



HM Crown Prosecution
Service Inspectorate

Annual Report 2013-2014

HM Chief Inspector of the Crown Prosecution Service

Executive summary



Overview of HMCPsi 2013-14 inspection activity

Her Majesty's Crown Prosecution Service Inspectorate (HMCPsi) has again carried out a programme of detailed scrutiny of the quality of Crown Prosecution Service (CPS) casework through the Annual Casework Examination Programme. Additional inspection activity has included a full effectiveness inspection of CPS London, focussed inspection activity involving a number of CPS units, and follow-up inspections relating to CPS Yorkshire and Humberside and the thematic review of youth offender casework. This has enabled me to give a comprehensive assessment of the quality of CPS casework and a clear indication of the direction of travel when compared with the findings from last year's inspection activity.

The service provided to victims and witnesses has continued to be scrutinised. In addition to general assessments, there has been specific work on the disclosure of victims' medical records and counselling notes in rape and sexual offence cases and a focussed inspection on victim and witness issues in the Gwent and South Wales units (CPS Cymru-Wales).

HMCPsi also undertook a follow-up inspection, by invitation, of the Serious Fraud Office (SFO). This inspection role has now been put on a statutory footing. I continue as Chair of the Criminal Justice Chief Inspectors' Group and the commitment to cross-cutting joint inspection activity has been maintained with, amongst others, the publication of the inspection report on the treatment of offenders with learning difficulties from arrest to sentence.

Communication with stakeholders has been improved by the regular publication of a round up of inspection activity. There is also extensive consultation with stakeholders on both HMCPsi's business plan and that relating to joint inspections. This ensures the Inspectorate is well informed when considering its inspection priorities.

HMCPsi continues to work in a challenging resource environment, but is committed to ensuring it has the capacity to deliver a wide ranging inspection programme in the ensuing year. It is committed to strengthening Inspectorate skills and resources as part of a long term staffing strategy. This will include ensuring it has the necessary skills to develop the statutory inspection of the SFO.

Next year's programme will include a mix of Area effectiveness and follow-up inspections. There will also be a focus on how the CPS handles offences of rape and serious sexual assault. The Inspectorate will continue to provide a robust, independent assessment of prosecuting authorities' performance, supporting them where necessary in making further improvements.

Overview of the 2013-14 performance of the Crown Prosecution Service

This year the CPS has prosecuted a range of high profile cases, notably a number relating to the sexual exploitation of children. Whilst concerns have been expressed about some aspects of these cases it remains the position that, overall, the CPS handles well its most serious and complex casework, but the position is less satisfactory in what is referred to as 'volume crime' cases. In most of these there is a victim who has the right to expect that their case will receive proper care and attention. I am not assured that at the present time this is happening routinely and welcome the Director of Public Prosecutions' commitment to driving up quality across the full range of CPS casework.

The CPS workforce reduced by 9.0 per cent this year,¹ with an overall reduction since 2011-12 of 15.5 per cent. The number of prosecutors fell by 8.7 per cent in 2013-14 and administrators by 9.2 per cent. In real terms, since 2011-12, the CPS has lost over 450 prosecutors and nearly 500 administrators.²

The background of continuing resource reductions is now having an impact on the ability of the CPS to deliver effectively across the whole range of its activity. In practical terms this has resulted in prosecutors and paralegal officers carrying higher individual caseloads. Increasingly inspectors found that stakeholders perceived inadequate case progression and preparation as attributable to these increased workloads.

1 This includes those at the Senior Civil Service grade and Chief Crown Prosecutors.

2 Our figures are taken from the CPS corporate information system and reflect full-time equivalent remunerated staff. Figures quoted for prosecutors also include Chief Crown Prosecutors. Figures quoted may differ from other published CPS data due to different specifications and data sources.

The introduction of Standard Operating Practices for magistrates' court casework provided the opportunity to harmonise processes and enable the effective transfer of work across units in a digital environment. They will need to be reviewed to ensure they enable the CPS to deliver the Transforming Summary Justice initiative effectively.

Additionally all Areas now operate Early Guilty Plea (EGP) schemes to identify Crown Court cases in this category. The benefit of this is that cases should progress more quickly and less CPS and police resource will be spent on unnecessary file building. Aspects of the scheme continue to be challenging, including early engagement with the defence. It also still remains of paramount importance that cases in which there is no realistic prospect of conviction are weeded out at the earliest opportunity.

The implementation of the EGP scheme, the continuing programme of digitisation and initiatives to improve aspects of magistrates' court case progression are contributing to the overall Government strategy to transform the criminal justice system.³

The report on the Thames Valley unit (CPS Thames and Chiltern) highlighted the importance of individual performance management to ensure high quality casework standards and the need for an increased focus on monitoring the quality of live casework. The proposed revision of the CPS Core Quality Standards Monitoring regime provides this emphasis. The robustness of the new approach will be scrutinised in future Area effectiveness inspections.

3 Transforming the CJS - A Strategy and Action Plan to Reform the Criminal Justice System (June 2013).

Inspectors noted a continuing decline in the proportion of police charged cases that complied with the Code for Crown Prosecutors. This was identified as a contributory cause of unsuccessful outcomes in the focussed inspection of the Dorset unit (CPS Wessex). Additionally, the inspection of CPS London found that cases were still being charged by the police that should be referred to the CPS for a decision. A substantial joint inspection of charging, which will be led by HMCPSI, is planned for 2014-15.

These aspects of performance were aggravated by a lack of effective review by a prosecutor before the first hearing. This did not comply with the Director's Guidance and, with the abolition of committal proceedings, resulted in some cases moving very quickly to the Crown Court which should not have been before a court at all. The CPS had also identified this as a concern and was piloting measures to address the issue. Their effectiveness will be considered as part of next year's inspection programme.

The provision of charging advice by CPS Direct 24 hours a day, seven days a week is now embedded, with that Area now making the majority of those decisions. Inspectors found that the overall quality of CPS decision-making at the charging and later review stages had declined when compared with last year's findings. This is of concern, particularly as it reverses the positive trend identified last year. There are a number of apparent contributory factors. At the charging stage inspectors were concerned to note a number of cases which demonstrated a lack of understanding of key legal elements and, later in the process, the pressure on prosecutors to deal with increasing caseloads was affecting the timeliness of decision-making. The role of the EGP teams is pivotal. In addition to identifying those cases likely to attract an early guilty plea, they have a crucial role in weeding out the weak cases at that early stage.

Caseload and outcomes

The overall number of contested magistrates' court cases rose by 1.0 per cent in 2013-14. It is, of course, these cases which are the most resource intensive, and where the impact in the reduction in staff is most likely to be felt. The number of contested cases as a proportion of all those completed continues to rise. The position in respect of Crown Court cases is somewhat different. Overall numbers fell by 2.6 per cent, but contested ones fell by 8.2 per cent. Unlike the magistrates' courts the number of contested cases as a proportion of all cases is now falling.

The percentage of Crown Court cases which result in a successful outcome shows a slow but sustained improvement, increasing to 81.0 per cent compared with 80.7 per cent in 2012-13. Conversely, successful outcomes in the magistrates' courts dropped from 86.2 per cent to 85.7.

The percentage of successful outcomes in cases involving violence against women and girls⁴ continues to rise, albeit slowly. In 2013-14, 74.4 per cent of these cases resulted in a successful outcome, compared with 74.1 per cent in 2012-13. However, it is of concern that despite better case handling, the proportion of successful outcomes in rape cases (a sub set of the violence against women and girls case category) declined from 63.2 per cent to 60.3 per cent, reversing the positive trend in outcomes over the previous three years.

⁴ These include offences categorised as domestic violence, rape and other serious sexual assaults.

Conclusion

The findings from this year's inspection activity indicate a decline in casework handling. The continuing reduction in resources is leading to prosecutors having to cope with increasing caseloads. This is undoubtedly having an impact on a number of aspects, including maintaining effective oversight of cases as they progress to the not guilty hearing. It is a matter for the CPS as to where it directs its resources, but I am concerned that failings in police charged cases are not being identified at an early stage, causing unnecessary work. There are some encouraging signs in the reduction in the number of dropped magistrates' court cases that have three or more hearings, but more can be done. Robust work at the very early stages of the process, together with meaningful performance management with police partners, can reap substantial benefits.

