

THE INSPECTORATE'S REPORT ON CPS DYFED POWYS

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PREFACE

Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI) was established by the Crown Prosecution Service Inspectorate Act 2000, which came into effect on 1 October 2000, as an independent statutory body. Previously the Inspectorate had been a unit within the Crown Prosecution Service (CPS) Headquarters. The Chief Inspector is appointed by and reports to the Attorney General.

HMCPSI's role is to promote the efficiency and effectiveness of the CPS through a process of inspection and evaluation; the provision of advice; and the identification and promotion of good practice. It achieves this primarily through an Area inspection programme operating a two-year cycle during which it visits and publishes reports on each of the 42 CPS Areas and the Casework and Policy Directorates at CPS Headquarters. It also maintains a programme of thematic reviews and each year conducts a number of inspections jointly with other criminal justice inspectorates.

Although the inspection process focuses mainly on the quality of casework decision making and casework handling, the Inspectorate also looks at matters that go to support the casework process. Business management inspectors are specialists in the fields of management, human and financial resources, and corporate planning. They examine aspects of the Areas' performance based on themes relating to management and operations; these are in addition to the more casework-orientated themes examined by legal inspectors.

HMCPSI also invites suitably informed members of the public nominated by national organisations to join the inspection process as lay inspectors. These inspectors are unpaid volunteers who examine the way in which the CPS relates to the public, through its dealings with victims and witnesses, its external communication and liaison, its handling of complaints and its application of the public interest test contained in the Code for Crown Prosecutors.

HMCPSI has offices in London and York. The London office has two groups which undertake Area inspections in the Midlands and Wales, and in Southern England. The group based in York undertakes Area inspections of Northern England. Both offices undertake thematic reviews and joint inspections with other criminal justice inspectorates. At any given time, HMCPSI is likely to be conducting six Area inspections and two thematic reviews, as well as joint inspections with the other criminal justice inspectorates.

The Inspectorate's reports commend high quality work, identify good practice and make suggestions and recommendations where CPS performance needs to be improved. The distinction between recommendations and suggestions lies in the degree of priority that HMCPSI considers should be attached to the proposals, with those matters meriting highest priority forming the basis of recommendations.

INTRODUCTION

Staffing and structure

- 1.1 CPS Dyfed-Powys serves the area covered by Dyfed-Powys Police, which is geographically one of the largest in the country. It has three offices, at Carmarthen, Haverfordwest and Newtown. On 1 September 2001 it employed the full-time equivalent of 54.6 staff, 23.4 of whom were lawyers.
- 1.2 The Area Headquarters are based at the Carmarthen office. This office accommodates the Area Secretariat, the Chief Crown Prosecutor (CCP), the Area Business Manager (ABM), three administrative staff, and 2.6 typists. Although the CPS is a national service, CCPs and ABMs enjoy substantial autonomy in their management of an Area, within the parameters of a framework document agreed in 1999, which defined the relationship between the Areas and CPS Headquarters. Carmarthen is also the location for the Trials Unit (TU) handling Dyfed cases and cases from Ystradgynlais Magistrates' Court. This Unit comprises six lawyers, one casework manager, four caseworkers, one Case Progression Officer and two administrative staff. The Unit deals with casework in the Crown Court at Swansea, which is outside the Area, and also serves the occasional sittings of the Crown Court at Carmarthen and Haverfordwest. The Area Headquarters also houses the Criminal Justice Unit (CJU) for Carmarthenshire cases which consists of seven lawyers and one Designated Caseworker (DCW). A further caseworker and 5.5 administrative staff are shared with the Pembrokeshire and Ceredigion CJU. The Carmarthenshire CJU handles casework in the magistrates' courts at Carmarthen, Llanelli, Ammanford, Llandovery and Ystradgynlais.
- 1.3 The CJU dealing with Pembrokeshire and Ceredigion cases is based partly at Haverfordwest (for Pembrokeshire cases) and partly at Carmarthen (for Ceredigion cases). It comprises six lawyers, one caseworker, 2.6 administrative staff and a part-time typist and handles cases in the magistrates' courts at Haverfordwest, Tenby, Cardigan and Aberystwyth.
- 1.4 The Newtown office, dealing with Powys cases, is a combined CJU/TU comprising 3.4 lawyers, one DCW/casework manager, 2.8 administrative staff and one typist. It handles cases in the magistrates' courts at Brecon, Llandrindod Wells and Welshpool, and commits its cases to the Crown Court sitting at Merthyr Tydfil, Chester and Mold, which are all outside the Area. Very occasionally the Crown Court also sits at Welshpool.
- 1.5 In 1986, when the CPS was established, the present Area was part of a larger North Wales-Dyfed Powys Area, with headquarters at Colwyn Bay. When the CPS reorganised in 1993 it became part of CPS Wales. The Carmarthen and Haverfordwest offices then formed the Dyfed Branch, whilst the Newtown office was part of the Marches Branch, based at Wrexham. With the latest reorganisation in April 1999, Dyfed-Powys became an Area in its own right with its own CCP.

- 1.6 The 1998 Glidewell Report, which resulted in the restructuring of the CPS, recommended that the new CPS Areas be organised into functional Units. In Dyfed-Powys, permanent appointments to the posts of Head of the Trial Unit, Head of the Criminal Justice Unit for Carmarthenshire, and Head of the Criminal Justice Unit for Pembrokeshire and Ceredigion, were made on 1 May 2001. The joint TU/CJU in Newtown at present has an acting Head. These four Heads manage their respective teams of lawyers and report to the CCP.

The Inspection process

- 1.7 The inspection team comprised two legal inspectors, one business management inspector, and two casework inspectors. Prior to visiting the Area we examined 226 files covering a full range of casework, listed at Annex 1. We then spent a total of 14 days in the Area between 8 October and 2 November 2001. To carry out observations of advocacy and case presentation we visited 10 magistrates' courts and two Crown Courts, and interviewed those criminal practitioners and representatives of the other criminal justice agencies whose names are listed in Annex 3. We then visited the three CPS offices to interview all managers and representative members of staff, and to examine the complaints and other registers and records.
- 1.8 During our visits to the Area we were joined by a lay inspector, Mr Peter Anderson. The role of the lay inspector is described in the preface to this report. Mr Anderson scrutinised the handling of complaints and assisted in the assessment of the quality of witness care offered by the Area. The Chief Inspector is grateful for his valuable contribution to the inspection process.

Overview

- 1.9 Though large geographically, Dyfed-Powys is one of the smaller Areas in terms of its volume of casework. In the year ending 30 June 2001 the Area dealt with 12,598 defendants in the magistrates' court and 741 defendants in the Crown Court, of whom 539 were committed for trial. In addition, the Area advised the police in 698 cases before charge. The case load and case mix are set out at Annex 2. The case mix in the magistrates' court differs from the national average in that it comprises a somewhat higher rate of advice work (Dyfed-Powys 5.2%; national average 3.5%) and a lower proportion of either way and indictable only cases (36.1%/39.9%). There is a comparatively low committal rate (4.3%/6.6%), with a correspondingly higher rate of guilty pleas (85.1%/82%). Conversely, in the Crown Court, the rate of guilty pleas is low (66.3%/72.4%). The Crown Court mix is close to the national average, save that the rate of either way cases in which the defence elected is low (8%/14%). The proportion of appeals is comparatively high (14.8%/10.9%).
- 1.10 The conviction rate (which includes guilty pleas as well as convictions after trial) in the magistrates' court for the 12 months to 30 June 2001 was 97.9% (98.1% nationally), whilst in the Crown Court it was 84.9% (87.8%).

- 1.11 Most cases we examined were properly reviewed but, in a substantial minority, this could only be deduced; the Area does not perform well in demonstrating the review process in writing. In some others we could not be confident that there had been any effective early review. We found this to be particularly the case in either-way offences going to the Crown Court where some uncertainty seemed to exist as to which Unit had responsibility for review, and when it was to be discharged. It is to the Area's credit that this weakness was identified prior to our inspection and that steps have been taken to address it.
- 1.12 Case preparation was generally very efficient both in the magistrates' court and the Crown Court, although there were specific shortcomings in relation to appeals, and in instructions to counsel. As with the weaknesses in review, these were failings of legal, rather than administrative, input.
- 1.13 An important aspect of work in which the Area is setting an excellent example is in the deployment of its lawyers, including its Unit Heads, in the magistrates' court. There is in Dyfed-Powys a strong and healthy culture of CPS lawyers themselves prosecuting trials (rather than instructing agents), which we have commended. We are sure this has an important influence on the good standing that the CPS in Dyfed-Powys enjoys amongst other criminal justice agencies and practitioners. On the other hand, although the Area has five Higher Court Advocates (HCAs), they are not as yet fully deployed in the Crown Court, and we thought there was a clear need to develop further the types of work which they undertake.
- 1.14 The Area has striven hard to achieve "joined-up" working with its criminal justice partners and in particular the police, the magistracy and judges, the Bar, and the Probation Service. It was recently involved in the national pilot scheme for joint performance monitoring in relation to cracked and ineffective trials in the magistrates' court. All staff have demonstrated a commendable willingness to get involved in local initiatives at all levels, and are thought to be approachable for informal resolution of issues. There remains a problem in relation to police file quality, of which the police are themselves aware.
- 1.15 The Area Management Team (AMT) has successfully restructured the Area into the teams described above. The AMT's commitment to the principles of self-assessment and self-improvement was shown by the setting up of an Internal Review in January 2001. The Review team identified certain weaknesses in casework and devised means of addressing them, some of which were innovative, and which we have commended. Weaknesses remain, however, and these will need to be tackled by more rigorous and structured performance management than has hitherto been exercised.
- 1.16 We were able to identify an example of good practice in the Area, and we have made five commendations. These, together with 14 recommendations and four suggestions, will be found at the end of the report.
- 1.17 The following table draws together key statistical information about the Area's performance, particularly in relation to targets set nationally.

TABLES OF PERFORMANCE AGAINST MEASURES

CPS PERFORMANCE MEASURES	National target 2000-2001	National outcome 2000-2001	Area Target 2000-2001	Area outcome 2000-2001
Objective: To deal with prosecution cases in a timely and efficient manner in partnership with other agencies				
Committal papers sent to the defence within agreed time scales	66%	77.2%	90%	94.9%
Briefs delivered to counsel within agreed time scales	73%	77.4%	92%	98.1%
Objective: To ensure that the charges proceeded with are appropriate to the evidence and to the seriousness of the offending by consistent, fair and independent review in accordance with the Code for Crown Prosecutors				
	National Target 2000 –2001	National Outcome 2000-2001	Area Target 2000-2001	Area Outcome 2000-2001
Cases dismissed on a submission of no case to answer which is attributable to failure in the review process (self –assessment by CPS)	0.009%	0.08%	0.13%	0.037%
Non-jury acquittals in the Crown Court which are attributable to failures in the review process (self-assessment by CPS)	0.7%	0.6%	0.7%	0.0%
Prosecution decisions examined during inspection by HMCPSI as complying with the evidential test as set out in Code for Crown Prosecutors (random sample)	AA	97.8%		94.9%
Prosecution decisions examined during inspection by HMCPSI as complying with the public interest test as set out in Code for Crown Prosecutors (random sample)	AA	99.5%		100%
Advices given to police and examined during inspection by HMCPSI complying with the tests set out in Code for Crown Prosecutors	AA	96.5%		100%
Discontinuances complying with the tests set out in Code for Crown Prosecutors	AA	94%		95.8%
Cases in the adverse sample examined during inspection by HMCPSI, where the outcome was foreseeable, but no remedial action was taken	BB	13.5%		37.5%

	National Target	National Outcome	Area Target	Area Outcome (This inspection)
<p>Objective: to enable the court to reach just decisions by fairly, thoroughly and firmly presenting prosecutions cases, rigorously testing defence cases and scrupulously complying with the duty of disclosure</p> <p>Area's advocates who fail to meet the CPS standards of advocacy, as assessed by HMCPSI.</p> <p>Cases where the prosecution has properly discharged its duties regarding primary disclosure.</p> <p>Cases where prosecution has properly discharged its statutory duties regarding secondary disclosure.</p>	Below 2.5%	0.46%*	Below 2.5%	0.0%**
	AA	73.4%*		72.3%**
	AA	48.5%*		40%**
<p>Objective: To meet the needs of victims and witnesses in the CJS in cooperation with other agencies</p> <p>% of witness expenses paid within 10 days</p> <p>% of complaints replied to within 10 days</p>	2000- 2001	Apr 2000 – Mar 2001	2000- 2001	Apr 2000 – Mar 2001
	100%	97.7%	100%	98.8%
	89.0%	87.7%	100%	100%
CPS PERFORMANCE MEASURES	National Targets	National Outcome	Area Target	Area Outcome
Undisputed invoices paid within terms or 30 days	100.0%	97.1%***	100.0%***	95.9%***
Reduce sickness absence rate per member of staff	8.5 days by 31/12/01	n/a	6.5 days by 31/12/01	11.6 days (to 31/12/00)

* Average performance of all Area inspected to date in inspection cycle 2000-2002 based on a sample of cases examined and observations at court

** Average performance of sample of cases examined and observations during this inspection

*** Denotes performance of Service centre and is not specific to Area

AA The CPS constantly seeks to improve its performance and to reduce the % of these cases, but has no set targets

BB The CPS undertakes self-assessment (see above) of such cases which are attributable to failures in the review process

CPS PERFORMANCE MEASURES (shared between Home Office, Lord Chancellor's Dept and CPS)	National Target	National outcome	Area Target	Area Outcome
<p>Youth Justice</p> <p>To halve the time from arrest to sentence for persistent young offenders from 142 days to 71 days by 31 March 2002</p>	71	Quarter ending Sept 2001 73	71	Quarter ending Sept 2001 81
CITIZENS CHARTER COMMITMENT				
MPs' correspondence replied to within 15 days	100%	94.0%	100%	100%

PROVIDING ADVICE

- 2.1 Providing pre-charge advice to the police is an important aspect of CPS casework. Our inspections focus on the quality and timeliness of the advice provided. We also examine the arrangements between the CPS and the police for ensuring that the right cases are submitted for advice and that advice informally given is properly recorded.
- 2.2 In the year ending 31 March 2001 pre-charge advice to the police comprised 5.2% of the Area's caseload, a somewhat higher proportion than the national average of 3.5%. With the recent institution of lawyer "surgeries" at police stations, the number of requests for written advice is expected to reduce but oral advice will continue to have to be recorded.

Appropriateness of advice

- 2.3 The provision of this advice is governed by an agreement dating from 1996 between the Dyfed-Powys Police force and CPS Wales, as it then was. The guidelines it contains are less detailed and specific than in some more recent Service Level Agreements (SLA's) that we have seen, both as to the types of case suitable for submission and as to the procedures for dealing with them.
- 2.4 We were told that requests for advice are scrutinised before submission by the Divisional Support Unit sergeants, under the supervision of a Chief Inspector.
- 2.5 It may be that the lack of detail in the guidelines is contributing to the relatively high level of advice cases. The police do not, in any event, always follow the guidelines. Although they provide, inter alia, for the submission of cases which are both serious and complex, we found a number of cases (three out of 10) in our file sample which, whilst undoubtedly serious, were by no means complex. It was apparent in these cases that the police had already made a correct decision, on the evidence, not to charge. Thus the CPS lawyer was effectively being asked not really to advise but to assume responsibility for the decision. Overall, we found that, in four of the 10 advice cases that we read, the requests were for this reason unnecessary.
- 2.6 On the other hand, in our random sample we found a number of cases that would have benefited from CPS advice before charge but where no advice had been sought.
- 2.7 We think, therefore, that whilst nothing must be done to deter police from seeking advice in suitable cases, it should be clearly signalled that CPS resources must be devoted to those cases that really need them. It was evident that good working relationships exist between Heads of Unit and the various DSU sergeants, and we believe that filtering of inappropriate requests can be achieved without formal re-negotiation of the SLA.
- 2.8 **We suggest that Heads of Unit, at the time of allocation of advice requests, should satisfy themselves as to the appropriateness of the request.**

Quality of advice

- 2.9 Our sample covered a range of cases including complaints of rape and indecent assault, an allegation of causing death by dangerous driving, and a complicated public order incident. The evidential and public interest tests in the Code for Crown Prosecutors (the Code) had been properly applied in all cases.
- 2.10 Advice work was one of the topics covered by the Area's Internal Review team, who reported firstly in January 2001. They produced a "Guide for the Preparation of Written Advice" designed to structure the advices and ensure that all relevant matters are addressed. We were pleased to see that in our file sample, which post-dated this first report, the Guide was being followed. All advices set out the facts in detail, explained the law, and applied it to the facts; and they were well presented and well reasoned. Following the Guide, they all made appropriate reference to public interest considerations and to the Human Rights Act.

Timeliness of advice

- 2.11 The CPS nationally has agreed with the police to provide advice within 14 days of receipt of sufficient information from the police.
- 2.12 In our file sample, files were marked up with the 14 day limit and with a 10 day "action date." There was an advice log kept at the offices in which advice cases were registered on receipt. Nine of the 10 advices were given within the target. The Area's own Internal Review had earlier found that only about half of advices were being returned on time and, when we spoke to police, this was their impression too.
- 2.13 The Internal Review addressed the problem of timeliness in some detail. Part of the problem may be that lawyers do not "stop the clock" when requesting further necessary information from the police. The team made detailed recommendations about this and other matters which seemed well designed to improve timeliness, and we were told that timeliness of advice is now being monitored. The evidence from the file sample and from the advice logs does suggest that the messages from the Internal Review have been addressed. In addition, we were told by the Area that the data recorded in the advice log is now shared with the police. In view of this, the police perception of CPS performance is surprising but cannot be ignored. We think there would be merit in Unit Heads regularly discussing the timeliness of advices with the police.

Oral advice

- 2.14 As well as submitting written files the police also frequently request advice over the telephone or at police stations, where the Area's senior lawyers now regularly attend for "surgeries." As the Internal Review acknowledged, problems have arisen in the past when advice is given orally. If not logged, the advice will not register as part of the Area's caseload, and if not recorded in writing, confusion may arise later if the same file is submitted for prosecution. Moreover, in relation to both written and oral advice, the police do not usually indicate when submitting files for prosecution if they have previously been the subjects of request for advice. The Internal Review made detailed recommendations which address all these points and the CCP and Heads of Unit will want to make sure that they are being implemented.

Allocation and monitoring

- 2.15 Written requests for advice go initially to the CJU Heads; indictable-only cases are passed to the TU Head for allocation within his team. In the joint CJU/TU Unit at Newtown, advice files are allocated by the acting Head amongst all members of his team.
- 2.16 We are satisfied that advice cases are allocated so that they are considered by lawyers of appropriate expertise, and also so that all lawyers can gain experience of this interesting aspect of CPS work. In our file sample of 10 cases, eight different lawyers had given the advice.
- 2.17 The Internal Review team found that there was no systematic monitoring of the quality of advice. We were told that this is now being done. Although, as we have noted, the quality of advice in our file sample was good, and the police are generally happy with it, we endorse their recommendation that monitoring be systematised by regular dip-sampling.

Pre-charge advice from counsel

- 2.18 In some serious and complex cases, subject to the CCP's approval, counsel is asked to advise pre-charge. We found examples of such advice in our random sample, and we were told that counsel had advised recently in cases of causing death by dangerous driving, fraud, attempts to pervert the course of justice, and in a heroin manslaughter case. Later in the report, at paragraphs 3.53-3.58, we comment on the Area's handling of sensitive cases, particularly child abuse. In the light of the comments and recommendation we make there, the CCP will wish to consider whether it would be sensible to extend the categories in which advice is currently sought and obtain experienced counsel's advice more often at an early stage in some of those cases.

REVIEWING CASES

Introduction

- 3.1 The CPS is under a duty to review all cases received from the police in accordance with the principles set out in the Code and promulgated by the Director of Public Prosecutions (DPP) under s.10 of the Prosecution of Offences Act 1985. Case review is one of the most important functions of the CPS: the need for an independent review of cases started by the police was one of the main reasons it was brought into existence.
- 3.2 The Code requires prosecutors to consider, first, whether there is sufficient evidence to afford a realistic prospect of conviction (the evidential test), and second, where that test is met, whether a prosecution would be in the public interest (the public interest test). This review should be carried out as soon as the case is received, and there is a continuing duty to ensure that the tests are satisfied which ceases only when the case is finalised.
- 3.3 Our file sample covered a full range of cases, from guilty pleas in the magistrates' court to trials in the Crown Court. It focused especially on categories of cases which consistently attract public concern (for example, discontinued cases), or those which tend to be problematic, and may therefore yield important information about the quality of the Area's decision-making, (for example, judge ordered acquittals).
- 3.4 The inspection process examines the quality and timeliness of legal decisions at various stages in the progress of the case. Different lawyers may, perfectly properly, take different views of the evidential or public interest factors in the same case. We consider, therefore, whether the review decision was one that was properly open to a reasonable prosecutor, having regard to the principles set out in the Code and other relevant guidance. A statement that we disagree with a decision, therefore, does not mean merely that we would have made a different one: it means we think that decision was wrong in principle.
- 3.5 We also examine other issues such as the level and appropriateness of the charge; representations made at mode of trial hearings and bail applications; the standard of review endorsements; the handling of particularly sensitive categories of offences; and how effective the Area is in ensuring that lessons from cases are shared with all lawyers.

Overview

- 3.6 Overall, though clearly there is much good review work being done, this is an aspect of the Area's work that needs attention, particularly in the general run of cases destined for the Crown Court. In a substantial number of the files we examined, there was no written evidence of any review by the Criminal Justice Unit, and later review in the Trials Unit could often only be inferred from other work they had done on the case. Both Units need to improve performance, the CJU by reviewing fully and promptly, the TU by taking and demonstrating a mental grip of the central issues in all Crown Court matters. This would also have the desirable effect of demonstrating its

ownership and control of these cases, which at present is not being clearly and consistently signalled. The Area has a team of experienced and competent lawyers, and we do not doubt their ability properly to review their cases. We think a number of factors are contributing to the current weakness in review work and we seek to identify them in what follows. To the Area's credit, it had already recognised some of these failings before our inspection, and had taken steps to address them by making recommendations, introducing new forms and systems, and holding training sessions.

Initial review: quality and timeliness

- 3.7 Following the recommendations of the Review of Delays in the Criminal Justice System (the Narey Report) a new system of court hearing was introduced. Under the Narey system, prosecutors receive most of their cases for court by, at the latest, the afternoon before the Early Administrative Hearing (EAH) or Early First Hearing (EFH). In Dyfed-Powys, files are sent by computer link to the CPS office where they are logged by caseworkers, placed into file-jackets, and delivered to prosecutors over the few days leading up to the hearing. Where, however, the defendant is produced from custody, the police will only make the file available at court just before the hearing. Some files may have been the subjects of pre-charge advice but the great majority will not have been reviewed before.
- 3.8 At the first hearing, particularly in custody cases, the information available from the police may be incomplete and therefore the initial review will necessarily be an interim one. Whilst there is ample time in non-custody cases, in custody cases the prosecutor may be under pressure to arrive at a decision. It is nonetheless important that there is an effective review of these cases as soon as possible: to ensure that the defendant has been charged with the most appropriate offence, to establish that evidence is to hand, or is likely to become available, to satisfy the evidential test, and to identify what further work needs to be carried out by the police.
- 3.9 Our random sample consisted of 60 cases. Although we found the great majority of initial review decisions to be correct, the minority with which we disagreed on the evidential test (5.1%) was significantly higher than the overall average in Areas inspected to date (2.2%).
- 3.10 In part, this may be explained by deficiencies in the quality of evidence available from the police, particularly at first hearing, since we also found a significantly higher minority of cases where there was insufficient information to allow the case to proceed at that stage (3.4%/1.3%). This finding is supported by national joint performance monitoring (JPM) of police file quality, which in Dyfed-Powys is poor. However, this makes initial review all the more important, especially since the introduction of section 51 of the Crime and Disorder Act 1998, under which indictable-only cases are sent to the Crown Court, normally at the first date of hearing.
- 3.11 From what we were told by external interviewees, confirmed by our own court observations, it was clear that local magistrates strongly discourage applications for adjournment (by the defence as well as the prosecution) both in Narey hearings and in section 51 cases. Elsewhere in the report we commend the Area's vigorous progression of cases, in partnership with other agencies. However, given our findings and the factors mentioned above, we think it is particularly important that prosecutors are

vigilant in ensuring that cases are not simply allowed to drift on if there is insufficient information to carry out their duty. Even in section 51 cases they should not be deterred from seeking a short adjournment, if that is what is necessary to gather the required further information.

- 3.12 The lack of any written review does not, of course, prove that no review was in fact carried out. We believe, however, that our finding that a significant number of decisions to proceed were wrong must be linked to the significant number of files in our random sample where we found either a very sketchy note of first review, or none at all. In several others the first review note came very late, including one where a defendant was in custody.
- 3.13 This lack of apparent review was particularly notable in either way or indictable-only cases; in summary cases there was almost always some note of a review endorsed on the file. However, on files of all types, the review notes tended to be superficial, neither engaging analytically with the issues in the case, nor identifying that evidence which substantiated a realistic prospect of conviction. Too often the purported review was merely a brief description of the case.
- 3.14 We were fortified in our findings by those of the Internal Review team who noted that “reviews were very light on detail in the majority of cases” and that “there appeared to be a particular problem with initial custody/remand files that later developed into full/Crown Court files. On several such files there was a lack of review.” We think what may be happening in some cases is that the first lawyer to see the file will not have the time or information properly to review the case, but the brief endorsement made suggests to a second lawyer handling it that a review has been carried out, and therefore that there is no need for a further review. It is important in such cases that where the first lawyer has been unable to perform an initial review, the file should be clearly marked to that effect. We understand that, following the Internal Review, measures have been introduced to ensure that, save in sensitive cases allocated by the Unit Head, files are returned after processing to the lawyer who handled the initial remand hearing. Whatever the arrangements are, Unit Heads will want to satisfy themselves that, particularly in custody cases, a proper review is being performed as soon as sufficient material is available.
- 3.15 It is commendable that the Area should itself have identified these weaknesses prior to our inspection. As a result of their recommendations a new review form for first hearings in non-custody cases has been introduced. Since its introduction post-dated our file sample, we did not see it prior to our visit to the Area. This form, which we also commend, is more comprehensive than the standard CPS white file-jacket, since it requires specific answers relating to the legal elements of the offence, whether charging standards have been considered, and whether there is a prospect of any challenge under the Human Rights Act.
- 3.16 We think that the conscientious completion of this form would go a long way towards improving the standard of initial review. We note that when they reported for the second time in September 2001 the Internal Review team found there had been “a real improvement in the standard of review work on the files examined.” We are not convinced, however, that the form is yet being consistently used. During our visit to the Area we saw one file outside our sample where a youth charged with a serious

assault had been committed, in custody, to the Crown Court, as the offence was considered a grave crime. The new review form was not present in the file and there was no other evidence of an adequate initial review. We think that in non-Narey cases it is important that the new form be attached to the file as soon as it is entered and processed.

3.17 Both the Annual Assurance Statement and the Area Business Plan indicate that monitoring of review is in place. We were told that, since Heads of Unit go regularly to court, they have frequent sight of reviews carried out by other lawyers. We accept that, but we feel that when attending court to conduct a number of cases the Heads of Unit cannot be expected to be focussed on the quality of review in each of them. We think time should be set aside to monitor the review work of the teams for which they are responsible on a more systematic basis.

3.18 We recommend that CJU Heads introduce systems for monitoring the completion of the new review form in Narey cases, and ensuring that an effective review is carried out as soon as possible in all cases.

Selection of the appropriate charges and charging standards

3.19 The CPS and the police nationally have agreed charging standards for assaults, public order offences, and some driving offences. We examined 17 cases in our random sample where the charging standards applied and found that, after any amendments to charges by the CPS, they were correctly applied in all but one.

3.20 We were told, however, that the police have a tendency to charge, or over-charge, public order offences where only police officers have been involved, and where charges of assaulting or obstructing specific officers in the execution of their duty would be more appropriate. There were such cases elsewhere in our file sample and, despite the over-charging, they had nonetheless been prosecuted to summary trial. We comment further on this aspect in the section on continuing review below.

3.21 A frequent problem with assault charges is that medical evidence is not usually available at the first hearing, and such evidence is generally necessary to determine what the correct charge should be, and sometimes, whether the case is suitable for summary trial. We were pleased to see in the file sample, and from our court observations and interviews, that applications to adjourn were being made in appropriate cases to obtain medical evidence, before accepting pleas or sending cases to the Crown Court.

Continuing review

3.22 The Area has a comparatively high rate of guilty pleas in the magistrates' court (85.1%/82%) and a concomitantly low rate of committals (4.3%/6.6%). Nonetheless, those cases that do proceed to summary trial or to a committal always require further consideration, for example when the police respond to a request for further information, or when a full file of evidence is submitted because a not guilty plea has been entered. The same Code tests need then to be re-applied, in the changed circumstances.

- 3.23 Given the deficiencies in initial review identified both by the Area and by ourselves it was of particular concern to find that, in many cases where the initial file had been insufficient for review, there was still no evidence of any review when the full file became available.
- 3.24 There were other cases where, though an adequate initial review had been carried out, circumstances changed such that a further review became essential. For example, in a case of rape where the defendant had been charged originally with raping one victim, a series of charges involving a second victim had been subsequently added by the police, but did not appear to have been reviewed at all; this complainant later withdrew her complaint. It is important to remember that the duty of review applies to each defendant, on each and every charge. We found cases where this did not seem to have been kept in mind – for example, where there were two or more defendants and where the evidence for, and seriousness of the offence, varied between defendants; or where one pleaded guilty and the other contested the matter.

Discontinuance

- 3.25 In the year ending 30 June 2001 the Area's discontinuance rate (13.3%) was close to the national average (13%).
- 3.26 We examined 100 files finalised as discontinuances. Three of them were traffic cases which were specified proceedings and should not have been marked as discontinued because the summonses had not been served. The remaining 97 cases were those which had been stopped by the prosecution in the magistrates' court during June 2001. We tried to establish the reasons for discontinuance, to find out if the police had been consulted, and whether they agreed with the discontinuance. The reasons for discontinuance are set out in the table below.

Terminated for Evidential Reasons		Terminated for PI Reasons		Prosecution Unable to Proceed	
34%		35%		30%	
Legal element missing	20	Nominal penalty likely	12	Documents produced at court	15
Conflict of evidence	4	Caution more suitable	10	Victim refuses to testify	13
Unreliable evidence	3	Loss/harm put right	6	Witness fails to attend	1
ID unreliable	3	Loss/harm minor, one incident	3		
Unreliable confession	2	Defendant elderly or in ill health	3		
Inadmissible evidence	1	Long delay	1		
Total	33		35		29

- 3.27 Of the 97 cases, 49 (50.6%) were formally discontinued by notice under section 23 of the Prosecution of Offences Act 1985, 38 cases (39.1%) were withdrawn at court, and in nine cases (9.3%) the prosecution offered no evidence.
- 3.28 The police were consulted about termination in 97 out of 100 cases and disagreed with the proposed discontinuance in two of these.
- 3.29 We examined 25 cases in more detail to determine whether the Code tests had been properly applied. The quality of decision-making in these cases was good. We disagreed with the decision to discontinue in only one case, on evidential grounds. The timeliness of the decisions was also good, with 87.5% of cases being discontinued at the earliest opportunity.

Summary trial review

- 3.30 We have already noted that evidence of initial review was almost always present in some form in the purely summary files that we examined. We think this may in part be the case because of the Area's commendable culture of prosecuting their own trials where at all possible, rather than instructing agents.
- 3.31 When a not guilty plea is entered cases are usually adjourned for six weeks to a pre-trial review hearing (PTR). At this hearing pleas are confirmed and issues are clarified; it is decided which witnesses need to be called and whose evidence can be accepted; and a date is fixed for trial. Certain administrative steps have then to be taken, but it is also important that a lawyer consider the case carefully at this stage, both before, and again immediately after, the hearing.
- 3.32 The Area has introduced a comprehensive form to assist in carrying out this review, to be used by the lawyer in charge of the case, the lawyer (if different) who attends the hearing, and the caseworker. It has a section for written review, as well as a section for the lawyer at the PTR to enter his report of the hearing. As with the new Narey form, we are confident that, if the form is conscientiously completed, an effective review will be carried out. We were pleased to find in our file sample of summary trials that in most cases it had been. The Internal Review team reported that the introduction of this form had resulted in "a big improvement in lawyers addressing the issues prior to PTR." It also noted that there were important sections of the form which were not always completed, in particular those relating to alternative pleas, legal points, and the narrowing of issues following PTR. Heads of Unit will want to make sure this is corrected.
- 3.33 We examined 15 cases that had failed in the magistrates' court. Five where the magistrates found there was no case to answer (NCTA) and 10 where they acquitted. In nine out of 10 cases that resulted in acquittal, the Code tests had been properly applied, but the one exception caused us some concern. It was a case where threatening words and behaviour, assault on police and criminal damage were alleged. Our concern arose because, after the defendant had been acquitted on all charges, the prosecutor wrote to the police indicating that obstruction would have been the correct charge, but that he had proceeded on the original police charges because the police felt so strongly about them. We agreed entirely about the correct charge, but wondered why it had not been substituted before trial.

- 3.34 In the NCTAs there was also a public order offence where the complainants were police officers. Contrary to the adverse case report filed, we found there to be no sufficient evidence of an offence under section 5 Public Order Act 1986. The officers had nowhere said in their statements that they had been harassed, alarmed or distressed; indeed they had said nothing at all about their reaction to the defendant’s rudeness. In evidence they said only that the defendant’s conduct had “surprised” them. In such cases prosecutors should keep in mind that it is not a criminal offence simply to be rude to a police officer.
- 3.35 In two other NCTAs two or more defendants were involved. At summary trial review we thought inadequate consideration had been given to what admissible evidence there was against each of them separately, even though we did not disagree with the decision to proceed.
- 3.36 We recommend that Heads of Unit introduce regular monitoring of the completion of the PTR form, and of the quality of summary trial review contained in it.**

Committal or transfer review, including review of sent cases

- 3.37 Our file sample contained some very serious Crown Court cases, including murder, and one which was both serious and complex, a multi-handed conspiracy to supply Class A drugs involving legally controversial investigative techniques. We were impressed with the standard of casework in these cases and our view was confirmed by external sources. There is no doubt that, in partnership with the CID and prosecuting counsel, the Area is capable of setting a high standard of professional service in such cases, and we **commend** it.
- 3.38 The concerns we had in relation to the Area’s work in the Crown Court arose rather from the handling of those cases of lesser weight but which were nonetheless of sufficient gravity to be tried there. We have referred to this already at paragraph 3.13 in the section dealing with initial review, and consider it in further detail below.
- 3.39 For the year ending 30 June 2001 the Area recorded the following outcomes as a percentage of Crown Court cases.

	DYFED-POWYS	NATIONAL
Acquittals after trial as a % of all cases committed	10.4% (43 cases)	9.8%
Judge Ordered Acquittals and bind-overs as a % of all cases committed	11% (55 cases)	14.5%
Judge Directed Acquittals as a % of all cases committed	4.8% (20 cases)	2.4%

- 3.40 We examined 20 contested Crown Court cases in our random sample. We disagreed with the decision to commit or transfer in two of them. They were both allegations of indecent assault. In the first allegation the lawyer had evidently reviewed the case at transfer but we could not agree that there was a realistic prospect of conviction. There was abundant material to demonstrate that the complainant was an unreliable witness and the case depended on her credibility. In the second case there was an adequate initial review which was necessarily interim, but then no further review when the full file became available; it contained information which greatly weakened the prospects of a conviction. In a further drugs case, an allegation of supplying Ecstasy tablets which depended largely on accomplice evidence, although we could not say the decision to commit was wrong, we think fuller consideration should have been given to the credibility and reliability of prosecution witnesses before taking it.
- 3.41 There were a worryingly large number of cases in which we could find no evidence of any committal, transfer or sending review, although this could sometimes be inferred from the contents of correspondence or instructions to counsel. This was particularly the case with either-way matters, in which responsibility for review seemed to get lost somewhere between the CJU and the TU. In section 51 matters, in addition to the preliminary hearing, there is a review hearing before the judge, which tends to concentrate minds and thus ensure that the case has been carefully reviewed by the TU.
- 3.42 Once again, the Area cannot be faulted for its forms, since in the TU they have a Committal Review form, the review section of which is optional, as well as a Correspondence and Action folder, which contains a section for review. The problems identified would greatly reduce if the forms already in circulation were consistently and conscientiously completed.
- 3.43 There were no judge directed acquittals (JDA's) in our file sample, which surprised us in view of the contents of the above table. Recent quarterly figures show a marked improvement from a somewhat worse position last year. We could find no obvious reason for the improvement other than that, following the recent creation of the Trials Unit and the introduction of section 51, indictable only cases are receiving greater scrutiny. The Area, and the Trial Unit in particular, deserves credit for the improvement.
- 3.44 There were 11 judge ordered acquittals (JOA's) in our file sample. As shown in the table, the Area's performance is better than the national average. Seven of the 11 were s.51 cases, and in six of these there was no evidence of an adequate review in the CJU before they were sent. Of the non-s.51 cases we agreed with the original decision to proceed in all four of them. We thought that in one JOA, which arose out of counsel's advice on the morning of the hearing, the matter should have proceeded to trial.
- 3.45 The large number of s.51 cases discontinued is a cause of some concern. The introduction of this section has not abrogated the duty of prosecutors to review cases properly as soon as possible. The fact, if it be the case, that the police are not supplying sufficient evidence on which to base the review, is not a valid reason for failing to review and simply sending the case to the Crown Court. A high proportion of these defendants is likely to be in custody. Later discontinuance by the TU, though entirely correct on their part, does not reflect well on the prosecution process as a whole, where

the lawyer in the CJU was as well placed as they to make the decision, as was evident in several cases in the file sample. This reinforces the recommendation made earlier in the section initial review. We do not suggest that such cases should necessarily be discontinued there and then. However, where doubts are raised, as mentioned in paragraph 3.11 above, and as recommended in CPS National Training, a short adjournment should be applied for so that the doubts may be resolved. We recognise that in some cases even that may not enable a properly informed decision to be made.

3.46 We recommend that

- (a) The review section of the committal review form cease to be optional; and**
- (b) TU Heads introduce a system for monitoring the completion of it.**

Review endorsements

3.47 A full review endorsement in the appropriate place on a file is an essential part of casework. It should contain a succinct analysis of the evidence, an assessment of the level of charge where appropriate, and a consideration as to the acceptability of any alternative pleas. The absence of a review endorsement suggests these factors may not have been considered and, if it cannot easily be found, others dealing with the case (for example, when considering the offer of an alternative plea) may have difficulty in understanding quickly its strengths and weaknesses.

3.48 We saw many cases with good review endorsements but overall the standard was inadequate, with the relevant evidential factors recorded in only 57.9% of the random sample cases and public interest considerations in 63.2%. The Internal Review adumbrated these findings, and it is to the credit of the Area that the weaknesses have already been identified and addressed by such measures as the recent introduction of the new Narey form. Heads of Unit will wish to be vigilant that it is serving the purpose for which it was introduced.

3.49 We recommend that Unit Heads ensure that review decisions are fully endorsed on the file in the manner described in paragraph 3.47.

Bail

3.50 In court observations we saw prosecutors taking a vigorous and pro-active approach to bail matters. Analysis of bail decisions in our file sample confirms that the Area deals very well with the question of bail. An appropriate decision was made as to whether to oppose bail in all the cases we examined. With the assistance of probation officers operating the bail information scheme, prosecutors were well informed about bail conditions, and in all cases appropriate representations were made about these. Standards of endorsement of grounds for objection and reasons for refusal were also good. The Internal Review team made some further recommendations regarding the recording of bail applications, which we support.

Mode of trial

- 3.51 Representatives of other criminal justice agencies thought the CPS made appropriate representations concerning mode of trial; our findings generally confirmed this. We disagreed with one decision out of 34 relevant cases. It is important also that MOT considerations are recorded on the file, but this was being done in only about two thirds of the occasions when it was relevant.

Sensitive and aggravated cases

- 3.52 The CPS nationally recognises that certain types of offence call for special care and attention. The principal categories are cases of child abuse, offences with a racial motivation, and domestic violence.

Child abuse

- 3.53 The Area does not have designated child abuse specialists but all lawyers in the Trials Unit have experience of these cases and knowledge of the special procedures required for handling them. We were satisfied that those likely to handle these cases were well aware of their especially sensitive nature and the administrative processes involved.
- 3.54 There were four child abuse cases in our random sample. All were indecent assaults and none was the gravest example of that offence. One was tried (and the defendant convicted) in the magistrates' court. One was dealt with as a partial guilty plea at the Crown Court. Two were jury acquittals.
- 3.55 We disagreed with the decision to proceed in the two jury acquittals, which we have already referred to at paragraph 3.40. It seemed to us that the reviewing lawyers were not really applying the correct evidential test of whether there was a realistic prospect of conviction. Instead, a lesser test was being considered, and as a result complaints were being taken entirely at face value. In both of these cases there was little if anything to support the complainant's account but abundant information to undermine it. There was no sign that this information had been considered and its effect on the prospects of a conviction weighed.
- 3.56 In any case with a child witness, whose statement is in the form of a disclosure video, reviewing lawyers have an advantage not available in adult cases, namely the opportunity to see and hear for themselves how the complainant will give evidence. When deciding whether to proceed it is essential to watch the video, and not rely simply upon a transcript or summary. We were concerned to find, therefore, that in neither of these cases, nor in a third (the conviction in the magistrates' court), was there any note on file indicating that the lawyer had watched the video and evaluated the child's evidence.
- 3.57 The fourth case in our file sample worried us for a different reason. The Defendant was charged with two counts of indecent assault and one of gross indecency, in relation to the same child. Here the lawyer had clearly viewed the video, and had commented on file to the effect that the 11-year-old was a highly credible witness. She was also, apparently, ready and willing to attend court. We investigated this case further during

our visit to the Area since the file did not reveal why, in these circumstances, a plea had been accepted in the Crown Court to the gross indecency count only, which attracts a much lower level of custodial sentence. We were not given any specific reason why the plea had been accepted other than that, as some external interviewees told us, local juries were reluctant to convict in this sort of case and therefore “you take what you can get.” Lawyers in the Trials Unit, however, did not share this view. In the circumstances we disagreed with the acceptance of this plea; this case also raised concerns about the Area’s instructions to counsel on alternative pleas, which we deal with below at paragraph 4.25.

3.58 We recommend that in all child abuse cases the TU Head should closely supervise the review process to ensure:

(a) that the proper evidential test is being applied; and

(b) that the reviewing lawyer has viewed the video and commented specifically in writing on the quality of evidence disclosed.

Racially aggravated cases

3.59 There was only one such case in our file sample, a racially aggravated affray. On the remand file the police had flagged it as racially motivated but it was not so marked on the CPS file. Nonetheless, the racial element had been properly taken into account, the lawyer indicating that it was not suitable for summary trial, in part because of this aggravating feature.

Domestic violence

3.60 We examined four cases of domestic violence. It was evident that lawyers were aware of CPS national policy in relation to the handling of such cases. We were satisfied that they were taking appropriate steps when a complainant wished to withdraw, and were considering carefully whether to compel the complainant or proceed without her.

Youth justice

3.61 The Area has chosen to train all lawyers in the handling of these cases rather than designate specialists. There is a Youth Progression Officer in regular contact with the police and the courts. We were satisfied that there was continuity of cover in the youth remand courts and that all lawyers in the CJU were focussed on the need to avoid unnecessary delays in progressing cases, particularly persistent young offenders (PYOs). A log is maintained, which is updated after every relevant appearance by a PYO.

3.62 There were only a few youth cases in our sample and the standard of review was generally similar to that in adult cases. Other agencies thought the CPS handled youth cases well and, in partnership with them, commendable progress has recently been made towards attaining the PYO target that the Government has set. The target is to reduce the average time between the arrest and sentence of a PYO to 71 days. In the first quarter of this year, average arrest to sentence time was down to 69 days though recently, apparently because of one outstanding warrant, this has slipped back to 81 days.

Adverse cases

- 3.63 These comprise cases in the magistrates' court where the magistrates find there is no case to answer (NCTAs), and cases in the Crown Court which end in either a judge ordered acquittal (JOA) or judge directed acquittal (JDA). A JOA occurs when the prosecution offers no evidence against a defendant before any trial takes place. A JDA is the result of a judge's decision during or at the close of the prosecution case, that for reasons of law or fact the case should be withdrawn from the jury and a verdict of acquittal entered.
- 3.64 We look in these cases to see whether the acquittal was reasonably foreseeable and, if it was, at what stage of the case it became so. We also consider whether there was any remedial action that could and should have been taken.
- 3.65 There were five NCTAs and we thought that the acquittal was reasonably foreseeable in two of them, at first review. Remedial action could have been taken to avoid these acquittals.
- 3.66 As we have already commented, there were no JDAs in our file sample. There were 11 JOAs, and we thought the reason for acquittal was reasonably foreseeable in five of them. In four cases this should have been apparent at first review, in one as part of continuing review. There were four, therefore, where remedial action could have solved the problem. It should be noted that all except one of these cases had been sent to the Crown Court under s.51 and the CJU lawyer would have had less information on which to base a review than in summary or either way cases. Although there may have to be an element of the provisional, this, however, does not exonerate the lawyer from reviewing the case at all if there is material available on which to base a review. (If there is none, the case should not be sent without obtaining it; we have discussed this issue above at paragraph 3.45). In our view, in those s.51 cases where the result was foreseeable, we thought there was sufficient information at first review for the lawyer reasonably to foresee that the case would fail.
- 3.67 In the Table of Performance against Measures at paragraph 1.17 are the proportions of adverse cases in 2000-2001 which, in the Area's own assessment, were attributable to a failure in the review process. In relation to NCTAs the Area has recorded a figure of 0.037% of its caseload in the magistrates' court, which would equate to no more than four or five cases a year. In the Crown Court it has recorded that there were no non-jury acquittals (0.0%) which were attributable to review failure. Based on our file sample we believe review failure is being substantially under-recorded, and we address this issue further in the following section.

Learning from experience

- 3.68 The Internal Review was an important step in the right direction, and we **commend** it, but we thought the Area had some way to go before it could truly be said that a culture of learning from experience, based on the results of cases, went very deep. Some cases will not result in conviction however well they are reviewed, prepared, and presented. Equally, honest analysis and open discussion of the reasons why others fail can yield valuable lessons, some of which may need to be shared with the police.

- 3.69 At present, reports are prepared by the caseworker for all Crown Court acquittals and are then passed to the reviewing lawyer and Head of TU for comment. Where a case in the magistrates' court results in a finding of NCTA, the trial lawyer prepares a report and then passes it to the CJU Head. The CCP sees all adverse case reports, though the relevant forms, unlike those in use in some other Areas, contain no space for any comment by him. We were told that, if he had doubts about a case, he would ask to see the file. In the sample minutes of AMT and Unit meetings that we saw there was no discussion of individual cases, although we accept that the small size of the Units allows for frequent informal discussion.
- 3.70 We saw all adverse case reports for the month of May 2001 and copies of such reports were usually present in the files that resulted in NCTAs, JOAs and jury acquittals. In the Crown Court reports the Heads of Unit had usually completed their sections conscientiously, but the earlier sections, including on occasion the space for comment by the reviewing lawyer, were left blank or only perfunctorily filled out. We could find no evidence that learning points were being identified. Of the five magistrates' court reports in our sample only two contained full details of reasons for the findings. These were defensive, and, similarly, did not identify any learning points. One report dated 21 May 2001 contained no explanation whatever as to why the case had been dismissed and, though both the trial lawyer and Head of Unit had signed and dated the form, they had written nothing else on it.
- 3.71 As well as trying to learn from cases that go wrong we think it is equally important that lawyers get to hear what has happened when cases on which they have worked - for example, cases committed or transferred - go well. We were told that there was a Notification of Result in Crown Court form which circulated quarterly in the TU. We thought this could be expanded into a more useful tool if circulation was extended to the CJU, if it was produced more frequently, and if Heads of Unit prepared a short covering note drawing attention to noteworthy outcomes.
- 3.72 We recommend that:**
- (a) the CCP should ensure that all adverse case reports are fully completed with learning points identified; and**
 - (b) the AMT further develops the system by which all staff in both Units are made aware of Crown Court outcomes at frequent intervals.**

Cracked and ineffective trials

- 3.73 The Area recently took part in the national pilot scheme for joint performance monitoring of cracked and ineffective trials in the magistrates' court. Though the scheme has concluded, monitoring continues. We were told that the pilot scheme had usefully identified problem areas, and remedial action had already been taken, with some success in reducing the rate.
- 3.74 We observed joint performance monitoring in operation at one cracked summary trial. This was properly handled. It was, effectively, a defence crack and the CPS lawyer prosecuting properly balanced the offered pleas against the needs and wishes of the witnesses who had attended, and who were consulted.

- 3.75 In the Crown Court when a trial cracks or is ineffective, the associate, supervised by the judge, compiles a report. Copies are sent to the CCP at the end of each month. For April, May and June 2001 there were 10 such reports. Two of them were prosecution cracks and the CPS or counsel were thought to be to blame in one of those. Having seen the case in our file sample (we have already commented upon it as a JOA), we thought it was counsel's fault for making a late, and in our view unnecessary, decision to drop the case.
- 3.76 Neither magistrates nor judges perceived cracked trials as an issue of CPS performance. The main reason for them, it was felt, being the defendant changing his plea on the day. The cases we saw were consistent with this. Swansea Crown Court, to which the Area commits the majority of its cases, has a very low rate of ineffective trials.

CASE PREPARATION

Introduction

- 4.1 Good quality decision making is of limited value if the subsequent handling of cases is not thorough and professional. In this section of our report we consider the performance of the Area in relation to specific stages in the progress of cases, from the institution of proceedings through to their conclusion. Some aspects of case handling relate only to cases in the Crown Court, while some relate to both magistrates' court and Crown Court. They range from the provision of advance information, through compliance with prosecution obligations in relation to disclosure, preparation of cases for summary trial, preparation and handling of Crown Court cases, monitoring of custody time limits and general file management.

Overview

- 4.2 With certain specific exceptions we discuss below, this is an Area strength. Again, as with review, we think that in the magistrates' court this is closely connected with CPS lawyers prosecuting their own trials. In the Trials Unit different pressures operate. In Swansea the resident judge sets particularly demanding standards. In cases from the Newtown office which are tried at either Merthyr Tydfil, Chester or Mold Crown Court, no Area caseworkers attend, so that the prosecution is reliant on cover from outside the Area, or on agents. A number of external interviewees commented warmly on the efficiency of the caseworkers in both Units and our file reading confirmed this. The significant weaknesses at present relate to instructions to counsel and appeals against conviction.

Targets

- 4.3 The CPS has national targets for the service of committal papers on the defence (14 days for defendants on bail, 10 in custody cases), and in relation to sending instructions to counsel (14 days as a general rule, 21 in more complex cases). According to the Area's own assessment, its performance against these targets was very good, with 94.9% of committal papers being served within the target (up from 82% the previous year), and briefs to counsel being delivered within target in 98.1% of cases (the best performance in the country, and up from up from 91% the previous year). Our file sample broadly confirmed this in relation to briefs to counsel, with 93.1% being delivered within target. Service of the committal papers in our file sample was timely, however, in only 75% of cases. This performance is still better than the national average of 66.2%, but Unit Heads will want to ensure that the timeliness of service is being properly recorded.

Advance information and probation information

- 4.4 We were satisfied with the Area's provision of both of these. The defence is also kept up to date on additional evidence.

Unused material

- 4.5 We saw two useful file inserts in the form of flow-charts for dealing with unused material, one for summary trial, the other for committals. They have recently been adapted from national templates.
- 4.6 Primary disclosure was quick in the magistrates' court, always being made before Pre-Trial Review (PTR). In the file sample, 97.7% of primary disclosure was timely, a very good performance. The police include copy pocket note-books and Crime Reports in some but not all full files; we think they should be pressed to include them in all cases. A joint CPS/Police Disclosure Working Group led to new Area instructions both to CPS and police, and joint training has been conducted with the Divisional Support Units (DSU) and CID which the police believe has improved officers' awareness of unused material issues.
- 4.7 Despite that improvement, we found on the file sample a substantial number of cases where the police itemisation and description of unused material on forms MG6C needed greater detail. Even so, it was rare for lawyers to request it, or for them to ask to see the documents. We think that they need to be more careful in endorsing such forms "nothing undermining" when they do not really know what is in them. It was largely for this reason that we found that the prosecutor had dealt with primary disclosure appropriately in only 72.3% of cases.
- 4.8 So far as secondary disclosure is concerned, in non-sensitive cases the Area seems effectively to disclose whatever the defence request. Whilst we are in favour of an approach which errs on the side of disclosure when there is any chance that the material might assist the defence, it is possible sometimes to go too far when giving secondary disclosure. We saw a case where the whole of a victim's medical records, going back to infancy, were disclosed, although the defence had only made two limited requests.
- 4.9 Secondary disclosure was timely in 85.7% of cases where it was given. However, in the majority of cases, we were unable to find evidence that the defence had been sent the appropriate letter about secondary disclosure, and there was a minority of cases where it was unclear from the file whether the police had been sent the defence statement. Copies of these important letters must be retained on file since questions in relation to the service of unused material are often raised at court. We found secondary disclosure to have been dealt with appropriately in 40% of relevant cases, somewhat lower than the national average of inspections to date (48.5%).
- 4.10 We recommend that the CCP and Unit Heads monitor the handling of unused material, particularly with regard to secondary disclosure, to ensure that there is scrupulous compliance with the proper procedures.**
- 4.11 Sensitive unused material is handled centrally in the Area, with the CCP receiving and retaining information relating to, for example, informants. We were satisfied that, where such material exists in a case, effective liaison exists between the CCP and the lawyer in charge, so that the lawyer can apply the materiality test.

Summary trial preparation

- 4.12 As already noted, this is efficiently handled. In our file sample, witness warnings were sent out on time in all cases. The Area makes appropriate use of section 9 statements, and the service of these is timely. Service of additional evidence was also timely. Despite the promulgation of new protocols in both the magistrates' court and the Crown Court, the police believe that there is still an element of over-warning, or lack of de-warning, of police officers, and that they are not given the same consideration as civilian witnesses. If this is so, it may be largely the fault of the defence at PTR; lawyers will wish to consider making appropriate applications for costs where witnesses have been unnecessarily warned.
- 4.13 The Area has good systems in place for preparing for PTRs (which are generally considered to be effective), and checking for trial readiness. The PTR pro forma is a recent introduction and illustrates the disparity that exists between the Area's performance in reviewing and preparing cases. The administrative part of this document was always completed, but not the review section. Again, the trial ready check covers all relevant points but can only be as good as the use made of it, which was not consistent.
- 4.14 Caseworkers operate an e-mail system for communicating with the police during their preparation of cases. Lawyer use of the system is at present much less. We understand that terminals will shortly be installed on all lawyers' desks, and appropriate training given. Lawyers should be strongly encouraged to use the e-mail system, which is also useful in advice cases; it makes for considerable improvements in speed, efficiency and clarity of communication with the police.
- 4.15 We have noted elsewhere that that there is a commendable culture of progressing cases in the Area, encouraged by local benches.
- 4.16 Endorsements of court appearances are generally better than endorsements of review decisions, though there is no consistent recording of magistrates' reasons for their decisions. In two cases in the file sample there was no record of what had happened at trial, though in each case a trial had clearly taken place.

Appeals against conviction

- 4.17 In our file sample, counsel had prosecuted all the appeals against conviction. We comment on this further in the chapter on case presentation. In our view the Area's HCAs should be handling more of these.
- 4.18 Only one set of instructions to counsel (out of ten) contained any trial report, and no notes of evidence were present in any of the cases. We considered this to be an odd omission, since CPS lawyers would have themselves conducted most of the original trials, and information about them must therefore have been readily available. Effectively, the Area is thus depriving itself, and counsel, of any benefit that might accrue from the matter being a retrial.

- 4.19 The instructions themselves were invariably pro forma, with no case analysis. We were told that briefs in appeals used to be drafted by the lawyers who had conducted the cases in the magistrates' court, and they usually supplied trial reports and/or notes. This changed, however, with the creation of the Trials and Criminal Justice Units, and the B1 casework manager in the TU now drafts all briefs. The TU Head, although he signs the briefs, appears to have no input into them. At present the CPS is therefore adding nothing of value to these cases, and we think the old system should be restored.
- 4.20 One appeal in the file sample was not resisted by counsel at the Crown Court, as counsel advised on the day that there was an obvious breach of PACE which was fatal to the case. We agreed with that advice. The only review by the CJU, when the case had been in the magistrates' court, was negative, with the lawyer wishing to discontinue, but for what we thought was the wrong reason. The police disagreed, and so the case proceeded, and was indeed successful in the magistrates' court. It would have been instructive to know how, but neither this nor any other matter had been brought to counsel's attention in the instructions.
- 4.21 This was clearly another area of work where responsibility had fallen uncertainly between the CJU and the TU. We think these cases ought to be the responsibility of the Trials Unit, but with the necessary contribution obtained from the CJU.
- 4.22 We recommend that TU Heads, in appeals against conviction, should ensure that instructions to counsel always include a contribution from the trial lawyer, together with trial reports and notes of evidence.**

Crown Court case preparation

Instructions to counsel

- 4.23 Each brief is accompanied by a personalised letter from the CCP. We have already noted that there is an excellent record of delivering instructions within the time targets.
- 4.24 The Trials Units in Carmarthen and Newtown have a slightly different pro forma for the preparation of instructions. Both have a section that clearly requires analysis of the case to be completed. This, however, is not usually done. In our file sample there was a summary that adequately addressed the issues in the case in only 39.3% of cases (national average 52.7%). We believe that the absence of any demonstration by the Trials Unit that they understand the issues in the case sends the wrong message about the control and ownership of the prosecution case in the Crown Court.
- 4.25 There was also very little about acceptability of pleas even where cases cried out for it. For example, where there was an alternative of section 18 and s.20 Offences Against the Person Act 1861; or where there were a number of counts of varying seriousness such as indecent assault and gross indecency. Appropriate instructions about alternative pleas were given in instructions in only 26.3% of the cases we examined. This is likely to cause particularly acute problems in relation to Newtown office cases, since there is no Area caseworker presence at the Crown Court where these cases appear, and very infrequent lawyer presence. In addition, the lawyers are likely to be in court rather than in the office and therefore unable to deal urgently over the telephone with any matters that arise.

- 4.26 We note that the Area's own Internal Review also found that case analysis and instructions about pleas were lacking in many instructions to counsel.
- 4.27 The Area uses an Instructions to Caseworker form which the lawyer completes and gives to the caseworker dealing with the case at PDH. At the hearing these are usually seen by counsel. There is a section that deals specifically with the acceptance of pleas. In one case in the sample where there were counts of varying degrees of seriousness the lawyer had written that pleas were to be accepted at counsel's discretion. The actual brief was silent on the question of the acceptability of pleas. This case concerned us. We did not think it likely that experienced counsel would, in practice, accept alternative pleas without consulting the CPS. However, taken together with the dearth of instructions in this and many other cases, it suggested an attitude that was not consistent with CPS control and ownership of cases in the Crown Court. The implementation of our recommendation here will signal clearly that the primary responsibility for decision making in cases rests with the CPS rather than counsel, however able and experienced they may be.
- 4.28 We recommend that TU Heads monitor all instructions to counsel to ensure that they contain case analysis dealing properly with the issues in the case and, where appropriate, clear instructions about the acceptability of pleas.**

Indictments

- 4.29 These were of a good standard. We found that they reflected the gravity of the offending in 29 of the 30 cases we examined, and in all cases the number and order of counts allowed for simple and clear presentation of the prosecution case. They were all lodged in time, and did not call for any significant degree of amendment. Four had been amended, two for minor cosmetic reasons, two to reflect counsel's preference in presenting the case.

Pleas and directions

- 4.30 The Carmarthen office is linked by computer to the Crown Court in Swansea. Directions are posted on e-mail within a short time of their being given, and the link can be used in the reverse direction, for example to make non-controversial applications through the Court Office to the judge for short extensions of time. The use of the system makes for speed and clarity and we consider it to be **good practice**. The Newtown office is not linked in this way to its Crown Court centres and is dependent on telephoning them to obtain the judge's directions.
- 4.31 In all cases handled by Newtown, and in some dealt with by Carmarthen, the Area is dependent at PDHs on caseworkers from outside the Area. Detailed written records are not always being made of the hearings. There is, nonetheless, an excellent (100%) record of compliance with directions, and in all cases we looked at the Area took reasonable steps to ensure timely compliance as well.

Custody time limits

- 4.32 Central diaries are kept for all CTL cases in both the TU and CJU. Responsibility for monitoring them rests in the first instance with level A staff, supervised by a B1 or B2 caseworker. The same system was in use in all three offices. We were pleased to see that vigilant monitoring was in place.

PRESENTING CASES IN COURT

Introduction

- 5.1 The importance of fair and effective case presentation cannot be overstated. Not only is this the most visible part of the work done by the CPS; the quality of advocacy in an Area can significantly affect the outcome of its prosecutions. For these reasons, the CPS has published National Standards of Advocacy setting out what can be expected of prosecuting advocates. The Standards identify seven key aspects of case presentation in respect of which performance is to be assessed. They are professional ethics; planning and preparation; courtroom etiquette; rules of evidence; rules of court procedure; presentational skills; and case presentation.
- 5.2 The Inspectorate uses the National Advocacy Standards as a guide to assess all the prosecuting advocates observed during its inspections. These comprise: CPS lawyers, Designated Caseworkers (DCWs), and agents (solicitors or counsel) in the magistrates’ court; and CPS Higher Court Advocates (HCAs) and counsel in the Crown Court.
- 5.3 Using the National Advocacy Standards as a basis, we allocate marks to the advocates we observe. An advocate who is fully competent is marked as a 3. However, there is a wide range of styles and approaches to advocacy and, in order to make a proper distinction between the quality of performance of different advocates, the Inspectorate sub-divides this marking into 3+, 3, and 3-. The definitions used for each marking are as follows:

Assessment	Definition
1	Outstanding
2	Very good, above average in many respects
3+	Above average in some respects
3	Competent in all respects
3-	Lacking in presence or lacklustre
4	Less than competent in many respects
5	Very poor indeed, entirely unacceptable

- 5.4 The Area has 24 lawyers including the CCP. We were able to observe 16 of those lawyers in the magistrates’ and Crown Courts, including one of the five HCAs. We also observed six counsel instructed by the Area in the Crown Court.

Quality of advocacy in the magistrates’ court

5.5 We saw 15 CPS lawyers prosecuting in the magistrates’ court. The court lists were often a mixture of remands and trials. Our assessments are set out in the table below:

	1	2	3+	3	3-	4	5	TOTAL
CPS Lawyers	-	2	7	5	1	-	-	15

5.6 Of the 15 advocates we saw, therefore, 14 were fully competent or better. The overall standard of advocacy in the magistrates’ courts is high, and we **commend** it. The advocates were well prepared and presented their cases confidently and clearly, on occasion with flair. The one performance that we thought below average was let down not so much by advocacy skills as by insufficient care in checking certain facts when presenting a case.

5.7 There are two DCWs in the Area. These are not lawyers but experienced caseworkers who have received special training to allow them to present straightforward cases in the magistrates’ court, so permitting lawyers to handle only those cases which require legal expertise. We were unable to see either of the DCWs in court but were told that they were well regarded by other court users. As in other Areas, problems are occasionally caused by the restrictive nature of the categories of case they are allowed to handle under existing arrangements.

5.8 The Area uses few agents, and we saw none.

Court coverage in the magistrates’ courts

5.9 The CCP is an experienced advocate who prosecutes in the magistrates’ court when his other commitments permit. The CJU Heads, on average, prosecute two courts a week. In the Inspectorate’s Thematic Review on Advocacy (Thematic Report 1/2000), we commented, in paragraphs 3.6 to 3.8, on the desirability of senior managers regularly prosecuting cases in court. We were pleased to see this happening in Dyfed-Powys, and we **commend** it.

5.10 Lawyers in the CJU usually attend court on three or four days each week. This gives them sufficient time to carry out initial and summary trial reviews and to prepare for court. It was particularly pleasing to find that they themselves prosecute the great majority of summary trials, rather than instructing agents, and we **commend** this. We believe that the culture of prosecuting trials has a beneficial effect not only on case review and case preparation but also on the standing that the Area’s lawyers enjoy amongst other court users.

Quality of advocacy in the Crown Court

5.11 In the Crown Court we saw six counsel and one HCA. Our assessments were as follows:

	1	2	3+	3	3-	4	5	TOTAL
Counsel	-	-	2	2	1	1	-	6
HCA	-	-	-	1	-	-	-	1

5.12 We observed the advocates in PDHs, committals for sentence, and in one trial. The HCA we observed was at ease in the Crown Court and fully competent. Four counsel were also entirely competent and two were above average in some respects. One performed less well and was not as familiar with his cases as would have been expected. The sixth was less than competent. He appeared not to have read his brief and was unable to deal with queries from the judge.

Court coverage in the Crown Court

5.13 The offices at Carmarthen and Haverfordwest commit cases to the Crown Court sitting at Swansea. Cases from the Newtown office are heard in the Crown Court sitting at Merthyr Tydfil, Mold, Welshpool and Chester. The Area provides caseworker coverage at Swansea, although caseworkers from CPS South Wales sometimes cover Dyfed-Powys cases, and vice versa. Nearly all cases at Merthyr Tydfil are covered by South Wales caseworkers, whilst in Chester and Mold, the Area makes use of agent caseworkers. We have commented in the previous chapter on the quality of instructions to counsel, including the requirement for clear instructions on the acceptability of alternative pleas. This is particularly important when caseworker cover is provided by another Area, or by agents.

5.14 The Area has a Case Progression Officer (CPO) who is responsible for ensuring that all cases are prepared for PDH and that appropriate and timely action is taken on orders and directions made at PDH. The CPO, together with a lawyer from the Trials Unit and a caseworker, cover the PDH court at Swansea, and also the Crown Court’s occasional sittings at Carmarthen and Haverfordwest.

5.15 Dyfed-Powys and South Wales use different Crown Court file jackets. Crown Court files from Dyfed-Powys have an insert on which to endorse a record of court hearings, but this is not consistently completed by South Wales caseworkers working on Dyfed-Powys cases. This means there is not always a full and accurate record of what happened in court. The problem is particularly acute in Newtown, because there is no computer link between the courts and the CPS office. The CCP will want to discuss with the CCP of South Wales how best to ensure that there are full file endorsements in all Crown Court cases.

5.16 The five HCAs cover committals for sentence and appeals against sentence. Both HCAs and Trials Unit lawyers cover preliminary hearings in those cases sent to the Crown Court under section 51 of the Crime and Disorder Act 1998. The HCAs also cover the special review hearings for these cases which are a feature of the Area.

- 5.17 At present however the HCAs do not deal with PDHs. The view is taken that the trial advocate should deal with the PDH. Whilst we acknowledge that this is desirable, particularly in the heavier and more difficult cases, it is not a blanket rule and should not be brought into conflict with clear CPS policy, which envisages one of the main roles of HCAs to be appearing as advocates at PDHs. Glidewell specifically endorsed that policy and commented: “As soon as CPS lawyers are trained and authorised to appear in the Crown Court the CPS proposes that their main task will be to appear as advocates...at PDH’s. We support this. Not merely will it give the lawyers valuable experience...it will in our view lead rapidly to an improvement in the accuracy of the information to be supplied.” Moreover it was only in about half of all Crown Court cases in our file sample that counsel originally instructed actually appeared at the PDH.
- 5.18 We understand that three of the HCAs have included in their Forward Job Plans the aim of conducting trials in the Crown Court before the end of this reporting year (31 March 2002). It seems to us that in these circumstances there is no reason why they at least should not start appearing at some PDHs now. They are currently underused in the Crown Court. We also take the view that in preparation for conducting trials in the Crown Court they could and should be now appearing for the respondent in appeals against conviction.
- 5.19 We recommend that, flexibly and subject to operational efficiency, the CCP extends the categories of case currently conducted by HCAs to include appeals against conviction and PDHs.**

Selection of counsel and returned briefs

- 5.20 The Area instructs counsel from chambers in Swansea, Cardiff and Chester. We are satisfied that the Area has a sufficient pool of competent and experienced counsel from which to draw. Returned briefs do not seem to be a problem but always need to be kept under review. The responsibility for monitoring the level of returns rests with counsel’s chambers but the B2 caseworker in the TU rightly keeps the level of returns under constant review. The CCP is also made aware of the figures and the return of briefs is one of the regular items on the agenda for his meetings with Heads of Chambers.

Monitoring of advocacy standards

- 5.21 There is some monitoring by Unit Heads of the performance of CPS prosecutors in the magistrates’ court. This is fed back to lawyers as part of the Performance Annual Review (PAR) process. The Internal Review team identified the need to improve the Area’s monitoring, not only the advocacy of CPS lawyers but also that of agents in the magistrates’ court and counsel in the Crown Court. We would expect the AMT to implement the recommendations made by the team on this topic.

MANAGEMENT AND OPERATIONAL ISSUES

Overview

- 6.1 Overall the Area has developed a work ethos characterised by self-examination and the desire to achieve continuous improvement. In practice it has established processes and systems to review activities and identify problems or gaps in service. Two innovative examples of such systems are the Internal Inspection and Service Excellence Teams. This approach has meant that, even where this inspection has identified elements that require further attention, the Area has already developed the necessary infrastructure to ensure that progress is made.
- 6.2 There have been many achievements, not least the commitment to developing a strong leadership team and the emphasis placed upon motivating, training, developing and consulting with staff. The size of the Area has presented a particular challenge but the Area has endeavoured to deal with it constructively.
- 6.3 In regard to those aspects of operation that require strengthening, it is probably an appropriate point in the Area's development for it to look at improving the way in which it manages the performance of its staff. Managers need to ensure that individuals continue to receive positive feedback when they have done well, but also that unsatisfactory performance is identified and confronted.

Management of the Area

Management team

- 6.4 The CCP and members of the Area Management Team (AMT) have set a clear strategic vision for the Area. This encompasses meaningful engagement with external partners in order to develop successful joint initiatives, as well as a commitment to achieving tangible improvements to internal policies and procedures.
- 6.5 The Area culture is characterised by an emphasis on self-assessment combined with a track record of finding practical solutions to problems raised. Staff at all levels demonstrate willingness to try new, more effective ways of working and to pilot changes where necessary.
- 6.6 The AMT is newly established and consists of the CCP, ABM, two Heads of CJUs, a Head of a TU and one Acting Head of a combined CJU and TU. Through its activities so far, it has created a positive image within the Area. A majority of staff expressed appreciation for the way in which a number of issues have been considered and resolved, as well as optimism for the management approach to future developments.
- 6.7 This promising start together with the fact that, collectively, members of the management team represent a wide range of skills and experience, should prove invaluable in enabling AMT to deliver on the objectives that it has set itself. However, in order to ensure that these different qualities are blended together to best effect, the AMT may wish to consider the benefits of formal management development activities for the team as a whole. Given that this is a relatively newly established team,

emphasis at this early stage could most usefully be placed on team building and the creation of a strong corporate identity, which would enable the team to build on its success to date and ensure that it achieve its potential.

- 6.8 We suggest that AMT considers what management development opportunities might be available in relation to teambuilding and the creation of a strong corporate identity.**

Meetings structure

- 6.9 There are arrangements set out in the Communication Strategy, for a structured set of meetings to take place across the Area. The AMT meets on a monthly basis and deals with strategic issues and appropriate elements of operational and casework matters. Examples of items for discussion include reviews of Area performance, analysis of relative strengths and weaknesses and ways in which these should be addressed or built upon.
- 6.10 There are also meetings of B1/B2 Managers, which the ABM also attends on a quarterly basis, where operational matters that need an Area-wide perspective are considered. However, we recognise that the distance between the different offices can prove to be a significant challenge to ensuring that cross-Area communication is successful. We were, therefore, particularly pleased to see the special consideration given to gaining effective representation at meetings and to the rotation of venues.
- 6.11 Team meetings also take place within all offices, but we believe that, notwithstanding the geographical difficulties already referred to, further work is needed in order to improve frequency and consistency. This should ensure that relevant issues from AMT are more widely debated as team meetings would follow AMT meetings within a set monthly cycle; see the communication section at paragraph 6.37 below.

Area planning

- 6.12 The Area Business Plan (ABP) for 2001/2 contains a number of objectives, many of which will take more than a year to achieve. A considerable amount of work has been undertaken to implement different aspects of the Plan, but this may not be immediately obvious, as specific actions to achieve objectives are not always shown separately with time scales.
- 6.13 We believe that the ABP, in reality, covers strategic objectives for a three to five year period, within which there will obviously be key milestones to be achieved on an annual basis. There is no reason that the plan should not be prepared in this way, indeed the emphasis on continuity and long term planning is desirable. However, if details of the annual targets are not made explicit, it will be impossible to ensure that the plan is properly monitored and reviewed.
- 6.14 In order to better reflect the work which is being undertaken on annual basis, we recommend that the Area looks at a means of separating ongoing objectives into the component stages of activity to be achieved as priorities within any given year.**

- 6.15 An important aspect of producing the ABP is to involve staff as far as possible in drafting and agreeing the various elements. However, given the scope of such plans and the continued pressure of core business for many staff, it is not always easy to engage individuals in this process. In order to address this problem, specific links are made between the ABP and personal objectives, as set through the appraisal system, so that staff can appreciate their contribution to the overall activities of the Area.
- 6.16 It is clear that staff in Dyfed-Powys have been consulted on the ABP; lawyers had an opportunity to discuss the draft at their training day and administrative staff looked at key themes in group work sessions. One member of the administrative staff also designed the front cover.
- 6.17 However, feedback from some members of staff indicated that the time-scale for production of the Plan and the deadlines set nationally, did limit the consultation process to some extent.
- 6.18 We believe that the workshop style discussion groups on themes, as described above, demonstrate an effective means of achieving meaningful participation, which is worth building on for the future. This is an initiative for which the Area should be **commended**.
- 6.19 Further activity is being undertaken in order to heighten awareness of the importance of the ABP, and this includes the development of special screensavers on computers and coasters on desks, which show at a glance the key targets to be achieved. It is intended that the ABP will also become a standing item at AMT and will be regularly discussed at team meetings.
- 6.20 As part of its strategy for ensuring continuous assessment and improvement, the Area has established a Service Excellence Team in order to adapt the EFQM European Excellence Model for implementation within the Area, and to produce an appropriate format and framework for reviewing Area activity.
- 6.21 A number of areas for improvement have been identified and actions drawn up to address these. The main issues were seen to be: process mapping, Area identity, involvement in the ABP, management and communication, development of customer relationships, and compliance with Performance Appraisal procedures.
- 6.22 The main effect of this process has meant that, during the inspection, little was uncovered that was not already known to the Area. This has also allowed the Area to start to address some of the issues prior to the report being published, and to put systems in place to ensure that progress is maintained.
- 6.23 We were impressed by the fact that, rather than simply accepting the self-perception survey already introduced in some other Areas, Dyfed-Powys looked at a system that would help to focus on priority matters and meet local need more appropriately.

Change management

- 6.24 The restructuring into CJUs and TUs has been successfully managed and most staff were offered their first preference in terms of initial location within either a TU or a CJU. However, the Area needed significantly to revise its initial proposals for implementing the Glidewell recommendations because of changes to the police structure and the proposed closures of some of the smaller magistrates' courts. The main result of this has been for the Area to rely less than envisaged on information technology to ensure linkages, and more on forms of co-location of police and CPS personnel.
- 6.25 This appears to have been handled well, with an extension to the office at Carmarthen going ahead, in order to accommodate police personnel within the Trials Unit there. Nevertheless the scope, duration and pace of the change has had a considerable impact on staff, as has been noted in most CPS Areas where inspections have taken place.
- 6.26 Staff were pleased that there was a firm commitment by managers to the principle of rotation within the teams, which is important in terms of staff development as well as flexibility of service. Similar arrangements have also been agreed for administrative staff, and some of them have already had the opportunity to move into new teams.
- 6.27 One important means of enabling staff to take control of change within their own specific sphere of operations, which demonstrates a clear grasp of effective organisational development, is the Area's internal inspection process. This has provided a practical means of complementing the crosscutting themes identified as part of service excellence, by ensuring that specific procedures and systems have been reviewed.
- 6.28 Good practice solutions can then be identified from different offices and used to develop a unified Area approach. There may still be some examples on the casework side where further 'bedding in' is required, but overall progress, particularly in terms of management systems, is encouraging.

Performance management

- 6.29 The Area generally performs well against CPS targets. AMT members collectively with the police and magistrates' courts monitor performance through the use of the Area Performance Manual (APM) which is produced on a monthly basis and is also shared. This pack of information includes not only the more standard items such as details on performance indicators, timeliness of service of committals to the defence and instructions to counsel, but also contains figures for counsel usage and information on court sessions.
- 6.30 In reviewing the Manual we felt that, in terms of key information for managers, the contents were rather detailed and that there were some elements that could have been summarised. However, members of the AMT like the comprehensive nature of data provided and were familiar with the format. They did not find that any of the information was difficult to access or assimilate, particularly as they tended to focus on their own specific areas of responsibility.

- 6.31 In addition to being shared with external partners, copies of the manual are made available to all staff, with one copy being sent to each team, in addition to the copy which is issued to the Head of Unit. The CCP also sends summaries of the Area's performance against targets to all Area staff and draws attention to particular successes or lessons to be learnt.
- 6.32 We would suggest that if it is felt desirable in the future to include any additional data, that the AMT undertakes further analysis at that point, in order to identify core information that is critical to informing management decisions; further expansion of the pack is probably not sustainable.**
- 6.33 One means of encouraging and supporting staff in preparing for new ways of working and ownership of Area objectives, is through the system of representational roles that the Area is creating. Staff across the Area have put their names forward to become champions or project leads for specific projects. These range from a strategy to improve press and publicity to policies for dealing with mentally disordered offenders.
- 6.34 Although we saw many examples of good developmental initiatives, we felt that it was also important, when establishing systems for measuring individual performance and the way in which this contributes to Area achievement, for managers to differentiate between acceptable and unacceptable levels of performance. This will require setting and agreeing standards and determining how these will be monitored and evaluated.
- 6.35 We recommend that AMT puts in place a coherent performance management framework, so that staff are clear about what is expected of them, how their work will be evaluated and what actions may be taken if standards are exceeded or not met.**
- 6.36 However, we recognise that the Area's success in implementing this recommendation will depend on the effectiveness of the CPS performance management system nationally.

Communication

- 6.37 The Area has established a clear, concise communication strategy which recognises the importance of disseminating key messages to staff efficiently and effectively, as well as the need to gain informed views from staff on issues which affect the Area.
- 6.38 The procedures for achieving these objectives include the setting of minimum standards to ensure that regular meetings take place at Area management and team level, so that minutes of meetings are distributed within an agreed time-scale to relevant staff. In addition, there is provision for written communication from the CCP, ABM and other key personnel to be used where further guidance or information may be necessary.
- 6.39 The Area also aims to hold at least two training conferences each year, attended by a cross-section of staff from each of the offices. The purpose of such meetings is to encourage dialogue between staff, to strengthen the Area identity and to promote best practice.

- 6.40 The strategy was produced following some intensive work undertaken by a sub-group of the Service Excellence Team. Further developments include arrangements for the CCP and ABM to have regular ‘walkabouts’ and monthly meetings at sub-offices.
- 6.41 Feedback from staff generally indicated that they see the CCP and members of AMT as both accessible and ready to listen to different views, which made it easy to raise issues with them directly. Overall, we found that implementation of the Communication Strategy was progressing well. There is a strong emphasis, throughout the Area, on face to face discussions and informal contacts which, in part, makes up for fact that team meetings are still not yet held regularly each month. However, the AMT will want to satisfy itself that this issue is properly addressed.
- 6.42 Despite the fact that the informal communication network is strong, and there is a commitment by the CCP and ABM to visit and have regular contact with sub-offices, the geographical distances involved do present a significant challenge. However, the Area has already identified this issue as part of its review on communication. It is attempting to address some of the difficulties by selecting locations for meetings and training events that are accessible to sub-offices and by paying special attention to representation on working groups. There remains a risk that staff in Newtown may feel somewhat isolated. The CCP may wish to consider the use of a video-link, particularly between Carmarthen and Newtown.

Management of financial resources

Efficient and effective use of resources

- 6.44 The requirement to ensure efficient and effective use of Area resources means that managers should establish clear links between budgetary considerations and decisions in respect of human resources, so that there is a strategy for the way in which all resources available to the Area are managed. In addition, this strategy must take into account inter-agency issues and national policies of the CPS. At present, it is the CCP and ABM who are primarily responsible for maintaining a financial overview, particularly in relation to budgetary implications, and they have regular meetings to discuss the main areas of concern.
- 6.45 However, there are also plans in place to encourage Unit Heads to have greater involvement in the whole process, including the development of structured liaison arrangements with partners at appropriate levels throughout the organisation, described by the Area as ‘a pyramid system’. At strategic level this involves the CCP, ABM, Clerk to the Justices and Chief Inspector and at operational levels it will involve regular meetings between the Unit Heads, Deputy Clerk to the Justices and DSU Sergeants.
- 6.46 Specifically in relation to financial management, budgets have been identified which could be devolved to Unit Heads for them to manage on a day to day basis. Options are limited, however, because of the overall size of the budget and the need to try to ensure economies of scale across the Area as a whole.

Budgetary control

- 6.47 Budgetary control systems within the Area seem generally to be well managed, despite an underspend of £20,000 in years 2000/2001. The majority of the underspend was outside of the Area's control as it related to £11,500 which was a performance improvement bid for youth specialist training that was to be provided centrally by the CPS, but which did not go ahead. A further £5,000 related to a service level agreement with the police for IT support, which the police had not approved by year end.
- 6.48 The main budgetary consideration for the Area in 2001/2 is part of a wider issue affecting a number of CPS Areas following restructuring. It relates to the fact that there may now be a staff funding issue within the Area for certain grades of staff. We hope that CPS Headquarters will provide the Area (and others) with guidance on how this sensitive situation should be handled.

Counsel's fees

- 6.49 The AMT had identified the fact that the percentage of standard fee cases was low and the unit fee cost per defendant high compared to other Areas. The Area commissioned the Regional Training and Development Manager, an ex-Chief Law Clerk and fee specialist, to undertake a review and provide an analysis of the situation with recommendations on what could be done to address any problems identified.
- 6.50 The main findings were that the process for completing and submitting the Notification of Fees forms (NOFFs) was efficient and timely and that all of the work on a case tended to be included on one form. In other CPS Areas where this did not happen and the total amounts were spread over more than one NOFF, the average cost per case gave the impression of being lower.
- 6.51 It was also noted, however, that there was apparent generosity in respect of some hourly payments and the Area will be revisiting the guidelines on such payments to check this. We were pleased to see that the proposals from the review were being actively implemented.
- 6.52 The CPS is in the process of introducing a graduated fee scheme for the payment of prosecution counsel. Training for this scheme was about to take place at the time of the inspection. The ABM will want to monitor the impact of these new arrangements.

Management of human resources

Training and development

- 6.53 The Area has established an effective cycle of activity for producing the Training and Development Plan, which is based on the timely completion of Performance Appraisal Reports (PARs) with links also to the Area Business Plan. Improvements were made to the process as part of the Service Excellence Team's review in April 2001 and a pack of information was produced to go out to all staff. This advised them of the need to consider their performance in the light of the ABP, as well as making them aware of any development opportunities available. Statistics published for 2000 indicated a completion rate on PARs of 84% by 9 June 2001 and 100% by 29 September, which is a good standard, but it is hoped that this will be raised in 2002.

- 6.54 We were pleased to find that the importance of an individual's wider developmental needs was also recognised, particularly as the geographical location of the Area means that the workforce has tended to remain fairly stable. Whilst this has resulted in an experienced and able staff group, the AMT has had to be innovative in terms of creating new opportunities for motivating staff and offering them different challenges.
- 6.55 All staff have a personal development folder and have been encouraged to apply to take on representational roles. Examples of other developmental opportunities specifically aimed at administrative staff include shadowing, visiting court centres, and familiarising themselves with the duties of the person on a higher grade. We **commend** the breadth and diversity of this activity.
- 6.56 Some work has been undertaken to establish an induction programme for new members of staff. However, we learnt that this seemed to be more successful for lawyers than for administrative staff. Greater consistency is clearly needed across all sites and specifically in relation to support staff.
- 6.57 We recommend that AMT reviews the Area induction process in order to ensure greater consistency across all sites.**

Sickness

- 6.58 An average of 11.6 days sick absence per member of staff was recorded for Dyfed-Powys in 2000. This level of sickness compared with a national outcome of 10.6 days and so was identified as a potential problem. Since then the Area has reviewed the procedures for managing absence to ensure that appropriate responsibility is placed upon line managers, with the ABM receiving copies of interview notes and warning letters and providing a monthly update on the overall situation to AMT.
- 6.59 Based on the documentation we saw, we were satisfied that the Area's approach to this issue achieved an appropriate balance between concern and flexibility for individual circumstances, with a consistent process for identifying and addressing any particular problem areas or trends.
- 6.60 A target has been set by the Area to reduce its average level of sick absence to 6.5 days by December 2001. We noted that sickness levels as at 19 October 2001 did show a reduction, so it is hoped that this target will be achieved.

Deployment of staff

- 6.61 In order to achieve effective and efficient deployment of staff, the Area must have a consistent and coherent performance management system; this will ensure that best use is made of all available resources. The AMT has identified that, as a priority, a B1 post is needed in Newtown. Currently the relevant responsibilities for this role are being covered by the previous post-holder who is now the DCW, as well as the office manager and caseworker.

- 6.62 We agree with the Area that this is not a viable long-term option. It is, therefore, essential that a separate B1 post is established in Newtown as soon as possible. Budgetary constraints may pose some problems, but the Area is continuing to look at various alternatives.
- 6.63 There have been similar difficulties experienced at Newtown in relation to HCA posts. The restructuring has meant that the person formerly providing the HCA function at that site has now moved. The CCP has, therefore, negotiated an agreement with the Whitley Council to ensure that the next HCA appointed is based in Newtown, in recognition of the special needs of that office. We concur with this management decision.
- 6.64 The CCP has also agreed that AMT should review the general range of tasks for HCAs across the Area to ensure that experience and skills are being maximised.

Accommodation, security and health and safety

- 6.65 The Area occupies three buildings in Dyfed-Powys; the accommodation at Haverfordwest and Newtown provides a reasonable standard of accommodation for staff, although there is a shortage of quiet rooms for interviews or casework. The Carmarthen office is of a high standard. At the time of the inspection, this office was undergoing some expansion so that one floor could be occupied by the TU. This move will benefit the TU, which currently shares an office with the CJU.
- 6.66 There is no signage at any of the offices to indicate the presence of the CPS. The Newtown office is situated next to the local DSS building and they have experienced unwelcome visitors. The Haverfordwest office also has shared occupancy and as this office does not have a proper reception area, visitors are dealt with within the immediate foyer area. The Carmarthen office has a reception area and CCTV cameras as added security. At all three offices visitors are met by a member of staff and are asked for identification. Visitors are also asked to sign a register.
- 6.67 It was noticed at Haverfordwest and Newtown that the office did not have wheel chair access for either staff or visitors. The Carmarthen office does have access and toilet facilities for people with disabilities. None of the offices has a lift facility between floors; this has proved to be a particular problem for the Newtown office, as incoming post has to be carried upstairs.
- 6.68 The Area has a regular courier service between the Haverfordwest and Carmarthen offices but otherwise depends on ad hoc arrangements. However, we were informed that these were not often used as there were difficulties in getting files to court at short notice specifically given the added problem of distance. Caseworkers and lawyers will drive to court and take their own papers; the Area has no reliable public transport system.
- 6.69 A further difficulty at Newtown in respect of the shared accommodation is the need for staff to call out a security guard and then be accompanied around the office if they wish to work at weekends. We feel that this makes the work situation very difficult for local managers and staff, as the nature of CPS work means that it in urgent cases out of hours working may be required.

6.70 We suggest that managers in Newtown might want to explore the possibility of setting up regular ‘house meetings’ with all office users in order to improve liaison and negotiation and to try to resolve this specific problem.

6.71 There appeared to be no major security issues at any of the sites. In Carmarthen, some thought is being given to the best ways of safeguarding IT equipment and the ABM has this under review.

6.72 On the Area’s Certificate of Assurance, only ‘limited’ assurance was given to the Area system of control for compliance with health and safety guidance and legislation. This is likely to be because there are trained health and safety officers on only two of the three sites and, although regular checks are carried out, workplace risk assessments are still needed. In addition, staff should also be provided with health and safety compliant furniture once Connect 42 has been implemented.

Equality and diversity

6.73 The published plan for equality and diversity conforms to the national template, but is limited in terms of local needs and priorities. However, we were pleased to note that, following a visit by the Head of the Commission for the Racial Equality for Wales, some major improvements have been made in terms of identifying practical, achievable actions which will address the special needs of local minority ethnic communities. Within a geographical area such as Dyfed-Powys isolation is likely to be a major factor, due to the lack of community networks available.

6.74 The means by which the Area will co-ordinate future activity is through an Area Equalities Committee, which has replaced the Area Sounding Board. This committee will monitor implementation of the plan.

6.75 The Welsh Language Scheme is implemented appropriately in all of the offices and staff are aware of the requirements of this scheme and the processes to be followed in support of it. If necessary, courts are conducted entirely in Welsh and there are established systems for obtaining Welsh interpreters.

6.76 Despite the fact that there are currently no staff in the Area from a minority ethnic community, staff demonstrated a good awareness of key issues in respect of interpretation and translation services, based on their experience with the Welsh Language Scheme and good practice in witness care.

6.77 We also felt that the Area was able to demonstrate a good practical record in making ‘reasonable adjustment’ under the Disability Discrimination Act, by ensuring that appropriate equipment and facilities were provided to staff with disabilities.

Handling of complaints

6.78 The Area does not have a complaints register as such. Each complaint was filed individually in a separate folder, which contained internal minutes, case papers, where appropriate, and correspondence. There is a ring folder with a list of the names of complainants together with dates and reference numbers. There is no complaints pro forma for the analysis of complaints or for indicating whether a complaint was

justified. This means that managers have no method of monitoring easily the Area's performance in dealing with complaints. Without opening each folder, there is no way of establishing when the complaint was received and the timeliness of the response. The actual processing of complaint replies is monitored using a diary system operated by the CCP's secretary.

- 6.79 Overall, the standard of the replies was very good. The letters were usually sent by the CCP and contained full explanations. Issues raised by the complaint were addressed and if the CPS was at fault, the mistake was acknowledged and an apology offered. Sensitive matters were handled sympathetically and in appropriate cases, the complainant was offered the opportunity of meeting the CCP to discuss the case. Although some legal jargon appeared, generally the language used made the letters easy to understand.
- 6.80 We found that parliamentary correspondence was replied to in good time. We had some concerns that substantial replies to non-Parliamentary correspondence were not always within the CPS timescale. We did, however, find that letters were acknowledged promptly.
- 6.81 We recommend that the CCP should introduce a complaints pro forma to facilitate the regular analysis of the reasons for complaints and the action taken**
- 6.82 We recommend that the CCP should take steps to ensure the timeliness of replies to complaints.**

External relations

- 6.83 These are generally very good and can aptly be described as joined up. This is another Area strength and means the Area is well respected locally. The CCP takes the lead, chairing the local Trials Issues Group (TIG) and, in the absence of the judge, the local Criminal Justice Strategy Committee. Other staff are also prepared to involve themselves in local initiatives and move things forwards: for example, a lawyer in the Trials Unit is involved in the Crime and Disorder Partnership, another sits on the Area Child Protection Committee. The Area has also been closely involved in the Court Assessment and Diversion scheme for mental health cases and the Victim Support Management committee.

Magistrates' courts

- 6.84 There is an effective TIG sub-group on which the CCP, ASU Chief Inspector and the Clerk to the Justices sit and which meets monthly, and there are regular three-way local meetings between police, court and CPS at which day-to-day operational issues can be resolved. There are Court User Groups for both the adult and youth courts attended by CJU Heads and which magistrates feel are effective. The general view of our external interviewees was that the Area at all levels was approachable and helpful.
- 6.85 In partnership with the courts and the police the Area has recently enjoyed some success in driving down the amount of time taken between the arrest and final hearing in cases involving persistent young offenders. The success of the pilot scheme for joint performance monitoring of cracked and ineffective trials is another example of the benefits gained from close local co-operation.

Crown Courts

- 6.86 Potentially the Area is at a disadvantage in this respect because the Crown Courts that handle the vast majority of the its cases all lie outside the Area and, particularly with Newtown cases, at some distance from the CPS office. In relation to the Crown Court at Swansea, about half of whose caseload are Dyfed-Powys cases, the Area has been largely successful in overcoming any difficulties of geographic distance. There are good operational links between the Crown Court office and the Carmarthen office. The CCP meets regularly with the Resident Judge at Swansea and was successful in negotiating a workable regime for the service of the papers in s.51 cases both there and at the other Crown Courts.
- 6.87 In contrast to Swansea there is little CPS presence at the Crown Courts in Merthyr, Mold and Chester, for reasons we have covered earlier in the report. There is a pressing need for increased caseworker and HCA coverage at these courts.

Police

- 6.88 There is a history of informal relationships between the police and the local CPS but nonetheless, communication is effective. The police are generally very satisfied with advice given and with the prosecution of their cases, though they believe that more use, particularly by lawyers, could and should be made of the computer links which have been established between them. The lawyer surgeries we have referred to earlier have been a success.
- 6.89 From the police perspective the areas of CPS performance which need further improvement are in the timeliness of advice, requests for upgrades for full files, and the over-warning of officers to attend court. We have dealt with the first and last of these in earlier sections of the report, at paragraphs 2.12 and 4.11 respectively. Unit Heads will wish to ensure that upgrades to full files are only requested when really necessary. We have also touched earlier on the important and continuing problem of file quality, which the police acknowledge. Joint training with the police, which they would welcome, may be the way forward here.

Victims and witnesses

- 6.90 The Area is working effectively with the Witness Service but sometimes sensitive cases and vulnerable witnesses are not identified. On occasions this may be a police oversight. Problems also arise from time to time when the attendance of witnesses is not sufficiently staggered.
- 6.91 We were told, and indeed we saw for ourselves, that the Area's own lawyers and caseworkers always dealt considerately and conscientiously with witnesses, introducing themselves at court, keeping them informed and consulting them where necessary. However, counsel at the Crown Court, we heard, were sometimes reluctant to speak to them.
- 6.92 In readiness for the bringing into operation of the Victim Information Bureau, and the transfer from police to CPS of the responsibility for informing victims of crime of key stages in the progress of their cases, the Area's lawyers have recently received training in direct communication with victims.

CONCLUSIONS, COMMENDATIONS, GOOD PRACTICE, RECOMMENDATIONS AND SUGGESTIONS

Conclusions

- 7.1 We found the Area to be providing an efficient, professional and well-regarded prosecution service, with a strong and effective presence, particularly in the magistrates' court. Much of this is due to regular and frequent attendance there by the Unit Heads, and the Area's commendable culture of lawyers prosecuting trials.
- 7.2 In the Crown Court the Area is at present maintaining a lower profile, though its cases are well prepared. In part, and particularly in relation to Powys cases, this is dictated by geography. In Dyfed, however, distances are less, and there are sufficient staff, including HCAs, to provide a stronger presence in the Crown Court. We think the next challenge for the Area is to take and demonstrate more ownership and control of the Crown Court work.
- 7.3 There was a disparity between the Area's good performance in preparing cases and its more uneven demonstration of reviewing them. That the Area's lawyers are able to produce good written reviews of cases is shown by its advice work, which we found to be clear, detailed and thorough. The Area needs to adopt a similarly disciplined approach to the early review of all cases it receives.
- 7.4 The Area's management team has demonstrated in practise its commitment to self-assessment and continuous self-improvement. The real test of their leadership will be to evoke in all those they manage the willingness to learn from experience that is an essential part of these processes.

Commendations

- 7.5 We commend the Area for the following aspects of its performance:
- 1 a high standard of professional service in very serious and complex cases (paragraph 3.37);
 - 2 the setting-up of an Internal Review team and the implementation of its recommendations (paragraph 3.68);
 - 3 advocacy in the magistrates' court (paragraph 5.6);
 - 4 the practice of senior managers regularly attending court to prosecute cases (paragraph 5.9);
 - 5 the culture and practice of the Area's own lawyers prosecuting trials (paragraph 5.10);
 - 6 the creation of workshop-style discussion groups (paragraph 6.18);
 - 7 the breadth of developmental opportunities for, in particular, administrative staff (paragraph 6.55).

Good practice

7.6 We draw attention to the following Area practice that may be regarded as good practice:

- * the creation and use of an e-mail link with the court office at Swansea Crown Court (paragraph 4.30).

Recommendations and suggestions

7.7 The distinction between recommendations and suggestions lies in the degree of priority that the Inspectorate considers should attach to its proposals. Those meriting the highest priority form the basis of recommendations.

7.8 With a view to improving the Area's performance we recommend that:

- 1 CJU Heads introduce systems for monitoring the new review form for Narey cases, and for ensuring that an effective review is carried out as soon as possible in all cases (paragraph 3.18);
- 2 CJU Heads introduce regular monitoring of the completion of the PTR form and of the quality of summary trial review contained in it (paragraph 3.36);
- 3 the committal review form cease to be optional and TU Heads introduce a system for monitoring the completion of it (paragraph 3.46);
- 4 that the Unit Heads ensure that review decisions are fully endorsed on the file in the manner described in paragraph 3.47 (paragraph 3.49);
- 5 in all child abuse cases the TU Head should closely supervise the review process to ensure that:
 - (a) the proper evidential test is being applied; and
 - (b) the reviewing lawyer has viewed the video and commented specifically in writing on the quality of evidence disclosed (paragraph 3.58);
- 6 (a) the CCP ensure that all adverse case reports are fully completed with learning points identified; and
 - (b) the AMT further develops the system by which all staff in both Units are made aware of Crown Court outcomes at frequent intervals (paragraph 3.72);
- 7 CCP and Unit Heads should monitor the handling of unused material, particularly secondary disclosure, to ensure scrupulous compliance with procedures (paragraph 4.10);
- 8 in appeals against conviction TU Heads ensure that instructions to counsel always include a contribution from the trial lawyer, together with trial reports and notes of evidence (paragraph 4.21);

- 9 TU Heads monitor all instructions to counsel to ensure that they contain case analysis dealing properly with the issues in the case and, where appropriate, clear instructions about the acceptability of pleas (paragraph 4.27);
- 10 flexibly and subject to operational efficiency, the CCP extends the categories of case currently conducted by HCAs to include appeals against conviction and PDHs (paragraph 5.18);
- 11 in the Area Business Plan, the Area separates ongoing objectives into the component stages of activity to be achieved as priorities within any given year (paragraph 6.14);
- 12 the AMT put in place a coherent performance management framework, so that staff are clear about what is expected of them, how their work will be evaluated, and what action will be taken if standards are exceeded or not met (paragraph 6.35);
- 13 the AMT review the Area induction process in order to ensure greater consistency across all sites (paragraph 6.57);
- 14 CCP should introduce a complaints pro forma to facilitate the regular analysis of the reasons for complaints and the action taken (paragraph 6.81);
- 15 CCP take steps to ensure the timeliness of replies to complaints (paragraph 6.82).

7.9 We also make the following suggestions:

- 1 Unit Heads, at the time of allocation of advices, to satisfy themselves of the appropriateness of the request (paragraph 2.8);
- 2 AMT to consider what management development opportunities might be available in relation to teambuilding and creating a strong corporate identity (paragraph 6.8);
- 3 if the Area Performance Manual (APM) needs to include any additional data in the future, the AMT undertake further analysis to identify core information critical to informing management decisions (paragraph 6.32);
- 4 managers in Newtown to consider regular house meetings with all office users (paragraph 6.70).

KEY STATISTICS

- 8.1 The charts in Annex 2 set out the key statistics about the Area's caseload in the magistrates' courts and the Crown Court for the year ending 30 June 2001.

EXTERNAL CONSULTATION

- 9.1 Annex 3 contains a list of the local representatives of criminal justice agencies who assisted in our inspection.

**TOTAL NUMBER OF FILES EXAMINED IN THE FILE SAMPLE
FOR CPS DYFED-POWYS**

FILE CATEGORY	NUMBER OF FILES
Advice files	10
Magistrates' court	
Guilty pleas, convictions and acquittals after trial	30
Motoring cases	10
Acquittals where magistrates found no case to answer	5
Discharged committals after evidence heard	0
Custody time limit cases	10
Discontinued cases	100
Crown Court	
Guilty pleas, convictions and acquittals after trial	30
Judge ordered acquittals	11
Judge directed acquittals	0
Appeals against conviction	10
Custody time limit cases	10
TOTAL	226

ANNEX 2

Table for chart 1

Types of case	Dyfed-Powys		National	
	Number	Percentage	Number	Percentage
Advice	698	5.2	47,325	3.5
Summary motoring	5,011	37.7	505,174	37.3
Summary non-motoring	2,790	21.0	250,456	18.5
Either way & indictable	4,797	36.1	540,542	39.9
Other proceedings	0	0.0	12,536	0.9
Total	13,296	100	1,356,033	100

Table for chart 2

Completed cases	Dyfed-Powys		National	
	Number	Percentage	Number	Percentage
Hearings	9,710	77.1	943,293	72.8
Discontinuances	1,681	13.3	168,873	13.0
Committals	539	4.3	85,274	6.6
Other disposals	668	5.3	98,732	7.6
Total	12,598	100	1,296,172	100

Table for chart 3

Case results	Dyfed-Powys		National	
	Number	Percentage	Number	Percentage
Guilty pleas	8,316	85.1	776,343	82.0
Proofs in absence	751	7.7	116,300	12.3
Convictions after trial	498	5.1	37,869	4.0
Acquittals: after trial	181	1.9	14,848	1.6
Acquittals: no case to answer	28	0.3	1,656	0.2
Total	9,774	100	947,016	100

Table for chart 4

Types of case	Dyfed-Powys		National	
	Number	Percentage	Number	Percentage
Indictable only	166	22.4	28,121	24.8
Either way: defence election	59	8.0	15,851	14.0
Either way: magistrates' direction	234	31.6	37,771	33.3
Summary: appeals; committals for sentence	282	38.1	31,810	28.0
Total	741	100	113,553	100

Table for chart 5

Completed cases	Dyfed-Powys		National	
	Number	Percentage	Number	Percentage
Trials (including guilty pleas)	398	86.7	68,571	83.9
Cases not proceeded with	49	10.7	10,473	12.8
Bind overs	6	1.3	1,368	1.7
Other disposals	6	1.3	1,332	1.6
Total	459	100	81,744	100

Table for chart 6

Case results	Dyfed-Powys		National	
	Number	Percentage	Number	Percentage
Guilty pleas	275	66.3	50,520	72.4
Convictions after trial	77	18.6	10,780	15.4
Jury acquittals	43	10.4	6,828	9.8
Judge directed acquittals	20	4.8	1,690	2.4
Total	415	100	69,818	100

Chart 1: Magistrates' Court - Types of case

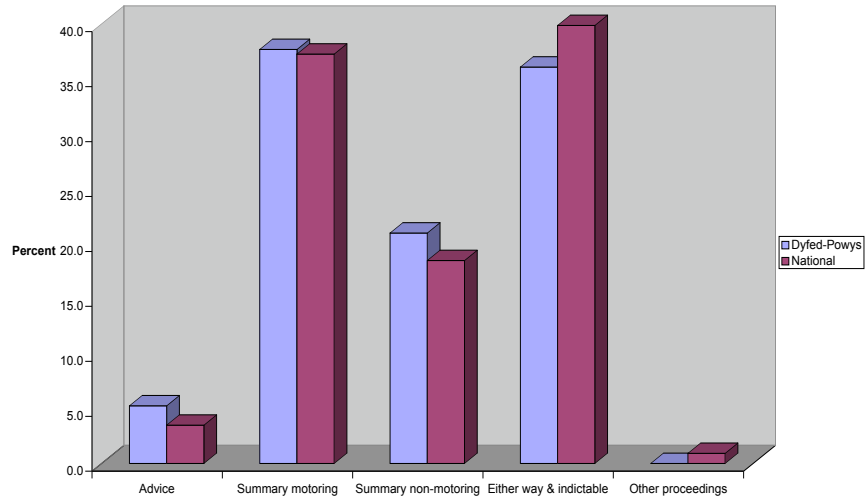


Chart 2: Magistrates' Court - Completed cases

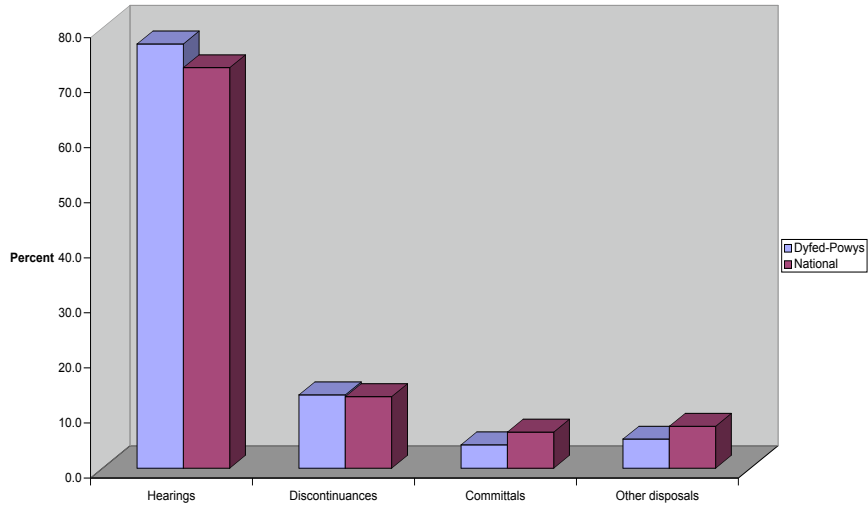


Chart 3: Magistrates' Court - Case results

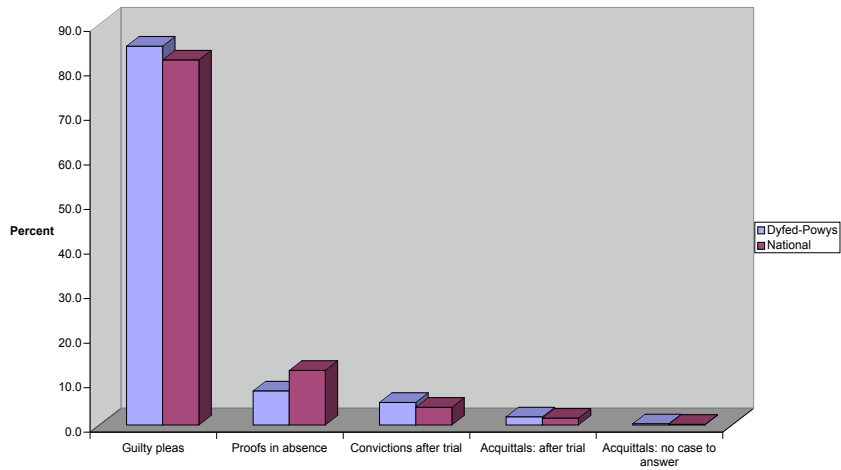


Chart 4: Crown Court - Types of case

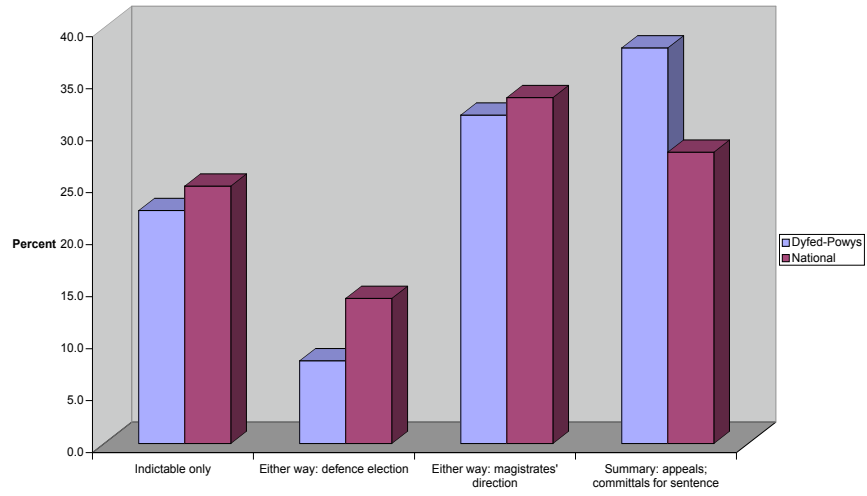


Chart 5: Crown Court - Completed cases

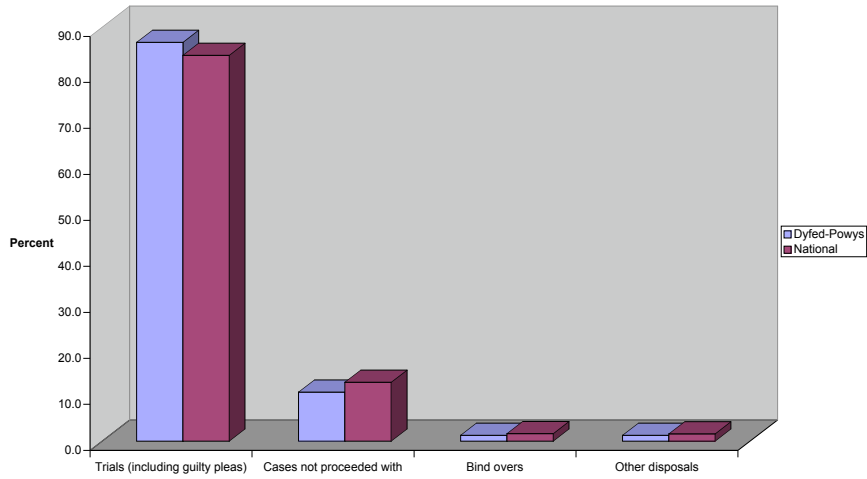
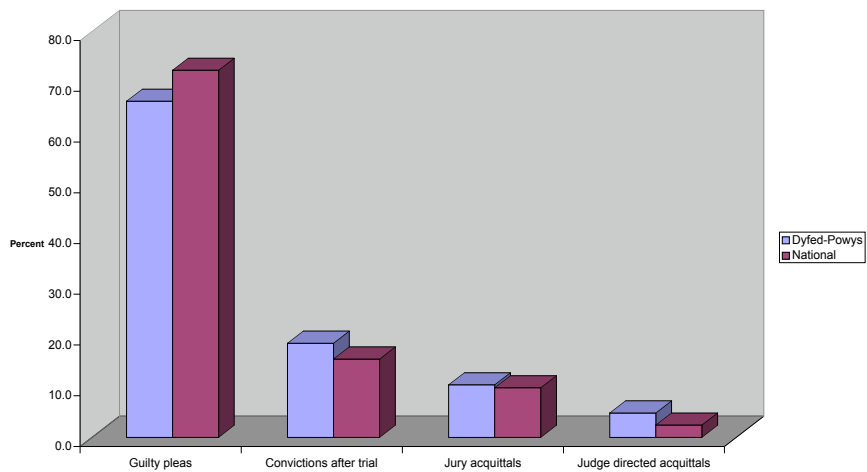


Chart 6: Crown Court - Case results



LIST OF REPRESENTATIVES OF LOCAL CRIMINAL JUSTICE AGENCIES WHO ASSISTED OUR INSPECTION

Crown Court Judges

His Honour Judge Curran, Merthyr Tydfil Crown Court
His Honour Judge Davies, Merthyr Tydfil Crown Court
His Honour Judge Diehl, Swansea Crown Court

Chairman of the Magistrates' Court Committee

Mr P England JP

Magistrates

Mr D Banner JP, Chairman of the North Pembrokeshire Youth Panel
Mr J Burton JP, Chairman of the Dinefwr Bench
Mr A Cummings JP, Chairman of the North Pembrokeshire Bench
Mr B Davies JP, Chairman of the Llanelli Youth Panel and Deputy Chairman of the Llanelli Bench
Mr P English JP, Chairman of the De Maldwyn Bench
Mr G Evans JP, Chairman of the Ceredigion Youth Panel
Mrs M Jones JP, Chairman of the Carmarthen Bench
Mr W Jones JP, Chairman of the De Brycheiniog and Radnorshire & North Brecknock Youth Panel
Mrs J Kendrick JP, Chairman of the Dinefwr Youth Panel
Reverend N Lewis-Head JP, Chairman of the South Pembrokeshire Youth Panel
Mr W B Thomas JP, Chairman of the Carmarthen Youth Panel
Mr B Williams JP, Chairman of the De Brycheiniog Bench
Mrs J A Yewdall JP, Chairman of the De Maldwyn Youth and Welshpool Youth Panel (combined)

Justices' Chief Executive

Mr P Townsend

Magistrates' Court Staff

Mrs C Evans, Principal Assistant Ceredigion

Crown Court Managers

Miss S Colclough, Swansea Crown Court
Mrs P Cuddy, Merthyr Tydfil Crown Court

Crown Court Staff

Mrs C Roberts, Merthyr Tydfil Crown Court

Dyfed-Powys Police

Mr T Grange, Chief Constable
Detective Chief Superintendent J Lewis
Chief Superintendent A Jones
Chief Inspector A Eldred
Chief Inspector S Mears
Sergeant K Davies
Sergeant S Davies
Sergeant P Marshall
Sergeant A Meek
Sergeant C Parmenter

British Transport Police

Inspector G Thomas

Probation Service

Mrs C Morgan, Chief Probation Officer
Mr J Corbett, Assistant Chief Probation Officer

Dyfed-Powys Youth Offender Service

Mr R Summers

Dyfed-Powys Crime and Disorder Partnership

Ms A Peters

Victim Support

Mr M Ritchie

Witness Service

Ms T Grech
Mr P Jones
Ms L Kerr
Ms V Williams

Commission for Racial Equality

Dr M Ally, Chief Executive

Counsel

Mr C Clee
Ms E Evans
Mr P Griffiths
Mr G Walters

Defence Solicitors

Mr R Hanratty
Mr D Williams

HM CROWN PROSECUTION SERVICE INSPECTORATE

Statement of purpose

To promote the efficiency and effectiveness of the Crown Prosecution Service through a process of inspection and evaluation; the provision of advice; and the identification and promotion of good practice.

Aims

- 1 To inspect and evaluate the quality of casework decisions and the quality of casework decision-making processes in the Crown Prosecution Service.
- 2 To report on how casework is dealt with in the Crown Prosecution Service in a way which encourages improvement in the quality of that casework.
- 3 To report on other aspects of Crown Prosecution Service where they impact on casework.
- 4 To carry out separate reviews of particular topics which affect casework or the casework process. We call these thematic reviews.
- 5 To give advice to the Director of Public Prosecutions on the quality of casework decisions and casework decision-making processes of the Crown Prosecution Service and other aspects of performance touching on these issues.
- 6 To recommend how to improve the quality of casework and related performance in the Crown Prosecution Service.
- 7 To identify and promote good practice.
- 8 To work with other inspectorates to improve the efficiency and effectiveness of the criminal justice system.
- 9 To promote people's awareness of us throughout the criminal justice system so they can trust our findings.