



HM Crown Prosecution
Service Inspectorate

CPS Surrey

Second Follow-Up Report

The inspectorate's report on CPS Surrey

Undertaken April 2011

June 2011



Contents

Chief Inspector’s foreword	1
Introduction	3
Background.....	3
What did we find?.....	4
Some information about CPS Surrey.....	5
Overview and conclusion.....	5
Implementation of the recommendations	7
Recommendation 1.....	7
Recommendation 2.....	8
Recommendation 3.....	9
Recommendation 4.....	10
Recommendation 5.....	10
Recommendation 6.....	11
Recommendation 7.....	11
Recommendation 8.....	13
Recommendation 9.....	13
Recommendation 10.....	14
Recommendation 11.....	14
Implementation of aspects for improvement	17
Aspect for improvement 11.....	17
A Aspects for improvement	18
B Methodology	22



Chief Inspector's foreword

HMCPsi is committed to promoting improvement, and this principle is embedded in all our work. I am particularly aware that follow-up inspection has a key role in helping the CPS focus on our recommendations, and I am pleased that CPS Surrey appears to have responded to this approach.

When we carried out a follow-up inspection in CPS Surrey in 2010, the Area was able to demonstrate only limited progress against the recommendations made following our 2009 inspection. A further follow-up inspection was therefore scheduled for April 2011, and I am very pleased to note that the Area, which was subsumed into CPS South East on 1 April as part of the national re-structure, has applied itself to most of the issues we identified previously, and that outcomes for partners and the public are now improving.

In particular, case progression systems are more effective so that victims, witnesses and defendants are more likely to see their cases conclude within a reasonable time. Also, CPS Surrey is now carrying out more robust assessment of its own casework, which is leading to improved legal decision-making and case preparation.

CPS Surrey has also made significant progress in reducing the amount spent on Crown Court advocacy provided externally. This demonstrates that greater cost consciousness and tighter financial controls can create efficiency without any reduction in quality.

Finally, I would like to highlight the achievement of those managers and staff who have worked hard to improve internal communication and morale over the last three years. This has been critical to the improvement of outcomes for partners and users.



Introduction

Background

This report details the findings of Her Majesty's Crown Prosecution Service Inspectorate (HMCPsi) arising from the second follow-up progress visit to CPS Surrey between 11-15 April 2011.

The inspectorate carried out a full Area effectiveness inspection (AEI) of CPS Surrey in March 2009 with a report of their findings published in July that year. Although the 2009 report recognised improvements since 2007 and rated the Area as Fair, a number of key weaknesses remained both in casework handling and in management's ability to engage effectively with staff.

The 2009 AEI report made a total of 11 recommendations designed to assist the Area to address those weaknesses in performance. In addition the inspection identified two strengths and 14 aspects for improvement (AFIs).

In June 2010 the inspectorate assessed the Area's progress against the recommendations and AFIs contained in the 2009 report. We also evaluated whether the strengths in performance remained. Although some recommendations and AFIs had been fully implemented or substantial progress achieved, there remained several where limited or no progress had been made.

A further follow-up inspection was therefore carried out in April 2011 in order to monitor the Area's progress against its own action plan and the outstanding recommendations and AFIs. We did not separately consider any strengths in performance on this occasion.

In this follow-up review the inspectorate has not carried out an inspection of CPS Surrey against the full range of aspects of performance. In terms of performance measured by outcomes, the steady progress noted in the 2009 report has continued.

We have again rated the Area's response to the outstanding recommendations and the results appear in the table below. Each recommendation has been measured according to the following:

- **Achieved** – the Area has accomplished what was required.
- **Substantial progress** – the Area has made real headway in taking forward its planned actions in relation to the recommendation.
- **Limited progress** – the Area has done something to address the recommendation.
- **Not progressed** – the Area cannot demonstrate any progress.
- **No longer applicable** – where for instance the Area has restructured or some national initiative has completely changed the situation.

A detailed account of the methodology we used to gather our evidence and data is provided in annex B.

What did we find?

The table below sets out the original recommendations in brief, the degree of progress that we determined had been made when we returned to the Area in 2010 and our judgements formed as a result of our most recent visit in April 2011. In respect of three recommendations, substantial progress had been made in 2010 and so we did not specifically assess these, and we saw no evidence to suggest that performance had declined.

As can be seen from the table, the Area was able to demonstrate significant improvements in respect of seven of the eight outstanding recommendations. When considered together with the substantial progress towards implementation of a further five aspects for improvement, the overall direction of travel is positive. A more detailed explanation of our findings can be found later in this report. Details of how the Area has responded to the outstanding aspects for improvement are set out in a further table at annex A.

Recommendation	Rating as at June 2010	Rating as at April 2011
1 Improve MG3 quality and monitor regularly	Limited progress	Substantial progress
2 Supervise legal work in optimum business model	Not progressed	Substantial progress
3 Devise and support strategy to boost performance in asset recovery	Limited progress	Limited progress
4 Strengthen analysis of adverse outcomes in Crown Court cases	Substantial progress	Substantial progress ¹
5 Ensure compliance with CPS policy in handling road traffic fatality cases	Substantial progress	Substantial progress ¹
6 Prosecutors to view all child witness video interviews and record their assessment	Limited progress	Achieved
7 Improve performance in the disclosure of unused material	Not progressed	Substantial progress
8 Ensure compliance with CPS direct communication with victims scheme	Substantial progress	Substantial progress ¹
9 Ensure robust and targeted casework quality assurance takes place	Not progressed	Substantial progress
10 Train and develop staff to support them in their new roles in combined unit structure	Limited progress	Substantial progress
11 Improve communications between management and staff and address low morale amongst lawyers	Limited progress	Substantial progress

¹ The Area achieved or made substantial progress towards this recommendation in the last report and therefore progress against this recommendation was not assessed in our follow-up.

Some information about CPS Surrey

In 2009, CPS Surrey implemented an internal restructuring plan to create two combined units dealing with both Crown Court and magistrates' court work and also a smaller unit of senior crown advocates managed by the senior district crown prosecutor (SDCP) which was called "Jury Chambers" responsible for Crown Court trials and related advocacy.

In the early stages of the inspection, before our fieldwork started, the CPS announced that the national structure was to be revised with effect from 1 April 2011. The Group structure was to be replaced by 13 CPS Areas, each of which is now headed by a chief crown prosecutor (CCP) assisted by a deputy chief crown prosecutor, with the geographical boundaries of the new Areas unchanged from those of the previous Groups. As a result CPS Surrey was subsumed into CPS South East on 1 April 2011, immediately before our fieldwork.

In this report we refer to the Groups and Areas as they existed under the pre-1 April structure.

The inspectorate had also visited the Area in November 2010 and in March 2011 as part of its thematic reviews of the CPS graduated fees scheme and advocacy respectively².

During the year since our last visit, the Group daytime direct charging scheme has become embedded in the South East Group including Surrey. The Area has retained the responsibility for providing charging decisions to the police in respect of offences of (complex) fraud and in allegations of rape and other serious sexual offences. Additionally the police still refer charging decisions to Area lawyers in fatal road traffic incidents and other major investigations.

Overview and conclusion

We found that the Area has now made at least substantial progress towards implementing ten out of 11 recommendations from the 2009 report: this is a marked improvement since June 2010, when it had made substantial progress against only three. Out of 12 relevant aspects for improvement in the 2009 report, the Area has now achieved two and made substantial progress towards meeting eight others.

This results directly from the commitment of staff and management to driving improvements at the operational level in performance and quality assurance of casework. Some managers expressed the view that the rigors imposed by the inspection process had assisted the Area to introduce a regime that focussed on assessing the quality of their casework. If the focus on monitoring quality is maintained, further progress can be made.

² "A value for money inspection of the application of the CPS graduated fees scheme" and advocacy follow-up.

Of particular note was the clear transformation of the magistrates' court OBM³ case progression pod into a functioning unit that has begun to enjoy the confidence of most staff, and the implementation of a Crown Court OBM pod that has the potential to improve the progression of volume casework. Some difficult challenges remain such as the need to work with police partners to boost the value of confiscation orders and to maintain improvement in handling unused material, but a new sense of purpose is evident from the Area to tackle these.

Significantly, new strategies have been developed to address the gulf that had grown up between senior managers and some sections of the staff. It would have been surprising if such deep-seated problems had been solved so quickly and a certain remoteness still remains. However, progress has been made but managers must continue to direct effort towards narrowing this gap.

³ The optimum business model (OBM) is a framework of structures, key roles and processes to manage case progression. Through the OBM, volume cases are assigned to a team for preparation, rather than being the responsibility of any one individual.

Implementation of the recommendations

Recommendation 1

The Area managers should take action to improve the quality of records of charging decisions (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;
- action plans are clearly set in the appropriate place on the MG3s with target dates.

SUBSTANTIAL PROGRESS: All Area lawyers have completed the e-learning module “Charging” on the CPS Prosecution College. As revealed by our file examination, there has been some improvement noted in the quality of Area MG3s particularly in the completion of action plans for the police. Although the regular inclusion of instructions to court prosecutors has declined, other aspects remain broadly similar to those we examined in 2010.

We examined a total of 19 Surrey files of which 16 had been the subject of pre-charge decisions. CPS Surrey Area lawyers made the pre-charge decisions in six of these cases, the remaining ten having been made by the daytime direct charging scheme, or CPS Direct. Some caution must therefore be exercised when considering these findings and any judgements that might be formed as a result.

We found that the overall quality of the six Area MG3s in our sample was good in three, fair in two and poor in one. The proportion of cases where action plans met the required standard had increased since 2010 whilst the proportion of cases where the correct charges had been selected and those where the appropriate ancillary orders were identified remained broadly similar. On the other hand there were proportionately fewer cases where full instructions to the court prosecutor had been included in the MG3.

There has however been a radical shift in attitudes towards the regular monitoring of MG3 quality such that it now forms part of monthly reports to the CCP by the district crown prosecutors (DCPs) and generates specific feedback both to individual Area prosecutors and to the Group daytime direct charging manager, and this accounts in the main for the substantial progress noted.

Detailed analysis of charging decisions in fraud cases has also been undertaken by the Area and the original process of offering face to face consultations to the police has now been modified so that written files are now submitted unless exceptional circumstances can be demonstrated. Quarterly reports for senior management are produced by the Area’s rape co-ordinator and these include comment on the quality of MG3s.

Recommendation 2

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

SUBSTANTIAL PROGRESS: When we examined the two OBM units in both magistrates’ court and Crown Court sections, it was clear that a concerted effort had been made by both DCPs and the SDCP to make them effective. This had been achieved partly by changes in the staffing structures and management of the units themselves and partly by a greater commitment to improving quality.

Since our last inspection, the DCPs and SDCP had implemented a regime of quality assurance of the legal work in the OBMs and a weekly monitoring form is completed by the DCP of

each case that has been processed through the OBM pod. These are proving beneficial to the work of the units themselves but also link well with the core quality standards monitoring (CQSM)⁴ process for the Area and individual performance management. We were also told by staff that managers spent time on the OBM case progression pods from time to time in order to gain first hand experience of their operation.

Of the files we examined, nine were dealt with in the magistrates’ court. Four of these were live cases still awaiting trial and five were finalised. We found that there was timely completion of all directions between first hearing and trial in just three of these cases. The late service of initial disclosure was the main reason why compliance with directions was not timely. However, all magistrates’ court trials in our sample were effective and the effective trial rate in Surrey was better than the national average in the last quarter of 2010-11.

<i>Proactive and timely case management of Crown and magistrates’ court cases</i>			
	Good	Fair	Poor
2010 findings	0.0%	62.5%	37.5%
2011 findings	38.9%	55.6%	5.6%

Magistrates’ court

The two separate units covering Guildford and Woking that were operative in June 2010 had been amalgamated into one unit. The two separate case progression OBM pods were also unified. A senior crown prosecutor has been deployed on the unit for a sustained period of six months which has led to increased consistency and efficiency by allowing them to

remain involved in a case through to trial and eliminating potentially wasteful duplication. Most importantly, the sustained deployment of lawyers to the unit throughout the preceding months has enabled the OBM to get further ahead in terms of its pre-trial work.

⁴ A system of internal monitoring against the standards, whereby each Area undertakes an examination of a sample of completed cases to assess compliance against standards.

The Area has been assisted in maintaining regular lawyer deployment on the OBM unit by using a limited number of agents for court coverage; however budget for this was due to run out by the beginning of the year 2011-12, and managers will need to ensure that this does not undermine continued progress. At the time of our visit, work was ongoing in cases with trial dates that were seven to ten days ahead, which is a considerable improvement on the “last minute” preparation we saw on our previous visits. A small selection of live files was examined by inspectors and in general these were ready for trial.

Crown Court

The Crown Court OBM pod went “live” in July 2010 and has been implemented across the Area with some signs of success. The deployment of paralegal officers within the unit has been viewed as a positive development although the availability of lawyers was more occasional until the appointment of a lawyer for a fixed period. Nevertheless, the Area was managing to adhere to timeliness targets in terms of service of committal papers and prosecution case in indictable only matters. A sample of five live cases awaiting plea and case management hearing (PCMH) or trial was examined on-site by inspectors and all were prepared to a good standard.

We also examined ten Crown Court cases both live and finalised and found that in all ten cases the directions required before PCMH had been fully complied with. However in only half of those cases where directions had been issued between PCMH and the trial date had there been full compliance.

Recommendation 3

The Area Strategy Board should ensure that the strategies devised to improve performance in asset recovery are fully supported and progressed.

LIMITED PROGRESS: The Area’s POCA (Proceeds of Crime Act) Group has continued to meet throughout the year since our last visit in June 2010 and although targets set for the year were achieved in terms of numbers of orders (59 achieved in excess of the target set of 55), the value of assets seized through confiscation has fallen to approximately £1.3 million which was just over half the £2.5 million target set, and down from the £1.9 million achieved in 2009-10. The Area explains this reduction in the value of confiscation orders as being a result of the current depressed economic climate; however this is not supported by the national picture, where both the number and value of confiscation orders increased over the same period.

A POCA awareness campaign took place in the local community in March 2011, along with some targeted local training of police officers; however these measures were undertaken too late to impact on 2010-11 outcomes. It is hoped that performance will improve during 2011-12 and a target of 60 orders, with a value of £2.5 million has been set. Area managers acknowledge that this recommendation is being treated as a medium to long-term objective but more attention needs to be given to identifying those cases where orders of higher potential value are likely to be realised as well as just increasing the numbers. It is pleasing to note that the POCA conversion rate⁵ of 8.1% for 2009-10 had increased to 12.1% in 2010-11.

⁵ Conversion rate is the proportion of convictions for acquisitive crime (theft, burglary, fraud, drugs etc) in the Crown Court which result in confiscation orders.

The introduction of the fraud clinic at the time of our 2010 visit had led to some improvements in file quality but closer monitoring of casework passing through the charging scheme has subsequently identified a number of learning points for investigators and prosecutors alike.

Recommendation 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 learnt.

The Area **ACHIEVED OR MADE SUBSTANTIAL PROGRESS** towards this recommendation in the last report and therefore progress against this recommendation was not assessed in our follow-up.

Recommendation 5

Area managers should examine the handling of road traffic fatality cases to ensure compliance with CPS policy.

The Area **ACHIEVED OR MADE SUBSTANTIAL PROGRESS** towards this recommendation in the last report and therefore progress against this recommendation was not assessed in our follow-up.

Recommendation 6

Prosecutors should always view the video recorded interviews with child witnesses, assess the quality of evidence and record this.

ACHIEVED: Our file examination disclosed that prosecutors had viewed video recorded interviews with child witnesses in all relevant cases in the sample and had recorded their comments regarding their evidential quality.

Moreover managers have now set up a spreadsheet of rape and serious sexual offences (RASSO) received by the Area which includes an indicator of whether this requirement has been met. Examination of the spreadsheet confirmed that all identified cases were successfully recorded. The Area rape co-ordinator's monitoring report also addressed this issue.

Recommendation 7

The Area Strategy Board should implement the Area action plan for disclosure, and ensure that systematic and robust monitoring is carried out, and that the disclosure record sheet is used in all cases to record the decisions and actions in relation to disclosure.

SUBSTANTIAL PROGRESS: Since our last visit, the Area's managers have started to address the acknowledged weaknesses in the handling of unused material originally identified in 2009 and highlighted again in 2010. The main improvements could be observed in the monitoring of trial preparation in the OBM units where errors or omissions in procedure or decision-making were fed back directly to individual lawyers by their managers. Although some common failings in process such as the use of disclosure record sheets (DRSs) were still evident on both finalised and live cases, other procedural failings have become less frequent over the intervening period. Therefore, there has been substantial progress, but this will only convert into sustained improved outcomes when the recommendation as a whole has been put into action.

The CQSM⁶ procedure is being used by the Area to monitor progress towards implementation of its own disclosure action plan/performance improvement plan. The SDCP has delivered training to prosecutors during late January 2011 and was working with police colleagues to try to secure improvements in schedule quality.

6 A system of internal monitoring against the standards, whereby each Area undertakes an examination of a sample of completed cases to assess compliance against standards.

Again, the measures taken to address this recommendation will take time to be demonstrated in sustained performance improvements. Although the multi-agency protocol governing the disclosure of third party material came into effect in June 2010, we were told that both police and social services departments had initially failed to implement its provisions leading to delays in the revelation of relevant material.

Clearly, there is still considerable room for improvement with regard to the timeliness of service of continuing disclosure (33% compliance rate in the file sample) which impacts on case progression performance, as noted above; the recording of receipt of sensitive material; and ensuring that the DRS is always completed, but inspectors were satisfied

on this occasion that substantial progress was being made, although there is some way to go before this recommendation is achieved.

Our examination of the Area's files is shown below.

The file sample included a mixture of live and finalised cases so that the disclosure process was not complete and thus there would have been further opportunities to add value to the handling of unused material before the cases were finalised. Nevertheless, the improved performance so far in the handling of initial disclosure is creditable. This has been achieved without seriously affecting timeliness which was satisfactory in almost two thirds of cases although the timely compliance with continuing disclosure needs improvement.

Disclosure	2010	2011
Full compliance with initial disclosure	28.6%	70.6%
Full compliance with continuing disclosure	33.3%	83.3%
Use of disclosure record sheet	50.0%	46.7%

Recommendation 8

The Area Strategy Board should:

- undertake a further review of the quality and timeliness of direct communication with victims letters 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 (CMS);
- ensure that where appropriate meetings with victims are offered.

The Area **ACHIEVED OR MADE SUBSTANTIAL PROGRESS** towards this recommendation in the last report and therefore progress against this recommendation was not assessed in our follow-up.

Recommendation 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.

SUBSTANTIAL PROGRESS: In common with the CPS nationally, the CQA system was terminated at the end of January 2010 and its successor scheme was implemented in July 2010. The new CQSM is designed to deliver performance data across a range of quality measures but is not specifically aimed at individual performance.

CQSM has been used by the Area in accordance with the guidance issued in terms both of local assessments by the SDCP and DCPs and also in peer reviews conducted across the (former) South East Group. There has been some limited analysis of the data obtained from CQSM which has identified disclosure, endorsement of files and case progression as areas where improvements are most urgently required. These results matched our own findings but we were pleased to note a clear improvement in the quality of endorsements since our visit in 2010.

Inspectors examined files that had been selected by the Group for CQSM analysis and in all cases found that the correct issues were being identified and that the proportion of standards that were fully or partially met and not met properly reflected the Area's performance.

However, beyond CQSM itself, the monitoring of quality in review and case management has been fully recognised by the Area's DCPs as vital to drive up performance. Regular and targeted monitoring reports are produced for the benefit of the Area Strategy Board and the opportunity to give direct feedback on quality issues to individual lawyers is regularly taken by managers.

Recommendation 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.

SUBSTANTIAL PROGRESS: The two combined units have been functioning for almost two years and so are well established. In the last 12 months there has been greater integration of magistrates and Crown Court casework processes, and this has facilitated the exchange of lawyers and administrative staff.

A rolling training plan has been introduced for all administrative staff to ensure they are multi-skilled and able to undertake Crown Court administrative duties. The training is supplemented by a guidance manual, designed by the business support manager, which contains instructions for all administrative tasks. Inspectors found that most staff were more confident about undertaking tasks in both types of casework and there was more regular rotation of lawyers and administrative staff between magistrates and Crown Court casework.

We were told that as well as some desk-side training and e-learning modules, mentoring had been provided for some less experienced prosecutors in order to equip them to tackle specialist categories of casework such as fraud or RASSO. This had also been underway in June 2010 but there was still a shortage of trained specialists. Apart from the sessions on unused material delivered by the SDCP, little in the way of classroom training had been possible due to resource restrictions.

Recommendation 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 email, especially in relation to changes that have a significant impact on staff;
- addressing the low morale amongst lawyers and issues around dignity and respect.

SUBSTANTIAL PROGRESS: When inspectors visited the Area in 2010 they were concerned by the clear signs of low morale and failures in effective communication despite the recommendation made in the 2009 report. This finding was accepted by senior managers who were obviously disappointed that their efforts to engage with staff had met with only limited success.

It is clear that, since our last visit, senior managers have employed new strategies to address communication issues and worked hard to improve engagement and morale. These strategies need to spread across the Area and become part of business as usual in CPS Surrey if the rating of substantial progress in meeting this recommendation is to be maintained.

Since September 2010, the Area have held daily briefings for staff, run each morning by the SDCP, to provide relevant updates about cases, OBM workload and any other organisational news. Many of the recent announcements about significant organisational change in the CPS and the South East Group have been communicated to staff in these face to face briefings,

replacing what may have otherwise been email communication. These briefings have also been used to highlight Area good news stories and examples of positive performance.

There were mixed views from staff about the value of the daily briefings but a significant number said that the regular communication of good news stories and Area successes had improved morale. Others said that there was greater ownership of performance now that performance was reported and recorded daily on a team whiteboard.

The daily briefings have also improved the visibility of managers, particularly the SDCP, who clearly commands the respect of all staff. However, there remains a need to ensure that other channels of communication remain open to staff who may feel reluctant to raise issues of concern in such an open forum. This continues to be an important issue as, at the time of our inspection follow-up in 2010, there was a view expressed by some staff that they were not able to speak up and challenge things.

Despite the background of budget reductions and further changes heralded by the new structure of CPS Areas, it was apparent that some advances had been achieved in the morale of staff generally. The 2010 Civil Service People Survey, showed a small improvement in the staff engagement index in CPS Surrey, which is now higher than the engagement index for CPS staff nationally. There also appeared to be some improvement in communication between staff and operational managers.

However, there remains dissatisfaction in relation to some issues of Area leadership and amongst pockets of some staff. These cannot be ignored if the Area is to continue with the progress it has made. The Area should make use of the results of the staff survey to highlight what the particular issues are and encourage the engagement of staff in determining actions to be taken.



Implementation of aspects for improvement

The inspectorate's findings against the 14 AFIs are set out in annex A, however, in the 2010 review the inspection team were particularly concerned with the Area's limited progress against AFI 11, as work in this area provides an opportunity for significant financial savings in a time of reducing budget.

Aspect for improvement 11

Controls on prosecution costs should be reviewed.

SUBSTANTIAL PROGRESS: At the time of our follow-up inspection in June 2010, the Area had taken some remedial action towards reducing their spend on prosecution costs but they continued to have one of the highest unit costs per Crown Court case in the country, at a level close to twice the national average.

Since that time, Area managers have undertaken significant efforts to improve the controls on prosecution costs, which have resulted in a 35% reduction in their unit cost per case (Crown Court) over the last 12 months. The Area

have particularly targeted expenditure on two counsel cases, and the number of pages and photographs in evidence served, to control costs and make savings. They have also run training sessions on the fees scheme and given frequent reminders to staff to increase awareness of the factors that increase prosecution costs. A number of processes have been put in place to ensure that prosecution expenditure is appropriately forecast and controlled and only necessary expenditure on counsel fees and expert witnesses is incurred.

As a result of these actions, CPS Surrey is now at a level of unit cost comparable with the other districts in the South East Area and much closer to the national average as the table below indicates. It has been reassuring to note that the reduction in unit costs per case has not been accompanied by any downturn in Crown Court outcomes. Indeed both the attrition rate and the number of judge directed acquittals have decreased over the same period that the Area has lowered its costs.

	Surrey rolling year to Mar 10	Surrey rolling year to Jun 10	Surrey rolling year to Mar 11	National rolling year to Mar 11
Unit cost per case	£1,654	£1,507	£1,081	£955

A Aspects for improvement

Aspect for improvement	Position as at June 2010	April 2011 judgement
1 The optimum business model folder system for magistrates' courts cases should be implemented.	Achieved.	The Area achieved or made substantial progress towards this recommendation in the last report and therefore progress against this recommendation was not assessed in our follow-up.
2 A system should be developed to improve case progression and ensure compliance with court directions.	Not progressed.	Not progressed. Both the 2009 report and the 2010 follow-up concerned compliance with Crown Court directions only. The Area had no system in place for monitoring compliance at the time of our visit in 2010. This was still the case in April 2011 as managers considered that only directions or orders carrying sanctions for non-compliance need be monitored. As there was a CMS task available to deal with these and they were rare in any event, managers thought it was not an efficient use of resource to monitor them separately. Our file examination still showed failures in half of the relevant cases to comply with post-PCMH directions.
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.	No longer applicable.	No longer applicable.

Aspect for improvement	Position as at June 2010	April 2011 judgement
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.	Limited progress.	Substantial progress. As part of the much more thorough analysis of casework files through both OBM file quality monitoring and CQSM, specific attention has been devoted to endorsement quality with managers compiling reports and addressing weaknesses by individual feedback. Our file examination found that the quality of endorsements was good in 55.6% of cases, fair in 38.9% and poor in 5.6%.
5 There is a need to: <ul style="list-style-type: none"> • fully define the role and responsibilities of the specialist crime champions/co-ordinators; • allocate time to them to monitor sensitive and hate crime cases, and analyse unsuccessful outcomes. 	Substantial progress.	The Area achieved or made substantial progress towards this AFI in the last report and therefore progress has not been assessed in our follow-up.
6 Steps should be taken to agree a protocol with Surrey Social Services for the disclosure of third party material.	Achieved.	The Area achieved or made substantial progress towards this AFI in the last report and therefore progress has not been assessed in our follow-up.
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.	Substantial progress.	The Area achieved or made substantial progress towards this AFI in the last report and therefore progress has not been assessed in our follow-up.

Aspect for improvement	Position as at June 2010	April 2011 judgement
8 Prosecutors should ensure they request police to seek a victim personal statement if one is not present in appropriate cases.	Not progressed.	Limited progress. There were seven files in our sample where it was appropriate for a victim personal statement to have been available, but only one was present. The issue has been raised with the police at prosecution team performance management meetings but a more targeted approach involving witness care unit staff would be more likely to improve performance.
9 When feedback is given to staff it should be handled in the most appropriate and constructive manner.	Limited progress.	Substantial progress. We were shown a number of examples of written feedback that were constructive.
10 There needs to be greater clarity over the role (if any) of the local prosecution team performance management meetings.	Limited progress.	Substantial progress. The Area have reinstated monthly PTPM meetings with the police in 2011, with minutes of the first two meetings showing the SDCP and DCPs in attendance and structured agendas that include discussions around joint performance and adverse case analysis.
11 Controls on prosecution costs should be reviewed ⁷ .	Not progressed.	Substantial progress. See main report text.

⁷ The Area should undertake an investigation to determine the causes of the very high unit costs for Crown Court cases in Surrey and, once identified, work to reduce unit costs to a level in line with other CPS Areas.

Aspect for improvement	Position as at June 2010	April 2011 judgement
<p>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.</p>	<p>Limited progress.</p>	<p>No longer applicable. With the changes in structure at the Group level, Areas were not expected to complete their own business plans in 2010-11.</p> <p>However, it was positive to see the Area employing a detailed plan to address the inspectorate's recommendations, which was reviewed and amended at regular intervals.</p>
<p>13 The risk register should be reviewed regularly and the scope of risks expanded to include those involving staff engagement and change management issues and interdependencies between projects.</p>	<p>Not progressed.</p>	<p>Substantial progress. The risk register has been regularly reviewed in 2010-11 by the Area Strategy Board and updated to include pertinent risks relating to staff engagement and organisational changes.</p> <p>A separate risk register was set up for the move to an integrated prosecution team with the police, which included staff engagement risks. Regular updates of the status of risks have been provided along with measures in place to address risks.</p> <p>It was not apparent that issues and interdependencies between projects had been considered, however.</p>
<p>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.</p>	<p>Substantial progress.</p>	<p>The Area achieved or made substantial progress towards this AFI in the last report and therefore progress has not been assessed in our follow-up.</p>

B Methodology

Before visiting the Area we requested a number of documents relating to management information and performance data that would provide evidence of the progress that Surrey had made. Included within these documents was the Area's action plan prepared to address the report's recommendations and AFIs.

During our visit we interviewed the chief crown prosecutor, area business manager, senior district crown prosecutor, both district crown prosecutors, senior casework manager, paralegal business manager, business support manager, and representative groups of prosecutors, paralegal and administrative staff.

We examined 19 files representing a range of outcome types disposed of in both Crown Court and magistrates' court. Of these, ten were pre-selected by inspectors but a further nine live cases were chosen randomly on-site from cases awaiting action in the two OBM units.

If you ask us, we can provide a synopsis or complete version of this booklet in Braille, large print or in languages other than English.

**For information or for more copies of this booklet, please contact our publications team on 020 7210 1197, or go to our website:
www.hmcpai.gov.uk**

HM Crown Prosecution Service Inspectorate

London Office:

One Kemble Street

London WC2B 4TS

Tel. 020 7210 1187

Fax. 020 7210 1186

York Office:

United House, Piccadilly

York, North Yorkshire, YO1 9PQ

Tel. 01904 54 5490

Fax. 01904 54 5492

© Crown copyright 2011

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit

www.nationalarchives.gov.uk/doc/open-government-licence/

or write to the

Information Policy Team, The National Archives, Kew, London TW9 4DU, or

e-mail: psi@nationalarchives.gsi.gov.uk

This document/publication is also available on our website at www.hmcpsi.gov.uk