

Inspection of CPS Wiltshire

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 Wiltshire on 14 and 15th November 2005.
2. The Inspectorate carried out a full inspection of CPS Wiltshire in November 2004 and the report of that inspection was published in February 2005. The report made five recommendations, which set out the steps necessary to address significant weaknesses relevant to important aspects of performance. In addition, the inspection identified four strengths and eight 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 five recommendations in respect of which we assessed progress were:

R 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 Trial Unit (TU) should monitor the quality of instructions effectively and take action when required to improve performance (paragraph 4.18).

R 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).

R 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).

R 4 Area managers should ensure the development of fully effective partnerships with the magistrates' courts (paragraph 10.4).

R 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)

Methodology

5. 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 the Area had made. These included the Area Action Plan to implement the report's recommendations and AFIs. We analysed the information that was received.
6. We examined 22 files, selected across the units to look at the progress against the recommendations and AFIs, relevant to the quality of instructions to counsel, the timeliness of letters to victims under the Direct Communication with Victims (DCV) scheme, the recording of the service of advance information, the handling of unused material and the quality of court endorsements. We also looked at these files in order to assess whether the strengths we had found were maintained.
7. At the same time as this follow-up inspection, we conducted an Overall Performance Assessment (OPA) of the Area. The OPA report will be published once all 42 CPS Areas have been assessed; which is likely to be in early 2006. The outcome of the programme of OPAs will enable the Inspectorate to plan its future Area Effectiveness Inspections based on risk assessments and thus target those Areas with the greatest need. Information gathered from the OPA in the Area has also informed our views on the progress that has been made and is used in this follow-up report.

Background to the Area

9. Our inspection found that the quality of casework decision-making was good, and compliance with the prosecution duty in respect of the disclosure of unused material was significantly better than the national average. There were concerns, however, about the operation of the shadow charging scheme and some aspects of performance management.
10. At the time of our inspection in November 2004 the Chief Crown Prosecutor had been in post for seven months. Since then the rest of the management team has changed, and at the time of our follow-up visit there was a temporary TU Head and a deputising Criminal Justice Unit (CJU) Head. The Area Business Manager took up post in early 2005. Additionally, the Area was planning to restructure its operations in early 2006 by moving to two geographical units. One of these units will cover Swindon, and the other will cover the rest of the county. These units will handle cases from start to finish.
11. The Area has drawn on the expertise of the Headquarters' Business Development Directorate to assist with this restructuring and there is also a good culture of willingness to learn from other Areas.
12. Following our inspection visit the Area relaunched its shadow charging scheme and drew up a detailed implementation plan. CPS and police project managers were appointed. This plan is reviewed on a regular basis, with update reports provided monthly to the Area Management Team (AMT).

There are regular meetings between the project managers. The effective management of this project has resulted in the Area being able to complete its roll-out of the shadow scheme according to schedule and it now appears well placed to migrate to full statutory charging in March 2006.

13. The Area has had to manage the loss of a number of experienced prosecutors, some of whom have gone to CPS Direct, moved on promotion or to Headquarters' projects. Whilst the Area has been able to maintain an experienced TU, there has clearly been a strain on the resources of the CJU.
14. Despite the impact of the reduction in resources, we found that the Area's approach to performance management is now on a good footing and national initiatives such as the Effective Trial Management Programme (ETMP) were being taken forward in accordance with sound project management principles.

Overview

15. Following our inspection visit the Area drew up an action plan to take forward our recommendations and AFIs. This plan is regularly reviewed at AMT meetings.
16. Three of our five recommendations have been achieved and there has been substantial progress in a fourth. However only limited progress has been made in respect of our recommendation relating to the operation of the DCV scheme.
17. We have concerns, which are shared by the Area, in respect of the decline in performance in the processing of persistent young offenders (PYOs), which was identified as a strength in our report. In 2004-05 average performance was 64 days against the target of 71 days. However, for the rolling quarter June-August 2005 this had slipped to 78 days.

Performance against PSA targets

17. Key performance results for the Local Criminal Justice Board are contained in the table below.

PSA targets	Original inspection	Follow-up
Offences Brought to Justice against baseline	+11.6% (June 2004)	+8.8% (July 2005)
Ineffective trial rate - magistrates' courts	14% (July-Sep 2004)	19.6% (April-June 2005)
Ineffective trial rate - Crown Court	11% (April-Sep 2004)	2.2% (April-June 2005)
Public confidence	42%	43%
PYOs	64 days	78 days

* For ineffective trial rates, lower is better

18. Whilst the ineffective trial rate in magistrates' courts cases has risen, the percentage that are ineffective due to the prosecution is lower than the national average. Performance in the Crown Court is particularly good. PYO performance has declined, and the Area, in conjunction with its criminal justice partners, needs to address this urgently.

Implementation of the recommendations

Recommendation 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.

19. Substantial progress. In our inspection report we found that only 45% of instructions to counsel were adequate compared with 64.3% in our inspection cycle overall. Over half the cases examined did not give clear instructions about the acceptability of pleas.
20. In our follow-up visit we looked at the quality of the instructions to counsel in eight Crown Court cases. We found that there were clear instructions about the acceptability of pleas in each case and that there were adequate summaries setting out the issues of the case in six of the eight cases (75%). Although only a small sample, this indicates an improvement from our inspection findings.
21. Although the instructions were adequate in six cases, we found that they did not always reflect the detailed analysis recorded on the case management system (CMS) as part of the full file review. These reviews evidence clearly that the prosecutor was considering the relevant issues, but that this was not always replicated in the instructions.
22. The Casework Quality Assurance (CQA) scheme is now being complied with fully and the quality of instructions to counsel are considered by the head of the TU as part of this process. He has also recently carried out an audit of Crown Court casework.

Recommendation 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.

23. Limited progress. At the time of our inspection we found that in a significant number of cases a letter was not being sent to the victim as required by the DCV scheme. Whilst the Area has devised systems to strengthen its performance, it was clear at the time of our follow-up visit that these were not wholly effective.

24. In Crown Court cases the Area had identified a problem with cases that were either dropped at court or where the charge was reduced. Whilst there are plans to address this, by allocating the task of drafting the letter to the caseworker at court, this has not yet been implemented. There is a need to provide training for the relevant caseworkers in the operation of the scheme, which had not been possible at the time of our follow-up visit.
25. Procedures have been strengthened in the CJU to enable the relevant cases to be more easily identified, but the findings from our file sample indicate that the expected benefits of the revised procedures have yet to be realised.
26. We examined eight magistrates' courts cases which had been discontinued and in which there was an identifiable victim. A letter was sent to the victim explaining why the case had been dropped in five of the eight cases. We also looked at a further six cases on CMS in which there was an identifiable victim, but could only find a record of a letter being sent in three. Overall therefore, there was evidence of a letter being sent in eight out of 14 cases.
27. In a further two Crown Court cases we noted that a letter had been sent to the victim explaining why the charge had been substantially altered.
28. Whilst significant progress still needs to be made in identifying cases, we found that timeliness had improved, with nine of the ten letters being sent within five working days.

Recommendation 3 - Senior managers should undertake the systematic analysis of performance data to identify opportunities for improvement, enhanced resource allocation and better learning.

28. **Achieved.** Area managers have put significant effort into enhancing their analysis of performance. Monthly performance reports are produced for AMT meetings, which include an analysis of key aspects. The AMT needs, however, to consider how best to inform staff of performance.
29. There is good evidence of analysis of the operation of the shadow charging scheme including the comparison of performance with other Areas. Analysis of cracked and ineffective trial data is now being taken forward in the Performance and Delivery Sub-group of the Wiltshire Criminal Justice Board (WCJB). This has led to more data sharing between the criminal justice agencies.
30. Our examination of a sample of unsuccessful case outcome reports indicated that learning points are being identified and disseminated to staff, for example guidance has been given to prosecutors on the evidence required to prove allegations of possession of a controlled drug with intent to supply.

Recommendation 4 - Area managers should ensure the development of fully effective partnerships with the magistrates' courts.

31. **Achieved.** The Area is now working closely with the magistrates' courts on the development of the court matrix for 2006. This should assist in maximising the use of the Area's resources, in particular that of the designated caseworkers. There has also been good co-operation in the setting up of additional courts to reduce the backlog of contested cases.
32. Implementation of the ETMP has helped the agencies to work together to assess their respective needs. Additional funding from the WCJB has enabled the Area to appoint a Case Progression Officer for the magistrates' courts which should also strengthen partnership working.

Recommendation 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.**
33. **Achieved.** Following our inspection visit the Area relaunched its shadow charging scheme. A detailed implementation plan was drawn up and CPS and police project managers appointed. Progress against the plan is monitored regularly and monthly reports setting out progress against the plan are produced for the AMT. The CPS and police project managers meet regularly to address issues that affect the scheme.
 34. The Area was able to roll-out full shadow charging in accordance with the implementation plan and look well placed to migrate to statutory charging in March 2006.
 35. The Area is developing locally the national scheme for prosecution team performance management meetings. This will address issues of police file quality and timeliness and also be a forum for discussing case outcomes. The Joint Performance Management system that operated at the time of our inspection has been disbanded, although in the interim issues relating to file quality are taken forward by the TU head with police CJU supervisors.

Aspects for improvement

36. We identified eight AFIs in our inspection report. We assessed the Area's progress during our follow-up visit and considered that two had been achieved, there had been substantial progress in a further four, but that two had not been progressed. Area managers were alert to where further improvement was necessary, but we recognise that with limited resources, coupled with a loss of experienced staff they have had to focus their efforts on implementing national initiatives.

37. We comment on each of the AFIS at Annex 1.

Strengths

34. The Area has maintained its good level of decision-making and review of all aspects of its casework. Budgetary management and risk assessment remain a strength.
35. PYO performance, which we identified as a strength, has declined in 2005-06. In the rolling quarter June-August 2005 the average processing time was 78 days, against the national target of 71 days. The Area has a low volume of PYO cases, and one or two long-running cases can have a substantial affect on performance. However, the youth case progression groups need to identify the necessary remedial action to bring performance back to its previously good level.

Conclusion

37. With the exception of the CCP, the management team has changed completely since the time of our inspection. The Area can therefore take much credit for the progress it has made towards the delivery of the three key national criminal justice initiatives, namely statutory charging, the Effective Trial Management Programme and the No Witness No Justice initiative. The AMT is confident that it will be able to migrate to the statutory charging scheme in accordance with the current timetable. It has now rolled out its Witness Care Unit to cover all courts in the county and the appointment of Case Progression Officers will assist trial management.
38. Collaborative working at a strategic level with local criminal justice partners, particularly the police, is being developed effectively. Whilst the Area has clearly suffered from the loss of experienced staff it has, overall, managed to maintain the quality of its casework.

**CPS WILTSHIRE
PROGRESS AGAINST ASPECTS FOR IMPROVEMENT**

PARA NUMBER	ASPECT FOR IMPROVEMENT	POSITION AS AT NOVEMBER 2005
4.5	A record should be kept of the details of material served on the defence as advance information and the date of service	Substantial progress. Our file examination indicated that a record is now kept of the material served on the defence. However, in some cases the date of service was not endorsed on the file.
4.21	<p>The management of unused material on the file needs improvement by:</p> <ul style="list-style-type: none"> • ensuring that the material and related correspondence are kept separately; • ensuring that the logs are properly maintained; and • delivering updating training to all relevant staff. 	<p>Not progressed. The Area sought to carry out the necessary action to achieve this AFI, but their assessment and our file examination confirm that they have not been successful to date. We examined 14 files during our follow-up visit. In every case the disclosure record sheet was either only partially completed or blank. Unused material was not being stored in a separate folder.</p> <p>The TU head is now consulting with the Crown Court caseworkers in the unit with a view to devising a system for storing material that can be adhered to by all staff.</p> <p>Training has not yet been delivered and is now planned for December 2005. The focus will be on training CJU staff in advance of the Area restructuring.</p>
4.45	Appropriate training is required to ensure accurate recording of case outcomes both on files and CMS and for full understanding of the implications of the figures produced.	<p>Substantial progress. The AMT enlisted the help of another Area to undertake a peer review of this aspect of performance, and a number of recommendations were made. Unit Heads were also proactive in reinforcing to prosecutors the need for accurate court endorsements. Prosecutors also have a laminated sheet which contains the relevant CMS codes. Most of the files we examined were endorsed with the correct codes, although the quality of agent's endorsements was less satisfactory.</p> <p>However, during the course of our follow-up work we identified an error in the number of discharged committals recorded, which had not been picked up by the Area. Despite a thorough investigation by the Area, they were unable to determine how this error occurred.</p>

PARA NUMBER	ASPECT FOR IMPROVEMENT	POSITION AS AT NOVEMBER 2005
5.4	Monitoring of prosecutors in both the magistrates' courts and Crown Court should be undertaken on a more formal and structured basis.	Not progressed. The Area has still to develop formalised and structured monitoring processes.
5.6	Endorsements of court hearings and their outcome should be more detailed and more legibly written.	Substantial progress. Overall the quality of the endorsement of court hearings was acceptable in most of the cases we examined. The recording of case outcomes by in-house prosecutors was good, with most using the appropriate CMS code. We found, however, that some endorsements relevant to the calculation of custody time limits could have been clearer and in one case an agent had not recorded the case outcome of a contested hearing.
6.4	The Area needs to take more positive action to ensure that the statutory measures which can assist witnesses with special requirements are considered at an early stage, and timely applications to court are made in appropriate cases.	Substantial Progress. Our file examination indicated that Special Measures' cases were being identified appropriately, although the quality of the information provided by the police could be improved. Timeliness was good in most cases.
7.3	The Area undertakes the CQA scheme fully.	Achieved. The Area now operates the CQA scheme in accordance with the national guidelines of one case per prosecutor per month.
13.6	Unit Heads' focus should be on strategic and management issues.	Achieved. We saw substantial evidence during our overall performance assessment of the Area that the focus of the Unit Heads is now on strategic and management issues. Both Unit Heads have significant project management responsibilities.

