

CPS Response to HMCPST Area Assurance Inspection of CPS North East

15/08/2017

Her Majesty's Crown Prosecution Service Inspectorate (HMCPST) has today [15 August 2017] issued a report following its inspection of the performance of CPS North East. The Area was assessed in relation to the following aspects:



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

The Inspectorate recognises that the Area has an engaged and committed workforce as demonstrated by the involvement and take up by staff of training opportunities. However, the Area accepts more needs to be done to ensure all staff are engaged and understand the Area's priorities. The Inspectorate commended the Area's strong and effective relationships with criminal justice partners, which have resulted in better joint working and improvements in service delivery. The Inspectorate also reported positively on the Area's financial management, including budgetary control and monitoring of resources.

The focus on performance management within the Victim Liaison Unit and the way in which leaders and staff engage with local community groups, and learn from them are cited as examples of good practice.

Although the Area has delivered some good case outcomes, we accept that more can be done to improve case management and progression to reduce the number of ineffective trials attributable to the prosecution. The Area remains committed to working with the police to deliver quality police files and with partner agencies to further embed Transforming Summary Justice in the magistrates' courts and Better Case Management in the Crown Court.

Inspectorate's Issues to Address and CPS Area response

1. Senior managers must develop a strategy to ensure that they have constructive visibility with staff across each office.

CPS Response: We will continue to ensure that our People Engagement Strategy encompasses our entire workforce with greater focus on engagement between staff and senior leaders in both offices.

2. Senior managers must develop an effective communication policy which delivers an Area wide understanding of the local and national vision and priorities.

CPS Response: We will ensure that our People Engagement Strategy contains an effective plan for ensuring that staff are engaged and updated on issues relating to our vision and priorities. This will include monthly meetings between senior leaders and staff at each office.

3. Managers must ensure that all staff have Personal Development Plans.

CPS Response: 95% of staff currently have a Personal Development Plan. Managers will ensure that all remaining members of staff have a PDP by the end of Quarter 3 2017/18.

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

CPS Response: The Chief Crown Prosecutor (CCP) and Deputy Chief Crown Prosecutor (DCCP) will reinvigorate the IQA process by leading standard setting exercises with Legal Managers to ensure consistency of assessments. Analysis of IQA assessments will be considered by the Area's Casework Quality Group on a monthly basis and emerging themes and areas for improvement will be discussed with staff at monthly team meetings.

5. The Area Business Manager should review spend on pre-charge advice by counsel, including the levels of financial delegation, to ensure effective use of the Area's budget

CPS Response: The Area has ceased instructing Counsel to provide pre-charge advice, save in exceptional circumstances and only with the authorisation of the Deputy Chief Crown Prosecutor (DCCP).

6. The Senior Management Team should review the resource allocation across units and offices to assure themselves that it is distributed equitably.

CPS Response: The Area has allocated resources in line with the national resourcing model. The Area Business Manager (ABM) will engage with Teams to explain resource allocation and to address any short term resource need.

7. Legal managers should ensure prosecutors comply with the requirements of the police file quality assessment process so that the returns are an accurate assessment of quality.

CPS Response: The National File Quality Assurance assessment was incorporated into the CPS Case Management System (CMS) at the end of July making it more readily accessible to prosecutors. The Area will work with prosecutors to ensure assessments are completed in appropriate cases. The DCCP and ABM will share data with the police and use the information to inform a joint CPS/Police improvement plan.

8. Legal managers must ensure all cases are reviewed before the first hearing in compliance with the magistrates' court Standard Operating Practice.

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.

9. The magistrates' court unit Senior District Business Manager should review the process for contacting legal managers from court, ensuring that it does not impact adversely on administrative staff and functions.

CPS Response: Advocates in the magistrates' court will be provided with dedicated contact details for a duty Legal Manager who can be contacted directly to assist with legal decision making.

10. Legal managers must ensure lawyers comply with magistrates' court directions or seek extensions of time where this is not practicable.

CPS Response: Legal Managers will work with individual prosecutors to ensure that all tasks are completed on every case in accordance with agreed timescales. The Chief Crown Prosecutor (CCP) and ABM will review compliance as part of an Area's performance review process.

11. Legal managers should:

- Analyse the reasons for magistrates' court and Crown Court cracked and ineffective trials due to prosecution unsuccessful outcomes
- Analyse the reasons for unsuccessful outcomes due to prosecution witness issues
- Set out what needs to be done to improve performance

CPS Response: The CCP will work with legal managers to analyse the reasons for cracked and ineffective trials, identify areas for improvement and ensure appropriate action is taken. Performance will be reviewed by the Area's senior team at its monthly performance review meetings.

12. Legal managers must quality assure charging advices in Crown Court cases and ensure they meet the required standard.

CPS Response: Where Counsel's advice is sought pre-charge, this will be quality assured by legal managers and, in appropriate cases, by the Head of the Complex Casework Unit.

13. Legal managers must ensure lawyers comply with the Standard Operating Practice to ensure a timely and qualitative review takes place in every Crown Court case.

CPS Response: The Standard Operating Practice only addresses the process by which cases are reviewed; it does not address the quality of the reviews, which are addressed as part of the Individual Quality Assessments (IQA) process. Legal managers will ensure that cases are allocated and reviews completed in advance of the pre-trial preparation hearing. Legal managers and the DCCP will assess the quality of reviews as part of the IQA process (see response to 4). In addition, legal managers will dip sample reviews completed by all prosecutors to assess quality and provide individual feedback. The DCCP will review performance and address instances of non-compliance.

14. In Crown Court cases legal managers must:

- Ensure the police are asked to rectify defective unused material schedule
- Provide guidance to the police where required on what further work needs to be done in light of the defence statement
- Quality assure disclosure record sheets, and ensure that they reflect accurately the complete disclosure audit trail and decision making process

CPS Response: The Area will undertake a review led by a senior legal manager to assess both police and prosecutor compliance with the legislation, policies and procedures for the disclosure of unused material. The outcome of this review will inform a joint police and CPS improvement plan.

15. 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 CCP will remind the police of their responsibility for ensuring that sensitive personal details are redacted from material provided. The Area Business Manager will report specific instances of non-compliance to the Assistant Chief Constable and seek to ensure that measures are in place to prevent reoccurrence.

16. Legal managers should ensure all lawyers are aware of when a bespoke paragraph in communications with victims is required.

CPS Response: The CCP will remind all prosecutors of their responsibility to work with the Victim Liaison Unit to produce quality letters that properly explain their decisions. Legal managers will undertake an assessment of the quality of letters each month, the results of which will be assessed by the Senior Team and used to drive improvements in quality.