

HM CROWN PROSECUTION SERVICE INSPECTORATE

INSPECTION OF CPS NORFOLK (REPORT 7/03)

EXECUTIVE SUMMARY

Introduction

1. This is the report of HM Crown Prosecution Service Inspectorate about CPS Norfolk. 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 (CCP) who enjoys substantial autonomy. Following a risk assessment, this inspection was an intermediate (as opposed to a full) one and therefore inspectors did not consider pre-charge advice to the police; discontinuance; youth trials; or cracked or ineffective trials in the magistrates' court. Otherwise the inspection covered all aspects of performance.

The Area

2. CPS Norfolk serves the area covered by the Norfolk Constabulary. It has one office, situated in Norwich. Area business is divided on functional lines between magistrates' court and Crown Court work. The Area was previously reported on in April 2001.
3. At the time of the current inspection, the Area employed the equivalent of 73.2 full-time staff. In the year 2002 it dealt with 18,798 cases in the magistrates' court and 1,454 cases in the Crown Court. In addition, pre-charge advice was given to the police in 1,307 cases, which was 6.5% of its caseload compared with the national average of 4.1%. Since the last report there has been a slight increase in the number of magistrates' court cases, and a slight decrease in the number of Crown Court cases.

Main findings of the Inspectorate

4. CPS Norfolk has historically been a stable and well-performing Area, with all levels of staff contributing together to deliver a high quality of service to the local criminal justice system and to the community. The standard of casework demonstrated in the file sample mirrored, and in some aspects exceeded, that revealed in national data on performance outcomes. Particularly commendable was the strong element of collective case ownership and case responsibility in magistrates' court work, which was reflected in a very positive showing both in timely initial review and in continuing review.
5. The quality of service delivery at court, in terms of advocacy and witness care, was at the time of our inspection likewise very good, to the credit of both caseworkers and lawyers.

6. Cases are well prepared, although CPS Norfolk tends to rely less on systems and written procedure than individuals and oral communication, and thus when failures do occur there is an absence of the checking and back-up that might have prevented or corrected them. There was a very good overall performance on primary disclosure. In certain categories of cases, however, secondary disclosure was patchy. This did not appear to have originated in, or be confined to the CPS, but secondary disclosure needs reinvigoration locally, and the CPS ought now to be taking the initiative. The quality of instructions to counsel is another matter requiring attention.
7. The Area's staff are well regarded locally for their professionalism, commitment and standard of performance. Their stability and longevity in post, supported by good police files and significant recent increases in funding, are major advantages. The administrative staff are enthusiastic and keen to improve performance. There are very good relationships with other agencies within the local criminal justice system, bringing mutual benefits. In Norfolk there has been less structural change than in most other CPS Areas, and there are still no firm plans with regard to co-location. By the Autumn of 2003 CPS and police will share premises in Norwich, but there will be no integration of staff. Whilst the present system - a main feature of which is the early receipt of the full police file - works very well, the Area needs to clarify and communicate its strategy for the future.
8. Staff are on the whole well managed and led, and this was reflected in a strong showing in the annual staff survey. There are however a small number of issues requiring closer attention, which are explained in the chapter "People Management." A more focussed performance management system is needed, as there is currently uncertainty as to what should be measured and, more importantly, why it is being measured. We found some examples of inaccurate and incomplete information and the accuracy of data when cases are finalised is, in particular, not entirely reliable. Joint performance management with the police is working well, however, and the Area is also good at drawing appropriate lessons from adverse cases. The Area still needs to develop its use of technology, although some progress has been made since the last inspection.

Specific findings

Casework

9. Overall, cases are very well handled in both the Criminal Justice Unit (CJU) and the Trial Unit (TU). This is reflected by generally positive results, which regularly place CPS Norfolk amongst the best performing CPS Areas. Both initial and continuing reviews of cases, including legal reasoning, are almost always apparent on files and primary disclosure has improved considerably since our last inspection, to the point where it is now a strength. The CJU duty lawyer system ensures that summary trial files are mainly trial ready by pre-trial review (PTR), and any failures of the case to progress at that stage are rarely the fault of the CPS. The same applies in the TU, where file ownership and a proper grip tends to ensure that Crown Court cases are fully prepared for plea and directions hearings (PDH) and trial, with Court directions consistently complied with in a timely manner. Particularly pleasing was the very effective and, when required, robust handling of sensitive cases, particularly those of domestic violence, which is enhancing the CPS' standing with other criminal justice agencies and the wider community.

10. However, in Crown Court cases, both the prosecution and defence have developed a relaxed attitude to the service of a defence statement and secondary disclosure, so that such a statement tends to be the exception rather than, as elsewhere, the norm. Prosecutors did not always ensure that the police had responded to a defence statement.
11. There are a lack of systems to ensure a pre-trial check (both legal and administrative) in the CJU, and the chasing of late police committal files in the TU. Another concern is the absence of meaningful lawyer involvement in the brief preparation process in the TU. As a result, the quality of briefs to counsel - particularly of the more routine cases - is unacceptably low, often lacking details of the issues in a case, or instructions on the acceptability of pleas to alternative or lesser offences than those charged.

Advocacy and quality of service delivery at court

12. Case presentation in both the magistrates' courts and the Crown Court is of a very good standard. Low agent usage and case ownership and responsibility have made significant contributions to achieving and maintaining this standard in the CJU, but care will need to be taken that these features are retained in the forthcoming division of the CJU into two teams. In the Crown Court a team of equally experienced and competent caseworkers delivers a very good service to the Court, to witnesses, and to counsel.

Victims and witnesses

13. The Area is making substantial efforts to engage more closely with victims and witnesses and benefits from a good working relationship with the Witness Service in both the Crown Court and the magistrates' courts.
14. In relation to witness care in the magistrates' courts, however, some further progress needs to be made in integrating the Area's dealings with sensitive and vulnerable victims and witnesses with those of the Witness Service.
15. A good system is in place to ensure that decisions to discontinue or alter a charge are communicated in a timely and appropriate manner to victims.

Performance management

16. The performance of the Area against national targets and objectives is strong in most categories. There has been an increase in the amount of performance data collected since the last inspection. Joint work with the police is very good and work with other agencies is satisfactory.
17. However, against the generally positive backdrop of performance outcomes, there are some concerns as to the overall effectiveness of the performance management system. There was a lack of understanding as to the value of some of the data, a lack of clarity as to the ownership of performance data, and analysis was variable in its thoroughness.

People management and results

18. Most aspects of people management are handled well in Norfolk. Some decisions which could have been made by line managers were being taken at a higher level than necessary. The Area benefits greatly from the experience levels of lawyers and caseworkers. Combined with recent increases in funding, the Area is well placed to continue providing high levels of service and staff satisfaction and to improve in the small number of aspects that require attention. The Area deploys its staff extensively in the magistrates' courts with minimal cover from agents. Coverage by Higher Court Advocates (HCAs) has increased, but could be developed further.
19. We received mixed views with regard to communication. There were good formal communication mechanisms in the Secretariat and the CJU. There were a few instances where failure by managers to communicate effectively had been perceived as a lack of openness. There is scope for improving the flow of information from staff to managers.

Management of financial resources

20. The Area has appropriate controls and systems to ensure it stays within budget and is able to appreciate its financial position. It should remain within budget this year. The Area has been allocated a significant increase in budget next year and planning was under way as to how best to utilise this funding.

Partnerships and resources

21. The very positive relationships between all criminal justice system (CJS) partners are a feature of Norfolk. The police, and representatives of the courts and Witness Service have a high regard for the work of the CPS. The nature of the relationships is such that, on the few occasions where operational problems occur, they can be discussed in an open, effective and constructive manner.

Policy and strategy

22. Norfolk has not experienced the level of change seen by many CPS Areas in that it has not implemented any co-located units with the police, or taken part in any pilots or new initiatives such as Street Crime or Charging. There appears to be no great drive among the agencies for any co-location, whether as part of Glidewell or Charging, and the majority of people believe that the current high levels of performance can be maintained without such a step.
23. The Area will relocate to better accommodation in the Autumn of 2003, and while the police are moving into the same premises, it is not intended for there to be any conjoined working at the outset. More joined-up working may follow in a second phase, but there was no certainty as to what this might entail and when it might happen.

Public confidence

24. The Area is, in keeping with its fairly cautious and conservative style, at present in the early stages of engaging proactively with the local community so as to improve public confidence. What it does it does well, but its profile remains low. It has taken steps to identify areas where it could make progress, and now needs to turn this information into action.

Leadership and governance

25. The Area is playing a positive role in the CJS in Norfolk. Area managers work well with their counterparts in other agencies. There are adequate controls and systems in place to ensure that Norfolk can continue to be one of the better performing Areas in the CPS, certainly in the short term. There is less clarity about the future, and some staff would prefer to have greater certainty.
26. There has been comparatively less significant change in Norfolk than in other CPS Areas. Change often leads to tension and stress, and this may be contributing to the concern expressed by some staff over the reorganisation in the CJU.
27. Some managers tend to be robust in expressing their views. Whilst staff morale is generally good there are a few areas of tension that need sensitive monitoring and handling.

Recommendations

28. Inspectors made the following four recommendations:
 1. The CCP and Trial Unit Head ensure that instructions to counsel fully cover all the issues in a case including, where appropriate, the acceptability of pleas.
 2. The CCP and Trial Unit Head take steps to ensure that the CPS becomes more vigorous in pressing for a defence statement and introduce a robust system to ensure that the prosecution's secondary disclosure obligations are complied with.
 3. The CCP/ABM review their performance management system to ensure that;
 - * it focuses on the needs of the Area;
 - * there is greater clarity with regard to what is being measured and why;
 - * information is accurately compiled and complete;
 - * meaningful analysis is undertaken; and
 - * there is clear ownership and responsibility.

4. The ABM ensures that the performance indicators are a true reflection of the type of case undertaken, and that they only include cases which the CPS is genuinely entitled to claim.

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.

HMCPS Inspectorate
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