

HM CROWN PROSECUTION SERVICE INSPECTORATE

INSPECTION OF CPS WARWICKSHIRE (REPORT 12/04)

EXECUTIVE SUMMARY

Introduction

1. This is the report of HM Crown Prosecution Service Inspectorate about CPS Warwickshire. The CPS is a national service, but operates on a decentralised basis with each of its 42 Areas being led by a Chief Crown Prosecutor (CCP) who enjoys substantial autonomy. The inspection was an intermediate one - only a limited amount of advocacy monitoring was undertaken due to the good standards of advocacy observed on the last inspection, and the commendation of the Area of its advocacy monitoring scheme. In addition, the inspection did not consider the Area's processes for appeals and committals for sentence.

The Area

2. CPS Warwickshire serves the area covered by Warwickshire Police. It has a single office at Leamington Spa where all staff are based. Area business is divided on functional lines between magistrates' courts and Crown Court work.
3. The Area was previously reported on in November 2001. At the time of the current inspection, it employed the equivalent of 35.9 full time staff. In the year ending December 2003, the Area dealt with 9,036 cases in the magistrates' courts, 457 cases in the Crown Court, and gave pre-charge advice to the police in a further 679 cases.

Main findings of the inspectorate

4. Warwickshire is a high performing CPS Area, which is making a significant contribution to the local criminal justice system. Area staff demonstrate a high level of professionalism and commitment, and there is a strong ethos of file ownership and accountability throughout all levels of the organisation. Warwickshire is the smallest of all CPS Areas and correspondingly has the smallest casework load and staffing levels. This can present difficulties for the Area, particularly when it has to deal with absences for sickness or training.
5. The Area has not undergone co-location with the police as recommended under the Glidewell Review, but is working with other agencies in the setting up of two Criminal Justice Centres in the North and South of the county to facilitate multi-agency working. Collaborative working has also led to the establishment of the Victim and Witness Information Partnership (VIP), which opened on 6 October 2003.

6. The key performance results for the Area are generally good; however we felt that there was scope for improvement in efficiency within the Magistrates' Court Unit. More robust case progression and focussed joint working, with both the police and courts, would enable reductions in duplication of effort, and in the number of adjournments and related delays - which were observed both in the file sample and whilst on-site. In securing such improvements, potential benefits for the Area would be: the ability to re-allocate tasks and resources, thereby reducing the pressures felt within the Crown Court Unit; achieving better value for money; and increase staff morale and public confidence.

Casework

7. In both units the quality of decision-making - as demonstrated in the report's performance tables under the headings of first review, discontinuance, level of charge and summary and committal review - is generally good, being above the national average in some respects. Case preparation in the Crown Court was confident and efficient; the quality of briefs to counsel has improved significantly - following the recommendation in the last report - and clear case ownership and a thorough understanding of the issues in the case were demonstrated. However, in the magistrates' courts, as mentioned above, case progression was not as effective as it could have been.
8. The Area's handling of primary disclosure was below the national average, and its processes for dealing with it do not comply with the national Joint Operational Instructions (JOPI). The handling of secondary disclosure in the Crown Court Unit, however, was very good.
9. The Area has devised effective systems to carry out its core business; its relatively small caseload provides benefits in file and correspondence handling, and other casework systems.

Advocacy and quality of service delivery

10. Only a limited amount of advocacy observation was undertaken during the course of this inspection. We found that advocates were generally well prepared and provided appropriate help and assistance to the court.
11. The quality of service delivery at court is sound and we commend the Area for the quality of its court endorsements.

Victims and witnesses

12. A substantial part of pre-court witness care in Warwickshire is now provided by the VIP, which provides a multi-agency approach to the process of witness warning, and ensures that victims are kept informed of the progress of their case. From our own observation, supported by other court users, the Area deals well with witnesses at court.
13. We did have some concerns about the Area's compliance with the Direct Communication with Victims initiative, which we set out in chapter 6 of the report.

Performance management

14. The Area has good internal performance management systems in place and collates and analyses a wide range of casework and business management data. It benchmarks its performance against other CPS Areas and is consistently at, or near, the top in most categories. Performance on ineffective trials is commendable, particularly in relation to the magistrates' courts, where listing policies are a significant factor in this achievement.
15. Despite the Area's concerns about poor quality police files, there has been very little effective joint performance management between the police and the CPS for some time, although this is shortly to be addressed by the setting up of a joint police/CPS quality forum. The Area's implementation of the Casework Quality Assurance scheme has also lacked real commitment.

People management and results

16. The Area has made considerable efforts to manage individual staff performance, recognising the impact that poor performance and attendance can have, given the small size of the units. Whilst the Area does manage the deployment of its lawyers, the generous time allowed in the office for magistrates' courts' casework did not seem to be matched by high quality trial preparation. The relatively small size of the Crown Court Unit has led to increased pressure within it to maintain high levels of timely case preparation. We found that some members of staff worked significantly beyond their conditional hours, and these are not isolated occurrences; there is a feeling amongst staff that they need to put in extra hours to be able to deliver what is expected of them. Staff training and development is not given the level of priority we would expect, which was attributed to the potential negative impact staff's absence from work might have on the Area's casework.

Management of financial resources

17. Overall, the Area has sound processes in place for financial management, with good audit trails in both IT and paperwork systems but, at the time of the inspection, it was not complying with the appropriate guidelines in respect of payments to agents.

Partnerships and resources

18. The Area has good relationships with other criminal justice system agencies and has played a significant part in the development of the Victim and Witness Information Partnership and new Criminal Justice Centres. The CCP has been a major driving force behind the Local Criminal Justice Board (LCJB). However, the Area has not made best use of the Compass Case Management System and this has hindered some aspects of VIP work.

Policy and strategy

19. Area policy is strongly influenced by performance data and outcomes, which can result in some initiatives not being implemented in accordance with national policy. The Area has not always taken full account of stakeholders' needs, both internal and external.

Public confidence

20. The Area has made efforts to engage with the community, and this is starting to have benefits in the way the CPS is perceived in the area, although efforts need to be made to ensure that CPS staff are engaged at all levels. Good results have been achieved by the criminal justice agencies in Warwickshire towards the national Public Service Agreement targets; however, this is not reflected in the levels of public confidence within the county in the effectiveness of the agencies in bringing offenders to justice. Efforts are being made by the Area and the Local Criminal Justice Board to address this.

Leadership and governance

21. The Area has a clear vision about its direction within the next few years, based on the major projects to deliver a 'one stop' criminal justice system in Warwickshire. Area staff are focussed on the delivery of a high quality service and have demonstrated their commitment to this in the meeting of performance targets and consistently being at, or near, the top when compared to other CPS Areas. However, there was also some evidence of a need for care that the strong commitment of managers to high performance was not undermined by an inappropriate style and tone of feedback. The small size of the Area can also contribute to pressures faced by staff when the caseload fluctuates, or there is absenteeism; although the good levels of co-operation demonstrated by the teams went some way to addressing this.

Bringing offenders to justice

22. CPS Warwickshire is working with its partners in the criminal justice system to raise the numbers of offenders brought to justice, and the Warwickshire criminal justice area has significantly exceeded the target set, with performance being monitored by the LCJB.

Reducing ineffective trials

23. The Area is performing well in reducing the number of ineffective trials: the rate in the magistrates' courts is 15.7%, which is the lowest in the country, and the contribution by the VIP in securing witness attendance should be noted. However, the magistrates' courts in the Area do have a high cracked trial rate (44.1%) when compared to the national average of 37.5%. The apparent inconsistencies between the high number of adjournments and the low ineffective trial rate is explicable by the fact that cases are not listed for trial until both the prosecution and defence are ready. There may also be a causal link between the high cracked rate and the low ineffective trial rate.
24. The ineffective trial rate in the Crown Court is 18.1%, compared to the national average of 20.7%.

Value for money

25. Although the Area does not have high expenditure on agents, we felt that there was scope for greater efficiency, which could facilitate a reduction in the agents' budget.

Equality and diversity issues

26. The Area has worked with minority ethnic groups in reaching out to the community. It has a level of minority ethnic and female staff which exceeds the make-up of the local working population. However, equality and diversity training had not been delivered to a number of new staff at the time of the inspection.

Recommendations

27. 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 four recommendations to help improve the Area's performance:
 1. The Magistrates' Court Unit Head should implement a system of robust case progression, including more focussed joint working with both the police and courts, to reduce duplication of work, the number of adjournments, and related delays (paragraph 4.14).
 2. The Area Management Team undertake a full review of the systems for dealing with primary disclosure, with detailed monitoring and further training being undertaken where necessary (paragraph 4.24).
 3. The Chief Crown Prosecutor and Area Business Manager should ensure that only appropriate transactions are allocated to prosecution costs codes 3010/3020 (paragraph 9.3).
 4. The Area should improve its compliance to national policies and guidelines and ensure that its policy decisions take appropriate account of all stakeholders (paragraph 11.1).

The full text of the report may be obtained from the Corporate Services Group at HMCPS Inspectorate (telephone 020 7210 1197).

HMCPS Inspectorate
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