



CPS Surrey

The Inspectorate's report on CPS Surrey

Executive Summary

July 2009

Introduction

This is the executive summary of Her Majesty's Crown Prosecution Service Inspectorate's (HMCPISI) report about CPS Surrey (the area) which serves the area covered by the Surrey Police.

The area has one office, at Guildford, and in March 2009 employed the full-time equivalent of 73 staff.

The area Secretariat comprises the Chief Crown Prosecutor, Area Business Manager and the full-time equivalent of eight other staff. The budget in 2008-09 was £3,747,894.

In 2008-09 Surrey provided pre-charge advice and decisions to police in 6,101 cases. 12,258 defendants were prosecuted in the magistrates' courts and of those 1,478 went on to be dealt with in the Crown Court.

Contextual factors and background

In September 2007 Surrey was rated as poor in HMCPISI's overall performance assessments (OPAs) of all CPS areas. This was primarily the result of a poorly planned restructure in early 2006 which caused administrative difficulties and a break down in relationships with external partners. The purpose of this inspection was to assess the progress made since the OPA. This summary provides an overview of the findings as a whole.

At the time of this inspection the area was undergoing a number of changes. It had recently moved to new premises and was preparing for another restructure which would place the magistrates' courts and Crown Court units into a combined unit, albeit split on geographical lines for the purposes of partnership working. These changes had significant impact upon staff and planning and resources.

Summary of findings

Surrey has made progress against the majority of weaknesses identified in the last inspection and OPA. The administrative team is now significantly more efficient and performance outcomes have improved in a wide range of measures, although it should be borne in mind that many of them are still at the lower end of the spectrum of national performance.

At the time of the last inspection the area had lost the confidence of many of its partner criminal justice agencies. The position has improved considerably and most external agencies believe that the CPS is now a more responsive and constructive organisation. There needs to be greater clarity over the role of the local prosecution team performance management meetings in the joint performance regime.

Whilst there are a number of positive examples of progress there remains much to do. Communication between management and staff is a matter of concern and, if not addressed swiftly, could seriously hamper future progress. It has already impacted adversely on morale.

Our file examination indicated that there is a need to improve the all round handling of casework from initial advice and decision-making, through ongoing review to case preparation and presentation. The quality assurance systems need to be strengthened.

Although the outcomes in cases that have been the subject of pre-charge decisions have improved, the overall quality of pre-charge decision-making requires significant improvement. Ancillary issues and special measures for victims and witnesses were not considered in many cases and almost 20% of charging decision forms were rated as poor, for example because they were not sufficiently detailed and often did not contain action plans. The file examination indicated that some prosecutors were being overly cautious and delaying decisions with requests for further unnecessary information, which supported views expressed by some police officers.

Successful outcomes in magistrates' courts' cases have improved since the last inspection and the conviction rate was 86.6% in 2008-09, which was slightly below national performance. The introduction of the optimum business model, together with the hard work of staff, has led to significant improvements in the progression of magistrates' courts' cases. However case preparation is often undertaken very close to the trial date and the quality of the decision-making requires monitoring. The trial effectiveness rate is better than nationally.

Full file reviews in Crown Court cases were generally of a better quality and more detailed than those in the magistrates' courts. Successful outcomes have improved a little since the OPA but are still worse than national performance. The timeliness of actions post plea and case management hearings and case progression generally needs improvement. Trial effectiveness is good and significantly better than nationally. Performance in respect of asset recovery and confiscation is poor and needs improvement.

The progression of cases at court has improved, aided by a significant increase in the use of in-house advocates, and good progress has been made towards meeting the advocacy strategy targets. Although falling just short of advocacy deployment targets in 2008-09 the area is well positioned to achieve them in 2009-10. Preparation time remains an issue and this is sometimes reflected in the standard of advocacy, which is variable.

Specialists or champions have been appointed for all categories of sensitive cases but their roles and responsibilities need to be clarified. The area has established good links with the police for dealing with sensitive cases and there has been an improvement in unsuccessful outcomes in most categories. There has been some positive work in respect of rape cases which has led to improvements in outcomes and the way they are handled. Sensitive cases are not always reviewed in accordance with CPS national policy and, in particular, the handling of road traffic cases involving a fatality requires improvement.

Compliance with the prosecution's duties of disclosure of unused material remains poor. Weaknesses were widespread ranging from simple administrative issues to more serious failures to disclose relevant material. Sensitive material was generally handled better.

Systems for managing custody time limits are generally sound and there have been no failures since the last inspection. The results of our file examination indicate that management checks need to be more robust.

The area has improved the extent to which its obligations under the Victims' Code are met, assisted by the better flow of information between it and the witness care unit. Compliance with the direct communication with victims scheme (under which the CPS writes to a victim to explain why no charge has been brought in their case or a charge has been dropped or substantially altered) has improved but requires significant further work, including the quality of letters. Witness warning systems are satisfactory and the target for witness attendance rates is being met.

There is a greater focus on performance management than was apparent in the past although the aspiration to introduce a culture of continuous improvement is some way away. Good progress has been made towards achieving national targets in a number of key issues but other important aspects of performance that are not subject to formal targets, such as disclosure of unused material, revealed weaknesses. The performance and development review process for individuals is not yet fully effective.

Systems for controlling non-ring fenced running costs are sound and Surrey remained within its allocated budget in 2008-09 for the first time in a number of years. Whilst improvements in the management of prosecution costs have been made, systems for forecasting them could be strengthened. The management of sickness absence has been very effective in 2008.

Whilst the management team has a clear vision and underlying priorities for the area the business plan needs to set out how they are to be achieved, together with timescales. Progress against the plan also needs to be reviewed.

The management of changes being undertaken at the time of the inspection was underpinned by sound planning and risk registers to manage risks. These needed to be complemented by more effective analysis and management of links between projects. The main risk register does not cover all that would be expected and is not reviewed or updated regularly. Risk seems to be better managed at the individual project level.

Community engagement has been a higher focus than previously although activities have been largely contained to raising awareness of the CPS. The area needs to place greater emphasis on engaging a broader range of community groups in dialogue to improve services.

Conclusion

Surrey has improved and is moving in the right direction in most aspects of work. However there is still a considerable way to go and some casework issues require significantly more attention because they can be regarded as only just adequate, and weaknesses remain. Key to success will be the extent to which managers engage more effectively with staff and improve the standard of decision-making and casework handling. In light of our overall findings CPS Surrey is now rated as **FAIR**.

Summary of judgements

Critical aspects	OPA 2007	Inspection 2009	Direction of travel
Pre-charge advice and decisions	Fair	Poor	Declined
Decision-making, preparation and progression in magistrates' courts' cases	Poor	Fair	Improved
Decision-making, preparation and progression in Crown Court cases	Fair	Fair	Stable
The service to victims and witnesses	Fair	Fair	Stable
Leadership and management ¹	Poor	Fair	Improved
Overall critical assessment level	Poor	Fair	
The prosecution of cases at court	Poor	Fair	Improved
Serious violent and sexual offences and hate crimes	Poor	Fair	Improved
Disclosure of unused material	Poor	Poor	Stable
Custody time limits	Poor	Fair	Improved
Managing performance to improve	Fair	Fair	Stable
Managing resources	Poor	Fair	Improved
Partnership working and community confidence	No direct comparator	Fair	No direct comparator ²
Overall assessment	Poor	Fair	

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.

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 11 to help improve the area's performance.

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- 1 Area managers should take action to improve the quality of the record of decision (MG3s) and undertake regular monitoring to ensure in particular that:
 - the correct charge is selected at pre-charge decision stage;
 - there is appropriate consideration of ancillary issues;
 - instructions to associate prosecutors are endorsed on MG3s; and
 - action plans are clearly set in the appropriate place on the MG3s with target dates (paragraph 3.8).

 - 2 Area managers should undertake regular checks of the quality and timeliness of legal work undertaken on the optimum business model case preparation unit and where necessary ensure that appropriate mentoring or training is delivered (paragraph 4.15).

 - 3 The Area Strategy Board should ensure that the strategies devised to improve performance in asset recovery are fully supported and progressed (paragraph 5.8).

 - 4 Area managers should ensure that there is a more robust and systematic approach to the analysis of adverse outcomes in Crown Court cases. Issues identified should be the basis for more detailed feedback both within the organisation and to partner agencies to ensure lessons are learned (paragraph 5.11).

 - 5 Area managers should examine the handling of road traffic fatality cases to ensure compliance with CPS policy (paragraph 7.12).

 - 6 Prosecutors should always view the video recorded interviews with child witnesses, assess the quality of evidence and record this (paragraph 7.18).

 - 7 The Area Strategy Board should implement the area action plan for disclosure and ensure systematic and robust monitoring is carried out and the disclosure record sheet is used in all cases to record the decisions and actions in relation to disclosure (paragraph 8.16).

 - 8 The Area Strategy Board should:
 - undertake a further review of the quality and timeliness of direct communication with victims and Victims' Code letters;
 - ensure that the witness care unit are provided with copies of all letters;
 - ensure letters are recorded on the case management system; and
 - ensure that where appropriate meetings are offered to victims (paragraph 10.7).
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- 9 Unit heads should ensure that casework quality assessments are robust, that feedback is given quickly in appropriate cases, and that a more targeted approach is adopted (paragraph 11.8).
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- 10 The Area Strategy Board should ensure that training, development, coaching and mentoring is provided to assist staff in their new roles under the restructure, and to improve skills, particularly in casework handling (paragraph 13.6).
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- 11 The Area Strategy Board needs to take swift action to address communication issues between management and some staff by:
- ensuring that staff have the opportunity to raise and resolve issues with management openly;
 - ensuring that management regularly communicate with staff on a face-to-face basis and not rely too heavily on e-mail, especially in relation to changes that have a significant impact on staff; and
 - addressing the low morale amongst lawyers and issues around dignity and respect (paragraph 13.13).
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Aspects for improvement

We additionally identified 14 aspects for improvement.

- 1 The optimum business model folder system for magistrates' courts' cases should be implemented (paragraph 4.13).
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- 2 A system should be developed to improve case progression and ensure compliance with court directions (paragraph 5.14).
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- 3 Adequate cover must be provided for cases heard at Kingston Crown Court and if necessary the Area Strategy Board should negotiate a service level agreement with CPS London for court cover (paragraph 6.8).
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- 4 Advocates should complete court endorsements as soon as practicable and they should be clear, legible and completed on the appropriate part of the file jacket (paragraph 6.11).
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- 5 There is a need to:
- fully define the role and responsibilities of the specialist crime champions/co-ordinators; and
 - allocate them time to monitor sensitive and hate crime cases and analyse unsuccessful outcomes (paragraph 7.4).
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- 6 Steps should be taken to agree a protocol with Surrey Social Services for the disclosure of third party material (paragraph 8.11).
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- 7 Managers should remind all relevant staff that custody time limit expiry dates apply to each charge. Endorsements on the file should indicate which expiry date applies to which charge. Applications to extend custody time limits should comprehensively set out the reasons why such an extension is justified (paragraph 9.7).

- 8 Prosecutors should ensure that they request police to seek a victim personal statement if one is not present in appropriate cases (paragraph 10.3).

- 9 When feedback is given to staff it should be handled in the most appropriate and constructive manner (paragraph 11.13).

- 10 There needs to be greater clarity over the role (if any) of the local prosecution team performance management meetings (paragraph 11.18).

- 11 Controls on prosecution costs should be reviewed (paragraph 12.5).

- 12 The business plan should set out how priorities will be achieved and the timescales for completion; and progress against priorities should be reviewed regularly and remedial action implemented where required (paragraph 13.3).

- 13 The risk register should be reviewed regularly and the scope of risk expanded to include those involving staff engagement and change management issues and interdependencies between projects (paragraph 13.9).

- 14 The community engagement strategy should be developed to consult with the local community and broaden the base of community groups the area engages with (paragraph 14.9).

Strengths

We identified two strengths within Surrey's performance.

- 1 Over the last 12 months the area rape co-ordinator has been proactive in engaging other agencies and implementing new initiatives to address the low conviction rate for rape offences (paragraph 7.9).

- 2 The management of sickness absence has been very effective (paragraph 12.18).

Good practice

We have identified one aspect of good practice that might warrant adoption nationally.

- 1 A form accompanies each complaints file and is signed off at conclusion by the Chief Crown Prosecutor, who notes any lessons to be learned and provides feedback (paragraph 14.11).
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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.