

HM CROWN PROSECUTION SERVICE INSPECTORATE

INSPECTION OF CPS WILTSHIRE (REPORT 3/05)

EXECUTIVE SUMMARY

Introduction

1. This is the report of HM Crown Prosecution Service Inspectorate about CPS Wiltshire. 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 a full one, covering all aspects of casework and management.

The Area

2. CPS Wiltshire serves the area covered by the Wiltshire Constabulary. It has one office at Chippenham, where the Area Headquarters (Secretariat), Criminal Justice Unit and Trials Unit are based.
3. The Area was previously reported on in September 2002. At the time of the current inspection, it employed the equivalent of 48.5 full-time staff. In the year ending September 2004 it dealt with 12,239 cases in the magistrates' courts, 711 in the Crown Court and gave pre-charge advice to the police in a further 2,431 cases.

Main findings of the Inspectorate

4. Wiltshire, whilst geographically quite large, is one of the smaller CPS Areas because it has a relatively low caseload. The Area has a clear vision and understands where it is going and what it is trying to achieve. The structure of the Area and its deployment of staff delivers its business effectively and is regularly reviewed, although its performance regime could be strengthened. Partnerships are sound at the strategic level, but clearer communication with criminal justice partners about constraints, expectations and efficient use of resources would benefit the Area. Staff have a clear understanding of how their actions fit into the overall direction of the CPS and the Wiltshire Criminal Justice Board (WCJB). There is a climate of involvement, improvement and commitment to deliver targets and quality casework.
5. Together with its criminal justice partners, CPS Wiltshire has achieved or exceeded all its Public Service Agreement (PSA) targets. The judgements in its casework and compliance with the obligations of the disclosure of unused material are very sound, and its work in dealing with young offenders is particularly good. Some other aspects of work, for example, the preparation of instructions to counsel, recording of case progress and outcomes at court, and informing victims under the Direct Communication with Victims (DCV) scheme when cases are dropped or substantially reduced, need to be improved.

6. The Area has taken determined steps to control its budget and use its resources efficiently. Since the last inspection an increase in budget has not been reflected in any sustained significant increase in lawyer or caseworker resource, because budget pressures made it necessary to manage vacancies following an initial increase in numbers. CPS Wiltshire, albeit rather late, has started to plan and implement the recent national initiatives of the Effective Trial Management Programme (ETMP) and No Witness No Justice scheme. The charging scheme (under which the CPS will deliver face-to-face advice to the police and take decisions to charge in defined cases) is proving a major challenge, but the Area has taken positive steps to address it.

Specific findings

Key performance results

7. The Area delivers good key performance results, particularly in relation to its casework, and performs above the national average in nearly every respect.
8. Its work with other criminal justice agencies has enabled all the targets for cracked and ineffective trials, and for bringing offenders to justice, to be met or exceeded. However, delays in listing summary trials have increased substantially, to up to six months.
9. The timeliness from arrest to sentence of cases involving persistent young offenders (PYOs) has consistently remained well below the national target of 71 days. In June - August 2004 the average time was 51 days.

Casework

10. Decision-making at initial review, in continuing review and in discontinuing cases is very good. Preparation for trials in both the magistrates' and the Crown Court is generally good and timely, although there are recent signs that timeliness may be slipping. Because of case progress and listing issues, delays are occurring in the fixing of summary trials. Lawyers prepare committals and cases sent to the Crown Court, but the quality of the majority of instructions to counsel is not good.
11. The Area's performance in relation to the disclosure of unused material is significantly above the national average. The management of these documents on the file, however, needs improvement in most cases.
12. The systems for file handling and the management of cases with custody time limits (CTLs) are secure, but the recording of actions and outcomes from court needs to be clearer.

Advocacy and quality of service delivery

13. The overall standard of advocacy both of CPS prosecutors and agents in the magistrates' courts, and of counsel in the Crown Court, is generally good. However, there should be more formal and structured monitoring of all prosecutors.

Victims and witnesses

14. The service to witnesses at court is generally good both from CPS prosecutors and caseworkers. Conversely, the consideration and timely application to court for Special Measures for vulnerable and intimidated witnesses is not good. Similarly, the quality of letters written to victims where a case has been dropped or a charge substantially reduced is high, but only a low proportion of the relevant cases are identified and letters actually sent.
15. The CPS and the police are working together to establish a Witness Care Unit to improve the service to witnesses throughout the lifetime of a case. Full implementation of this initiative is planned for October 2005.

Performance management

16. Performance on key activity within the Area is measured and monitored. There is an ethos of discussing performance at both the strategic and operational levels. The Area is beginning to implement a system of review against performance data, but errors in recording some significant unsuccessful case outcomes had not been identified. This change should ensure the analysis and better understanding of performance data.
17. Joint work in the WCJB is strong. The CPS has played a key role in this process and a comprehensive system to manage performance towards the achievement of the PSA targets is in place.
18. Some Casework Quality Assurance (CQA) is undertaken, but this needs to be extended to ensure that a full sample can help identify trends and improvements in casework quality.

People management and results

19. The Area has a systematic and effective approach to resource planning, with the Area Management Team (AMT) fully involved in the decision-making and processes. Sick absence is carefully monitored and effectively managed.
20. Staff training is linked to business priorities and is allocated in an equitable and fair manner (within the constraints of the budget). The Area takes performance appraisal and staff development seriously, with strong processes for carrying out timely performance review and personal development planning.
21. There is a climate of staff openness and involvement within the Area; however, there has been a lack of formal (or effective) team meetings, which has reduced the level of two-way communication.

Management of financial resources

22. An ethos of strong budgetary management within the Area has developed since the appointment of the Area Business Manager in 2003. Effective action has been taken to control and reduce spend, the payment of fees is handled well and in a timely manner, and the Area adheres to all financial guidelines.

Partnerships and resources

23. The Area plays a full and active role in the WCJB. The arrival of the new CCP and a change to a number of key players within the Board is resulting in the forging of new working relationships. Joint performance is good, with Wiltshire being the only criminal justice system area to meet and exceed all PSA targets in 2003-04.
24. The CPS and the police need to make better use of joint performance management (JPM) data in relation to police file quality, timeliness and analysis of unsuccessful case outcomes. There is an urgent need to address the planning and implementation of shadow charging in a more systematic way: a process that has now begun
25. Partnership expectations with the police about charging, and with the magistrates' courts about case listing throughput and court coverage, have proved a challenge, and there is a need to improve communications to prevent further dislocation of understanding and views. There has been some collaborative work with the police and magistrates' courts in relation to service delivery and meeting targets, but there are still significant delays in fixing trials in the magistrates' courts.

Policy and strategy

26. The Area has considered both national and WCJB priorities and targets when developing its own strategy. Its involvement in the WCJB's Service Delivery Group is key to appreciating other stakeholders' needs. The Area recognises the need to outline to other key partners the pressures that the business faces and communicate this in an effective and consistent way.
27. Process improvement is marshalled and driven by a working team, which is a sound basis for developing a consistent and comprehensive framework of processes. The Area has reviewed performance, but there have been examples where it has been slow to change policy and strategy to implement improvement after review.

Public confidence

28. The overall approach to community engagement is satisfactory and senior management are outward-looking, but budgetary and time constraints require a more planned and strategic approach to be adopted. Further encouragement by managers for staff at all levels to participate in community engagement will free senior management and enable them to adopt this more effective approach.
29. There is some media engagement and most AMT members have received media training. The Area is conscious of the need for increased interaction with the media, taking a more pro-active and systematic approach, within budgetary constraints.
30. There is a sound system for the handling of complaints and the quality of complaint responses was good.

Leadership and governance

31. The Area has clearly outlined its vision and values to staff. This has been communicated effectively and the Staff Survey revealed that 94% of staff understand how their job relates to the objectives of the Area.
32. The recent development of a reward and recognition strategy is a part of the process of staff recognition. Staff are actively involved in decision-making and a consultative approach to key decisions is apparent. Clear Terms of Reference for all meetings and working groups within the Area have ensured that there are effective and easily understood structures for delivering the business.

Bringing offenders to justice

33. The Wiltshire Criminal Justice Board had exceeded its target of +5% for bringing offenders to justice. The figure for the year ending May 2004 was +11.6%, but this fell to + 2.7% in the year to August 2004.

Reducing ineffective trials

34. The criminal justice agencies in Wiltshire have performed very well in dealing with ineffective trials. In July - September 2004 the ineffective trial rate in the magistrates' courts was 18.2%, against its target of 31% and a national average of 25.4%. In April - September 2004 the ineffective trial rate in the Crown Court was 11%, against its target of 15% and a national average of 16.7%.

Value for money

35. There is demonstrably a strong culture of providing value for money, although competing demands on available resources are causing the Area to face problems in keeping within its budget. It needs to continue to seek efficiencies to ensure best value for money, for instance by using caseworkers in the efficient preparation of Crown Court files.

Equality and diversity issues

36. The Area is committed to meeting the equality and diversity standards, but recruitment advertising could be more carefully directed in order to ensure that all sections of the community are aware of any opportunities within the Service.

Recommendations

37. 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.
38. We have made five recommendations to help improve the Area's performance:
 1. Lawyers should ensure that instructions to counsel contain adequate summaries setting out the issues in the case (including outstanding matters) and that clear instructions are given about the acceptability of likely guilty pleas to alternative or lesser offences. The Head of the TU should monitor the quality of instructions effectively and take action when required to improve performance (paragraph 4.18).

2. Unit managers must ensure that timely letters are sent to victims of crimes in all relevant cases where a charge is dropped or substantially altered (paragraph 6.9).
3. Senior managers should undertake the systematic analysis of performance data to identify opportunities for improvement, enhanced resource allocation and better learning (paragraph 7.6).
4. Area managers should ensure the development of fully effective partnerships with the magistrates' courts (paragraph 10.4).
5. Area managers should ensure the development of fully effective partnerships with the police and, in particular:
 - * Use a joint project management approach to plan and implement an effective shadow charging scheme and thereafter the statutory scheme.
 - * Use joint performance management data to improve overall police file quality and timeliness, and to learn from unsuccessful case outcomes (paragraph 10.5).

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.hmcpis.gov.uk.

HMCPS Inspectorate
February 2005