

Inspection of CPS Staffordshire

follow-up Report

Introduction

1. This report details the findings of Her Majesty's Crown Prosecution Service Inspectorate (HMCPPI) arising from the follow-up progress visit to CPS Staffordshire on 6 and 7 October 2005.
2. The Inspectorate carried out a full inspection of CPS Staffordshire in April 2004 and the report of that inspection was published in August 2004. The report made four 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 AFIs contained in the report. We also evaluate whether the strengths in performance are still present. We comment in detail on the progress made against our recommendations and summarise the steps taken by the Area to address AFIs. We also summarise the current position in relation to strengths.
4. The four recommendations in respect of which we assessed progress were:
 - R 1** The Chief Crown Prosecutor (CCP) should ensure that the advocacy monitoring of all prosecutors is more systematic and formal (paragraph 5.4).
 - R 2** The Area needs to adopt a more systematic and structured approach to human resource planning, ensuring that plans are linked into the Area Business Plan, budgets and sickness and absence rates (paragraph 8.3).
 - R 3** The Area needs to undertake an independent review of the culture to assess the current climate of the organisation, paying particular attention to the involvement and treatment of staff (paragraph 8.21).
 - R 4** The Area needs to develop a structured strategy of staff recognition, which engages staff and is understood to be part of a wider management culture (paragraph 13.3).

Methodology

5. Before visiting the Area, we requested a number of documents which allowed us to assess how the Area had performed since the inspection. Along with management information and performance data, we analysed local implementation plans for national initiatives (No Witness No Justice (NWNJ) and Charging), Local Criminal Justice Board (LCJB) minutes and performance data, as well as Area Management Board (AMB) minutes, Unit performance reports and minutes. Additionally, we received an updated (June 2005) Area Action Plan outlining how the Area was working to implement the inspection report's recommendations and AFIs. We analysed the information that was received.

6. We examined 15 files selected from the Trials Units (TUs) and the Criminal Justice Units (CJUs) to look at progress against the AFI relevant to custody time limit (CTL) cases. We also looked at these files in order to assess whether the strength we had found, relevant to the disclosure of unused material, was maintained.
7. During our visit we interviewed the CCP, Area Business Manager (ABM), Unit Heads, the Area Project and Performance Manager (APPM) and the Communications Manager .
8. 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 as part of the second tranche of 20 CPS Areas, this is likely to be in early 2006. The first tranche of OPA reports of 22 CPS Areas is likely to be published in November/December 2005. The outcome of the programme of OPAs will enable the Inspectorate to plan its future Area Effectiveness Inspections based on risk assessments and thus targeting 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

9. The Area inspection report concluded that the Area had performed well in terms of delivery of casework and all levels of staff had contributed together to deliver a generally high quality of service to the local criminal justice system and to the community. However, there were some issues relating to the management of the Area. The inspection report contained four recommendations, three of which addressed these management issues.
10. There have not been any significant changes to the Area personnel or structure since the inspection; however, the Area has been and continues to be subject to change. The AMB members have been allocated responsibility for the management and delivery of individual projects. The Area has embarked upon a restructuring programme, moving from functional units to geographical units in the north and south of the county. Area managers believe this will improve the effectiveness of the charging initiative and it should also increase accountability within the Units.
11. The Area has implemented or progressed national initiatives; a Witness Care Unit (WCU) has been established and the second WCU is on plan to roll-out ahead of the target date of December 2005. Shadow charging (under which the CPS advises police upon charges to be brought in the more serious cases) has been progressed; the Area believes that it is on plan to roll-out statutory charging in January 2006; as yet most of the anticipated benefits of the scheme have not materialised. The Effective Trial Management Programme (ETMP) has yet to be fully implemented.

12. The CCP has set a clear vision for the Area and the senior team are key players in the local criminal justice service and are driving key initiatives. The AMB has worked together to review its culture and relationships. There is evidence that there is an open and frank approach between criminal justice partners. There is a sound approach to planning, with delivery plans in place for all major initiatives. Joint planning with others in the criminal justice system is effective with improvement activity and accountability apparent. The Area has taken a number of steps which indicate that it treats achieving value for money principles as a priority. The agent usage, designated caseworker (DCW) usage and Higher Court Advocate (HCA) usage were all better than national performance; however, the Area overspent its budget by 1% in 2004-05.

Overview

13. The AMB has taken specific steps to address most of the recommendations and AFIs directed at the management of the Area. Progress in relation to the recommendation and AFI directed at casework has been slower and in some respects there has been slippage in terms of delivering good casework outcomes.
14. The majority of AFIs have been addressed since the time of the inspection with two exceptions. There still remains an inconsistency in the quality and timelines of police files, despite the monitoring through the joint performance management regime and regular liaison meetings with the police to discuss performance and trends. In addition, there is no system in place to ensure that a Direct Communication with Victim (DCV) letter is sent in every case, although since the last inspection the level of compliance and timeliness has improved significantly. (A letter should be sent to a victim explaining why a charge has been discontinued or reduced).
15. Most strengths in the Area's performance have been maintained. The exception is the performance in relation to the time taken to deal from arrest to sentence with persistent young offenders (PYOs). Area performance during 2004-05 met and exceeded the national and local targets (71 and 60 days respectively) however, performance in 2005-06 has seen a dip with PYO performance, at the time of the follow-up visit, being 68 days.

Performance against PSA targets

16. Key performance results for the LCJB are contained in the table below.

PSA targets	Original inspection	Follow-up
Offences Brought to Justice against baseline	+19.2%	+11.2%
Ineffective trial rate* - magistrates' courts	23.8%	19.9%
Ineffective trial rate* - Crown Court	19.3%	9.9%
Public confidence	37%	43%
PYOs	55 days	68 days

* For ineffective trial rates, lower is better

17. As the table shows the Area and its partner criminal justice agencies in Staffordshire, have improved ineffective trial rates in both the magistrates' courts and particularly the Crown Court. The level of public confidence in the effectiveness of criminal justice agencies in bringing offenders to justice, since the inspection in April 2004, has risen significantly. On the other hand, there has been a decline in performance in terms of PYO performance (see paragraph 15), albeit this is still within the government target. The criminal justice agencies have not met the shared target for Offences Brought to Justice (OBTJ) for 2004-05 and performance is currently falling behind the target set for March 2006. The CPS's contribution comes through managing cases to keep discontinuance and unsuccessful outcomes low, together with good decision-making and case management; Area performance was worse than the national average in relation to the overall discontinuance rate and the rate of unsuccessful outcomes.

Implementation of the recommendations

Recommendation 1 - The CCP should ensure that the advocacy monitoring of all prosecutors is more systematic and formal.

18. **Limited progress.** After the inspection the CCP considered the resources required to undertake formal monitoring of all prosecutors alongside the other priorities that were facing the Area. A considered decision was reached which judged the non-implementation of this recommendation as a low risk. This decision was also accompanied by the development and adoption of a risk assessment model. During the inspection we had observed a number of in-house advocates who lacked presence, or were too casual or flustered. Without systematic monitoring of in-house advocates there is a danger that poorly performing advocates will not receive the necessary support to improve.

19. The risk assessment model adopted within the Area relied on internal and external complaints about the standard of prosecutors and also took into consideration the need to assess and monitor new and inexperienced lawyers. The Area has formally assessed all new lawyers over the past year. Unit Heads attend court to observe performance. All new lawyers are also appointed a mentor whilst 'learning the ropes'. Additionally, all in-house advocates are observed, but on an informal basis; this is relied upon during annual performance appraisals.

Recommendation 2 - The Area needs to adopt a more systematic and structured approach to human resource planning, ensuring that plans are linked into the Area Business Plan, budgets and sickness and absence rates.

20. Achieved. Since the inspection the Area has developed a much more systematic approach to human resource planning. Prior to the planning year the ABM used the internal CPS systems to assess the 'should take' posts against the actual staff in post figures. Working with caseload figures and other known changes (as defined in the draft Area Business Plan), a resourcing profile for the Area was developed. This model was produced for a number of scenarios. Discussion at the AMB about the affordability of priorities resulted in the drafting of the Area Business Plan with objectives and targets that were affordable. Budget forecasts on the staffing numbers were developed to complement these decisions.
21. The Area recognised the cost of sickness to the Area; all managers in the Area have undertaken training on managing attendance. Sickness rates in the Area show a reducing trend and these savings have been factored into resource and staff plans for 2005-06.
22. Review and management of these plans is regularly considered. At the strategic level the AMB considers staffing across the Area and the operational meeting of the ABM and Unit Heads makes day-to-day decisions on immediate resource needs. This new structure is effective in managing resources within the Area.

Recommendation 3 - The Area needs to undertake an independent review of the culture to assess the current climate of the organisation, paying particular attention to the involvement and treatment of staff.

23. **Achieved.** At the time of the inspection the senior management team had commenced on a programme of personal and team effectiveness training. A product of this training was the development of a Vision and Values Statement which outlined 'rules of engagement' for the team and there was evidence at the time of this follow-up inspection of other positive cultural changes at senior level.

24. Our inspection findings were that there were some negative perceptions among staff about the culture in the Area. This was confirmed at the end of our inspection when the results of the Staff Survey were published. The Area fell short of the national average in relation to communication, dignity at work and recognition. The Area has sought to address our recommendations and the Staff Survey findings.
25. The Area produced an Action Plan to address directly the three aspects of the Staff Survey results which gave the greatest cause for concern. Additionally an Internal Communications and Cultural Review was conducted within the Area in January 2005. Findings of the review showed that staff felt that things had improved. To continue the impetus of change, further actions have been adopted to improve communications. Regular bulletins from the CCP to staff are produced, unit meetings are held monthly and minutes produced for those who cannot attend. The Area has created an All Managers Forum which meets quarterly to discuss performance and Business Plan priorities, as well as 'softer issues'.
26. The Area has worked hard to address the top three concerns outlined in the Staff Survey. Unfair treatment was one of the priorities addressed. The Area re-launched the dignity at work scheme in the Area. The senior team published the vision and values it had adopted and led by example. Inappropriate behaviour was tackled and addressed where necessary. Improvement has been evidenced within the results of the Internal Communications and Cultural Review.

Recommendation 4 - The Area needs to develop a structured strategy of staff recognition, which engages staff and is understood to be part of a wider management culture.

27. **Substantial progress.** The Area has developed a draft Reward and Recognition Strategy. This has yet to be formally ratified by the AMB but, although this formal strategy has not yet been adopted, there was evidence of praise and reward being forthcoming. The Area has used the special bonus scheme to reward exceptional performance. The CCP has also bought gifts for the TUs as an appreciation of good performance.

Aspects for improvement

28. The Area has made good progress against the majority of AFIs. There are two where concentration of management effort is needed. The ABM needs to ensure that there is a systematic process adopted to monitor compliance with the DCV scheme as, although there has been a substantial increase in the numbers of letters issued (117 in May 2005 and 204 in August 2005); there is still no certainty that the Area is capturing all cases. The other aspect requiring further attention is the monitoring and management required to improve police file quality. The Area has started this process. Relationships are developing through regular meetings at the operational level. However, attention is still required to improve performance and efficiency. We comment on progress against each AFI in Annex 1.

Strengths

29. In all but one, the strengths identified during the inspection have been maintained.

Strength 1 – Management of Crown Court cases (4.19).

Crown Court work continues to be well managed, although there has been a change of personnel within the units, good communication between lawyers and caseworkers has been maintained. Files are clearly marked and the pre-printed folder for recording Plea and Directions Hearings' directions, which was identified as good practice, has remained in use. This strength has been maintained.

Strength 2 – The handling of unused material and compliance with the statutory duties of disclosure was consistently good across the Area (4.23).

The Casework Quality Assurance (CQA) scheme and our own examination of a small file sample has confirmed that good performance has been maintained. There are some process issues that have been identified by a rigorous assessment of disclosure performance within the Area. There needs to be improvement by lawyers in initialling and signing the disclosure record sheet as well as improving some of the endorsements relating to what material has been disclosed. Although the Area has picked up these process issues, the Area's performance in relation to the statutory duties expected remained consistently good. This strength has been maintained.

Strength 3 - The Area has performed consistently well in relation to persistent young offenders and has set a local target of 60 days (4.40).

Area performance during 2004-05 met and exceeded the target it set at the time of the last inspection. However, performance in 2005-06 has seen a dip with PYO performance, at the time of the follow-up, being 68 days. This remains within the national target of 71 days but is above the national average of 65 days. This aspect of performance can no longer be assessed as an Area strength.

Strength 4 – The implementation of DCV2 within existing resources (6.9).

This strength has been maintained. The Area continues to send letters to victims in cases involving a fatality, racial or religious aggravation, sexual offences, child abuse or homophobia. These letters keep victims informed of the progress of their proceedings at a number of defined, key stages. Planning for the implementation and workload of the new Witness Care Units has included this additional service.

Strength 5 – The Area’s multi-faceted approach and pro-active work undertaken to engage fully with the community and increase public confidence in the CPS (12.10).

32. The development of an integrated Community Engagement Strategy, bringing together the strands of media and community engagement, has allowed the Area to manage this process effectively. Measures of public confidence in the effectiveness of criminal justice agencies in bringing offenders to justice have increased from 37% to 43% since the time of the last inspection. The Community Engagement Officer has continued to work pro-actively with the media, and links have been forged with others in the criminal justice system to present a united front when dealing with the media. The Area has linked its Community Engagement Strategy to its Business Plan objectives and all engagement work is prioritised to consider the impact and coverage of the activity. This strength has been maintained.

Conclusion

33. The Area has achieved two, and made substantial progress in the third, of the four recommendations made in the inspection report. Likewise there has been good progress in addressing AFIs.
34. The key achievements in relation to changing cultural issues in the Area, and addressing human resource issues will enable the Area to move forward on a much more secure basis.
35. There is still some work required to implement a reward and recognition strategy, although there is evidence that actions are already taking place. There may be some merit in the CCP reconsidering whether there is a need to introduce a formal process to assess the advocacy of all in-house prosecutors. Relying on feedback is in itself a risk, as it will often be sometime after the event, and may never be passed on. Establishing a systematic process would give assurances on the standard and quality of all prosecutors.
36. Whilst substantial progress in improving compliance with the DCV scheme has been made, the Area remains anxious to improve further. The ABM has undertaken to introduce a dip-sample, of all cases where there is an identifiable victim, to assess the compliance with the DCV scheme. This, along with the focus on increasing the numbers of letters sent, should give some assurance that compliance rates are improving. Police file quality remains an issue. There is evidence that duplication and extra work on files is taking place because of the need to chase evidence and build a case, or to recommence a prosecution after it has been withdrawn or discharged. Unit Head meetings with their police counterparts are producing an environment where such issues can be tackled. The Area has maintained joint performance monitoring and this is being used to assess the quality and timeliness of files. Even so the Area needs to make a concerted effort to address this issue as it is impacting upon case results and resource efficiency.

**CPS STAFFORDSHIRE
PROGRESS AGAINST ASPECTS FOR IMPROVEMENT**

PARA NUMBER	ASPECT FOR IMPROVEMENT	POSITION AS AT OCTOBER 2005
4.37	The Area needs to ensure that the improvements made in CTL procedures are maintained and systems are uniform in the Area.	<p>Substantial progress. The Area has produced uniform systems which are in place in both the north and south of the county. Weekly checks of CTLs by office managers and monthly checks by Unit Heads provide assurance that systems are being adhered to and meet the required standards. There has been a full review of the CTL system and updates are discussed at the AMB and disseminated to staff.</p> <p>There was one CTL failure during the 2004-05 year which was reported to CPS Headquarters.</p>
4.40	There needs to be greater focus on a partnership approach with the police and concentration on the poorer performing police divisions.	<p>Limited progress. The quality and timelines of police files is monitored through the joint performance management regime. Unit Head quarterly reports detail police file quality results and the impact that this is having on file readiness within the Area. There are monthly meetings with the police Criminal Justice Support Units to discuss performance and resolve issues. The introduction of regular CPS/police meetings at the operational level allows for trends and issues to be addressed. However, there still remains an inconsistency across differing divisions in terms of police file quality and timeliness.</p> <p>A policy has been introduced of discontinuing cases in which police do not respond to requests for further information or evidence, within the time specified. Cases may be reinstated subsequently, but this is bound to create some extra work. In any event we do not endorse such a policy and discontinuance should be exercised in the particular circumstances of each case.</p>

PARA NUMBER	ASPECT FOR IMPROVEMENT	POSITION AS AT OCTOBER 2005
4.49	The quality and consistency of adverse case reporting.	Achieved. Adverse case reports now form part of the monthly Unit Head reports. Lists are produced centrally to identify adverse case results and lawyers and caseworkers are expected to ensure that any adverse case reports are lodged with the Unit Heads as soon as practically possible after the result. Unit Heads ensure full compliance and assess and analyse all reports. The CCP/ABM and Unit Heads discuss all adverse case results at the quarterly performance review meetings. The adverse case reports seen during the visit were comprehensive.
4.49	The systematic analysis and feedback of casework issues between the units and from adverse case reporting.	Substantial progress. Adverse case report analysis by Unit Heads is fed back to staff within units. Trends identified are discussed at the AMB. The Area also undertakes a full analysis of all pre-charge advice cases that result in a discontinuance, again learning points are identified and fed back to staff. The Area does not produce a digest for all staff and some of the learning points are not being shared between units.
6.9	Systems should ensure that a DCV letter is sent in all appropriate cases, particularly where there has been a judge ordered acquittal.	Substantial progress. Since the last inspection the levels of compliance (measured in the Area by letters sent) and timeliness has improved significantly. However, there is no system in place to ensure that a DCV letter is sent in every case. The ABM intends to undertake a random dip sample of cases where there is an identifiable victim. This action in, association with the improvement in numbers of letters issued, will give some assurance that a DCV letter is sent in all appropriate cases.

PARA NUMBER	ASPECT FOR IMPROVEMENT	POSITION AS AT OCTOBER 2005
6.9	Training in dealing with victims for Case information Bureau (CIB) staff.	Achieved. The CIB manager and staff attended training. The training was aligned to that given to those who were to take up duties on the new WCU.
7.6	The Area develops and extends the range of data collected and reported to the senior team, to include matters such as budget, sickness rates and resources.	Achieved. The Area produces a comprehensive pack of performance data. The creation of ABM and Unit Head meetings to discuss in detail performance and resource issues at the operational level, complemented by a quarterly in-depth discussion at the Area Management Board, and the quarterly performance meetings between the CCP/ABM and Unit Heads, has increased the focus on performance. The Area is also mirroring the CPS performance management system to record and report performance on the 15 key national measures as well as local business plan objective targets.
8.15	The Area develops a system to ensure that staff understand how their individual contribution fits into the overall objectives of the organisation; this could be done by using Unit Action Plans or some other means to communicate Area priorities.	Substantial progress. Area objectives are outlined in the Area Business Plan. Consistent messages of the priorities and objectives of the Area have been communicated through internal communications (Area newsletter, face-to-face in team meetings and through a newly formed Area manager's forum). Staff objectives link back to Area objectives and specific measurable objectives have been given to Unit Heads and the ABM. Linkage between the Area Business Plan and individual work objectives for all staff are apparent. Area managers also assert that the restructure of the Area will also allow for all staff to understand how their own contribution will fit into the overall goals of CPS Staffordshire. Linked with a move to greater accountability for delivery at the senior level, this will increase this awareness.

PARA NUMBER	ASPECT FOR IMPROVEMENT	POSITION AS AT OCTOBER 2005
8.18	The Area needs to evaluate implementation of the internal Communications Strategy and change processes	Achieved. The Area has addressed this issue with the appointment of new staff to oversee the change programme and to implement an integrated communication strategy.
9.11	The Area needs to develop a system of identification for high cost cases, which ensures that only costs proper to ring-fenced prosecution costs fall to the Area.	Substantial progress. During 2004-05 the Area failed to notify the centre of a number of high cost cases which had an impact on its prosecution costs spend. To consolidate previous guidance the Area introduced a robust process. All high cost cases are now registered on a monthly basis. Unit Heads and the Special Casework Lawyer (SCL) receive a copy of the list and are responsible for adding new cases falling into the category onto the list. Unit Heads and the SCL are required to sign a certificate if there is no entry onto the list for the month. In late 2004-05 training was given to Area lawyers and caseworkers by a national trainer on managing high cost cases. Training is to be given to new staff later this year. The ABM holds regular meetings with the TU Business Managers to seek assurances that high cost cases are being managed.
10.4	The Area needs to consider how it can resource the charging scheme to give wider coverage, as part of the ongoing structural review and improved human resources planning.	Achieved. The Area received additional funding to resource charging and has recently recruited a number of additional lawyers. The introduction of the Area Business Manager (ABM)/Unit Heads meeting has allowed for operational matters on resourcing to be addressed more effectively. The ABM has developed a resourcing model which is used to formulate the initial staffing profile for the Area. This profile is used as a starting point and on-going negotiation through-out the year to manage staffing changes.

PARA NUMBER	ASPECT FOR IMPROVEMENT	POSITION AS AT OCTOBER 2005
12.10	The Area needs to develop a more systematic approach to community engagement, linking this with the priorities of the Area Business Plan and available resources.	Achieved. An integrated communications strategy is in place to link community engagement with the Area's priorities. A communications manager has been appointed to manage activity. All requests are considered by the Chief Crown Prosecutor and ABM against a framework to assess whether they meet business plan objectives, affordability and impact on the local community.

