

Inspection of CPS Surrey

follow-up Report

Introduction

1. This report details the findings of Her Majesty's Crown Prosecution Service Inspectorate (HMCPISI) arising from the follow-up progress visit to CPS Surrey on 12/13 December 2005.
2. The Inspectorate carried out a full inspection of CPS Surrey in September 2004 and the report of that inspection was published in March 2005. The report made six recommendations, which set out the steps necessary to address significant weaknesses relevant to important aspects of performance. In addition, the inspection identified two strengths and nine aspects for improvement (AFIs).
3. The purpose of this visit was to assess the Area's progress against the recommendations and AFIs contained in the report. We also evaluate whether the strengths in performance are still present. We comment in detail on the progress made against our recommendations and summarise the steps taken by the Area to address AFIs. We also summarise the current position in relation to strengths.
4. The six recommendations in respect of which we assessed progress were:
 - R 1** Criminal Justice Unit (CJU) Heads take all necessary steps to improve the quality and timeliness of summary trial review, including readiness for pre-trial reviews (paragraph 4.16).
 - R 2** Unit Heads work with the police to:
 - improve the handling of primary disclosure in both the magistrates' courts and the Crown Court by ensuring the disclosure schedules contain a full description of the unused material, or copies of the relevant items are submitted with the disclosure schedules; and
 - ensure each full file includes a copy of an MG6D or confirmation that there is no sensitive material (paragraph 4.29).
 - R 3** The Area ensures that all staff are fully trained on the current systems for Direct Communication with Victims (DCV) and puts in place comprehensive monitoring systems to ensure compliance with the national standards (paragraph 6.6).
 - R 4** The Area develops a monthly unit-based performance analysis which enables a ready appraisal of each unit's performance and its relative contribution to the Area (paragraph 7.6).
 - R 5** The Area puts in place structured, regular inter-disciplinary team meetings for all units (paragraph 8.19).

R 6 The Senior Management Team (SMT) and Area Management Team (AMT) review the role of each forum, its structure and composition, and agree:

- the composition, purpose and relationship of the forum; and
- clear Terms of Reference for each group (paragraph 13.8).

Methodology

5. At the same time as this follow-up inspection, we conducted a separate Overall Performance Assessment (OPA) of the Area. The OPA report will be published as part of the second tranche of 20 CPS Areas, and this is likely to be in Spring 2006. (The first tranche of OPA reports of 22 CPS Areas were published in December 2005). The comprehensive information gathered during the OPA process has informed our views on the progress (or otherwise) that has been made since the last inspection. As there was strong correlation between the recommendations of the original inspection report and the framework for the OPA, we were able to obtain almost all of the necessary evidence from the Area's submission of documentation, and supporting information from managers during the OPA 'check and challenge' process.
6. In addition to the OPA meeting we interviewed the Area Business Manager (ABM), the Finance and Performance Officer and the newly appointed overarching level B2 manager for the CJUs.
7. We examined 30 files, selected across the units to look at the progress against the recommendations relevant to summary trial preparation, disclosure, and the handling of sensitive cases. We also examined more than 50 files in the electronic case management system (CMS).

Background to the Area

8. At the time of the last inspection the Area was having some difficulty in balancing the needs of budget compliance and the implementation of initiatives and national strategies. These problems persist, albeit at a slightly lower level of concern. Casework results at the time of the inspection were generally less favourable than the national average.
9. The Area had embarked on a programme of co-location as recommended by the Glidewell Review. A further site was implemented at Guildford after our visit but plans at Reigate were subsequently abandoned following some accommodation difficulties and a decision to review the Area structure completely. Work was ongoing at the time of our visit to establish the precise details of the restructure, although a decision had been made to decommission the two co-located units in early 2006.

10. The Area operated with a temporary Chief Crown Prosecutor (CCP) for approximately three months in 2005. This may have hindered progress on some issues. There has been a change in the management structure in 2005-06 that has resulted in a reduction in the number of unit heads. This will be reviewed again as part of the forthcoming restructuring exercise.
11. At the time of the last inspection the co-located unit at Staines was considered to be operating well. The unit has since encountered difficulties and consequently has been unable to maintain previous performance levels.
12. The Area implemented a Witness Care Unit (WCU) in February 2005 in accordance with the No Witness No Justice initiative (NWNJ). Pre-charge advice is provided at four police stations and the Area is scheduled to move to the statutory scheme in early 2006. The Effective Trial Management Programme (ETMP) had not been implemented at the time of our visit.

Overview

13. Substantial progress had been made against two of the recommendations, three showed limited progress and one had not moved forward at all. Of the nine aspects for improvement, seven had made only limited progress, one was achieved, and one had not been progressed.
14. In some issues there has been recent activity which may bring about greater improvements in 2006. Some difficult issues arose in 2005, most of which are now either resolved or moving forward. While progress has been slow there were some indications of a more proactive approach to issues in recent times, which give rise to more optimism about the future.
15. Performance in respect of shared Public Service Agreement (PSA) targets is good but the Area is struggling to maintain casework standards whilst implementing national initiatives, and at the same time control its expenditure against budget.
16. The review of the Area structure is a vital element to inform future strategy, as is the need to realise the benefits of the pre-charge advice scheme. Successful resolution of these two challenges could have a profound affect on the Area's ability to deliver improved performance – they could also enable the more effective deployment of advocates in line with national policy.

Performance against PSA targets

17. Key performance results for the Local Criminal Justice Board (LCJB) are contained in the table below. Progress against most PSA targets is encouraging, particularly in respect of Offences Brought to Justice (OBTJ) and public confidence where the results are better than national averages. Performance against the persistent young offender target is under greater control in 2005-06 following variable results in the previous year.

PSA targets	Original inspection	Follow-up
OBTJ against baseline	+ 35.2%	+36.4% (Aug 05)
Ineffective trial rate - magistrates' courts*	19.4%	18.4% (Jul – Sep 05)
Ineffective trial rate - Crown Court*	23.4%	13.4% (Apr- Sep 05)
Public confidence	45%	45% (Jun 05)
PYOs (arrest to sentence)	69 days	63 days (Jul – Sep 05)

* For ineffective trial rates, lower is better

Implementation of the recommendations

Recommendation 1 - CJU Heads take all necessary steps to improve the quality and timeliness of summary trial review, including readiness for pre-trial reviews.

18. Limited progress. Some progress has been made in improving the ineffective trial rate in the magistrates' courts in Surrey and results are now better than the national average, this may be affected to some degree by the local policy of not fixing a trial date until cases are deemed ready to proceed. There are fewer examples of multiple pre-trial review hearings than previously seen, although it still happens, and only 56% of trials proceeded within the 143 day target compared to 66% nationally. Breakdowns in communication between the CPS and police resulted in some delays and duplication of efforts in individual cases.
19. Case progression has been informal and relatively uncoordinated, pending the delayed implementation of the ETMP. Generally, review and case preparation for contested cases is still not sufficiently robust or proactive. Area managers have become more proactive in monitoring performance and addressing inconsistency. However, a reality check examination of a small sample of cases revealed instances of failure to address issues and take decisions until the later stages of cases, resulting in unnecessary preparation and court hearings.
20. The Area has yet to realise the full benefits of pre-charge advice - the use of 'conditional charging' (advising police to charge conditionally upon obtaining specific additional evidence) has not helped and has now been stopped. The systems to ensure compliance and appropriate follow-up after advice were not effective, resulting in a high level of unsuccessful outcomes and/or some inefficiency. There are still some significant issues with charging that need improvement, but if they are effectively resolved, they should improve the Area's ability to prepare summary trials.

21. The Area is hoping to make more effective use of designated caseworkers (DCWs) in 2006 with a view to freeing up lawyers. One of the anticipated benefits would be an improvement in summary trial preparation. The implementation of statutory charging (scheduled for January 2006) should also bring benefits.

Recommendation 2 - Unit Heads work with the police to:

- **improve the handling of primary disclosure in both the magistrates' courts and the Crown Court by ensuring the disclosure schedules contain a full description of the unused material, or copies of the relevant items are submitted with the disclosure schedules; and**
 - **ensure each full file includes a copy of an MG6D or confirmation that there is no sensitive material.**
22. **Limited progress.** There has also been further internal disclosure training for CPS staff.
23. There has been some improvement in the quality of schedules submitted by the police, but more work is required to achieve a consistently good standard.
24. Although there is some improvement in the timeliness of disclosure, issues remain across the Area with the endorsement of schedules, file housekeeping, the quality of decisions on unused material and the accurate recording of those decisions. Our examination of files, whilst comparatively small, indicated that overall performance had not moved forward. This was in contrast to the Area's own judgement under the Casework Quality Assurance scheme, where very high compliance levels were recorded.

Recommendation 3 - The Area ensures that all staff are fully trained on the current systems for DCV and puts in place comprehensive monitoring systems to ensure compliance with the national standards.

25. **Not progressed.** Performance in respect of the DCV scheme (under which a letter should be sent to a victim explaining why a charge has been dropped or substantially reduced) is unsatisfactory. Performance against the proxy measures set by CPS Headquarters indicated only 7% compliance which is the worst result in the country. Whilst the Area believes that the figure is inaccurate due to the non completion of the appropriate tracker system, they acknowledge that the level of performance is unacceptable. The issue was raised in a recent edition of the in-house staff magazine.
26. Our examination of files confirmed that a significant percentage of cases had not had the appropriate letters issued. The quality of letters observed was also variable.
27. The Area has recently centralised the drafting of DCV letters to within specialist unit as this is deemed to have worked better in the past than the current system of individual ownership.

28. Whatever system the Area uses, urgent attention is required to make sure that the processes are effective in producing high quality letters in a timely fashion in all appropriate cases.

Recommendation 4 - The Area develops a monthly unit-based performance analysis which enables a ready appraisal of each unit's performance and its relative contribution to the Area.

29. **Substantial progress.** The Area has made some good progress, albeit from a low baseline, in that unit based performance data is now regularly produced and made available to the SMT. The system is still evolving but is now closely aligned to the national performance measures. The process evaluates measures using a traffic light system that highlights aspects of performance in need of improvement, based on monthly and year to date results.
30. The next stage is to improve the analysis of the data provided and to be more effective in implementing remedial actions that deliver improved results where necessary. A recent innovation is the formal assessment of the data prior to the SMT meetings with a view to more focussed discussions on aspects of work where improvement is required.
31. The Area continues to improve its use of the management information system to produce regular and ad-hoc reports. Further work is required to ensure that cases are flagged appropriately on CMS as this drives some of the reports used.

Recommendation 5 - The Area puts in place structured, regular inter-disciplinary team meetings for all units.

32. **Limited progress.** The Area has a communications strategy that has been slightly modified in 2005-06. Whilst the Area has not complied fully with its own strategy, staff appear generally satisfied with the level of communication received. In the 2004 Staff Survey, the Area scored above the national average in respect of communication. Managers have increasingly used e-mail and the staff magazine to communicate important messages to staff.
33. However, regular structured team meetings are still viewed as 'aspirational' in some of the units, although there has been at least one meeting in every location. Whilst recognising the challenges involved in holding meetings in small units, we consider that more can be done to improve on the frequency and effectiveness of meetings.

Recommendation 6 - The SMT and AMT review the role of each forum, its structure and composition, and agree:

- **the composition, purpose and relationship of the forum; and**
- **clear Terms of Reference for each group.**

34. **Substantial progress.** Governance in the Area has been reviewed and changed since the last inspection. There is now improved clarity as to the roles and involvement of managers at varying levels. Whilst the changes themselves were comparatively modest, the revised arrangements offer a wider range of staff and managers the opportunity to be involved in the running of the Area and should encourage corporacy. There is still scope to improve the effectiveness of the management teams – particularly in managing performance and delivering results.
35. The original changes made in late 2004 have been kept under review and modified to take account of changing circumstances – for example, the reduction in the number of Unit Heads. Management roles and responsibilities will be revisited formally as the Area develops its revised structure in 2006.

Aspects for improvement

36. Whilst some progress has been made against the majority of AFIs, this can only be described as limited rather than substantial. Overall there is still room for significant improvement. We comment on each of these at Annex 1. Only one of the nine issues raised has been achieved.

Strengths

37. The original inspection identified two strengths and one example of good practice. For the most part these have been maintained
38. CPS staff continue to demonstrate a strong commitment to the work of the Surrey Criminal Justice Board which is still chaired by the CCP.
39. The quality of the induction of new staff has been maintained. The Area has recognised the need to provide similar support for those changing roles and a start has been made with the newly appointed overarching level B2 CJU manager.

Conclusion

40. The Area has made less progress than desirable as they have continued to struggle to maintain business as usual at the same time as implementing new initiatives and endeavouring to manage their budget. Much will depend on the upcoming restructure and on whether the Area can improve the effectiveness and efficiency of the pre-charge advice scheme.

41. Most performance results are in the 'satisfactory' range and show some signs of improvement. However, some aspects of case handling and management need to be improved, and delays and lack of case readiness remain issues. Results in respect of the PSA targets are generally good. There is a need to improve the realisation of benefits of pre-charge advice and to deploy in-house advocates more effectively. Urgent attention is required to improving compliance with the DCV scheme.

42. The Area has faced some unanticipated challenges in 2005 and it is accepted that these will have had some impact on the Area's ability to progress. However, the impact of those difficulties is now diminished and the Area needs to become more effective in implementing change and remedial actions to bring about improved results. In reality the Area has made only limited progress since the last inspection in 2004.

**CPS SURREY
PROGRESS AGAINST ASPECTS FOR IMPROVEMENT**

PARA NUMBER	ASPECT FOR IMPROVEMENT	POSITION AS AT NOVEMBER 2005
4.7	CJU Heads ensure that there is an effective first review of all cases and that the review is fully recorded.	<p>Limited progress. Most cases are now subject to timely initial review, either via the pre-charge advice scheme or the Narey system. However, reviews are not always sufficiently robust, particularly in pre-charge cases. This continues to result in cases not being ready to proceed, with some ensuing delay. The recording of reviews on CMS is poor in the CJUs.</p>
4.11	CJU Heads ensure that there is full and timely consultation with the police before discontinuing a case.	<p>Limited progress. There is a lack of consistency in the consultation with police officers when a decision is made to discontinue a case before a hearing. We could see evidence of consultation in only half of the relevant cases examined. Some data on unsuccessful outcomes is shared with the police for discussion at joint performance meetings.</p> <p>The difficulties experienced in implementing the pre-charge advice scheme have diminished the realisation of expected benefits. The discontinuance rate in pre-charge cases was very high at 22.4% in 2004-05 but has improved in 2005-06, albeit it is still higher than the national average.</p> <p>There are, however, some more positive aspects with regard to discontinued cases. The number of cases being discontinued has reduced from the previous high levels to a rate that is closer to the national average (down from 17.4% in 2003-04 to 12.6% for the first half of 2005-06). The implementation of pre-charge advice has led to greater consultation - particularly when advising No Further Action. There is an escalation process for cases where disagreements exist. Unit Head approval is required in certain categories of cases to monitor the quality of decisions to discontinue.</p>

PARA NUMBER	ASPECT FOR IMPROVEMENT	POSITION AS AT NOVEMBER 2005
4.35	Handling of victim withdrawal statements in domestic violence cases.	<p>Limited progress. Some progress has been made in implementing policies that are more consistent with national practices in terms of domestic violence cases. Some data is now available specifically on the outcomes of cases involving domestic violence, albeit it could be used more effectively. The Area is working on a domestic violence training plan based around a national template.</p> <p>Our examination of a small number of cases indicated that there is still evidence of delay in reaching a decision where withdrawal statements had been received and decision-making in general could be more robust.</p>
8.8	Implementation of the rotation policy for lawyers between the CJU and Trial Unit (TU).	<p>Limited progress. Whilst there has been a small amount of movement of staff between units, this has been reactive as opposed to part of a systematic approach to rotation. There is recognition in the initial documents on the restructure that there is a need to broaden experience of lawyers across the Area to enable a more flexible approach to deployment.</p> <p>Restructuring proposals may address this issue.</p>
8.15	Improve Performance Appraisal Report timeliness	<p>Limited progress. There are still too many instances of late appraisals. This will have been hindered to some degree by changes in the management team. Interim reviews are not carried out, albeit it is accepted that staff are given personal feedback on an ad-hoc basis.</p>

PARA NUMBER	ASPECT FOR IMPROVEMENT	POSITION AS AT NOVEMBER 2005
10.13	The Area fully integrates use of Compass into all its business processes.	<p>Limited progress. Progress in the CJUs has been slow and is significantly below the national average and target. In recognition of the poor performance, the Area were set an interim target of 35% of cases to have the full file review recorded on Compass (by September 2005) – the target has not been achieved. There has been some improvement in the management of task lists but more remains to be done. The flagging of relevant cases is still inconsistent. There has been good use of Compass to record charging decisions with consistent use of the appropriate MG3 electronic forms.</p> <p>The position in the TU is better with good use of the system for building indictments and for recording full file reviews. A perceived problem with using the system for CTLs needs to be resolved.</p>
12.5	Effective monitoring of all racially aggravated offences by the Area.	<p>Limited progress. A start has been made and data is now regularly produced with regard to unsuccessful outcomes in hate crime cases. However the data is not fully reliable in that our spot checks indicated that ten out of 33 cases had not been flagged appropriately on the CMS, thereby excluding them from reports that rely on accurate flagging. There was also only limited analysis of the data.</p> <p>There was no effective system to identify cases where the charges had been reduced to remove the racially aggravated element of offences.</p>
13.8	SMT meetings to be minuted.	Achieved. Minutes of the meetings are now produced.
13.13	Unit Actions Plans to support the Area Business Plan.	Not progressed. There were no unit plans in place at the time of the follow-up.

