

CPS Response to HMCPSI Area Assurance Inspection of CPS South East 30/01/2018



Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI) has today [30 January 2018] issued a report following its inspection of the performance of CPS South East. The Area was assessed as follows:

Success of CPS People – 'Good'
Continuously Improving – 'Fair'
Casework Quality – 'Fair'
Public Confidence – 'Fair'

The Inspectorate commends the Area's commitment to improving staff engagement particularly the visibility of senior managers, their responsiveness to staff concerns and the investment they make in celebrating achievements. They also noted the positive relationships the Area has formed with key stakeholders, the regularity of meetings and the sharing of performance data, but comment that this joint working has yet to deliver improvements in performance.

The Inspectorate found that not all staff understood the performance of their team or how they compare to others. They also reported that the Area did not fully comply with the Individual Quality Assessment (IQA) process and did not always identify good practice or areas for improvement for teams and individuals.

The report refers to recent staff appointments which have resulted in improved financial management and budgetary control.

The Area is commended for its community engagement strategy, in particular its work on hate crime and honour-based violence and the work it has done with victims. However, the timeliness of communications with police witness care units requires attention and the quality of the letters the Area sends to victims of crime needs to be improved.

The report refers to the fact that the Area has delivered improvement in case outcomes, including a higher than average effective trial rate. Improvements in sentence uplift in hate crime cases and improvement in conviction rates for rape and sexual offences are highlighted as strengths.

The Area should increase its focus on improving the timeliness and quality of its file reviews, the handling of the disclosure of unused material and case management between plea and trial. It should also continue to work with the police to improve file quality, in particular the provision of witness availability dates and victim personal statements.

Inspectorate's Issues to Address and CPS Area response

1. Senior managers need to develop a programme of training and support to ensure that all staff are fully digitally proficient and effectively manage cases in accordance with the Standard Operating Practices (SOP).

CPS Response: The Area will assess the learning needs of all staff in relation to its digital processes and develop and deliver training which addresses any gaps in their learning to ensure SOP compliance.

2. The Area must ensure that casework performance is appropriately analysed, compared, challenged and improvement driven consistently across all teams.
3. The Area needs to ensure that all operational managers are included in performance analysis and improvement delivery.

CPS Response to 2 and 3: The Area will retrain all managers to ensure they can analyse performance appropriately and will put in place performance improvement plans. Senior Managers will review team plans to ensure consistency and provide appropriate feedback. All operational managers will attend Operational Delivery Group meetings, thereby broadening their knowledge of performance issues and securing greater ownership of actions identified to generate improvements.

4. All legal managers should comply fully with the requirement to carry out Individual Quality Assessments (IQA) of lawyers work, and use the findings to provide feedback and secure performance improvement where required.

CPS Response: Line managers will ensure that IQAs are undertaken regularly and rigorously in accordance with national guidance. Senior managers will dip sample 10% of assessments to ensure quality and completeness and that appropriate learning is identified. This will be overseen by the Casework Quality Committee (CQC) where analysis of IQA will be a standing agenda item.

5. Senior managers must develop a systematic plan to deliver an Area wide structure that allows it to efficiently manage its workload.

CPS Response: The Area does not accept this recommendation because the issue to address is not a structural one, but relates to the deployment of resources. The Area will ensure resources are deployed effectively and efficiently across teams in accordance with the CPS' National Resource Model.

6. The Area must work with its police forces to ensure that the quality of files submitted meet the National File Standard.

CPS Response: A Joint CPS-Police File Quality Group will be established. This will complement the formal Prosecution Team Performance Management process and will be chaired by the Deputy Chief Crown Prosecutor (DCCP). The Group will be responsible for analysing file quality issues and developing and monitoring progress against a joint improvement plan. This will be a standing agenda item at meetings between the Chief Crown Prosecutor (CCP) and the Chief Constables from each of the Area's police forces.

7. Legal managers must ensure lawyers comply with the Standard Operating Practice (SOP) to ensure a timely and qualitative review takes place in every case.

CPS Response: Legal Managers will ensure that cases are allocated and reviews completed in advance of the first hearing. The DCCP will review performance and address instances of non-compliance around timeliness and line managers will assess the quality of reviews through IQA.

8. Legal managers must ensure hearing record sheet are completed correctly and submitted within one day of the hearing in accordance with Standard Operating Practices.

CPS Response: Paralegal Business Managers will undertake daily checks to ensure all hearing record sheets are accurate and timely. Instances of non-compliance will be addressed with individual prosecutors by their line manager.

9. Legal managers must ensure:
- police are asked to rectify defective unused material schedules;
 - there is quality assurance of disclosure record sheets (DRS), and
 - full compliance with the prosecution's disclosure obligations.

CPS Response: The Area has a Disclosure Assurance Plan in place and uses IQA to identify and improve performance on the prosecution's disclosure obligations. As noted in the inspection report, training on the completion of disclosure record sheets has recently been completed.

To further strengthen the Area's performance, the CCP will lead the development of a CPS/police joint Action Plan to improve disclosure performance. Additional disclosure leads for magistrates' court, Crown Court and RASSO teams will be appointed. Disclosure performance will continue to be the subject of specific disclosure themed IQA checks and emerging themes will be analysed by senior managers at the CQC. Legal managers will work with individual prosecutors to ensure compliance with disclosure obligations. Progress against improvement plans will be reviewed by the CCP and the Chief Constables.

10. The Area should liaise with its police partners to ensure that appropriate guidance is given to police officers to ensure personal details of victims and witnesses are only endorsed on the correct part of the witness statement form.

CPS Response: The Area will remind police forces of their responsibility to redact sensitive personal information from material before it is supplied to the CPS. It will monitor compliance and provide details of any breaches to the relevant police force. The Area Business Manager (ABM) will remind police forces of their duty to report breaches to the Information Commissioner's Office in appropriate cases. The CCP will also raise instances of non-compliance with Chief Constables at their regular meetings to ensure action is taken.

11. The Area needs to improve its interaction with the victim liaison unit (VLU) and set up an effective quality assurance system to feedback issues and learning to the joint VLU.

CPS Response: The Area will remind prosecutors of the requirement to provide a paragraph explaining their decision to the VLU for inclusion in victim letters. Legal Managers will continue to undertake assurance checks on the quality of those letters, the findings of which will be analysed by the CQC and shared with appropriate individuals, including the VLU manager.

12. The Area needs to increase the extent of community representation at the Local Scrutiny and Improvement Panel (LSIP) and also ensure that there are effective mechanisms developed to share views and findings from the LSIP.

CPS Response: The Area will undertake a review of the diversity and cross-community profile of the representation on its LSIP and undertake a selection exercise to address the findings of the review. The community engagement lead (DCCP) will identify learning from each LSIP and share this with staff via a community engagement newsletter that the Area will develop. Resulting actions will be incorporated into team plans.

13. The Area needs to develop an effective engagement plan with its Witness Care Units (WCU) to improve the provision of victim and witness care.

CPS Response: The Area has developed a Service Level Agreement with its WCU setting out the level of engagement and service each can expect in terms of the timeliness and quality of responses to witness queries.