

CROWN PROSECUTION SERVICE INSPECTORATE

INSPECTION OF CPS NORTHAMPTONSHIRE

EXECUTIVE SUMMARY

Introduction

1. This is the report of the Crown Prosecution Service Inspectorate about CPS Northamptonshire in the new cycle of inspections based on the 42 Area structure adopted by the CPS on 1 April 1999. The CPS is a national service, but operates on a decentralised basis with each Area 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 Northamptonshire. The Area has successfully piloted initiatives to reduce delays in the criminal justice system to give effect to the recommendations contained within the Review of Delays in the criminal justice system (the Narey report), before their adoption nationally. The Area has reorganised into functional units based on magistrates' and Crown Court casework, rather than geographical ones, to take forward the recommendations of the review of the CPS (the Glidewell report) in relation to Criminal Justice and Trial Units.
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 Northamptonshire has one office in Northampton and shares boundaries with the other criminal justice agencies in the county. It employs the equivalent of 51.2 full time staff, of whom 14 are part time.

The Area

5. Northamptonshire has six magistrates' courts around the county, and one Crown Court. The Area handled 14,429 defendants in the magistrates' courts and 1,317 defendants in the Crown Court in the year ending 30 September 2000. In addition, pre charge advice was given to the police in 455 cases. Overall, the caseload is weighted similar to the national pattern.
6. The Inspectorate last visited Northamptonshire in May 1998 as part of the Branch inspection programme. At the time, Northamptonshire was a Branch in the former East Midlands Area. Inspectors looked carefully at how performance had developed in the light of that inspection report.

Main findings of the Inspectorate

7. The Area has a core of experienced staff at both legal and caseworker levels. They handle much of the casework in a sound and timely manner. Many of the recommendations made to improve casework in the last report have been addressed, although work still remains to be done on a number of issues including the quality of review endorsements; the disclosure of unused material; the quality of instructions to counsel and indictments; and the need to ensure that appropriate lessons are learnt from finalised cases.
8. The Area re-structured in February 2000 from two teams based on geographical areas, to a Magistrates' Court Unit (MCU) dealing with cases dealt with summarily, and a Crown Court Unit dealing with cases in the Crown Court. This is the first step towards the creation of a joint Criminal Justice Unit (CJU) with the police. The future CJU is still the subject of discussion between the CCP and the Chief Constable.
9. The quality of advice to the police and decision making in cases is good.
10. The review and preparation of summary trials was recognised by the CCP as a weakness in the Area. As a consequence a Summary Trial Unit (STU) was created by the CCP within the MCU. Although the STU had only been in operation for a short period before the inspection, improvements in the standard and timeliness of review were evident. We think, however, that closer management involvement is necessary in the running of the STU to ensure the improvements made to date are maintained and developed.
11. Crown Court casework is thorough. The Area successfully piloted the sending of indictable only cases to the Crown Court at the first date of hearing in the magistrates' court. Although the Area has a higher than average rate of judge ordered acquittals (14.4% compared to a national average of 11.6%), this is largely explained by the high proportion of cases which are "sent" to the Crown Court before the Area receives a full file of evidence from the police.
12. CPS advocacy in the magistrates' court is satisfactory, and the introduction of Designated Caseworkers (DCWs) has been a success. The Area has three Higher Courts Advocates (HCAs). Deployment of the HCAs has been limited, but the CCP has plans for them to exercise their rights of audience more fully.
13. Relationships with local CJS partners are good. A police liaison officer has been seconded to the CCU, and the Deputy Clerk to the Justices attends the CPS/police Joint Performance Management (JPM) meetings. There is a full network of multi-agency committees and working groups. The Area, however, needs to ensure that the working groups are effective in relation to issues such as the reduction of cracked/ineffective trials, the reduction of delay in dealing with persistent young offenders (PYOs), and witness care. As far as PYOs are concerned, the average

time taken to deal with a PYO from arrest to sentence had dropped from 92 days in quarter ending March 2000 to 95 days in quarter ending December 2000, and further work is required to reduce that period.

14. The Heads of the MCU and CCU have recently been appointed. The new Area Strategic Group (ASG) needs to review how it works as a team, and to clarify the roles of the Unit Heads within their units. We think these roles need strengthening, both in relation to casework management and the management of staff. There is also scope for the ASG to review the staffing balance between the Area Secretariat and casework support, and the arrangements for covering the work of part time staff and absences in general.
15. On equality and diversity, progress is satisfactory, and we have commended the work of a grass roots focus group looking at diversity in relation to core competencies. Within the office 7.4% of staff are from a minority ethnic community. This compares with the local community census benchmark of 3.5%.
16. The Area has recently achieved IiP status. A comprehensive communication strategy has been produced, although further work is needed in relation to effective consultation. The Area's long term planning also requires development.
17. The report contains 17 recommendations and 12 suggestions designed to help the Area improve aspects of its performance.

Specific findings

18. Advice – The quality and timeliness of advice is good. Inappropriate requests for advice from the police are much reduced from the time of the previous Branch inspection. However, Unit Heads need to start monitoring the quality of advice as part of their line management role.
19. Review – the evidential and public interest tests in the Code for Crown Prosecutors are generally applied appropriately. Initial review is generally effective, but review endorsements lack analysis. Sensitive cases such as child abuse, racially motivated crime and domestic violence are handled well. Summary trial review, however, has been of poor quality and late. This led to an acquittal rate after trial of 30.6% (national average 26%), and a cracked/ineffective trial rate of 63%. The STU was set up to improve quality and timeliness of review. Although the STU had been operational for only a matter of months, its impact was positive, except in relation to a number of discontinuances by the STU that demonstrated an unduly cautious assessment of the prospects of conviction. The MCU Head will need to monitor STU decision making, as well as workloads to ensure that the small STU team does not become overburdened. Crown Court casework is reviewed thoroughly, although we did find a small number of questionable decisions. These underline the need for systematic and effective learning from the lessons from its prosecutions.

20. Case preparation – The Area’s performance on disclosure is comparable with that of many Areas. Lawyers are alert to disclosure issues, but there is poor recording of decisions, and in the Crown Court disclosure is generally made of all items requested by the defence without application of the secondary disclosure test. Witness warning for summary trials is timely. A summary trial checklist is now used seven days before the trial. Service of committal papers on the defence in both “sent” cases and magistrates’ committals was timely. The quality of instructions to counsel on committals for trial is generally poor, with no analysis of the case or acceptable pleas. The quality of the indictments, usually drafted by lawyers rather than caseworkers, is weak. Instructions in appeals, committals for sentence and applications to extend custody time limits are inadequate. Failure of witnesses to attend trial led to five out of the eighteen JOAs that we examined. The Area needs to ensure regular contact by the police prior to trial with any witness who has indicated a reluctance to attend court, or has been intimidated.
21. Advocacy – Most CPS lawyers are experienced advocates. We observed 9 CPS lawyers in court. All were competent, but three had weaknesses in relation to some aspects of performance, and only one advocate demonstrated aspects of performance which were above average. We saw an example of an advocate who was not fully prepared for court. Other advocates were over reliant on reading from files, and on occasions their delivery was lacklustre. Overall, we think the Area’s lawyers would benefit from refresher training to sharpen their performance. The performance of the DCWs was satisfactory. The Area has three HCAs, including the CCP. Deployment for the past twelve months has been limited to their handling a proportion of committals for sentence. The CCP is planning to extend the coverage to PDHs and appeals. The Area has covered 40% of its magistrates’ court sittings in the first and second quarters of the year 2000/01 with agents, usually junior counsel. It does not have an induction programme for new agents, or adequate monitoring arrangements.
22. Management and operational issues
- Area management has recently been finalised with the appointment of the unit heads. The CCP and ASG now need to define their respective roles and create a cohesive management team. This will be challenging for them. The role of the unit heads needs to be strengthened, after a number of line management responsibilities were removed from them and placed with the ABM.
 - The Area has achieved IiP status after an initial deferral. Communication has improved in the Area, particularly in relation to information supplied by management, but further work is needed to engage staff appropriately in consultation. There is a very well presented training plan, which needs to be followed through.
 - The Area has carried out a self-assessment, and intends to conduct a joint planning exercise with staff on the future direction of the Area. The ASG

needs to ensure that they consolidate an overall vision for the Area, which staff can understand, and which encompasses rotation between the Units. The Area also needs to finalise plans with the police for the joint CJU, which is to be based at a police station. The date for setting up the CJU has been put back from the 1 April 2001 to 1 October 2001.

- Financial control is sound.
- The size of the Area Secretariat is an issue with some casework staff. The ASG needs to review the balance of resources between the secretariat and the units, and to confirm the results with staff. Cover arrangements for absent staff also need to be reviewed.
- We were impressed by a grass roots initiative on setting up a focus group to examine diversity in relation to core competencies.
- There is an extensive network of interagency groups in which CPS plays a full part.
- Although the response to written complaints is generally good, the handling of oral complaints is poor. Greater use can be made of the complaints register to identify performance issues.
- Accuracy of the performance indicators has improved since the last inspection, but still requires careful monitoring. The Area needs to review the accuracy of its self assessment of adverse cases which may signify a failure of CPS review.

Commendations and identification of good practice

23. The Inspectorate commended five aspects of the Area's work as good practice. These were:

- the sharing of information on racially motivated offences with the police;
- the use of a summary trial check seven days before the trial to ensure trial readiness;
- the attendance of the Deputy Clerk to the Justices at CPS/police JPM meetings;
- the presence of a police witness liaison officer in the CCU; and
- the setting up of a focus group to look at core competencies in the context of equality and diversity.

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

HMCPS Inspectorate
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