

HM CROWN PROSECUTION SERVICE INSPECTORATE

INSPECTION OF CPS SUSSEX (REPORT 19/04)

EXECUTIVE SUMMARY

Introduction

1. This is the report of HM Crown Prosecution Service Inspectorate about CPS Sussex. 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. Following a risk assessment the inspection was a full one, with all aspects of case and performance management considered.

The Area

2. CPS Sussex serves the area covered by Sussex Police. It has five offices, at Chichester, Crawley, Eastbourne and two in Brighton. 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 and are based at Brighton, Crawley and Eastbourne. The Brighton Trial Unit (TU) reviews and handles cases dealt with in the Crown Court and is based at Brighton. The Chichester Combined Unit deals with both Crown Court and magistrates' courts matters in the west of the county.
3. At the time of this inspection, CPS Sussex employed the equivalent of 129.2 full-time staff. In the year ending March 2004, it dealt with 23,722 cases in the magistrates' courts and 1,761 in the Crown Court. Additionally, pre-charge advice to the police was given in a further 6,523 recorded cases - which represented 21.6% of the Area's caseload, against a national average of 12.4%. The higher Area figure is attributed to CPS Sussex's involvement in the national charging pilot (the Auld pilot) which resulted from recommendations in the Review of the Criminal Courts of England and Wales (2001) by Sir Robin Auld. Pre-charge advice is now available throughout the Area.

Main findings of the inspectorate

4. CPS Sussex has motivated staff and is led by managers who are respected within the Area and by criminal justice partners. The Area structure is sound and systems are in place to deliver proper performance, along with people and financial management.
5. The Area works closely with its criminal justice system partners, and has actively engaged with the local community.
6. Some aspects of casework performance - such as the application of the Code for Crown Prosecutors' tests at initial review, and performance in relation to reducing delays in persistent young offender cases - are consistently very good, but more work needs to be done to improve preparation for summary trials and Crown Court cases, so that casework is done more efficiently and ineffective trials and acquittals are reduced. We set out our recommendations at paragraph 36 below.

Specific findings

Key performance results

7. The Area is sound on initial reviews, but the acquittal rates are higher than the national average. The discontinuance rate has started to climb despite the introduction of pre-charge advice and Area managers will need to ascertain the cause for this. It may reflect the time needed for the full benefits of the scheme to work through, but does need to be monitored.
8. Performance to reduce cracked and ineffective trials is better than the national average, save for ineffective trials in the magistrates' courts. Some of these ineffective trials are beyond the control of the CPS, but managers will need to reduce the number of trials which are rendered ineffective by CPS case management difficulties.
9. The Area's performance on reducing the time taken to deal with a persistent young offender from arrest to sentence is consistently impressive. In January - March 2004, the average time taken was 50 days.

Casework

10. Decision-making at the initial review stage is good, but when cases go to trial, the acquittal rate exceeds the national average in all categories except for judge directed acquittals, where the Area's performance is similar to the national average.
11. The timeliness and quality of police files have a negative impact on the ability of the CPS properly to prepare for trial, but the effectiveness of case management systems in the units also requires management attention, as they account for some of the adverse outcomes as well as cracked and ineffective trials. The absence of pre-trial reviews in most summary trials - except those in Chichester - has exacerbated the problem. We are therefore pleased to note that the Area is working with the magistrates' courts to consider the re-introduction of pre-trial reviews across the county.
12. The timeliness of the disclosure of unused material is poor – which is also linked to police files and case management issues - although the decisions taken are generally sound and well documented. The Area's performance on secondary disclosure is substantially better than the national average, particularly in the Crown Court (80% as opposed to 57.1% in our cycle-to-date).
13. The Area has a number of cases that should be committed for trial but are discharged because they were not ready. This occurred mainly in Brighton, and the principle cause appears to be the lack of a sufficient file from the police. These cases are monitored and work is in hand to agree with the police a protocol on roles and responsibilities for post-discharge actions.
14. While the Area is working to improve its analysis of adverse cases to identify trends in dismissals, there is still some reluctance to accept shortcomings in review or case handling. In view of the acquittal rates, this requires a re-doubling of the effort.

Advocacy and quality of service delivery

15. Advocacy in the Area is satisfactory, but a small number of advocates need to be better prepared and improve their presentational skills. The Area will need to monitor the position and address any under-performance.
16. The Area will need to ensure that staff comply with its policy on delivery of files to agents to ensure that they have sufficient time to prepare for court.

Victims and witnesses

17. The Area has made significant improvements to victim and witness care. It should now focus on improving the quality of information to the Witness Service, and witness care in the Crown Court.
18. The operation of the Direct Communication with Victims scheme needs to improve. While some of the letters are well written, the scheme has not captured all applicable cases, and improvement is also needed to the timeliness of the letters.

Performance management

19. There is an effective performance management system that focuses on the performance of each unit over the full range of casework and management issues, including resources and current projects, but the Area could benefit from a stronger strategy for continuous improvement.

People management and results

20. CPS corporate employment policies are complied with. Staff deployment is agreed by the Area Management Team (AMT) at the beginning of the year and subject to regular review. Pressure on lawyer resources has led to an increasing reliance on agents, which could have a negative impact on the standing of the Area with the courts and the public.
21. There is a good quarterly Area newsletter and good communication exists within the offices. Good performance within the units is recognised and is reinforced by a formal Reward and Recognition Scheme.
22. Health and safety concerns over accommodation are addressed, however lawyers have concerns over the transportation of files to court.

Management of financial resources

23. The Area has sound systems for projecting and controlling expenditure and financial guidelines are being adhered to.

Partnerships and resources

24. Partnerships within the local criminal justice system are generally strong. The Area is seen as committed to improving performance, but its case management capability can undermine this effort.
25. Progress towards co-location and shadow charging has been very good, although not all the co-located units have realised the benefits associated with joint working.
26. The Area has embraced the use of Compass (the CPS computer-based case management system) and secure email.

Policy and strategy

27. The planning for, and implementation of policy and the various change initiatives, is sound, however the Area needs to carry out more systematic post-implementation reviews to ensure the envisaged benefits have been realised.

Public confidence

28. An Action Plan to raise public confidence has been developed by the Sussex Criminal Justice Board (SCJB) and they have appointed a full time Public Confidence Co-ordinator to carry it through. The Area has played a full part in preparing the Plan, which recognises the importance of witness care at every stage of the criminal process.

Leadership and governance

29. The Area has a cohesive and supportive senior management team - the AMT – which has a clear vision for the Area and provides strong leadership.
30. The separate locations and the lack of day-to-day interaction between the units has led to some staff being unaware of the wider Area perspective, with their focus being at unit level.

Bringing offenders to justice

31. In December 2003, there was an 8.8% increase in the percentage of offences brought to justice against the baseline for 2001-02. This exceeded the Area target of a 5% increase.

Reducing ineffective trials

32. The position in the Crown Court is encouraging, but more work needs to be done in the magistrates' courts, where performance is below the national average.

Value for money

33. The AMT decides on the deployment of resources to ensure that best value is obtained. The current financial and performance management regimes allow the AMT to accurately monitor resources and assess future liabilities.

Equality and diversity issues

34. The Area has a diverse workforce. Staff are familiar with the “Dignity at Work” policy and there is confidence that managers will act in accordance with it.

Recommendations

35. 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.
36. We have made five recommendations to help improve the Area’s performance:
1. The AMT take action to improve the case management systems in the Criminal Justice Units, so that all trials are reviewed within a reasonable time after being listed for trial. They should then be subject to a pre-trial check a short period before the trial, to ensure that the prosecution is trial-ready.
 2. Trial Unit Heads review the case management systems in their respective units, so that the progress of outstanding work - in particular court orders - is monitored, and the work done to avoid unnecessary interlocutory hearings.
 3. The AMT ensures that adverse case reports are completed for all relevant cases, and that they provide an accurate and objective judgement on the cause of the failure.
 4. The AMT should build on its internal assessment of performance under the Direct Communication with Victims scheme to identify and address barriers to:
 - * the correct identification of cases that require a DCV letter;
 - * the timely provision of DCV letters; and
 - * the production of high quality DCV letters.
 5. The AMT should discuss with the police a joint review of processes in the co-located units so that the further benefits from co-location can be realised.

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.