

HM CROWN PROSECUTION SERVICE INSPECTORATE

INSPECTION OF CPS WEST MERCIA (REPORT 6/03)

EXECUTIVE SUMMARY

Introduction

1. This is the report of HM Crown Prosecution Service Inspectorate about CPS West Mercia. The Crown Prosecution Service (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. The inspection was an intermediate (as opposed to full) one. As a result, whilst most aspects of the Area's performance were considered, the inspection did not focus on pre-charge advice to police or adverse cases, and only limited observations of advocacy were carried out.

The Area

2. CPS West Mercia serves the area covered by the West Mercia Constabulary. It has two offices, situated in Droitwich and Shrewsbury. Area business is divided on functional lines between magistrates' court and Crown Court work. The Area was previously reported on in July 2000.
3. At the time of the current inspection, the Area employed the equivalent of 105.7 full time staff. In the year 2002, it dealt with 28,686 cases in the magistrates' courts and 2,079 cases in the Crown Court. In addition, pre-charge advice was given to the police in 856 cases, which was 2.9% of its caseload compared with the national average of 4.1%.

Main findings of the Inspectorate

4. The Area has improved a number of aspects of its performance since the last inspection. Generally, the quality of decision-making is sound, particularly in relation to the initial review of cases, although performance in relation to summary trial review and preparation needs to be addressed, as improvement is needed. There needs to be a more positive drive to deal with some aspects of performance, particularly cracked and ineffective trials.
5. Progress has been made in relation to aspects of Crown Court casework. In particular, the quality of instructions to counsel has improved, and timeliness of service of committal papers and delivery of instructions to counsel has increased. More work needs to be undertaken in relation to the prosecution's duties of disclosure of unused material to the defence, particularly in relation to secondary disclosure.

6. The Area Management Team (AMT) is cohesive and has maintained a high standard of performance management. Monthly unit performance reports are produced and a number of standards for casework have been introduced. Implementation of identified best practice across the Area will help to secure consistency and continuous improvement.
7. Relations with the other agencies are cordial and generally viewed as good. As a result of good inter-agency co-operation, there has been significant improvement in relation to the timeliness of cases involving persistent young offenders (PYOs), with current performance being better than the national target, averaging 63 days from arrest to sentence during 2002.
8. The Area is currently involved in negotiations with the police about restructuring into co-located units, in furtherance of the Glidewell recommendations. There is a need to ensure that all staff remain informed of the progress in this respect.
9. The Area has taken some positive steps and initiatives to improve public confidence in the CPS, and in its treatment of victims and witnesses. More work needs to be undertaken in relation to engaging with minority ethnic groups in the community.

Specific findings

Casework

10. Generally, decision-making is sound, particularly during the initial review of cases. However, performance in relation to summary trial review and preparation needs to be addressed as improvement is needed. There are cases that are prepared for summary trial without effective review, or where administrative processes fail to ensure that cases have been properly prepared. This leads to cracked and ineffective trials and late discontinuance.
11. The Area's performance in disclosing unused material to the defence has improved since the last inspection, although some decisions appear to be made without proper consideration of the material. Recording of secondary disclosure needs to be improved. The systems relating to custody time limits appear to be effective, although there was a failure in December 2002. The quality of instructions to counsel has also improved since the last report, but there is clear scope for further improvement.

Advocacy and quality of service delivery at court

12. The standard of CPS advocates in both the magistrates' courts and the Crown Court is satisfactory, but there is concern over the quality and preparedness of some agents. There is a relatively high rate of returned briefs by counsel.
13. The Area generally provides good quality service to the courts and court users, but the standard of service can be compromised by a lack of timely review or preparation on the part of prosecutors.

Victims and witnesses

14. The Area generally deals with victims and witnesses satisfactorily and, in some cases, very well. However, some counsel instructed in the Crown Court are reluctant to engage with witnesses. Adequate and timely information is usually supplied to the Witness Service.
15. The Area has fully implemented the standard model for Direct Communication with Victims, which gives responsibility for communication to individual prosecutors. Generally the standard of communication with victims is satisfactory, although there are some concerns about the Area's ability to identify all appropriate cases and the content of some of the correspondence.

Performance management

16. The Area has maintained the systematic and impressive approach to performance management recorded in the last report. Unit Heads and the Secretariat continue to submit monthly performance reports to the CCP and Area Business Manager (ABM); key issues and concerns are then highlighted at AMT meetings.
17. The content and format of the performance reports are reviewed from time to time, in order to ensure that they continue to be aligned to the priorities contained in the Area Business Plan. The reports could be further improved by including a more qualitative assessment of some aspects of performance.

People management and results

18. There are a number of issues in relation to people management and results, to which the Area will need to give early consideration. The results of the 2002 staff survey raised areas of concern that need to be addressed as a matter of priority. Some enhanced communication with staff is needed to ensure that everybody is aware of future plans and committed to the Area vision.

Management of financial resources

19. The Area has effective financial systems and processes to ensure that its finances are properly managed. Its recording systems are sufficiently detailed to enable it to fulfil the reporting requirements of CPS Headquarters.
20. The Area demonstrates a responsible attitude to its budget, and has effective processes for monitoring and controlling expenditure. Further work needs to be done to ensure the accuracy and timeliness of the Area's casework finalisations, and to monitor the use of the budget for agents undertaking some of the more complex work in the magistrates' court.

Partnerships and resources

21. Partnerships with other criminal justice system agencies are relatively well developed at both an operational and strategic level. Constructive partnership work has led to positive outcomes in relation to PYO performance - which is significantly better than the Government target - and listing practices, as well as the introduction of the new pre-trial review protocol. The early indications are that the Local Criminal Justice Board will also prove to be an effective forum for securing improved performance.
22. There is still more work to be done, in partnership, to promote race equality across the Area, as required by the Race Relations (Amendment) Act 2000. The Area will wish to build upon its contact with the relevant groups in order to achieve this.

Policy and strategy

23. The Area has a wide range of policy documents, addressing most aspects of its business and their supporting processes and systems. However, there are aspects of its policy development that are not adequately communicated or implemented.

Public confidence

24. Area managers and staff appreciate that public confidence will be raised through engagement with the community, and significant steps have been taken to achieve this. Balanced against this, some aspects, particularly engagement with minority ethnic groups, have not yet received the attention they merit.
25. Complaints are generally dealt with fully but there are issues that need to be addressed. Timeliness needs to be improved, and the Area does not evaluate or analyse complaints received. The standard of some letters also needs to be improved.

Leadership and governance

26. The Area benefits from a clear planning structure, with issues contained in the Area Business Plan being cascaded down to formal unit plans. The latter are reviewed every quarter, and a formal report prepared for the CCP and ABM as part of the assurance process. This forms a sound basis upon which the Area can build and should ensure appropriate control and direction.

Recommendations

27. Inspectors made the following seven recommendations:
 1. Area managers improve the preparation of summary trials by:
 - * ensuring that prosecutors undertake effective reviews when preparing summary trials and retain case ownership;
 - * liaising with the police to ensure that the systems for providing accurate and up to date witness availability schedules are effective;

- * ensuring that the police are informed of witness requirements in a timely manner; and
 - * introducing effective systems for pre-trial checks to be undertaken in respect of summary trial files (paragraph 4.17).
2. Unit Heads ensure that:
- * prosecutors and caseworkers complete the disclosure logs and enclose all disclosure documents within the dedicated folder, so that there is a comprehensive record of actions taken in respect of disclosure, particularly secondary disclosure; and
 - * prosecutors make informed decisions in relation to disclosure of unused material, and if necessary prosecutors inspect the material in question to enable such decisions to be made (paragraph 4.29).
3. The AMT introduces effective systems to monitor the advocacy performance of CPS prosecutors, agents in the magistrates' courts and counsel in the Crown Court so that they are assured that performance is satisfactory, and, if necessary, any training needs can be identified and dealt with: the AMT should consistently monitor the ethnicity of counsel instructed (paragraph 5.8).
4. The AMT should:
- * improve the analysis and evaluation of complaints, racially motivated offences, DCV and human resources data; and
 - * ensure that managers use the performance reports effectively to give feedback to staff on individual, unit and Area performance (paragraph 7.17).
5. The AMT should review the implementation of its communication strategy, ensuring that:
- * managers undertake regular one to one meetings (at least quarterly) with all staff, and that an appropriate record is kept;
 - * unit meetings are held regularly, and that they are formally minuted; and
 - * the Area Sounding Board is re-invigorated (paragraph 8.12).
6. The *Dignity at Work* campaign should be re-launched in the Area, with managers ensuring that all staff are aware of the standards of behaviour that are expected. Managers should also be aware of their responsibility to ensure that any failure to meet the required standards is dealt with positively (paragraph 8.17).

7. Unit Heads introduce logs to record complaints received by their units, and ensure that the logs record timeliness, whether the complaints were justified and whether any action was required/taken as a result of the complaint (paragraph 12.6).

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.hmcp.si.gov.uk.

HMCPS Inspectorate
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