



# CPS NORTHAMPTONSHIRE

THE INSPECTORATE'S REPORT ON  
CPS NORTHAMPTONSHIRE

EXECUTIVE SUMMARY

APRIL 2007

## Introduction

This is the report of Her Majesty's Crown Prosecution Service Inspectorate's (HMCPPI) inspection of CPS Northamptonshire (the Area), carried out in December 2006.

There are two types of inspection. A full one considers each aspect of Area performance within the Framework, while a risk-based inspection considers in detail only those aspects assessed as requiring scrutiny. This is based on HMCPPI's overall performance assessment (OPA) and other key data.

The OPA of CPS Northamptonshire, undertaken in October 2005, assessed the Area as "Fair" and as a result of this it was determined that the inspection should be a tailored one.

HMCPPI's OPA report identified a total of 47 aspects for improvement and in the course of this inspection, inspectors have assessed the extent to which these have been addressed.

## Overview

The Area has made good progress at a strategic level since the OPA. Leadership has improved and a clearly defined governance structure is in place, with improved corporacy. Senior managers have worked hard to develop open and constructive relationships with criminal justice partners, particularly the police. Improved relationships are beginning to bring about the desired benefits: a 'prosecution team' ethos has been established with the police; changes in court scheduling and listing arrangements in the magistrates' courts have been made, which benefit both the CPS and the Courts Service; and an effective and open working relationship has been established with the Crown Court. Overall a good professional environment is now in place, which should assist the achievement of improved performance in the future.

Prior to October 2005, at an operational level Area business was divided on functional lines between magistrates' courts and Crown Court work. In October 2005 the Area re-structured on a geographical basis in line with the police Basic Command Units. Each unit has a Unit Head and a Unit Business Manager. The South Unit covers Northampton, Daventry and Towcester, while the North Unit covers Wellingborough, Corby and Kettering. Re-structuring facilitated the units' ownership of cases from 'cradle to the grave'. However, more needs to be done to ensure the units function effectively. Progress has been hampered to some extent by staff turnover and high sickness levels, but there is also a need for a more robust approach to management within the units, and support for staff.

The quality of decision-making and case handling was mixed. While some cases were handled well, in others there was evidence of delay and an absence of pro-active case management. Driving up the quality of casework should now be a prime aim of the Area. Monitoring and quality assurance of casework needs to be established to drive up standards and deliver consistently good levels of service, including to victims and witnesses.

We comment in further detail on the specific aspects of performance in the following summaries of individual chapters.

## Pre-charge advice and decisions

The Area went 'live' with statutory charging in February 2006 and progress is being made on the realisation of the anticipated benefits against the key indicators, with four of the six Area targets currently being met. A strong prosecution team approach has developed between the CPS and police, although significant operational details still need to be addressed. Effective 'gatekeeping' has yet to be introduced and the proportion of cases on which no further action is advised remains high. Although pre-charge decisions were sound in the majority of cases, in others they did not always reflect the seriousness of the case. Monitoring systems for ongoing cases and timeliness of pre-charge decisions made within the office need to be improved.

### **Casework in the magistrates' courts**

The quality of review and case handling in magistrates' courts' cases is variable. Initial, ad hoc and trial reviews are not always recorded either in the paper file or on the case management system (CMS). Prosecutors are treating the charging decision in contested cases as the full file review. Separate summary trial reviews and review decisions to discontinue or alter the charges were therefore absent in the majority of files examined. Initial and full file reviews, when completed, were often a summary of facts with no or limited analysis of relevant issues. The Casework Quality Assurance (CQA) scheme, which if carried out regularly should alert managers to shortcomings in case handling so that they can be addressed, has not been operated effectively, with around a half of the required number of cases being monitored for quality.

The number of discharged committals remains relatively high. For the year ending December 2006, out of cases destined for prepared committal to the Crown Court 5.7% were discharged, compared to the national average of 2.6%. The rate of effective trials is good, but there are cases which have multiple pre-trial reviews. The average time taken to deal with persistent young offenders from arrest to sentence remains significantly above the 71 day target, at 101 days for the three months ending November 2006.

The level of wasted cost orders in the magistrates' courts remains high; 14 have been made for the year-to-date totalling £2,648.26.

### **Casework in the Crown Court**

Decision-making was of good quality overall at committal review or when the case was sent to the Crown Court. As in magistrates' courts' cases the recording of full file and ad hoc reviews is poor in Crown Court cases. There remains no formal or structured case progression liaison with criminal justice partners in all cases.

The Area is performing better than nationally on the rates of judge ordered acquittals, judge directed acquittals, acquittals after trial and the overall conviction rate. The cracked trial rate is slightly worse than the national average, the main reason for cracked trials being acceptable guilty pleas offered late for the first time. The ineffective trial rate remains significantly better than the national average.

### **Presenting and progressing cases at court**

Overall, standards at court need to be raised. Prosecutors are not always pro-active or sufficiently robust in progressing cases at court and the quality of advocacy, both of in-house prosecutors and agents, varies considerably. Although most of the advocacy we observed was competent in all respects, with some in-house prosecutors above average, some lacked presence and were lacklustre. This concurs with feedback we received from other court users. However, we received positive feedback concerning the performance of the designated caseworkers. Systematic monitoring of CPS prosecutors, agents and counsel needs to be introduced.

### **Sensitive cases and hate crime**

Most sensitive cases are handled well, although the handling of domestic violence cases needs attention to ensure CPS policy is complied with. The unsuccessful outcomes rate in cases of hate crimes in the magistrates' courts and Crown Court has improved since last year at 37.4%, but compares unfavourably to the national average of 33.2%. The attrition rate in domestic violence cases, predominantly owing to witness issues, is also high.

### Disclosure of unused material

This aspect was not fully examined, but we assessed Northamptonshire's performance as part of our analysis of the file sample. This indicated that the Area's performance remains much the same as at the time of the OPA, which was assessed as "Fair". Compliance with disclosure was inconsistent and non-compliance included failures to disclose material that undermined the prosecution or assisted the defence, no separate endorsement of each item on the MG6C schedule, delay in the service of initial disclosure, items not being disclosed as continuing disclosure and no evidence of the reviewing lawyer considering the defence statement.

### Custody time limits

There were no reported custody time limit (CTL) failures in 2005-06 or in the first half of 2006-07. However, our file examination revealed two CTL failures in a magistrates' court case. Poor file endorsements, administrative delays, mistakes in up-dating and incorrect calculations of the CTLs all contributed to these failures. These shortcomings had not been picked up in Area monitoring and the failures had not been reported to CPS Headquarters as required.

### The service to victims and witnesses

There is evidence of commitment to improve the service to victims and witnesses, but delivery is variable. The flow of information to the Witness Care Unit (WCU) needs to improve to enable it to deliver obligations under the *Victims' Code*. Special measures applications are not being dealt with efficiently or expeditiously; recording that witnesses' needs have been considered and whether special measures are appropriate is inconsistent, both at the pre-charge stage and thereafter, and applications are invariably late.

Performance in terms of Direct Communication with Victims (DCV) remains poor. In only 33.3% of relevant cases in our sample had the victim been sent a letter which complied with DCV. The Area acknowledges that its performance in relation to DCV has been poor. In September 2006, responsibility for DCV passed from a specified member of staff to become part of the general administrative responsibilities of the units. Systems were being introduced at the time of this inspection to ensure that DCV letters are being captured and monitored, including dip-sampling letters for quality.

### Delivering change

The Area has outlined at a high level what it needs to achieve within plans, but greater detail in relation to objectives and milestones would provide the sort of focus which increases the likelihood of it being met. In addition, a more systematic approach to the review of Area plans and risks is required. Planning for improvement with criminal justice system partners is becoming more successful. The more systematic approach to change management applied by the Area through its 'Way forward' programme has ceased due to staff shortages, and current change management is weaker.

### Managing resources

There have been some improvements in the ability to manage resources. The Area continues to have a sound understanding of its administrative budget position, and performance in respect of non-ring fenced running costs was good for the last financial year.

The Area is attempting to make progress on the effective deployment of in-house prosecutors at both magistrates' and Crown Court. In 2005-06, performance in deploying designated caseworkers (DCWs) in the magistrates' courts was better than the national average. The Area is struggling to

reduce agent usage and current rates are higher than the national average (29.3% up to December 2006, against 20.4%). Higher Court Advocate (HCA) deployment continues to be low. Sickness levels are higher than the national average.

### **Managing performance to improve**

At the time of the OPA the Area showed a committed approach to performance management and this has continued. The re-structure has facilitated the increased use of comparative data and there is continuing good use of the Management Information System (MIS). The Area has not made progress on all aspects. Remedial actions were not consistently identified and reviewed.

### **Leadership**

Leadership has improved since the OPA. The Area's vision and values are set out clearly in its business plan and managers and the majority of staff understand what is expected of them to deliver these. There have been substantial improvements in the relationships with other criminal justice agencies, in particular the police, and the CPS is now a key player within the Local Criminal Justice Board. A clearly defined governance structure is in place, with improved corporacy, although a pro-active approach is needed from senior managers to drive up standards in casework and case management and to ensure effective administrative systems. Improvements are also needed in management and support of staff.

### **Community confidence**

The Area continues to show a clear commitment to community engagement and is beginning to implement a more structured approach. The level of public confidence in the criminal justice agencies in Northamptonshire is improving, but still worse than national averages.

### **Added value of the CPS locally**

There are some individual aspects of good work being carried out by the CPS in Northamptonshire. The Chief Crown Prosecutor has made good progress in restoring the confidence of criminal justice agencies in the organisation and there are good examples of participation by the CPS in local activities.

The Area needs to ensure that all its prosecutors add value to cases by fully identifying weaknesses, strengthening them where possible, considering alternative disposals and ancillary orders, and actively managing cases through the prosecution process. Although there were examples of very effective casework, currently prosecutors are not consistently adding value to the cases they handle.

### **Equality and diversity issues**

The Area has demonstrated commitment to equality and diversity issues. It has included equality and diversity aims within its business plan and also has a Race Equality Scheme. The workforce is representative of the local community and there is a workforce representation plan in place, which is undergoing further development following clarification from CPS Headquarters as to their requirements.

### **Follow-up from previous report**

Of the 47 aspects for improvement (AFIs) that we identified at the time of the OPA - of which five are no longer relevant - only three have been fully achieved, with substantial progress made in another 14. Whilst some action may have taken place on others, we consider that this has resulted in limited or no progress being made against the aim of the individual AFIs. We have not repeated these within the text of this report, and Area managers will need to continue to monitor their progress.

## Recommendations and aspects for improvement

Inspectors made eight recommendations about the steps necessary to address significant weaknesses relevant to important aspects of performance, which we consider to merit the highest priority.

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1 Senior managers should take steps to ensure that lawyers record decisions on MG3s fully, including the analysis of issues, consideration of ancillary orders and comprehensive consideration of victim and witness issues (paragraph 3.7).

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2 Area managers should ensure that the Casework Quality Assurance scheme is carried out fully to provide effective assurance of casework standards and that there is regular examination of no further action cases (paragraph 3.11).

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3 Area managers should ensure that all files receive a thorough and timely review before the first hearing and full file reviews are completed on all contested cases, separate from pre-charge decisions as set out on the MG3 forms.

Review endorsements should clearly set out the decisions made and reasoning behind them, with a comprehensive analysis of all relevant issues where appropriate. A more vigorous approach to continuous review is also required, which should be endorsed on the file and on the case management system (paragraph 4.6).

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4 Area managers should develop the role of the Case Progression Officers to include closer liaison with the police and courts on individual cases, to improve case progression overall (paragraph 4.23).

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5 Area managers should ensure that the volume, timeliness and quality of Direct Communication with Victims letters are improved (paragraph 10.16).

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6 Area managers should ensure:

- Clear planning is in place that fully support delivery of the Area business.
- Plans are effectively reviewed.
- Remedial actions are identified, progressed and reviewed (paragraph 11.8).

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7 Area managers should:

- review the current structure needs, including the allocation of staff and the consistency and effectiveness of processes and systems; and
- adopt a structured approach to change management (paragraph 11.15).

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8 Managers need to ensure they are confident in tackling individual performance matters and adopt a pro-active approach to managing and ensuring staff are supported (paragraph 14.9).

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We additionally identified nine aspects for improvement within the Area's performance.

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- 1 Systems to ensure cases requiring further action are actively managed and finalised should be fully established (paragraph 3.24).

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  - 2 Systems for ensuring that case progression forms are completed need to be strengthened and monitored (paragraph 4.29).

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  - 3 Case management system usage needs to be more effective and timely, and monitoring needs to be strengthened in order to achieve this (paragraph 4.37).

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  - 4 The clear and completed endorsements of court proceedings and outcomes (paragraph 6.7).

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  - 5 Area managers should increase the level of in-house lawyer deployment, thereby reducing its reliance on agents in the magistrates' courts (paragraph 6.11).

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  - 6 Area managers should carry out systematic advocacy monitoring to ensure that the standard of advocacy is raised in all courts (paragraph 6.13).

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  - 7 Ensuring that the witnesses' views have been obtained in appropriate cases and that they have been made fully aware of the available options as to how they could best give their evidence.  
  
Appropriate and timely special measures applications in all relevant cases (paragraph 10.4).

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  - 8 Greater awareness amongst staff within the Area of necessary improvements to the No Witness, No Justice scheme (paragraph 10.20).

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  - 9 The introduction of structured evaluation of training (paragraph 11.19).
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#### Good practice and strengths

We identified two strengths within the Area's performance.

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- 1 Meetings between the Witness Care Unit, CPS, police and the Witness Service are constructive and encourage good inter-agency working (paragraph 10.6).

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  - 2 The development of the prosecution team ethos with the police (paragraph 14.5).
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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 online at [www.hmcp.si.gov.uk](http://www.hmcp.si.gov.uk).

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