

First inspection of CPS Direct

Her Majesty's Crown Prosecution Service Inspectorate (HMCPsi) has today published its report on the inspection of CPS Direct (CPSD), a unit within the Crown Prosecution Service (CPS) which provides out-of-hours charging advice and authority to all police forces in England and Wales. In the five years since its introduction as a pilot scheme, CPSD has developed into a cohesive and effective part of the CPS and is making a significant contribution to the delivery of the national charging initiative.

Main findings include:

- The advice and service to the police are good overall and meeting the high standards that CPSD sets for itself. There is more to do with partners to ensure that the scheme is clearly understood by police officers using it and that the necessary IT and communication equipment are available. More effective liaison would assist in this regard.
- Calls are answered promptly (93% within 15 seconds in 2007-08) with the quality of advice assessed as good. Reasons for decisions are set out clearly by duty prosecutors, who are courteous and professional.
- Management of performance is comprehensive and has driven forward improvements in the time taken to provide advice and the quality of charging decisions.
- The complex staff deployment is carefully managed to ensure the best match of supply to demand; sudden peaks in demand can be accommodated, and value for money is achieved where possible.
- There is scope to improve flexibility to ensure that the service can cater for police operational needs.
- Managers adopt a corporate approach and there is excellent communication with staff, despite the fact that most lawyers work from home.
- Staff work well together and form strong and effective teams. Satisfaction levels with the standard of management are very good.

Six recommendations are made:

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- 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).

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- 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).
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- 5 CPS Direct should ensure that performance management discussions include regular consideration of the findings from the quality assurance of casework (paragraph 7.3).
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- 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).
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Stephen Wooler CB, HM Chief Inspector of the CPS, said:

“CPS Direct has demonstrated it can deliver an immediate and high quality service to the police out-of-hours. There are many aspects in the way that it is managed and run which should inform future thinking on how the charging scheme might operate. There are challenges in ensuring sufficient flexibility to meet changing police needs and in liaison with CPS geographical areas and the police service, but CPS Direct is well placed to meet those challenges and to grow further.”

This press release should be read in conjunction with the report itself.

The report is now available on an embargoed basis by visiting the Inspectorate’s website www.hmcp.si.gov.uk, using these details:

Username: MEDIA

Password: S37PACE

For further information please contact Andreas Harding, HMCPSI Publications Manager, on 020 7210 1143 or 07901 856 346.

Notes to Editors

HMCPSI was established as an independent statutory body on 1 October 2000 by the Crown Prosecution Service Inspectorate Act 2000. The Chief Inspector is appointed by, and reports to, the Attorney General.

CPSD provides out-of-hours charging advice between 5pm-9am Monday-Friday, and all day at the weekends and on bank holidays. The inspection of CPSD has been carried out at the same time, and in conjunction with, the Joint Review of the New Charging Arrangements by HMCPSI and HM Inspectorate of Constabulary. The report of that review is also being published today.

This is the first inspection of CPSD since it started as a pilot in 2003. The inspection used a purpose designed framework, in consultation with CPSD. The criteria against which CPSD was measured related to the operation of the charging scheme, quality of advice and decisions, management of performance and resources, liaison with partners, and leadership and governance.

Background to statutory charging

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 charging 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. The programme was completed in 2006 when all CPS areas became responsible for making charging decisions during normal working hours. The new arrangements represented one of the most fundamental and important changes in the criminal justice system for decades and required the development of whole new ways of working for both the police and the CPS. It also brought about changes in relationships between them.

CPSD which had itself also been operational as a pilot scheme since 2003 was rolled-out between 2004-06, when it became fully established, to provide the out-of-hours service to the police.

A fundamental difference between the service provided by CPSD and by local CPS areas is that all decisions are made over the telephone and all prosecutors are home-based. Police investigators telephone a central number when they need a charging decision and are put through to the next available prosecutor. CPSD prosecutors work shifts; working patterns and the number of prosecutors on duty are calculated to match demand as closely as possible. Each shift is overseen by an experienced lawyer manager, supervised by a unit head who in turn reports to the Chief Crown Prosecutor.

In an average week nearly 3,300 calls are received by CPSD and one in four pre-charge decisions is made by its prosecutors.

In 2007-08 CPSD had a budget of around £12.8 million and at the end of the financial year had the equivalent of 154 full-time staff.