

CPS Response to HMCPSI Follow Up Inspection of 'Transforming Summary Justice'

27/06/2017



On 22 February 2016, Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI) published a report of its early inspection of 'Transforming Summary Justice' (TSJ), a programme developed and led by all criminal justice agencies to reform the way in which criminal cases are handled in the magistrates' courts.

HMCPSI has today [27 June 2017] issued a follow up report to assess the contribution of the CPS to this initiative two years from its adoption. We are pleased that the Inspectorate recognises the good work undertaken by the CPS in delivering TSJ and in implementing agreed recommendations from the previous report.

HMCPSI has identified eight examples of good practice including effective cross criminal justice system (CJS) working. The report also commended strong internal governance, the training provided to prosecutors and the good links between CPS nationally and in Area. We accept that there is more that can be done to improve performance and ensure that timely and effective case progression continues throughout the life of a case. We are developing an action plan to ensure this is done.

The report raises twelve issues to address, eight of which focus on the CPS exercising its influence with partners in continuing to drive performance improvements and engagement across the CJS. These issues and our responses, are set out below:

Inspectorate's Issues to Address

1. The CPS should seek to influence its criminal justice partners and the senior judiciary to refine and improve the arrangements for the high-level governance of the Transforming Summary Justice initiative.

CPS Response: We will continue to work with our CJS partners and the Judicial Oversight Group to further embed TSJ principles and to address issues raised by the inspectorate, including those relating to governance.

2. The CPS should engage with HMCTS and the senior judiciary to review the effectiveness of the current TSJ performance measures and identify those which will best drive efficiency in the magistrates' courts and improve the service to victims and witnesses.

CPS Response: We will invite our CJS partners and the Judicial Oversight Group to consider a review of the effectiveness of the current TSJ performance measures.

3. All guidance documents defining the counting mechanism for computation of the performance measures should be checked to ensure that the descriptions accurately reflect what they record by a member of the CPS Core Quality Management Performance Unit, revised if appropriate and re-circulated to CPS TSJ Area leads for onward distribution to CPS staff and relevant criminal justice partners. Descriptions of measures should accurately reflect what they record.

CPS Response: We will review our guidance to ensure that it is clear and understood. We will also provide further training to Area Performance Managers so that they are able to advise and guide local managers in the application of this guidance.

4. CPS Areas need to ensure that National Police File Quality (NFQ) Assessment monitoring is conducted consistently by their staff, and that their work with partners drives performance improvement to ensure that the first hearing can be fully effective

CPS Response: At the end of July 2017, the NFQ assessment will be incorporated into the CPS case management system (CMS), which will make it quicker and easier for prosecutors to record their file quality assessments. Through the Area Performance Review (APR) process, we will ensure that CPS Areas are engaging with local police forces to share data and to focus on areas for improvement.

5. The CPS should request the appropriate governing body with responsibility for national oversight of TSJ to clarify the scope of TSJ and issue a statement detailing expectations around the application of the TSJ principles to cover all magistrates' courts cases. This should include cases involving domestic abuse, youths and defendants brought to court in custody for the first hearing.

CPS Response: Guidance was provided to prosecutors in August 2015 that Domestic Abuse and Youth cases should be dealt with in accordance with the TSJ principles. We will re-issue this guidance to Areas. Similarly, the previous Chief Magistrate advised that where a defendant's initial appearance is in custody, the case should also be managed at that hearing in accordance with TSJ principles.

6. The CPS should review the current arrangements for engagement between the parties and, if necessary, seek clarification or change from the Criminal Procedure Rule Committee (CPRC). Following any revision, guidance should be issued to prosecutors about what is expected in particular cases.

CPS Response: We will engage with CJS partners and the Judicial Oversight Group to consider a review of the effectiveness of defence engagement.

7. The CPS TSJ Area leads should work with the police and Her Majesty's Courts and Tribunal Service to ensure that:
 - Cases are listed in the correct courts;
 - There is compliance with the guidance on the number of cases to schedule; and
 - Non-TSJ work is kept to an absolute minimum to facilitate best case progression.

CPS Response: Recognising however that listing is a judicial function, we will continue to raise these issues with the police, HMCTS and the Judiciary at a local level.

8. The CPS Area TSJ leads should ensure that all prosecutors are clear about the level of authority that they have to make casework decisions at court and that this authority is appropriate to grade and experience and is regularly reviewed.

CPS Response: Our recently published Advocacy Strategy sets out the level of decision making required of our advocates. We will provide further guidance and training to prosecutors where required.

9. The CPS should ensure that a PET form is completed by the reviewing lawyer and that they encourage the use of that form by the defence and the legal advisor at the first hearing.

CPS Response: Prosecutors will be reminded to complete and serve the Preparation for Effective Trial form upon the court electronically before the first hearing. We will also remind HMCTS that they should use this version in court and not create a new form.

10. The CPS should check with their police counterparts their current local arrangements to provide police support at court and should ensure that all advocates are aware of how they can access and use this support.

CPS Response: CPS Areas will work with the police to assess the effectiveness of local arrangements in ensuring robust case progression at the first hearing. Chief Crown Prosecutors will remind prosecutors of the arrangements in place in each court centre.

11. The CPS should ensure delivery of mandatory training for prosecutors on Case Management System (CMS) task management. The effectiveness of this training should be evaluated.

CPS Response: We will consider further training to prosecutors on CMS task management.

12. The CPS should review the management of the magistrates' courts review teams to ensure that there is timely review of contested cases and effective case progression after the first hearing and that sufficient resources are allocated to enable tasks to be dealt with promptly.

CPS Response: Chief Crown Prosecutors will review current Area practices and ensure compliance with the Standard Operating Practice and the resource allocated to this work, in accordance with the agreed resourcing model (REM).