

HM CROWN PROSECUTION SERVICE INSPECTORATE

RE-INSPECTION OF CPS GLOUCESTERSHIRE

EXECUTIVE SUMMARY

Introduction

1. This is the report of HM Crown Prosecution Service Inspectorate following a re-inspection of CPS Gloucestershire. A full inspection was conducted in March and April 2000 and that report (3/2000) was published in July 2000. The re-inspection was designed to ascertain the extent to which the Area had developed certain important aspects of its performance and whether it had implemented the recommendations and suggestions from the report. In this re-inspection the Area's performance was to a large extent measured against its own action plan which followed our earlier report. Inspectors conducted only a restricted amount of file examination and a limited number of interviews with individuals either inside or outside the CPS.

Main findings of the Inspectorate

2. There has been an improvement in a number of aspects of the performance of CPS Gloucestershire, with some recommendations and suggestions being fully implemented. In other matters, there has been a partial improvement. Some aspects still require a lot more effort and work. Some monitoring and analysis is being done, but it does not appear to be systematic or fully effective.
3. On the one hand, inspectors were heartened to discover a positive outlook on the part of many staff, together with many specific instances of improvements brought about in response to the last report. On the other hand, the AMT had not driven forward the improvements in performance as far as the inspectors would have hoped.
4. Some of the AMT's own decisions encapsulated in the Area's action plan have not been carried forward. There remained a substantial number of cases with little or no evidence of effective review and a lack of real drive to reduce the unacceptable rate of cracked or ineffective trials. Additionally, some of the monitoring undertaken had not been carried out effectively in the light of the recent casework examined.
5. Inaccuracies and mis-recording within the Area's system of performance indicators and case outcomes raised questions against their accuracy as a whole, in spite of the work and training undertaken. A few inappropriate decisions and lack of recording reasons for decisions raised more fundamental concerns about the attrition rate.

6. On the positive side the overall standard of review decisions made by prosecutors remained good, and some aspects of timeliness of review have improved. The allocation of files in the Crown Court team is now undertaken swiftly, so enabling the lawyers to undertake early further review and preparation. Inspectors would encourage a greater degree of partnership between the lawyer and the caseworker in the case from allocation through to conclusion.
7. A marked improvement has been achieved in reducing the time taken to deal with PYOs, and good practice is being developed through the youth co-ordinator and the use of a dedicated laptop computer and specially devised programme.
8. Of particular note has been the work undertaken by the Area in engaging more positively in joint performance management with police. Securing improvements in the quality of police files through this will be a major step forward.
9. Improvements have been secured in relation to some aspects of disclosure of unused material, so that police schedules have improved in quality and the recording of decisions and the reasons for them by prosecutors are better. Weaknesses nevertheless remain in compliance with the duties of disclosure across the range.
10. The implementation of a duty lawyer scheme has helped gain improvements in the timeliness of advice and in checking the preparation of summary trials. This latter work, plus good standards of witness warning, should bring about improvements in the cracked and ineffective trial rate, which remains high. A continuing lack of fully effective review and decision-making, and particularly the recording of this, was apparent to inspectors and is likely to be the primary cause of continuing problems at court.
11. The Area is playing a full role within a Gloucestershire initiative in relation to domestic violence and a project was due to commence after the inspection had concluded. Integral within this should be the clear compliance with the CPS' own policy in relation to cases of domestic violence.
12. The custody time limits system had been the subject of overhaul and training to staff so that the system now accorded with CPS best practice. The system in relation to provision of information packages to the Probation Service had been improved and this should have a positive benefit on the progress of cases to sentence within the Area.
13. Inspectors noted some improvement at court following work between Area managers and the Magistrates' Courts Service. Listing arrangements had improved and the better preparation of summary trials had reduced the number of ineffective cases, which inevitably lead to transfer of work between courtrooms. The more active engagement with the Magistrates' Court Service needs to be carried forward into positive joint analysis of cracked and ineffective trials, and to secure substantial and effective work for the Area's

designated caseworkers. Continuing efforts to minimise the need for transfer of cases will naturally help raise standards of advocacy. There is now more positive monitoring of advocates and feedback was being provided. Similar work was being undertaken with agents. The Area had introduced a system of monitoring counsel at the Crown Court, but this was far from adequate.

14. The Area Management Team had gained in cohesion, but that there was still some lack of clarity as to respective responsibilities in driving through agreed actions. The Area had not initially gained Investors in People accreditation, but this was achieved after the inspection. Business planning for the future is receiving a higher profile and a wider cross section of staff are being involved in the process. Improved means of internal communication and the training and development of staff are in place, but need to be carried forward effectively. The circulation of a news and legal bulletin is a helpful part of internal communication and legal updating. The Area Training Officer has tried to make real progress in relation to training and development, but support and take up have been limited.
15. The Area has made improvements in understanding the level of its own performance, but still lacks a wide range of performance information and does not use all of it effectively. Thus the attrition rate as disclosed through the Area discontinuance rate is neither wholly accurate nor is it being tackled effectively. The major problem of missing files at court appears to have diminished substantially, but no specific information is maintained. Key case management logs have been considered, but the racist incident monitoring system does not record the finalisation of cases in the Crown Court and so is unlikely to have been effective in ensuring their supervision and progress.
16. In essence inspectors considered that the resources and levels of experience and stability of staff within the Area ought to support good standards of casework across the board. This has yet to be achieved. Securing a culture of continuous improvement remains a key issue. Inspectors found some signs of vigorous intent and determination to improve performance. This needs to be developed positively by a united management team which engages staff in these efforts.

Specific findings

17. Advice – the timeliness of advice provided to police now appears satisfactory and there are satisfactory systems to monitor both timeliness and quality of advice.
18. Review - the overall quality of review by prosecutors remains good. Conversely, evidence of timely and effective review is frequently lacking. The adoption of a duty lawyer system has improved matters in practice, but at the cost of some reduction in file ownership and individual responsibility for decision-making. The average time taken to deal with persistent young offenders has improved markedly, and the Area is now achieving a figure of 89 days against a national average of 93 days. Inspectors commended the work of the youth co-ordinator and the development of the use of IT.

Nevertheless, inspectors urged more active progress monitoring and analysis of live cases. The Area retains a high discontinuance rate. However a number of files could not be found by the Area and others should not have been included in the category if national guidance had been followed. Inspectors were concerned about the attrition rate in that they disagreed with a small number of decisions, and there remained scope for improvement in recording decisions.

19. Case preparation – there had been improvements in relation to the Area’s undertaking the duties of disclosure, and valuable work had been undertaken with police. More work was required to ensure that the duties of disclosure were undertaken in relation to all appropriate cases and that positive and informed decisions were taken in relation to sensitive material. Inspectors found that better standards of preparation of summary trials had been implemented, but that the cracked and ineffective trial rate in the magistrates’ court was still unacceptably high. Better standards of review and a more determined approach by prosecutors to avoiding cracked trials are called for, together with more detailed analysis of cracked, ineffective and late vacated trials in conjunction with the magistrates’ courts. Standards of committal preparation and instructions to counsel have improved markedly, albeit they have not yet reached a consistently good standard. There is little continuity of caseworker cover at court and there was insufficient attempt to enable caseworkers to retain responsibility for their own cases throughout, which should be feasible in the light of the relatively low number of contested cases. The system for monitoring custody time limits cases is now of a much better standard. Similarly there is a better system in place to ensure the provision of information to the Probation Service to enable it to prepare pre-sentence reports.
20. Advocacy – the Area has worked positively with the magistrates’ courts in relation to county-wide listing policy and the numbers of cases being transferred from one court room to another has diminished. The system of monitoring prosecutors and agents in the magistrates’ courts has improved, but the system in relation to the Crown Court is less sure.
21. Management and operational issues
 - the Area Management Team now meets regularly and is more cohesive, but there is still some lack of clarity as to the responsibility for ensuring decisions are carried out. Business planning has been more effective with greater involvement of staff. A complaint by a former member of the Area Management Team remains outstanding from July 2000 and has yet to be resolved. Only recently has the CCP finished dealing with an out of Area case, so that he can focus his attention and energies within the Area. A united resolve to improve performance and carry through planned changes is necessary. Internal communication has improved and accreditation as Investors in People was gained after the inspection. The wide spread problem of missing files at court appeared to have diminished substantially, but the Area’s reluctance to maintain a simple missing files log prevented complete assurance being provided.

- Inspectors were encouraged by the hard work and determination of many members of staff, and there were a number of examples of positive efforts. Nevertheless, a negative culture on the part of some staff remains and this is holding back progress within the Area. The training had improved considerably, but progress and actual take up is slow.
- Positive and sympathetic steps have been undertaken in relation to victims and witnesses, including work with both Victim Support and the Witness Service.
- The Area has engaged more positively in joint performance management with police and a more realistic view of the timeliness and quality of police files has been revealed. Work has been undertaken with the magistrates' court in relation to cracked and ineffective trials and listing. Ensuring designated caseworkers work to the widest limits of their current remit should facilitate more effective use of their time.
- Inaccuracies in recording and failure to reconcile discontinued cases with the Area's case outcomes left doubts about the general accuracy of the Area's performance indicators and case outcome statistics.
- The Area had not addressed the Inspectorate's concerns about the handling of motoring cases in the magistrates' court and proper consideration and implementation of the provisions of the Magistrates' Courts (Procedure) Act 1998 was still necessary.
- There was a more orderly system of handling complaints with a drive to deal with these both in a timely and careful and sympathetic nature. Development of the complaints register itself enabled more systematic and effective analysis of complaints to be undertaken at regular intervals.

Commendations

22. Inspectors commended the efforts made in the Area to improve the handling of youth cases.
23. The full text of the report can be obtained from the Combined Administration Unit at HMCPS Inspectorate (telephone 020 7210 1197).