

# **HM CROWN PROSECUTION SERVICE INSPECTORATE**

## **INSPECTION OF NORTH YORKSHIRE (REPORT 16/03)**

### **EXECUTIVE SUMMARY**

#### **Introduction**

1. This is the report of HM Crown Prosecution Service Inspectorate about CPS North Yorkshire. 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 is a full inspection. The Area was last reported on in November 2001.

#### **The Area**

2. CPS North Yorkshire serves the area covered by North Yorkshire Police. It has three offices: at York, Scarborough and Harrogate. The Area is divided on functional lines between the magistrates' courts' work (Criminal Justice Units) and Crown Court work (Trial Units). At the time of our inspection the Area employed the equivalent of 61.2 full-time staff. In the year to June 2003, it dealt with 15,378 cases in the magistrates' courts and 1,848 cases in the Crown Court. It gave pre-charge advice to the police in a further 2,191 cases. The Area's caseload has increased since the last inspection.

#### **Main findings of the Inspectorate**

3. Most aspects of work in the Area are good, and most of the recommendations and suggestions made at the time of the last inspection have been achieved, wholly or in part. We found that the overall quality of decision-making is good and inspectors did not disagree with any of the decisions to accept cases at initial review in the files which were examined. We did find, however, that improvements are needed in some casework processes.
4. The Area was conscious that it was fulfilling its duty to disclose unused material only to a qualified extent, but has been taking steps to improve its performance. The very positive results to both primary and secondary disclosure which we found during the course of our file examination indicates that performance is improving, comparing favourably with other CPS Areas.
5. In the main, sensitive cases (e.g. rape, domestic violence, child abuse and racially aggravated crime) were dealt with well, although improvement is required to address lapses in the handling of cases involving racial incidents.
6. There have been no failures in the custody time limit system, but we found that it was not being effectively managed and this aspect of work requires attention.

7. The CPS advocates observed were all assessed as competent or better, but a formal system of advocacy monitoring only exists for counsel in the Crown Court. It should extend more widely.
8. The Area enjoys good relationships with other criminal justice agencies and has taken a leading role in the Local Criminal Justice Board where the Chief Crown Prosecutor is the Chair.
9. A combined Criminal Justice Unit and Trial Unit has co-located with the police at Scarborough Police Station. Whilst this has brought some benefits, inspectors found that working practices between CPS and the police Administrative Support Unit had not been integrated and use of a single shared file was causing problems. The Area should review the effectiveness of its current structure, particularly in relation to the deployment of staff between Criminal Justice Units and Trial Units.
10. The management of financial resources requires attention so that the Area has accurate knowledge of its financial position.
11. The priorities which have been identified in the Narrowing the Justice Gap plans are now being addressed by using joint information, which is now being collected and shared with partners in the criminal justice system. The Area also engages with the community in a number of additional ways, such as involvement with the Area Child Protection Committee, and leading a proposal to deliver training to staff from public bodies and voluntary groups to raise awareness and promote understanding of, and tackle, hate crime.

## **Specific findings**

### *Casework*

12. Decisions to accept cases, alter charges or discontinue were generally good. There were cases, however, where a lack of continuing review meant that decisions could have been made earlier. Quality of pre-charge advice to the police is good.
13. The quality of decisions whether to discontinue is good, although they could have been made earlier in two of the cases which we examined. The files examined gave positive results in relation to the duty to disclose unused material. In the main, sensitive cases are handled well, although some improvement is needed in handling cases involving racial incidents. The operation and management of the custody time limits system needs to be reviewed and the quality of instructions to counsel are generally poor, with improvement needed in this aspect of work. Similarly, although there is a system for reporting on adverse cases, it is not being operated effectively, either in respect of monitoring or in respect of lessons which can be learned from adverse cases.

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

14. Quality of advocacy overall is good and the Area benefits from having a number of very experienced advocates; however, monitoring of in-house staff and agents needs to be formalised. The support to counsel by caseworkers is good, particularly in York where it is possible to provide cover on a one to one basis.

15. Pre-trial reviews in the magistrates' court are sometimes ineffective, either through lack of preparation or late receipt of a file from the police, but the CPS, together with other agencies, is actively seeking to improve the level of effectiveness.

*Victims and witnesses*

16. The relationship with the Witness Service is good. Lawyers and caseworkers provide good support to witnesses before, and also at, court.
17. Aspects of the Direct Communication with Victims scheme require improvement. The quality of some letters could be improved and robust systems need to be in place to ensure that letters are sent in all appropriate cases.

*Performance management*

18. A comprehensive performance information pack is produced which enables the Area's Senior Management Team to monitor key aspects of performance in the Area. Some aspects of performance which need to be improved have not been tackled in a timely manner.
19. The Area is now actively engaged with its partners in the criminal justice system in jointly monitoring performance.

*People management and results*

20. Planning of human resources is crucial, and systematic and continuous planning needs to be introduced. In particular, the Area should consider the deployment of staff in its Criminal Justice Units. It should also review the staffing structure for the Area Secretariat. Plans currently proposing recruitment of lawyers on a temporary basis have been promulgated as a reaction to staff moves, and not as part of a human resource strategy.
21. There has been some advance planning in relation to the staffing requirements of the new co-located unit in York, which is planned for late 2004/early 2005. This co-location will include an integrated administration unit.
22. The Senior Management Team is committed to open communications. The Area Sounding Board is used both to influence decision-making and represent staff opinion.

*Financial management*

23. At present the Area does not have the appropriate structure or staff to plan and monitor its budget. The Area Business Manager is the only person in the Area experienced in financial management and trained in the resource budgeting and accounting system. In the absence of the ABM therefore, there are significant implications for the efficiency and effectiveness of budget management.

24. Systems and processes to manage and monitor expenditure are required urgently. Since it came into existence as a separate CPS Area in 1999, North Yorkshire has been unable to operate within its budget, and has overspent each year. The Area is of the view that its activity based costing assessment is inadequate and, although it has had a 40% increase in provision since the last inspection in 2001, it is predicting an overspend for the current year.

*Partnerships and resources*

25. There has been a good start to partnership working between the Area and its criminal justice system partners. This is particularly evidenced in the plans with the police for co-location, with agreement reached over the principles for administrative arrangements. The single shared file system, which has caused considerable problems in the co-located office at Scarborough, is to be re-examined to determine best practice.
26. The Area has had considerable input to the magistrates' courts sitting pattern for the forthcoming year, which has resulted in changes to court listing to meet the needs of the CPS.

*Policy and strategy*

27. The Area has co-located with the police in Scarborough and has started to deliver the Charging initiative there. The need to deliver the key elements of the criminal justice system and CPS policy is recognised.

*Public confidence*

28. Complaints are dealt with well and responses to them are full and timely. The Area is actively engaging with the wider community, but now needs to be pro-active in relation to the media.

*Leadership and governance*

29. There is a clear commitment from the Area's Senior Management Team to achieving the aims set for the criminal justice system. Together with its CJS partners, the Area is focused on reducing cracked and ineffective trials. It is also taking the lead by increasing understanding among public and voluntary bodies about the existence of race and other hate crimes in rural communities.
30. The implementation of planned improvements has not always been complete and arrangements and systems are not in place to ensure that the operational performance of the Area and all its aspects continuously improves. In this respect, there is a need for the Team to review its working, and ensure the responsibilities for implementing Management Team decisions are clearly defined; and that there is ownership of responsibility for the examination and continuous improvement of its administrative processes.

## Recommendations

31. Inspectors made the following five recommendations:

1. The AMT should ensure that the system for monitoring custody time limits is further promulgated to staff, with such training as is necessary, to ensure strict and accurate compliance, taking into account the National guidance on essential steps.
2. The Unit Heads should introduce an effective system for the completion of adverse findings reports and analysis thereafter, with a view to establishing a medium for learning points.
3. The AMT should review the effectiveness of the Area's current structure, and in particular:
  - \* consider the deployment of staff within its Trial and Criminal Justice Units; and
  - \* the structure and work of staff within the Secretariat.
4. The AMT should take action immediately to ensure that:
  - \* committed and accrued expenditure is properly recorded and monitored so that the Area has up to date and accurate knowledge of its financial position;
  - \* budget reports are regularly and formerly considered by the AMT to enhance corporate responsibility for the Area's financial position; and
  - \* spending on agents is properly controlled.
5. The Area should:
  - \* Develop terms of reference to govern the work of the Management Team and define responsibilities for implementing management decisions.
  - \* Identify ownership for the examination and continuous improvement of its administrative processes.
  - \* Put systems in place to ensure continuing effectiveness.

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 at [www.hmcpai.gov.uk](http://www.hmcpai.gov.uk).