

HM CROWN PROSECUTION SERVICE INSPECTORATE

INSPECTION OF CPS LANCASHIRE

EXECUTIVE SUMMARY

Introduction

1. This is the report of Her Majesty's Crown Prosecution Service Inspectorate about CPS Lancashire. 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 Lancashire. Initiatives to reduce delays in the criminal justice system were being introduced to give effect to the recommendations contained within the Review of Delays in the Criminal Justice System (The Narey Report). The Area's reorganisation into functional units, rather than geographical ones, to take forward the recommendations for the Review of the CPS (The Glidewell Report), was in a transitional stage.
3. This report focuses mainly on the quality of casework decision making and casework handling but also extends to all matters which go to support the casework process. The Inspectorate examines all aspects of Area performance and has reported on a number of management and operational issues.
4. Before visiting the Area, the team of inspectors examined a total of 522 case files. It also analysed management information supplied by the Area and by CPS headquarters. During the on-site phase, the team included a lay inspector nominated by Victim Support. It interviewed CPS staff of all levels, representatives of other criminal justice agencies, members of the judiciary and criminal practitioners. Finally, the team observed 41 advocates including CPS prosecutors, agents in the magistrates' courts and counsel in the Crown Court.

The Area

5. CPS Lancashire has its headquarters in Preston and shares boundaries with the other criminal justice agencies in the country. It currently has Branch offices in Blackpool Burnley and Preston. The Fylde Branch, which is at Blackpool, has a sub-office in Lancaster. The Area employs the equivalent of 179 full-time staff, although this figure includes a number who are part-time. In the year ending June 2000 just over 69,000 cases were handled in the magistrates' courts. The caseload was weighted towards less serious offences when compared with the national pattern with summary motor offences comprising 47.9% of the casework (national average 36.9%) and either way and indictable only cases accounting for

27.7% (national average 40.3%). There is a high level of “other” proceedings, which account for 4.5% of the caseload (national average 1%). This includes an exceptionally high number of complaints for bind-over. The number of Crown Court cases handled was 4,162 and in a further 1,532 cases, advice was given to the police before charge.

Main findings of the Inspectorate

6. Inspectors found that the vast majority of casework decisions made by the CPS were correct. Some aspects of work reflected good results when viewed against the national averages. The high quality of many members of staff was commented upon by many of the external interviewees seen by the inspectors.
7. There were, however, some aspects of casework handling which required management’s attention. There was a perception that the CPS failed on occasions to make robust and independent decisions but were prepared to be over-influenced by police opinion. On occasions, lawyers allowed cases drift rather than take positive action on identified problems. A contributory factor may have been the level of pressure felt by many members of staff who were suffering from particularly poor morale.
8. The quality of instructions to counsel was significantly better than much seen in other parts of the country and despite the pressure under which the staff were working, substantial efforts were made to process committal files within the timescales required by the CPS.
9. The standard of advocacy was good. The designated caseworkers were praised, but currently seem to be somewhat underused.
10. Inspectors had considerable concern that the CPS Lancashire has not yet established its own identity and that staff feel little allegiance to the Area as opposed to individual branches or even teams.
11. The Area has received its IiP accreditation. It is essential, nevertheless, that the level of communication within the organisation is improved. The Burnley Branch has been involved in a number of national initiatives and is currently piloting cases sent to the Crown Court under the Crime and Disorder Act 1998 (ie without either committal or transfer procedures), statutory time limits for youth cases and youth referrals. The Branch has coped well, but is obviously having difficulty with the pressure, as is Fylde Branch. It is hoped that the implementation of Glidewell proposals will provide a suitable opportunity to redress any imbalance which exists between the units so that they have the capacity to undertake core business.
12. The significant changes which Glidewell will bring have caused a number of issues to be placed in abeyance for longer than anticipated. This has contributed

- to a high level of uncertainty and concern. Some staff, reacting to this uncertainty and the unsatisfactory communication system, feel that senior management has a hidden agenda. The level of trust between all staff will need to be enhanced to achieve the smooth operation of the Area.
13. A need to live within tight financial constraints has caused vacancy management to be put into operation. Staff see people leaving and assume they are not going to be replaced. This has an impact on the ability of the Area to seek to recruit new staff at various grades including appropriate successful minority ethnic applicants. The Area has shown considerable initiative in having an independent assessment to give it a baseline for building on its equality and diversity priorities. It has endeavoured to enhance the reputation of the CPS within minority ethnic groups by pro-active involvement. Its commitment to diversity policies is evidenced by the arrangements made for a minority ethnic student to be given a placement and for special arrangements to be made in relation to particular child care issues for another member of staff.
 14. The Area has worked well with other agencies in the local criminal justice system to move closer to the Government target of 72 days relating to disposal of PYO cases. In the period ending 30 June 2000, the Area had achieved 74 days compared with the national average of 92 days.

Specific findings

15. Advice – the quality of advice is generally good and some is excellent. Timeliness at 13.3 days is better than the average (19.7 days) for Area inspections so far. There is difficulty in relation to the recording of informal advice and in some prosecution teams the advice work needs to be spread between a greater number of lawyers for developmental purposes.
16. Review – the evidential and public interest tests in the Code for Crown Prosecutors are generally well applied. Timeliness and quality of files is a problem and an over-reliance on police opinion leads to some late decisions to alter charges or drop cases. The level of discontinuance at 15.8% was significantly above the national average of 12.3%. It is possible that misrecording of case outcomes may explain some of the difference.

Case preparation

17. There are significant issues over the high level of “cracked trials” (ie those listed as contested cases which, for a variety of reasons, do not go ahead) in the magistrates’ courts and the substantial over-listing which almost inevitably goes hand-in-hand with it. Committal preparation is given a high priority and, whilst two Branches make use of the fast-track “transfer” regime in appropriate child witness cases, Burnley does not. The quality of instructions to counsel was good and better than we have found in most Areas inspected so far. Disclosure remains

a national problem but it is pleasing to note that CPS Lancashire is dealing with this important area of work better than many others. Inspectors noted that the police and the CPS seem to blame each other for a failure to understand the system. No doubt the recent national guidance to all criminal justice agencies will result in a general improvement.

18. Case presentation – the inspectors observed a total of 41 prosecution advocates in various courts throughout the county. 22 out of 25 CPS lawyers fully met CPS National Advocacy Standard with five being above average and three very good. Three, however, were assessed as not fully meeting the required competence standard because they preferred less well and appeared ill-prepared. DCWs, whilst praised for their advocacy by other court users, are not being fully utilised. Continuing discussions over listing should help to maximise their time, thus permitting more lawyer time to be devoted to high profile work.

19. Management and operations

- the two most significant problems were the inadequate communications system and the failure to build a Lancashire identity.
- the Lancashire Senior Management Team (LSMT) is ideally placed to lead by example and exhibit this cohesiveness which the Area needs.
- the fact that some decisions have been held in abeyance pending Glidewell has impacted adversely upon the Area.
- the police divisions have a high level of autonomy which to an extent creates problems for CPS Area Management when seeking to agree standard procedures.
- the Branches also have too many internal procedures which are inconsistent with each other. For example, as cases from all three Branches are committed to the same Crown Court the files should have the same content and structure to assist caseworkers at court.
- the high level of staff sickness and a perceived inequality of the handling of vacancy management has contributed to extremely low morale and inspectors were concerned that some staff appeared to be struggling to cope with the day-to-day tasks.
- the case outcomes and performance indicators were to an extent unreliable and this mirrors the findings in our recently published thematic review of performance indicators.
- the Area had an extremely poor rate for timely return of Performance Appraisal Reports, being well below the national average.

Commendation and identification of Good Practice

20. The Inspectorate commended six aspects of the Area's work in relation to particular initiatives or Good Practice. These include its system for learning from experience at the Burnley Branch; a sound monthly résumé of legal information compiled by the Preston Branch; clear colour-coding for action sheets at the Fylde Branch and for highlighting sensitive cases and of CTL files at Burnley; and careful monitoring of counsel and counsel fees throughout the Area.

Recommendations and suggestions

21. Inspectors have made 18 recommendations, identifying those aspects of performance where it felt improvements should be made. The recommendations cover:

- recording the provision of advice;
- providing a written record of informal advice;
- making of independent robust decisions;
- seeking compliance with agreed file content;
- early application of charging standards;
- using plain English in relation to bail applications;
- carefully analysing failed cases and lessons to be learned;
- adopting Good Practice and efficient systems across the Area to assist mobility and efficiency;
- the revelation by the police to prosecutors of all relevant sensitive material;
- accurate calculations of CTLs;
- improving magistrates' courts file endorsements;
- improving file management and seeking consistency;
- a consistent approach to deployment of DCWs;
- regular staff meetings;
- a thorough review of the Area's communication strategy and appropriate consultation;
- timely completion of PARs and an interim appraisal;
- fully using of JPM to identify trends;
- ensuring security of sensitive videos; and
- ensuring staff view the equality and diversity video.

22. In addition, the report makes 16 suggestions identifying aspects of performance in respect of which local managers will wish to consider taking action. The relevant areas are:

- the allocation of advice files;
- effective use of the agreed protocol for submission of advice files;
- training on identification evidence;
- agreeing an appropriate system to reduce the need to consult the police about certain limited discontinuance proposals;

- learning from experience at the Crown Court;
 - timely provision of advance information in appropriate non-Narey cases;
 - accurate recording of provision of advance information and consistent approach in discretionary cases;
 - review of the CTL system;
 - seeking to improve effectiveness of PTRs;
 - appropriate training of lawyers in transfer provisions;
 - use of the revised committal package and early allocation of cases to caseworkers;
 - providing appropriate information to all agents;
 - monitoring of prosecutors and appropriate feedback;
 - enhancing the standing of the CPS within the community;
 - the wearing of security passes; and
 - correct recording for PI purposes of other proceedings.
23. The full text of the report may be obtained from the Combined Administration Unit (CAU) at HM CPS Inspectorate (telephone 020 7210 1197).

HMCPs Inspectorate
December 2000