

HM CROWN PROSECUTION SERVICE INSPECTORATE

INSPECTION OF CPS SOUTH YORKSHIRE

EXECUTIVE SUMMARY

Introduction

1. This is the report of Her Majesty's Crown Prosecution Service Inspectorate about CPS South Yorkshire. 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 major change for both the CPS nationally and in South Yorkshire. CPS reorganisation in April 1999 created South Yorkshire as an individual Area and new working practices to reduce delays were introduced in November 1999. The Area has embarked upon the transition to the function based structure recommended in the Review of the CPS (The Glidewell Report) commencing in May 2000 with the establishment of a criminal justice unit with staff from the CPS and the police at Barnsley. The remaining units at Doncaster Sheffield and Rotherham are planned to open by the summer of 2001.
3. There are two Branches: the Sheffield Branch and the South Yorkshire Branch. Each Branch had at the time of the inspection a committals unit as an interim stage before the setting up of the single trials unit in January 2001. The heads of the new criminal justice unit and the trials unit have been appointed and will be in post by the time this report is published.
4. This report focuses mainly on the quality of casework decision making and handling and also deals with all aspects of work which support the casework process. The Inspectorate examines all matters relating to Area performance and has reported on a number of management and operational issues.
5. Before visiting the Area, the team of inspectors examined a total of 321 case files. It analysed the 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 staff at all levels, representatives of other criminal justice agencies, members of the judiciary and criminal practitioners. Finally, the team observed 35 advocates including CPS lawyers, solicitor agents and counsel in the Crown Court.

The Area

6. CPS South Yorkshire's offices are in Sheffield with the exception of the new criminal justice unit at Barnsley. It employs the equivalent of 128.6 staff with a high proportion (22.9%) working part time. In the year ending 30 September 2000 it handled 38,302 cases in the magistrates' courts. The caseload was slightly weighted to the more

serious cases when compared to the national pattern with summary motoring offences comprising 32.9% of the casework (national average 37.1%) and either way and indictable only cases accounting for 49.7% (national average 40.2%). It handled 4,268 cases in the Crown Court and in a further 956 cases, advice was given to the police before charge.

Main findings of the Inspectorate

7. Strong leadership and good planning by senior managers has enabled the Area to perform well despite the pressures brought about by the major re-organisation. Staff have been kept fully informed of proposed changes and contributed to the overall plan.
8. The quality of the casework and decision making is very good. There is, however, considerable variation between different court centres in the Area in relation to the throughput of cases and the effectiveness of pre-trial review hearings, which has a bearing not only on CPS performance but also on victims and witnesses.
9. The staff work well together and the level of morale is good. This is contributed to by the good communications system which is in operation.
10. Relationships with other criminal justice agencies are good and liaison at all levels is effective. The Area works well with the police in its dealings with the community.
11. The Area has the advantage of a Special Casework Lawyer and makes full use of his skills allocating him a range of duties, not just complex cases.
12. Some aspects of casework handling, however, needed attention. In particular, inspectors highlighted: the timeliness of pre-charge advice to the police; the cover for absent staff; the speed of response to correspondence, delays in youth justice; the care of witnesses; and the quality of some aspects of advocacy.

Specific findings

13. Advice – The quality of both the substance and the presentation of advice is good. Timeliness, however is unsatisfactory. Only 55% met the guideline agreed between the police service and the CPS. Generally, appropriate files are submitted for advice, although the extent of the evidence required as a basis for advice to be given is uncertain in some respects. Informal advice is usually properly recorded but it is not confirmed to the police in writing.
14. Review – The quality of review is good. We agreed with the evidential and public interests decisions in all but one case. The consistency of good opinion about the quality of review was impressive. The Area had a significantly high level of amendments to charges after initial review and whilst some were attributable to the submission of further evidence, a few clearly involved a difference of opinion between lawyers in different units as to the gravity of particular cases. Although the level of discontinuance at 11.5% was slightly lower than the national average of 12.5%, there were a significant number of occasions on which late discontinuance occurred despite there being sufficient time formally to notify the defence and avoid unnecessary attendances at court.

15. Case preparation – This particular area of work reveals the most significant variation in quality between the different court centres. Undoubtedly, the correct witnesses are eventually warned but there is considerable variation in the effectiveness of pre-trial reviews and hence the ability to list trials effectively. Many do not proceed on the day fixed. The progress towards the Government’s target for reducing delay in dealing with persistent young offenders varied considerably between the magistrates’ courts.
16. Despite the timely service of 70.7% of committal papers, a significant number of defendants listed for committal are in fact discharged because the appropriate evidence has not been served on the defence in time. The current system for managing compliance with custody time limits has some weaknesses. The Area was already attending to this issue. Inspectors also had concern about the high level of amendments made to indictments, many of which could have been avoided by more thorough consideration of the issues and checking. The method for recording compliance with the prosecutions’ obligations to disclose unused material was unsatisfactory. The recently issued Attorney General’s Guidelines should provide an opportunity for further training and general improvement.
17. Case presentation – The inspectors observed a total of 34 advocates including CPS lawyers, solicitor agents and counsel in various courts throughout the county. 19 CPS lawyer advocates were observed. All were assessed as competent or better, but six did not appear to be sufficiently assertive and four lacked the air of authority. Three were unable to explain everything that was required. Some advocates had more than one failing. These findings reflect a poorer overall standard of advocacy than inspectors have observed in the current cycle and, to an extent, confirm the observations of external interviewees that there were a number of advocates who were not robust and lacked effectiveness. However, inspectors were also told, and their observations confirmed, that some were very good. Designated caseworkers were fully utilised in Sheffield, but scope exists to make better use of their available time throughout the county.
18. Management and operations
 - The CCP and the ABM work particularly effectively together, which contributes to a well managed Area.
 - Careful planning had contributed to the successful implementation of a number of major changes.
 - Through a clear budget management strategy and careful control by managers, the Area was able to live within the resources allocated.
 - The internal communications systems are impressive. In particular, effective communication ensured that staff are fully aware of the reasons for changes and of any appropriate constraints.
 - The Area received its Investors in People accreditation in October 1999 and has maintained the impetus of the initiative.

- The Area has progressed well in relation to the implementation of the Glidewell recommendations and has set up a co-located site at Barnsley which has been in operation since May 2000. We were impressed with its management and performance to date.
- The training programme is well structured taking into account both national requirements and those of individuals. There is a very active Training and Development Group involving staff at all levels.
- Whilst the majority of evidence suggested that the care of victims and witnesses was satisfactory, some concerns were raised about effective communication with other agencies in this respect.
- The poor rate of return of Joint Performance Management forms by CPS lawyers means that the police cannot use the system effectively to identify areas of concern which would enable them to improve the quality and timeliness of files.
- The high level of casual staff means some lack of experience and an increased need for training and supervision. There can be unnecessary delays in dealing with correspondence and information from the police.
- The Area has a comprehensive action plan for equality and diversity which is well publicised within the Area.
- There is a generous and flexible policy on part-time employment which needs to be managed in a way to ensure adequate cover at all times within all grades.
- The handling of complaints by one Branch was of a high standard. The responses by the other Branch caused some concern. Whilst timeliness was not a particular issue, the quality of a significant number of responses was poor and contained jargon.

Commendation and identification of good practice

19. Inspectors commended in particular nine areas of good work. These cover:

- the quality of review;
- the application of charging standards;
- the co-operation between the Area and other criminal justice agencies;
- the Area's self assessment process;
- the adverse case report system;
- the use made of the Special Casework Lawyer;
- the pilot CJU at Barnsley;

- the strong leadership and good planning during times of change; and
 - the good internal communications system.
20. Inspectors identified four aspects of good practice which might benefit other Areas. These were; communication of Area objectives; a colour-coded system for circulation of management and training information; a modified white-board system to encourage staff involvement in Branch issues; and the creation of a larger management forum to deal with change issues on which a wider Area perspective is beneficial.

Recommendations and suggestions

21. Inspectors have made 14 recommendations identifying those aspects of performance where it is felt improvement should be made. The recommendations cover:
- effective systems for provision of advice to the police within 14 days;
 - consistent and systematic application of a policy for the reinstatement of appropriate discharged committals;
 - the improvement of recording initial and continuing review considerations and decisions;
 - implementation of a system to ensure linking of correspondence to files and prompt responses;
 - effective arrangements to cover the work of staff who are absent;
 - review of the custody time limit system to ensure effective monitoring;
 - the checking of indictments for both form and substance before lodging;
 - a system of quality assurance to improve clarity and quality of magistrates' court file endorsements;
 - a system to improve file management;
 - implementation of a protocol to ensure timely provision of appropriate information for PSRs in relation to youths;
 - an improvement in the monitoring of the advocacy of lawyers, agents and DCWs; and
 - an improvement in the effectiveness of the systems for the care of victims and witnesses.
22. Inspectors made seven suggestions identifying aspects of performance in respect of which local managers will wish to consider taking action. The relevant areas are:
- submitting appropriate advice files;

- writing confirmation of informal advice;
- creating an appropriate system for allocating all files;
- entering negotiations to improve the effectiveness of PTRs;
- developing a more structured approach to casework coverage at the Crown Court;
- seeking to improve the deployment of DCWs; and
- appointing a senior member of staff to act as liaison for BTP.

23. The full text of the report can be obtained from the Combined Administration Unit (CAU) at HMCPSI (telephone: 020 7210 1197).

HMCPS Inspectorate
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