

HM CROWN PROSECUTION SERVICE INSPECTORATE

INSPECTION OF NORTH WALES (REPORT 18/04)

EXECUTIVE SUMMARY

Introduction

1. This is the report of HM Crown Prosecution Service Inspectorate about CPS North Wales. The CPS is a national service, but operates on a decentralised basis with each of its 42 Areas being led by a Chief Crown Prosecutor (CCP) who enjoys substantial autonomy. The inspection was a full one, with inspectors considering the quality and timeliness of the Area's casework and all aspects of management.

The Area

2. CPS North Wales serves the area covered by the North Wales Police. It has two offices, at Wrexham and Colwyn Bay (Eryri). The Area Headquarters (Secretariat) is based at the Wrexham office.
3. The Area was previously reported on in March 2002. At the time of the current inspection, it employed the equivalent of 67.1 full-time staff. In the year ending March 2004 it dealt with 15,590 cases in the magistrates' courts and 930 cases in the Crown Court. It gave pre-charge advice to the police in a further 5,646 cases.

Main findings of the Inspectorate

4. Over the past two years the Area has been affected by a number of changes to its senior management. In May 2004 permanent appointments were made both to the CCP and the Area Business Manager (ABM) posts. It is now in a position to take the opportunity to review the Area's performance and operations and take the Area forward on a firm basis.
5. The Area with its criminal justice partners has performed well in important aspects of its work. The results for the Public Service Agreement targets are good and public confidence is high. It has piloted all three major initiatives (pre-charge advice, Effective Trial Management and No Witness No Justice) and has co-located with the police throughout the Area.
6. The Area has a stable and experienced staff at all levels. The quality of its decision-making, of its advocacy and its case preparation, particularly of Crown Court cases, is good. Its handling of unused material needs to be better.
7. Internally, it has some work to do on the structure of the Area, on training, its communications, its equality and diversity plans and on its performance management.

Specific findings

Key performance results

8. The Area delivers good key performance results and generally performs better than the national average.
9. Its handling of cases together with the co-operative work with other agencies has enabled the timeliness of cases involving persistent young offenders to remain consistently well below the national target of 71 days. With its criminal justice system partners, it is exceeding its target for “Narrowing the Justice Gap” and has a good performance in relation to ineffective trials.

Casework

10. The Area is one of only two in the Country which piloted all three major initiatives as described above. It has stable and experienced staff who have maintained a high level of performance despite the pressures of changing practices involved in this work.
11. Decision-making is good and the discontinuance rate in the magistrates’ courts and the rate of cases which do not proceed in the Crown Court, are low. We had some concern that not all cases were reviewed before the first hearing but generally cases are ready to proceed. Continuing review is good and cases for summary trial are well prepared.
12. The work in Crown Court cases is particularly good and consistently above the national average in all our measures. Area specialists deal with sensitive cases (racial incidents, homophobic crime, domestic violence, child abuse, rape and fatal road traffic offences) and we impressed by their handling and monitoring.
13. A number of aspects of the disclosure of unused material need to be improved particularly the duties of secondary disclosure.

Advocacy and quality of service delivery

14. The overall standard of advocacy is good with a significant proportion of CPS prosecutors who were good or very good. The quality of agents in the magistrates’ courts is mixed, but in the Crown Court, counsel of appropriate experience are instructed, particularly in the more serious and sensitive cases. A structured plan for the monitoring of advocacy is about to be introduced.
15. Higher court advocates have limited presence in the Crown Court at the moment, due to their commitments in the magistrates’ courts. The Area needs to address this.
16. Some aspects of service delivery at court could be better: some prosecutors do not have time properly to prepare for court and, occasionally, not all the files listed are available to the prosecutor.

Victims and witnesses

17. The service provided to witnesses is satisfactory. The Area is piloting the No Witness No Justice victim and witness care project. In each CPS office the police and Area staff work as a team to provide a single point of contact and assess victims needs. The Witness Liaison Unit works closely with the Victim Information Bureau, which deals with Direct Communication with Victims. As yet, however, the Area has not achieved the minimum requirements of the project.
18. There is some scope for better and more timely identification of witness needs in order to seek special measures and also for better phrasing of witnesses at court.
19. The overall quality of letters to victims under the Direct Communication with Victims scheme is good although some contained unnecessary or inappropriate paragraphs. Victims of offences that do not proceed at the pre-charge stage are included in the Area's scheme.

Performance management

20. The Area needs to collect and analyse appropriately focused performance information in order to identify and drive forward improvements. The new Area management has recognised this and is in the process of reinforcing the performance management regime.

People management and results

21. The structure of the Area and the deployment of its staff have resulted in a possible overemphasis on magistrates' courts work. The training of staff should be based on a staff needs analysis as well as the requirements of new legislation or policy. Effective communication has been a weakness in the past. This is being addressed with a new strategy and a plan, some of which has already been implemented.

Management of financial resources

22. The lack of continuity in the ABM post in the past has left the Area somewhat exposed over financial matters with a variety of systems used to monitor and control the budget. The recent permanent appointments of senior managers should stabilise the situation. There could be more widespread awareness of finance amongst other managers.
23. The budget is based on the Area's performance indicators but there is little confidence in their accuracy. This must be corrected.

Partnerships and resources

24. The large amount of pilot work has enabled the Area to develop effective relationships with its criminal justice partners. The offices are both co-located with the police. It will be important to ensure structured joint planning and monitoring of all this work to maximise the operational benefits and successful outcomes.

25. The Area has introduced the Compass Case Management System but needs to encourage its greater use by lawyers.

Policy and strategy

26. The Area has shown an admirable willingness and drive to take it into the future by the piloting of many initiatives. It must be careful to ensure that skills for change and project management are in place to ensure success.
27. The recent appointment of senior managers has given the opportunity for a comprehensive review of the Area's strategy and plans, which has been grasped. At the same time, the Business Process Review Team has made a promising start in developing consistent processes.

Public confidence

28. Generally the Area handles complaints well and in good time.
29. Cases with an ethnic minority dimension are handled well but the Area has yet to demonstrate a cohesive approach of its own to the community. Its engagement with the media needs to be more pro-active. That said, the British Crime Survey shows that public confidence in the effectiveness of bringing crimes to justice in North Wales is well above the average. The Area plays a significant part in that success.

Leadership and governance

30. The vision and values of the new management are being established. It is important for staff to be given a clear sense of direction quickly.
31. Although the Area has standard Trial Units (TUs) and a Criminal Justice Unit (CJU), the distribution of work is unusual in that most summary trials are handled by the TU and TU lawyers cover many magistrates' courts sessions. There are widespread concerns that this structure causes imbalance between Crown Court and magistrates' courts work. A scrutiny is required to ascertain whether this arrangement is the most efficient and effective.

Bringing offenders to justice

32. The Local Criminal Justice Board has exceeded its target for bringing offenders to justice. The Area contributes to this success by its part in the full implementation of the pre-charge advice scheme and with a low discontinuance rate both in the magistrates' courts and in the Crown Court.

Reducing ineffective trials

33. Ineffective trial rates are commendably low. In the Crown Court in the period from April – July 2004, the ineffective trial rate was 12.7% compared with 17.2%. The latest figures for the magistrates' courts show that the ineffective trial rate was 18.1% compared to the national average of 29.3%.

34. These good figures may well be helped by the implementation of the pilots, which ensure that the charges are correct, that case management is improved, and that witnesses are well cared for. Evaluation of these projects will assist in identifying the way forward for all agencies.

Value for money

35. The Area instructs comparatively few agents in the magistrates' courts making full use of its in-house prosecutors.
36. It has some way to go in realising the full benefits of the major projects that it has piloted over the past 18 months.

Equality and diversity issues

37. The Area has an equality and diversity plan but it could concentrate more on local priorities and be aligned with the Area Business Plan. Generally, a more dynamic and focused approach is required. There is scope for improvement of community liaison with greater emphasis on establishing the identity of the CPS within the community.

Recommendations

38. Inspectors made the following five recommendations:
1. The CCP, in conjunction with police, should ensure the implementation of the recommendations of the review of the shadow charging arrangements and in particular:
 - * maximise the take up of pre-charge advice in Western Division;
 - * ensure that the advice under the scheme is consistent;
 - * ensure that there are appropriate requests for full files; and
 - * consider the comprehensiveness of the coverage of police charging centres (paragraph 4.4).
 2. Lawyers should comply fully with the duties of disclosure of unused material and implement the procedures in the revised Joint Operational Instructions, and the Unit Heads should monitor this effectively (paragraph 4.23).
 3. The CCP and the ABM should assure the accuracy of the performance indicators (paragraph 4.47).
 4. The ABM should ensure the further development of the communication action plan and its full implementation (paragraph 8.20).
 5. The ASB scrutinises the efficiency and effectiveness of the division of work between the TU and the CJU including the balance of staffing in the units (paragraph 13.12).

Good Practice

39. We have identified two aspects of good practice, which might warrant adoption nationally:
1. The extension of the DCV scheme to include the provision of letters to victims when cases subject to pre-charge advice are not to proceed (paragraph 6.9).
 2. The Area has a good system of monitoring action points from previous meetings to ensure that the tasks are carried out (paragraph 13.14).

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

HMCPS Inspectorate
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