

HM CROWN PROSECUTION SERVICE INSPECTORATE

INSPECTION OF CPS CUMBRIA

EXECUTIVE SUMMARY

Introduction

1. This is the report of Her Majesty's Crown Prosecution Service Inspectorate about CPS Cumbria. The CPS is a national service, but operates on a decentralised basis with each of its 42 Areas led by a Chief Crown Prosecutor (CCP) who enjoys substantial autonomy.
2. The inspection was carried out during a period of extensive change for the CPS, both nationally and in Cumbria. Initiatives to reduce delays in the criminal justice system have been introduced to give effect to the recommendations contained within the Review of Delays in the Criminal Justice System (the Narey report).
3. The Area also began to make progress during 2001 towards the re-structuring into functional Units recommended in the Review of the CPS (the Glidewell Report), with combined Units being created in the north and south of the county. However, although there are some plans to co-locate CPS staff with the police in Criminal Justice Units, there are currently no plans to dedicate lawyers to discrete Trials Units.
4. The report focuses on the quality of casework decision-making and casework handling, but also extends to matters which go to support the casework process. The Inspectorate examined all aspects of Area performance and has reported on a number of management and operational issues.

The Area

5. CPS Cumbria is one of the smaller CPS Areas in operational terms but geographically covers a very wide area. It has four offices: Carlisle, Barrow-in-Furness, Workington and Kendal. At the time of the inspection the Area employed the equivalent of 57.9 full-time staff.
6. The Area serves six magistrates' courts and four Crown Court centres. In the year ending September 2001, CPS Cumbria handled 13,634 cases in the magistrates' courts and 1,189 in the Crown Court. The proportion of serious cases handled by the Area is comparable to the national average. A higher percentage of defendants plead guilty than do nationally.

Main findings of the Inspectorate

7. The Area has come some way since it ceased to be part of CPS North (one of the 13 large Areas in which the CPS was structured prior to 1999), and much has been done to raise its profile with criminal justice system partners.
8. Decision-making is generally sound and the standard of advice good. Sensitive cases are handled well. Work is needed in relation to the handling of unused material, instructions to counsel and file endorsements.
9. Current monitoring arrangements are not sufficient to provide Area managers with the assurances they need that quality casework is being delivered in a timely fashion. A rigorous performance management regime should therefore be developed. Joint performance management arrangements with police require attention and more should be done to ensure that lessons are learned from experience.
10. The criminal justice system area performance on reducing delay in the handling of persistent young offenders has steadily improved during 2001, as a result of joint working. Recently published figures for October 2001 for Cumbria were the best in the country.
11. Advocacy is satisfactory but the impact of the concentration of Higher Court Advocates in the North Cumbria Unit will need to be carefully reviewed. Current arrangements for warning witnesses to attend Carlisle Crown Court are inconsistent with national policy.
12. Area progress towards re-structuring in order to implement Glidewell has been slow. Although there are some plans for co-location with the police, the Area has taken the view that it is not possible to dedicate lawyers to discrete Crown Court Trials Units. Instead, lawyers will maintain existing court commitments and spread of work. Inspectors have concerns that the Area's plans may not secure the improvements in the quality of Crown Court casework envisaged by Glidewell, nor enable the Area to work towards staffing arrangements which may help it to keep within budget.
13. The Area is over-staffed by around four lawyers, using CPS activity-based costing calculations. Further work is needed to analyse the numbers, and deployment of lawyers required to meet the casework and court coverage needs of the Area.
14. The report contains 23 recommendations and four suggestions designed to help the Area improve aspects of its performance.

Specific findings

Advice

15. The quality of pre-charge advice is good and timeliness of delivery better than the national average. However, arrangements to monitor the allocation and provision of advice vary across the Area, and inspectors were concerned that local managers lacked meaningful performance information.

Review

16. The standard of decision-making at initial review is generally sound. The evidential test was properly applied in 95% of cases examined in a random sample and the public interest test properly applied in every case. There was evidence of continuing review in 93% of cases where inspectors considered a further review was necessary.
17. As with advices, monitoring of the quality of review varies between offices and an Area-wide monitoring standard needs to be introduced. Although acquittals in the magistrates' courts and the Crown Court are monitored as a matter of routine, the Area lacks systems to ensure lawyers and caseworkers learn from experience. Casework trends are not analysed or regularly discussed with the police in an effort to improve performance.
18. Cumbria police have yet to adopt nationally agreed charging standards for assaults. The appointment of a new Chief Constable provides the Area with an opportunity to address this.
19. The discontinuance rate in Cumbria is 9.6% of cases, which is significantly lower than the national average of 13.1%. Defects in the recording of performance indicator data suggest that the Area may even be over-recording the number of discontinued cases. Over half of the cases examined had been discontinued because an essential legal element was missing, yet no work appears to have been done to identify emerging trends.
20. The proportion of cases culminating in judge directed or judge ordered acquittals is lower than the national average. Inspectors examined 11 judge ordered acquittals and agreed with the decision to proceed in 10 cases. No evidence was offered in the eleventh case on counsel's advice. The adverse outcome was foreseeable in four cases and more could have been done to avoid the acquittal in two cases. Inspectors examined two magistrates' findings of no case to answer; the result was foreseeable and more could have been done to avoid the outcome in one case. The introduction of systems to learn from experience should improve the handling of such cases in the future.
21. Sensitive cases are handled well. Inspectors were concerned about the accuracy of domestic violence and racist incidents monitoring scheme data. The location of prosecutors designated to deal with racist incidents needs to be revisited in light of existing data. Systems to ensure the secure return of child video evidence by defence practitioners need strengthening.
22. Performance in relation to the handling of cases involving persistent young offenders has steadily improved, with an average processing period of 49 days for the quarter ending September 2001. Performance improved again in October 2001, dropping to 35 days, and placing Cumbria first in the country. Concerted inter-agency working has secured this improvement.

Case preparation

23. CPS Cumbria's performance on disclosure of unused material is comparable to other Areas inspected but still needs improvement. In the main inspectors found that Area lawyers were aware of their disclosure obligations and considered unused material in appropriate cases.
24. Primary disclosure was dealt with appropriately and in a timely fashion in 77% of cases. Inspectors were concerned about the readiness of some lawyers to take disclosure decisions in the absence of the views of the disclosure officer. Secondary disclosure was dealt with appropriately in 65% of cases. The Area's decision not to establish discrete Trials Units may inhibit development of lawyers' skills in relation to the handling of sensitive material.
25. Summary trial files are generally well prepared but the preparedness for pre-trial reviews (PTRs) needs improving. Deficiencies in joint performance management (JPM) arrangements with the police mean that timeliness data cannot be relied upon, but there is considerable anecdotal evidence to suggest that late service of papers is the principal reason for CPS lack of preparedness. The Area could contribute to an inter-agency approach to reduce the high collapsed trial rate for Cumbria by monitoring receipt of police files, and its own readiness for PTRs.
26. File endorsements presented a mixed picture. Initial and continuing review endorsements were generally good but there were deficiencies in the endorsement of reasons for discontinuance, along with mode of trial and bail. An Area standard on file endorsement should address this deficiency.
27. The timeliness and quality of committal preparation is good. Instructions to counsel were less impressive, lacking appropriate instructions on acceptable pleas in 72% of cases examined. Existing monitoring arrangements should be improved.
28. The role of B1 caseworker duties needs review. Existing arrangements do not free lawyers up to concentrate on more complex aspects of Crown Court casework. Closer working between the Area and CPS Lancashire should be developed to ensure coverage of Cumbria work at Preston and Lancaster Crown Courts, whilst making the best use of resources.
29. Custody time limit systems vary widely across the Area and require attention to reduce the risk of failure, of which there was a recent example.

Advocacy

30. 13 Area lawyers were observed in the magistrates' court, all of whom are experienced advocates. One performed significantly above normal requirements and three above average in some respects. Eight were competent in all respects and one was lacklustre. The two designated caseworkers (DCWs) observed were both competent in all respects, but listing arrangements mean that they are not being used to best effect.

31. The Area has five Higher Court Advocates (HCAs), all of whom are based in the Carlisle office and prosecute a range of work. The HCA we observed performed significantly above normal requirements. Since the inspection, two more HCAs have been selected for training, both based in the north of the county. The impact on Crown Court casework, court coverage, and the development of lawyers in the south of the county, will need to be carefully reviewed.
32. There are no consistent Area-wide measurements of advocacy performance.

Management and operational issues

33. The Area's plans for the location of the new Units have been governed by the geography of the Area, and the organisational arrangements of the police and magistrates' courts, which suggested the need for a continued CPS presence in the four existing locations. Reorganisation of the Area began with the division of the county into the North and South Combined Units and the appointment of two Joint Unit Heads.
34. Under the new structure it is envisaged that lawyers will not be assigned specifically to a TU or a CJU but will undertake both magistrates' courts and Crown Court casework. The Area takes the view that these arrangements will enable it to retain flexibility and secure court coverage. Options for change have yet to be costed.
35. Inspectors are concerned that these plans may not enable the Area to achieve the improvements in Crown Court casework envisaged by Glidewell, or enable the Area to work towards staffing arrangements which may help it keep within budget.
36. At the time of the inspection the Area was over-staffed by six lawyers, using CPS activity-based costing calculations, although this figure has now reduced to around four. The Area needs to plan for the long-term and have a clear sense of its final vision and structure, and plan its human resources accordingly. The challenge for the Area is to deploy its staff efficiently in the current structure, as well as its forthcoming structure.
37. There is a need to involve the Area Management Team as a whole in setting Area priorities. There is also a need for greater staff involvement in the business planning process. The achievement of Area objectives is not currently monitored and a performance management regime should be established, including the development of Area standards for key areas of work.
38. The Area exceeded its budget for 2000-2001 by over 8%, the highest percentage overspend of any CPS Area. An overspend has been projected for 2001-2002. The Area is aware that the only way to reduce expenditure significantly is to reduce expenditure on staffing. For this reason, it is important that Glidewell plans include an assessment of the options for organisational change on future budget.
39. Inspectors found deficiencies in the recording of key performance indicator data. The failure to finalise a backlog of approximately 350 Crown Court files, and write off magistrates' courts and Crown Court warrants, has a significant impact on the Area's budget allocation.

40. Staff in some offices felt isolated and removed from Carlisle, which is seen as the centre of Area activity. A communication strategy should be developed, to include office meetings and visits by the CCP and ABM.
41. The minority ethnic population from traditionally classified groups in Cumbria is small (0.46%). No minority ethnic members of staff are employed (the current benchmark figure is 0.5). The Area has found it difficult to connect with minority ethnic groups but is hoping that developing links with the local authority will indicate how to proceed. 6% of Area staff are registered disabled, and the Area has worked conscientiously to adapt equipment and working practices.
42. The impact of the Area practice of occasionally filling casual vacancies by word of mouth on employing a diverse workforce should be recognised. The Area has not set targets for the staff mix for 2002 to 2005, as required by the Cabinet Office. An Area Equal Opportunities Officer is yet to be appointed.
43. Provision of information to the Witness Service at Carlisle Crown Court should be improved. The long-established Area practice of warning all witnesses for the first day of a trial, irrespective of when they will be required to give evidence, is inconsistent with national policy.
44. The timeliness and tone of responses to complaints require attention. An Area-wide complaints standard should be developed and complaints analysed by the AMT for trends.

Recommendation and suggestions

45. Inspectors made 23 recommendations identifying those aspects of performance where improvement was a priority. These related to:
 - formulating an Area standard on provision of advice;
 - monitoring the quality of review;
 - learning from experience;
 - ensuring the accuracy of domestic violence monitoring returns;
 - ensuring the accuracy of racist incident monitoring returns;
 - maintaining the reduction in delay in youth cases;
 - ensuring the police comply with their disclosure obligations;
 - improving the effectiveness of pre-trial reviews;
 - allocating suitable work to caseworkers;
 - improving custody time limit systems;
 - monitoring advocates;
 - producing costed options for the development of Trials and Criminal Justice Units;
 - determining Area priorities;
 - developing a performance monitoring regime;
 - developing common office systems;
 - ensuring the accuracy of performance indicators;
 - using designated caseworkers more efficiently;
 - improving communication arrangements;
 - appointing an Equal Opportunities Officer;
 - improving health and safety;

- reviewing security arrangements;
- improving witness care at Carlisle Crown Court; and
- improving CPS/police joint performance management arrangements.

46. Inspectors also suggested action be taken as a lower priority on the following:

- recording material served as advance information;
- improving arrangements for covering cases at Preston Crown Court;
- clarifying the role and responsibilities of 'senior lawyers'; and
- developing an Area-wide complaints procedure.

47. 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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