

# HM CROWN PROSECUTION SERVICE INSPECTORATE

## INSPECTION OF CPS DYFED POWYS (REPORT 13/04)

### EXECUTIVE SUMMARY

#### Introduction

1. This is the report of HM Crown Prosecution Service Inspectorate about CPS Dyfed Powys. 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. This was an intermediate inspection. The Area was previously reported on in March 2002.

#### The Area

2. CPS Dyfed Powys (the Area) serves the area covered by the Dyfed Powys Constabulary. It has three offices, at Carmarthen, Haverfordwest and Newtown, and the Area Headquarters (Secretariat) is based at the Carmarthen office.
3. Area business is divided along functional lines: there are three Criminal Justice Units (CJUs) for Carmarthenshire, Pembrokeshire and Cerdigion, and Newtown, which handle all cases in the magistrates' courts in Powys. There is a Trial Unit at Carmarthen which deals with cases in the Crown Court in Dyfed and another Trial Unit for Crown Court cases in Powys. This second TU is based at Newtown and is a joint unit with the local CJU.
4. At the time of the inspection in March 2004, the Area employed the equivalent of 54.9 full-time staff. The Area Secretariat comprises the CCP, Area Business Manager (ABM) and the full-time equivalent of 5.4 other staff. In the year to December 2003, it dealt with 14,069 cases in the magistrates' courts and 800 cases in the Crown Court. It gave pre-charge advice to police in a further 1,294 cases.
5. CPS Dyfed Powys is one of the smallest CPS Areas in terms of caseload, though one of the biggest geographically, as it occupies an area more than half the size of Wales. It is predominantly rural, and almost all its Crown Court work is dealt with at courts outside the Area. The black and minority ethnic population is a very small proportion of the whole and is widely scattered.

#### Main findings of the Inspectorate

6. In the two and a half years since the last inspection visit, the Area has experienced an increase in caseload of 12.1% against a rise in financial resources of some 17%. Lawyer numbers remain very nearly the same, whilst administrative staff numbers have increased. The challenges occasioned by the geographic spread of the Area, and the location outside the Area of the principal Crown Court centres, remain. There has been a modest rationalisation of magistrates' courts and there are now nine to be serviced.

7. Against that background the Area has done well to implement the various new initiatives, to maintain or improve its casework performance in most respects, and to help deliver a very good performance in relation to narrowing the justice gap and increasing public confidence. On measures such as ineffective and cracked trials, and reducing the arrest to sentence time for persistent young offenders, Dyfed Powys is among the leaders. Credit for this must go to all staff as well as to the very effective degree of joint working there is with the Area's criminal justice partners - principally the police and the magistrates' courts.
8. There are still one or two recalcitrant aspects of performance which need to be addressed and our recommendations are designed to assist with these. The Area is only co-located with the police to a modest extent, and therefore the scope for giving face-to-face advice is limited, which will bring an important challenge in the relatively near future when the CPS takes over the statutory responsibility for charging. We have therefore laid particular emphasis in the report on the need to develop further the existing joint working with the police, in particular in relation to file quality, requests for full files, advices not to charge, and discontinuance.
9. The Area's results are particularly impressive in relation to magistrates' courts casework and to the delivery of the Public Service Agreement (PSA) targets in both magistrates' and Crown courts. Witness care was also good, while Crown Court casework was nearer to the national average on most measures and continuing review better than average. On the other hand, disclosure was not handled well by some units, particularly in the Crown Court.

## **Specific findings**

### ***Casework***

10. With the exception of disclosure, the Area handles most aspects of casework - including sensitive cases - confidently, efficiently and effectively. It has the benefit of experienced staff, both administrative and legal, and has well-honed systems in operation for dealing with its workload - with the result that file review and case preparation in both courts is of a high standard. On the other hand, there remains the long-standing problem that many lawyers are not very forthcoming in setting out the reasons for their decisions in writing when they endorse files. This causes duplication of work if different lawyers handle the case, and some problems now that cases in the magistrates' courts, particularly trials, are more likely to be conducted by agents. The quality of briefs was very variable on the file sample, though we were told that the reason for this had been identified as a problem with the introduction of the Compass Case Management System.

### ***Bringing offenders to justice***

11. By close joint working between all the criminal justice agencies, Dyfed Powys has increased the numbers of offenders brought to justice by 13.1%, one of the best performances in the country.

### ***Reducing ineffective trials***

12. Ineffective trials have decreased considerably since the last inspection. In the Crown Court the latest figure is 9% and in the magistrates' courts 17.8%. Again these excellent results are the product of close working with partners in the Local Criminal Justice Board (LCJB), where ineffective cases are regularly examined by CPS, magistrates' courts and police staff on a case-by-case basis, with lessons learned and necessary improvements implemented.

### ***Advocacy and quality of service delivery at court***

13. Inspectors commended the Area at the time of the last inspection for the quality of its advocacy and, after risk assessment, no attempt was made to see representative numbers of advocates. However, the usage of agents has increased, and there was some perception from respondents that progress in cases was less successful when agents were conducting them. The Area, however, selects its agents with some care, and there is some informal monitoring, while it also makes efforts to train them. Agents would be better placed to deal with cases if lawyers recorded more fully their reasons for decisions. There is an urgent need to recruit and deploy more designated caseworkers (DCWs), especially as their remit has recently been enlarged, and in view of the Area's increased caseload in the magistrates' courts.

### ***Victims and witnesses***

14. The Area has responded well to rebalancing the criminal justice system in favour of victims and witnesses. Witness care is generally good: there is a central Victim Information Bureau with responsibility for the Direct Communication with Victims scheme, and good working relationships exist with the Witness Service and Victim Support. Special Measures are well understood and sought where appropriate.

### ***Performance management***

15. The Area has implemented the national Casework Quality Assurance scheme, supplemented by its own pre-existing scheme, but more rigorous follow-up is required. Performance is frequently discussed informally by senior managers, but is an intermittent topic at Area Management meetings, and there is little formal discussion at unit level, or comparison between them. Unit Action Plans need to be devised and feed into the Area's Business Plan. There is good joint performance management with the magistrates' courts and the police, which has enabled commendable progress in relation to the PSA targets. Further work is needed with the police about file quality and case outcomes, as well as to facilitate the introduction of the charging scheme.

### ***People management and results***

16. There are some pressing staffing challenges for the Area as it is overspending against its salary budget. This has been caused by a number of factors, including many experienced legal staff towards the top of salary scales, long term sickness and no regular DCW coverage in the south of the Area. Higher Court Advocates (HCAs) have conducted a wider range of work since the last inspection, but this is now taking second place to their involvement in the charging initiative. The Service is regarded as a good employer and staff are generally managed well, but re-invigoration of the Performance Appraisal system is required and cross-functional issues need to be discussed and addressed at team meetings.

### ***Equality and diversity issues***

17. Service delivery is sound in relation to racist incidents. Training on equality and diversity issues has been undertaken comprehensively. It would be helpful if the small minority ethnic make-up of the community could be reflected in the staff.

### ***Financial management***

18. In view of a significant overspend on budget and the increased use of agents, the Area's financial procedures need to be strengthened, and there needs to be greater transparency regarding the performance of units and their costs. There has been some misuse of the 3010 budget on special cases in the magistrates' courts. The Area considers that the high travel costs associated with rurality are not adequately reflected in its funding.

### ***Value for money***

19. The Area has succeeded in covering an increased caseload with approximately the same number of lawyers and a modest increase in caseworkers. However, agent usage has increased, the pilot charging scheme is not comprehensive, and there is as yet no co-location of police and CPS staff. Travel and subsistence costs are substantial given the spread of the Area; some innovative planning might help reduce this.

### ***Partnerships and resources***

20. There is strong and well established inter-agency working yielding some excellent PSA results. The CCP chairs the LCJB and it has got off to a good start. The Area is held in high regard by its partners. There have been a few issues with the introduction of the Compass Case Management System, which requires new methods of working, to which some lawyers are finding it difficult to adapt. However, the system has great potential benefits for the Area as it could facilitate remote working from home, court or police station and thus reduce travelling time and expense.

### ***Policy and strategy***

21. Policy and strategy are focussed firmly on achieving PSA targets. There is some co-location at Carmarthen TU with two police staff undertaking delivery of Section 51 cases "sent" and there are plans to augment these staff to prepare indictable only cases and manage the pending new procedures to send either way cases to the Crown Court. There is a small co-located unit under construction at Haverfordwest, but no immediate prospect of co-location at either Carmarthen or Newtown. Close and co-ordinated efforts with the police at all levels are going to be needed to deliver successfully the full charging scheme. The Area needs to consult with staff to review and update its governance and policy framework and document it in an Operations Manual.

### ***Public confidence***

22. The Area participates in the Area Child Protection Committee and Domestic Violence Fora. It is generally respected locally, but until the fairly recent past has had quite a low profile. More pro-active engagement and liaison with the local media - to make the public more aware of its achievements with its partners - would help increase public confidence, as would an enhanced Annual Report. The Area is still feeling its way, with the LCJB, in developing appropriate structures to measure and evaluate public confidence. An independent Advisory Group to represent the voice of the public has been set up.

23. British Crime Survey figures indicate that local public confidence in criminals being brought to justice has increased by 1% last year (albeit these figures are not statistically reliable).

### *Leadership and governance*

24. Staff are made aware of Area objectives and plans through all-staff training days, and hard work by individuals and groups is recognised. Management styles vary and most problems are resolved, but there is a degree of drift over some issues. A local statement which depicted the shared values and respective expectations of managers and staff would be of assistance in making all grades of staff more comfortable with the governance of the Area. The Terms of Reference of the Area Management Team (AMT) should be clarified and its decisions promulgated clearly.

### **Recommendations**

25. Inspectors have made six recommendations to help improve the Area's performance:
1. Prosecutors adhere to Joint Operational Instructions (JOPI) in all units, undertake the duties of disclosure scrupulously, and senior managers ensure this (paragraph 4.28).
  2. Prosecutors endorse the reasons for proceeding and for preferring a particular charge on all trial files, and managers ensure this happens through the Casework Quality Assurance system and the Performance Appraisal system (paragraph 4.39).
  3. The Area should recruit and deploy further DCWs (paragraph 8.6).
  4. Review, revise and issue written procedures covering the use criteria, authorisation and audit of the 3010 budget for special cases in the magistrates' courts (paragraph 9.7).
  5. To improve consistency of the working culture and to prevent adverse working issues developing, the Area needs to:
    - \* review and update its governance and policy framework; and
    - \* include a statement encapsulating the shared values and aspirations of managers and staff (paragraph 13.3).
  6. Terms of Reference should be agreed for the AMT, including composition, frequency of meetings, matters which are reserved for the AMT's decision, and the composition and Terms of Reference for subsidiary groups reporting to it. The Terms of Reference need to be reviewed annually and aligned with the Area's business strategy (paragraph 13.8).

The full text of the report may be obtained from the Corporate Services Group at HMCPS Inspectorate (telephone 020 7210 1197) and is also available online at [www.hmcp.si.gov.uk](http://www.hmcp.si.gov.uk).