

HM CROWN PROSECUTION SERVICE INSPECTORATE

INSPECTION OF CPS CLEVELAND

EXECUTIVE SUMMARY

Introduction

1. This is the report of Her Majesty's Crown Prosecution Service Inspectorate about CPS Cleveland. The CPS is a national service, but operates on a decentralised basis with each of its 42 Areas led by a Chief Crown Prosecutor (CCP) who enjoys substantial autonomy.
2. The inspection was carried out during a period of extensive change for the CPS, both nationally and in Cleveland. Initiatives to reduce delays in the criminal justice system have been introduced to give effect to the recommendations contained within the Review of Delays in the Criminal Justice System (the Narey report).
3. In October 2000 the Area embarked upon the reorganisation into functional units recommended in the Review of the CPS (the Glidewell Report). It developed, together with the police, an innovative plan to implement the Glidewell Report which included the establishment of a 'pilot' criminal justice unit with CPS lawyers and administrators being co-located with personnel from the Stockton police district. The plan envisages co-location with the remaining three police districts by September 2001. A trial unit was established to prosecute cases in the Crown Court.
4. The report focuses mainly on the quality of casework decision-making and casework handling, but also extends to matters which go to support the casework process. The Inspectorate examined all aspects of Area performance and has reported on a number of management and operational issues.
5. CPS Cleveland serves three magistrates' courts and the Crown Court at Teesside. In the year ending September 2000, the Area handled 20,656 cases in the magistrates' court and 1,896 in the Crown Court. Overall the caseload is weighted to more serious offences than the national average.

Main findings of the Inspectorate

6. The ongoing reorganisation has presented CPS Cleveland with considerable challenges.

7. The Area has recognised the need to think strategically in its planning for the reorganisation. The Area also recognised the need, and has taken action, to improve performance against national CPS targets and to improve communication with staff. Inspectors were concerned, however, that insufficient attention has been paid to operational and quality assurance issues in the planning for the reorganisation.
8. Consequently, previously good performance in some key areas has started to deteriorate and needs to be addressed as a matter of urgency. In particular, whilst the standard of decision making is good, the quality of review endorsements has deteriorated since the reorganisation. Inspectors also had concerns about the timeliness of initial and continuing review, particularly in relation to summary trials.
9. The Area has started to pay attention to performance-related issues. The establishment of a Committals Unit has resulted in a significant improvement in the timeliness of service of committal papers to the defence. Inspectors were concerned, however, that continued improvement in the timeliness of delivery of briefs to counsel in the Crown Court appeared to be accompanied by a deterioration in quality.
10. Some progress has been made since the Inspectorate's 1997 Teesside Branch inspection report but some key issues raised in that report have yet to be fully addressed, including the accuracy of the Area's performance indicators, learning lessons from experience and the handling of sensitive unused material.
11. The Cleveland criminal justice system (CJS) area performance in relation to persistent young offenders deteriorated during the middle of 2000. In common with other CJS agencies, the Area has made considerable efforts to target persistent young offenders since the publication of the worsening figures and performance has improved in the final quarter of 2000.
12. Although inspectors considered that there is some way to go before the Area can fully contribute to the successful delivery of national CPS objectives, Area staff have the ability, experience and commitment to ensure that the necessary improvements in performance are achieved
13. The report contains 20 recommendations and 4 suggestions designed to help the Area improve aspects of its performance.

Specific findings

14. Advice - the quality of advice is satisfactory and the timeliness of advice compares favourably to other CPS Areas inspected. Inspectors were concerned that the system for allocating advices did not necessarily match cases to the lawyers with the most suitable skill and experience.

15. Review - the standard of decision making is generally good. The evidential test was properly applied in 98.3% of cases in the random sample and the public interest test properly applied in all cases. However, inspectors had concerns about the timeliness of initial and continuing review. There were also concerns that the new organisational structure was tending to act as a disincentive to file ownership with the result that files heading for the Crown Court can arrive in the Trial Unit apparently unreviewed.
16. Although the Area has a lower rate of judge-ordered acquittals than the national average, inspectors found that the proportion of cases where the acquittal was foreseeable and yet no action had been taken to avoid the acquittal was higher than other inspections conducted to date. The current lack of any formal systems to ensure that lawyers and caseworkers learn lessons from adverse cases is a contributory factor.
17. The Area's efforts to improve its contribution to the reduction in delay in cases involving persistent young offenders include the establishment of a dedicated Youth team and monthly reports on performance.
18. Case preparation - although there were some deficiencies in relation to disclosure of unused material, Cleveland's performance was better than the average of other Areas inspected. File endorsements of disclosure decisions and reasoning were particularly impressive. Against this, inspectors had some concerns about the arrangements for decision-making in relation to sensitive material. This was a weakness noted in the 1997 Branch report. In addition, the arrangements for physical handling of sensitive material were not being followed satisfactorily.
19. Preparation, including review, for summary trials tends to be thorough but late. Consequently, the arrangements for pre-trial review tend to be ineffective and can result in unnecessary delay. The establishment of the Committals Unit seems to have produced a significant improvement in performance in terms of timeliness of service of committal papers to the defence. Unit targets have been set and staff are given regular feedback on performance.
20. Inspectors had considerable concerns about the quality of instructions to counsel which were among the worst encountered in inspections to date. Continued improvements in the timeliness of delivery of briefs to counsel appear to have been secured at the expense of quality. The failure to instruct counsel properly threatens to undermine the success of the Trial Unit. Indictments generally reflect the gravity of offending. Caseworkers in the Crown Court were universally praised, particularly in relation to witness care.
21. The arrangements for custody time limits have recently been reviewed and seem to work satisfactorily. However, management checks could be strengthened.

22. Advocacy - overall the standard of advocacy was satisfactory. The majority of CPS lawyer advocates observed were entirely competent, although one lawyer fell below national standards. The listing arrangements at Teesside Magistrates' Court can be unfavourable to the prosecution and adversely affect performance. Designated caseworkers are competent but there were concerns that they operated outside the nationally prescribed scheme on occasion. Monitoring arrangements are deficient and require attention.

23. Management/Operational issues:

- The current structure of the Area Management Team (AMT) has allowed the Area to address some strategic issues but has been less effective at ensuring the continued efficient operation of the Area and insufficient attention has been paid to a number of operational issues.
- Inspectors noted that at present there are few internal performance objectives and targets. The improved Area performance in relation to committals and persistent young offenders have shown how effective such targets can be. The Area needs more formal quality assurance systems in relation to matters such as the quality of instructions to counsel and on advocacy (both CPS and external).
- Inspectors noted a disproportionate concentration of experienced caseworkers within the Trial Unit. More thought needs to be given to the staffing needs of the Criminal Justice Unit, both during the current transitional phase of development and subsequently. Inspectors were concerned that the managerial and supervisory requirements within the Criminal Justice Unit were not being fully met.
- A cycle of regular meetings have been established within the Stockton 'pilot' between the Head of Unit and her police counterpart in order to evaluate performance. Good working relationships have been established at every grade.
- Sickness, notably long term sickness, has been significant problem for the Area but action has been planned to address this difficult issue with staff on return to work.
- Although the AMT has recognised the need for improved communications, and has had some success, there is still some way to go. The current training plan was late and drawn up without the benefit of personal development plans or any proper training needs allowing this. A regular cycle of staff meetings needs to be established.

- The Area has made efforts to meet the commitment of the national equality and diversity action plan, seeking to develop links with the community. Much of its ambitious local plan has yet to be delivered, however.
- The Area is on target to remain within budget for the financial year 2000-2001. There is, however, scope for improving the budget profiling and monitoring.
- Inaccurate recording of performance indicators was identified in the 1997 Branch report and the problem persists.

Commendations

24. Inspectors commended a number of aspects of the Area's work including:

The application of charging standards (paragraph 3.25).

The improvements in review endorsements apparent from the file sample since the 1997 Branch report (paragraph 3.66).

The Youth team monthly report (paragraph 3.71).

Target setting for staff in the Committals Unit and regular feedback on performance (paragraph 4.29).

Participation in training for Witness Service volunteers (paragraph 6.77).

25. The full text of the report may be obtained from the Combined Administration Unit at HMCPS Inspectorate (telephone 020 7210 1197).