



# Inspection of CPS Direct

## Executive Summary

November 2008

This is the first inspection by Her Majesty's Crown Prosecution Service Inspectorate (HMCPST) of CPS Direct, a business unit within the Crown Prosecution Service (CPS) which provides out-of-hours charging advice to all police forces in England and Wales.

## **Background**

In November 2001 a review of the practices and procedures of the criminal courts undertaken by Lord Justice Auld (the Auld Review) recommended that the CPS, rather than the police as was then the position, should assume responsibility for charging in all but minor cases or where circumstances required a holding charge before the CPS could be consulted. This recommendation was eventually put on a statutory footing in the Criminal Justice Act 2003 which amended the Police and Criminal Evidence Act 1984 to allow the Director of Public Prosecutions (in effect, any crown prosecutor) to make a charging decision. In 2003, following evaluation of pilots in six areas, the CPS and police began a programme of rolling-out charging nationally. All areas undertook a period of 'shadow' charging, evaluated by a joint national team, before being allowed to undertake charging on a statutory basis. An out-of-hours service was also piloted which was necessary because the scheme in its final form included custody cases.

The out-of-hours service, CPS Direct (CPSD), was rolled-out between 2004-06, when it became fully established. Police investigators telephone a central number when they need a charging decision and are put through to the next available prosecutor on duty. CPSD prosecutors work from home in shifts covering the hours 5pm-9am, Monday-Friday and all day at the weekends and on bank holidays.

This inspection was conducted in parallel with the Joint Review of the New Charging Arrangements by HMCPST and Her Majesty's Inspectorate of Constabulary (HMIC).

## **Findings**

This inspection has shown that overall the service provided by CPSD is good. Calls from the police are picked up quickly and the quality of advice provided thereafter is very good. The reasons for decisions are set out clearly and ancillary issues routinely addressed. Duty prosecutors are courteous and professional when dealing with calls. These factors have contributed to positive feedback from the police about the quality of service they receive. Generally action plans, which set out any further work necessary by the police, are detailed and specific setting sometimes challenging but realistic target dates. Inspectors found however that some were less detailed and omitted points, which were then left to the local CPS area to pursue. Steps need to be taken to ensure action plans are of a consistently high standard. There are also a number of respects in which the operation of the service could be strengthened further.

Although guidance detailing the circumstances in which CPSD should be contacted and the documentation required is generally available in police offices, not all officers seeking advice are well prepared. Police evidential review officers are helpful in ensuring other staff are prepared but they tend to be available only during normal working hours. Lack of preparedness can lead to an ineffective call. This inspection identified scope for more effective liaison which would help to create better mutual understanding of respective needs and so reduce the incidence of such occurrences.

Available IT and communications equipment varies between and within police forces. Not all officers are able to make use of email facilities and fax machines are not always conveniently located, which impacts upon the time officers spend making individual calls. Equally CPSD prosecutors require the telephone line to be kept open while they read the relevant papers. Police senior managers are frustrated that this removes officers from operational duties for longer than they consider necessary. Although officer time is necessary to answer queries from prosecutors, some time is still spent waiting for advice.

In order to deliver an efficient service CPSD closely monitors its performance and that of staff, and has sought over time to improve the speed of service provided to the police. In 2007-08 93% of calls were being answered within 15 seconds which means that officers have almost instant access to a prosecutor. Almost 80% of calls were dealt with within an average time of 43 minutes, with 42% in 30 minutes or under. The length of calls is strictly monitored contemporaneously by CPSD shift managers to ensure that if one is taking a long time there is good reason for it. This 'real time' monitoring is of benefit to both the police and CPS as it ensures that the service provided is actively managed and that prosecutors are using their time efficiently and effectively.

On particularly long and complex cases officers may be released while papers are read but this is not routine. In 2007-08 0.6% of calls took longer than 90 minutes. Despite the fact therefore that some will be relatively short and a charging decision is made quickly, the feeling remains that operational officers are being detained longer than necessary. Whilst some of the issues which affect the quality of service are already being addressed, CPSD and its police partners still need to work more closely to ensure that the service is sufficiently flexible to cater for police operational needs.

CPSD has sought to deploy its staff effectively and match supply to demand, and appears to be largely successful in this. Working patterns have been rationalised to improve efficiency. The majority of CPSD staff are prosecutors who receive premium payments for out-of-hours working. Staff costs are therefore high and there is little opportunity to achieve real cost savings, although value for money in day-to-day running costs is achieved where possible and CPSD has operated within its budget.

Despite the fact that lawyers work from home on their own there are clear and effective lines of communication between them and managers. This is demonstrated particularly during prosecutors' shifts, and observed by inspectors. The speed and level of communication prevents any sense of isolation and enables prosecutors to feel part of a single cohesive team, supported by managers and other colleagues. Managers are able to maintain regular and close contact with their team members and provide effective feedback on performance, sometimes immediately. The overall performance of CPSD is understood and overseen well by senior managers who adopt a corporate approach, although more could be done to discuss and report casework performance.

## **Conclusions**

CPSD is but one of the CPS units delivering statutory charging to the police. The Joint Review of the New Charging Arrangements found that CPS areas were not always in a position to provide a charging decision when it was needed, and that the process had become too complex and was insufficiently flexible. The way CPSD operates means that it is able to offer an immediate service when needed and there are many aspects in the way it is managed and run which should inform future thinking on how the statutory charging scheme might operate. It too, however, needs to ensure it is flexible enough to meet police needs.

## **Recommendations**

We recommend that:

- 
- 1 CPS Direct should address with police partners at a strategic level the need for improved technology and facilities, to enable advice to be given as swiftly as possible (paragraph 4.20).
  - 2 CPS Direct should work with police partners to reduce the number and reasons for ineffective calls (paragraph 4.26).
-

- 
- 3 CPS Direct should ensure that the standard and clarity of action plans are consistent and high (paragraph 5.33).
- 
- 4 The CPS Chief Operating Officer should ensure that CPS geographical areas accurately record CPS Direct cases, and carry out effective assurance checks (paragraph 6.5).
- 
- 5 CPS Direct should ensure that performance management discussions include regular consideration of the findings from the quality assurance of casework (paragraph 7.3).
- 
- 6 CPS Direct senior managers should ensure that:
- liaison mechanisms are in place and that liaison is carried out effectively across all areas and groups; and
  - it engages with the police and CPS at a national and strategic level more effectively to secure service delivery improvements (paragraph 8.36).
- 

### Aspects for improvement

- 
- 1 Effectiveness and equality of access to training are not monitored or ensured (paragraph 6.21).
- 
- 2 Addressing the concerns of prosecutors about the provision of legal reference books (paragraph 6.26).
- 
- 3 CPS Direct senior managers should consider the priority given to equality issues and ensure that they are embedded into all its processes (paragraph 8.17).
- 

### Strengths

- 
- 1 Calls are answered promptly and the average call length is good (paragraph 4.7).
- 
- 2 The process for appeals is structured and proportionate and appeals are viewed as opportunities to learn lessons (paragraph 4.31).
- 
- 3 The standard of decisions is good and they are explained well in MG3s, with relevant ancillary matters addressed thoroughly (paragraph 5.30).
- 
- 4 CPS Direct and its staff are flexible and meet sudden changes to demand for its services with speed and efficiency (paragraph 6.14).
- 
- 5 Staff work well together and form strong teams. Satisfaction levels with the standard of management are very good (paragraph 8.11).
-

- 6 The feedback and support given to duty prosecutors on casework matters (paragraph 8.12).
- 

**Good practice**

---

- 1 Duty prosecutors routinely ask a series of screening questions to ascertain that a case is appropriate for referral to CPSD (paragraph 4.21).
- 
- 2 Timescales for additional work needed are discussed with the investigating officer and the estimate given challenged in appropriate circumstances (paragraph 5.34).
- 

The full text of the report may be obtained from the Corporate Services Group at HMCPST Inspectorate (telephone 020 7210 1197) and is also available online at [www.hmcpst.gov.uk](http://www.hmcpst.gov.uk).