

HM CROWN PROSECUTION SERVICE INSPECTORATE

INSPECTION OF CPS NORTH WALES

EXECUTIVE SUMMARY

Introduction

1. This is the report of Her Majesty's Crown Prosecution Service Inspectorate on CPS North Wales. The CPS is a national service, but operates on a decentralised basis with each Area led by a Chief Crown Prosecutor (CCP) who enjoys substantial autonomy.
2. The inspection was carried out during a period of extensive change for the CPS both nationally and in North Wales. The Area was one the first CPS Areas to give effect to the recommendations of the Review of Delays in the Criminal Justice System (the Narey Report). It had re-organised itself into functional Units following the recommendations contained in the review of the CPS (the Glidewell Report), and it is in the process of implementing Joint Criminal Justice Units with the police in Colwyn Bay by the end of 2001.
3. The report focuses mainly on the quality of casework decision making and casework handling but also deals with those matters which go to support the casework process. The Inspectorate examines all aspects of Area performance and has reported on a number of management and operational issues.

The Area

4. CPS North Wales has its headquarters in Wrexham. There is another main office at Colwyn Bay and a satellite office at the police station in Caernarfon. The Area serves 12 magistrates' courts, and most Crown Court cases are heard in Mold, Chester and Caernarfon.
5. In the year ending September 2001, the Area dealt with 17,240 defendants in the magistrates' courts and 1,024 defendants in the Crown Court. In a further 906 cases advice was given to the police before charge. The Area has a higher proportion of summary non-motoring cases than the national average. The proportion of either-way and indictable-only cases, which represent the more serious casework, are slightly lower than the national average. The major difference between North Wales and the national average in terms of case mix lies in the smaller proportion of indictable-only cases in the Area.

The main findings of the Inspectorate

6. The Area's performance in most aspects of casework is sound. Review decisions are generally taken in accordance with the Code for Crown Prosecutors, and the proportion of adverse cases in the Crown Court is significantly better the national average. Case preparation is also good and underpinned by effective processes. Timeliness in various aspects of case preparation is improving. The Area's performance with regards to the reduction of delays in the prosecution of persistent young offenders is particularly impressive.

7. The standard of advocacy by CPS lawyers is good. Long term absences of lawyers has necessitated a more extensive use of agents in the magistrates' courts than the Area workload would normally justify, but the situation should only be temporary.
8. Some improvements, however, are needed in respect of the timeliness of pre-charge advice to the police, the prosecution of racially aggravated offences, secondary disclosure of unused material, and file endorsements. Inspectors also thought that, generally, there is a need for uniformity of approach regarding the various casework processes across the Area.
9. The Area management is pro-active about its planning and review activities, about being an improving organisation, and about managing change. The Area Business Plan sets out Area-specific goals that underpin national goals. In May 2001, following an assessment of Area management, using the Business Excellence Model, the Area devised an Action Plan that draws together the various planning processes and the Areas for improvement. The Area will need to formalise the underpinning plans to effect changes, and to monitor their implementation.
10. A key challenge for the Area in 2000/2001 was to drive down operational costs and to place the Area in a position to give effect to the recommendations of the Glidewell report. The two issues are closely linked. Area management has been successful in the former, and is working towards the creation of a new Area structure. Measures taken in reducing costs have inevitably raised human resource issues, but these are being actively managed.
11. The Area clearly has the ability to effect the transition from a Branch into a modern and successful CPS Area. The CCP and the ABM are able to look to their experienced casework staff and the able and motivated Unit Heads for support. The Business Excellence Model (BEM) has been introduced in the Area to a limited extent. We think that it should now be extended throughout the Area to assist it to take the issues forward.
12. Inspectors have commended the Area in four aspects of its performance. The report also contains 14 recommendations and 15 suggestions designed to help the Area improve its performance.

Specific findings

Advice

13. The quality of pre-charge advice in most cases is satisfactory, and the advices usually include an explanation for the lawyer's conclusion. The timeliness of advice varies between the Wrexham and Eryri Criminal Justice Units (CJUs). The former performs very well, but the Eryri CJU needs to improve its response time.
14. The rate of advice was higher than the national average. Inspectors found that some of the requests for advice from the Eryri CJU involved simple cases for which CPS input was clearly unnecessary. A more selective approach to submitting cases for advice may help improve the Unit's performance in terms of timeliness.

Review

15. Decision making is largely in accordance with the Code for Crown Prosecutors. Inspectors found, however, that the depth of the first review was variable and not always sufficient to identify the weaknesses in the cases. Inspectors have recommended that the quality of decisions be monitored more closely.
16. The Area discontinuance rate was 11.7%, which is lower than the national average of 13.1%. The timeliness and correctness of the decisions to discontinue were variable.
17. The rate of the Area's adverse cases in the magistrates' courts was the same as the national average. For Crown Court cases, the Area's performance was significantly better than the national average. However, inspectors concluded that in nine of the 28 adverse cases in the Crown Court, not only was the outcome foreseeable but more could have been done by the CPS to avoid it. This contrasted with the Area's own assessment as to whether these outcomes could have been avoided. Inspectors think that the self-assessment process will have to be more rigorous, so that lessons can be learnt from the failures.
18. Child abuse cases in the Area are handled properly by trained specialists. Designated specialists are also used to deal with domestic violence cases. Like many other Areas, a significant number of domestic violence cases are discontinued in North Wales because the complaint is withdrawn by the complainant. The Area can do more by considering whether the victim should be compelled to give evidence in court.
19. Inspectors examined 18 cases for which there was evidence that the offending had a racial element. The decision to accept a plea to a non-racially aggravated offence in three of these cases was unreasonable. In each of the three cases, insufficient weight had been given to the racially aggravating nature of the offence. Inspectors think that further training for prosecutors and caseworkers is needed.
20. The Area has four youth specialists who review all youth cases and cover most youth courts. Youth cases were handled competently. In the quarter ending September 2001, North Wales took an average of 51 days to deal with a persistent young offender from arrest to sentence. This is an impressive performance for which CPS North Wales has played a key part.

Case preparation

21. The Areas's performance on primary disclosure of unused material is very good, but this contrasts with an inadequate performance in relation to secondary disclosure. Inspectors found that the statutory procedure had been fully complied with in only eight of the 20 cases requiring secondary disclosure, although there was no evidence that material had been withheld improperly. Area staff told inspectors that in most cases, the defence would have had the material outside of the statutory process, although this might not have been recorded properly. Inspectors have recommended actions to improve compliance with the statutory duty.

22. The quality and timeliness of summary trial preparation are good, although timeliness can be improved in the Eryri CJU. Pre-trial reviews are conducted for most contested matters, but they have only been partially successful in reducing cracked and ineffective trials. The Area will need to work with its criminal justice partners to identify why trials do not proceed on the appointed day and to address the issues robustly.
23. Committal papers were prepared on time in 77.2% of cases within the year ending March 2001. There was a shortage of typing support in the Area. This has now been addressed, and the action taken should improve the timeliness of service of committal papers. The Area has also been able to prepare the cases sent to the Crown Court under section 51 of the Crime and Disorder Act 1998 in the time allowed by the court. In some cases, the court has not allowed the full 42 days permitted by subordinate legislation, but the Area has nonetheless coped. The quality of the indictments is good, and all the indictments in our file sample were lodged in time.
24. Area figures show that instructions to counsel were delivered within the time target in 78.2% of cases in the year ending March 2001. This had improved to 87.7% for the month of October 2001. Most of the briefs contained instructions that clearly addresses issues of facts and law in the case, but some lacked instructions on the acceptability of pleas.
25. The monitoring of custody time limits is sound, but inspectors have suggested that the Area adopt a uniform system across the Area to improve consistency and to enable staff to cover for others. Management checks should be strengthened.
26. The Area's performance in file endorsement was patchy. A clear and legible record of magistrates' courts proceedings was kept in only 66% of cases. In the Crown Court, only 37% of case contained an adequate record of out of court work. Inspectors have recommended that file endorsements be monitored and poor performance addressed with individual members of staff.

Presenting cases

27. The overall standard of advocacy of prosecuting advocates was good. All except one of the CPS advocates in the magistrates' courts were authoritative and at ease in their courts. There were several above average performances, and one CPS lawyer was very good. The standard of advocacy in the Crown Court was of a similar standard.
28. There is a heavy usage of agents in the magistrates' courts. This was partly due to the geographical spread of courts that must be covered by the Area, and the situation is unlikely to change in the near future. Inspectors consider that some of the lawyers in the Trials Unit can assist. They were able to do so until maternity and sickness absence reduced their numbers. This situation is improving, and the Area should reconsider the deployment of TU lawyers in the magistrates' courts.
29. Inspectors were not satisfied that the Area had an adequate pool of suitably competent and experienced counsel from which to draw for all grades of work. This is exemplified by reference to our file sample which showed that only 46.7% of counsel originally instructed attended the plea and directions hearings, and only a third of trials were prosecuted by counsel originally instructed. The Area is mainly served by three sets of chambers in Chester. It may need to extend its pool of counsel to those in Liverpool or Manchester.

30. Monitoring of advocates is not done on a regular and structured basis. Inspectors have suggested that this be introduced.

Management issues

31. The Area management is proactive about its business planning. The Area Business Plan sets out Area-specific goals that underpin national goals. In May 2001, following an assessment of Area management, using the Business Excellence Model, the Area devised an Action Plan that drew together the various planning processes and the areas for improvement.
32. When North Wales became an Area in its own right, the new CCP and ABM inherited an Area whose staffing costs were some 30% higher than Activity Based Costing suggested was warranted. One of Area management's key priorities was therefore to reduce spending. A decision was taken to transfer two lawyers to a neighbouring Area. A further step to reduce costs was the closure of the Bangor office when its lease came up for renewal.
33. By the time of this inspection, the management had effectively secured a better match between expenditure and caseload. The complement of staff has now been stabilised, but some staff are still not located in the right places to meet operational needs. Further changes are being made to achieve this.
34. While some efficiency savings made were inevitable, they caused disruption and were unpopular among the staff. They are still impacting upon morale. The imbalance of staffing levels between the offices had an adverse influence on work flow and in the progress towards the implementation of the new Area structure. For example, inspectors were not satisfied that the creation of a team at Caernarfon and the split of the Trials Unit between the Wrexham and Colwyn Bay offices will help the Area to achieve its objectives. By the end of October 2001, the Area had taken stock of the situation at Caernarfon. It is also making progress with placing the appropriate number of B1 caseworkers in the Wrexham office. Inspectors have recommended that further consideration be given to the decision that the Trials Unit should operate from two offices.
35. Inspectors found instances of poor communication between management and staff, and this has affected the staff's perception of what the management is trying to achieve. Communications must be improved to address low morale and to avoid any adverse impact on the core business. It will also ensure that problems from the previous changes are not carried over to the implementation of joint police/CPS CJUs, the first phases of which are scheduled for January 2002.
36. Performance management processes in the Area is sound, although Area management will need to assure themselves that performance data is accurate.
37. The management of financial resources are also sound. There is an overspend on the use of agents, but this has mainly been due to unexpected long term absences of lawyers. Inspectors are satisfied that the situation is being monitored and regulated. The delegation of control of some heads of expenditure, including the use of agents, to the Unit Heads is a positive step and should ensure that resources are being deployed where they are needed.

38. The Area has worked hard to manage human resource issues against a background of change and costs reduction. Inspectors think that some training needs have been identified but not fully addressed, and have therefore suggested that the Area should take stock of staff training.
39. The Area has a sound Equality and Diversity Plan that has been reviewed when necessary. The Area does not have any staff from a minority ethnic group, but Inspectors are satisfied that further work is being done to promote the CPS within the local communities.
40. The Area maintains a good working relationship with its partners in the local criminal justice system. The CCP and his management team are well regarded.
41. CPS North Wales is one of the CPS Areas who are operating new initiatives for direct communications with victims. The Area has adopted the use of a Victim Information Bureau. The Bureau proactively informs victims if cases are being dropped or if there is a significant reduction in the level of charge. It will also deal with correspondence from victims, and is soon to take on the responsibility of dealing with non-Parliamentary complaints as well. The operation of the Bureau is successful.
42. The Area is committed to a Welsh Language Scheme whose purpose is to enable everyone who deals with the Area to be able to do so in the medium of Welsh. The Area is well placed to discharge its obligations under the Scheme.
43. The full text of the report can be obtained from the Corporate Services Group at HMCPS Inspectorate (telephone 020 7210 1197).

HMCPS Inspectorate
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