

CPS Response to HMCPSI Area Assurance Inspection of CPS Mersey Cheshire
05/04/2018



Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI) has today [5 April 2018] issued a report following its inspection of the performance of CPS Mersey-Cheshire. The Area was assessed as follows:

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

The leadership of the Area and its approach to providing learning and development opportunities to legal, operational and managerial staff has been commended in the report.

The Area's strong and productive relationships with criminal justice partners are also recognised and are cited as reasons for improving outcomes for victims and witnesses and reducing delay in the criminal justice process.

The Area's focus on continuous improvement is also commended with specific reference being made to the wide sharing and discussion of performance information within it. This has contributed to improved performance in key performance measures, such as hate crime conviction rates which are assessed as 'outstanding'.

The Area's management of its resources is rated as 'Excellent'.

The report recognises that the Area provides a good service to victims and witnesses, although more needs to be done to improve the timeliness and quality of communications to victims.

The Area's focus on community engagement is also commended and its responsiveness to community feedback referenced specifically.

Although the Area is delivering strong performance in the magistrates' court, "being better than the national average in many aspects making (it) one of the top performing Areas", it accepts that more can be done to improve the progression of cases towards trial in both the magistrates' court and the Crown Court. It also accepts that the timeliness and quality of reviews and disclosure handling, particularly in the Crown Court, needs to improve.

Inspectorate's Issues to Address and CPS Area response

The Inspectorate identified the following issues:

1. The Area learning and development plan needs to focus on creating a more effective training programme for staff which is ambitious and sets out a clear programme for training.
3. The Area must ensure that there is adequate training provided to lawyers on case analysis and strategy to improve quality of charging decisions.

CPS Response to 1 & 3: In developing the Area's learning and development plan for 2018/19, the Deputy Chief Crown Prosecutor (DCCP) and Area Business Manager (ABM) will ensure that the training programme addresses the development needs of all staff (as identified in their personal development reviews and resultant personal development plans). Training will be provided on how to complete a proper case review and charging decision; case progression; and the proper discharge of disclosure responsibilities.

2. The Area should ensure that all staff are notified when an Individual Quality Assessment (IQA) has been recorded and that face to face feedback is given in a timely manner.

CPS Response: The Area will put in place measures to ensure prosecutors are notified when an IQA is recorded and that managers provide feedback in a timely manner. The quality of that feedback will be monitored by the DCCP (and Senior District Crown Prosecutors (SDCPs)) when IQAs are dip sampled.

4. The Area should make sure that cases are progressed to ensure trials are effective in the magistrates' court.

CPS Response: The DCCP will oversee a review by District Crown Prosecutors of case progression to seek to identify why magistrates' court trials are not effective at the first trial listing. This review will be used to draw up a plan for improvement, progress against which will be regularly monitored by the Area Casework Quality Board, chaired by the Chief Crown Prosecutor.

5. The Area needs to ensure that legal managers quality assure charging advices in Crown Court cases so that they meet the required standard.

CPS Response: Legal Managers will continue to assess the quality, timeliness and content of charging decisions. Line managers will assess quality through the IQA process. The DCCP will further review performance and address instances of non-compliance that concern quality and timeliness through dip sampling of IQA's.

6. The Area needs to continue to work with police partners and ensure that prosecutors improve their handling of disclosure and that decisions are recorded on the disclosure record sheet.

CPS Response: In addition to implementing the CPS's National Disclosure Improvement Plan, the Area has put in place a local delivery plan in which the Chief Crown Prosecutor (CCP) and members of the management team meet regularly with senior police leaders and managers to improve compliance with disclosure responsibilities. The actions agreed in the local delivery plan will be kept under regular review with senior local police leaders and managers. The DCCP and Head of Complex Casework Unit will review a sample of completed and endorsed schedules of unused material together with Disclosure Record Sheets (DRS). This review will inform future joint training for police and prosecutors. Legal managers will monitor compliance with disclosure responsibilities through the IQA process. The results of IQAs will be used to provide feedback to individual staff and to identify knowledge and skills gaps which will be addressed in individual's training plans.

7. The Area needs to undertake more meaningful defence engagement.

CPS Response: The DCCP and SDCPs will meet with local defence representatives to identify barriers to effective defence engagement and identify actions for improvement. The CCP will seek support for these actions from the local judiciary who will be invited to challenge the parties in court as to whether engagement has taken place in advance of the hearing. Legal managers will monitor the scale and effectiveness of defence engagement through IQA. Issues relating to Defence compliance and judicial support will be addressed at the Better Case Management Local Implementation Team.

8. The Area needs to progress cases in the Crown Court to ensure trials are effective and Counsel is providing the required service.

CPS Response: In relation to the lack of grip observed by the inspectorate between the entering of a plea and the trial, the DCCP will review the findings of IQA in contested Crown Court cases and use those findings to identify areas for improvement. The Head of the Crown Court Unit has completed a review of the level of compliance by Counsel instructed by the Area having regard to the commitments required of them as members of the CPS Advocate Panel. The Head of the Crown Court Unit and DCCP are engaging with local chambers to share the learning from this review in order to improve performance

9. The Area needs to implement steps to improve the timeliness and quality of letters sent under the victim communication liaison scheme.

CPS Response: As part of its Victims and Witnesses Action Plan, the Area has implemented a monthly dip sample of letters to assess timeliness and quality with a view to identifying any emerging issues or patterns of non-compliance. These issues are raised at the Area Performance Board which identifies whether wider action, such as staff training, is needed. Individual instances of prosecutors failing to provide sufficient information for inclusion in letters by the Victim Liaison Unit in a timely manner are raised with the individual by their line manager.

10. The Area needs to ensure that the community engagement strategy is finalised and Local Scrutiny Involvements Panels reinstated.

CPS Response: The ABM will work with the Inclusion & Community Engagement Manager to implement the national community engagement strategy. A local community engagement plan has also been developed for approval by the Area Strategy Board when it meets in April 2018. The refreshed Local Scrutiny Involvement Panel (LSIP) on Hate Crime met in March and the Violence against Women & Girls LSIP is scheduled to meet in June.