

HM CROWN PROSECUTION SERVICE INSPECTORATE

INSPECTION OF CPS BEDFORDSHIRE

EXECUTIVE SUMMARY

Introduction

1. This is the report of HM Crown Prosecution Service Inspectorate about CPS Bedfordshire. The CPS is a national service, but operates on a decentralised basis with each of its 42 Areas led by a Chief Crown Prosecutor who enjoys substantial autonomy.
2. The inspection was carried out during a period of extensive change for the CPS both nationally and in Bedfordshire. The Area has introduced initiatives to reduce delay in the criminal justice system to give effect to the recommendations contained within the Review of Delays in the Criminal Justice System (the Narey report). The Area has reorganised into functional units based on magistrates' and Crown Court casework rather than geographical ones, to take forward the recommendations of the review of the CPS (the Glidewell report).
3. The report focuses on the quality of casework decision-making and casework handling, but also extends to all matters that go to support the casework process. The Inspectorate examines all aspects of Area performance, and has reported on a number of management and operational issues.

The Area

4. CPS Bedfordshire has one office based at Luton. The county has two magistrates' courts and one Crown Court centre. At the time of the inspection the Area employed the equivalent of 48.7 full time staff.
5. The Area handled 10,469 defendants in the magistrates' courts and 897 defendants in the Crown Court in the year ending 30 June 2001. In addition, pre-charge advice was given to the police in 793 cases. This is twice the national average of advice cases (7% against the national average of 3.5%). In the magistrates' courts the Area dealt with a slightly higher proportion of either-way and indictable only offences, which represent the more serious casework, than the national average (40.4% against the national average of 39.9%). In the Crown Court the Area dealt with a significantly higher proportion of indictable only offences than the national average (30.7% against the national average of 24.8%).

Main findings of the Inspectorate

6. At the time of our inspection the CCP was away from the Area, having been temporarily appointed in early summer as an Assistant Chief Crown Prosecutor in CPS London. Since our inspection the move has become permanent. In her absence the Area has had an acting CCP and a temporary CCP. The temporary CCP was taking up his appointment in the first week of our on-site visit.

7. There has been a lack of progress, when compared to many CPS Areas, to co-located CPS/police Trial Units and Criminal Justice Units as envisaged in the Glidewell report. Progress has been hindered by a number of factors including difficulties in finding appropriate police accommodation and some uncertainty about the future divisional structure of the Bedfordshire police.
8. The Area enjoys good relations with the other criminal justice agencies. These have enabled some significant successes to be achieved. The successful implementation in the Area of the initiatives arising from the recommendations in the Narey report owes much to the spirit of co-operation between the agencies.
9. It is to the credit of all the staff that the Area has maintained the quality of its casework and its good relations with the other agencies in the recent period of change.
10. Overall, the quality of decision-making is very good, and generally supported by robust casework systems. The Area has made significant progress in reducing the average time to deal with persistent young offenders (PYOs) and is introducing further measures to maintain this progress. Our main concern arose out of what we would describe as a lack of “grip” on cases, leading to cases being discontinued late in the day or without proper consideration of all the issues. We also have concerns about the effectiveness of decision-making in cases set down for trial in the magistrates’ courts, which contribute to the Area’s cracked and ineffective trial rate
11. The Area Management Team was cohesive, with individuals having a good understanding of their respective roles in progressing Area policies and strategies, although it appeared that the Area was comfortable with a fairly conservative approach to major changes. There were local aims and objectives built in to the business plan. The plan itself was fairly high level, and therefore, contained limited detail as to the actions necessary to ensure objectives were met. However, for the most part this was not an issue and quite a number of the smaller objectives had been progressed or already achieved. There is, however, a need for more detailed planning on the larger ‘projects’ such as Glidewell implementation.
12. External relations and inter-agency working is a particular strength. All the agencies are signatories to a “Working to Standards” agreement which sets out the responsibilities of each agency to ensure that cases are progressed efficiently. The agreement is periodically updated. The Area worked particularly well with the Crown Court to implement the provisions of s51 Crime and Disorder Act 1998.
13. We have commended the Area on three aspects of its performance, and found a further three practices which may be regarded as good practice and of interest to other Areas.
14. The report contains 22 recommendations and eight suggestions designed to help the Area improve aspects of its performance

Specific findings

15. **Advice:** the quality of advice is good. Timeliness needs attention. The recording of oral advice is very good.
16. **Review:** initial review decisions are very good, but there were some delays over the selection of the appropriate charge. On a few occasions no Crown Prosecutor was present at the magistrates' court centres, with all courtrooms being covered by agents. This created the possibility of overnight cases not being reviewed by a Crown Prosecutor. The depth of continuing review decisions in summary trial cases needs to be improved. In two cases where magistrates' found no case to answer we considered that a more thorough review could have avoided an adverse case result. In 18% of cases involving an adverse outcome in either the magistrates' court or the Crown Court, more could have been done to avoid the outcome. The overall standard of all aspects of file endorsement was good, particularly those detailing the history of bail applications. The relevant logs relating to sensitive casework were well maintained. Generally this type of case was handled competently, although we found that in some domestic violence cases the decision about whether to proceed to trial should have been taken at an earlier stage.
17. **Case preparation:** the Area's performance on disclosure is good, particularly secondary disclosure, where we found that all cases were dealt with in accordance with the prosecution's statutory duties. There had been effective work with the police in relation to disclosure issues, and we were particularly impressed with the quality of the non-sensitive unused material schedules, which were among some of the best seen to date. There is a need, however, to ensure that sensitive material schedules reflect accurately the extent of any such material. The mechanics of summary trial preparation are handled very well, and we have cited the use of a summary trials clerk as good practice. The pre-trial review procedure is not always effective and this reflects our concerns about the inadequacy of summary trial preparation in some cases. The timeliness of the service of committal papers is good, but recently a few cases have been discharged because the prosecution were not ready. This is a recent development, which we have recommended should be monitored through joint performance management (JPM) with police. There is a need generally to review the effectiveness of JPM. The Area worked extensively with the Crown Court to ensure that the provisions of s51 Crime and Disorder Act 1998 were implemented successfully. The timeliness of instructions to counsel is very good (all cases in our file sample were delivered within target). However, the quality of instructions to counsel were satisfactory or above in only 60.7% of relevant cases. The quality of indictments was satisfactory. The handling of some aspects of custody time limits needs to be reviewed.
18. **Advocacy:** we observed nine CPS lawyers, two DCWs and four agents in the magistrates' courts. Eleven were competent with two having distinct strengths. However, four were less than competent with two being less than competent in many respects. We have recommended that the Area should, as envisaged in the business plan, start advocacy monitoring. We observed five counsel and one of the three Area Higher Court Advocates in the Crown Court. All were competent with one having distinct strengths. All HCAs are deployed in the Crown Court, with one conducting serious contested cases. At the time of our inspection the Area had a high agent usage in the magistrates' courts, although it is

anticipated that this will drop with the arrival of new lawyers. This should also allow the Area to substantially increase the number of CPS lawyers conducting summary trials in the magistrates' courts.

Management and operational issues

19. The Area was created as a separate entity in April 1999, having previously been a branch of CPS Anglia, and has subsequently restructured into a CJU and a TU. There has been a lack of progress, when compared to some other CPS Areas, to co-located CPS/police TUs and CJUs as envisaged in the Glidewell report.
20. Communications within the Area are good, but there is a need to develop the use of IT to facilitate more efficient communication with the other agencies, particularly the police. The deployment of resources seems appropriate and budgetary controls are satisfactory. In terms of the management of human resources, there is a need to review the work of caseworkers in the Crown Court to ensure that their experience is utilised fully.
21. The percentage of staff from minority ethnic groups had risen with recent recruitment activity, although there is still a marked difference between the representation of minority ethnic groups across the grades. A multi-agency seminar was scheduled for October to focus on the recruitment and retention of minority ethnic staff in the local criminal justice agencies. The Race sub-group of the Area Criminal Justice Strategy Committee (ACJSC), in which the ABM has been an active participant, has commissioned this. There were positive signs of engagement with the local community, although there is still scope for wider involvement, particularly in relation to minority ethnic groups. All these strands need to be drawn together in a composite equality and diversity plan.
22. Relationships with Victim Support and the Witness Service are very good. The Area had been involved in the development of a video on witness care and has initiated pre and post trial meetings to keep victims and their families aware of the progress of cases.
23. The Area puts great emphasis on the timeliness of responses to complaints. To this end the Area has recorded 100% compliance to targets. Responses to complaints were thorough and open in accepting responsibility where appropriate. Inspectors, however, had some concerns that not all complaints were being recorded.

Commendations and identification of good practice

24. The inspectors commended the following aspects of Area performance:
 - * The quality of file endorsements in matters relating to bail.
 - * The preparation of cases sent to the Crown Court under s51 Crime and Disorder Act 1998.
 - * The approach of managers to the victims, and their families, of serious crime.

25. The inspectors also identified three Area practices that may be regarded as good practice:
- * The use of a carbonated form to record the detail of the provision of informal telephone advice.
 - * The use of a trial clerk to ensure that summary cases are trial ready.
 - * The use of a manual PI adjustment system.

Recommendations and suggestions

26. The inspectors made 22 recommendations identifying those aspects of performance where improvement was a priority. These related to:
- * Improving the timeliness of advice.
 - * Reducing the proportion of inappropriate requests for advice.
 - * The appropriateness of the provision of telephone or other informal advice.
 - * The effectiveness of continuing review and appropriate follow-up action.
 - * The selection of the appropriate charge.
 - * The recording of review decisions, including the acceptability of pleas.
 - * Improving the content and use of failed case reports.
 - * Forming court centre based youth case progression groups.
 - * Dealing effectively and timeously with correspondence.
 - * Recording the detail of advance information served on the defence.
 - * Improving the quality of sensitive unused material schedules.
 - * When the victim does not wish to give evidence, making an early and realistic assessment about whether the case can or should proceed.
 - * Improving the quality of endorsements in summary trial cases about the acceptability of pleas and the appropriateness of the charges.
 - * Improving the use of JPM.
 - * Improving the quality of instructions to counsel.
 - * Reviewing the Area working practices in the Crown Court.

- * Reviewing CTL systems.
- * Advocacy monitoring.
- * Prioritising Glidewell implementation.
- * The system for selecting agents.
- * The recording of complaints.
- * Finalising magistrates' court cases and stocktakes.

27. The inspectors also suggested action should be taken as a lower priority on the following:

- * Reviewing the system for allocating advice cases.
- * Improving the quality of identification evidence in road traffic cases.
- * Evaluating the system of block booking counsel to undertake PDHs.
- * Broadening the range of measures and monitoring in place to give a higher level of assurance about Area performance.
- * Improving the use of electronic communication with external agencies.
- * Developing an Equality and Diversity Action Plan.
- * The need for counsel to provide advice on the order and timing of witnesses.
- * Agreeing appropriate procedures for dealing with specified offences.

28. The full text of the report may be obtained from the Corporate Services Group at HMCPS Inspectorate (telephone 020 7210 1197).

HMCPS Inspectorate
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