

HM CROWN PROSECUTION SERVICE INSPECTORATE
INSPECTION OF CPS HAMPSHIRE AND THE ISLE OF WIGHT

EXECUTIVE SUMMARY

Introduction

1. This is the report of Her Majesty's Crown Prosecution Service Inspectorate on CPS Hampshire and the Isle of Wight. The CPS is a national service, but operates on a decentralised basis with each Area 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 Hampshire and the Isle of Wight. 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). The Area has formed functional units, rather than geographical ones, to take forward the recommendations of the Review of the CPS (the Glidewell Report), and has commenced the transition to Criminal Justice Units (with CPS and police staff co-located and working together) and Trial Units.
3. The report focuses mainly on the quality of casework decision-making and casework handling, but also extends to all matters that go to support the casework process. The Inspectorate examines all aspects of Area performance, and has reported on a number of management and operational issues.
4. Hampshire and the Isle of Wight has ten magistrates' courts serving the counties and four Crown Court centres. The Area handled 41,951 defendants in the magistrates' courts and 4,269 in the Crown Court in the year 2000. Overall the caseload is weighted very similarly to the national pattern, but Inspectors found a much heavier weighting of cases in the Eastleigh Branch (which serves Southampton) and Portsmouth Branch.

Main findings of the Inspectorate

5. CPS Hampshire and the Isle of Wight appears historically to have had a lower proportion of resources allocated to it than most other CPS Areas. Some perceive that this has contributed to a low standard of performance in some respects. The difficulties facing the Area were recognised by the new CCP and ABM and much work has been done to alleviate this and other problems, but representatives of other criminal justice agencies still perceive that there has been little or no improvement in the standard of work. Some recorded measures (originating from other agencies as well as the CPS) indicate that there has been significant improvement in many respects, and the other agencies' critical view of the local CPS may be coloured by a frustration built up over a long period of time of having to cope with poor performance. This will only be overcome by consistent levels of good performance being achieved. Good progress has been made in many

problem areas, but there is still clearly a lot that needs to be done. The CCP and ABM will need to ensure that they retain the focus on the key priorities which require further work.

6. Despite these difficulties, overall the relationships with other agencies are good, and this has enabled some significant successes to be achieved. The successful implementation of the initiatives arising from the recommendations in the Review of Delay in the Criminal Justice System (the Narey report) was assisted by the introduction of fast-track files some considerable time before, thus easing the stress of transition. The joint work on speeding up youth justice has also been particularly successful.
7. Inspectors found much to commend in CPS Hampshire and Isle of Wight, but substantial problems still remain which need continuing high priority and attention. Inspectors recognised that the Area had made great efforts to improve its performance across the board, from dealing with backlogs of filing through to setting and monitoring targets for improved performance. Its achievements in relation to dealing with youth offenders and the manner in which it is progressing with the re-structuring into Criminal Justice Units and Trial Units are examples of its successes.
8. Overall the standard of decision-making was good. In contrast, there was concern about the actual performance in court, with problems besetting the effective progress and presentation of some cases in both the magistrates' courts and the Crown Court. A number of essentially sound cases were being lost through an inability to deal with issues that arise. Poor continuing review and case management were often at fault, as were failures in basic administrative functions of file tracking and delivery. These were undermining a consistent standard of decision-making.
9. The Area has gained considerable standing with its partners for its clear determination to secure improvement, but it has yet to gain their full confidence in its ability to deliver a high quality service. Examples of failures were still to be found regularly in the courts, and the perception of other agencies is that performance remained poor with little noticeable improvement, particularly in courts served by the Eastleigh and Portsmouth Branches. Inspectors found considerable evidence of poor performance at court, which fully supports this perception – ranging from cases collapsing because files could not be found for court, through failures to deal with witnesses effectively, to simply not linking post to files.
10. In many respects, data suggests that the performance of the Area is improving. The numbers of failures to comply with Crown Court directions and the numbers of files not available for court have, for example, been significantly reduced. Nevertheless, sound administration, case management and continuing review need to be achieved consistently to overcome the perception of some partners and practitioners in the criminal justice system that these failures are to be expected, and to be criticised harshly or taken advantage of by the defence.

11. These are such fundamental issues that it is not surprising that they are the subject of such criticism. At the same time some of the solutions, though by no means easy, are also fundamental, such as resolving the difficulties of recruitment and retention of junior staff. It will take time for improvements to work through the system and effect a real change in the perceptions of external agencies.
12. In many other respects the Area's performance is impressive. Its progress with the restructuring into TUs and CJUs as a result of the Glidewell recommendations, the quality of its performance data and its commitment to training and staff development are examples. The two counties dealt with persistent young offenders within 71 days from arrest to sentence for two quarters from April to September 2000 (Annual statistics, which include additional data, published after the report was printed have revised the figures to 78 days). This is particularly commendable in view of the size of the Area and when set against the national average of 95 days. Other aspects commended or found to be good practice are set out at paragraph 39.
13. Inspectors were encouraged by the drive and determination to improve performance at the top level, the remedial action that is being implemented, and by much of the sound work and commitment found throughout Area staff.
14. Additionally, despite the concerns, overall the relationships between all of the agencies were good, and there appeared to be a genuine will to co-operate to improve the criminal justice system as a whole. In view of the challenges that the Area will face over the coming months it is important that the goodwill of other agencies is maintained. This will only be achieved if visible and tangible improvements in performance are implemented and sustained. It becomes increasingly difficult, however, to maintain and build on improvement. This is the major challenge facing the Area, but one, which is not, in the view of the inspectors, beyond its capabilities.
15. The report contains 25 recommendations and 11 suggestions designed to help the Area improve aspects of its performance.

Specific findings

16. *Advice* - the quality of advice to police was good. Timeliness was a problem with only 57.1% of advice cases being dealt with within the agreed guidelines. Inspectors considered that this could act as a disincentive to police to send in appropriate cases for advice; there is already a low number of advice files compared to the national average. Additionally, there was a need to record informal advice appropriately.
17. *Review* - initial review by prosecutors and designated caseworkers was good. In the random samples of cases proceeding to plea of guilty or trial, and those discontinued by the CPS, inspectors considered that the Code had been properly applied in all cases. However, continuing review was not effective in a small number of cases, giving rise to a lack of grip as they progressed.

18. Inspectors commended the Area's work with the other agencies in relation to reducing delay in the prosecution of persistent young offenders. The work of the youth justice specialists in each Branch was noteworthy. Good practice has been developed in relation to systems to identify and track PYOs and to monitor the progress of the cases. Work with the Clerk to the Justices in the development of guidance in relation to grave crimes considered suitable to be committed to the Crown Court, has been very helpful.
19. Recording decisions and the reasons for them is important as this intrinsically improves the quality of the decision-making, underpins accountability for decisions, and ensures that different prosecutors who subsequently deal with the file can quickly appreciate the decisions made in the case. The recording of such decisions and reasons was relatively good, but there were still weaknesses in relation to public interests decisions and a few discontinuances that caused inspectors, and the lay inspector, concern.
20. *Case preparation* - inspectors found weaknesses in the preparation of cases for summary trial and for committal, which were contributing to both adverse outcomes and cracked or ineffective trials, albeit this rate was relatively low and was the subject of active joint analysis of the issues with the magistrates' courts. The most serious issue was the discharge or dismissal of cases in the magistrates' courts when files were missing, or preparation had not been undertaken.
21. Committals were not always being prepared in time because of a combination of delay in the provision of police files and delay in the Crown Court Units. The quality of indictments was reasonable with 25.9% in the file sample needing amendment, significantly better than the national average. The overall standard of instructions to counsel was improving, as was the timeliness of their delivery. Compliance with court orders made at the plea and directions hearings was now good, with a substantial drive to reduce the number of failures. Court coverage by caseworkers was at times very low and inspectors recommended steps to improve coverage and continuity of case handling. Systems which support the fair distribution of work and individual case management in the office and at court are required.
22. The Area has taken positive steps to improve the undertaking of its duties of disclosure of unused material. Good practice has been adopted, and guidance and training provided. Inspectors found levels of compliance to be comparatively very good, and this needs to be sustained to overcome a history of criticism in the past by courts and the defence.
23. Sensitive cases and domestic violence are now the subject of more effective supervision and handling. The Area has worked very well with the Witness Service and Victim Support.
24. Custody time limits regulate the length of time during which an accused person may be remanded in custody in the preliminary stages of case. The monitoring systems had been reassessed, but there were still some areas of risk that needed to be addressed.

25. Delays in getting information packages to the right person to prepare pre-sentence reports both in the Crown Court, magistrates' courts and youth courts are a recurring feature and need to be addressed jointly with the Probation Service.
26. *Advocacy* - the overall standard of advocacy in both magistrates' court and the Crown Court is satisfactory, albeit some weaknesses were noted and magistrates criticised the performance of some agents. Inspectors found designated caseworkers, all the CPS lawyers they observed and many agents undertaking fully competent advocacy. Inspectors were told that CPS lawyers exercising higher court rights of audience in the Crown Court were effective, as were counsel. Inspectors considered that greater care needed to be taken to ensure counsel of the right calibre for the particular case was instructed, as there had been a perception by some that in the past the defence had had more experienced counsel. Closer working with prosecuting counsel was necessary to ensure cases were ready for trial. There had been strong judicial criticism of some prosecution cases and these issues of preparation and presentation needed to be tackled so that any expectation on the part of other court users that the prosecution will not be in full control of its case is negated.
27. *Management and operational issues* – the Area has developed a good overall business plan, which is supported by a synopsis of key points. Details of the major objectives had been cascaded to staff who had a clear understanding of the key priorities for the year, as identified by the management committee. These were:
 - * Early implementation of Glidewell recommendations in terms of achieving co-located operations with the police;
 - * Achieving agreed national performance standard targets;
 - * Monitoring and improving performance on some local key indicators; and
 - * Clearing backlogs of work (primarily at Eastleigh).
28. The Area is progressing rapidly with its internal organisation to implement the Glidewell recommendations. This has been possible by careful planning and forethought. This demands a high level of co-operation between a number of agencies, and inspectors were pleased to see that this was present in Hampshire and the Isle of Wight.
29. The Area has experienced considerable difficulty in recruiting and retaining staff and this needs to be resolved if the Area's basic administrative functions are to be consistently sound.
30. Backlogs in the payment of counsel fees had been tackled and substantially reduced and this will help the Area concentrate on current work.

31. The Area was on track to remain within budget in the current financial year and inspectors were reassured by the prospect that the funding for next year will enable performance in improvement to be approached on a more consistent basis.
32. The Area is firmly committed to the training and development of staff and this should have good long term effects. Internal communication has been improved to explain change and to focus and prioritise administrative improvements. At present some staff were feeling a degree of stress, despite steps taken by the Area to combat this, and there was a high level of sickness absence.
33. In the view of inspectors, Area staff were busy and processed more transactions per prosecutor and caseworker than other areas seen with a similar caseload. This needs to be supported by clear systems that support individual responsibility and case management, in particular by caseworkers.
34. The Area has worked well with the Witness Service by way of training and working together at court. The Crown Court system of having a number of floating trials can have an adverse impact on witnesses and inspectors recommended more positive input by the CPS to the listing process in the Crown Court.
35. The Area has developed a good Equality and Diversity plan, although most actions were to take place after this inspection. A key development has been the recent formation of the Local Equality Committee, chaired by one of the DCWs. Early signs were that the group was very active and likely to ensure that equality and diversity issues are given appropriate priority and consideration. There had not been a great deal of activity in terms of 'reaching out to the community', but there may have been greater priorities in the short term as Glidewell implementation was in full flow.
36. Historically, the Area has had severe backlogs of finalising cases, and this will not have helped the Area in funding arrangements. Much effort had gone into clearing the majority of the backlog of approximately 4,000 cases, but there was little in the way of management checks, and some managers were clearly not aware of the size of the problem.
37. The accuracy of the PIs (excluding completeness) was generally better than average, and the Area had a significantly better range of information available to managers to enable performance to be measured and thereby improved where necessary. Inspectors commended the Area for its efforts in this work, but also encouraged them to conduct periodic reviews to assess whether all the data collected is still both relevant and necessary.
38. Inspectors found no real evidence of complaints being analysed in order to identify trends or learning points. Nevertheless, the standard of replies was good in most cases, but a few lacked some element of sympathy for matters that had clearly upset the complainants. The Area puts great emphasis on the timeliness of response and the vast majority of complaints were dealt with in a timely manner.

Commendations

39. Inspectors commended a number of aspects of the Area's work, including:
- * Its work with the Magistrates' Courts Service in the preparation of the guidance on grave offences, as both effective inter-agency liaison and a pro-active response to an issue that could adversely affect the administration of justice;
 - * The achievement in reducing delay in dealing with PYOs;
 - * The introduction of different coloured file jackets for different categories of sensitive cases;
 - * The positive approach to improving its performance in relation to disclosure through guidance and joint training;
 - * The steps being taken to agree a protocol with the local Social Services department to deal with difficulties relating to disclosure;
 - * Its innovative thinking and its collaboration with the police in taking forward the Glidewell implementation;
 - * The range of information available to managers to enable performance to be measured and thereby improved where necessary;
 - * Its positive approach to staff development, evidenced in particular by the overall timeliness and quality of appraisal reviews, FJPs and PDPs and the overall committed approach to identifying and dealing with training needs at all levels;
 - * The introduction in one Branch of short daily meetings for administrative staff to identify key issues for the day.

Good practice

40. Inspectors drew particular attention to practices or initiatives that other Areas might wish to note when dealing with similar issues:
- * Casework committee – the introduction of a separate casework committee and agenda to deal with casework issues, although care needs to be taken that the benefits derived from this are balanced against the resource requirements;
 - * Dealing with PYOs – in an effort to achieve the targets for dealing with PYOs, the Area has introduced systems to identify cases involving PYOs together with systems to improve the tracking of these cases, and the monitoring of their progress.

41. The full text of the report may be obtained from Combined Administration Unit at HMCPS Inspectorate (telephone 0207 210 1197).

HMCPS Inspectorate
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