity, separate from the police. To this end, the Chief Crown Prosecutor has a high profile with the local media and, following training that has been given, other managers are also involved, although there is scope for further involvement, which they would welcome. The standard of the replies to complaints was very good, showing that they are seriously considered. A dip in timeliness of response has been addressed.

### *Leadership and governance*

26. The Chief Crown Prosecutor and the Area Business Manager have given staff a clear vision and direction through a series of various types of meetings, often involving outside speakers to give a different perspective.

27. There is a clear link from top-level plans, through Area and Branch Plans to individual objectives. The Area's management and organisational structure are conducive to achieving its objectives and co-operation with other CJS agencies is generally good, although the effectiveness of the co-located unit in Liverpool needs attention.

### **Recommendations**

28. Inspectors made the following five recommendations:
1. Heads of the Magistrates' Courts Branches should implement a trial check sufficiently before the trial date for effective necessary action to be taken.
  2. Heads of Branches should ensure the timely linking of, and response to, correspondence and police papers.
  3. The AMT should ensure that the monitoring of in-house prosecutors, agents and counsel is structured and more frequent.
  4. The AMT should develop and implement a clear policy and strategy for community engagement.
  5. The CCP, together with the managers of the CJU/MCU, should take urgent action to improve the efficiency and effectiveness of the Liverpool Co-located Unit.

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.hmcp.si.gov.uk](http://www.hmcp.si.gov.uk).

HMCPS Inspectorate  
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