

**HM CROWN PROSECUTION SERVICE INSPECTORATE**  
**INSPECTION OF CPS GLOUCESTERSHIRE (REPORT 2/04)**

**EXECUTIVE SUMMARY**

**Introduction**

1. This is the report of HM Crown Prosecution Service Inspectorate about CPS Gloucestershire (the Area).
2. The Crown Prosecution Service (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. Following a risk assessment the inspection was a full one rather than an intermediate inspection.
3. The framework within which the criminal justice system is managed nationally is being substantially revised, and that is reflected by the establishment in each of the 42 criminal justice areas of a Local Criminal Justice Board (LCJB). This inspection of CPS Gloucestershire was carried out in parallel with a pilot joint inspection of the Gloucestershire criminal justice area. That joint inspection was undertaken by HMCPSI in conjunction with HM Inspectorate of Constabulary (HMIC), HM Magistrates' Courts Service Inspectorate (HMMCSI), HM Inspectorate of Prisons (HMI Prisons) and HM Inspectorate of Probation (HMI Probation). The joint inspection looked in detail at the effectiveness of the interfaces between the criminal justice agencies in Gloucestershire. This report on CPS Gloucestershire must therefore be considered in conjunction with that report, which contains more detailed comment about the contribution of CPS Gloucestershire to partnership working.

**The Area**

4. CPS Gloucestershire serves the Area covered by the Gloucestershire Constabulary. It has one office at Gloucester. Area business is divided on functional lines between magistrates' courts and Crown Court work. The Criminal Justice Unit (CJU) has bases at the Area office and Bearlands Police Station in Gloucester. The Area was previously reported on in July 2000 and June 2001.
5. At the time of this inspection in September 2003, the Area employed the equivalent of 45.2 full time staff. During the year ending June 2003, it handled 12,808 cases finalised in the magistrates' courts and 794 finalised in the Crown Court. In addition, it provided pre-charge advice to the police in 447 cases. The mix of work in Gloucestershire includes a significantly higher proportion of summary motoring cases (49.2%) than the national average.

## **Main findings of the Inspectorate**

6. The quality of initial decision-making is good in most cases, but inspectors had concerns about how the Area applies the public interest test contained in the Code for Crown Prosecutors in determining whether a case should be discontinued.
7. In relation to the handling of cases to be dealt with in the Crown Court, committal preparation is satisfactory, but there is a need to introduce robust systems for ensuring compliance with directions given at plea and direction hearings. The overall quality of indictments is satisfactory, although a significant proportion (35%) required amendment. Only 55% of instructions to counsel examined by inspectors were satisfactory. However, file house-keeping in Crown Court cases was particularly good. Disclosure of unused material is generally dealt with well, although timeliness could be improved.
8. In relation to cases proceeding in the magistrates' courts, the timeliness of summary trial preparation is good, but the continuing review of contested cases could be improved. In this context, case preparation is sometimes hampered by the late receipt of the evidence and information from the police. The CPS can assist in overcoming that by making requests for additional information sooner.
9. The quality of advocacy is satisfactory, although some agents could be better prepared.
10. CPS Gloucestershire and its criminal justice system partners, under the auspices of the newly established LCJB, have developed detailed Action Plans in relation to their obligations, arising from the objectives set by the Government for the criminal justice system and the targets applicable under the Public Service Agreement. In particular, it has developed Action Plans for dealing with persistent offender cases. However, the Area has dealt with few cases in this category. The Area is on target to increase the overall number of offences brought to justice, but at the time of our inspection was unlikely to meet its specific target for persistent offenders. The Narrowing the Justice Gap plan identifies the need for remedial work to be undertaken in reducing the number of cracked and ineffective trials, but progress against that plan had slipped. Work was ongoing at the time this report was being drafted.
11. The performance of CPS Gloucestershire in the processing of persistent young offenders was particularly good. The average time from arrest to sentence for persistent young offenders is one of the best in the country.
12. Sensitive cases (namely those involving rape, child abuse, racially aggravated offences, domestic violence or homophobic crime) were generally handled well. The Area has been pro-active in developing its work in relation to cases of domestic violence, including involvement in a local domestic violence intervention project, training the police in evidence gathering techniques, and presentations to local magistrates.
13. Although the overall standard of casework is sound, despite some significant aspects requiring improvement, the performance of the Area is not underpinned by sufficiently robust management arrangements. Whilst some progress has been made since the last inspection, important work remains to be done. The senior managers need to develop a greater degree of trust, respect and confidence of both staff and CJS partners, which is absolutely essential if the Area is to move forward in line with senior management's vision.

14. There are still indications of frustration and negativity among a wide cross-section of staff. This is in part replicated in how the criminal justice agencies approach inter-agency co-operation across a range of issues. There was also a surprising level of discontent among staff, with a lower level of morale than normally encountered in a provincial Area. This may be symptomatic of the low level of trust and understanding between some managers and some staff.
15. Performance management needs strengthening, although it is recognised that there are wide spread problems with the accuracy of performance data across the criminal justice system in Gloucestershire.
16. The Area has worked hard to develop its engagement with the local community, particularly through its membership of local racist incident groups. It has a good working relationship with the Gloucester Racial Equality Council.

### **Specific findings**

#### *Casework*

17. In addition to the points set out under the main findings above, inspectors drew attention to the following matters relating to casework:
  - \* The proportion of the Area caseload which comprises pre-charge advice to the police is lower than the national average at 3.1% (national average: 4.1%). The advice in all cases examined was correct and well presented. Timeliness (a problem at the time of our last inspection) had improved, but slipped back again.
  - \* The Area's ineffective trial rate in the magistrates' courts is low at 24.7% compared with 30% nationally. However, further work needs to be done to meet the local target of 20%. The cracked trial rate (at 40%) against a local target of 35%, is higher than the national average (37.9%).
  - \* The ineffective trial rate in the Crown Court was 19.7% (against a local target of 17%) whilst the cracked trial rate was 40.8% (against a local target of 35%).
  - \* The three-month rolling average for processing persistent young offenders for the period from June to August 2003 (the latest published figures) was 37 days against a national average of 65 days.
  - \* The Area maintains adequate systems for the handling of cases where custody time limits apply. Inspectors identified a need in relation to cases where an application for an extension has to be made, for those applications to contain greater detail to show that the prosecution has acted with due expedition.
  - \* Prosecutors at initial review need to be alert to the appropriateness of the grant of bail by custody sergeants.

### *Advocacy and quality of service delivery*

18. The overall quality of prosecution advocacy is variable with a need for improvement on the part of some advocates observed. In particular some agents were unprepared. Monitoring of in-house prosecutors in the magistrates' courts is undertaken, but there is a need to extend the monitoring of agents.
19. Key papers are often transferred to agents by facsimile on the day before the hearing, with the full file being collected on the day. This is unsatisfactory and contributes clearly to the lack of preparation. Management action may be needed to strengthen the procedures for instructing agents to enable them to be prepared fully.
20. Facilities at all court centres are poor. There is no dedicated CPS room at any of the magistrates' courts, and the one at the Crown Court is less than satisfactory, although the Area is looking to improve facilities at that venue.

### *Victims and witnesses*

21. There is a good working relationship with the Witness Service, although the notification to them of witnesses attending court could be improved, particularly in the Crown Court and youth courts. Additionally, there is a need to ensure that when a case is dropped before the trial date, the Witness Service is informed, to stop them allocating resources unnecessarily.
22. Inspectors found that there was a lack of clarity between the police and the Area over who was responsible for liaising with Victim Support or the Witness Service to arrange transport for victims and witnesses who had difficulty getting to court. This was a particular problem in a rural Area with limited public transport. This lack of clarity was leading to delay in making the necessary arrangements and increasing victims and witnesses' levels of concern.
23. There is an urgent need to improve the timeliness of letters sent out under the Direct Communications with Victims (DCV) scheme.

### *Performance management*

24. Whilst some progress has been made, overall performance management needs strengthening in Gloucestershire. It is recognised, however, that there are widespread problems with the accuracy of performance data across the CJS, particularly in the Magistrates' Courts Service. However, the CPS could be more informed about key aspects of performance, which in turn could help them in discussions and negotiations with partner agencies. The foundations of a performance management system are in place, but it needs to be developed and used more effectively.
25. Unit Heads complete quarterly reports on casework performance and some positive action has been carried out on advice work. The Area also encourages feedback from others within the CJS on some aspects of performance. On the whole, however, inter-agency work has not been very effective.

26. Joint performance management with the police to assess the quality and timeliness of files has historically not worked well. Efforts to revitalise the system have been made this year, but completion of TQ1s was still generally accepted to be patchy at the time of the inspection. As a result the Area now uses a form of exception reporting, which assumes that non-return of the TQ1 equates to a fully satisfactory file. There is clearly still some work to be done to ensure that there is a mutually agreed evaluation of the level of performance.
27. However, both organisations were optimistic that the recently introduced charging scheme will deliver benefits in terms of providing early assistance to the police in building the file. The system had only just been implemented and so it was not possible to assess the impact or success of the scheme.
28. Cracked and ineffective trials are regularly evaluated between the CPS and Crown Court staff. No such arrangement was yet in place for magistrates' courts cases, despite the fact that this was an objective in the LCJB Delivery Plan and the CPS Business Plan. There is regular liaison with the magistrates' courts representatives on listing, but as yet this forum has not found a mutually acceptable pattern of court sessions, particularly for enabling effective deployment of designated caseworkers (DCWs) in the Area.
29. Work in improving performance across the CJS agencies is hampered by a large backlog of cases waiting updating and finalisation by magistrates' court staff. At the time of our inspection, remedial work was planned by the court to address these issues.

*People management and results*

30. There are many experienced staff in CPS Gloucestershire who have given long service. Whilst this brings some positive impacts it seems that this has, in part, contributed to the slow rate of progress in developing the Area.
31. There was a surprising level of discontent among staff with lower morale than normally encountered in a provincial Area. This may be partly attributable to a recent acceleration in the rate of change in Gloucestershire. It is also symptomatic of the low level of trust and understanding between some managers and some staff.
32. The Area deploys its prosecutors extensively in the magistrates' courts with a lower than average usage of agents. There is still scope for improvement in the deployment of DCWs and Higher Court Advocates (HCAs).
33. There has been comparatively little in the way of staff training, although a lot of effort has gone into training external agencies. Significant efforts to communicate are not yet successful in meeting staff expectations.
34. The Area has a formal communications strategy, but it was not being strictly adhered to. However, there are a number of ways in which communication is handled in Gloucestershire and the use of e-mail and the shared computer drive is prominent. There are also occasional Area-wide staff meetings and CCP/Area Business Manager surgeries. Team meetings are held but vary in frequency – regularly in the CJU but until recently less so in the Trial Unit (TU) and Secretariat. There are regular Whitley Council meetings, which are considered effective.

35. Notwithstanding the obvious efforts made, there was a widespread feeling among staff that communication was not good. This tended to focus on the view of an over-reliance on written/electronic communication and a lack of regular face-to-face discussions, together with specific concerns on issues, which were considered very important. Inspectors received considerable negative feedback with regard to communication about the recent phase two Glidewell relocation.

*Management of financial resources*

36. Financial management and related controls are quite basic in Gloucestershire. We were disappointed to discover that the Area was wrongly including specified offences in the performance indicators (PIs), particularly as this was the subject of a recommendation in the previous inspection.
37. The management of prosecution costs is poor. It has been widely acknowledged for some time that the backlog in the payment of counsel's fees needs addressing, and yet little progress has been made. The Area has comparatively recently appointed a new full time level B2 manager in the TU, and managers are hopeful that he will be able to progress matters.

*Partnership and resources*

38. Overall it is clear that there is significant room for improvement in joint working to drive forward performance in Gloucestershire. Although there are a number of cordial relationships, there is a need to improve significantly the co-operation between the agencies, and the effectiveness of inter agency work.
39. Some of the senior officers in the criminal justice agencies are only in their second year in the Area, and considerable efforts in the past year will have gone into settling in and the establishment of the LCJB. However, this phase should now be complete and there is a need to accelerate delivery of positive joined-up solutions to some of the Area's bigger problems.
40. There were a few more positive signs in the recent weeks before this inspection as Glidewell phase two and the charging initiative were launched. Whilst some staff were still uncertain about these issues, the majority expressed optimism that these would bring significant benefits to the police and CPS, and ultimately to other stakeholders of the criminal justice system in Gloucestershire.
41. The Area has one office in Gloucester, which is conveniently situated close to the police and courts. They had just relocated some CJU staff to the police station in Gloucester to accommodate the charging pilot and to move closer to the Glidewell concept of joined up working between CPS and police. There is, however, still more work to be done to achieve fully this goal.
42. Some staff felt that this move had been rushed through and would have benefited from better planning and communication. At the time of our inspection some staff did not have telephones or computers at the co-located site. It is anticipated that there will be a co-located TU in the CPS premises in 2004, which we were assured would be controlled by formal project plans.

### *Policy and strategy*

43. The Area has not been receptive to change in the past and has adopted a cautious approach to implementing new initiatives. It has had more direction in recent times with the implementation of the charging scheme and Glidewell phase two of co-location, although we consider that the Area missed opportunities with the latter. The CCP has a clear vision as to how the Area's TU should be developed, but feels unable to proceed with the plan at the current time.
44. Planning, and the review of plans does happen, but could be improved. There is also scope for improvement in communication of plans and the implementation of action points.
45. There are problems with the accuracy of some performance data which restricts its usefulness in informing strategy decisions - this includes data from other agencies.

### *Public confidence*

46. The handling of complaints is generally timely. The service provided when victims and witnesses telephone the Area could be improved.
47. The Area has developed good contacts with local minority groups and plays a significant part in addressing racist incidents in the community.
48. The Head of the CJU chairs the Gloucester Racist Incident Group (where almost all Gloucestershire's minority ethnic community lives), which feeds into the County Racist Incident Group. These Groups tackle a wide range of racist issues in the local community. Additionally, the Area has a constructive relationship with the local Racial Equality Council, which has included using their premises to hold meetings with some witnesses.
49. The Area has recently appointed an Equality and Communications Officer, part of whose remit will be to develop relationships with the local lesbian and gay community.
50. The Area has established good links with the local media, and has issued guidance to staff on the level of information that can be given to the press. It recently dealt effectively with a high media profile case. The appointment of the Equality and Communications Officer should build on this work.

### *Leadership and governance*

51. The Area is at a critical stage in its development. It has, in the past, adopted a cautious approach to change. The implementation of the charging scheme, Glidewell phase two and Compass CMS, allied to the advent of the new LCJB, are all challenges and opportunities for the Area.
52. The senior managers believe that the charging scheme and Glidewell phase two are the first steps in their vision of the future. However, there was a lack of consistency as to what this might entail or achieve, and little evidence of a consistent vision beyond these two centrally driven initiatives, although there were some individual views as to how the TU might develop.

53. Some managers believe that there is now a more cohesive team, although there is recognition that individual differences still, on occasions, inhibit progress. Others, including external representatives and the inspection team, consider that there is room for considerable improvement in the effectiveness of the management team. Regrettably, there is a perception of a lack of corporate responsibility in respect of the Senior Management Team.
54. This has led to a lack of trust and respect, which must be urgently addressed. There is little likelihood of developing a culture of continuous improvement in the Area until the behaviour and values of managers are consistent with such an approach. On the other hand, some staff are 'set in their ways' and conservative by nature and, therefore, unconvinced that change is either necessary or desirable.
55. The Area has a standard management structure for a small CPS Area, although the appointment of a full time level B2 manager in the TU is comparatively recent.
56. The management team has improved the frequency of management meetings, and the involvement of level B managers - albeit only once a quarter - is welcomed.
57. The Area has a fairly standard high-level Business Plan using the national template. Staff are invited to become involved in the formulation of the Plan, although the uptake has been comparatively low.

## **Recommendations**

58. Inspectors made six recommendations to help improve the Areas performance:
  1. The CCP gives guidance about the handling of outstanding cases in the magistrates' courts following the sentencing of the defendant at the Crown Court, so that the current approach towards discontinuance does not prevail (paragraph 4.18).
  2. To improve summary trial preparation and increase the effective summary trial rate, the CCP and CJU Head should:
    - \* appoint a magistrates' courts case progression officer;
    - \* agree with the Justices' Chief Executive the criteria for holding a PTR; and
    - \* ensure cases are reviewed fully before the PTR (paragraph 4.25).
  3. The CJU and TU Heads take steps to improve the identification of cases with a notifiable victim, and the timeliness of DCV letters to meet the national target of an average of five days (paragraph 6.9).
  4. The Area stops including specified offences in its PIs (paragraph 9.5).



5. The ABM and TU Head introduce appropriate systems and controls to ensure that prosecution costs are managed properly. Current backlogs should be cleared as a matter of urgency (paragraph 9.11).
  6. The CCP should initiate a programme of team building and coaching to assist the Senior Management Team in developing greater cohesiveness at corporacy, and to project a positive image of the SMT (paragraph 13.7).
59. They also identified a number of strengths, together with a number of aspects of the Area's performance needing improvement.

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

HMCPS Inspectorate  
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