

HM CROWN PROSECUTION SERVICE INSPECTORATE

INSPECTION OF CPS CHESHIRE (REPORT 2/03)

EXECUTIVE SUMMARY

Introduction

1. This is the report of HM Crown Prosecution Service Inspectorate about CPS Cheshire. The CPS is a national service, but operates on a decentralised basis, with each of its 42 Areas being led by a Chief Crown Prosecutor (CCP), who enjoys substantial autonomy. The inspection was an intermediate rather than a full inspection. Following a risk assessment, inspectors focused primarily on the Area's work in relation to the disclosure of unused material; the effectiveness of Pre-Trial Reviews (PTRs) in the magistrates' court and their bearing on cracked and ineffective trials; persistent young offender (PYO) performance; the timeliness of service of committal papers to the defence; and the operation of the Area custody time limit systems.

The Area

2. CPS Cheshire serves the area covered by the Cheshire Constabulary. It has three offices, at Chester, Warrington and Crewe. Area business is divided on functional lines between magistrates' courts and Crown Court work. The Magistrates' Court Unit at Crewe is co-located with the police. The Area was previously reported on in February 2001.
3. At the time of the current inspection, the Area employed the equivalent of 107 full-time staff. In the year ending 30 September 2002, it dealt with 20,893 cases in the magistrates' courts and 2,040 cases in the Crown Court. In addition, pre-charge advice was given to the police in 586 cases.

Main findings of the Inspectorate

4. The quality of initial and continuing review is very good and has improved since our last inspection. We agreed with the review decisions in every case examined in our file sample. Cases usually proceed on the right charges in compliance with appropriate charging standards and CPS policy in relation to sensitive cases.
5. Case preparation is generally prompt, although timeliness of service of committal papers needs to be improved, and work needs to be done to improve the effectiveness of PTRs in the magistrates' courts. Area custody time limit systems have improved considerably since the last inspection but need further attention.

6. The standard of CPS advocates is good and in-house advocates are regularly monitored. There is, however, a need to develop a structured programme for the monitoring of agents and counsel, particularly in view of the weak performance of some counsel we observed in the Crown Court. Lawyers and caseworkers are aware of their responsibilities towards victims and witnesses at court. The Direct Communication with Victims scheme is operating well, but there is some scope to improve timeliness and lawyer engagement.
7. The Area is well led and well managed. Area managers are open, approachable and have a clear vision of what they hope to achieve. Effective management and organisational structures encourage the continuous monitoring and awareness of performance, and enable the Area Management Team (AMT) to work towards the delivery of its aims and objectives. A more structured approach to business planning would assist the Area in delivering its current objectives and achieving future public service agreement (PSA) targets. Area performance management systems enable managers to take informed decisions on future policy and strategy. Financial management arrangements are sound and the Area has adopted a prudent approach to recruitment and salary management.
8. The Area is alive to the needs of other criminal justice agencies and has worked closely with criminal justice system (CJS) partners in relation to PYOs, leading to performance better than the Government's target. Other examples of close working include the development of a listing protocol, a witness staggering scheme, co-location at Crewe and work to improve performance in relation to disclosure. The Area has been particularly influential in promoting CJS area race initiatives and is developing its links within the community.
9. In common with other CJS areas, Cheshire is required to tackle the rate of attrition (the justice gap). Cheshire has a target for 2003-04 of bringing 761 additional offences to justice, and 560 adult persistent offenders have been identified. At the time of our inspection, the Area was working closely with other agencies in Cheshire to prepare a plan for dealing with the justice gap. The Area has also established a narrowing the justice gap working group.
10. The Area already has a number of systems in place which have an impact on attrition. Adverse and unsuccessful cases are monitored, and action is taken to address poor performance. Specialists review cases in accordance with CPS policy. Steps are taken to ascertain the reasons why witnesses retract, or do not attend court, to ensure intimidation has not taken place. Cracked and ineffective trials remain a problem in the Area, however. The listing protocol has been of limited effect in reducing the overall rate, which stood at 69% in the magistrates' courts for the quarter ending 30 September 2002.
11. The co-located Magistrates' Court Unit (MCU) at Crewe has proved a success. Managers have noted significant increases in performance in relation to Crewe cases, in contrast to Macclesfield cases, which the Crewe office also serves. Staff morale at Crewe is high in spite of accommodation difficulties. Progress towards co-location elsewhere in the county has proved more problematic due to accommodation difficulties, but a project team has been appointed to progress co-location in Chester.

Specific findings

Casework

12. Both the quality and timeliness of Area casework has improved since the last inspection in a number of key areas. Case preparation is generally prompt, although an improvement is needed in the preparation and service of committal papers. Sensitive cases are dealt with appropriately, but greater use could be made of specialists. Although a recent magistrates' courts listing protocol has reduced over-listing, cracked and ineffective trials remain a problem for the CJS area. Further work is needed to improve the Area's contribution to the effectiveness of PTRs, and analyse the reasons behind cracked and ineffective trials.
13. Area performance in respect of the disclosure of unused material has improved as a result of joint initiatives with the police, although there is still room for improvement. A more consistent approach also needs to be applied to handling secondary disclosure. Considerable work has been done to address deficiencies in the Area's custody time limit systems, but again there is room for further improvement. The standard of briefs has improved considerably, with the majority containing a detailed analysis of the evidence and issues.

Advocacy and quality of service delivery at court

14. Area systems generally ensure cases are promptly reviewed and proceed speedily through the courts, although processes for requesting trial files from the police need tightening.
15. Cases are generally prosecuted competently and professionally by advocates, who are well prepared and properly instructed. Area Higher Court Advocates (HCAs) are well regarded, and steps are being taken to involve them in the prosecution of Crown Court trials. The deployment of HCAs and Crown Court Unit (CCU) lawyers could be more efficient. Crown Court cases are usually prosecuted by appropriately experienced counsel, although the performance of some counsel was below what we would have expected. The Area's structured programme to monitor the performance of in-house advocates should be extended to cover agents and counsel.
16. Lawyers and caseworkers attend court in good time to deal with issues in advance of court and are available to speak with witnesses. Early indications are that the witness standby and staggering protocol in the Crown Court is working well.

Direct Communication with Victims

17. Initial indications are that the Area has implemented this initiative well. It has identified aspects which require improvement, such as poor file endorsements and timeliness of letters to victims, and an action plan is being devised to tackle shortcomings. An external review has commended the Area on the way it has implemented the initiative.

Performance management

18. The Area is developing a performance management culture, in which standards are being set, performance regularly monitored and action taken as a result. Managers are committed to continuous improvement. The Area's self-assessment, in preparation for the inspection, demonstrated a good level of internal awareness and understanding of Area performance. Performance information is increasingly being shared with CJS partners and risk is beginning to be assessed.

People management and people results

19. The Area has systems in place to monitor staffing levels and movements of staff on a monthly basis. Staffing levels are generally commensurate with workload and there is an equitable distribution of staff. The Area has adopted a prudent approach to the recruitment of staff and the management of salaries. The management team policy decision to ensure that the CCU is fully staffed at all times needs to be kept under constant review, to ensure that CCU staff are deployed effectively and MCU performance is not adversely affected. A recent rotation exercise between the units was handled well, but there is scope for better planning to ensure that the timing of staff movements minimise disruption to operational efficiency, and for greater involvement of line managers in appropriate circumstances.
20. The Area has a very good approach to training and is committed to staff development. The performance appraisal system operates well. The Area has recognised the need to update its communications strategy in light of the changing environment in which it operates. Problems have been experienced with sickness levels over recent years, but the Area has adopted sensible approaches to tackling the situation. There is an effective Equality and Diversity Plan and Area work in the Connecting Communities project is particularly positive.

Partnerships and resources

21. The Area is active in seeking ways to develop and enhance partnerships with CJS agencies at all levels in order to improve performance. The Area enjoys good working relationships with CPS Headquarters, and the CCP currently sits on the national CPS Board. The Area worked closely with CPS Headquarters to resolve a funding issue which resulted from its decision to recruit more junior staff. Information technology is deployed appropriately. Office accommodation is managed effectively and active steps have been taken to improve accommodation for CPS staff based at Crewe Police Station.

Policy and strategy

22. The AMT has a clear sense of purpose and is alive to the needs and expectations of stakeholders. The Area is an active member of the local CJS and was particularly influential in promoting area race initiatives. The Area's involvement with the local community is steadily developing and it is a key player in the local Connecting Communities project.

Leadership and governance

23. The AMT is a tightly knit team; all managers feel empowered to take decisions and there is a collegiate approach to tackling issues. Management and organisational structures encourage the continuous monitoring of performance. Co-location in Crewe has proved a success, but progress towards closer working with the police in Chester has been slow, mainly due to accommodation difficulties. Although a project team has been appointed, the rate of progress could be improved by the appointment of a project leader of sufficient seniority to commit the Area to action and drive the project forward.
24. The Area Business Plan demonstrates a good strategic focus but could be improved by detailed action planning and increased focus on unit and operational issues. Financial management arrangements are sound.

Recommendations

25. Inspectors made the following six recommendations:
 1.
 - * The Area monitor the reasons behind cracked and ineffective trials and take appropriate action;
 - * Area lawyers be more proactive in reviewing cases for PTR; and
 - * Area systems for recording PTR instructions be improved to encourage a greater analysis of case issues.
 2. The Area tighten its procedures on disclosure of unused material to ensure that secondary disclosure is dealt with in a consistent manner, in accordance with the legislation and Attorney General's Guidelines, and that files contain a comprehensive record of the procedure.
 3. The Area introduce a formal system of monitoring and reporting upon performance of agents in the magistrates' court, and counsel in the Crown Court.
 4. The Area:
 - * institute mechanisms for improved planning and co-ordination of staff movements; and
 - * increase the involvement of line managers in decisions in appropriate circumstances

in order that the impacts of staff movements on local operational efficiency are considered in advance and addressed.
 5. The AMT appoint a project leader of sufficient seniority able to commit the Area to action in order to drive forward the co-location project at Chester.

6. * Unit and operational issues are fully reflected in future Area Business Plans;
- * Actions are clearly identified, responsibilities assigned and time scales for action set;
- * Risk is integrated; and
- * The Area involve staff in the business planning process.

The full text of the report may be obtained from the Corporate Services Group at HMCPS Inspectorate (telephone 020 7210 1197).

HMCPS Inspectorate
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