

HM CROWN PROSECUTION SERVICE INSPECTORATE

INSPECTION OF CPS HUMBERSIDE

EXECUTIVE SUMMARY

Introduction

1. This is the report of HM Crown Prosecution Service Inspectorate about CPS Humberside. The CPS is a national service, but operates on a decentralised basis with each of its 42 Areas led by a Chief Crown Prosecutor who enjoys substantial autonomy.
2. The inspection was carried out during a period of extensive change for the CPS both nationally and in Humberside. 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). The Area's reorganisation into functional units, rather than geographical ones, to take forward the recommendations of the Review of the CPS (The Glidewell Report) was in a transitional stage.
3. The report focuses mainly on the quality of casework decision making and casework handling but also extends to all matters which go to support the casework process. The Inspectorate examines all aspects of Area performance and has reported on a number of management and operational issues.
4. CPS Humberside was re-established as an Area in April 1999 having formerly been a Branch of CPS Humber. It has headquarters in Hull and has common boundaries with the other criminal justice agencies in the region. There are Branches at Hull and Grimsby. The Area employs the equivalent of 78.6 full time staff. It serves nine magistrates' courts and the Crown Court at Hull and at Grimsby. In the year ending March 2001, the Area handled 21,792 cases in the magistrates' court and 1,168 in the Crown Court. Casework figures suggest that the Area has a low proportion of cases involving more serious offences compared with the national picture.
5. Shortly before this inspection was due to commence, an incident occurred at CPS Grimsby involving the return to CPS Headquarters of a number of CDs of the CPS Race Event which had been circulated to all staff along with CPS News; they were accompanied by a complaint from some staff that they had not been requested and distribution to every member of staff was a waste of resources. This occurred without the knowledge of senior staff in the office. There were strong expressions of concern amongst members of the CPS Equality Committee. Following discussion with the Chief Executive, and after some consultation, it

was concluded that the appropriate response would be for the scheduled inspection to have a special emphasis on diversity and race. For this reason the inspection team was assisted by Mike Franklin, HM Assistant Inspector of Constabulary, who is a specialist in race and diversity issues. The findings on this issue are at paragraphs 6.55 to 6.57. The inspectors did not find that the behaviour referred to above was related to race; neither did any other direct concerns about racist treatment or behaviour emerge from the evidence gathered. By contrast, inspectors did have a number of concerns about inappropriate behaviour of an intimidatory nature of evincing sexist attitudes.

Main findings of the Inspectorate

6. The CCP was new to the Area when appointed in April 1999; the ABM was appointed at the same time from within the Area. Inspectors were pleased to find that there has been an improvement in Area performance in several aspects of casework since the last inspection in November 1998, and that the Area has also successfully improved performance against national timeliness targets. Overall the standard of decision-making was good, independent and fair.
7. At the time of the inspection, the Area had not yet re-organised fully into Criminal Justice and Trials Units (CJUs and TUs). Steps had been taken towards implementing the Glidewell proposals in the south of the Area, with the establishment of Criminal Justice Units of police administrative staff within the Scunthorpe and Grimsby police stations, regular attendance there by lawyers and designated caseworkers (DCWs) (non-lawyers specially trained in advocacy who handle straightforward cases in the magistrates' courts) and the establishment of a single file system for early first and early administrative hearings. The move to the new CPS offices at Hull later this year together with the possibility of some co-location at police premises in Beverley, is delaying a final decision on the revised CPS structure to cover Hull and East Riding police divisions.
8. A number of challenges remain for the Area. Work is needed to develop and reinforce a corporate identity for the Area, both internally and externally with other agencies. Some of this is associated with the geography and the CPS is not alone within the criminal justice system in Humberside in having to deal with this. Steps need to be taken to increase staff involvement in the development of the Area and its initiatives, both to assist the establishment of a corporate approach, and to reinforce staff commitment to the Area's aims and objectives, as well as those of the CPS nationally. The Area has the benefit of a number of long-standing and experienced staff. Care will need to be taken to ensure staff remain committed to the organisation, and that they continue to develop.
9. The Area recognises the need to raise and monitor the quality of work, and the professionalism with which it is undertaken. In order to do so it intends to develop Area standards. The Area needs to give thought to involving staff in these

initiatives, to give attention to producing standards within agreed timescales, and to methods of measuring quality.

10. In 2000–2001 the Area’s emphasis on improving its performance against the core CPS timeliness targets was successful. For 2001-2002 the Area intends to concentrate on quality and professionalism, and aims set out in the current business plan reflect this.
11. The report contains 24 recommendations and 12 suggestions designed to help the Area improve aspects of performance.

Specific findings

12. Advice – The Area advice rate is higher than the national average, 4.1% of overall caseload against 3.5%. The advice given to the police is generally sound and accurate with advice according with the principles of the Code in 18 out of 19 files in the sample. The Area operates a system of monitoring of quality at each office. The timeliness of provision of advice is capable of great improvement, 10 out of 19 cases in the sample being outside the guidelines. The Area’s computer system does provide a facility for monitoring timeliness and the system needs to be used to full effect.
13. A notable feature of the arrangements for giving informal advice was the designation of a lawyer (Communications Officer) on a daily basis at each office to provide telephone advice. At the Grimsby office lawyers attending police stations under the new ‘Narey Plus’ system provide a large percentage of written and informal advice; the practice is likely to become more prevalent following restructuring in Hull.
14. Review – The quality of decisions made at initial review is very good and done in a timely fashion; inspectors agreed with the initial review decision in all cases in the random sample. Decisions were properly endorsed on the majority of files but in 16.9% of cases they were very poor or non-existent.
15. There were good examples of continuing review and follow-up but there were clear indications that certain lawyers did not espouse this approach.
16. The Area discontinuance rate is significantly lower than the national average, 9.3% against 13%. Inspectors did not disagree with any decisions but had concerns about the timeliness in about 10% of cases.
17. The Area has a lower proportion of adverse outcomes (cases which are stopped because of a judicial direction or a finding of no case to answer) than the national average. Judge ordered acquittals run at 7.4% of the Crown Court caseload against a national average of 12.3%, judge directed acquittals run at 1.8% against a national average of 2.5%. Within the file sample, nine out of 28 cases (32.2%) involved an adverse finding which was foreseeable; no remedial action was taken

- to overcome the difficulties or drop the case sooner in four of those cases (14.3%).
18. There is a formal and structured system in the Area to enable lessons to be learned from the casework. Reports are prepared in respect of all judge ordered and judge directed acquittals, details of issues arising out of adverse cases in the Crown Court are disseminated to the Area by way of a quarterly digest produced by the Special Casework Lawyer based in each office.
 19. The last Branch report highlighted deficiencies in the review endorsements and performance has improved as a result of the subsequent action plan. Further action is proposed to improve the current standard; an Area endorsement standard, a new review log and piloting the new versions of the CPS file jacket.
 20. Cases involving youth justice and persistent young offenders have been a problem in Humberside. In the year 2000, the average period from arrest to disposal for persistent young offenders was 100 days and the outcome for the quarter ending March 2001 was 99 days. This masks variations across the Area and inspectors noted that better performing locations tended to feel frustration at the lack of progress in reducing overall figures. A significant effort has now been made by all agencies to work together in the area of youth justice and persistent young offenders. The drive for improvement has paid dividends following the development of the Area National Plan for 2001 with the assistance of PA Consulting.
 21. Specialists are allocated child abuse cases and inspectors recorded some valuable work in relation to this sensitive area. It was also noted that there was an absence of specialists in relation to domestic violence and the lack of any steps to identify cases as involving domestic violence. However, an Area-wide protocol is in place to deal with circumstances where a victim indicates they no longer wish to proceed with the complaint in domestic violence cases.
 22. There is a particularly low incidence of racially aggravated offences in the Area. Each team has a specialist who is allocated racially aggravated cases for review but there is no system in place for a second opinion in relation to cases where charge reduction or discontinuance is proposed.
 23. The system for linking correspondence to files needs to be strengthened. In addition, concerns were expressed about the lack of response to correspondence and telephone calls, this needs addressing.
 24. Each office has a Special Casework Lawyers, with the consequent developmental opportunities this provides for staff.
 25. Case preparation – The Narey initiative seems to have had a positive impact on the throughput of cases in the courts in the Area. Some figures are available of percentage of cases finalised at the first hearing but across the Area the provision

- of these details is patchy and hinders any effective analysis. It is hoped that the new court centres in the East Riding will concentrate work in a manner which enables a listing pattern to be negotiated which will facilitate the deployment of DCWs.
26. The CCP is the ‘disclosure’ champion to the CPS Board. He has undertaken a thematic review of disclosure in the Area. Although no report was produced, a number of deficiencies were noted from the magistrates’ courts files, but performance in the Crown Court appeared better. It has been agreed that the CCP and the police will jointly draft a service level agreement. In addition, the CCP and one of the HCAs have delivered some police training sessions.
 27. File examination confirmed some deficiencies in the handling of unused material. Descriptions of material on police schedules are variable reflecting the different file teams of the four divisions of the Humberside police. Consequently, some decisions on disclosure were made on the basis of incomplete information.
 28. Inspectors considered primary disclosure was properly handled in 77.6% of cases. The response to inadequate schedules of documentation provided by investigating officers appears to be improving and prosecutors are asking to see material before a decision is made. There was concern on the part of the inspectors at the practice prevalent in Scunthorpe of endorsing on the MG6E statement “there is nothing held at Scunthorpe file team which would undermine the prosecution”. Such a qualified declaration does not amount to proper compliance with the prosecution’s disclosure obligations, Area managers agreed and have given appropriate instructions.
 29. Inspectors considered there was compliance with secondary disclosure obligations in 81.8% of cases. The last Branch report noted that the figures for dealing with disclosure appropriately and in a timely fashion were good and the Area has maintained this level of performance, performing above the national average in relation to disclosure during this cycle of inspections.
 30. Sensitive material was an issue in 11 cases examined by inspectors. It was properly considered in nine cases. Although this leaves scope for further improvement, it also represents a clear improvement and greater understanding since the 1999 report.
 31. The inadequate disclosure in summary proceedings is a weakness this Area shares with some others in the CPS.
 32. Summary trials are generally well prepared. Systems have been introduced to check the progress of summary trial preparation since the last Branch report. Most cases are adjourned for a pre-trial review following a not guilty plea.
 33. A difficulty arose from the practice of listing pre-trial reviews (PTRs) within about three weeks of the not guilty plea being entered. It was unlikely that the

police file would have been received and reviewed within that time and consequently statements had frequently not been served and defence solicitors had not been able to take instructions. Against this background it was not surprising that figures collected by the magistrates' courts showed that only 20 to 30% of trials were effective; the figures varied between the different courts. A particular concern was that up to 25% of cracked and ineffective trials occur when the prosecution accept lesser pleas. The courts are combating this by multiple listing of trials. All local agencies need to develop a co-ordinated approach to improving effectiveness of PTRs throughout the Area, thus reducing unnecessary attendance at court of victims and witnesses.

34. The standard of committal preparation is good, lawyers try not to commit cases unless they are trial-ready. However, there was a significant difference between the figures generated by the Area and the file sample. The Area figures suggest that 79% of committal papers were served within the agreed guidelines, a considerable improvement on the previous year's figures of 51.3%. Against that, only 53.3% of committals within the file sample were clearly within time guidelines.
35. The quality of instructions to counsel was significantly better than generally encountered; inspectors considered 80% of briefs were of an acceptable standard or better. The year ending March 2001, Area figures show 81.5% of briefs to counsel were served within agreed guidelines against a target of 70%, a significant improvement on the previous year's figure of 63.9% and a substantial improvement from the figures available in the last Branch report.
36. Indictments were amended in 20% of cases in the file sample mainly to accommodate pleas or reduce the level of charge. A system is in place to record all amendments and retain copies of relevant indictments on file.
37. The standard of caseworkers is regarded as high. Currently cases can be transferred to a number of Crown Courts outside the Area which can cause great strain on Area resources.
38. The Area has introduced consistent practices for custody time limit (CTL) provisions at Hull and Grimsby, the desk instructions have also been updated to reflect current practice and procedure, both were introduced since the last Branch report. The Area has carried out a review of CTLs and plans to provide training for all levels of staff in the operation of the monitoring systems as well as law and procedures.
39. There is scope for improvement in the standard of file endorsement and file management. File endorsements of review endorsements and case progression in the magistrates' courts and the Crown Court were good, but poor in relation to bail and mode of trial. The Area intend to address this with the introduction of Area standards for each, the inclusion of file endorsement quality in the forward

job plans and the introduction of a new system of coloured folders to contain all relevant documents within the file.

40. Advocacy – Inspectors observed 15 CPS advocates of whom six were entirely competent. A further six were above average in some respects and one advocate was very good. Only two performed less well and appeared less well prepared, evidenced by undue reliance on the file, resulting in lack-lustre presentation of the cases. The standard in the youth courts was good.
41. The Area has four DCWs. The evidence obtained from external agencies was positive. Inspectors observed two, both of whom were entirely competent advocates.
42. The Area tends to use the junior Bar in the magistrates' courts. Agents do not appear in the youth courts. The evidence gathered suggested that the standard of agents is satisfactory and had improved. The only counsel agent whom inspectors managed to observe was competent in all respects. An information pack is sent out to all new agents across the Area, and in Hull junior counsel spend some time in the office shadowing lawyers to familiarise themselves with prosecution work, the positive effects of this system are now being realised.
43. There are four Higher Court Advocates who have rights of audience and have been trained to handle cases in the Crown Court in the Area, we were unable to observe any presenting cases in the Crown Court. There will be greater use this year as the Area submitted a bid for funding 60 sessions in comparison to the 27 sessions last year.
44. Inspectors observed six counsel instructed by the Area but only in the context of relatively straight forward cases. All were fully competent in all respects and one was above average in many respects.
45. There is a need for more structured monitoring of advocates to ensure that consistently high standards are maintained.
46. Management and Operational issues:
 - Area strategic and planning activity in 2000/2001 focused on:
 - > The development of plans to meet the recommendations in the Glidewell Report, and
 - > Improving against core CPS targets.
 - Glidewell implementation has been affected by a number of local issues, in particular plans for organisational change within Humberside police, accommodation issues (both CPS and police) and planned changes to the

structure of the magistrates' courts in the East Riding. Against this background there remained some uncertainty about final organisational structures. Inspectors were pleased to find that success criteria had been established for determining the success of the Glidewell arrangements in Grimsby, which would be examined and lessons applied to arrangements in Hull.

- The CCP and ABM hold quarterly meetings with each Divisional Crown Prosecutor (DCP) to discuss team performance and other issues, the focus has therefore been given to local performance. The Area monitors performance against national targets. This is displayed in chart form in each office and set out on a quarter by quarter basis as a rolling average.
- Some management checks and important areas of monitoring are not being undertaken consistently and effectively across the Area. There is a need to develop an Area-wide approach to administrative practices, and to performance management and the monitoring of key processes.
- The Area's emphasis on quality and professionalism is to be assisted by the development of Area-wide standards.
- Inspectors noted some lack of certainty about deployment of middle managers and staff imbalances which are expected to be rectified following recruitment and finalisation of structural changes within the Hull office. The Area has successfully achieved the liP award. Good arrangements are in place for induction although it is less structured for casual staff.
- The Area's Training and Development Strategy Plan for 2001-2002 makes specific links between objectives in the Area Business Plan and training needs. Staff have been offered the opportunity to undertake National Vocational Qualifications; individual learning accounts have been promoted.
- Difficulties have been encountered meeting the targets for staff appraisal reports with only 33% being completed by the end of May. The Area's sickness rate has been comparatively high at 14.7 days in 1999/2000, but were reduced during 2000/2001 to 11.7 days following training in performance management.
- The Area has recognised the need to meet the CPS' commitment to equality and diversity. The approach has largely followed the national format. The Area published its Diversity and Racial Equality Action Plan during 2000 but the plan had not been the subject of ongoing review. The Area indicated it intended to establish an Equality Committee.

- The Area has recognised that communication is an aspect of performance that needs attention, and a communication strategy has been drawn up. However, thought needs to be given about ways to emphasise key messages.
- Systems are in place for the allocation and monitoring of the Area's budget. The Area has management and monitoring procedures in place to control its budget adequately.
- There has been an improvement since 1999 in the maintenance of performance indicators. The Area has conducted a review of the procedure and administrative staff do receive training. However, there are no consistent regular checks across the Area.
- The Area has a written formal complaints procedure which ensures that complaints are dealt with promptly and at the appropriate level. All responses were appropriate and sensitively handled.
- The last Branch report highlighted poor liaison with other agencies, appropriate and more effective liaison with other criminal justice agencies has been achieved and maintained.

Commendations

47. Inspectors commended a number of aspects of the Area's work, in particular:
- (1) The establishment of a communications officer at each office (paragraph 2.19).
 - (2) The production of a quarterly synopsis of adverse cases (paragraph 3.50).
 - (3) The letter sent to the defence prior to the PTR stating what the reviewing lawyers considers to be the relevant issues and which witnesses therefore need to be called at trial (paragraph 4.39).
 - (4) The use of the CTL review form (paragraph 4.83).
 - (5) The reporting of performance as a rolling average (paragraph 6.28).

Good Practice

48. Inspectors drew particular attention to practices or initiatives that other Areas might wish to note when dealing with similar issues, in particular:
- (1) The system to monitor amendments to indictments (paragraph 4.64);

- (2) Work shadowing of lawyers by counsel, who are potential agents (paragraph 5.22);
 - (3) The establishment of terms of reference to govern the work of the management board (paragraph 6.21).
49. The full text of the report may be obtained from the Combined Administration Unit at HMCPS Inspectorate (telephone 020 7210 1197).

HMCPS Inspectorate
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