

# **HM CROWN PROSECUTION SERVICE INSPECTORATE**

## **INSPECTION OF CPS WEST YORKSHIRE**

### **EXECUTIVE SUMMARY**

#### **Introduction**

1. This is the report of HM Crown Prosecution Service Inspectorate about CPS West Yorkshire. 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 West Yorkshire. Initiatives to reduce delays in the criminal justice system were being 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 largely completed at the time of our inspection.
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.

#### **The Area**

4. CPS West Yorkshire has its headquarters in Leeds. The county has ten magistrates' courts and two Crown Court centres. The Area handled 79,230 cases in the magistrates' courts and 7,033 cases in the Crown Court in the year ending 31 December 2000. Pre-charge advice was provided to the police in a further 2,033 cases. The Area has a higher proportion of summary motoring offences than the national average. This may be due in part to the county's extensive motorway network, but inspectors found that specified offences, which the CPS does not handle, were being wrongly counted as case receipts. Either way and indictable offences which represent the more serious casework are slightly below the national pattern.

#### **The main findings of the Inspectorate**

5. Inspectors found that the Area is performing soundly in relation to casework and management of the Area. The management team has created strong foundations and developed a clear strategy for future development.

6. The two years since the Chief Crown Prosecutor (CCP) and Area Business Manager (ABM) took up their posts have been a period of intensive management activity as preparations were made for the implementation of the Narey recommendations and the restructuring from geographically based branches into trial units and criminal justice units. Both these initiatives presented some difficult challenges for senior managers but they were met robustly and successfully. Inevitably there has been some relocation of staff, although this was kept to a minimum. Inspectors found that staff continue to show a commitment in their work and morale is generally high. Although there have been past deficiencies in some aspects of casework performance, there is an air of optimism for the future.
7. The police in West Yorkshire seek pre-charge advice in a smaller proportion of cases than occurs nationally. Inspectors noted that those submitted included some cases which need not have been submitted but were told of others which would benefit from advice before charge.
8. Casework decisions are generally sound and the Area handles sensitive and aggravated offences well. Racially aggravated crime and child abuse cases are dealt with sensitively and the Area is particularly proactive in efforts to tackle youth offending. It has played a prominent role in promoting a better understanding of issues surrounding domestic violence cases.
9. Inspectors were impressed with the ways in which the Area learns lessons from casework. Reports of adverse cases in the Crown Court are detailed and unit managers helpfully highlight any trends and issues of concern. An Area Legal Bulletin is published regularly to provide information on current law.
10. Significant improvements, however, need to be made in respect of file endorsements and file housekeeping. Although review decisions are generally correct, review endorsements do not indicate any thoroughness or depth. Poor court endorsements make the calculation and monitoring of custody time limits problematic in some cases. We are pleased that Area managers have themselves independently acknowledged the deficiencies and have introduced a standard on file endorsements to tackle this fundamental issue.
11. The Area is well managed. Area managers have used the restructuring of the Area as an opportunity to examine its performance in some detail and have already implemented a number of initiatives to address those aspects requiring improvement. The Area Management Team is taking steps to create a strong performance culture with a system of structured performance monitoring. The CCP and the ABM are supported by an efficient Area Secretariat which monitors Area performance and highlights areas of concern which require attention. Area managers have introduced Area-wide systems and procedures with time targets for certain key tasks.

12. The Area has been particularly proactive in its approach to equality and diversity issues. It has established its own equality and diversity group, comprising staff from all levels and minority groups to advise on and monitor the development of equality and diversity policies and their implementation across the Area. The Area has also established good links with the local Race Equality Council and other local minority ethnic groups.
13. The report contains 16 recommendations and six suggestions designed to help the Area improve aspects of its performance.

### **Specific Findings**

14. **Advice** – advice to the police is sound and accurate although timeliness of its provision can be improved. Only 23 out of 34 cases (67.6%) were dealt with within the agreed guidelines. Requests for advice need to be better focused. Inspectors felt that six cases need not have been submitted for advice because the decision was obvious. Conversely, prosecutors and representatives of other agencies told of some cases which would have benefited from CPS advice before charge.
15. **Review** – review decisions are generally correct although inspectors have concerns about the depth of review. This was particularly apparent in the sample of terminated case which inspectors looked at. They concluded that ten out of 99 cases should not have been accepted at initial review.
16. The Area has a history of poor review endorsements and inspectors findings confirmed this. Details of the evidential factors taken into account at review were noted in 62% of cases, whereas the public interest criteria were noted in only 51.4%. These deficiencies have been acknowledged by Area managers who had introduced a new standard on file endorsements shortly before the inspection.
17. Appropriate attention is given to sensitive and aggravated offences. Although other criminal justice agencies had expressed concerns about some child abuse cases being prosecuted with unrealistic expectations, these were not borne out by the file sample. Nevertheless, Area managers were aware of those concerns and have recently held a seminar to address the issue. The Area has made particular efforts with other agencies in promoting a better understanding of the issues in domestic violence cases and seeks to ensure, wherever possible and appropriate, that such cases proceed even when the victim retracts their evidence. Racially aggravated offences are also handled well although there are some concerns about cases charged as racially aggravated matters but which ultimately proceed as the basic offence.

18. The Area has played a prominent role in tackling youth offending. There have been some recent fluctuations in figures for the time between arrest and sentence for persistent young offenders. The final quarter of 2000 (94 days) showed a gradual increase on the previous two quarters. The figure for February 2001, however, was 81 days, a significant achievement having regard to the size of the Area.
19. **Case Preparation** – Although the poor standard of file endorsements and file housekeeping meant that some conclusions were based on incomplete information, inspectors considered that performance in respect of disclosure of unused material could be improved. Many decisions on primary disclosure were made on the basis of inadequate schedules of unused material provided by the police. Many schedules bore no evidence of their being considered by prosecutors. However inspectors also noted that prosecutors were increasingly requesting copies of relevant material before making decisions. There are concerns that the disclosure procedure was sometimes incomplete. Although the police were provided with a copy of the defence statement in most relevant cases, there was evidence of a police response in only 59.4% and evidence that secondary disclosure occurred in only 65.6% of cases. Lawyers and caseworkers understand the principles surrounding sensitive material but, in six out of 20 cases where it was an issue, there was no evidence that it had been considered.
20. Recent measures have been taken to address these issues. They include a new Area standard on disclosure and the use of case builders within police criminal justice support units (as part of a pilot trial) whose duties include that of disclosure officer and who are trained and experienced in handling unused material.
21. Summary trials are generally well prepared. Magistrates' courts hold pre-trial reviews though they have in the past done little to prevent cracked or ineffective trials. In one court, up to 43% of cracked or ineffective trials were the result of the prosecution dropping the whole of the proceedings. Again, Area managers have begun to address the problem by introducing specialist prosecutors to deal with PTRs and monitoring the effectiveness of PTRs and trials.
22. There have been improvements in the timeliness of committal preparation, though many are still served on the day of committal, largely due to late submission by the police. This sometimes leads to defendants being discharged (estimated at about 200 cases per year). There have been some improvements in the quality of instructions to counsel, though there is still some way to go. Timeliness of delivery has been significantly improved. Some 16% of indictments require amendment. The errors do not reveal any serious misunderstandings about the law, but indicate more the need to check drafts before they are lodged with the Crown Court.
23. Inspectors have recommended that the Area review its custody time limits monitoring procedures. A number of expiry dates were incorrectly calculated, indicating a failure to carry out proper management checks but incomplete and confusing file endorsements made monitoring uncertain at best.

24. **Case Presentation** – the quality of advocacy overall is good. The majority of prosecutors in the magistrates’ court are competent and inspectors observed some examples of above average case presentation. DCWs are equally competent and generally fully deployed, although some are prosecuting specified proceedings. A new listing protocol with the courts includes arrangements to maximise the use of DCWs. The standard of agents in the magistrates’ courts and counsel in the Crown Court was also satisfactory.

### **Management issues**

25. The CCP and the ABM form an effective partnership supported by an efficient Area Secretariat. The Area priorities for 2000/2001 have been:
- developing better casework performance;
  - improving administrative systems;
  - establishing a corporate identity for the Area;
  - changing cultural attitudes with an emphasis on performance; and
  - achieving IiP status.

These aims have largely been achieved.

26. Good systems are in place for allocating and monitoring the Area’s budget. Staff are generally well deployed. The Area has a training and development group whose role is to ensure that training needs are identified and met. Systems are now in place to establish training needs from performance appraisal reports.
27. Much has been done in the field of equality and diversity. The Area has its own equality and diversity group, comprising a cross-section of staff from all levels and minority groups, which advises on and monitors the development and implementation of diversity policies within the Area. The group has adopted the requirements of the Kick-Start scheme as a self-assessment tool in the areas of policy; staff recruitment and retention; and the approach to community and customers, as well as to analyse the Area’s current position and highlight those areas where work is needed. Good links have been established with the local Race Equality Council.
28. The Area has developed effective partnerships with local criminal justice agencies; the CCP has shown particular personal commitment in this respect. Discussions on the quality and timeliness of police files as part of joint performance management have, however, been frustrated by CPS failure to return all the monitoring forms relating to police file quality. This has led to distorted figures on police performance.

29. The Area is striving with other agencies to improve the service to victims and witnesses but there is still much to be done. However, individual prosecutors and caseworkers are helpful in their dealings with victims and witnesses and the support agencies.

### **Commendations**

30. Inspectors commended the Area for its recent introduction of Area-wide systems and procedures which incorporate time targets for certain key tasks.

### **Good practice**

31. Inspectors drew attention to those practices or initiatives which might be regarded as good practice.
- **Adverse case reports** – monthly reports have adopted a thematic approach to identify particular trends;
  - **Specialist lawyers at pre-trial reviews** – the Area has appointed specialist lawyers to deal with PTRs in an effort to make them more effective and reduce cracked trials;
  - **Pre-trial review and trial effectiveness forms** – forms are being used to record details of the events at PTR and trial to monitor the success of PTRs and identify areas of concern which lead to ineffective and cracked trials;
  - **The use of coloured stickers in custody time limit cases for individual defendants** – this assists the monitoring of custody time limits relating to individual defendants in multi-defendant cases;
  - **Equality and diversity** – the Area has adopted the criteria of the Kick Start programme as a means of self assessment of its performance in policy planning, recruitment and selection of staff and its approach to community customers to highlight areas where improvements can be made. This is supported by an action plan to address those areas.
  - **The provision of funds for appointment of a member of staff to the Chief Officers Group secretariat** – the postholder will be responsible for assisting with the collation and analysis of inter-agency data and the development of performance management systems;

- **Service level agreement with the Magistrates' Courts Service** – the Area has entered into an agreement with the Magistrates' Courts Service to ensure that listing practices make the best use of the resources of both agencies and maximise the use of designated caseworkers (ie. staff who are not legally qualified but have special training and present straightforward cases in the magistrates' courts).

### **Recommendations and suggestions**

32. Inspectors have made 16 recommendations identifying those aspects of performance which they considered needed development. These were: retaining a copy of the police papers in advice cases; monitoring the timely provision of advice; prompt review procedures; monitoring of file endorsements; improving the timely preparation of committal papers; procedures for reviewing committals discharged because the papers were not ready; reviewing custody time limits procedures; induction arrangements for CPS agents; developing success criteria for the new trial units and criminal justice units; reporting performance in key administrative areas; reviewing staff structure and numbers following restructuring; providing appropriate induction for new staff; addressing the requirements of health and safety legislation; reviewing security arrangements in CPS offices and rooms in court buildings; developing an Area-wide complaints procedure; ensuring that specified proceedings are not counted as case receipts.
33. The report also identified six aspects of performance in which inspectors suggest Area managers will wish to take action. These relate to: establishing criteria for the submission of advice files; maintaining a record of material comprising advance information; accurate dating of disclosure letters; forwarding the police confirmation of disclosure decisions; developing terms of reference for the Area Management Board; making arrangements for case papers to be available for prosecutors in respect of defendants appearing on warrants in Saturday remand courts.
34. 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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