



HM Crown Prosecution
Service Inspectorate

CPS Nottinghamshire

Executive Summary

The inspectorate's report on CPS Nottinghamshire

Undertaken March 2010

September 2010



Executive summary

Contextual factors and background

CPS Nottinghamshire was last subject to a full inspection in August 2003. Since that time it has undergone two overall performance assessments (OPAs) in October 2005 and more recently in July 2007 when it was rated as fair. Since the last OPA a new Chief Crown Prosecutor (CCP) and a Senior Area Business Manager (SABM) have been appointed, and CPS Nottinghamshire has become the lead area within the East Midlands Group.

When the CCP arrived in the area in 2007, followed shortly by the SABM, it was clear that there were significant issues that needed to be addressed. The area organisational structures were not fit for purpose; there were considerable backlogs and no accountability in casework and the area lacked management capability. This was set against the legacy of a change-resistant workforce. Partnerships with other criminal justice agencies were not effective. There were no effective systems in place for the management of performance or resources. In addition to taking on significant problems in the area, the CCP and SABM were responsible for establishing the group structures in order to launch the new East Midlands Group with responsibility for overseeing Derbyshire, Leicestershire, Northamptonshire and Lincolnshire.

Summary of findings

Senior managers have worked hard to address the issues highlighted above. The first phase, of establishing management capability, building partnership working, setting a performance management framework and adapting the structures, has provided a foundation. The area is now better placed to move to the next stage, but it continues to face many challenges.

Currently, there is an inconsistent standard of casework across the area with some significant variations in the quality of decision-making, some of which is very poor. There are a number of under-performing lawyers; and also a number who are unwilling to accept feedback on their performance. This is exacerbated by the absence of a formal mechanism to learn from experience. In contrast, in the most serious cases there is sound decision-making and some very positive work is carried out by the co-ordinators who lead on domestic violence and public protection work.

There has been a decline in performance in many key outcomes. Conviction rates in the magistrates' courts have declined since 2008-09 and are worse than the national average, and the rate of discontinuances has been worse than nationally for the last three years. In the Crown Court the area has moved from a position of performing significantly better than the national average in 2008-09 to a position closer to national performance. During the same period the discontinuance rate has risen and is now worse than the national average and there has been a consistently high proportion of discharged committals, although this is now being addressed.

The quality of case handling and progression needs improvement. There are problems with the timeliness and quality of files submitted by the police, but there are also some internal CPS process problems resulting in inefficiencies, duplication of effort and a lack of clarity around some casework roles. This is intensified by the absence of proper monitoring of the file standard and feedback to the police, and the ineffective prosecution team performance management arrangements.

The quality of decision-making and case handling can be attributed in part to the lack of pro-active performance management. Although the scope and extent of the management information is very impressive, it is not used to challenge some specific weaknesses. The area needs to develop a performance management regime whereby standards and expectations are set and applied. Managers need to be given the tools and time to do this. The current management structures and spans of control also contribute to an inconsistent approach to the performance management of individuals.

The goal of the CCP on taking up post was to move the area forward. The vision for the area is understood at the senior management level, but there is insufficient awareness across the area as to why certain priorities were set and why decisions were made. Cultural barriers that exist have not yet been broken down and this has prevented the area progressing.

The area has undergone a number of structural reforms over the past three years, some of these were required by the CPS nationally and others were undertaken to try to improve service and efficiency. Whilst the rationale behind some of the changes is understood by staff, insufficient time to embed change has resulted in a lack of clarity across the area.

Difficulties in resourcing the optimum business model unit and problems with the initial operation of arrangements for delivering pre charge advice and decisions to the police, highlight the strain that this approach can have on the area.

Relationships with partners at a strategic level and at key operational points are improving. The

area has worked hard to cultivate these from a very low base. Recent work with the police has been used to drive up performance in the Crown Court; this indicates a maturing of the relationship and the willingness of partners to work together to improve performance. However, at an operational level there are instances where a blame culture is readily apparent which is causing reputational damage for the area. The relationship needs to be carefully managed. There is also a sense of frustration in the Courts Service that improvements in the handling of magistrates' courts cases have not been forthcoming.

In the light of our findings, CPS Nottinghamshire is rated as **FAIR**.

Summary of judgements

The findings of this inspection take account of the difference in the process between an overall performance assessment (OPA) and a full inspection. The OPA process is one that is very much dependent on an area self-assessment, partners are not interviewed and there is a very limited file sample. Inspectors spend one day interviewing senior managers and assess the findings on the basis of a 'light-touch' inspection. In contrast a full inspection is carried out over an extensive period of time, a wide range of external partners are interviewed and inspectors examine a large number of files to assess the quality and standards of area work. Since the last OPA, Nottinghamshire has become the lead area within the East Midlands Group and this has resulted in a significant extension of the responsibility for the CCP and SABM. This context needs to be understood before any comparison is made between the results in 2007 and this full area effectiveness inspection.

<i>Summary of judgements</i>			
Critical aspects	OPA 2007	AEI 2010	Direction of travel
Pre-charge advice and decisions	Fair	Poor	Declined
Decision-making, preparation and progression in magistrates' courts' cases	Poor	Poor	Stable
Decision-making, preparation and progression in Crown Court cases	Good	Fair	Declined
The service to victims and witnesses	Fair	Fair	Stable
Leadership and management and partnership working ¹	Good	Fair	Declined
Overall critical assessment level	Fair	Poor	
The prosecution of cases at court	Fair	Fair	Stable
Serious violent and sexual offences and hate crime	Good	Fair	Declined
Disclosure	Fair	Fair	Stable
Custody time limits	Excellent	Fair	Declined
Managing performance to improve	Fair	Fair	Stable
Managing resources	Good	Good	Stable
Community confidence	Good	Good	Stable
OVERALL ASSESSMENT	FAIR	FAIR	

¹ Leadership and management captures elements included formerly in "Delivering change" which has now been removed from the framework as a stand alone aspect.

Recommendations

Priority recommendations

There are six key recommendations which need to be implemented within three months. These are:

1 The senior team needs to develop and communicate the area vision and share this with area staff (paragraph 11.3).

2 The area needs to improve the quality of pre-charge decision-making and case analysis through monitoring and effective feedback, proper action plans including consideration of all ancillary matters, and detailed instructions to the court advocate (paragraph 1.21).

3 The area needs to:

- work with the police on file standards and timeliness;
- build a prosecution team ethos; and
- develop, in conjunction with the police and courts, a clear plan for measurable improvements in case preparation and progression (paragraph 2.15).

4 The area needs to ensure that the Code for Crown Prosecutors is applied correctly in all cases involving an allegation of domestic violence, and to improve the overall decision-making and case handling of racially or religiously aggravated crime (paragraph 5.7).

5 The area needs to:

- communicate clear expectations about the standards expected of its lawyers and ensure that there are robust processes in place to tackle individual performance; and
 - develop a culture where the giving and receiving of feedback, and responding to it is part of everyday business (paragraph 9.8).
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6 The area develops a performance management regime which has a strategic overview. Any regime must include a monthly performance meeting which considers performance across the whole area and is able to inform necessary improvement activity and be able to make strategic decisions which can be implemented to drive up performance (paragraph 9.3).

Recommendations

There are a number of other recommendations that relate to improving and tightening processes and systems. Whilst not immediate priorities they need to be implemented to improve the service offered by the area. We would expect that these secondary recommendations to be implemented within the next 12 months.

1 The area needs to:

- reinstate effective case progression meetings for all cases; and
 - work with partners to evaluate and improve the number of vacated and ineffective trials (paragraph 2.21).
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2 The area needs to ensure:

- that lessons are learned from adverse case reports which are circulated and shared across the unit to help understand the tactics of presenting a case in court and the impact on the eventual outcome; and
 - linked cases are prepared and progressed effectively and that there is joinder of cases on a single indictment only in appropriate cases (paragraph 3.7).
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3 The area needs to work with police to ensure cases processed by the Crown Court File Review Unit are subject to police quality assurance measures on submission of the case file (paragraph 3.13).

4 The area needs to:

- conduct careful monitoring of cracked trials attributed to in-house advocates in the Crown Court to ensure it only occurs in appropriate cases; and
 - assess the quality of agents that form the cadre of advocates prosecuting in the magistrates' courts (paragraph 4.8).
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5 The area needs to work with police to improve the timeliness and quality of police schedules, including the descriptions given, and to ensure the routine inclusion of standard items such as pocket notebooks and incident logs (paragraph 6.12).

6 The area needs to ensure:

- there are clear file endorsements where cases involve a remand in custody; and
 - custody time limit systems and processes are complied with in all cases (paragraph 7.5).
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7 The area needs to work with the witness care units and the police on the primary and secondary measures under No Witness No Justice, and assess where improvement may be achieved (paragraph 8.4).

8 The area needs to take action to ensure that special measures applications are made in a timely manner (paragraph 8.14).

9 The area works with the police to reinvigorate the prosecution team performance management meetings using these to build on the work being carried out within the Crown Court File Review Unit and the charging unit to ensure that themes and improvement action can be communicated to and implemented across the force area (paragraph 9.14).

10 The area needs to review its staffing resources examining whether:

- there are efficiencies and savings that could be made as a result of the combination of the city units;
 - the workload and usage of associate prosecutors is offering value for money;
 - as part of the strengthening of personal performance management the management spans of control have the correct focus and are effective; and
 - there is the right balance of staff in the area, with a focus on the prosecutor grade (paragraph 10.11).
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11 The area needs to consider with partners whether it is appropriate to rationalise the various multi-agency meetings (paragraph 12.6).

Compliance issues

We additionally identified a 'quick win' which relates to a compliance issue.

1 The area needs to ensure the template for instructions to counsel is followed and the expected standard achieved in all cases (paragraph 3.17).

Strengths

We identified four strengths within the area's performance.

1 The thematic reviews conducted by the Complex Casework Unit head within the group and area are a constructive approach to identifying actions to drive improvements in specific aspects of casework (paragraph 3.5).

2 The small proceeds of crime team was established following examination of best practice in an adjoining area in the group and ensures there is sufficient specialist attention for all cases involving restraint of assets and a reference point for lawyers (paragraph 3.20).

3 Good work is undertaken to achieve the overall aim of the CPS violence against women strategy, for example the monthly public protection meetings for lawyers, the bulletin produced by the domestic violence champion which is disseminated to staff and the police public protection units, the monthly examination of failed cases and the thematic review of domestic violence published in January 2010. The area also delivers regular training to probationer officers encompassing the investigation of domestic violence and witness care (paragraph 5.11).

4 The group approach to budgetary management and control is ensuring that there is co-operation and flexibility of resources (paragraph 10.4).
