

HM CROWN PROSECUTION SERVICE INSPECTORATE

INSPECTION OF CPS LINCOLNSHIRE

EXECUTIVE SUMMARY

Introduction

- 1 This is the report of Her Majesty's Crown Prosecution Service Inspectorate on CPS Lincolnshire. The CPS is a national Service, but operates on a decentralised basis with each Area led by a Chief Crown Prosecutor (CCP) who enjoys substantial autonomy.
- 2 The report focuses mainly on the quality of casework decision-making and casework handling, but it also covers all those matters that 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.
- 3 The Area was last inspected in 1998 when it was a Branch of the former CPS Humberside Area. This inspection was carried out in February and March 2001 during a period of very significant change for the CPS both nationally and in Lincolnshire. The Area has introduced initiatives to reduce delays in the criminal justice system to give effect to the recommendations made in the Review of Delays in the Criminal Justice System (the Narey Report). It has also been reorganised into a Trial Unit (TU) and a Criminal Justice Unit (CJU) on 12 February 2001. The latter included the re-establishment of a CPS presence at Skegness with CPS and police staff co-located at the local police station. This change was effected for operational reasons, but it has also helped to prepare the Area for changes to give effect to the recommendations of the Glidewell Report.
- 4 The background to the present findings in relation to CPS Lincolnshire is important. It is a small Area with a relatively low caseload and a case mix that reflects its size. The Area handled 14,958 defendants in the magistrates' courts and 950 defendants in the Crown Court in the year ending 31 December 2000. Its caseload is weighted somewhat towards less serious offences when compared with the national pattern although, in the last 24 months, the Area has had to cope with an unusually large number of serious and complex cases. These have presented a considerable challenge at a time when some experienced lawyers were leaving the Area, not to be replaced.
- 5 CPS Lincolnshire has to service a very large number of courts covering a wide geographical area in one of the largest counties in England and Wales. This is, undoubtedly, stretching its resources. In the past, high level contact with other criminal justice agencies was sparse and the new CCP and ABM, appointed in 1999, have had to invest a great deal of their time in restoring relationships.

In addition, in the last two years, the Area has undergone a great deal of significant change, featuring intense internal re-organisation following in the wake of the Narey and Glidewell reports. In spite of all this upheaval, the Area, led by its two committed and energetic senior managers, has shown great determination and has made considerable progress. That being said, there are some weaknesses on the casework side that need attention and the time has come for the Area Management Board to concentrate more on internal communications and on some of the processes and procedures that underpin its core business.

Main findings of the Inspectorate

Quality of casework decisions

- 6 The quality of casework handling is generally sound but inspectors have found some examples of poor or premature decision-making. Although they represent a small minority of the Area's caseload their occurrence is too significant to be overlooked and suggests that, on occasions, prosecutors need to analyse the evidence more carefully.
- 7 The conviction rate (including guilty pleas) and the acquittal rate in the magistrates' courts in the year ending 31 December 2000 were similar to the national average. For the same period in the Crown Court, the conviction rate was higher than the national average but the acquittal rate was significantly lower. The discontinuance rate was very close to the national average.

Timeliness of casework

- 8 While there have been improvements in the time it takes the CPS to make decisions or to undertake certain aspects of file preparation, for example, in the delivery of briefs to counsel, timeliness is of general concern. Both management and staff are undoubtedly under pressure from the recent changes, but they must work together to minimise disruption to service delivery. The problem is not on a large scale but some improvements are needed.

File management and correspondence handling

- 9 Inspectors were concerned about the untidiness of the files examined and the unsatisfactory manner in which correspondence is handled. These are the Area's main weaknesses in casework preparation and it will need to improve its performance in these regards.

Standard of advocacy

- 10 The standard of advocacy in both the magistrates' courts and the Crown Court is variable but satisfactory. No prosecuting advocate failed to meet the CPS standards on advocacy.

External relationships

- 11 Until recently, the Area did not have a positive image amongst its partners in the criminal justice system. In the last two years, however, there has been considerable improvement in this regard. Both the CCP and the ABM have played key roles but credit must be given to all the staff. What is important now is for the Area to build on that good work to improve its own performance and that of the local criminal justice system as a whole. In particular, as there is still a perception in the Area that the quality and timeliness of delivery of police files leaves something to be desired, the Area should enhance the joint performance management process with the police in order to improve police file quality and timeliness, and to address common causes of failed cases.

Internal organisation

- 12 Now that the Area has achieved many of its objectives on the external front, we think it is time for it to focus on its internal infrastructure. A first major step in the series of changes to implement recommendations in the Glidewell Report has been the re-establishment of a CPS presence in Skegness so that CPS staff could work more closely with the police. There are now three CPS offices in the county. Travelling between the offices is not easy and the Area Management Board will need to develop a better internal communications system. This is reflected by our main recommendations.
- 13 The establishment of the Skegness team required changes to working practices for both the CPS and the police. However, there have been problems with regard to the management of these changes and the Area is continuing to address them. It is important that the Area undertakes a more formal evaluation of lessons that can be learnt in order to inform the development of the rest of the new Area structure.
- 14 The report contains 20 recommendations and 10 suggestions designed to help the Area improve aspects of its performance.

Specific findings

Advice

- 15 The police make comparatively few requests for advice, but those that are made, are appropriate. The quality of CPS advices is good and consistent with the tests set out in the Code for Crown Prosecutors. The advice was provided within agreed time guidelines in 60% of the files examined and the majority of the rest were late by only a few days.

Review

- 16 The standard of initial review was sound. In the sample of cases examined that resulted in guilty pleas or proceeded as trials, inspectors considered that the Code had been properly applied in 92% of them. In addition, the appropriate charges were usually selected. It was felt that some decisions should have been taken at an earlier stage in the proceedings and that, consequently there was some room for improvement in keeping outstanding cases under review in a timely manner.
- 17 CPS Lincolnshire has a low rate of discontinuance compared to other CPS Areas. Inspectors disagreed with the decision to discontinue in three out of 25 cases in the discontinued sample. They also thought, that, in some instances where the police had not been consulted before a decision was taken to discontinue, the police should have been given a fuller explanation as to why cases were dropped.
- 18 “Adverse Cases” are those that result in dismissal at the magistrates’ court following a successful submission that there is no case to answer and those that are the subject of judge ordered (JOA) and judge directed acquittals (JDA) at the Crown Court. The Area’s performance in avoiding these outcomes is better than the national average. However, the examination of some of the files suggested that a significant number of adverse outcomes are foreseeable and that a closer scrutiny of the evidence could have prevented many of the JOAs and JDAs from reaching the Crown Court. Inspectors thought that better feedback to the staff on well prepared, as well as on failed cases, would also help address the issue.
- 19 Recording CPS decisions and the reason why they are taken were weaknesses identified in the 1998 Branch report. There has been significant improvement since then and, in many of the cases examined inspectors were pleased to find a good record of the analysis of the evidence and the public interests factors.
- 20 The Area continued to make progress on reducing delays in dealing with cases involving persistent young offenders but inspectors thought that the Area could benefit from better co-ordinated action with other relevant agencies in order to improve performance. Since the inspection we have been told that a multi-agency Area National Action Plan has been submitted to the Youth Justice Board, but more details are being sought by the Board.

Case preparation

- 21 The Area’s performance in providing primary disclosure is satisfactory but the provision of secondary disclosure in summary trials can be improved.
- 22 The preparation of summary trial merits attention on two points. First, there was a general lack of readiness on the part of the prosecution at pre-trial reviews (PTR). This contributed to a significant number of listed trials not taking place. This may not be the responsibility of the CPS alone, but the Area will need to work with the

courts in examining the reasons for so many ineffective PTRs and trials. Secondly, Inspectors thought that there should be a form that will allow lawyers to give clear instructions to administrative staff about the work that needs to be done in each case prior to trial.

- 23 The Trial Unit is responsible for committal preparation and for instructing counsel. The timelines of both processes has improved but inspectors have some reservations over the vigour with which committal papers are scrutinised and over the adequacy of instructions to counsel. At the time of the inspection, there were only two lawyers in the Trial Unit although the workload suggested that at least one other lawyer was required. Consequently, the two lawyers concerned were finding it difficult to cope and some of the committal work had to be carried out by lawyers in the Criminal Justice Unit. The Area hoped that this issue could be resolved soon. Once the pressure is eased the effectiveness of the Unit should improve and this will help to remove the current ambiguity between the different roles of the two Units.
- 24 Inspectors also felt that more attention could be paid to the drafting of indictments, as a significant number currently have to be amended.
- 25 Cracked and ineffective trials are a serious problem in the Crown Court although the situation is, by no means, entirely the responsibility of the CPS. The Crown Court has assessed that about a third of cracked trials and the same proportion of ineffective trials were caused by the prosecution. Although the Area has conducted some analysis of the reasons for trials not going ahead and although there has been some discussion with the Court and in the Trial Issues Group, inspectors would like to see further CPS liaison with the police and the Court to see what can be done to reduce the number of Crown Court trials that do not go ahead.
- 26 The general standard of file management and correspondence handling is poor. Representatives of other criminal justice agencies expressed concern about the way in which correspondence was handled and this was confirmed by our own file examination. The timely linking of correspondence to files was unsatisfactory, as was the manner in which the file contents were kept.
- 27 Inspectors found that the calculation and monitoring of custody time limits to be very good, although they would like to see an increase in management support for those directly responsible for the work.

Advocacy

- 28 The overall standard of advocacy in both the magistrates' courts and the Crown Court was satisfactory. All the advocates seen were competent. Several prosecutors were above average in some respects although two demonstrated weaknesses that will require attention. Only one CPS lawyer was exercising

higher court rights of audience. It is hoped that, when resource permits and when more lawyers acquire those rights, the Area will increase the presence of CPS advocates in the Crown Court.

Management and operational issues

- 29 CPS Lincolnshire is a small Area in terms of caseload but it serves a large number of courts that are dispersed around the county. This can have an effect on an Area's performance but the management in CPS Lincolnshire has a robust attitude to improving the effectiveness of service delivery.

Change management

- 30 The Area has made a start at implementing the Glidewell recommendations. The re-establishment of a CPS presence in Skegness, based at the local police station was the first major move. The changes to working practices presented a significant challenge to both the police and the CPS. In spite of their holding a series of planning exercises inspectors thought that the CPS underestimated what was involved. For example, the introduction of a single file system created operational difficulties for both organisations and this in turn prevented staff from reaping the benefits of working together. However, we are pleased to see that the problem areas are being tackled and that progress is now being made.
- 31 A factor that made the transition more difficult was the absence of a CPS manager in Skegness. Senior Area management visited the office and utilised various strategies to handle discussions with the police and to feedback progress to senior management. This was not effective. Staffing resources in the Area prevented the appointment of middle managers in all three sites. Consequently, management will need to be more imaginative in devising ways in which it can stay in touch with day to day operational issues such as coverage, systems and accommodation in the outlying offices.

Relationship with other agencies

- 32 Since the creation of the new Area structure, the profile of CPS Lincolnshire with external agencies has been considerably improved. The story is one of significant achievement from a previously low base.

Internal communications

- 33 The Area's considerable achievement in improving liaison with key external agencies must be acknowledged, but inspectors found that internal communications in the Area were not good, and this has partly contributed to problems at Skegness and other aspects of service delivery. We strongly endorse the view of the management team itself that more attention to internal communications is now a priority for the Area.

- 34 Our main recommendations reflect this need, and refer to the importance of developing a communication strategy, improving long term planning and identifying learning points from the problems experienced in setting up the CPS office at Skegness. The strategy should include a formal system of feeding back issues in casework to staff.

Management of financial resources

- 35 The management of financial resources in the Area is sound. The total budget allocation for non-ring fenced running costs in 2000/2001 was £1,643,960. The actual outturn at year end was £1,621,413. The main reasons for the 1.4% underspend were the delay in filling one of the Unit Head posts, the deferment on youth justice training to after April 2001, and staff movements and changes leading to temporary vacancies. These changes were profiled for March when it was too late to anticipate and re-profile within the financial year.

Witness care

- 36 Several issues concerning victims and witnesses were raised during the inspection. The CPS does not have complete control over all of them, such as the child witness facilities in the Crown Court, which are limited by the building. Inspectors do, however, urge the CPS to make use of any available opportunity to improve standards of care in conjunction with other agencies.

Joint Performance Management

- 37 Currently, the scrutiny of CPS and police performance takes place at CPS management/senior police officers meetings but inspectors found that the meetings lacked the formality to enable both organisations to agree on actions to improve police file quality and timeliness, and to enable the police to learn from failed cases. The Area should build on its success in cultivating a good relationship with the police to develop a more formal joint performance management process.

Complaints handling

- 38 Inspectors found that, while complaints were dealt with in a timely manner, the response in some cases involving fatalities could be improved by some acknowledgement of the complainant's bereavement. The up-dating of the complaints register required attention, and the CCP should involve the Unit Heads in responding to complaints.

Commendations

39 Inspectors commend the Area in the following aspects of their performance:

- the monitoring of custody time limits.
- the efforts on the part of both management and staff in developing a culture within the office where continuous improvement of performance is seen as important.
- the policy of linking bids for additional resources to increased efficiency.

Good practice

40 Inspectors draw particular attention here to those Area practices or initiatives that other Areas may wish to note when dealing with similar issues:

- providing the police in advice cases with information regarding the identity of the reviewing lawyer and the target date for reply, together with a clear endorsement of the target date on the file cover.
- the development and use of a bar code and computer-based system for recording the physical location of files.

41 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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