

HM CROWN PROSECUTION SERVICE INSPECTORATE

INSPECTION OF CPS WARWICKSHIRE

EXECUTIVE SUMMARY

Introduction

1. This is the report of Her Majesty's Crown Prosecution Service Inspectorate about CPS Warwickshire. The CPS is a national service, but operates on a decentralised basis with each of its 42 Areas led by a Chief Crown prosecutor (CCP) who enjoys substantial autonomy.
2. The inspection was carried out during a period of extensive change for the CPS both nationally and in Warwickshire. Initiatives to reduce delays in the criminal justice system have been introduced to give effect to the recommendations contained within the report "Reducing Delays in the Criminal Justice System" (the Narey Report). Warwickshire is the smallest of the 42 Areas and its size was a factor when considering the creation of Trial and Criminal Justice Units. Whilst shortage of suitable accommodation on the part of the police and the CPS has prevented the co-location of police and CPS staff in the Glidewell Units, the Area has restructured into a Magistrates' Courts Unit (MCU) and a Crown Court Unit (CCU). The Area is also involved in an innovative project to create Combined Criminal Justice Centres in the north and south of the county. The cost of the project (£21.7m) is being met from the Government's Capital Modernisation Fund and is subject to approval from the Criminal Justice Joint Planning Unit.
3. The report focuses mainly on the quality of decision-making and casework handling, together with those matters which support the casework process. However, now that the Inspectorate examines all aspects of an Area's performance, the report also addresses a number of operational and management issues.

The Area

4. CPS Warwickshire has its headquarters in Leamington Spa and employs the equivalent of 30.6 full time members of staff. In the year ending 30 June 2001, the Area dealt with 8,224 defendants in the magistrates' courts and 595 defendants in the Crown Court. The Area gave the police advice before charge in a further 754 cases. The casework figures reveal that the Area had a smaller proportion of serious cases than the national average.

The main findings of the Inspectorate

5. Overall, the inspectors found CPS Warwickshire to be a good Area which discharges its core business well. There is a consistently high standard of casework, underpinned by a rigorous approach to monitoring and performance management. The standard of review is very good. The review of cases is generally timely and the quality of the review endorsements is commendable. Case preparation is also timely.

6. However, Inspectors had concerns about the manner in which the Area had reached the decision to discontinue some of its cases. The inspectors also found that some aspects of racially aggravated offences were not being dealt with entirely satisfactorily.
7. The decision to move to separate MC and CCUs was finely balanced. The size of the Area may lead to a reduction in the flexibility to deploy staff and the viability of two separate Units will need to be re-assessed. The inspectors also found that there were some human resource issues which needed to be addressed. These include the full development of all staff and delegation of certain work or responsibilities were appropriate. The Area's action plan on diversity and equality needs to be updated and rigorously actioned.
8. The Area has a close working relationship with its criminal justice partners. The CCP is playing a major role in the planning for the Combined Criminal Justice Centres. However, the CPS needs to raise its profile in the local community, especially with minority ethnic groups.
9. The inspectors found the Area's handling of complaints less than satisfactory.

Specific findings

10. Advice – the quality of advice given to the police is commendable. The provision of advice is timely and is usually accompanied by a full explanation and reasons for the opinion offered. The number of advices provided is over twice the national average but there are no concerns that the police are submitting unnecessary requests for advice. There has been an improvement in the way the Area has recorded oral advices over the last few years and this may be a reason for the increase in overall numbers. The inspectors found that advice work tended to be dealt with by a few more experienced lawyers and was not allocated as widely amongst all lawyers as is desirable.
11. Review - the quality of review is very good with the evidential and public interest tests contained in the Code for Crown Prosecutors being applied correctly. Cases are reviewed at the earliest opportunity and the quality of the review endorsements is commendable. The manner in which the Area deals with persistent young offenders is also commendable. Warwickshire has the second lowest discontinuance rate in the country. National figures measuring the promptness of discontinuance decisions indicate that the Area had the best return for the year ending 30 March 2001. However, there is considerable scope for improvement in the quality and consistency of the Area's decisions to discontinue, with some being taken prematurely and others late. There was appropriate handling of the main categories of sensitive case, child abuse, domestic violence and racially aggravated offences, although one particular incident in relation to the latter suggested that some lawyers might need to develop greater awareness of the impact of racial aggravation on sentence.
12. Case preparation – case preparation is timely. The Area has met its targets for timeliness of the service of advance information and committal papers on the defence, the delivery of instructions to counsel and the provision of probation information packages. The handling of unused material, particularly secondary disclosure, is satisfactory, although prosecutors sometimes take decisions on the basis of inadequate schedules from the

police, and decisions on disclosure are not always endorsed on the relevant schedules or the files. The Area has good systems in place for the preparation of summary trials and Crown Court cases and has prepared a systems/procedure manual to assist in the preparation of the latter. Overall, the quality of counsel's instructions is better than the average encountered in the current inspection cycle, although not all contained appropriate instructions on the acceptance of pleas. As with review endorsements, we found that the standard of file endorsements in the magistrates' and Crown Court cases was excellent.

13. Case presentation – Nine CPS prosecutors were observed in the magistrates' courts and the Crown Court. The overall standard was fully satisfactory. The Area has two designated caseworkers. Agents are regularly instructed to cover trials in the magistrates' courts. The Area has two HCAs; their work in the Crown Court includes PDHs, the conduct of preliminary hearings in cases which are "sent" to the Crown Court under section 51, Crime and Disorder Act 1998 and appeals and committals for sentence from the magistrates' courts. There is systematic monitoring of CPS prosecutors in the magistrates' and Crown Court.

Management and operational issues

14. The Area has made good progress in the last two years. Its performance is of a high standard and it is well regarded by the other criminal justice agencies. Its good performance is set within a framework of well-developed systems and processes. Its performance against targets on the key indicators is excellent, with targets being consistently achieved. There is strong positive leadership and a clear vision for the Area.
15. Inspectors identified both advantages and disadvantages in the move to separate CC and MCUs. The advantages include file ownership by lawyers and an improvement in the quality of preparation of cases going to the Crown Court. The disadvantages include a reduction in flexibility to deploy staff and some de-skilling of lawyers whose work inevitably focuses on one category of work to the exclusion of the other. Although the creation of the Combined Criminal Justice Centres should give the Area another chance to review and evaluate their operation, the viability of these units needs to be re-assessed within 18 months of their creation.
16. Internal communication is generally good. Key points from the Area Management Team meetings are cascaded throughout the Area by way of formal team meetings. However, there are some areas where there is scope for greater consultation. There is a written communication strategy which predominantly focuses on internal communications. The inspection team found there was a need to re-assess it, with regard to both internal and external communications.
17. Financial management is sound with good systems to underpin budgeting and the monitoring of expenditure. Senior managers have worked with other agencies whose performance impacts on that of the CPS, in order to ensure that CPS resources are used more efficiently.

18. The effective and efficient running of the Area depends on a small number of people. Staff tend to be deployed only according to their strengths and managers need to develop fully all staff not only by utilising people's strengths but also by working with them on their areas for development.
19. The Area had an Equality and Diversity Action Plan for 2000/2001. Although some steps have been taken to implement it, many of the initiatives are still outstanding. The plan is to be re-assessed and updated accordingly.
20. External relations and inter-agency working is a particular strength of the Area which takes a full and active part in meetings at strategic and operational level. The Warwickshire Criminal Justice Strategy Committee was established in 2000 with the aim of promoting whole systems effectiveness across all the criminal justice agencies. One of the plans is the innovative project to create combined Criminal Justice Centres in the north and south of the county. The CPS is a key player in this plan and the CCP chairs one of the five project groups. The commitment shown by the local criminal justice agencies is impressive but the success of the scheme will be dependent on support at national level.
21. The CPS is taking steps to raise its profile in the local community on an inter-agency basis. However, it needs to do more as an individual organisation, especially among the local minority ethnic community.
22. The Area has detailed procedures for dealing with complaints. There are pro-formas for analysing oral and written complaints but they are not always being full completed. Timeliness in responding to complaints is good but the inspectors found that the quality of most of the replies is poor.

Commendations and identification of good practice

23. The Inspectors commended five areas of work which cover:
 - * the quality of advice work;
 - * the quality of review notes;
 - * the handling of and approach to persistent young offenders;
 - * the monitoring of CPS prosecutors in court;
 - * the commitment to effective processes of performance management.
24. The Inspectors identified one aspect of good practice which might benefit other Areas. This was:
 - * the use of a manual to assist in the preparation of cases for the Crown Court.
25. The Inspectors have made six recommendations identifying those aspects of performance where it was felt improvement should be made. The recommendations cover:
 - * the allocation of advice cases more widely amongst all lawyers;

- * a thorough review of the manner in which discontinuance decisions are made to ensure that they are made at the appropriate stage and when all the evidence has been considered;
 - * the returning of MG6C schedules to the police for rectification when appropriate;
 - * instructions to counsel to contain the prosecutor's views on the acceptability of pleas in all appropriate cases;
 - * a review of communication, both within the Area and externally, with a view to updating the current communication strategy;
 - * the completion of the complaints pro-formas to enable analysis to be made of the reasons for complaints and the action taken, and an improvement in the quality of the responses to complainants.
26. The Inspectors made six suggestions identifying aspects of performance in respect of which local managers will wish to take action. The relevant areas are:
- * indictments in completed cases to be endorsed with the results and circulated to all lawyers who have contributed to the handling of these cases;
 - * prosecutors to endorse files with a record of what is served by way of advanced information;
 - * prosecutors to endorse all their findings on undermining material on the MG6C schedule and all their decisions on disclosure, including findings that there is no undermining material, on the file;
 - * the review and evaluation of the organisation and operation of the Magistrates' Court and Crown Court Units;
 - * joining with other criminal justice agencies to develop inter-agency awareness on diversity issues;
 - * identifying initiatives to promote CPS within the local communities apart from any joint initiatives with other criminal justice agencies.
27. The full text of the report can be obtained from the Corporate Services Group at HMCPSI (telephone: 020 7210 1197).