

***HM CROWN PROSECUTION SERVICE  
INSPECTORATE***

**PRESS RELEASE**

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**ANNUAL REPORT 2001-2002**

Her Majesty's Crown Prosecution Service Inspectorate has today published its Annual Report to the Attorney General for the year 2001-2002. It covers the performance of the Crown Prosecution Service (CPS) during the year ending 30 September 2002.

The report states that inspectors continued to find substantial variations in the level of performance across the CPS against a background of continuing transition from working arrangements based on geographical units to functional ones handling magistrates' courts work (Criminal Justice Units) and Crown Court work (Trial Units). Some Areas had found this more difficult to cope with than others, but the majority had done well in maintaining a sound standard of casework throughout the change.

CPS performance against most measures remained constant. There was a significant improvement in compliance with the obligation of prosecution disclosure; primary disclosure of unused material to the defence was dealt with properly in 80.7% of the sample of cases examined by inspectors compared with 72.3% as at 30 September 2001; in secondary disclosure the improvement was from 62.2% to 65.3%.

There were also improvements in the timeliness of pre-charge advice to police, the timeliness of instructions to counsel and the proportion of indictments requiring amendment. The report notes that care needs to be taken that time targets are not being at the expense of quality. For

example, the improvements in the timeliness of pre-charge advice and instruction to counsel have not always been accompanied, in the Inspectorate's findings, by an improvement in quality.

Aspects of casework performance that were slightly less satisfactory were:

- \* compliance with the evidential test in the Code for Crown Prosecutors:
  - initial review (98.69% to 97.56%)
  - discontinuance (93.2% to 92.33%)
  - pre-charge advice (97% to 93.2%)(This was a relatively small sample of 147 cases)
  
- \* the proportion of adverse outcomes (findings by magistrates of no case to answer together with judge ordered and judge directed acquittals), where inspectors found the result to have been foreseeable, and in particular where, despite the result being foreseeable, insufficient remedial action was taken:
  - foreseeable (34.7% to 41.19%)
  - foreseeable but insufficient remedial action (20.43% to 25.7%)

The report welcomes the commitment of the DPP and the Chief Executive of the CPS to “a step change in CPS performance” taking advantage of the substantial additional recruitment possible in the light of recent additional funding. It recognises that this process is likely to be a gradual one because of the inevitable time lag between the arrival of new staff and the impact on performance.

Chief Crown Prosecutors and their senior staff were increasingly seen by their partners in other agencies as key players in the criminal justice system at local level. An illustration of the substantial part the CPS played within a co-ordinated inter-agency approach was in a context of youth justice. The Government's pledge to halve the time taken to deal with persistent young offenders from arrest to sentence was achieved on a national basis during 2001 (well ahead of target) and, by June 2002, 31 of 42 criminal justice areas had reached the 71-day target.

Other aspects of performance noted in the report include:

- \* the variable quality of file endorsements relating to review and reasons for decisions and actions taken. In the Inspectorate's view, there are close links between the quality of endorsements, continuing review, and the incidence of foreseeable adverse cases; and these need to be addressed by managers;
- \* improved efficiency generally brought about by the functional split between Criminal Justice Units and Trial Units;
- \* dedicated Trial Units in particular have improved the prompt preparation of indictable only (the most serious) cases;
- \* the issue of cracked and ineffective trials in the magistrates' courts remains a serious and urgent problem for the whole criminal justice system with an unacceptably high level in most Areas;
- \* CPS coverage by caseworkers in the Crown Court has improved, with one-to-one coverage of individual courtrooms increasingly being the norm;
- \* inspectors observed 187 advocates during the year. Only a handful were less than competent;
- \* the quality of business planning within the CPS is variable;
- \* the development of performance management remains at an early stage. Nationally, there is a CPS Casework Performance Group, which includes Inspectorate representation, to address this;
- \* overall there are good levels of awareness about equality and diversity issues and, generally, staff reflected the ethnic mix of the local community;
- \* the national roll out of the CPS Direct Communication with Victims project began in April 2001 and was completed by October 2002. Early findings are positive;

- \* the level of CPS engagement with the local community varied but the Inspectorate noted a welcome trend to involvement with local domestic violence groups and minority ethnic organisations.

Commenting on the CPS performance, Stephen Wooler, HM Chief Inspector of the Crown Prosecution Service said:

“The CPS has succeeded in maintaining an overall sound level of performance during a period of transition. However, there is scope for considerable improvement in a number of respects. It needs to develop robust performance management arrangements if it is to deliver the step change in performance to which it is committed. In my experience, consistently good casework is invariably underpinned by sound systems, good management and structured monitoring of performance.”

Responding to the report, Sir David Calvert-Smith QC, the Director of Public Prosecutions, said:

“The Inspectorate’s work is a valuable tool in helping the CPS to improve its service to the public. The Inspectors have highlighted many improvements in this annual report, but there are of course areas for improvement which we are already addressing. I particularly welcome the acknowledgement of the role that Chief Crown Prosecutors and other CPS staff are taking in working with other organisations to drive forward improvement across the whole of the criminal justice system. Their work shows that the CPS clearly has the potential to be a prosecution service of the highest calibre.

“We are working more closely with the police, the victims of crime and witnesses and with vulnerable communities, for example in our handling of homophobic crime and domestic violence. I am pleased that our work in those areas has been recognised in the report.

“The charging pilots, in which the police routinely seek the advice of the CPS before charging a suspect have shown that we can maintain our independence whilst working more effectively with the police. There have been more and earlier guilty pleas, more effective prosecutions, better case preparation, few weak prosecutions which are later

discontinued and more offenders brought to book. We will continue this year to build on their success.”

The report also summarised the activities of the Inspectorate itself in the year-ending 31 March 2002. It noted in particular and in addition to the inspection work already described:

- \* the training of all inspectors in Business Excellence Model (EFQM) assessment techniques;
- \* the development of a revised methodology and database for the second cycle of inspections commencing November 2002;
- \* the adoption of a risk based approach involving intermediate and full inspections over a four-year cycle; and
- \* the undertaking of a pilot inspection of the Prosecution Group of HM Customs and Excise (Manchester office).

A copy of the Executive Summary is attached to this press notice.

### **Notes to Editors**

1. HMCPSI is an independent statutory body, which was established on 1 October 2000 when the Crown Prosecution Service Inspectorate Act 2000 came into effect.
2. The Chief Inspector is appointed by and reports to the Attorney General. HMCPSI has offices in London and York.
3. For further information, please contact Anisha Visram, HMCPSI London (tel: 020 7210 1187, e-mail [Anisha.Visram@cps.gsi.gov.uk](mailto:Anisha.Visram@cps.gsi.gov.uk)), or Jane Holman, CPS Press Office (tel: 020 7796 8106, e-mail [Jane.Holman@cps.gsi.gov.uk](mailto:Jane.Holman@cps.gsi.gov.uk)).