

APPENDIX A

Case Study – Prosecution File Quality Improvements

March 2018

Leah Johnson – T/Head of Prosecutions North

Summary

This case study provides a summary of a number of activities taken place and yet to develop over the past 18 months to improve file quality and related performance indicators, particularly in the Magistrates Court arena. Such work has contributed to an award by a Ch Superintendent congratulatory an officer of the Prisoner Handling Unit (Bridewell) for achieving a 75%+ compliance rate against the FIT test (this simply means a test for your file being FIT for purpose) for files.

Nottinghamshire Police has struggled over a number of years with File quality and this has been reflected in the Transforming Summary Justice (TSJ) data since 2015. Nottinghamshire have been 40th or worse nationally since the baseline of quarter 4 2015. Indicators such as guilty plea at first hearing, discontinuance rates and hearings per case data have all suffered as a result of poor file quality.

In order to drive improvements in prosecution file quality the Commissioner has set the Chief Constable a number of targets in relation to both Crown Court and Magistrates Court over a number of years:

1. To record a conviction rate in line with the national average
2. An increase in the Early Guilty Plea rate compared to previous year
3. To be better than the national average

The FIT Approach – A Joint Effort

Since October 2016 the East Midlands Criminal Justice Service (EMCJS) has run the FIT model. It was originally a model obtained through a sharing of best practice through the National Case Quality Self-Assessment and originated in Cambridgeshire. EMCJS then developed it with the CPS (Crown Prosecution Service) to include 32 questions that were agreed to be at the route of our issues in regards to file quality. In essence the file is checked by EMCJS against FIT on first receipt before being sent to the CPS. Officers are awarded a 'thumbs up' email if their file passes all relevant FIT questions or given an automated feedback email for future reference detailing where they went wrong, followed by a chaser email asking for the remedial work to be completed and submitted to the File Preparation Unit (FPU). FPU staff have taken this on board with a few hours training and has really embraced the idea of them adding value at the earliest possible time by correcting errors or ensuring the file is FIT for purpose. In recent months more volunteers have been added to the reviewing numbers and now there are 30 staff that do this on top of their day job with a sole aim of helping improve Notts' performance....and a bit of friendly rivalry with regional forces! Those 30

staff now review every initial file, apart from remand files, meaning circa 500 files get reviewed with feedback monthly.

As a result of the reviewing, the data is used to produce weekly and monthly management information. This tells EMCJS managers and local divisional managers, what quality issues there are in regard to percentage compliance figures (See example 1 below) so these can be addressed force wide, it tells them which teams are performing at what level in regard to the FIT questions and then individual Officer in the Case (OIC) and Sgt data. This is shared and summarised for key divisional managers monthly.

Since October 2017 Nottinghamshire Police have been working with EMCJS to identify all OICs who have submitted 5 files or more over a rolling year and achieving the lowest and highest compliance rates. Any officer scoring between 75-89% receives a congratulatory email from Chief Supt Milano, above that we would ask for an ACC to send a similar email. These emails offer thanks for the hard work and effort and ask these Officers to come forward and share their knowledge as eventually we plan to make these officers a cadre of 'champions' for file quality. In a recent College of Policing Survey on where Officers get knowledge from regarding files over 80% said peers rather than supervisors or written guidance. Therefore taking this learning we need to adjust our usual process of posting information on the intranet or expecting supervisors to cascade. We also need to assure ourselves that the champions are knowledgeable and credible, hence setting the percentage standard for attainment and taking time to get it right. It is also important to balance a positive response to the work of the FIT process. In the past we have found it easy to criticise people or be negative without expressing the positive and using 'champions' could also lead to a healthy sense of internal competition or drive to improve, we are therefore looking to make a 'big show' of our champions as they emerge.

We have also considered how we develop those that are found to be struggling. In the past the Force operated a standard systematic training course for Sgts and Investigating Officers (OICs). This has had a limited impact and is often wasteful or expensive to construct and maintain. Therefore the FIT approach takes just 5 officers a quarter, re reviews all of their submitted files, looks at their individual data and identifies their individual areas for improvement. We invite them and their Sgt to sit with the T/Head of Prosecutions and review these files addressing the issues as we go. They are then directed as to how they can address issues, how the process in the wider CJS relies on them getting it right and are encouraged to ask questions and chat through issues they bring. The first 5 have gone through the process and we are now looking at the next 5. It is not lost on us that this can appear 'slow burn'. However the data tells us that those with lower compliance rates are putting in more files than others with higher compliance rates. Therefore the first 5 Officers had collectively submitted over 60 files with none of them being 'perfect' in FIT terms. If the one to one bespoke 'conversations' address their files and issues, with it being personal to them and if they respond and learn we reduce future problem files. By way of example of the effect of this approach; the first Officer to see me brought his Sgt, they were clearly not happy to have been asked to attend and clearly thought there was no issue. They started by saying I have reviewed all these files and there is nothing wrong with them. As we went through they were keeping score! It was a hard 2 hours. On leaving both turned to me and said they were thankful for the opportunity and had learnt something. The Sgt actually shook my hand. During the conversation I had been asked more and more questions and asked to provide guidance for the Sgts team. We covered not just the issues I

had identified but also other areas that they were unsure of. To date that Officer has not come to my attention again.

No one likes to think of their work as being criticised and FIT often gets emails back complaining about issues we have highlighted or why they have been criticised for 'x' as it's not important to their case. We reply to each one and if a reviewer has made a mistake they receive feedback too. Very often an OIC further replies to say 'I did not know that' or 'yes, I agree these things need to be robustly tackled'. Our past approach of posting to the intranet and systematic training of staff through training has meant that a lot of the 'why' we do things has been lost on Officers, that's not their fault it's an organisational issue. The one to one feedback, the concentration on *their* work and *their* errors and *their* good performance means that they are empowered to improve, the organisation is working with them personally to improve specific issues on *their* specific work and when *they* succeed *they* get positive feedback.

The Effect

So what has the implementation of a quality assurance platform like FIT with a bespoke feedback loop and balanced approach to performance management made?

As mentioned previously Nottinghamshire police have struggled with Magistrates Court performance for some time often featuring in the lower parts of league tables. However since FIT has been developed in recent months Nottinghamshire have seen the following improvement in their league table position for the TSJ dashboard:

Quarter measured	Position nationally
Q1 2017/18	36th
Q2 2017/18	28th
Q3 2017/18	22nd

It is perhaps a little early to predict to rest on our laurels but this is a promising change of direction which seems to have some sustainability during 2017/18.

In terms of specific issues, the last completed month's data refers to February 2018. Identified areas of concern have previously been:

Area	Baseline Nov 2016	Current Month (Feb 18)
CCTV present	56.1%	70.3%
VPS attached or noted refusal	23.2%	58.9%
Special Measures Present	10.6%	43.8%
SDC missing*	65.8%	76.2%

*Streamline Disclosure Certificate

These issues have been subject to improvement activity out of the data from FIT lead by DCI Healey and the Case Quality working group, in terms of communications and feedback and have featured as key themes in the one to one feedback sessions. It is acknowledged that we still have a way to go and other issues will need our focus but the model of focussing positively on individuals, collating data to drive that improvement has worked to move Notts up in the league tables nationally but also

to see it strengthen in terms of its region position, in many of the current indicators Notts features as second in the EMCJS Forces, behind Lincolnshire.

The Future

The FIT approach is not fixed. I have already mentioned the need to create champions which we will progress in the coming months but we are also having conversations to see if we can get file quality as part of promotion processes, maybe relating to an Officer's pass/error rate. We will seek to improve our 'celebration' of those who reach the 75%+ marker linking the recognition emails to the PDR process. We also need to consider how we use the team data and whether we can use this positively to engender a healthy competition between teams.

One current issue is changing the culture around how we accept feedback in the organisation and ensuring people receive it as constructive and helpful rather than a negative experience. Many Officers do have issues with some of the questions within FIT and we need to keep these under regular review to keep them current but communicate better not only the standards we are using but the reason for those standards. This is on-going work under both the Case Quality Working Group and the Prosecution Team Performance Meeting.

Annex 1 shows the latest performance in relation to February 2018. As can be seen the measures are all green.

ANNEX 1 - EXTRACT FROM force PERFORMANCE AND INSIGHT REPORT – FEBRUARY 2018

Strategic Priority Theme Two: Improve the efficiency and effectiveness of the criminal justice process					
Measure		Objective / Target	Performance		Insight
2.2	Crown and Magistrates' Courts conviction rates	To record a conviction rate in line with the national average	CC +0.4pp	●	<p><i>This measure is reported quarterly. Data shown is Quarter 3 October to December 2017. Next update due in the May report.</i></p> <p>Quarter three figures provided by the East Midlands Criminal Justice Service (EMCJS) reveal that the Crown Court recorded a conviction rate of 80.4% which is greater than the national average of 80% (+0.4pp), and is the second highest rate in the East Midlands region.</p> <p>The Magistrates' Courts conviction rate is 86.6% for the same period and is again higher than the national average of 85.1% (+1.5pp). Nottinghamshire Magistrates Court has the highest conviction rate in the region.</p>
			MC +1.5pp	●	<p>The use of the EMCJS FIT model to deliver improvements in the quality of files submitted by the police to the Crown Prosecution Service (CPS) continues.</p> <p>There has been an increase in the number of EMCJS FIT trained staff from 5 to 30 so that more files are able to be reviewed and quality checked on first submission by the officer. This has clear operational benefits as it reduces remedial work required by the officer and speeds up the criminal justice process.</p> <p>In addition, EMCJS have been facilitating 'drop in' sessions with operational officers to provide feedback on file quality.</p>
2.3	Early Guilty Plea rate for the Crown and Magistrates' Courts	An increase in the Early Guilty Plea rate compared to 2016-17.	CC +2.9pp	●	<p><i>This measure is reported quarterly. Data shown is Quarter 3 October to December 2017. Next update due in the May report.</i></p> <p>The Early Guilty Plea rate recorded in the Crown Court in quarter three was 41.5%, which is an improvement on the previous quarter (+2.9pp), and is better than the national average of 39.4%.</p>
			MC +5.7pp	●	<p>The Early Guilty Plea rate recorded in the Magistrates' Court year-to-date to September 2017 was 67.6%, which is just below the</p>