

# Inspection of CPS North Wales

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## follow-up Report

## Introduction

1. This report details the findings of Her Majesty's Crown Prosecution Service Inspectorate (HMCPPI) arising from the follow-up progress visit to CPS North Wales on 23–24 August 2005.
2. The Inspectorate carried out a full inspection of CPS North Wales in June 2004 and the report of that inspection was published in October 2004. The report made five recommendations, which set out the steps necessary to address significant weaknesses relevant to important aspects of performance. In addition, the inspection identified four strengths and 13 aspects for improvement (AFIs).
3. The purpose of this visit was to assess the Area's progress against the recommendations and AFIs contained in the report. We also evaluated whether the strengths in performance are still present. We comment in detail on the progress made against our recommendations and summarise the steps taken by the Area to address AFIs. We also summarise the current position in relation to strengths.
4. The five recommendations in respect of which we assessed progress were:
  - R1** The Chief Crown Prosecutor (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; andconsider the comprehensiveness of the coverage of police charging centres (paragraph 4.4).
  - R2** 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).
  - R 3** The CCP and the Area Business Manager (ABM) should assure the accuracy of the performance indicators (paragraph 4.47).
  - R 4** The ABM should ensure the further development of the Communication Action Plan and its full implementation (paragraph 8.20).
  - R 5** The Area Strategic Board (ASB) scrutinises the efficiency and effectiveness of the division of work between the Trial Unit (TU) and the Criminal Justice Unit (CJU) including the balance of staffing in the units (paragraph 13.12).

## **Methodology**

5. Before visiting the Area, we requested a number of documents relating to management information and performance data that would provide evidence of the progress that the Area had made. These included the Area Action Plan to implement the report's recommendations and AFIs. All the documents requested were required in any event for the Overall Performance Assessment (OPA) that was conducted at the same time as the follow-up inspection. The OPA Report will be published separately at a later date.
6. We examined 16 files, selected across the units to look at the progress against the recommendation relevant to disclosure and the AFI relating to custody time limits (CTLs). We also looked at these files in order to assess whether the strength we had found in the preparation of Crown Court cases was maintained.
7. We also examined a number of cases by means of the case management system (CMS). This enables us to achieve a level of assurance on relevant aspects of work, without the need for the Area to physically produce files.
8. During our visit we interviewed the Area Management Board (AMB) comprising the CCP, the ABM, the Heads of the Units and a Unit Business Manager.

## **Background to the Area**

9. At the time of the last inspection, the Area was in transition, having just appointed a permanent CCP and an ABM. This followed a period of instability where these posts had been held on a temporary basis by a number of people.
10. The Area had restructured, utilising a system where most trials in the magistrates' courts are handled by TU lawyers (in most CPS Areas TU staff only handle Crown Court work). There were some concerns among staff as to the effectiveness of the structure.
11. North Wales had been heavily involved in implementing national pilots and initiatives. At the time of the inspection in 2004, they had already implemented co-location with the police, shadow charging, the Effective Trial Management Programme (ETMP) and the No Witness, No Justice (NWNJ) scheme. One of the aims of the follow-up was to examine the ongoing success, or otherwise, of these initiatives.
12. Since the last inspection the police have conducted a Best Value review in North Wales. One of the conclusions is to withdraw from the current co-located sites, this obviously impacts upon the CPS and has required a re-examination of future staffing strategies. The Area has also seen a tightening of its budget allocation that will require careful management.
13. The Area is scheduled to move to the Statutory Charging Scheme in September 2005, and this has been a key priority for them.

## Overview

14. Solid progress has been made against four of the five recommendations, although in some instances only quite recently. Less progress has been made in respect of the review of work distribution, as this has been affected by the police Best Value review which was only finalised in 2005. The Area has plans to address this recommendation with a target completion date of 31 October.
15. Almost all of the AFIs had moved forward, although in six of the 13, progress was only limited at the time of the follow-up. In most of the six, recent action had taken place (or was planned) that should assist in the future if implemented effectively and maintained.
16. Two of the AFIs that need further work relate to victim and witness issues (NWNJ minimum standards and Direct Communication with Victims (DCV)) and are therefore very important. The management of Custody Time Limits (CTLs) was a concern, but this will be minimised providing the Area implements the proposed system changes outlined in a recent internal review. Performance management is still developing.

## Performance against PSA targets

17. Key shared performance results for the Local Criminal Justice Board are contained in the table below.

<b>PSA targets</b>	<b>Original inspection</b>	<b>Follow-up</b>
Offences Brought to Justice (OBTJ) against baseline	+6.7%	+10.5%
Ineffective trial rate - magistrates' courts*	18.1%	17.2%
Ineffective trial rate - Crown Court*	12.7%	13.4%
Public confidence	47%	44%
PYOs	54 days	80 days

\* For ineffective trial rates, lower is better

18. Progress against key targets has been variable with two showing improvement and three showing deterioration. Whilst the confidence and ineffective trial rate in the Crown Court have not improved, it should be borne in mind that North Wales is performing better than the national average in both categories. The persistent young offender (PYO) performance is disappointing and stems from decisions to cut back on the pro-active management of such cases on the grounds that performance had been consistently good in the past.

## Implementation of the recommendations

**Recommendation 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.**

19. **Substantial progress.** In preparation for the move to Statutory Charging in September the Area has revised its coverage and processes to mirror closely the requirements of the scheme. This took place at the end of May. In preparation for the changes the CPS and the police changed the governance of the charging programme in December 2004. A project manager was introduced by the CPS and each police division has now set up a local implementation team. These are having a positive effect on accelerating progress.
20. The new procedures involve more management controls to assure that the scheme is working in accordance with expectations. MG3s are monitored and there is feedback to individuals on the findings. There are also now checks in place to monitor compliance to the scheme, although it is too soon to assess their effectiveness.
21. Face to face coverage has been increased to 16 days per week and provides for two extra days in Caernarfon. Trials were conducted to assess the viability of any other extra coverage in the west; the findings suggested that it was not practical. Additionally the CPS provides telephone cover, over and above the face-to-face sessions; plans are also in hand for a video conference facility for the smaller, more remote police stations. A dedicated lawyer is available on a daily basis to progress complex cases that are not suitable for face-to-face advice.
22. While we are satisfied that the Area is now making good progress, we consider that some issues might have been addressed sooner, most notably with regard to the accuracy of entries in CMS and the monitoring of cases resulting in advice by the CPS prosecutor that there should be No Further Action.

**Recommendation 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.**

23. **Substantial progress.** The Area's performance at the time of the inspection in complying with the prosecution obligations of disclosure had an overall assessment of 64.7% compared with a national average of 70.3%. Primary disclosure in the magistrates' courts was good (92% compared with the national average of 71.6%). In the Crown Court, however, the Area's performance was below the national average particularly with regard to secondary disclosure which was dealt with properly in only 31.3% of cases compared with a national average of 59.4%. As a result of the recommendation in our report, a working group of senior managers was set up and a number of actions were taken to improve performance.
24. A checklist has been devised setting out all the actions that need to be taken by both the police and Area lawyers and caseworkers. This acts as a useful aide memoire and should be completed on all relevant files. Standard objectives for lawyers include expectations relating to the disclosure regime.
25. The Area managers carry out extensive monitoring of files which includes performance in relation to the duty of disclosure. The Casework Quality Assurance (CQA) system is supplemented by further dip sampling of one file per lawyer per quarter. This is increased if there are particular concerns.
26. As a result of these measures, performance has improved. The Area's own assessment under CQA is that disclosure was properly dealt with in all cases in April and May 2005 and in 94.4% in June 2005. Our own assessment of 11 files showed that initial disclosure was dealt with properly in all 11 cases and also in the three files that had continuing disclosure issues. Timeliness was good in all but one case.
27. However, in the three month period of the Area's assessment, none of the files required continuing disclosure. If the Area is to assure itself that good performance is maintained, managers should ensure that continuing disclosure is properly and specifically assessed.
28. All prosecutors and caseworkers have received training on the disclosure provisions of the Criminal Justice Act 2003. There has been no specific training on the CPS/Association of Chief Police Officers Disclosure Manual, but the Disclosure Champion has advised generally on the changes that have been made and lawyers are enjoined to refer to the new manual when dealing with disclosure.
29. Our report set out other defects in the management of disclosure. These included
  - MG6Cs (the list of unused material) with insufficient detail accepted without comment or return for correction;

- lack of meaningful endorsement of MG6Cs by lawyers; sometimes merely a signature;
- defence statements not sent to the police;
- no reply from police to defence statements;
- non-completion of disclosure logs; and
- poor management of disclosure documents within the file.

Performance on most of these has improved:

- the MG6Cs have improved and none that we saw needed correction;
- some had meaningful endorsement although others were still merely signed without comment;
- defence statements are now faxed routinely to the police;
- one of the three relevant files appeared to have no response from the police. This was not chased and there was no reply to the defence;
- the completion of disclosure logs requires attention. Only one of the six magistrates' courts files had a completed log and three of the five Crown Court files were completed; and
- disclosure documents were kept separately on all Crown Court files but on none of the magistrates' courts files.

**Recommendation 3 - The CCP and the ABM should assure the accuracy of the performance indicators.**

30. **Substantial progress.** In many respects, this was an issue of confidence as there was only limited evidence of incorrect data at the time of the inspection. Work has been undertaken to ensure that specified offences are not included in the performance indicators (PIs) and there are now more robust controls over the recording of adverse outcomes. The Area now has the confidence to use the data more to inform management decisions.
31. A Performance Officer was appointed in the latter half of 2004-05, and part of his role is to assure the PIs and to disseminate performance information to staff.
32. We are concerned that there has been confusion over the correct recording of advices that has taken too long to address. In 2004/5 the Area recorded 29.3% of its caseload as standard B1 advice, the national average was 5.1%. Conversely the level of pre-charge advice recorded was significantly below the national average (6.1% against 20.9%). Data for the first quarter of 2005/6 suggests improvement. We consider that better use could be made of the Management Information System (MIS) to validate and benchmark data.

#### **Recommendation 4 - The ABM should ensure the further development of the Communication Action Plan and its full implementation**

33. **Achieved.** A Communication Plan is now in place and this has led to a more structured way of disseminating information. Team meetings are now held regularly following each AMB meeting. A series of Briefings has been held where the CCP and ABM communicate key issues to staff.
34. There have been improvements in staff consultation and more employees have had the opportunity to be involved in the direction of the Area. There are examples of managers modifying proposals as a direct result of staff feedback.
35. Membership of the AMB has been amended to include level B managers and other staff attend on an invitational basis. All these actions contribute to ensuring that managers are perceived by staff as open and receptive.

#### **Recommendation 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**

36. **Limited progress.** We recognise that changes beyond the Area's control will have contributed to delay in driving this issue forward. The police Best Value Review and the national review of structures conducted by CPS HQ have now been completed with findings published. Indicative budgets are also now available. Some changes have been made in any event to assist in the delivery of national priorities, for example increases in Higher Court Advocates and the appointment of B2 managers in each TU.
37. The Area is now better placed to consider its options and plans were in place to complete a review, including staff consultation, by the end of October. Those interviewed believe that further change is likely to be necessary.

#### **Aspects for improvement**

38. As stated in the overview, progress against the AFIs is a little variable. There has been progress on almost all aspects, although in some cases work is only recent, and in others progress was limited. Substantial progress was evident in just over half of the 13 AFIs. We comment on progress against each individual AFI in Annex 1.

#### **Strengths**

39. One of the strengths related to a one-off review of the shadow charging scheme and did not require any maintenance. Of the remaining three, two have been maintained well, whereas the strength relating to PYO performance has regrettably lapsed.



40. The PYO target of 71 days from arrest to sentence is no longer being met. It is a shared target with the other criminal justice agencies. The rolling three month average from December 2004 to February 2005 was 80 days. Since August 2004 the figures have been worse than the target. At the time of our last inspection, the North Wales criminal justice area was one of the best performing areas with a figure of 54 days. The Area accepts that it had "taken its eye off the ball" together with its partners. The slippage is now being addressed and in March 2005 the figure was 62 days.
41. The standard and timeliness of preparation of Crown Court cases has been maintained. The timeliness of the service of papers on the defence and of instructions to counsel was significantly higher than the national average. The percentage of trials that were ineffective due to the prosecution (2.6%) was significantly below the national average (6.6%), indicating good preparation.
42. The Area Champion for hate crimes and the co-ordinator for domestic violence cases continue to be pro-active. They provide detailed reports for the AMB setting out trends and highlighting issues; they provide regular guidance for staff and liaise well with other criminal justice agencies and bodies.

## **Conclusion**

43. Overall, the Area has progressed most of the issues raised during the inspection in June 2004. We understand that the arrival of new CCP and ABM, together with some unforeseen changes, will have caused delay in driving forward some aspects. It should also be borne in mind that Area performance is better than the national average for most of the key indicators.
44. The Area is now well positioned to carry forward the outstanding issues. Priority should be given to improving the service provided to victims and witnesses and the further development of performance management techniques. Further work needs to be done in ensuring that the benefits of the major initiatives that have been implemented are fully realised.

**CPS NORTH WALES  
PROGRESS AGAINST ASPECTS FOR IMPROVEMENT**

<b>PARA NUMBER</b>	<b>ASPECT FOR IMPROVEMENT</b>	<b>POSITION AS AT JULY 2005</b>
4.7	The maintenance of a record of the documents served on the defence as advance information.	<b>Limited progress.</b> The police copy the documents that are served as advance information and they are provided immediately at court on the first hearing. A record is kept of the statements being served only if they are sent from the Area offices.
4.38	Ensure consistency and improve upon practice in dealing with CTL cases.	<p><b>Limited progress.</b> At present the Area relies on the B1 Unit Managers to enter all CTL data and monitor expiry dates. There is limited quality assurance from senior managers and no dual system of monitoring using the CMS printouts.</p> <p>The Area has reviewed the CTL system recently and drafted detailed, written instructions on CTL law and procedures. This suggests that quality assurance checks should be carried out in future by TU B2 managers. This would provide a more rigorous quality assurance check.</p> <p>The Area has had a recent technical failure that has not been reported to CPS HQ.</p> <p>The Area has protocols with the magistrates' courts, the Crown Courts and the police, but these are not followed consistently.</p>
4.40	The systems for the improvement of the quality and timeliness of files, particularly in the Western Division.	<b>Limited progress.</b> There is no systematic mechanism for measuring the timeliness and quality of police files. Trends in each police division are not ascertained. Where a guilty plea is anticipated, files are checked by a designated police "Narey clerk". Other files are monitored by a check of the MG3 (the pre-charge advice) forms. However, when issues arise, evidence is collected and presented to the police for correction.

PARA NUMBER	ASPECT FOR IMPROVEMENT	POSITION AS AT JULY 2005
5.6	Formal monitoring of advocacy.	<p><b>Substantial progress.</b> The CJU Head has been appointed as Area Advocacy Monitor and a formal system of monitoring has been developed and disseminated. Each lawyer and DCW will be monitored once a year and five advocates have been seen so far. A formal meeting is held to discuss feedback and a written report will go to the advocate and line manager for Performance Appraisal Report purposes. The Area is instructing few agents at present but chambers were informed that monitoring would commence if agent usage increases.</p> <p>There is no formal system of monitoring counsel in the Crown Court.</p>
6.10	Implementation of the minimum standards of the NWNJ project.	<p><b>Not progressed.</b> The Area is warning witnesses in a timely manner but other minimum standards of witness care required in the NWNJ Scheme have not been met. Appropriate staffing levels had not been achieved to provide assured single points of contact and consistent updating of changes to bail, results of some hearings and in providing tailored needs' assessments for witnesses.</p>
6.10	Timeliness of letters to victims under the DCV scheme.	<p><b>Limited progress.</b> The Area had poor performance in the timeliness of DCV letters throughout 2004-5 and sent 59% of letters within 5 days. The target was 70%. Some improvement was made in the first quarter of this year, when the Area sent 83% of letters within five days. This coincides with some proactive work by the two Victim Information Officers, appointed for the Area in a Victim Information Bureau (VIB) that is now co-located with the TUs and Witness Liaison Units. Area minutes show a recent drive to let the VIBs have files immediately and some checks on CMS for relevant finalised cases are being made.</p> <p>The Area will need to increase staff compliance with DCV procedures and maintain the recent improvement in timeliness.</p>

PARA NUMBER	ASPECT FOR IMPROVEMENT	POSITION AS AT JULY 2005
7.6	The collection and analysis of appropriately focused performance information which is then used to drive improvements where necessary.	<b>Limited progress.</b> Overall, progress has been made in the collection of data. Performance reports are produced on a monthly and quarterly basis. However, there is still a need to improve the analysis of the information and the identification of effective remedial actions. Better progress has been made in monitoring and managing the deployment of staff.
8.10	A Training Plan based on needs analysis is developed and the identified training is delivered.	<b>Substantial progress.</b> Better plans are in place and the Area has increased its capacity to deliver training locally. Managers have completed self assessment that has informed individual learning and development plans. A recent Investors in People assessment indicates improved staff satisfaction with training.
8.27	A more dynamic and focused approach to Equality and Diversity issues is required.	<b>Substantial progress.</b> The Area has reviewed its approach to Equality and Diversity. They have worked with the regional Equality and Diversity Officer in integrating plans and policies. It is not always easy to recognise the commitment in some plans, but examination of further documents and discussions with managers confirm that equality and diversity are afforded appropriate attention. Engagement with relevant community groups needs to be developed further.
10.7	Improve lawyer and caseworker usage of Compass case management system (CMS).	<b>Substantial progress.</b> The rating for the use of CMS overall (measured by the use for full file review, indictments and the number of log-ins) is 78.8% compared to the national average of 69.2%. The use for full file reviews in 2004/5 was 18.2% compared with the national average of 27.1%. Extensive training has significantly improved performance: in March and April 2005 the figures were 40.7% and 57.1% respectively. CMS is used to build indictments in 86.5% of cases compared with a national average of 80.8%. Usage is monitored, and appropriate action is taken to improve.

<b>PARA NUMBER</b>	<b>ASPECT FOR IMPROVEMENT</b>	<b>POSITION AS AT JULY 2005</b>
11.4	Change management and project planning skills need improving.	<b>Substantial progress.</b> Progress has been made culminating in the formation of the Change Management Board in December 2004. Some staff have been given additional training in project management techniques. There is still work to do in ensuring that change is effective in bringing about improved performance. Formal reviews can also be strengthened.
13.3	Ensuring all staff are aware of the Area's vision and priorities to give them a greater sense of direction.	<b>Achieved.</b> The vision was agreed in June 2004 following consultation and was disseminated to staff in a variety of ways and has since been re-enforced. The Area priorities have been made clear to staff, many of whom have had an opportunity to input more into decision-making.

