

INSPECTION OF CPS GREATER MANCHESTER

FOLLOW UP REPORT

Introduction

1. This report details the findings of Her Majesty's Crown Prosecution Service Inspectorate (HMCPIS) arising from the follow-up progress visit to CPS Greater Manchester on 1 August 2005.
2. The Inspectorate carried out a full inspection of Greater Manchester in September 2004, the report of which was published in February 2005. It made eight recommendations which set out the steps necessary to address significant weaknesses relevant to important aspects of performance. In addition, the inspection identified five strengths and 12 aspects for improvement (AFIs).
3. The purpose of this visit was to assess the Area's progress against the recommendations and aspects for improvement contained in the report. We also evaluated whether the strengths in performance are still present, comment in detail on the progress made against our recommendations, and summarise the steps taken by the Area to address the aspects for improvement.
4. The eight recommendations on which we assessed progress were:
 - R1** The Chief Crown Prosecutor (CCP) liaises with the Chief Constable of Cheshire to ensure that police complaint cases are submitted by the Cheshire Constabulary in time for all potential offences to be considered (paragraph 4.7).
 - R2** The Area Strategic Board improves compliance with the duties of disclosure of unused material by:
 - * undertaking a training needs analysis and delivering training where such a need is identified;
 - * ensuring the Attorney General's Guidelines are applied consistently;
 - * developing and applying a consistent Area-wide approach to the voluntary disclosure of unused material;
 - * strengthening procedures for dealing with secondary disclosure; and
 - * monitoring compliance through the Casework Quality Assurance scheme (paragraph 4.46).
 - R3** The Area Strategic Board implements a common custody time limit system which complies fully with national guidelines, and that all relevant staff are trained appropriately (paragraph 4.65).

- R4** The CCP consults with his counterpart in the Unified Courts Administration to ensure that the transfer of cases between Crown Court centres is managed so that the minimum upset and inconvenience is caused to victims and witnesses (paragraph 5.15).
- R5** The Area Strategic Board ensures that the Casework Quality Assurance scheme is re-introduced across the Area (paragraph 7.1).
- R6** The Area Strategic Board:
- * clarifies the management responsibilities of Level D Team Leaders;
 - * when reviewing its structures, considers the role of the Unit Business Manager to give wider responsibility for the efficient operation of the unit and for performance monitoring and business improvement;
 - * sets expectations for lawyer deployment;
 - * determines arrangements for the deployment of caseworkers and their responsibilities relative to those of lawyers;
 - * takes steps to ensure administrative staff become multi-skilled; and
 - * reviews the deployment of Special Casework Lawyers (paragraph 8.13).
- R7** The Area Strategic Board ensures that:
- * it has the staff and procedures in place to manage and control its expenditure; and
 - * it considers written reports on spending at its regular meetings (paragraph 9.9).
- R8** The Area Strategic Board strengthens the governance of the Area and ensures that:
- * the roles and responsibility of senior staff, inter-linking relationships, and the role of the Area Strategic Board are clearly defined;
 - * timescales are set for the implementation of the review of the Secretariat and its re-structuring, to include responsibilities for performance and financial management, internal communication and the co-ordination of training;

- * work is undertaken to develop a Greater Manchester identity, and a corporate ethos within the management team, with a clear understanding of collective responsibility and accountability for the operation of the Area as a whole;
- * clear responsibility is established for the efficiency of administration across the Area at senior management level and within local structures; and
- * standards for management within local structures are developed to include holding meetings, consideration and analysis of performance information, and arrangements for internal communication (paragraph 13.9).

Methodology

5. Before visiting the Area, we received a number of documents relating to management information and performance data to provide evidence of the progress that the Area had made. These included the Action Plan to implement the report's recommendations and aspects for improvement, and subsequent reviews.
6. We examined 38 files, selected across the Branches, to look at the progress against the recommendations relevant to the disclosure of unused material and the application of custody time limits. During our visit we interviewed the Chief Crown Prosecutor, Branch Crown Prosecutors (BCPs), Special Casework Lawyer (SCL), and the Business Planning and Programme Manager.
7. At the same time as this follow-up inspection, we conducted a separate Overall Performance Assessment (OPA) of the Area. The OPA report will be published once all 42 CPS Areas have been assessed; which is likely to be in early 2006. The outcome of the programme of OPAs will enable the Inspectorate to plan its future Area Effectiveness inspections based on risk assessments and thus target those Areas with the greatest need. Information gathered from the OPA in the Area has also informed our views on the progress that has been made and used in this follow-up report.

Background to the Area

8. The inspection in September 2004 found that CPS Greater Manchester had maintained a good quality of casework - with better performance than the average found during the 2002-05 inspection cycle - but that the systems for handling disclosure and custody time limits were not secure. The Area had a number of management issues that needed to be addressed relating to staff structures, numbers and responsibilities, and the management and governance of the Area. The quality assurance of casework needed to be undertaken consistently.

9. The Area had implemented statutory pre-charge decision-making at the time of the inspection, and since then four Witness Care Units have been established in co-operation with criminal justice partners. Further Units are to be established by the end of the year.
10. The Area's performance for 2004-05 in key areas such as realising benefits from pre-charge decision-making, reducing ineffective trials and achieving successful outcomes, was better than the average national performance in most respects.
11. The Area is undertaking a substantial Change Programme to improve governance, efficiency and working practices.

Overview

12. The Area has made good progress in addressing those recommendations which relate to the governance and good management of the Area. New arrangements for the delivery of change are good, and change has begun to be managed using formalised project management techniques. These recommendations were onerous and were a priority for the Area. Variable progress has been made on recommendations and aspects for improvement that relate to casework issues, in particular those covering dealing with disclosure, and the introduction of the Casework Quality Assurance scheme.

Performance against PSA targets

13. Key performance results for the Local Criminal Justice Board are contained in the table below. In most respects performance shows steady improvement, with the ineffective trial rate in the magistrates' courts at roughly the same rate for the year as for the quarter reported in the inspection report. The Area's level of ineffective trials is substantially less (better) than the national average and the national target.

PSA targets	Original inspection	Follow-up
Offences Brought to Justice against baseline	+11.6% (June 04)	+22% (04-05)
Ineffective trial rate - magistrates' courts	19.9% (June-Aug 04)	20.2% (04-05)
Ineffective trial rate - Crown Court	17.4% (June-Aug 04)	15.4% (04-05)
Public Confidence	35% (Baseline 02-03)	38% (04-05)
Persistent Young Offenders	68 days (July-Sep 04)	65 days (3-month rolling average May 05)

Implementation of the recommendations

Recommendation 1 - The CCP liaises with the Chief Constable of Cheshire to ensure that police complaint cases are submitted by the Cheshire Constabulary in time for all potential offences to be considered.

14. **Achieved.** The Area has entered into a signed agreement with the Cheshire Constabulary which should ensure that cases involving complaints against the police are passed to CPS Greater Manchester in time for all potential offences to be considered. A similar agreement has been made with the Greater Manchester Police.

Recommendation 2 - The Area Strategic Board improves compliance with the duties of disclosure of unused material by:

- * **undertaking a training needs analysis and delivering training where such a need is identified;**
 - * **ensuring the Attorney General's Guidelines are applied consistently;**
 - * **developing and applying a consistent Area-wide approach to the voluntary disclosure of unused material;**
 - * **strengthening procedures for dealing with secondary disclosure; and**
 - * **monitoring compliance through the Casework Quality Assurance scheme.**
15. **Limited progress.** Since the inspection, the Area has appointed a Disclosure Champion, who disseminates information to prosecutors and caseworkers and provides guidance and mentoring. A change in the law has led to amended procedures for disclosure; the new procedures have been circulated to staff and training is due to commence in November.
16. An examination of 20 prosecution files, which related to investigations commenced before the implementation of the new disclosure provisions, revealed aspects of inconsistent performance:
- * secondary disclosure was handled properly in three out of five cases;
 - * primary disclosure was handled properly in only two out of 11 cases. In seven instances, although disclosure was made, the reviewing lawyers had not endorsed their decisions fully; and
 - * sensitive material was handled properly in four out of six cases.
17. The Area needs to take action to ensure that practice now complies with the Criminal Justice Act 2003 and the provisions of the Disclosure Manual.

18. Monitoring of compliance with disclosure provisions is not yet systematic and needs to be remedied. It should be monitored through sustained operation of the Casework Quality Assurance system in all Branches (see Recommendation 5).

Recommendation 3 - The Area Strategic Board implements a common custody time limit system which complies fully with national guidelines, and that all relevant staff are trained appropriately.

19. **Substantial progress.** The Area has revised its CTL protocol and desk instructions. The written system complies for the most part, but not completely, with national guidance. No agreements have been reached with the courts about agreeing expiry dates in court, or the courts' involvement in monitoring expiry dates. Lawyers are now more involved in CTL monitoring, and some limited training has been given to staff.
20. Despite the introduction of the new system and training, examination of 18 live custody files from across the Branches revealed several examples of poor practice. In particular:
- * the quality of court endorsements was variable, in particular in the case of some Crown Court files; and
 - * some dates were incorrectly calculated, or omitted.
21. More work needs to be done to ensure consistent application in teams, and to ensure compliance. The Area had not yet carried out its own evaluation of the new arrangements.

Recommendation 4 - The CCP consults with his counterpart in the Unified Courts Administration to ensure that the transfer of cases between Crown Court centres is managed so that the minimum upset and inconvenience is caused to victims and witnesses.

22. **Achieved.** Since the inspection cases are no longer transferred to Knutsford Crown Court, which has closed, and work has been done to improve the management of cases committed from Wigan to Liverpool Crown Court. As part of new performance management arrangements put in place by the Local Criminal Justice Board, the CCP will attend the Wigan local criminal justice group, which will deal with any issues relating to the management of cases committed from Wigan to Liverpool Crown Court.

Recommendation 5 - The Area Strategic Board ensures that the Casework Quality Assurance scheme is re-introduced across the Area.

23. **Limited progress.** The Area determined to re-introduce the scheme in January 2005. However, it did not commence in all Branches at that time, with some not starting to carry out assessments until April or May, and in some cases the work of only a small number of a Branch's lawyers and designated caseworkers was being assessed.

24. The Casework Quality Assurance scheme has therefore only been in place across the Area since May, and has yet to be fully implemented in terms of the numbers of staff whose work it captures. The Area is seeking to address this shortcoming, partly through developing a greater corporate emphasis on performance management; the introduction of quarterly performance meetings between the Chief Crown Prosecutor, Area Business Manager and Branch management teams; and through developing the management skills of the Area's middle managers.
25. An examination of completed quality assurance records indicated a variable approach by managers to the level of analysis that was carried out. While some analysis was thorough, most appeared superficial.
26. Further work is needed to meet this recommendation: the Area needs to carry out an assessment to ensure the robustness of the Casework Quality Assurance that is being undertaken, and then ensure it is sustained, and that there is full compliance in all Branches.

Recommendation 6 - The Area Strategic Board:

- * **clarifies the management responsibilities of Level D Team Leaders;**
 - * **when reviewing its structures, considers the role of the Unit Business Manager to give wider responsibility for the efficient operation of the unit and for performance monitoring and business improvement;**
 - * **sets expectations for lawyer deployment;**
 - * **determines arrangements for the deployment of caseworkers and their responsibilities relative to those of lawyers;**
 - * **takes steps to ensure administrative staff become multi-skilled; and**
 - * **reviews the deployment of Special Casework Lawyers.**
27. **Substantial progress.** Work has begun on improving the governance of the Area, developing and clarifying the roles of senior staff (see also Recommendation 8 below). A project group has been established to improve the governance of the Area and define the management roles and responsibilities roles of Branch Crown Prosecutors and Team Leaders, and the roles of other staff including Branch Business Managers. Arrangements were made for coaching in management skills to be available for all senior staff from August 2005.
 28. The Area is examining the role of caseworkers and their deployment in relation to that of prosecutors, for example in relation to pre-committal work. The Area aims to have a draft framework document for caseworker deployment in place by October 2005.

29. The Area has begun work to ensure that its administrative staff become multi-skilled. A project group has been established as part of the Area's change programme and a core development matrix for administrative staff is in preparation.
30. Work has yet to be done to set expectations for lawyer deployment in and out of court and in charging centres. The Area is awaiting its final decisions about caseworker deployment and will then analyse again lawyer numbers and deployment. Final decisions on the deployment of Special Casework Lawyers will await final decisions about Area structure.

Recommendation 7 - The Area Strategic Board ensures that:

- * **it has the staff and procedures in place to manage and control its expenditure; and**
 - * **it considers written reports on spending at its regular meetings.**
31. **Substantial progress.** Satisfactory financial analysis takes place, and written financial reports are now considered at Area Strategic Board meetings.
 32. The monitoring of Branch finances is to fall to Branch Business Managers, who will have responsibility for ensuring that committed expenditure is properly recorded and taken in to account. New job descriptions had been drawn up shortly before the follow-up inspection. Branches' financial performance will be considered at quarterly performance meetings between the Chief Crown Prosecutor, Area Business Manager and Branch management teams.

Recommendation 8 - The Area Strategic Board strengthens the governance of the Area and ensures that:

- * **the roles and responsibility of senior staff, inter-linking relationships, and the role of the Area Strategic Board are clearly defined;**
- * **timescales are set for the implementation of the review of the Secretariat and its restructuring, to include responsibilities for performance and financial management, internal communication and the co-ordination of training;**
- * **work is undertaken to develop a Greater Manchester identity, and a corporate ethos within the management team, with a clear understanding of collective responsibility and accountability for the operation of the Area as a whole;**
- * **clear responsibility is established for the efficiency of administration across the Area at senior management level and within local structures; and**
- * **standards for management within local structures are developed to include holding meetings, consideration and analysis of performance information, and arrangements for internal communication.**

33. **Substantial progress.** The review of the Secretariat has been completed and has resulted in the establishment of a Business Planning and Programme Office to ensure change is effectively implemented and reviewed. The Programme Manager is a member of the Area Strategic Board. The Office manages a series of projects relating not only to national initiatives, but also to internal change. The roles and responsibilities of other Secretariat staff will be agreed shortly and training needs identified.
34. A substantial project for improving governance includes not only examining the roles and responsibilities of senior staff and their relationship with the Area Strategic Board, but also Area structure. Terms of Reference have been agreed for the Board and a coaching programme has been established for managers. The accountability of senior managers for performance and the management of resources is being established through quarterly meetings between Branch management teams and the CCP and ABM.
35. The steps set out above are, as well as improving the governance of the Area, designed to improve collective responsibility and accountability for the operation of the Area as a whole. Staff from across Greater Manchester are involved in project groups and the Area has begun to produce a newsletter for staff.
36. Further work is needed to address communication and performance management within the Branches, an issue which is being tackled in the first instance by ensuring managers understand, and have the skills to carry out, their responsibilities.
37. The effectiveness and improvement of administration across the Area is being addressed through a revision in the roles and responsibilities of Branch Business Managers who will also have responsibility for the interrogation and analysis of performance information.

Aspects for improvement

38. Action has been taken to address most of the 12 aspects for improvement, although currently, insufficient action has been taken to address four of them. We comment on each of these at Annex 1.

Strengths

39. The Area has maintained the strengths found during the inspection.

The thorough and accurate recording of the detail of bail/custody applications (paragraph 4.14).

The examination of files undertaken for the follow-up inspection, and the Overall Performance Assessment, indicated that this strength has been maintained.

The timeliness of the request for, and review of, the full file in summary trial cases, and the timeliness of the request for, and review of, the full file in committal cases (paragraph 4.22 and 4.27).

File examination indicated that these strengths had been maintained.

The thorough and systematic review of the recommendations in HMCPSI's Thematic Review of Casework having a Minority Ethnic Dimension (paragraph 4.55).

The handling of casework with a minority ethnic dimension remains sound.

The standard of witness care at court (paragraph 6.6).

Courts were not visited as part of the follow-up inspection, but the Area has now established four Witness Care Units as part of the No Witness No Justice programme and a further six are to be established.

Conclusion

40. Although satisfactory progress has not been made in respect of all recommendations and aspects for improvement, we are satisfied that the Area now has in place the governance structures to ensure they will be tackled, in particular through its Business Programme and Planning Office. New arrangements also ensure the accountability of senior managers for the performance of their Branch and team.

CPS GREATER MANCHESTER

PROGRESS AGAINST ASPECTS FOR IMPROVEMENT

PARA NUMBER	ASPECT FOR IMPROVEMENT	POSITION AS AT AUGUST 2005
4.7	Timeliness of advice in formal request cases.	Substantial progress. The timeliness of advice in formal request cases now falls to be dealt with within the arrangements for pre-charge decision-making. A Service Level Agreement is under negotiation with the police and arrangements will be finalised via the Prosecution Team Board.
4.37	The monitoring of discharged committals.	Not progressed. The Area is still assessing systems used by other Areas and has made no significant progress.
4.37	Instructions to counsel about the acceptability of pleas.	Limited progress. All Branch Crown Prosecutors have been asked to ensure that fields are changed on the case management system to ensure that lawyers indicate in every case what is and what is not an acceptable plea. A compliance check has yet to be undertaken.
4.80	The sharing of casework experiences in and across offices uniformly.	Not progressed. Although the minutes of the Area Legal Board are to be circulated, the Area has still to address fully how casework lessons are to be disseminated. The Casework Quality Assurance system has yet to become firmly and rigorously established in the Area, and so no lessons arising from it have yet been able to be communicated to staff.
5.6	The Area strategy for the deployment of Higher Court Advocates.	Substantial progress. The Area has established a strategy for HCA deployment. A review of the target number of sessions will be carried out at the half-year review, with a view to increasing them if the Area is on course to meet its existing target comfortably.

PARA NUMBER	ASPECT FOR IMPROVEMENT	POSITION AS AT AUGUST 2005
5.15	The timely delivery of case files to agents appearing in the magistrates' or youth courts.	Limited progress. The Area has prepared a paper on Advocacy Standards and Quality of Service delivered by - and to - agents, which has now been approved by the ASB. The Area plans that it will be implemented in each Branch.
5.15	The continued attendance of agents in the magistrates' courts when instructed in respect of specific proceedings.	Substantial progress. The ASB has agreed that category 1 and 2 counsel undertaking work in the magistrates' courts are to be asked to confirm that they agree to stay at court in the afternoon to undertake other work if required. Category 3 and 4 counsel, who have been instructed in high profile or complex cases, will be dealt with on a case-by-case basis. Action should be taken by 6 September 2005.
6.10	The operation of the Direct Communication with Victims scheme.	Substantial progress. The Area has taken steps to improve DCV performance. Throughout 2004-05 performance was variable, in relation to both timeliness and the number of letters. The Area is monitoring the operation of the scheme, including at ASB level, and a further recent evaluation recommended further staff training, improved desktop instructions, and setting individual targets for Branches for the number of letters sent per month. DCV objectives are included in staff job objectives.
8.17	The assumption by the Area of the identification and subsequent delivery of training needs.	Substantial progress. The organisation of training has been centralised and a training programme, indicating the availability of introductory training and training in new legal provisions, has been published for a period six months ahead. A Training Plan had recently been drawn up, linked to the Business Plan and Change Programme, but the Area needs to determine the training that is necessary arising from the Change Programme, and ensure it is offered in a manageable way across the Area.

PARA NUMBER	ASPECT FOR IMPROVEMENT	POSITION AS AT AUGUST 2005
8.27	Clarification of procedures and responsibility for determining requests for flexible working, to ensure business needs are met.	Substantial progress. Management of flexible working has been included in the job description of Branch Business Managers.
8.27	The regular monitoring and analysis by the Area of sick absence.	Not progressed. The Area intends that sick absence information should be produced by the Service Centre for each Branch, but no start date has yet been agreed.
8.30	Re-assessment of the Area's approach to the recruitment of staff from black and other minority ethnic communities, and equality of opportunity.	Not progressed. No action has yet been taken (although there have been few recruitment opportunities since the earlier inspection report).