



# CPS SURREY

THE INSPECTORATE'S REPORT ON  
CPS SURREY

EXECUTIVE SUMMARY

FEBRUARY 2007

## **Introduction**

This is the report of Her Majesty's Crown Prosecution Service Inspectorate's (HMCPPI) inspection of CPS Surrey (the Area), carried out in October 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 overall performance assessment of CPS Surrey, undertaken in December 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 54 aspects for improvement and in the course of this inspection we have assessed the extent to which these have been addressed.

## **Overview**

Surrey is a mixture of rural and urban centres. The county has a population of just over a million with negligible unemployment. The addition of criminal justice cases from Staines five years ago increased the volume of work covered by the CPS in Surrey significantly. There are five magistrates' courts handling criminal cases and one Crown Court centre. The most serious cases are sent to the Central Criminal Court in London.

Taking account of the findings of the OPA and more recent performance data, it was decided that this inspection would focus on eight of the 13 criteria in the inspection Framework and the other five were only assessed with a light touch. It should be borne in mind when reading this report that the subjects covered in greater detail are those aspects of work that were considered weakest through our risk-assessment process.

In September 2005 the Area decided to re-structure and, as part of this change, to withdraw its staff from co-located units in two police stations and abandon plans to co-locate at a third site. These decisions and the way they were planned and implemented (early in 2006) have had a significant effect on performance and have led to tension in relationships with other agencies.

Since the move back to a centralised operation there has been a sustained period where CPS administration has not functioned well. This has had severe knock-on implications for many strands of work and is a recurrent theme within this report. The consequent lack of case preparation and progression has had a significant impact on efficiency in the magistrates' courts. A timely, effective and lasting solution to these challenges would bring significant benefits to the Area and its partner agencies.

In addition to the difficulties experienced as a result of the re-structure, other agencies are concerned that the CPS has become less constructive and collaborative in inter-agency work than had previously been the case, adding further to tensions.

There are a number of other significant issues that need to be resolved to enable the Area to improve its contribution towards an effective criminal justice system in Surrey. These are detailed in the following summaries of individual chapters.

## **Pre-charge advice and decisions**

Since moving to the statutory charging scheme in January 2006, some progress has been made. The level of compliance by the police has risen significantly and performance outcomes are gradually improving, with three of the six national benefits realisation targets currently being met. However, there are still some important matters that need addressing. The level of face-to-face advice needs

to be increased to help the 'prosecution team' ethos to develop. Whilst decisions are generally satisfactory, there are tensions with the police over the amount of information required before a decision is made. There are hundreds of old cases that have not been finalised on the computerised case management system (CMS).

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

The quality of decision-making is variable. Monitoring and analysis of casework decisions and adverse outcomes need to be more robust and timely. Preparation and case progression have been severely affected by problems and delays in administration, leading to ineffective hearings and significant inefficiencies for the CPS and partner agencies. This has adversely affected the reputation of the CPS locally and impacts on performance generally. The use of CMS needs to be improved.

The rate of ineffective trials is relatively static at 18.8% for the year ending September 2006, which is better than national performance of 19.9%. However, administrative problems have contributed towards increased inefficiency in the pre-trial stages of cases and there are sometimes multiple pre-trial reviews. Speed in dealing with persistent young offenders has been well within the 71 day target from arrest to sentence for a considerable time, but slipped to 78 days for the rolling quarter to June 2006.

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

The quality of decision-making and casework in the Crown Court was considered good at the time of the OPA and that remains the case in general. However, there were some signs that the administrative problems were beginning to have some adverse impact and staff were concerned that standards were beginning to slip. Some recent and imminent changes add to the risk. Timeliness of committal preparation and the quality of briefs to counsel can be improved.

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

The problems in preparation and case progression manifest themselves at the time cases are presented in court. Prosecutors and agents are often not able to progress cases properly because files have not been updated or worked on in the interim and this is leading to delays in progressing cases and ineffective hearings. Delays are exacerbated by the very high usage of agents as they often need to ask for adjournments to consult with the CPS. The Area has introduced a specific role (court liaison prosecutor) in an attempt to improve the situation. Whilst it is still early days there were some encouraging signs that the role is helping.

Feedback on advocacy skills was mixed but on the whole positive. This was confirmed by inspectors' own observations, where all but one of the advocates seen was rated as competent or better. Designated caseworkers are highly regarded by the courts and are a strength. Higher Court Advocates are also well respected.

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

Most sensitive cases are handled reasonably well, although there are concerns over some domestic violence and rape cases. Performance in respect of successful outcomes is improving but is still slightly worse than the national average. Of the four cases in our file sample that did not comply fully with the *Code for Crown Prosecutors'* tests, three related to sensitive cases. The management and handling of Anti-Social Behaviour Orders (ASBOs) is a strength.

### **Disclosure of unused material**

This aspect was not fully examined, but inspectors assessed performance as part of our analysis of the file sample. This indicated that there has been some deterioration since the last inspection and managers will need to keep this under review. Of particular concern was the occasional failure to disclose material that undermined the prosecution case or assisted the defence. There was also evidence of over-reliance on the opinion of the police disclosure officers.

### **Custody time limits**

The management of custody time limits (CTLs) is satisfactory. All the relevant files examined had the time limit correctly calculated. Managers will need to be alert to the potential risks to CTLs caused by increased delays in administration and ineffective hearings.

### **The service to victims and witnesses**

Significant effort has been made to try and improve the service to victims and witnesses. The commitment at strategic level is clear, however, operational delivery is being hampered by delays in information flows, which leads to non-compliance with the timeliness targets of the *Victims' Code*.

There is scope to improve the options as to how evidence is given by vulnerable and intimidated witnesses through the better management of Special Measures. Whilst performance in respect of Direct Communications with Victims, when charges are dropped or significantly reduced, has improved, considerably more remains to be done.

### **Delivering change**

Planning, managing and implementing change remains a weakness in CPS Surrey. They have struggled to translate high level plans into timely, effective operational delivery. The poor planning for the re-structure has contributed to subsequent problems. The management of risk needs further development.

There are some positive examples of joint planning but, overall, partner agencies consider that the CPS could be more collaborative. Reviews of national initiatives have taken place and have assisted the Area to make some improvement to outcomes.

The complete lack of performance and development reviews significantly inhibits progress on training.

### **Managing resources**

The Area has good systems that enable it to understand its financial position, but low levels of in-house deployment of lawyers to court has put this year's budget in jeopardy. Control of prosecution costs is now more erratic than in the past.

There is limited evidence of a strong value for money approach. The Area has attempted to redress concerns over its structure and has made some significant changes, although they have yet to deliver the anticipated benefits.

The use of agents in the magistrates' courts is the highest in the country, although some plans have recently been put in place to reduce coverage. Designated caseworker deployment has improved significantly since July and is a strength. Higher Court Advocate deployment has also improved, but the consequent saving generated needs to be improved. The sickness rate has increased considerably and this has impacted on the Area's ability to deploy staff as effectively as they would have liked.

## **Managing performance to improve**

Progress has been made in developing the performance management regime. Further work is required in ensuring the accuracy of some data and in addressing some important issues where the data indicates poor performance. Dissemination of performance data to staff can be improved. The Management Information System is used extensively.

The ability to manage individual performance is severely undermined by the lack of formal objectives for staff. Casework Quality Assurance is undertaken, but not used fully effectively.

## **Leadership**

Staff motivation and morale have been traditionally high in CPS Surrey but was clearly an issue at the time of this inspection, and a blame culture had developed. Managers are finding it difficult to communicate effectively and they are not perceived to be a cohesive team with a clear direction at the present time.

Working relationships with partner agencies are significantly less constructive and effective than was previously the case, although some positive work is still undertaken. The Area's approach to equality and diversity is sound.

## **Community confidence**

The Area continues to do some positive work in community engagement aimed at improving public confidence. Some good joint working has been undertaken in connection with Neighbourhood Panels and monitoring outcomes in cases involving defendants from black and minority ethnic groups. The level of public confidence, as measured by the British Crime Survey, is higher in Surrey (47%) than the national average (44%).

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

Whilst there are some individual aspects of good work going on in Surrey, the overwhelming view of staff and partner agencies is that, at the present time, the CPS is a weak link in the criminal justice process. This was confirmed by inspectors' findings and observations. Finding an effective sustainable solution to the administration problems would go some way to restoring confidence, although it is by no means the only issue that needs addressing.

## **Equality and diversity issues**

The Area has demonstrated commitment to equality and diversity issues and has a local Race Equality Scheme. Its workforce is representative of the local community. There is some concern that the business needs have not always been taken into account when applying family friendly policies, contributing to difficulties in maximising deployment to court.

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

Progress since the last inspection in December 2005 has been disappointing. Of the 54 aspects for improvement (AFIs) that we identified, only four have been fully achieved, with substantial progress made in another eight. Whilst some action may have taken place on the others, we consider that this has resulted in limited or no progress being made against the aim of the individual AFIs. Area managers will need to continue to monitor their progress.

## Recommendations and aspects for improvement

Inspectors made 13 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. Area managers should ensure that the levels of face-to-face advice and early consultation are increased so as to speed up the progress of cases through charging, improve decision-making, and build a prosecution team ethos (paragraph 3.14).

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  2. Area managers must ensure that the backlogs in administration are resolved as a matter of urgency, and that systems are put in place to prevent a recurrence (paragraph 4.22).

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  3. Area managers should take immediate action to ensure that cases are prepared in an effective and timely manner; this should include checks that all post has been linked to the file, that the appropriate action has been taken, and that the case is ready for the next hearing (paragraph 6.5).

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  4. Area managers should increase the level of in-house lawyer deployment thereby reducing its reliance on agents in the magistrates' courts. When agents are used they should be sufficiently prepared and experienced, and understand the scope of their authority (paragraph 6.9).

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  5. The Witness Care Unit needs to minimise delays in information flows to improve compliance to the *Victims' Code* by ensuring;
    - earlier warning of witnesses; and
    - more timely and accurate updating of victims and witnesses of the outcome of hearings (paragraph 10.8).

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  6. Area managers should ensure that the volume, timeliness and quality of Direct Communication with Victims letters is improved further (paragraph 10.19).

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  7. Area managers should improve the planning process to ensure that;
    - there are clearly defined detailed actions linked to the benefits and expected outcomes of the actions;
    - reviews are effective and lead to timely remedial action where necessary;
    - plans/business cases are documented and completed in a timely fashion; and
    - there are clear links between plans and processes, individual objectives and training requirements (paragraph 11.8).
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8. Area managers need to develop their change management skills to ensure that;
    - dependencies and links between initiatives are clearly established and managed;
    - actions identified in reviews are actively managed to ensure they are carried out;
    - planning is proportionate to the complexity and importance of the change; and
    - there is clear communication with CPS staff and other interested parties on the aims and rationale for changes (paragraph 11.15).

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  9. All staff should be provided with an effective performance and development review setting objectives and identifying key individual training priorities as a matter of urgency. There is a need to agree clear ownership for managing the identification and delivery of staff training (paragraph 11.19).

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  10. Area managers must ensure that records and data of sessions undertaken in the magistrates' courts is accurate and produced in a timely fashion (paragraph 12.15).

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  11. Area managers must improve their relationships with other agencies significantly by demonstrating commitment to joint working and building a prosecution team ethos (paragraph 14.5).

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  12. Area managers need to adopt a more cohesive and corporate approach - they also need to lead by example. Urgent work needs to be done to address the blame culture that has developed (paragraph 14.9).

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  13. Area managers should implement structured and regular meetings with staff ensuring effective two-way communication between staff at different levels exists. Minutes should usually be made available to staff (paragraph 14.11).
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We additionally identified 15 aspects for improvement within the Area's performance.

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1. Some cases drift before a decision is made, or too much information is sought from the police (paragraph 3.6).

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  2. The outstanding advice cases on the case management system need to be cleared urgently and appropriately and recurrence of the problem prevented. The recording of ethnicity needs to be improved (paragraph 3.21).

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  3. The effective joined-up operation of prosecution team performance management has yet to be established (paragraph 3.27).
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4. Ensuring that all files receive a thorough and timely review before the first hearing (paragraph 4.5).

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  5. The analysis of, and feedback on, adverse outcomes needs to be strengthened and more timely (paragraph 4.9).

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  6. Systems for ensuring that cases are ready for each hearing, particularly for pre-trial review and trial, need to be introduced and/or strengthened (paragraph 4.27).

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  7. Case management system usage needs to be more effective and timely, and monitored in such a way as to achieve this (paragraph 4.36).

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  8. There is scope for considerable improvement in the handling of domestic violence cases, and a need for training to be delivered (paragraph 7.3).

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  9. Lawyers should always view video recorded interviews with child witnesses, assess the quality of evidence and record this (paragraph 7.12).

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  10. When making Special Measures applications prosecutors should ensure:
    - that the witness's views have been obtained and that they have been made fully aware of the available options; and
    - that timely applications are made in all relevant cases (paragraph 10.6).

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  11. Following-up witnesses who fail to acknowledge their court warning should be carried out consistently (paragraph 10.12).

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  12. The process for reporting non-attendance of witnesses needs to be strengthened (paragraph 10.22).

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  13. The approach to risk management needs to be strengthened (paragraph 11.17).

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  14. The Area needs to deploy its Higher Court Advocates more effectively (paragraph 12.18).

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  15. More care needs to be taken to ensure that the tone of messages is appropriate (paragraph 14.17).
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### **Good practice and strengths**

2.34 Inspectors identified four strengths within the Area's performance.

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1. Designated caseworkers are professional, deliver a high standard of advocacy, and are commended by court staff and users (paragraph 6.11).

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2. Applications for Anti-Social Behaviour Orders are subject to a good local protocol; prosecutors have been given thorough and helpful guidance, and cases are handled well generally (paragraph 7.8).

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3. Meetings between the Witness Care Unit and the Witness Service are constructive and encourage good inter-agency working (paragraph 10.10).

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4. The significant improvement in designated caseworker deployment since July 2006 (paragraph 12.16).

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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.hmcpsi.gov.uk](http://www.hmcpsi.gov.uk).

HMCP  
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