

HM CROWN PROSECUTION SERVICE INSPECTORATE

INSPECTION OF CPS SURREY (REPORT 5/05)

EXECUTIVE SUMMARY

Introduction

1. This is the report of HM Crown Prosecution Service Inspectorate (HMCPSI) about CPS Surrey (the Area). The CPS is a national service, but operates on a decentralised basis with each of its 42 Areas being led by a Chief Crown Prosecutor (CCP) who enjoys substantial autonomy. The inspection was a full one. The Area was previously reported on in August 2002.
2. The core inspection of CPS Surrey was carried out at the same time as a joint inspection of the Surrey criminal justice area by HMCPSI, HM Inspectorate of Constabulary (HMIC), HM Magistrates' Courts Inspectorate (HMMCSI), HM Inspectorate of Prisons (HMI Prisons), and HM Inspectorate of Probation (HMI Probation). A separate report has been published in relation to the findings of that inspection. The pivotal role played by the CPS within the overall criminal justice process means that there is overlap between the issues covered in the joint inspection report and those in this core inspection report.

The Area

3. CPS Surrey serves the area covered by the Surrey Constabulary. The Area Headquarters (Secretariat) is based at Saxon House, Guildford.
4. Area business is divided on functional lines between magistrates' courts and Crown Court work. The Criminal Justice Units (CJUs) are responsible for the conduct of all cases dealt with in the magistrates' courts. There are two CJUs – Guildford/Woking and Reigate - based at Saxon House, and one CJU co-located with the police at Staines Police Station. The Guildford/Woking CJU was due to re-locate from Saxon House to Guildford Police Station shortly after the inspection. The Trials Unit (TU) reviews and handles all cases dealt with in the Crown Court and is also based at Saxon House.
5. Surrey is one of the smaller CPS Areas - at the time of the inspection in September 2004, it employed the equivalent of 62.6 full-time staff, including the CCP. In the year ending September 2004, it dealt with 12,109 cases in the magistrates' courts, 1,165 in the Crown Court, and gave pre-charge advice to the police in a further 1,490 cases.

Main findings of the Inspectorate

6. The quality of decision-making in cases is generally satisfactory, as is the quality and timeliness of case preparation in the Crown Court, although there are some aspects that can be improved, including the handling of disclosure. However, the continuing review and preparation of cases in the magistrates' courts, particularly for summary trial, remains a weakness.

7. The advocacy standards of both in-house and external advocates were satisfactory. The Area has a high agent usage and the existing steps taken to manage this usage can be strengthened.
8. CPS Surrey has undergone significant changes since the last inspection, carried out in May 2002. It has piloted Compass CMS (the CPS's national electronic case management system); re-configured from one CJU to three; rolled-out co-location at Staines CJU and in the TU; and rolled-out shadow pre-charge advice at the four charging centres in the Area. These changes have placed significant burdens on the Area, particularly the shadow pre-charge advice scheme. Senior managers have shown the drive to carry these key initiatives forward, although further development work is still necessary.
9. The Surrey Criminal Justice Board (SCJB) was formed in April 2003 and the CPS has played a leading role in it, with the CCP being the Chair from inception. Partnerships with other criminal justice agencies are strong, although the approach to joint performance management of police file quality and timeliness needs to be reviewed.
10. There are a number of aspects of people management that are good – for example staff induction, family-friendly working, the accessibility of senior managers, and a well-regarded staff newsletter *Shout*. However, the meetings structure in the Area needs to be reviewed. The relationship between the Senior Management Team and the Area Management Team needs to be re-defined and a team meeting structure put in place to ensure full engagement between management and staff.

Specific findings

Key performance results

11. The SCJB is exceeding its target for bringing offences to justice, largely as the result of police activity in relation to cautions and offences taken into account. It still remains too early to assess the impact of the pre-charge advice scheme on the overall numbers of offenders brought to justice.
12. The SCJB performance on cracked and ineffective trials is better than the national average, except in relation to ineffective trials in the Crown Court, where the primary reason for ineffective hearings is a lack of court time.
13. The timeliness in dealing with persistent young offenders (PYOs) has improved from 81 days in 2003 to 69 days in the three months to August 2004, against the national target of 71 days.
14. However, the results from our analysis of the Area file sample indicate that Surrey is performing below the inspection cycle-to-date average in most aspects of casework – particularly in the CJUs. There is scope for the Area to improve both the quality and the timeliness of its casework.

Casework

15. The quality of pre-charge advice (outside the shadow pre-charge advice scheme) was good, but timeliness continues to be variable.
16. The quality of decision-making in the application of the Code for Crown Prosecutors' principles was generally satisfactory at first review, summary trial and committal/service of prosecution papers stages, but was not as good as the inspection cycle-to-date average.
17. The preparation for summary trials was poor. Review was timely in only 42.1% of cases (cycle average 78.6%) and additional evidence was requested in only 30% of relevant cases (cycle average 73.2%).
18. The quality of discontinuance decisions by the CJUs was weak and decision-making tended to be late. By contrast, the decisions made by the TU were sound, although there was also a timeliness issue.
19. The review and preparation of committal papers or the prosecution papers in "sent" cases was satisfactory. Additional information was requested in a high proportion of relevant cases – 96.3% compared to an inspection cycle average of 83.9%. However, we agreed with the application of the Code tests in only 91.1% of cases, compared to the cycle average of 96.1%. We also found that more could have been done to avoid the outcome or drop the case earlier in 30% of judge ordered acquittals (JOAs) and judge directed acquittals (JDAs); the cycle average is 23.3%.
20. Cases were dealt with at the correct level of charge in 68 out of 70 (97.14%) relevant cases in the sample. All nine cases where the original police charges needed to be amended in the magistrates' courts were amended in a timely manner.
21. CPS policy guidance on the handling of child abuse is correctly applied. However, the Area needs to monitor the application of its policy in racially aggravated crime where charges are reduced, and in domestic violence cases where the victim wishes to withdraw.
22. Area compliance with its duty of primary disclosure in the magistrates' courts, at 68.4%, is comparable to the national average of 71.6%, and needs to be improved. Timeliness was also poor. In the Crown Court, compliance with primary disclosure was significantly worse than the cycle average at 66.6% against a cycle-to-date average of 79.9%, but secondary disclosure was well handled – 86.6% against a cycle average of 59.4%.

Advocacy and quality of service delivery at court

23. We observed 17 advocates in the magistrates' courts and the Crown Court and all save two were fully competent.
24. Prosecutors and agents usually attend magistrates' courts hearings in good time. However, the lateness of summary trial preparation results in late or inadequate preparation for pre-trial reviews (PTRs).
25. Preparation for cases in the Crown Court is fully satisfactory.

Victims and witnesses

26. Witness care at court by CPS prosecutors and caseworkers is generally good and appropriate use is made of Special Measures applications for vulnerable and intimidated witnesses. However, the Area could make better use of stand-by or witness phasing arrangements, within the limitations outside its control.
27. The Area implemented the national policy on Direct Communication with Victims using the Victim Information Bureau model, but this was dissolved in July 2004 due to a prioritisation of resources. CPS Surrey recognises that it is not complying with the national standards – either by not sending out letters to victims when necessary, or failing to meet time guidelines for doing so.

Performance management

28. The Area has adopted Casework Quality Assurance (CQA) and reviews all adverse cases. However, the Senior Management Team does not receive monthly management information in a format that allows it to monitor key performance indicators for the individual units and the Area as a whole.
29. Joint performance management with the police of file quality and timeliness needs to be reviewed and developed as a joint performance tool.
30. The Area plays a full part in the Local Performance Groups based on the magistrates' courts' Petty Sessional Areas. These Groups jointly manage ineffective trials and persistent young offenders.

People management and results

31. The Area complies with CPS corporate employment policies; staff induction arrangements are good, and training needs generally met, except in relation to casual administrative staff.
32. Although there is a good Area newsletter, managers need to do more to engage with staff in relation to the running of the Area. Most units do not have regular team meetings.
33. A rotational policy for lawyers between the TU and CJUs has not been implemented as yet, which reduces the flexibility of resources within the Area. The co-location of the Guildford/Woking CJU at Guildford Police Station will give the opportunity to review the size of the Area Secretariat/Office Services unit.

Management of financial resources

34. Budgetary controls are satisfactory. The Area will significantly overspend in this financial year as a consequence of the shadow pre-charge advice scheme, but has been managing the overspend and keeping CPS Headquarters informed.

Partnerships and resources

35. Partnerships within the local CJS are strong and constructive, and the CPS plays a leading role in the SCJB.
36. The CPS and police have worked well together on two major initiatives: co-location and shadow pre-charge advice. Both the co-locations that had taken place at the time of the inspection – Staines CJU and the TU – have been successful. The shadow pre-charge advice scheme has been jointly implemented and managed by the police and CPS, and further work is now being done to identify and evaluate success criteria for the scheme.
37. Although the Area was a pilot site for Compass CMS, it still needs to work with staff to make full use of the system and integrate it fully into business processes.
38. Partnerships with CPS Headquarters are good and both the CCP and Area Business Manager undertake work on behalf of Headquarters outside the Area.

Policy and strategy

39. CPS Surrey's participation in the SCJB ensures that it is in touch with the needs and expectations of other criminal justice agencies, including Victim Support and the Witness Service. This also extends, although to a lesser extent, to wider community groups.

Public confidence

40. Public confidence in the effectiveness of the local criminal justice system in bringing offenders to justice is higher in Surrey than the national average - 45% as measured by the British Crime Survey, compared to a national average of 41%.
41. The Area has established very useful links with the local community, although there is scope to extend this further through the SCJB. The Area is taking part in a project by the National Association for the Care and Re-settlement of Offenders (NACRO) to track the handling of minority ethnic defendants through the Surrey criminal justice system. It is playing a full role in the No Witness No Justice project, which is also being developed through the SCJB.

Leadership and governance

42. The Area has a clear vision and, overall, staff morale is good.
43. Governance is exercised through a Senior Management Team (SMT) and an Area Management Team (AMT). The relationship between the two Teams needs to be reviewed so that best use can be made of the AMT, and the running of the SMT put on a firmer footing.
44. The Area Business Plan is in the standard CPS format and includes milestones, outcomes and accountabilities. However, it is not supported by Action Plans at unit level.

Reducing ineffective trials

45. The proportion of trials that are ineffective is better than the national average in the magistrates' courts – 19.4% in July - September 2004 compared to 25.4% nationally. The proportion of ineffective trials attributable to the prosecution not being ready to proceed, or failing to make disclosure, is 6.2% compared to a national average of 9.5%.
46. In the Crown Court, from April - September 2004, 16.7% of trials were ineffective, while at Guildford Crown Court the rate was 23.4%. The reasons attributable to the prosecution not being ready to proceed, failing to make disclosure, or serving additional evidence late, account for 11.4% of ineffective trials, compared to a national average of 16.3%.

Value for money

47. The number of lawyers and caseworkers has increased slightly since the last inspection. Whilst the overall caseload has decreased, the numbers of summary trials and committals or sent cases have increased. Unsuccessful outcomes in both the magistrates' courts and the Crown Court remain above the national average.

Equality and diversity issues

48. The Area has demonstrated a strong commitment to promoting equality and diversity, particularly in the provision of facilities for disabled staff.

Recommendations

49. We make recommendations about the steps necessary to address significant weaknesses relevant to important aspects of performance, which we consider to merit the highest priority.
50. We have made six recommendations to help improve the Area's performance:
 1. CJU Heads take all necessary steps to improve the quality and timeliness of summary trial review, including readiness for pre-trial reviews (paragraph 4.16).
 2. Unit Heads work with the police to:
 - * improve the handling of primary disclosure in both the magistrates' courts and the Crown Court by ensuring the disclosure schedules contain a full description of the unused material, or copies of the relevant items are submitted with the disclosure schedules; and
 - * ensure each full file includes a copy of an MG6D or confirmation that there is no sensitive material (paragraph 4.29).
 3. The Area ensures that all staff are fully trained on the current systems for Direct Communication with Victims and puts in place comprehensive monitoring systems to ensure compliance with the national standards (paragraph 6.6).

4. The Area develops a monthly unit-based performance analysis which enables a ready appraisal of each unit's performance and its relative contribution to the Area (paragraph 7.6).
5. The Area put in place structured, regular inter-disciplinary team meetings for all units (paragraph 8.19).
6. The Senior Management Team and Area Management Team review the role of each forum, its structure and composition, and agree:
 - * the composition, purpose and relationship of the forum; and
 - * clear Terms of Reference for each group (paragraph 13.8).

Good practice

51. We have also identified an aspect of good practice by the Area that might warrant adoption nationally. This is the use of detailed instructions to agents in complex summary trials (paragraph 4.16).

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.hmcpai.gov.uk.

HMCPS Inspectorate
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