

THE INSPECTORATE'S REPORT ON CPS NORTH WALES

REPORT 4/02

MARCH 2002

CONTENTS

PREFACE

INTRODUCTION

Staffing and structure	1.1
The inspection process	1.4
Overview	1.6

PROVIDING ADVICE

Appropriateness of requests for advice	2.1
Quality of advice	2.6
Timeliness of advice	2.8
Oral advice	2.11
Allocation and monitoring	2.14
Recording of performance indicators for advices	2.17

REVIEWING CASES

Introduction	3.1
Initial review: quality and timeliness	3.7
Selection of the appropriate charges and charging standards	3.10
Continuing review	3.12
<i>Discontinuance</i>	3.13
<i>Summary trial review</i>	3.23
<i>Committal review (including review of sent cases)</i>	3.27
Review endorsements	3.33
Bail	3.35
Mode of trial/plea before venue	3.36
Minor road traffic cases	3.37
Sensitive and aggravated cases	3.39
<i>Child abuse</i>	3.40
<i>Racially aggravated cases</i>	3.44
Domestic violence	3.49
Youth justice	3.52
Learning from experience	3.55

CASE PREPARATION

Introduction	4.1
Advance information	4.2
Probation information	4.5
Disclosure of unused material	
<i>Overview</i>	4.7
<i>Primary disclosure (non-sensitive material)</i>	4.10
<i>Secondary disclosure (non-sensitive material)</i>	4.14
<i>Sensitive material</i>	4.16
Summary trial preparation	
<i>Overview</i>	4.20
<i>Pre-trial review (PTR)</i>	4.21
<i>Witness warning</i>	4.26
Crown Court case preparation	
<i>Timeliness and quality of committal papers</i>	4.28
<i>Cases sent to the Crown Court under section 51 of the Crime and Disorder Act 1998</i>	4.33
<i>Timeliness and quality of instructions to counsel</i>	4.38
<i>Timeliness and quality of indictments</i>	4.42
<i>Plea and directions</i>	4.43
<i>Instructions to counsel on appeals from the magistrates' courts</i>	4.47
Custody time limits	4.49
Statutory time limits for prosecution	4.59
File endorsements and organisation	4.60
Correspondence handling	4.64

PRESENTING CASES IN COURT

Introduction	5.1
Quality of advocacy in magistrates' court	5.6
Court coverage in the magistrates' courts	5.11
Quality of advocacy in the Crown Court	5.17
Court coverage in Crown Court	5.19
Selection of counsel and returns of briefs	5.21
Monitoring of advocacy standards	5.24

MANAGEMENT AND OPERATIONAL ISSUES

Overview	6.1
Management of the Area	
Organisational structure	6.7
Meeting structure	6.14
Policy and strategy	6.17
Change management	6.19
Performance management	6.24
<i>Performance Indicators (PIs)</i>	6.26
<i>Internal communications</i>	6.31
<i>Leadership</i>	6.35
Management of financial resources	
<i>Efficiency and effectiveness use of resources</i>	6.38
<i>Allocation of resources</i>	6.40
<i>Budgetary control</i>	6.41

Management of human resources	
<i>Deployment of staff</i>	6.44
<i>Training and development</i>	6.48
<i>Sickness</i>	6.53
<i>Performance appraisal</i>	6.54
Accommodation, health and safety	6.55
Equality and diversity	6.57
Complaints handling	6.59
External relations	
<i>General</i>	6.63
<i>Community links</i>	6.65
<i>Youth justice</i>	6.67
<i>Magistrates' court</i>	6.69
<i>Crown Court</i>	6.72
<i>Police</i>	6.74
<i>Counsel</i>	6.78
<i>Probation Service</i>	6.80
Victims and witnesses	6.81
Victim Information Bureau	6.86
Welsh Language Scheme	6.92

CONCLUSIONS, COMMENDATIONS, RECOMMENDATIONS AND SUGGESTIONS

Conclusions	7.1
Commendations	7.7
Recommendations and suggestion	7.8

KEY STATISTICS 8.1

EXTERNAL CONSULTATION 9.1

ANNEX 1	Details of files examined
ANNEX 2	Charts and tables
ANNEX 3	List of local representatives of criminal justice agencies who assisted in our inspection
ANNEX 4	HMCPS Inspectorate's Statement of Purpose and Aims

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 that are 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 applications 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 North Wales serves the area covered by North Wales Police. It has two main offices at Wrexham and Colwyn Bay, and a satellite office housed at Caernarfon police station. On 9 November it employed the equivalent of 62.2 full time staff, including 17 part-time members of staff: the Chief Crown Prosecutor (CCP), the Area Business Manager (ABM); 21.9 other lawyers; four designated caseworkers (DCWs); 11.6 caseworkers; 21.9 administrators and seven personal secretary/typists. In addition, a part-time lawyer and a DCW are on secondment from another CPS Area.
- 1.2 In 1986, CPS North Wales/Dyfed Powys was created to prosecute cases initiated by the North Wales and Dyfed Powys police forces. It was amalgamated in 1993 with other Areas to become CPS Wales but, with the latest re-organisation in April 1999, North Wales became a CPS Area in its own right. By the time of this inspection, the Area had re-organised itself from geographical based-teams to functional Units, namely two Criminal Justice Units (CJUs) and one Trials Unit (TU). The Area Headquarters is at Wrexham. The Wrexham office also houses part of the North Wales Trials Unit, the Wrexham Criminal Justice Unit and the Victim Information Bureau. The Colwyn Bay office houses the remainder of the Trials Unit and the Eryri Criminal Justice Unit. The Eryri CJU also had a satellite office at the police station at Caernarfon.
- 1.3 The Area Secretariat consists of the CCP, the ABM, a business management support, two administrative staff and the secretary to the CCP. The Victim Information Bureau consists of a manager and two other members of staff. At the time of our inspection, the Head of the TU was on maternity leave, and her post was temporarily filled by the Head of the Eryri CJU. A lawyer from the Eryri CJU acted as Unit Head. The CCP, the ABM and the Heads of Unit form the senior management team in the Area, known as the Area Strategic Board (ASB). The staffing levels in the Units at the three offices, along with the courts covered by each Unit, are set out in the table below:

	Wrexham		Colwyn Bay		
	TU	Wrexham CJU	TU	Eryri CJU	
				Colwyn Bay	Caernarfon
Courts covered	Chester Knutsford Mold	Flint Mold Wrexham	Chester Caernarfon Dolgellau Mold	Denbigh Llandudno Prestatyn	Bangor Caernarfon Dolgellau Holyhead Llangefni Pwllheli
Lawyers	3.5	7.2	2.6	6	3
DCWs		3		2	
Caseworkers	2	1	4.8	1	
Admin staff	2.1	6.2	2	7.8	1.6
TOTAL	7.6	17.4	9.4	16.8	4.6

The inspection process

- 1.4 The inspection team consisted of two legal inspectors, one business management inspector, and a casework inspector. The team examined 254 cases covering a full range of casework, listed at Annex 1. The team spent a total of 11 days in the Area from 29 October to 16 November 2001. It carried out observations of advocates in both the magistrates' and the Crown Courts, and interviewed representatives of the other criminal justice agencies and criminal practitioners. These are listed at Annex 3. The team also visited the CPS office to interview managers and members of staff, and to examine the complaints and other registers and records.
- 1.5 During the visit to the Area we were accompanied by a lay inspector, Mrs Joan Kostenko, nominated by the Citizen's Advice Bureau. The role of the lay inspector is described in the preface to this report. Mrs Kostenko scrutinised the handling of complaints, considered the public interest decision in a number of finalised cases and assisted in the assessment of the quality of witness care offered by the Area. The Chief Inspector is grateful for her valuable contribution to the inspection process.

Overview

- 1.6 The Area's caseload and case mix in the year ending September 2001 are set out at Annex 2. The Area dealt with more pre-charge advice cases than the national average (5.3% v 3.4%), and the proportion of summary non-motoring cases in its caseload was also higher than the national average (22.4% v 18.6%). The proportion of indictable only cases in the Crown Court was lower than the national average (17.7% v 26.6%), and Crown Court trials at the defence election represented only 1.9% of the Crown Court caseload, against a national average of 13.9%.
- 1.7 The conviction rate (which includes guilty pleas as well as convictions after trial) in the magistrates' courts for the year ending September 2001 was 98.1% (98.3% nationally), and in the Crown Court is 88.3% (88.2% nationally).
- 1.8 The quality of most advice was satisfactory, but the timeliness of advices was variable. We think the Area needs to review its systems for monitoring timeliness, quality and also the appropriateness of requests for advice from the police.
- 1.9 Most of the decision making at initial case review accorded with the principles of the Code for Crown Prosecutors (the Code), but the review was not always sufficient to identify weaknesses in the case. As a consequence we found decisions to discontinue cases were sometimes late. Summary trial review was generally adequate, although there is scope for improvement through more rigorous self-assessment of all acquittals. The Area reviews most of its Crown Court casework to a high standard. Standards of review endorsement can be improved further. Child abuse cases and youth offenders are generally well handled. However, we think insufficient weight is given to the seriousness of racially aggravated crime leading to unjustified reductions in charges. We also think more work needs to be done with the police in the handling of domestic violence cases where the victim indicates a wish to withdraw.

- 1.10 Case preparation was generally sound. The preparation of summary trial was good. The handling of primary disclosure was good, but improvements are needed in handling of secondary disclosure, and in the timeliness of service of committal papers.
- 1.11 Advocacy standards of the CPS lawyers and designated caseworkers were good, and there is full deployment of the Area's Higher Court Advocates.
- 1.12 The Area Strategic Board has been proactive about planning and review activities. The CCP and the ABM have had to work at re-structuring the Area into Criminal Justice and Trials Units, against a background of reduction of its provision. In order to do so, the Area had to close one of its offices and reduce its complement of lawyers. This resulted in a loss of morale. A number of human resources issues therefore need further attention, including the deployment of staff, communications within the Area and the recovery of morale.
- 1.13 The Area has close working relationship with its criminal justice partners. It will need to translate this advantage into action to improve the finalisation of cases by making more trials effective.
- 1.14 We comment on individual aspects of performance under the topics of providing advice, reviewing cases, preparing cases, advocacy, and in the chapter on management and operational issues. We have commended the Area's performance in several regards. These, together with our recommendations and suggestions, are listed in the conclusions.
- 1.15 The following table draws together key statistical information about the Area's performance, particularly in relation to targets set nationally in support of CPS objectives, and Government targets:

CPS PERFORMANCE MEASURES	National target	National outcome	Area Target	Area outcome
	2000-2001	2000-2001	2000-2001	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 guidelines	66%	77.2%	70%	63.3%
Briefs delivered to counsel within agreed time guidelines	73%	77.4%	70%	78.2%
	2000-2001	2000-2001	2000-2001	2000-2001
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				
Cases dismissed on a submission of no case to answer in the magistrates' courts which are attributable to failures in the review process (self assessment by CPS)	0.009%	0.008%	0.005%	0.006%
Non-jury acquittals in the Crown Court which are attributable to failures in the review process (self assessment by CPS)	0.7%	0.6%	0.4%	0.7%
		Inspection cycle 2000-2002		This inspection
Prosecution decisions examined during inspection by HMCPSI complying with the evidential test set out in Code for Crown Prosecutors (random sample)	AA	98.4%**		98.2%***
Prosecution decisions examined during inspection by HMCPSI complying with the public interest test set out in Code for Crown Prosecutors (random sample)	AA	99.8%**		100%***
Advices given to police and examined during inspection by HMCPSI complying with the tests set out in Code for Crown Prosecutors	AA	96.6%**		70%***
Decisions to discontinue examined during inspection by HMCPSI complying with the tests set out in Code for Crown Prosecutors	AA	94%**		94.9%***
Cases in the adverse sample examined during inspection by HMCPSI where the outcome was foreseeable but no remedial action was taken	BB	13.5%		36.7%***
		Inspection cycle 2000-2002		This inspection
Objective: To enable the court to reach just decisions by fairly, thoroughly and firmly presenting prosecution cases, rigorously testing defence cases and scrupulously complying with the duties of disclosure				
Advocates who fail to meet the CPS standards of advocacy, as assessed by HMCPSI	Below 2.5%	0.6%		0%***

	National Target 2000-2001	National Outcome 2000-2001	Area Target 2000-2001	This inspection
Cases where the prosecution has properly discharged its statutory duties regarding primary disclosure	AA	74.7%**		93.5%***
Cases where the prosecution has properly discharged its statutory duties regarding secondary disclosure	AA	67.8%**		47.1%***
Objective: To meet the needs of victims and witnesses in the CJS, in co-operation with other agencies				Area Outcome 2000- 2001
Witness expenses paid within 10 days	100%	97.7%	100%	98.7%
Complaints replied to within 10 days	89%	91.5%	93%	78.6%
Improving productivity				
Undisputed invoices paid within terms or 30 days	100%	95.3%*	100%	95.9%*
Reduce sickness absence rate per member of staff per calendar year	8.5 days by 31/12/01		6.9 days by 31/12/01	11 days
CITIZENS' CHARTER COMMITMENT				
MPs' correspondence replied to within 15 days	100%	96.7%		100%

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

** Average performance of Areas inspected in inspection cycle 2000-2002 based on sample of cases examined and observations at court

*** Area performance based on sample of cases examined and observations at court in this inspection

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

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

CJS PERFORMANCE MEASURES (shared between Home Office, Lord Chancellor's Dept and CPS)	National Target	National outcome	Area target	Area outcome
Youth Justice		Quarter ending September 2001		Quarter ending September 2001
To halve the time from arrest to sentence for persistent young offenders from 142 days to 71 days by 31 March 2002	71 days	70 days	71 days	51 days

PROVIDING ADVICE

Appropriateness of requests for advice

- 2.1 Pre-charge advice provided to the police amounted to 5.3% of the Area caseload in the year ending 30 September 2001. In the Eryri CJU 4% of the caseload for this period was pre-charge advice. In the Wrexham CJU it was 6.8%. Both CJUs exceed the national average of 3.4% for the period.
- 2.2 In 1995 the CPS, locally, agreed a Service Level Agreement (SLA) with North Wales Police which included guidelines on those cases in which pre-charge advice from the CPS was appropriate. The SLA was revised in 2000 to take account of the European Convention on Human Rights and issues surrounding child abuse cases. The guidelines are sound. They positively encourage the police to seek advice at an early stage in those cases with legal or evidential complications that are likely to affect the later handling of the case.
- 2.3 Most decisions on whether to charge are, however, properly taken by the police without the need for advice from the CPS. Our sample of 10 advice cases included six allegations of careless driving. We thought three out of the six were cases where a referral to the CPS was clearly unnecessary.
- 2.4 Whilst the police must not be discouraged from seeking advice, it is important that CPS resources are directed towards those cases that really need them. We think the Unit Heads should seek to ensure that those requests that are made are appropriate as set out in the SLA.
- 2.5 **We suggest that the Unit Heads discuss with the police better compliance with the 1995 Service Level Agreement on the provision of pre-charge advice.**

Quality of advice

- 2.6 The sample of 10 advice files included six allegations of careless driving, two of harassment or criminal damage arising from neighbour disputes, one of deception and one of child abuse. We also examined five cases in the terminated file sample that had originally been the subject of pre-charge advice. These related to cases of assault, affray, robbery and indecent exposure.
- 2.7 We found that the quality of advice in most cases was satisfactory with a reasoned advice sent to the police. We did however disagree with the application of the Code evidential test in two cases. One related to a careless driving case and the other to the case of indecent exposure. In a further case the lawyer advised incorrectly on the appropriate charge under the Protection from Harassment Act 1997.

Timeliness of advice

- 2.8 The CPS nationally has agreed, with the police, a time guideline for dealing with requests for advice within 14 days from receipt of sufficient information from the police.

- 2.9 The dates of receipt of the request for advice and the replies are recorded on the front of the Wrexham CJU files. We found that four out of five of the advices were sent within the time guideline. One was eight days late, but it was not a straightforward case. This finding accords with the Area's own statistics which showed that for the period July to September 18 out of 23 advices were sent on time (78.3%). This is a good level of performance.
- 2.10 The date of receipt of the requests for advice is not recorded on the advice files dealt with by the Eryri CJU, but the Area statistics for the same period showed only 13 out of 32 (40.6%) advices were sent on time. The ASB needs to address this level of performance by, for example, a greater use by lawyers of the word processing facility on Connect 42. The three inappropriate requests for advices already referred to at paragraph 2.3 were all sent to the Eryri CJU. A reduction in the number of unnecessary requests for advice should assist in focussing resources where they are needed. We also refer to the need for the Area to review its deployment of resources at paragraph 6.39.

Oral advice

- 2.11 The police, as well as submitting written files for advice, make requests for advice over the telephone or at the police station. A record of any oral advice should be logged and recorded in the Area's performance indicators. We found that, generally, oral advices were logged by the Wrexham CJU but not by the Eryri CJU.
- 2.12 A copy of the advice should also be sent to the police to avoid any confusion arising later over the nature of the advice. The failure to do this had been the subject of a recommendation in the previous report on the Area. We found this was still not being done systematically when the advice was being recorded. If advice was given at the police station, for instance, it was for the officer requesting the advice to take a copy from the advice log if he so wished.
- 2.13 We suggest that the Area review its systems for recording oral advice to ensure that any such advice is recorded for PI purposes, reduced to writing and copied to the police in all cases.**

Allocation and monitoring

- 2.14 All written requests for advice are allocated initially to the lawyers by the CJU Head at both CJUs, or, if the case is one that is likely to be dealt with in the Crown Court, it is passed to the TU. The CJU Head will then allocate the remaining cases within the CJU. A time target is attached to the front of all advice files. However, the systems for monitoring differ between the two CJUs, and the TU.
- 2.15 In the TU and the Wrexham CJU completed advices are usually sent direct to the police by the lawyer advising although, in difficult cases, the lawyer will speak with the Unit Head. A caseworker line manager monitors the timeliness of the advice. In the Eryri CJU, however, the CJU Head sees all advices before they are sent to the police, and records the timeliness in the advice log. We think that the monitoring of timeliness is a task more appropriate to a caseworker line manager rather than a Unit Head. We also think that it is important that there is systematic monitoring of the

quality of advice given because pre-charge advice is an important aspect of the Area's work. However, we do not think that a check on all advice files is necessary unless there are significant shortcomings in the performance of an individual or a Unit. Very often, systematic dip-sampling will be sufficient to assure Unit Heads of the quality of advices.

2.16 We recommend that the Area reviews:

- * **the systems for monitoring timeliness in the three Units;**
- * **the systems for monitoring the quality of advices.**

Recording of performance indicators for advices

2.17 An advice file submitted by the police may lead to a request for further information before a final advice is delivered. Both CJUs have adopted the practice of finalising the advice on the Area case tracking system whenever a reply is sent to the police, whether it is a request for more information or not. The advice is then counted as work completed for the purposes of the performance indicators which dictate the Area's funding. If further information is later received from the police, a final advice will then be sent. The Wrexham CJU has been recording the supplementary advice as a new piece of work on the performance indicators, thus, in effect, counting the same advice work twice. The Area explained to us that, unless this is done, the time taken for the police to re-submit the file will count towards the time spent in preparing the advice and will almost always result in the Area missing its timeliness target. On the other hand, if it does not re-register the cases, it will not be able to track and monitor the progress of the cases properly.

2.18 The Area also pointed out that, in some cases, when the file is re-submitted by the police with the new information, it will often have to be looked at in its entirety again. When this happens, the Area is effectively dealing with a fresh case and, unless the re-submission is recorded anew, credit will not be given in terms of funding for the additional work. These issues have been discussed in the Inspectorate's Report on the Review of Advice Cases (Thematic Report 3/98) and CPS Headquarters will wish to clarify its instructions to Areas so that all Areas act consistently.

REVIEWING CASES

Introduction

- 3.1 Prosecutors are under a duty to review all cases received from the police in accordance with the principles set out in the Code for Crown Prosecutors (the Code) and promulgated by the Director Of Public Prosecutions (DPP) under Section 10 of the Prosecution of Offences Act 1985.
- 3.2 The Code requires prosecutors to consider, first of all, whether there is sufficient evidence to afford a realistic prospect of conviction and, secondly, if the evidential test is met, whether circumstances are such that a prosecution would be in the public interest. This review should be carried out as soon as the case is received, and there is a continuing duty to keep the case under review until it is finalised.
- 3.3 Our file sample covered a full range of cases, from pre-charge advice (dealt with in chapter 2) to trials in the Crown Court. It focused especially on categories of cases which consistently attract a high degree of public concern (for example, discontinued cases), or those which tend to be problematic, and may therefore hold important information about the quality of decision-making (for example, judge ordered acquittals).
- 3.4 The inspection process examines the quality and timeliness of legal decision-making at various stages in the progress of the case. It can be difficult to assess the quality of legal decision-making because different lawyers may, for perfectly proper reasons, take different views of the evidential or public interest factors in the same case. Our assessment, therefore, considers whether the decision taken was one which was properly open to a reasonable prosecutor having regard to the principles set out in the Code for Crown Prosecutors and other relevant guidance. A statement that we disagree with a decision, therefore, means that we consider it was wrong in principle; we do not “disagree” merely because the inspector might have come to a different decision.
- 3.5 We also examined other issues such as the level and appropriateness of the charge; ancillary decisions such as representations made at mode of trial or 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.
- 3.6 Against this background, we set out our findings.

Initial review: quality and timeliness

- 3.7 Under the Narey system of court hearings, prosecutors receive almost all cases the afternoon before the Early Administrative Hearing (EAH) or Early First Hearing (EFH). If the defendant is kept in custody, the file is made available at court. A few cases will have been subject to advice already, but the great majority will not have been reviewed before. In those cases the initial review decision may be an interim decision, pending the completion of further enquiries by the police, or the submission of a full file of evidence. Nonetheless the initial review is important. This is the

opportunity to identify those cases where further work needs to be carried out by the police, and to ensure that the accused has been charged with the most appropriate offence. This review is all the more important given the introduction of section 51 Crime and Disorder Act 1998. Under section 51, indictable only cases are sent to the Crown Court without committal proceedings, and often at the first date of hearing.

3.8 We found that the decision whether or not to accept a case at initial review was largely correct. In a random sample of 59 cases, covering guilty pleas and trials in the magistrates' courts, youth court and the Crown Court, we were satisfied that the Code evidential test was properly applied in 56 cases (94.9%) and the Code public interest test in all cases. We found, however, that the depth of the first review in the file sample as a whole was variable and not always sufficient to identify weaknesses in the case. We comment further at paragraph 3.18 on weaknesses at initial review in the discontinued file sample. The quality of initial review can be strengthened. We think that the Unit Heads should examine the quality of the initial review as part of their monitoring of discontinued cases, cracked and ineffective trials and acquittals.

3.9 We recommend that the Unit Heads examine the quality and timeliness of initial review as well as the subsequent decision-making whenever monitoring casework decisions.

Selection of the appropriate charges and charging standards

3.10 The CPS and the police nationally have agreed charging standards for assaults, public order offences and some driving offences. We examined 19 cases in the file sample where the charging standards applied and found that they were correctly applied in all of them. Furthermore, the final charge reflected the gravity of the offending in all 59 cases in the random sample.

3.11 We found that the police charges needed alteration in 10 out of 59 cases in the random sample and that the necessary amendments were made at the first reasonable opportunity in seven out of ten cases. This is good. It reflects a proactive approach to the appropriate charge in relation to the allegation contained within the case summary or the victim's statement.

Continuing review

3.12 A high proportion of cases result in guilty pleas, or are dealt with as proofs in absence, at the first date of hearing. However, a significant proportion of cases proceed towards summary trials or committal, or are adjourned pending a decision on whether the case should proceed or not. In the year to 30 September 2001, 8.65% of cases resulted in summary trial or committal for trial in the Crown Court and 11.9% of cases resulted in discontinuance. All such cases require further consideration, for example when the police reply to a request for further enquiries or a full file of evidence is received from the police. The same Code test needs to be applied in the changed circumstances. In the case of a trial, whether summary or indictable, the reviewer will also need to ensure that the evidence supporting the prosecution case is as complete as possible. We assess the quality and timeliness of continuing review in the following paragraphs.

Discontinuance

3.13 In the year ending September 2001, the Area's discontinuance rate was 11.7%. This is lower than the national average of 13.1%.

3.14 We examined the 100 cases that were stopped by the prosecution in the magistrates' court during June 2001 to try and established the reasons for discontinuance.

3.15 The reasons for discontinuance are set out in the table below:

Terminated for Evidential Reasons	Terminated for Public Interest Reasons	Prosecution Unable to Proceed	Documents Produced at Court	Other
39%	30%	25%	2%	4%
Inadmissible evidence – other 1	Defendant elderly or suffering ill health 1	Case not ready/ adjournment refused 1	Documents produced 2	Reasons not known 4
Conflict of evidence 1	Genuine mistake or misunderstanding 1	Victim refuses to give evidence/ retracts 24		
Legal element missing 30	Loss/harm put right 1			
Unreliable witnesses 4	Long delay 6			
Identification unreliable 3	Small or nominal penalty 6			
	Caution more suitable 14			
	Youth offender 1			
TOTAL 39	30	25	2	4

3.16 The police were consulted about termination in 75 of the cases and disagreed with the proposed discontinuance in only one of these. Consultation did not take place in an assault case before it was discontinued. We were unable to tell in 10 cases if the police had been consulted, and the remaining 14 cases involved minor road traffic offences, for which the Area has agreed with the police that consultation prior to discontinuance is not necessary. If the police disagree with a proposed discontinuance it is usual for the case to be referred to a Unit Head for a final decision.

3.17 We examined 25 cases in more detail to determine whether the Code tests had been properly applied. These required more demanding review decisions than the majority of CJU casework. We found the quality and timeliness of review was variable.

- 3.18 We disagreed on evidential grounds with the decision to accept three cases at initial review. One was subsequently discontinued after the key witness failed to attend the trial. It had been subject to pre charge advice and we referred to this case at paragraph 2.7. The second was discontinued after the reviewer agreed to a disposal by way of a caution. There appeared to be no evidential basis for a caution and the reviewer should not have agreed to discontinue on the basis that a caution be accepted by the accused. The third case was subsequently discontinued on evidential grounds after the case was drawn to the notice of the Unit Head. We also found either inadequate review or muddled reasoning behind the initial acceptance of two cases that were subsequently discontinued on evidential grounds.
- 3.19 In six cases the reasons for discontinuance were inadequately recorded on the file, although in only two of those did we disagree with the decision from our own reading of the file. In those two cases we disagreed with the decision to discontinue on public interest grounds. One case was discontinued after a caution was administered although, in our view, the nature of the offence and the accused's record made such a course inappropriate. The second case was one of domestic violence where the victim had indicated she wished to withdraw, but insufficient weight had been given to the background of the case and the admissions made by the accused in interview.
- 3.20 We also found that the decision to discontinue once circumstances changed was not made at the earliest reasonable opportunity in a further two cases.
- 3.21 The CJU Heads monitor discontinuance and are planning to provide an analysis of trends as part of a monthly performance report to the CCP. We think this is necessary, both as part of joint performance management of police file quality and timeliness and as part of the performance management of the quality and timeliness of review within the CJU. We have already referred to the importance of effective initial review at paragraph 3.7.
- 3.22 We recommend that monitoring of discontinuance be structured to provide information on the quality and timeliness of prosecutor review as well as police file submissions.**

Summary trial review

- 3.23 We considered that the standard of the summary trial check in both CJUs was generally adequate. However, the timeliness of that review at the Eryri CJU was poor. In three out of 11 of the trials from the Eryri CJU the trial check had not been completed before the pre-trial review at court. The Area has recognised this weakness and the Eryri CJU has recently moved from individual file ownership by lawyers to ownership based on court teams in order to address the issue. We discuss pre trial reviews later at paragraph 4.20 to 4.22.
- 3.24 The decision to proceed to trial in nine out of 10 acquittals in the random file sample was in accordance with the principles set out in the Code. Our one disagreement related to a case of theft where inadequate consideration had been given to the issues of joint enterprise at both initial review and trial review stages. The Area recorded 20 no case to answers (NCTAs) in the year ending 30 September 2001 (0.2% of magistrates' court case results). This is the same as the national average. There were

two NCTAs in our file sample. Both were from the Eryri CJU. We disagreed with the decision to proceed in one case where the reviewer had recognised the case as being weak, but had not identified the flaws in the case as being fatal. In the other case we thought the outcome was foreseeable and more could have been done to deal with inconsistencies in the prosecution case.

3.25 The Area has a system of the trial lawyer completing a case dismissed form in all NCTAs. The forms are then passed to the CJU Head to identify any issues arising from the case and whether the outcome was attributable to a failure in review. In both the NCTAs we examined the outcome was attributable to a review failure. The CPS nationally collates statistics on such cases based on Area returns. However, the Area did not record any cases falling in that category for the relevant period. There are national guidelines on how to assess whether a NCTA is attributable to a review failure. We think that the Area needs to remind itself of those guidelines and be more robust in its self-assessment, and in the identification of weaknesses in performance. The Area also carried out an analysis of all magistrates' court acquittals. It still does at the Eryri CJU, but not the Wrexham CJU. We discuss this further at paragraph 3.56.

3.26 We recommend that:

- * **the Eryri CJU Head monitors the timeliness and quality of trial preparation in light of the new arrangements for file ownership; and**
- * **the CJU Heads carry out a more rigorous self-assessment in relation to NCTAs, and magistrates' court acquittals in general.**

Committal review (including review of sent cases)

3.27 The Area reviews most of its Crown Court cases to a high standard. All cases within the file sample were reviewed in depth by a lawyer before committal (or, in the case of sent cases, service of the file of evidence after the preliminary hearing) with the aim of making the case trial ready.

3.28 For the year ending 30 September 2001, the Area recorded the following outcomes as a percentage of the Crown Court cases:

	NORTH WALES	NATIONAL
Acquittals after trial as a % of all cases committed for trial	10.3% (63 cases)	9.6%
Judge ordered acquittals and bind overs as a % of all cases committed for trial	8.8% (59 cases)	14.9%
Judge directed acquittals as a % of all cases committed for trial	1.3% (8 cases)	2.2%

- 3.29 We examined 30 Crown Court cases in the random sample. The decision to commit in all of them was in accordance with the principles set out in the Code. In only one out of 20 of the cases ending in trial did the committal papers include material that should have been treated as unused material. In only two cases where additional evidence was required at committal stage was the request clearly not made at the earliest reasonable opportunity.
- 3.30 We disagreed with the decision to commit in two out of the 24 judge ordered acquittals (JOAs) in the sample, and in none of the four judge directed acquittals (JDAs) in the sample. In one case that we disagreed with, an identification parade should have been held. The failure to hold one led to the only other identification evidence being ruled inadmissible. In the second case the reviewer at committal stage had correctly made enquiries about the credibility of a key witness but the case was committed before the police had replied. We also disagreed with the decision to drop two of the JOAs. In both cases we thought undue weight had been given to potential evidential difficulties. However, even in those cases where we disagreed, there was evidence that the reviewer had sought to address the issues in the case.
- 3.31 We also examined the JOAs and JDAs to ascertain whether the outcome was foreseeable, and if so, whether any action had been taken to deal with any problems. In nine of the 28 JOA and JDAs (32.1%) we thought that the outcome was not only foreseeable but that more could have been done to avoid the outcome either by terminating the case earlier or by trying to deal with evidential defects.
- 3.32 The TU Head carries out a detailed case analysis of all non jury acquittals based on a case report provided by the reviewing lawyer. We saw the reports that had been completed over a three month period and were satisfied that the TU Head was making real efforts to identify ways in which the case outcome might have been avoided. Nonetheless, the Area only recorded five cases as attributable to a CPS review failure over the period in question. This is the same test as applied to NCTAs (see paragraph 3.25). The information is used for the same purposes. The TU Head will want to bear those in mind in future self-assessments.

Review endorsements

- 3.33 A full review endorsement in the appropriate place on a file is an essential part of the casework process. It is particularly important for the Eryri CJU where individual lawyer file ownership has been replaced by court team ownership. The endorsement should not just be a rehearsal of the facts but should include an analysis of the strengths and weaknesses of the evidence, the level of charge and the acceptability of pleas. The absence of a review endorsement can suggest a failure to consider these factors and, if the endorsement is not easily found, it makes it difficult for others dealing with a case to establish what has happened. Additionally, if the case is subject to continuing review, the reasons for key decisions should be recorded on the file.
- 3.34 The poor standard of review endorsements was the subject of a recommendation in the previous Branch inspection report (October 1998). We saw cases in the file sample where the review endorsements were good, and we were impressed by the detail of the committal review notes on file. However, we thought that overall there remains room for improvement, particularly at the initial review stage. In the random sample, for

example, there was a full evidential review note throughout the life of the case in only 71% of the sample, and a public interest review note in 76% of the cases. We were told that the Unit Heads included the quality of the review endorsements in their existing monitoring. We think this needs to continue.

Bail

- 3.35 We were satisfied that prosecutors at court in relation to bail applications were making appropriate decisions. We agreed with the prosecutor's decision to oppose bail in all eight relevant cases in the random sample. However a full note of the grounds for the application and the reasons found by the court were only endorsed in five out of the eight cases.

Mode of trial/plea before venue

- 3.36 We examined the mode of trial representations in all the either way case category in the random file sample and found the appropriate representations were made in 33 out of 34 cases (97%). This follows a similar finding in the previous inspection report.

Minor road traffic cases

- 3.37 We examined 10 road traffic cases that were subject to summary trial. We agreed with the decision to proceed in all cases. The quality of trial review was to the same standard as for other criminal offences.
- 3.38 The Area has recently agreed a protocol with the police for implementation of section 1 Magistrates' Courts (Procedure) Act 1998 locally. This will mean that the courts will deal with guilty pleas to minor road traffic cases without the need for involvement of the CPS. This will have clear benefits in reducing the paper flow through the Area's offices and will avoid unnecessary case preparation by prosecutors.

Sensitive and aggravated cases

- 3.39 The CPS, nationally, recognises that certain types of offences require special care and attention in handling because they are of a sensitive nature. The principal categories are cases involving child abuse, offences with a racial motivation and domestic violence.

Child abuse

- 3.40 The Area has designated lawyers in the TU with special responsibility for dealing with child abuse cases. Such cases are usually allocated to them. The Area is alert to the particular difficulties of handling child abuse cases. It is a party to a protocol between CPS and designated child protection doctors in Wales dealing with, amongst other things, the evidence gathering, pre-trial therapy and training arrangements. The Area SLA with the police on advice submissions identifies categories of child abuse cases that should be submitted for pre charge advice. In addition, and the Area has a protocol with the police that determines the respective roles and responsibilities of the two agencies.

- 3.41 We found six child abuse cases in our file sample. Four were dealt with at Crown Court, one in the magistrates’ court, and the other was an advice case. They were all well handled. There was evidence that it was the usual practice to view disclosure videos before transfer, and the reviewers were clearly aware of the need to ensure that child witnesses were properly supported before and at court. Advice had been sought pre-charge in accordance with the SLA in both the relevant cases in the sample.
- 3.42 All three Units had child abuse logs that contained details of each child abuse case. However, only the Wrexham CJU log was up to date. The Wrexham CJU log also included an index of all current cases that clearly indicated the up to date position of the case. Accordingly it was possible to tell at a glance which cases were progressing more quickly than others.
- 3.43 **We recommend that the Unit Heads for the Trials Unit and the Eryri CJU ensure that their child abuse logs are kept up to date and in the same format as the Wrexham CJU log.**

Racially aggravated cases

- 3.44 The Area recorded 39 racially aggravated cases in the year ending September 2001. We examined a sample of the most recent 18 cases to ascertain whether the racially aggravated element of the offence had been appropriately handled.
- 3.45 We found the following:

Racially aggravated offence dropped and guilty plea to non racially aggravated offence	8
Racially aggravated Offence NOT dropped	7
All offences Discontinued	3
TOTAL	18

- 3.46 In one case the CPS added a racially aggravated charge at acceptance review even though the police had not identified it as a racially aggravated crime. The decision to discontinue the three cases in the sample was appropriate. It arose either for evidential reasons or because of the failure of a witness to attend court. However, we thought that the decision to drop the racially aggravated offence was wrong in three out of eight cases where a guilty plea to a non-racially aggravated offence was accepted. In each case we thought that insufficient weight, if any, had been given to the racially aggravated nature of the offence. In addition, the racist incident monitoring data sheet had not been completed to explain why it was thought appropriate to reduce the charge.
- 3.47 The Area has had training on the law relating to racially aggravated offences and a representative of the North Wales Racial Equality Network spoke at a recent Area training day. We think, however, that further work needs to be undertaken to raise prosecutors’ awareness of the impact of racially aggravated crime on minority groups and of CPS policy in relation to prosecution of such offences. This needs to be supported by rigorous monitoring by the Unit Heads of all cases where the racially aggravated element is reduced.

- 3.48 We recommend further training for prosecutors and caseworkers to raise awareness of the impact of racially aggravated crime on the victims and a better understanding of CPS policy in relation to racially aggravated offences.**

Domestic violence

- 3.49 We examined 15 cases of domestic violence in our file sample. Three cases fell in the JOA sample, and 12 in the terminated sample. We disagreed with the evidential decision to drop one of the JOAs (see paragraph 3.30) and to discontinue one of the terminated sample (see paragraph 3.19) on public interest grounds. Although none of the other decisions was manifestly unreasonable, we were concerned that, in several cases, the provision of a withdrawal statement by the victim appeared to lead to discontinuance without a full consideration of the option of compelling the victim to give evidence. Such a decision is a difficult one to make (see HMCPSI's Thematic Report 2/98, paragraphs 8.82 to 8.86), but the possibility should be canvassed with the police, particularly in those cases where the relationship is likely to continue.
- 3.50 The Area has already recognised the difficulties inherent in prosecuting domestic violence cases. Both the Wrexham and Eryri CJUs have domestic violence specialists, and there is a standing instruction in the Eryri CJU that domestic violence cases should not be discontinued without the approval of the Unit Head. One of the joint CJU Heads in Wrexham is the Area Domestic Violence Co-ordinator and represents the Area on the North Wales Domestic Abuse Forum. The Area has commenced work with the police to improve the handling and evidence gathering in domestic violence cases. Nevertheless, we think that more work needs to be done in those cases where the victim withdraws to ensure full consideration is given to the option of compelling the attendance of the victim to court. This will involve liaison with the police to ensure that full background information is available in all such cases.
- 3.51 We suggest that the ASB reviews with the police its handling of domestic violence cases in those cases where the victim withdraws his or her complaint, in order to ensure fully informed consideration is given to whether to compel the victim to give evidence.**

Youth justice

- 3.52 The Area has four youth specialists who review all youth cases and cover most youth courts.
- 3.53 We examined 15 cases involving youth offenders in the file sample. The overall quality of review was competent, although we disagreed with the decision to proceed to trial in two cases (see paragraph 3.24).
- 3.54 The Area has dealt with persistent youth offender cases (PYOs) in a consistently timely manner. It bettered the 71-day target for arrest to sentence in the last 12 months ending September 2001. In the quarter from 1 July 2001, which is the most recent quarter for which statistics are available, the time taken from arrest to sentence has improved to 51 days. This is an impressive performance. It is the result of effective inter agency working to reduce delay, and the CPS has played a full part in this.

Learning from experience

- 3.55 The improvement of casework skills and judgement quality depends, at least in part, on the development of a culture of learning amongst all lawyers and caseworkers. We think more can be done in the Area to develop such a culture.
- 3.56 The Area has a system of case reports for NCTAs, JOAs and JDAs. These reports are seen by the Unit Heads, and in the case of the JOAs and JDAs, the CCP. We have already commented on the quality of this self-assessment at paragraphs 3.25 and 3.32. However, the Area would benefit from systematic recording or analysis of reasons for all acquittals after a full trial in either the magistrates' or the Crown Court, and from making the analysis available to everyone in the Units. The Area is concerned that extensive reporting of failed cases may encourage a culture of blame. We think a learning process can be developed so that only learning points, as opposed to the responsibilities for failures, can be distilled from the case analysis. The learning process can include points from successful cases too, so that the emphasis is placed firmly on continuous improvement rather than looking backwards. We think it would be worthwhile for the Area to revisit and extend its analysis of trials and the identification of learning points.
- 3.57 The dissemination of learning points, once identified, would benefit from further consideration. At present, reliance is placed on team meetings, memos, and discussions between lawyers and caseworkers. However, the three Units disseminate information separately. There is no systematic passing of information on adverse outcome of Crown Court cases from the TU to the CJUs beyond the Unit Heads, even though all the CJU lawyers will have initially accepted them for prosecution. There is also a duplication of effort between the two CJUs themselves. Each of the CJUs has its own designated lawyer responsible for keeping the CJU abreast of significant legal developments. It would be sensible for one lawyer to do this for the whole of the Area.
- 3.58 The Area subscribes to a casework digest called the Welsh Prosecutor that covers all the CPS Areas in Wales. We do not think, however, that it has sufficient local focus on the learning points arising from casework in North Wales. Whilst we appreciate the need to avoid an information overload, we think the Area should consider its own casework digest, including significant case results, and learning points from both magistrates' and Crown Court. The digest could include recent legal developments, or an index of where to find them. The Unit Heads have recently started to send the CCP a monthly casework report, including casework trends. This could, perhaps, form the basis of such a digest.
- 3.59 We recommend that the ASB puts in place structured arrangements for learning points of general relevance from all trials, and for ensuring that lawyers in both the CJU and TU are kept informed of case outcomes in the Crown Court.**

CASE PREPARATION

Introduction

4.1 Good quality decision making at review is only one aspect of the efficient and professional handling of casework. In this section of our report we consider the Area's performance in a range of processes supporting the different stages of casework.

Advance information

4.2 Since the introduction of EAH and EFH courts, the police have undertaken the preparation of additional copies of the statements and ancillary information for service as advance information (AI) by the CPS on the defence at court. Although the legal duty to provide advance information only extends to either way cases, an AI bundle is prepared for all cases. This arrangement ensures timely service.

4.3 No record is kept of what is served by way of AI at the first hearing. Prosecutors simply assume that all the evidential material that is available at the first hearing has been disclosed. While this does not appear to have caused any difficulty in the cases we have seen, prosecutors still of course need to check the bundle prepared by the police to ensure that it does not inadvertently include any inappropriate material. Where the police prepared bundle has not been disclosed in full, prosecutors must also be able clearly to demonstrate what has been provided to the defence.

4.4 We recommend that prosecutors, when dealing with advance information, record on the file the material provided to the defence.

Probation information

4.5 The CPS nationally has agreed that it will provide the Probation Service with details of the case and the antecedents of the defendant where a magistrates' court orders a pre-sentence report or the defendant is committed to the Crown Court. Arrangements are in place to enable the information to be passed to agreed collection points in the Probation Service so that they can be sent to the authors of the reports.

4.6 We found that, in 27 out of 28 of the relevant cases in the random sample, this information had been sent to the Probation Service within the agreed time-scale. However, there have been occasions when the pre-sentence report indicates that CPS information had not been available. There is no clear evidence as to where the process breaks down. The CPS is addressing the issue with the Probation Service on a systematic basis.

Disclosure of unused material

Overview

4.7 The Area's performance on primary disclosure was impressive, but it needs to improve the provision and recording of secondary disclosure. Prosecutors and caseworkers are generally knowledgeable about their obligation to provide disclosure, and they respond positively to reasonable requests for information. Our concern with

secondary disclosure stems from the fact that we have not been able to determine from the file whether the procedure had been carried out. The problem may well lie in the poor recording of what had been done at that stage of the disclosure process. We deal with this issue in greater detail in paragraph 4.14.

- 4.8 As part of the Certificate of Assurance process, the Area conducted a spot-check on how it dealt with the disclosure of unused material. This was a useful exercise that informed Area Management of the Area's performance. The Area may wish to extend the process to become a tool for the management of an individual's performance.
- 4.9 The Branch report in 1998 recommended that the CPS should address concerns regarding the police obligation to reveal all relevant material to the prosecutor. The CPS has participated in police training, and the police have appreciated their involvement. While we found that the police submitted the relevant unused material schedule in all the cases we examined, and that the quality of the schedules is seen to be improving, the schedules required amendments in a quarter of the cases. The Area should persist with its effort to raise standards, and should seek amendments to the schedules or sight of inadequately described material where necessary. We note that this is an objective under the Area Business Plan 2001/2002.

Primary disclosure (non-sensitive material)

- 4.10 The police submitted schedules of unused material (the MG6C) in all 47 cases we examined for this purpose. Some of the schedules were of a high quality but over a quarter of the schedules required amendments.
- 4.11 In the random sample of magistrates' and youth courts cases, primary disclosure had been correctly dealt with in all 17 cases, and the appropriate documents were all sent in a timely fashion. We also examined a sample of 10 summary trials involving road traffic offences. Disclosure had properly been dealt with in only three of them. In the seven other cases, the prosecutor did not take any action when the police did not supply an MG6C, or when the quality of the MG6C was such that the prosecutor could not have taken an informed decision. Prosecutors are fully aware that the rules on disclosure apply to road traffic cases, and should therefore be more proactive in addressing deficiencies in those files.
- 4.12 Primary disclosure was correctly carried out in 27 out of 30 random Crown Court cases. In one of the three remaining cases the lawyer concluded that some items might undermine the prosecution case, but there was no indication of what these items were, and there was no record of what was sent to the defence. In a second case the disclosure schedule was clearly incomplete but the lawyer did not take any action. In a third case the police incorrectly listed two items on the sensitive material schedule and the CPS requested that it be amended. The police refused, and the CPS took no further action because the items did not undermine the prosecution case. This demonstrated a misunderstanding of the purpose of the disclosure schedule.
- 4.13 Documents regarding disclosure are usually kept together and under the cover of a marked coloured card. On occasions, some documents have not found their way into this disclosure bundle, and correspondence dealing with disclosure is usually kept with general correspondence. This should be addressed.

Secondary disclosure (non-sensitive material)

- 4.14 Defence statements were recorded as being sent in 17 out of 20 Crown Court cases, and in one case in the youth court. We found a response from the police in 10 of these cases, but we were unable to find evidence that action had been taken to chase missing replies.
- 4.15 The CPS did not respond to the defence statement in the case in the youth court, and its handling of secondary disclosure was adequate in only eight of the 20 Crown Court cases. Several prosecutors told us that some defence statements lacked details and assessment of them tended to result in no disclosure being judged necessary. They also said that formal notification of secondary disclosure had not occurred in some cases because the disclosure would have been covered by orders made at plea and directions hearings, or made informally at pre-trial hearings. Since there was no indication on the file that non-disclosure had been raised in court or in correspondence, these explanations may well account for our findings, but they are not satisfactory. The legislation imposes a clear and positive duty on the prosecutor to assess unused prosecution material for information that might assist the defence case. This duty cannot be fully discharged if the prosecutor only acts in response to defence requests or court orders. Furthermore, in cases where no disclosure is deemed necessary, or where the information has already been disclosed via another route, the prosecutor is still under a duty to inform the defence that no further disclosure will be made.

Sensitive material

- 4.16 Five cases in our random sample involved sensitive material. Four cases were handled correctly. In the remaining case there was no evidence that the reviewing lawyer gave any consideration to the sensitivity of the material. However, our external interviewees were satisfied with the performance of the CPS in this regard.
- 4.17 Some sensitive material requires particularly secure handling because of the nature of the information. This commonly relates to the involvement of registered informants. In North Wales, the police hand the information to the CCP. The CCP keeps the material, and informs the appropriate Head of Unit. He or she then enters a note on the file, and requires the reviewing lawyer to provide a report of the case to the CCP. We are not satisfied that the responsibility for assessing the material for disclosure is clearly understood and, in any event, the procedure seems to be cumbersome and may hinder access by lawyers working in the Colwyn Bay office. We think that the process should be reviewed to make it more efficient while still retaining the level of security deemed necessary.
- 4.18 We recommend that the ASB ensures that an appropriate assessment is made in all cases about its need for secondary disclosure, that the defence are formally informed of the result of the assessment, and that the procedure is fully documented.**

4.19 We suggest that:

- * **the ASB reviews its procedure for handling sensitive material;**
- * **the Heads of Units ensure that all unused material, including correspondence, is kept in a separate folder on all files;**
- * **the CCP continues to seek improvements from the police in the quality of the disclosure schedules.**

Summary trial preparation

Overview

4.20 A coloured form is used to provide a record of what has been done in preparation for trial. The form also records the reviewing lawyers' analysis of the issues in the case. The effort involved in the proper use of this form is **commendable**. Overall, we found that, apart from a timeliness issue with the Eryri CJU (see paragraph 3.23), the quality and timeliness of trial preparation was fairly good. We think, nonetheless, that further measures should be taken to reduce cracked and ineffective trials. The Area should also aim to improve readiness for pre-trial reviews and for the trials.

Pre-trial review (PTR)

- 4.21 In most cases where a not guilty plea has been entered in the magistrates' courts, the court will adjourn the case for a pre-trial review. The adjournment allows the parties to prepare the case for trial. Before the PTR takes place, the prosecution is expected to review the case and serve statements from witnesses it intends to call at the trial, so that the parties can identify the disputed issues in the case, look for areas of agreement, and avoid unnecessary witness attendance at court. We have found instances where an effective review had not taken place before the PTR. This is also the view of some of our external interviewees.
- 4.22 Despite the fact that most summary trials have been subject of a PTR, a significant number of trials do not take place on the appointed dates. Cases do not go ahead either because one or more of the parties is not ready to proceed, or because the court cannot accommodate the trial on that date (ineffective trials). Trials can also fail to go ahead because guilty pleas to the original charges or to a level acceptable to the prosecution are agreed on the trial date (cracked trials). Cracked and ineffective trials are wasteful because they take up valuable resources of all the agencies and parties involved. In many cases it will also mean that witnesses have attended unnecessarily, and those involved in ineffective trials will have to re-attend on a later date.
- 4.23 As with most other CPS Areas in England and Wales, cracked and ineffective trials occur too frequently in North Wales. Although they concern all criminal justice agencies, not just the CPS, it is an issue that must be addressed. There has been monitoring of cracked and ineffective summary trials in North Wales for the past two years but it has not been seen as productive. In April 2001 North Wales acted as one of the pilots in a joint national project to identify a suitable means to monitor and address cracked and ineffective trials. The monitoring pilot took place over three months, after which the local agencies agreed to continue with the process, albeit in a modified way.

- 4.24 The results do not point to a single agency being particularly at fault, but that there must be a joint effort to tackle the problem. We are pleased to learn that the CPS, the police and the courts have jointly analysed the results of the pilot and have approached their counterparts in another area to see if any good practices can be learnt. In the meantime, the agencies have identified that the effectiveness of the PTR must be improved, and steps have been taken by the courts and the CPS to ensure that their respective staff act robustly when dealing with PTRs.
- 4.25 The timely service of statements under section 9 of the Criminal Justice Act 1967, where appropriate, is important in order to avoid the unnecessary attendance of witnesses. We found that, while late reviews occur sometimes, statements were served in time for trial in all 18 cases we examined.

Witness warning

- 4.26 The timeliness of witness warning is important both in order to ensure good witness care and the attendance of witnesses at trial. In the random sample of summary trials, we found that all the witness warnings were timely. We have been told that, on occasions, witnesses were warned unnecessarily. We have not seen this in our file sample, but the effectiveness of the PTR is again the key to preventing this from occurring.
- 4.27 **We suggest that the CJU Heads consider the use of a “readiness check” a short time before the trial to ensure the prosecution has done all it can to render the trial effective. This check should ensure that all the appropriate witnesses are called, and that those who are no longer required can be stood down.**

Crown Court case preparation

Timeliness and quality of committal papers

- 4.28 The CPS has a national target of service of committal papers on the defence within 14 days of receipt of a complete file from the police if the defendant is on bail and 10 days if in custody. We have applied the same time guidelines to the service of the evidence bundle in sent cases (section 51 Crime and Disorder Act 1998).
- 4.29 In the year ending 31 March 2001, committal papers were sent to the defence on time in 63.3% of cases. We found the same result in our sample of 30 cases. This is below the national average of 77.2%, and the Area’s own target of 70%.
- 4.30 We were unable to measure timeliness in five of the 30 cases, because we were unable to ascertain when the full file was received from the police, but six of the 30 cases were clearly late. We were given various reasons for the Area’s unsatisfactory performance. Typing resources and the availability of caseworkers in the Wrexham office are issues that feature in other aspects of the Area’s performance. We expand on these issues in paragraphs 6.7 and 6.8. The late delivery of police files, whilst not affecting the measurement of CPS timeliness, can also lead to committal papers being served late. While the magistrates have often allowed adjournments when committals are not ready, the number of late committals is on the increase, and the risk of cases being discharged is increasing. The situation must be addressed before it deteriorates

further. The Head of the TU is already working with the police to improve timeliness of police files. Although the situation with typing and caseworkers is improving, management must ensure that typing needs be continually reviewed. With the introduction of computerisation in the CPS offices, the Area should also examine ways to reduce delays caused by the lack of typing resources.

4.31 We suggest that the ASB should assess whether the use of the standard Crown Court Case Preparation Package by lawyers and caseworkers directly on their word processors will reduce the time taken to prepare committal papers.

4.32 We examined committal bundles to ascertain whether evidence, which should have been dealt with as unused material, had been included in the committal papers. We found inappropriate material had been included in only one of the 30 cases examined.

Cases sent to the Crown Court under section 51 of the Crime and Disorder Act 1998

4.33 Under section 51 of the Crime and Disorder Act 1998, offences triable in the Crown Court only are sent to the Crown Court without the need for committal proceedings. The time period between the first magistrates' court appearance and the first Crown Court appearance is intended to be a matter of days, and subordinate legislation provides that documents containing the prosecution evidence must be served on the defendant and the Crown Court within 42 days from the date of the first hearing in the Crown Court, unless the court grants an extension (or further extension) of that period. The provision was implemented on 15 January 2001, but the procedure was applied in North Wales prior to that date as the Area took part in a pre-implementation pilot.

4.34 There is a multi-agency protocol in place within North Wales for dealing with section 51 cases. Its contents are in accordance with national policy. We examined 14 files from our sample that were sent under section 51. The Crown Court gave the prosecution less than 42 days to serve its papers in seven cases, although the CPS was able to comply with the order in all of them. We are told that in some cases when the CPS has completed their preparation in the time allowed, they have been pro-active in bringing the case back to court sooner. This apparent success must be placed alongside the Area's concern that their effort has encouraged judges to set even more stringent timetables, and to do so in more cases, to such an extent that they now find it difficult to cope.

4.35 It was not clear from the files examined on what basis the CPS was sometimes given a period to serve its case which was less than that allowed by legislation. The problem is one which has been encountered by several CPS Areas, with the result that the CPS nationally has taken advice. This was to the effect that such orders are unlawful. CPS North Wales should draw on that advice in any circumstances where it may need to challenge for a direction which does not accord with the legislation. Even so, CPS policy is to identify cases where preparation can reasonably take less than 42 days so that the matter can be expedited. We saw one such case in our court observations where the facts were straightforward and there were clear indications that the offence would be admitted. This effort must be encouraged, but, on the other hand, prosecution advocates must be careful to bear in mind the prosecution's commitment to other cases, and avoid putting the TU under undue pressure by agreeing to shorter adjournment periods unnecessarily. We understand that the CCP will discuss the matter with the resident judge.

- 4.36 A Case Action Plan should be provided by the police to assist the court in determining how much time should be allowed for the service of papers. This is routinely sought from the police, but the response is often poor. Bearing in mind the court's tendency to reduce the normal 42 days period for service, the Unit Head may wish to take this up with the police.
- 4.37 A guilty plea or a conviction after trial of one or more indictable only offences occurred in only two out of the 14 cases. This caused us to examine the cases more closely to see whether some cases went to the Crown Court unnecessarily. Three cases resulted in an acquittal of all offences, and two cases resulted in a guilty plea to an either way offence. The remaining seven cases resulted in a conviction of either way offences after a full trial. We also thought that the police preferred the correct level of charge in 11 out of the 14 cases. We have therefore concluded that caseload in the Crown Court has not been unreasonably increased through the implementation of section 51.

Timeliness and quality of instructions to counsel

- 4.38 The timeliness of instructions to counsel is the subject of a national target of 73%. In the year ending 31 March 2001, the Area recorded a return of 78.2% against an Area target of 70%. The performance is satisfactory, compared to a national average of 77.4% for the same period. We are pleased to note that, since we inspected the Area, the Area's performance has improved. In the second quarter of 2001, 87.7% of instructions to counsel was delivered within national guidelines.
- 4.39 The Bar and the CPS have entered into a national agreement that counsel should offer a preliminary view of the case, so that a discussion on the conduct of the case and any outstanding work can be commenced as soon as possible. One of the reasons for sending instructions to counsel in a timely fashion is to enable counsel to do this. Compliance by counsel to this agreement is patchy in this Area, and an improvement in timeliness of the delivery of briefs should help.
- 4.40 The quality of the instructions is not subject to any target, but it is important that there is a record of the reviewing lawyer's analysis of the case and the appropriateness of pleas, for the benefit of both counsel instructed and of any CPS colleague who needs to make a subsequent decision on the case. In the 30 cases we examined, 23 contained instructions that adequately addressed the issues in the case. This is a good effort. However, the Area will need to improve on giving instructions on the acceptability of pleas, which was found in only 13 out of 27 appropriate cases.
- 4.41 We suggest that the TU Head monitors the quality of instructions to ensure issues are fully addressed and, in particular, that instructions on acceptable pleas be dealt with in appropriate cases.**

Timeliness and quality of indictments

- 4.42 Lawyers in the TU draft most of the indictments. We took issue with the quality of the indictments in only one of the random 30 cases. Four indictments required amendments, (ie 3.3% which compares favourably with 25.2% in the findings in the cycle of inspections to date), but these amounted to no more than a fine tuning of the prosecution case. There were no major errors. All 30 indictments were lodged in time.

Plea and directions

- 4.43 The TU in Colwyn Bay uses a PDH checklist to ensure that it is ready for the hearing. This is useful, but it is not done in the Wrexham office due to lack of training for new staff.
- 4.44 The compliance with directions given at PDH in the cases in our file sample was generally timely. However, information on the orders must be extracted from a copy of the judge's questionnaire, which are not always present. There was also no proper recording on the file of whether the orders have been complied with. We are told that both TU offices maintain a diary that records the orders and their compliance. It is also the basis of a bring forward system. We think, however, that the Unit must be prepared for the real possibility of information being sought when the diary is not readily accessible, for example, when asked by a judge in court.
- 4.45 **We suggest that the TU Head:**
- * **implements as soon as practicable the pre-PDH check list procedure in the Wrexham office; and**
 - * **researches and implements a system for recording on the file, directions given at a PDH, and the date of compliance.**
- 4.46 CPS North Wales is responsible for only a small proportion of cracked and ineffective Crown Court trials. Effective preparation of the case for PDH, and the Area's deployment of CPS lawyers to cover PDHs will have contributed positively.

Instructions to counsel on appeals from the magistrates' courts

- 4.47 The quality of the instructions in appeals against convictions from the magistrates' courts was very good. Since such appeals operate by way of a re-hearing it is important that the lawyer who is briefed to represent the prosecution should be fully informed as to what took place in the magistrates' courts. Of the seven cases we examined, we found a satisfactory analysis of the issues in the magistrates' courts in six cases. A report on the trial was included in six out of the seven sets of instructions. The Area's effort in preparing instructions on appeals is **commendable**.
- 4.48 The responsibility for preparing the instructions varies between the Colwyn Bay and Wrexham offices. In Wrexham, the instructions are prepared by lawyers in the TU, although some of the TU staff considered that this should be done by the CJU. In Colwyn Bay, the instructions are prepared by an A2 caseworker in the CJU. This is the only Crown Court work performed by the Eryri CJU and the A2, who works part time, has sole responsibility. The Area will need to ensure that there is adequate cover in her absence. The Area may also wish to consider that a uniform approach should be preferred throughout the Area. One important factor is that the TU and CJU must not be seen to be acting separately in the Crown Court.

Custody time limits

- 4.49 Custody time limit (CTL) provisions regulate the length of time during which an accused person may be remanded in custody prior to the disposal of the case. Failure to monitor the time limits and, where appropriate, to make an application to extend them, may result in a defendant being released on bail who should otherwise remain in custody.
- 4.50 We examined nine magistrates' court and six Crown Court files that were subject to custody time limits. The expiry date had been correctly calculated in eight cases in the magistrates' court. One was incorrectly calculated and showed the review date as the expiry date, ie a week earlier than the actual expiry date. Review dates were endorsed on the front of only five of the files in the magistrates' court. In the Trials Unit, all the expiry dates were correctly calculated and endorsed on the front of the files. The review date was endorsed on the front of four of the files seen.
- 4.51 The Units employ different systems to monitor CTLs. The monitoring systems in the Wrexham CJU and both offices of the TU are not identical, but management checks are in place to ensure accuracy of the calculation and the updating of the files.
- 4.52 In the Eryri CJU, CTLs are endorsed manually on the front of the file by the level A casetrackers and recorded on SCOPE. The expiry and review dates are then entered in a diary. The diary for the Llandudno, Denbigh and Prestatyn courts are maintained by an A2 casetracker and checked by the Unit's B1 manager, although entries concerning cases from Prestatyn court are often made by the B1 manager herself. The Caernafon satellite office maintains a separate diary for its cases. The level of details in the diaries varies, and we are not satisfied that management checks on the Caernarfon diary are as robust as are necessary.
- 4.53 Making the system the sole responsibility of a single member of staff, as in Caernarfon cases, and to a certain extent Prestatyn cases, carries with it a degree of risk of systematic inaccuracy, and of a break in continuity should the relevant member of staff become unavailable. We also think that it is important that the CTL management system is quality assured through management checks of the system and the calculation in a sample of cases. We think that the Area should consider whether to continue with different monitoring systems, which tend to mean that staff from other Units will not be able to take over the tasks easily if called upon to do so. The situation for Caernarfon and Prestatyn cases should therefore be improved.
- 4.54 We were informed that, should a custody time limit need to be extended, letters requesting an application to extend will be automatically sent by the CJU in Colwyn Bay. In Wrexham, a lawyer will identify any case where an application to extend is required and the letter is prepared by the typists. In the Trials Unit, the lawyer or caseworker will identify any case that requires an application to extend and again the typists will prepare the letters.
- 4.55 Two cases examined involved extensions to the custody time limit. Both files had the new expiry dates clearly recorded on the file. However, in both instances, it was not readily apparent from the file that the appropriate action and procedures had been taken to effect the extension.

- 4.56 In a further three cases, the custody status of the defendant was not apparent from the file endorsements. In one case, poor file endorsements had led to counsel being informed of bail conditions for the defendant, when he was in fact in custody. Fortunately, the file was clearly marked with the correct CTL, and the error was noticed before any damage was done.
- 4.57 The Area informed us that it is planning to provide training for staff in the operation of monitoring systems as well as the law and procedures. We support this initiative.
- 4.58 We suggest that the Unit Heads should review custody time limit monitoring procedures, and agree upon a system that:**
- * **is uniform across the Area; and**
 - * **ensures that there are management checks into the reliability of the procedure.**

Statutory time limits for prosecution

- 4.59 North Wales has been operating as one of the national pilots to prepare for the implementation of prosecution time limits for all young offenders, pursuant to Sections 22 and 22A of the Prosecution of Offences Act 1985, as amended by the Crime and Disorder Act 1998. Under the legislation, the date fixed for the offender's first appearance in court must be within 36 days of the arrest of the offender. The CPS is then required to progress the prosecution from the offender's first appearance to the start of a trial within 99 days. One member of staff in each office has been tasked to monitor progress of these cases to ensure that they proceed within that period. There have not been any failures. We have also observed a CPS lawyer, in accordance with national guidance, offering assistance to a police officer who appeared in court to apply for an extension of the first period (ie that the court authorise a charge be preferred more than 36 days after the arrest).

File endorsements and organisation

- 4.60 There was an adequate record of magistrates' courts proceedings in 66% of the files we examined. Recording out of court work was better. Our main concerns are clarity and legibility. There is an impending move by the CJUs to operate a single file system with the police. The administration of the files will then mainly fall to police staff, who might not be used to the style and abbreviations adopted by CPS staff. The CPS must therefore improve the quality of file endorsements before the implementation of the new system.
- 4.61 Endorsements on Crown Court proceedings are very good, but out of court work was properly recorded in only 37% of cases in our sample. The main areas of concern here are records of telephone calls and decisions taken. The absence of these records means that it is often difficult to see how decisions are arrived at.
- 4.62 We recommend that the Unit Heads monitor the quality of file endorsements, and address poor performance with individual members of staff.**

4.63 We have discussed the organisation of documents used in the unused material disclosure process. The organisation of both magistrates' courts files and Crown Court files was otherwise satisfactory.

Correspondence handling

4.64 Concerns were raised by some agencies about the timeliness of responses to correspondence. We thought that the systems for correspondence were satisfactory, and that that the problem lies with lawyers' out of court time and the availability of typists in some instances. We deal with these issues further in chapter 6 of this report.

PRESENTING CASES IN COURT

Introduction

- 5.1 Advocacy and case presentation in the courts are extremely important. Not only are they the most visible aspects of the work of a CPS Area, but their quality can significantly affect the outcome of 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 advocacy and 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 to assess all the prosecuting advocates observed during its inspections. These include CPS lawyers, Designated Caseworkers (DCWs), solicitor agents and counsel in the magistrates’ courts and counsel and CPS Higher Court Advocates (HCAs) in the Crown Court.
- 5.3 Using the Advocacy Standards as a basis, we allocate marks to the advocates we observe. An advocate who is fully competent is marked as 3. However, there is a wide variation 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- and 3+ categories. 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 27 lawyers including the CCP. We were able to observe 14 of those lawyers in magistrates’ and Crown Courts (51.9%), including two out of the five Higher Court Advocates (HCAs) in the Crown Court. We also observed three out of the five designated caseworkers (DCWs). The overall standard was good.
- 5.5 We also observed five counsel instructed by the Area in the Crown Court, and two in the magistrates’ court.

Quality of advocacy in magistrates’ court

5.6 We observed 12 CPS lawyers, three DCWs and two agents in a range of magistrates’ and youth courts. We set out our assessments in the table below:

	1	2	3+	3	3-	4	5	Total
CPS Lawyer	-	1	2	8	1	-	-	12
DCW	-	-	3	-	-	-	-	3
Agent	-	-	-	2	-	-	-	2

5.7 All CPS advocates we observed, save one, were authoritative and at ease in their courts. Most of the courts comprised remand or sentence cases, but we were able to observe two trials. They were well conducted. We found one advocate was lacklustre in presentation and did not address the court fully when the opportunity arose. We were also able to observe some advocates addressing the court in both Welsh and English as circumstances required.

5.8 All the DCWs in the Area have the confidence of other court users. Our observations confirmed that the confidence was well placed. The only comment expressed by other court users related to the limitation on the types of cases they are allowed to handle under current arrangements for them. This is a comment we hear in most of the Areas we inspect.

5.9 The Area instructs a significant proportion of agents to cover the magistrates’ courts. In October, for example, agents prosecuted 25% of courts. They are mainly drawn from the junior Bar. Court users told us that the standard of their advocacy was variable. We saw two counsel agents who were both competent in all respects. Nonetheless, it is important to ensure that agents of the right calibre are used. We refer to the need for monitoring at paragraphs 5.24 to 5.27.

5.10 The Area has provided induction for agents in the past and is in the process of preparing a more structured induction package. It is important that induction continues and includes all agents used by the Area.

Court coverage in the magistrates’ courts

5.11 The Area services 12 magistrates’ courts although, at the time of the inspection, two were closed for refurbishment. There is a mix of urban courts that sit every day, and rural courts that sit only once or twice a week.

5.12 The DCWs are deployed at four court centres and attend EFH or sentence courts on average three times a week. They have sufficient time to prepare fully for court. Indeed, the Area recognises that the current court-listing pattern only requires three DCWs to service it. We discuss deployment of resources at paragraph 6.46.

- 5.13 All CJU lawyers in the Area are expected to attend court four days per week. They will also attend the police station once a week to prepare an EAH court. At the time of the inspection, Eryri lawyers did not attend the police station because of the temporary reduction in staffing levels. Lawyers in the Wrexham CJU attend court on average three days a week and the police station once a week. They have one day in the office. The Caernarfon sub office is based in the police station, and lawyers generally still attend court four days a week.

- 5.14 The deployment of lawyers within the Area has been the subject of review by the ASB. It is mindful of the need to have an appropriate balance between review, court preparation and court attendance. We comment later at paragraph 6.8 on the deployment of CJU staff between the Colwyn Bay office and the Caernarfon sub-office. We also think there is greater scope for TU lawyers to attend the magistrates’ courts. The policy of the Area is that lawyers in the TU should conduct magistrates’ courts proceedings although, at the time of the inspection, this had all but ceased due to the temporary absences in the TU. We think that, once the TU is back up to its intended strength, the ASB should consider a greater deployment of TU lawyers in the magistrates’ court. This would have a number of advantages. We have already mentioned the high number of agents and the difficulties that causes. A greater use of in-house lawyers would reduce the impact of the problem. We also think it important that TU lawyers do not become de-skilled at magistrates’ court advocacy in light of the policy of rotation between the TU and CJU.

- 5.15 The CCP is an experienced advocate. He regularly appears in the Crown Court as an HCA, but no longer appears in the magistrates’ court. The CCP recognises that both aspects of the Areas work are important. We think there are clear benefits in the CCP attending the magistrates’ court, as well as the Crown Court, so that he is seen to provide leadership in both venues. The CJU Heads attend court at least once a week. In the Inspectorates’ Thematic Review of Advocacy (Thematic Report 1/2000) at paragraphs 3.6 to 3.8, we commented on the importance of senior managers prosecuting cases in court as often as possible.

- 5.16 We suggest that the ASB consider increasing the court coverage by TU lawyers in the magistrates’ courts.**

Quality of advocacy in the Crown Court

5.17 In the Crown Court we saw five counsel and two HCAs. Our assessments were as follows:

	1	2	3+	3	3-	4	5	Total
Counsel	-	-	1	4	-	-	-	5
HCA	-	-	1	1	-	-	-	2

5.18 We found a perception that there was parity between counsel for the prosecution and the defence in the more serious cases but that, on occasions, this did not extend to the less serious cases. We were unable to see sufficient advocates to form our own view on this, but it is an important factor that should be born in mind by the Area in monitoring and selection of counsel.

Court coverage in Crown Court

- 5.19 The Area generally provides caseworker coverage of one caseworker to one court. This is good. It ensures counsel is fully supported.
- 5.20 There are five HCAs in the Area, including the CCP. They cover bail applications, preliminary hearings of sent cases, PDHs, appeals against conviction and sentence and committals for sentence. They attend court regularly. The Area is planning to extend coverage to trials as soon as resources allow. This will be a welcome development.

Selection of counsel and returns of briefs

- 5.21 The Area seeks to instruct counsel from the Wales and Chester circuit. This in effect restricts the Area to three sets of chambers at Chester because of the travelling times for the Cardiff and Swansea Bars. The Chester bar also serves CPS Cheshire. This plainly limits the number of counsel available to cover the Areas cases. We were not fully satisfied that the Area had an adequate pool of suitably competent and experienced counsel for all grades of work from which to draw. We think the Area needs to consider widening the chambers it regularly instructs even though this would mean instructing chambers from outside the circuit.
- 5.22 The level of returns is high. In only 46.7% of cases in the random file sample did counsel originally instructed attend the PDH and in only 33.3% of cases did the counsel originally instructed attend the trial. This level of returns presents a particular problem when there are only a limited number of counsel available to pick up the return. The high level of returns was identified as a problem in the previous inspection report. It clearly remains one.
- 5.23 **We suggest that the ASB:**
- * **considers extending the chambers it instructs to the chambers at Liverpool and Manchester; and**
 - * **takes steps to reduce the level of returns.**

Monitoring of advocacy standards

- 5.24 CPS prosecutors are monitored at least once a year. This level of monitoring is appropriate for advocates who have been assessed as fully competent, but the Area will want to be alert to the need to monitor more frequently those advocates who are lacking in presence, lacklustre or less than fully competent. We found only one advocate falling into this broad category, but it is important for the Area carry out its own monitoring to benchmark current performance and set standards.
- 5.25 Monitoring of agents is ad hoc, and tends to be reactive to complaints. We think the Area should be more pro-active in relation to agents, particularly those that are new to the Area.

- 5.26 Similarly, there is no systematic monitoring in the Crown Court, save for new counsel and counsel seeking to be re-graded. We think that the ASB should consider a more structured monitoring system. This need not be overly resource intensive. The CPSI report on Advocacy and Case Presentation (Thematic Report 1/2000) gave guidance on how monitoring can be achieved without unacceptable resource implications. Furthermore, there is now an agreement between the CPS and the Bar on the selection of advocates in the Crown Court. The agreement deals with the extent of monitoring that should be undertaken.
- 5.27 We suggest that the ASB should introduce more regular and structured monitoring of all agents in the magistrates' courts and of all counsel in the Crown Courts.**

MANAGEMENT AND OPERATIONAL ISSUES

Overview

- 6.1 The Area management is pro-active about its planning and review activity, about being an improving organisation, and about managing change. Many members of staff, particularly the lawyers and caseworkers, have been in service for some time. While this provides the Area with considerable casework experience and an established presence in various parts of the county, it has also presented the Area with difficulties in implementing structural changes that best serve its current business needs. This theme runs across many of the management and operational issues discussed in this chapter.
- 6.2 CPS North Wales/Dyfed Powys was created in 1986. It had offices at Colwyn Bay, Mold and Bangor with a centralised Crown Court Unit at Colwyn Bay. From 1992 to 1997, the work in North Wales was covered by a Wrexham/Powys Branch based at Wrexham, with a satellite office at Newtown, and the Eryri Branch with offices at Colwyn Bay and Bangor. When team working was introduced, Crown Court caseworkers dispersed into the prosecution teams. The North Wales offices were roughly the same size.
- 6.3 Since the Glidewell report, North Wales became a single Branch Area and the new CCP and ABM inherited an Area whose staffing costs were some 30% higher than Activity Based Costing suggested was warranted. Consequently, one of Area management's key priorities was to reduce spending and an early decision was taken to transfer two lawyers to a neighbouring Area. In order to reduce costs still further it was decided to close the Bangor office when its lease came up for renewal. While these decisions made sound business sense, they caused disruption and were unpopular among the staff. They are still impacting upon morale, and the difficulties with relocating staff from the west of the county to the Colwyn Bay and Wrexham offices have had an adverse influence in the progress towards the implementation of the new Area structure.
- 6.4 By the time of this inspection, the management had effectively secured a better match between expenditure and caseload. The complement of staff has 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.
- 6.5 Internal communication and a number of other human resource issues require further attention to address morale and workflow. It is important that these issues are addressed so 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.
- 6.6 The Area clearly has the ability to effect the transition from a Branch into a modern and successful CPS Area. There are structural and people issues to be addressed, but 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.

Management of the Area

Organisational structure

- 6.7 Casework in CPS North Wales is conducted by one Trials Unit (TU) and two Criminal Justice Units (CJUs). Most Crown Court cases in North Wales are dealt with at the Crown Court situated at Mold and Chester. The TU caseload is comparable to many single site Trials Units. Therefore, it does not justify a split site arrangement that divides the Unit's resources and increases management and administrative burdens. At the time of the inspection, each site has the equivalent of only two administrative staff, and this already represents an improvement from previous staffing levels. Furthermore, until recently, the caseworkers were mainly located in the Colwyn Bay office so that the Wrexham office was severely understaffed in terms of caseworkers. In our view these arrangements render the Unit less flexible to deal with workflow than it should be. It was clear to us that some of the Wrexham TU lawyers were often doing work that should properly be performed by caseworkers and administrative staff, thereby putting themselves under pressure on account of this additional workload. Area management have addressed the disparity in numbers of caseworkers, but we still have reservations about the split in its Trials Unit.
- 6.8 The Eryri CJU also works from two offices in Colwyn Bay and Caernarfon. The problems with flexibility, duplication of administrative processes, and management supervision are also present. Furthermore, the division of the staff does not reflect the needs of the business. Caernarfon office has only 1.6 permanent administrative members of staff, and, until recently, Colwyn Bay suffered from a shortage of typing support (see also paragraph 6.20).
- 6.9 During this inspection, Area management announced that, when the joint police/CPS CJU is fully implemented in Colwyn Bay and Caernarfon, all the lawyers in the Unit will be based in Colwyn Bay. A lawyer will cover the Caernarfon office on a rotation basis, and courts currently served by the office will be covered by lawyers based at Colwyn Bay. The involvement of CPS in the administrative functions in the joint CJU is still under discussion, but it should significantly reduce the need for CPS administrative cover in Caernarfon.
- 6.10 The decision to operate the split site arrangements has been heavily influenced by the difficulty of relocating staff to offices some distance from their normal place of work, because of the geography of the Area, and the lack of public transport. For example, staff who work and reside in Colwyn Bay will have to travel over 40 miles each way to work in the Wrexham office. Staff who live on Anglesey and who currently work in Caernarfon will add roughly 15 miles each way to work in Colwyn Bay. Another factor that influenced decisions was the availability of accommodation. While these factors are undoubtedly important considerations, the Area and its staff must take difficult decisions to avoid an adverse impact upon the operational effectiveness of the Area. The Area will need to consider the viability of two TU offices and, as part of that review, the Area may wish to consider whether the TU can be self-contained and located more centrally. The proximity of Wrexham to the Crown Court locations makes it a more natural candidate but there are other factors which must also be taken into account.

- 6.11 We recommend that the ASB reviews the question of whether the Trials Unit should be divided. This review should be wide-ranging, and should include the feasibility of the Unit being housed in suitable accommodation in another location to provide reasonable access by staff and others who have business with the Service.**
- 6.12 Lawyers in the Units are line managed by the Unit Heads. A business manager line manages the caseworkers and administrative staff in the TU. In each of the CJUs, a B1 team manager manages the administrative staff, and the two B1s are managed by a CJU business manager. Both business managers report to the ABM. The CJU business manager has a number of roles beside the management of the administrative teams. We thought that line management of the administrative staff in the Eryri CJU is vulnerable, bearing in mind that the top two tiers are in Wrexham, and the team manager is not often able to visit Caernarfon. The ABM is considering the transfer of the CJU business manager role to herself as the current manager simply has too many tasks to perform. We agree that there needs to be stronger management of the administrative functions of the CJUs, but we think that the Unit Heads must be able to have an input into this. The Area may wish to consider whether the management role should go the Unit Heads, or at least have a formal structure that enables Unit Heads to have a level of control over this aspect of the operation (see our recommendation on meeting structure at paragraph 6.16).
- 6.13 We recommend that the ASB reviews arrangements for the line management of administrative staff in the Criminal Justice Units.**

Meeting structure

- 6.14 All levels of management in the Area used to meet monthly in an Area Management Team (AMT) meeting. Since April 2001, only the CCP, the ABM and the Heads of Unit meet in a monthly Area Strategic Board (ASB). The wider AMT now meets quarterly, and is intended to deal with day to day operational issues only. Inevitably, the ASB has to deal with non-strategic matters, but it is now done without the benefit of the knowledge the level B managers can bring. Some of the level B managers also feel that they have lost the ability to inform and influence decisions that have an impact on the day to day running of the business. It is clearly prudent for members of the ASB to focus their meeting on strategic issues, but the change of management meeting structure may have weakened the link between the ASB and other managers.
- 6.15 We think that the Area may benefit from a tier of meetings that sit below the ASB and which deal with operational issues that are office based or Unit based. One possible model consists of an office management meeting for each of the main offices, a management meeting of the TU, and a joint CJU management meetings. The ABM can act as the link between these groups, and between the groups and the ASB. This will facilitate two way communications between the various levels of management, and will ensure that decisions of the ASB are informed by the views of operational managers.
- 6.16 We suggest that the ASB reviews its management meeting structure.**

Policy and strategy

- 6.17 The Business Plan 2001/02 follows the national template, and Area-specific goals underpin the national goals. We are pleased to see that all the managers in the Area have undergone a self-assessment exercise using the Business Excellence Model (BEM). The involvement of a large number of staff in the process is **commendable**. The assessment has identified both strengths and areas for improvement.
- 6.18 The Area conducted a strategy meeting in May 2001 and devised an Action Plan that draws together the various planning processes and the areas for improvement identified through the business excellence assessment. The Action Plan covered issues such as Glidewell implementation, the development of ICT links, the extension of HCA coverage and the improvement of performance, systems and communications. This was a positive step towards improvement by planning, but we think that the ownership, the implementation and the monitoring of progress can be strengthened. The May Action Plan says what the Area needs to do, but does not say how it can be done. Not all the underpinning plans are formalised and, while some individuals have taken action, others are less engaged. Area management agreed with us that they need to take stock of progress to date.

Change management

- 6.19 When the CPS introduced activity based costing (ABC), all three offices in CPS North Wales/Dyfed Powys were seen to take up a disproportionate amount of resources in relation to their caseload, when compared with other CPS Branches. After CPS North Wales became an Area in its own right, Area management decided to reduce costs by the closure of the Bangor office.
- 6.20 This was a significant event. Some staff still speak fondly of working environment of the old office when discussing with inspectors their current dissatisfaction. Personal and cultural reasons associated with the change raised a number of difficult people issues, and this has resulted in the problem with the organisational structure that we have described above, and to staff deployment issues that we shall discuss in paragraph 6.46. While we do not underestimate the difficulties associated with managing a change of such enormity, and whilst we are satisfied that efforts have been made to consult and to secure agreement, these efforts have not been totally successful. For example, while the Colwyn Bay office has picked up the Crown Court work from the Bangor office, the Bangor typists were all relocated to Caernarfon, resulting in a severe backlog of typing in Colwyn Bay. It has become quite obvious that some of these decisions can no longer be sustained, and further changes will have to be made (eg by changing again the working arrangements for the Caernarfon office). This risks a further loss of stability and further erosion of the trust and respect between management and staff. The closure of the Bangor office resulted in a significant reduction of morale, against a background of other cost reduction measures. While the situation is improving, it still remains an issue. The Area must improve two-way communications and the ownership of change among all staff to enable a smooth transition.

- 6.21 Further key changes were the Area's re-organisation into a Trials Unit and two Criminal Justice Units in anticipation of the creation of CPS/Police CJUs, and the relocation of the Area headquarters from Colwyn Bay to Wrexham.
- 6.22 The next major change in the Area will be the implementation of joint CPS/police CJUs. They will be operative in Colwyn Bay and Caernarfon by January 2002. The implementation project is conducted jointly with the police, and a DCW is detached from her normal duties to serve on the implementation team. The plans are comprehensive and sound, and there has been a process mapping exercise, but there has been a poor communication of the progress and it is limited to individuals. We think that implementation can benefit from a greater input from staff, who are best placed to anticipate problems in their immediate environment.
- 6.23 In addition to changes to the infrastructure, the Area has taken on the piloting of the Narey provisions, section 51, cracked trial monitoring, victims, statutory time limit for young offenders, and the direct notification of victims within the last two years. They have brought benefits to the Area but they continue to require changes to roles and working practices. The Area will need to consolidate before making itself available to pilot future initiatives.

Performance management

- 6.24 Members of the ASB receive a quarterly management information pack comprising of performance indicators for each unit, monthly outturns of timeliness of providing pre-charge advice, case reviews and discontinuance, court sessions for lawyers and DCWs, and sickness absences. In addition, Unit Heads and managers examine adverse case reports.
- 6.25 We think that the quarterly management report can be made more comprehensive by the inclusion of JPM data and information on cracked and ineffective trials. It could also benefit from comments about the data to highlight any trends or significant changes.

Performance indicators (PIs)

- 6.26 Accurate recording of case outcomes is important, not only because this data is used to determine the allocation of resources to an Area but also because it provides details of the Area's performance in relation to its casework.
- 6.27 We found inaccuracies in the PIs within our file sample. We were informed that there were no files finalised as judge directed acquittals (JDAs) in the period from which our file sample was drawn, but we found four in this category. On further examination, three of these had been categorised as judge ordered acquittals (JOA), despite being clearly marked as JDAs. We also found that 12 of the 100 discontinued files had been finalised incorrectly, and one further discontinued file should have been categorised as a JOA. We made a recommendation in the 1998 Branch report that casework information should be accurately recorded in the PIs. It is therefore disappointing to find that case outcome continues to be inaccurately recorded. We note that whilst management checks on information on adverse cases are carried out by B1 managers, there are no periodic checks on the accurate finalisation of other cases.

- 6.28 We also found that specified traffic proceedings that proceed by way of guilty pleas were being recorded in the Area PIs. These cases should not involve the CPS and should not be included in the Area caseload. We have been told that North Wales Police pass over all court files to the CPS, including specified proceedings files. This means that, unless the Area includes the files into its case tracking system (and hence the Area caseload), difficulties may be encountered should a file be required. We appreciate the problem, but the inclusion of specified proceedings results in an inaccurate picture of the Areas caseload and is contrary to CPS guidelines. We would also observe that if the prosecution files are in the hands of the CPS, its advocates tend to get involved in cases that should not concern them. This is the case in North Wales, albeit only occasionally. We are pleased to learn that, since 1 November 2001, police files will only be sent to the CPS in the event of a not guilty plea or where the matter is to be proved in a defendant's absence.
- 6.29 The Thematic Review of Performance Indicator Compliance and Case Outcomes sets out guidance and good practice in relation to PIs and the Area may wish to draw further on this.
- 6.30 We recommend that the ASB sets up effective and consistent systems across the Area in order to ensure the accurate recording of caseload and case outcomes, and that regular management checks are carried out to assure the accuracy of the recording process.**

Internal communications

- 6.31 There is a comprehensive written communications strategy. Connect 42 is operational in the Area. It is used to disseminate management information and items such as the Area Business Plan are disseminated. There is also an Area Sounding Board, an Area Newsletter and arrangements for Unit meetings. Despite the plethora of strategies and tools to effect communications to staff, and they are used frequently, they do not appear to be effective. Many members of staff do not appear to have a clear vision of the priorities and goals for the Area, and how the Area intends to achieve them. Both staff and management question the effectiveness of the Sounding Board, which has become a vehicle for disseminating information from management, and does not effectively facilitate communications from the staff to management. The Newsletter is irregular and, like the Sounding Board, mainly carries messages from management to staff. Unit meetings are also irregular.
- 6.32 We think that communications from staff to management is even less effective. Members of staff feel that they have not been listened to on day to day efficiency issues, and the separation of the ASB from the AMT may make matters worse.
- 6.33 There is a growing realisation by the ASB that staff must be engaged more in order to raise morale and to facilitate the important changes that the Area is to undergo in coming months. It is identified as an area for further improvement in the May Action Plan. In October 2001, the Area conducted a training session that was also aimed at communicating with staff the Area's plan for the implementation of joint CJUs. They have been well received by many members of staff. It demonstrates that channels of communications are still open, but that they need to be exploited.

6.34 We recommend that the ASB:

- * **reviews and strengthen the progress of actions identified in the communications strategy;**
- * **reviews the constitution of the Area Sounding Board in order to ensure that the attendance of members is facilitated;**
- * **considers further opportunities for personal engagement with staff;**
- * **develops inter-office and inter-unit communications;**
- * **considers a new editorial process for the Area Newsletter to make it a document for the Area rather than another management tool.**

Leadership

- 6.35 Members of the ASB work together as a team. They share an understanding of how local objectives, priorities and targets support national CPS strategies and policies. The CCP and the ABM operate in partnership to try to ensure that the business is managed to achieve the Area plans. The Wrexham CJU Heads work well on a job-share basis. They and the Heads of the Trials Unit and the Eryri CJU have demonstrated leadership qualities at an appropriate level, and are actively engaged in performance management.
- 6.36 Low morale has affected the cohesion of the Area. Management and staff must share common goals, and these goals must be those of the Area as a whole. We have already alluded to the need to improve communications at all levels in order to encourage ownership of the plans. Management must also cultivate a corporate identity to move members of staff away from old office cultures that no longer serve the Area. We have discussed at various points in this report the variation in the processes and systems across the Area, and how this might affect efficiency. A coherent corporate identity is a further reason why the ASB must provide clear strategic directions to create uniformity of practice across the Area.
- 6.37 We think that there is scope for a structured presence by the CCP in Colwyn Bay. Staff particularly value dialogue with the CCP in times of change and when difficult decisions concerning staffing have to be taken. There are already formal meetings for the CCP to discuss issues with the staff. He has established a presence in the Colwyn Bay office. This is a positive step.

Management of financial resources

Efficiency and effectiveness of use of resources

- 6.38 The efficient and effective use of the Area's resources is dependent on a number of factors. Some of these are inter-agency, whilst others are specific to the Area. The inter-agency issues include delay in the magistrates' courts; the cracked/ineffective trial rate in the magistrates' court; inappropriate requests for advice by police; the involvement of the CPS in specified proceedings, the deployment of DCWs,

and co-location with the police of CJUs. There is continuing inter-agency work on all these issues. There is a working group that looks at listing and trials, as well as a Glidewell Implementation Group. Most of our external interviewees have a good understanding of factors that might affect CPS efficiency and effectiveness. We are satisfied that adequate effort is being made by Area management to secure co-operation.

- 6.39 A key internal factor in the effective use of resources in an Area is to have the correct staff in the correct geographical and structural location, performing the correct tasks. Another factor is a consistency in practice and procedures between offices and units. There is scope for the Area to improve its efficiency and effectiveness on both counts. (See paragraphs 6.7, 6.8, 6.12, and 6.20) The development of the Area since 1986 has meant that many changes the Area must make to suit current operational needs involve major changes to the working environment and practices. Some positive steps have already been taken, eg the reduction of lawyer numbers. Further steps such as the implementation of the joint CJUs, and the potential review of the working arrangements of the TU will continue to present a difficult challenge for the Area. The ASB is fully aware that these are difficult issues, but it must never the less persist, and staff must be more realistic about the need to make efficient use of resources.

Allocation of resources

- 6.40 Allocation of resources is effected through resource accounting, and is a standing item at ASB meetings. We are satisfied that the process is robust, but also responsive to unforeseen circumstances such as sickness absences. We do think, however, that it would benefit morale if the need to move staff from one part of the Area to another were to be better explained to all staff in order to avoid feelings of favouritism.

Budgetary control

- 6.41 Budgetary control is adequate. It is a standing item on the agenda of ASB meetings. Staffing costs, which represent the majority of running costs, are closely monitored by the Area, and this has resulted in the recent transfer of lawyers to another Area.
- 6.42 There is currently a slight overspend. The heavy use of agents in the magistrates' courts is a factor. However, this was partly due to long term sick absences. The sickness absence situation is expected to improve in the near future, and the ABM is confident that the Area will come in on budget this year.
- 6.43 The control of some heads of spending (eg agents, casual staff, travelling and subsistence) is devolved to the Unit Heads. There are limits, and expenditure is monitored by the Area Secretariat. The Unit Heads have received some training on budgetary control, but they are comparatively new to the tasks. The Area will wish to develop their skills further so that they can actively manage the budget, rather than simply acting as a control.

Management of human resources

Deployment of staff

- 6.44 The effective deployment of staff is a key aspect of the efficient and effective use of resources. Improved Area performance management should assist in identifying how best to deploy staff. The ASB is aware of the effect of staff deployment on the achievement of Area targets. For instance, youth specialists are designated at each office, and they have helped to reduce delay in dealing with PYOs.
- 6.45 We have discussed the issues arising from split site working in paragraphs 6.7 and 6.8, and the need for the efficient use of resources in paragraph 6.39. We have also discussed court coverage issues at paragraph 5.12. The effective use of staff also relies on staff working to their full capacity, both in terms of skills and workload. The involvement of level B caseworkers in the preparation of Crown Court cases varies between the two offices. We do not consider that the current the level B caseworkers in the Wrexham office are fully utilised in the preparation of Crown Court cases. Greater involvement of level B caseworkers in preparing committal papers would release lawyers to spend more time on the more complex casework. It would also allow the B1 caseworkers to develop and use their skills and experience.
- 6.46 By virtue of the nature of the statutory scheme, DCWs are only able to deal with straightforward guilty pleas and minor road traffic proofs in absence of the defendant. We found that the restrictions on the type of cases DCWs can deal with, and court sitting patterns have meant their time is not being fully utilised, particularly at the Colwyn Bay office. The Area is maintaining an effort to influence court sitting patterns, and we are also pleased to see that the Area has found ways to make further use of the DCWs. One DCW from the Colwyn Bay office has been released to work on the Glidewell Implementation Group, and there is some limited use of DCWs in reviewing summary trial cases in both CJUs.
- 6.47 We suggest that the CCP and ABM review, with the aim of ensuring full and effective deployment of their skills:**
- * **the tasks and deployment of DCWs; and**
 - * **the tasks of level B caseworkers in the TUs.**

Training and development

- 6.48 Training needs for staff in the Area are informed by their forward job plans and by developments in the law and business needs. The Area has provided legal courses for lawyers and DCWs. However, views of staff as to the adequacy of Area training vary. A significant number felt that, while they do get the training they need, it often does not come at the right time. We found that some of these concerns concerned training courses organised nationally and their arrangements were outside the control of the Area.

- 6.49 In recent years, financial constraints have restricted the level of Area-wide training. Lawyers and caseworkers have had a legal training event in the last 12 months, and a training day involving all grades took place during our inspection. The response to the latter was positive, in that the event provided an opportunity for the management to engage staff in person, and to discuss the development of the Area.
- 6.50 All staff have received training on Connect 42, but we think that that some training on general ICT and word processing skills will facilitate communications and the reduction of typing delays. We have already mentioned that it will be beneficial for Unit Heads to receive further training on budgetary control.
- 6.51 We suggest that the ASB reassess training requirements for staff and, in particular, to ensure that:**
- * staff have adequate skills effectively to utilise the information and communications technology available to them;**
 - * Unit Heads are able to manage their devolved budgets in accordance with national and Area policies and procedure.**
- 6.52 The creation of CJUs and TUs can lead to lawyers becoming de-skilled in some aspects of prosecutorial work. This concern is not apparent in the Area, and the ASB accepts that rotation between the two Units is desirable. There is an Area policy for rotation, and the Unit Heads have a discretion to allow CJU lawyers to retain specific case that go to the Crown Court.

Sickness

- 6.53 The Area recorded an average of 11 days absence per member of staff in 2000/2001. It did not meet its target of 6.9 days. While the Area has reservations about the data from which the target was set, it is providing training to all its managers on dealing with sickness in accordance with departmental procedures. The Area has taken steps to improve the accuracy of its records, and data is fed into quarterly management reports.

Performance appraisal

- 6.54 The timeliness of completion of appraisal reports in 2000/2001 was fair. Only 2% of appraisal reports were completed by the 9 June deadline. This rose to 86% by 16 June and 98% by 11 July. The Area is seeking to improve this performance by setting timeliness objectives for managers.

Accommodation, health and safety

- 6.55 All three offices provide a reasonable standard of accommodation. The Wrexham office is on the outskirts of the town and enjoys easy access to the major trunk roads in the county. The Area Secretariat and the administrative staff are in open plan rooms, but lawyers are accommodated two or three to a room. The Area is looking at ways of expanding the office to accommodate police CJU personnel. This will provide an opportunity for the Area to review whether a more open style office would be preferable. The Colwyn Bay office is also within easy reach of the major trunk road

that runs along the coast. It is in a three-story building and the CPS now has use of all the floors. The style of the accommodation is satisfactory. It is being re-organised to accommodate police CJU personnel, the lawyers from Caernarfon, and an office for the CCP. Some training facilities will also be available.

- 6.56 The personal safety of staff is an important consideration for Area management. A member of staff had been assaulted by a defendant in the town centre recently. This has resulted in all staff being issued with personal alarms. The ASB is also discussing with the courts concerns about security of staff and CPS facilities within the precincts of the court.

Equality and diversity

- 6.57 The Equality and Diversity Plan 2000/2003 is good and clear. It contains internal and external dimensions, which sets out actions, and it identifies a need to monitor developments. There have been three reviews of progress, when achievements have been made. The latest development is the setting up of an Area Diversity and Equal Opportunities Group, and the appointment of an Area Equal Opportunities officer.
- 6.58 The Area does not have any staff from a minority ethnic community. The benchmark figure from the 1996 – 1998 Labour Force Survey for the Area is 1.1%. The Area has found it difficult to engage local minority ethnic communities because they are not readily identifiable in the Area. The Area is forging stronger links with the North Wales Racial Equality Network and have accepted advice that more outreach work should be done.

Complaints handling

- 6.59 The Wrexham and Colwyn Bay offices maintain their own registers for non-Parliamentary complaints. Parliamentary complaints are dealt with by the CCP.
- 6.60 The non-Parliamentary complaints registers did not contain a full record of the timeliness of the responses to the complaints. For example, the dates of the acknowledgement letters were not recorded in nine of the 20 cases in the Wrexham register, and we were unable to ascertain when the full replies were sent in two of the four cases recorded in the Colwyn Bay register.
- 6.61 From the limited information available, the timeliness of responses was generally satisfactory. The average time it took from the receipt of a complaint to a substantive reply being sent by the Wrexham office was six and a half days and seven and a half days by the Colwyn Bay office. The replies from Wrexham were good. They were courteous and generally dealt with the issues raised by the complainant in clear and understandable language. The responses from the Colwyn Bay office were satisfactory, although one letter contained typographical errors that should have been rectified.
- 6.62 The ASB has now resolved to transfer the handling of non-Parliamentary complaints to the Victim Information Bureau (VIB). This should help improve the consistency of the replies and facilitate record keeping. However, the Area will need to be mindful of the time it will take for the VIB to obtain the information from the Units to enable it to

reply. We have been shown the new register to be used by the VIB. It is a significant improvement on those currently in use. In addition to the timeliness information, the new register will record the manner in which the complaint was made, the status of the complainant, eg victim, police etc, together with a brief summary of the nature of the complaint. We think that it would also be helpful for it to include a note on the outcome of the complaint investigation. This information can be a useful tool to monitor standards of performance and to learn whatever lessons may be revealed in the investigation.

External relations

General

- 6.63 The Area maintains a good working relationship with its partners in the local criminal justice system. The CCP, and his management team, play a full role in regular meetings at both strategic and operational levels. They are well regarded among their peers in the criminal justice system. There is a Chief Officers' Group comprising the CCP, the Chief Constable, the Justices' Chief Executive, the Chief Probation Officer and the Crown Court manager. The Group agrees on and implements a joint local CJS agenda. The CPS plays an active role in the Group and the CCP was the chair until recently.
- 6.64 The CCP chairs the local Trials Issues Group (TIG). It is working well. A number of sub-groups work on developing issues identified as bringing overall benefits to the local CJS. It is particularly strong on developing IT links between the local agencies.

Community links

- 6.65 CPS North Wales does not present a strong image in its local community but it is improving, for example, by the work of the recently created Victim Information Bureau (see paragraph 6.82), its participation in the 2001 National Eisteddfod of Wales, and the adoption of a more pro-active approach to the local media. Resources are a constraint on the development of community links, but the CPS can perhaps do more with raising its profile in the local community. The Area can draw from a Good Practice Note issued by the CPS Joint Standing Committee on Good Practice in August 2001.
- 6.66 The CPS is represented on a local Diversity and Race Issues Working Group. While the number of racist crimes is small, there is a concern about how they are handled in the criminal justice system. We commented on the performance of the CPS in paragraph 3.44 to 3.47. The CPS will need to work on the issue with other agencies and in the local community to raise its performance and that of the CJS as a whole, in order to address perceptions in the community.

Youth justice

- 6.67 Both CJUs have designated leads on youth offenders issues. They are well received by the courts. There is an effective inter-agency relationship, which brought about impressive performance in reducing delays in the prosecution of persistent young offenders since a target was set by the Government. North Wales has performed well for some time and has improved continuously. We **commend** the Area's effort in helping to bring this about.

- 6.68 The CPS is seen to be helpful to the local youth offending teams, but liaison is limited, and can perhaps be more proactive on issues such as bail support, and fast tracking of all offenders.

Magistrates' court

- 6.69 The CPS enjoys a good and constructive working relationship with the Justices' Chief Executive and the Magistrates' Courts Committee. There is proactive, anticipatory work. There is also a good relationship with the court and with the defence.
- 6.70 The Area and the courts agreed to be a national pilot to monitor cracked and ineffective trials from April 2001. There is still a level of disagreement in the Area about how monitoring can best be done to produce reliable and meaningful results. This should become part of the wider issue of case progression, which is being treated by local agencies as a priority.
- 6.71 There is a perception among magistrates that the reduction in lawyer numbers has adversely affected the level of service. The ASB will need to discuss with staff how CPS resources issues should be presented externally. We have commented that the CCP should renew his appearance at the magistrates' courts. This should provide an opportunity for him to engage with magistrates on how the CPS is seeking to achieve a higher level of efficiency, in addition to it being addressed at Court Users' Group. This should also be a task for the CJU Heads, as part of the development of their role as local managers.

Crown Court

- 6.72 The relationship with judiciary and Crown Court staff is good. The CCP meets the court manager, and will commence regular meetings with the new resident judge at Mold. There are also plans for a new North Wales Crown Court User Group.
- 6.73 Joint initiatives included the practice of listing as many cases from the central and eastern parts of the county in Mold instead of sending them to Chester, and the development of case progression officers to reduce delay.

Police

- 6.74 There is a very good relationship between the CPS and the North Wales Police at senior level. There are no regular bi-lateral meetings between the Chief Constable and the CCP but they meet frequently, both at multi-agency meetings and informally. Other senior police officers feel that they can speak to the CCP and other CPS managers on areas of concern to the police, and they always get a full response.
- 6.75 It is inevitable that there are occasional disagreements between operational officers and CPS staff, but they have been dealt with constructively. The Chief Constable and the CCP are now working to establish standardised liaison between police and CPS.
- 6.76 Development on the implementation of the joint CJUs has proceeded smoothly, and has been preceded by the location of part of the Eryri CJU in Caernarfon police station. While each organisation made a point of maintaining its own working practices there, until the full implementation of the CJU, CPS and police staff share a room, and no difficulties have arisen. We were also told that the police file preparation unit felt that they benefited from a CPS presence.

6.77 There is still work to be done with the joint performance monitoring of file submissions. The CCP reports adverse cases to senior police officers and also discusses them with the Head of the Criminal Justice Department. Unit Heads have formal JPM meetings with police at divisional level. On the other hand, the CCP accepts that the Area needs to improve its TQ1 return rate because the CPS thinks that there is a deterioration of police file quality and timeliness, and that this is affecting its performance. The implementation of joint CJUs should provide a better environment for improvements for both organisations. The CPS should therefore take stock of the situation, and seek to agree with the police how the monitoring data can be used to raise performance in both organisations.

Counsel

6.78 The CPS in Wales and Cheshire meet regularly with heads of chambers used by the CPS. Relations between CPS North Wales and the Bar have greatly improved since the TU was set up in May 2000, and there is much more communication over cases.

6.79 Returns and timeliness of briefs are often discussed. We have mentioned in paragraph 4.38 that counsel often do not provide early advice in accordance with the nationally agreed service standard. We think that this should be placed on the agenda. We also think that, in discussing returns and timeliness issues, the attendance of the TU business manager may be beneficial.

Probation Service

6.80 The CPS also enjoys a good working relationship with the Probation Service at a strategic level. At the operational level, a designated CJU Head works closely with the Probation Service to address issues arising out of the provision of information for pre-sentence reports. She also gave a presentation to a recent probation conference on bail information.

Victims and witnesses

6.81 There is a local Service Level Agreement on witness care, issued by the North Wales Trials Issues Group (TIG). The document contains good practices, but a review is needed to update its contents, for example, by including the service provided by the Witness Service in the magistrates' courts. We understand that the local TIG plans to do so. The CPS should give some encouragement to the process.

6.82 We are satisfied that efforts are made at both PTRs and PDHs to avoid unnecessary witness attendance, although we have noted at paragraph 4.23 that the effectiveness of PTRs can be an issue in some cases. Furthermore, the CPS ensures, wherever possible, that the attendance of witnesses is staggered. In the Crown court, the caseworkers take time to keep all the witnesses informed of the progress of their cases. Prosecutors in the magistrates' court also take time to speak with the witnesses.

6.83 A copy of the List of Witnesses to Attend Court (LWAC) is provided to the police to warn the witnesses. We were informed that in some cases, the LWACs are sent late and witnesses are warned to attend court at short notice. While this was not borne out by our file examination, the Area has been discussing with the police what steps can be taken to improve witness warnings.

- 6.84 The retraction of evidence by witnesses and the non-attendance of witnesses at court are major concerns for the Area. The CPS is exploring with the police and other agencies ways in which witness failure can be reduced. We support this initiative, and add our observations that, from our file sample, witness liaison and care before trial by the police may be areas which merit further consideration.
- 6.85 The North Wales Witness Service was first established for the Crown Court, but has been gradually extended to various magistrates' courts in the Area. The Witness Service is notified, prior to trial, of the names of the witnesses attending court. The Witness Service and Victim Support have day to day contact with the CPS on an informal basis and are able to raise any issues with the CPS as they arise. The ABM is a member of the local Victim Support Management Board. Representatives from all three organisations meet at the Court User Group meetings, the local TIG and the Area Criminal Justice Strategy Committee. In addition, the Head of the Victim Information Bureau has a formal bi-lateral liaison arrangement with the Witness Service and Victim Support.

Victim Information Bureau

- 6.86 Both the Glidewell Report and the report by Sir William Macpherson into the death of Stephen Lawrence recommended that the CPS should take responsibility for communicating decisions about dropping cases or substantially lowering the charges direct to victims rather than via the police. CPS North Wales was one of six Areas chosen to pilot proposals for direct communication with victims. This was implemented in November 1999.
- 6.87 Initially, letters to victims and witnesses were drafted and sent out by the lawyers. This caused delays. The Area has, therefore, undertaken to pilot the Victim Notification Bureau model with another CPS Area. It has since proved to be more effective.
- 6.88 The Victim Information Bureau (VIB) is based in the Wrexham office and is staffed by a B2 Manager, supported by two caseworkers. Once a decision is taken to drop a case or to lower a charge substantially, a member of the VIB drafts the letter to the victim based on the information provided by the reviewing lawyer. In addition to the provision of information about the decision in a case, the letter also provides the name and the contact number of the local Victim Support co-ordinator. In appropriate cases, explanatory leaflets produced by the North Wales Racial Equality Network or Domestic Violence Forum are included. The letter is then sent back to lawyer to check for accuracy before it is despatched.
- 6.89 The VIB monitors the timeliness of various tasks and data on performance is supplied monthly to the Heads of Units and to CPS Headquarters. The 5-day time limit to notify a victim or witness was not always met. The Area considered that the geography of the Area and the location of the VIB might have played a part in this. It has therefore resolved to place a member of the VIB in the Colwyn Bay office for three days each week from January 2002. Together with the introduction of Connect 42, timeliness should improve.

- 6.90 In certain cases, the victim and their family are offered the opportunity to speak with the CPS about its decision. The CCP or one of the Unit Heads conducts these in the main. Each office has a room set aside for such meetings. A police officer and, if requested, a representative from Victim Support will also attend.
- 6.91 The evaluation report of all the pilots commended the consistently high standard of the letters written by CPS North Wales. On the other hand, it was concerned with health and safety issues over the meetings with victims. The Area has taken on board the recommendation made in the evaluation report with regards to health and safety issues, and should also consider procedures for dealing with victims and witnesses who arrive unexpectedly at the office. The report also suggested an extension to the victim notification process whereby the CPS would send a letter to the victim explaining that the file has been passed to the CPS, outlining the role of the CPS and giving details of how they will be kept informed. CPS North Wales has agreed to pilot this initiative from January 2002.

Welsh Language Scheme

- 6.92 CPS North Wales, together with other CPS Areas in Wales, is committed to a Welsh Language Scheme that aims to enable everyone who receives a service from or communicates with the CPS in Wales, to do so through the medium of either Welsh or English according to their personal choice. The Scheme also aims to promote the use of the Welsh language within the Service and in its dealings with other agencies in the criminal justice system.
- 6.93 All publications, press notices and forms are now available in Welsh, and all CPS offices in Wales will respond to telephone calls in Welsh where preferred and will reply in Welsh to Welsh correspondence. If a victim has indicated to the North Wales VIB that Welsh is their first language or statements are written in Welsh, then bi-lingual letters will be sent out. Two members of the VIB are fluent Welsh speakers and are able to deal with any telephone calls in that language.
- 6.94 All staff in the Area have been offered training as to their obligations under the scheme and in the Welsh language. The Area has offered an NVQ course and a 12 hours training programme in office time to enable telephone answering in Welsh. Jobs are advertised in both languages. Nearly a third of staff are fluent Welsh speakers and a further 10% have some understanding. The Area considers that it is well placed with conducting court business in Welsh.

CONCLUSIONS, COMMENDATIONS, RECOMMENDATIONS AND SUGGESTIONS

Conclusions

- 7.1 The Area has an experienced body of lawyers and caseworkers. The overall quality of case review and case preparation is sound. Some aspects of casework, such as the preparation of counsel's instructions for appeals from the magistrates' courts, are impressive.
- 7.2 There are, however, a number of casework issues upon which the Area can improve. The timeliness of pre-charge advice to the police is unsatisfactory, and some of the reviews lacked depth and failed to identify evidential weaknesses. We also found a small number of cases where we did not agree with the decision to discontinue, or where we thought that decisions were taken without according proper weight to the racially aggravating feature in a case. We think that the Unit Heads will need to strengthen their monitoring in these areas, to facilitate learning from experience, and to take actions to address any weaknesses.
- 7.3 Case preparation is also of sound quality generally, but can be let down in some regards. The Area's performance in primary disclosure is very good, but significant improvements are needed in secondary disclosure. While timeliness in the preparation of committal papers remains an issue for the Area, timeliness of the preparation of counsel's instructions has greatly improved from the last inspection. As with reviews and advices, monitoring by Unit Heads should be deployed to drive up performance.
- 7.4 Standards of advocacy by CPS lawyers are good. The DCWs are able and well received by the courts and other court users. The deployment of HCAs is sound.
- 7.5 The Area enjoys a good working relationship with its criminal justice partners. The local agencies have been proactive in bringing in changes such as the Narey courts, statutory time limits for young offenders, section 51 of the Crime and Disorder Act 1998, and the Victim Information Bureau, and the CPS staff have put in a great deal of effort in taking forward such a range of pilots. The Area has also been working closely with the police in implementing the recommendations of the Glidewell Report, and they anticipate the first joint police/CPS CJUs to be operative in January 2002.
- 7.6 The Area does put in a great deal of effort in planning its business and in effecting changes. The Area Strategic Board works as a team and is clear about its goals, but it needs to have more formalised underpinning plans to achieve strategic objectives. There are adequate systems in the Area to manage performance, financial resources and human resources. These systems are utilised, but constraints are placed on performance because of the Area's structure. The former structure and staffing level of the Area have given rise to a number of staff deployment issues as changes have been introduced. These have resulted in less than ideal organisational structures. Changes have been introduced and deployments made that impact adversely on the efficiency and effectiveness of the Area. The challenge for the ASB is to develop ownership of the Area's visions and goals among all staff. The Area must improve corporate cohesion, raise the profile of its leadership, and greatly improve the effectiveness of its internal communications.

Commendations

7.7 We commend the Area on the following aspects of their performance:

- * the proper documentation of the steps taken in preparation for a summary trial (paragraph 4.20);
- * the preparation of instructions to counsel on appeals to the Crown Court (paragraph 4.47);
- * the involvement of a large number of staff in the BEM assessment exercise (paragraph 6.17);
- * its part in the continuing local improvements in reducing the time it takes to deal with persistent young offenders from arrest to sentence (paragraph 6.67).

Recommendations and suggestions

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

7.8 We make the following recommendations:

- 1 in relation to the provision of pre-charge advice, the Area reviews:
 - * the system for monitoring timeliness in the three Units;
 - * the systems for monitoring the quality of advices (paragraph 2.16);
- 2 the Unit Heads examine the quality and timeliness of initial review as well as the subsequent decision-making whenever monitoring casework decisions (paragraph 3.9);
- 3 that monitoring of discontinuance be structured to provide information on the quality and timeliness of review as well as police file submissions (paragraph 3.22);
- 4 with a view to improving the quality of summary trial review:
 - * the Eryri CJU Head monitors the timeliness and quality of trial preparation in light of the new arrangements for file ownership; and
 - * the CJU Heads carry out a more rigorous self-assessment in relation to NCTA, and magistrates' courts acquittals in general (paragraph 3.26);
- 5 the Unit Heads for the Trials Unit and the Eryri CJU ensure that their child abuse logs are kept up to date and in the same format as the Wrexham CJU log (paragraph 3.43);

- 6 further training for prosecutors and caseworkers to raise awareness of the impact of racially aggravated crime on the victims and a better understanding of CPS policy in relation to racially aggravated offences (paragraph 3.48);
- 7 the ASB puts in place structured arrangements for learning points of general relevance from all trials, and for ensuring that lawyers in both the CJU and TUs are kept informed of case outcomes in the Crown Court (paragraph 3.59);
- 8 prosecutors, when dealing with advance information, record on the file the material provided to the defence (paragraph 4.3);
- 9 the ASB ensures that an appropriate assessment is made in all cases about its need for secondary disclosure, that the defence are formally informed of the result of the assessment, and that the procedure is fully documented (paragraph 4.18);
- 10 the Unit Heads monitor the quality of file endorsements, and address poor performance with individual members of staff (paragraph 4.62);
- 11 the ASB reviews the question of whether the Trials Unit should be divided. This review should be wide-ranging, and should include the feasibility of the Unit being housed in suitable accommodation in another location to provide reasonable access by staff and others who have business with the Service (paragraph 6.11);
- 12 the ASB reviews arrangements for the line management of the administrative staff in the Criminal Justice Units (paragraph 6.13);
- 13 the ASB sets up an effective and consistent system across the Area in order to ensure the accurate recording of caseload and case outcomes, and that regular management checks are carried out to assure the accuracy of the recording process (paragraph 6.30);
- 14 with a view to improving internal communications, the ASB:
 - * reviews and strengthens the progress of actions identified in the communications strategy;
 - * reviews the constitution of the Area Sounding Board in order to ensure that the attendance of members is facilitated;
 - * considers further opportunities for personal engagement with staff;
 - * develops inter-office and inter-unit communications;
 - * considers a new editorial process for the Area Newsletter to make it a document for the Area rather than another management tool (paragraph 6.34).

7.10 We make the following suggestions:

- 1 the Unit Heads discuss with the police better compliance with the 1995 Service Level Agreement on the provision of pre-charged advice. (paragraph 2.5);
- 2 the Area reviews its systems for recording oral advice to ensure that any such advice is recorded for PI purposes, reduced to writing and copied to police in all cases (paragraph 2.13);
- 3 the ASB reviews with the police its handling of domestic violence cases in those cases where the victim withdraws his or her complaint, in order to ensure fully informed consideration is given to whether to compel the victim to give evidence (paragraph 3.51);
- 4 in relation to the disclosure of unused material:
 - * the ASB reviews its procedure for handling sensitive material;
 - * the Heads of Units ensure that all unused material, including correspondence, is kept in a separate folder on all files;
 - * the CCP continues to seek improvements from the police in the quality of the disclosure schedules (paragraph 4.19);
- 5 the CJU heads consider the use of a “readiness check” a short time before the trial to ensure the prosecution has done all it can to render the trial effective. This check should ensure that all the appropriate witnesses are called, and that those who are no longer required can be stood down (paragraph 4.27);
- 6 the ASB should assess whether the use of the standard Crown Court Case Preparation Package by lawyers and caseworkers directly on their word processors will reduce the time taken to prepare committal papers (paragraph 4.31);
- 7 the TU Head monitors the quality of instructions to ensure issues are fully addressed and, in particular, that instructions on acceptable pleas be dealt with in appropriate cases (paragraph 4.41);
- 8 in relation to plea and directions hearings, the TU Head:
 - * implements as soon as practicable the pre-PDH check list procedure in the Wrexham office; and
 - * researches and implements a system for recording on the file, directions given at a PDH, and the date of compliance (paragraph 4.45);
- 9 in relation to custody time limits, the Unit Heads review custody time limit monitoring procedures, and agree upon a system that:
 - * is uniform across the Area; and
 - * ensures that there are management checks into the reliability of the procedure (paragraph 4.58);

- 10 the ASB consider increasing the court coverage by TU lawyers in the magistrates' courts (paragraph 5.16);
- 11 in relation to the selection of counsel, the ASB:
 - * considers extending the chambers it instructs to chambers at Liverpool and Manchester; and
 - * takes steps to reduce the level of returns (paragraph 5.23);
- 12 the ASB should introduce more regular and structured monitoring of all agents in the magistrates' courts and of all counsel in the Crown Court (paragraph 5.27);
- 13 the ASB reviews its management meeting structure (paragraph 6.16);
- 14 the CCP and ABM review, with the aim of ensuring full and effective deployment of their skills:
 - * the tasks and deployment of DCWs; and
 - * the tasks of level B caseworkers in the TUs (paragraph 6.47);
- 15 the ASB reassess training requirements for staff and, in particular, to ensure that:
 - * staff have adequate skills effectively to utilise the information and communications technology available to them;
 - * Unit Heads are able to manage their devolved budgets in accordance with national and Area policies and procedure (paragraph 6.51).

KEY STATISTICS

- 8.1 The charts at Annex 2 set out the key statistics about the Area's casework in the magistrates' courts and in the Crown Court for the year ending 31 September 2001.

EXTERNAL CONSULTATION

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

INTRODUCTION

Staffing and structure

- 1.1 CPS North Wales serves the area covered by North Wales Police. It has two main offices at Wrexham and Colwyn Bay, and a satellite office housed at Caernarfon police station. On 9 November it employed the equivalent of 62.2 full time staff, including 17 part-time members of staff: the Chief Crown Prosecutor (CCP), the Area Business Manager (ABM); 21.9 other lawyers; four designated caseworkers (DCWs); 11.6 caseworkers; 21.9 administrators and seven personal secretary/typists. In addition, a part-time lawyer and a DCW are on secondment from another CPS Area.
- 1.2 In 1986, CPS North Wales/Dyfed Powys was created to prosecute cases initiated by the North Wales and Dyfed Powys police forces. It was amalgamated in 1993 with other Areas to become CPS Wales but, with the latest re-organisation in April 1999, North Wales became a CPS Area in its own right. By the time of this inspection, the Area had re-organised itself from geographical based-teams to functional Units, namely two Criminal Justice Units (CJUs) and one Trials Unit (TU). The Area Headquarters is at Wrexham. The Wrexham office also houses part of the North Wales Trials Unit, the Wrexham Criminal Justice Unit and the Victim Information Bureau. The Colwyn Bay office houses the remainder of the Trials Unit and the Eryri Criminal Justice Unit. The Eryri CJU also had a satellite office at the police station at Caernarfon.
- 1.3 The Area Secretariat consists of the CCP, the ABM, a business management support, two administrative staff and the secretary to the CCP. The Victim Information Bureau consists of a manager and two other members of staff. At the time of our inspection, the Head of the TU was on maternity leave, and her post was temporarily filled by the Head of the Eryri CJU. A lawyer from the Eryri CJU acted as Unit Head. The CCP, the ABM and the Heads of Unit form the senior management team in the Area, known as the Area Strategic Board (ASB). The staffing levels in the Units at the three offices, along with the courts covered by each Unit, are set out in the table below:

	Wrexham		Colwyn Bay		
	TU	Wrexham CJU	TU	Eryri CJU	
				Colwyn Bay	Caernarfon
Courts covered	Chester Knutsford Mold	Flint Mold Wrexham	Chester Caernarfon Dolgellau Mold	Denbigh Llandudno Prestatyn	Bangor Caernarfon Dolgellau Holyhead Llangefni Pwllheli
Lawyers	3.5	7.2	2.6	6	3
DCWs		3		2	
Caseworkers	2	1	4.8	1	
Admin staff	2.1	6.2	2	7.8	1.6
TOTAL	7.6	17.4	9.4	16.8	4.6

The inspection process

- 1.4 The inspection team consisted of two legal inspectors, one business management inspector, and a casework inspector. The team examined 254 cases covering a full range of casework, listed at Annex 1. The team spent a total of 11 days in the Area from 29 October to 16 November 2001. It carried out observations of advocates in both the magistrates' and the Crown Courts, and interviewed representatives of the other criminal justice agencies and criminal practitioners. These are listed at Annex 3. The team also visited the CPS office to interview managers and members of staff, and to examine the complaints and other registers and records.
- 1.5 During the visit to the Area we were accompanied by a lay inspector, Mrs Joan Kostenko, nominated by the Citizen's Advice Bureau. The role of the lay inspector is described in the preface to this report. Mrs Kostenko scrutinised the handling of complaints, considered the public interest decision in a number of finalised cases and assisted in the assessment of the quality of witness care offered by the Area. The Chief Inspector is grateful for her valuable contribution to the inspection process.

Overview

- 1.6 The Area's caseload and case mix in the year ending September 2001 are set out at Annex 2. The Area dealt with more pre-charge advice cases than the national average (5.3% v 3.4%), and the proportion of summary non-motoring cases in its caseload was also higher than the national average (22.4% v 18.6%). The proportion of indictable only cases in the Crown Court was lower than the national average (17.7% v 26.6%), and Crown Court trials at the defence election represented only 1.9% of the Crown Court caseload, against a national average of 13.9%.
- 1.7 The conviction rate (which includes guilty pleas as well as convictions after trial) in the magistrates' courts for the year ending September 2001 was 98.1% (98.3% nationally), and in the Crown Court is 88.3% (88.2% nationally).
- 1.8 The quality of most advice was satisfactory, but the timeliness of advices was variable. We think the Area needs to review its systems for monitoring timeliness, quality and also the appropriateness of requests for advice from the police.
- 1.9 Most of the decision making at initial case review accorded with the principles of the Code for Crown Prosecutors (the Code), but the review was not always sufficient to identify weaknesses in the case. As a consequence we found decisions to discontinue cases were sometimes late. Summary trial review was generally adequate, although there is scope for improvement through more rigorous self-assessment of all acquittals. The Area reviews most of its Crown Court casework to a high standard. Standards of review endorsement can be improved further. Child abuse cases and youth offenders are generally well handled. However, we think insufficient weight is given to the seriousness of racially aggravated crime leading to unjustified reductions in charges. We also think more work needs to be done with the police in the handling of domestic violence cases where the victim indicates a wish to withdraw.

- 1.10 Case preparation was generally sound. The preparation of summary trial was good. The handling of primary disclosure was good, but improvements are needed in handling of secondary disclosure, and in the timeliness of service of committal papers.
- 1.11 Advocacy standards of the CPS lawyers and designated caseworkers were good, and there is full deployment of the Area's Higher Court Advocates.
- 1.12 The Area Strategic Board has been proactive about planning and review activities. The CCP and the ABM have had to work at re-structuring the Area into Criminal Justice and Trials Units, against a background of reduction of its provision. In order to do so, the Area had to close one of its offices and reduce its complement of lawyers. This resulted in a loss of morale. A number of human resources issues therefore need further attention, including the deployment of staff, communications within the Area and the recovery of morale.
- 1.13 The Area has close working relationship with its criminal justice partners. It will need to translate this advantage into action to improve the finalisation of cases by making more trials effective.
- 1.14 We comment on individual aspects of performance under the topics of providing advice, reviewing cases, preparing cases, advocacy, and in the chapter on management and operational issues. We have commended the Area's performance in several regards. These, together with our recommendations and suggestions, are listed in the conclusions.
- 1.15 The following table draws together key statistical information about the Area's performance, particularly in relation to targets set nationally in support of CPS objectives, and Government targets:

CPS PERFORMANCE MEASURES	National target	National outcome	Area Target	Area outcome
	2000-2001	2000-2001	2000-2001	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 guidelines	66%	77.2%	70%	63.3%
Briefs delivered to counsel within agreed time guidelines	73%	77.4%	70%	78.2%
	2000-2001	2000-2001	2000-2001	2000-2001
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				
Cases dismissed on a submission of no case to answer in the magistrates' courts which are attributable to failures in the review process (self assessment by CPS)	0.009%	0.008%	0.005%	0.006%
Non-jury acquittals in the Crown Court which are attributable to failures in the review process (self assessment by CPS)	0.7%	0.6%	0.4%	0.7%
		Inspection cycle 2000-2002		This inspection
Prosecution decisions examined during inspection by HMCPSI complying with the evidential test set out in Code for Crown Prosecutors (random sample)	AA	98.4%**		98.2%***
Prosecution decisions examined during inspection by HMCPSI complying with the public interest test set out in Code for Crown Prosecutors (random sample)	AA	99.8%**		100%***
Advices given to police and examined during inspection by HMCPSI complying with the tests set out in Code for Crown Prosecutors	AA	96.6%**		70%***
Decisions to discontinue examined during inspection by HMCPSI complying with the tests set out in Code for Crown Prosecutors	AA	94%**		94.9%***
Cases in the adverse sample examined during inspection by HMCPSI where the outcome was foreseeable but no remedial action was taken	BB	13.5%		36.7%***
		Inspection cycle 2000-2002		This inspection
Objective: To enable the court to reach just decisions by fairly, thoroughly and firmly presenting prosecution cases, rigorously testing defence cases and scrupulously complying with the duties of disclosure				
Advocates who fail to meet the CPS standards of advocacy, as assessed by HMCPSI	Below 2.5%	0.6%		0%***

	National Target 2000-2001	National Outcome 2000-2001	Area Target 2000-2001	This inspection
Cases where the prosecution has properly discharged its statutory duties regarding primary disclosure	AA	74.7%**		93.5%***
Cases where the prosecution has properly discharged its statutory duties regarding secondary disclosure	AA	67.8%**		47.1%***
Objective: To meet the needs of victims and witnesses in the CJS, in co-operation with other agencies				Area Outcome 2000- 2001
Witness expenses paid within 10 days	100%	97.7%	100%	98.7%
Complaints replied to within 10 days	89%	91.5%	93%	78.6%
Improving productivity				
Undisputed invoices paid within terms or 30 days	100%	95.3%*	100%	95.9%*
Reduce sickness absence rate per member of staff per calendar year	8.5 days by 31/12/01		6.9 days by 31/12/01	11 days
CITIZENS' CHARTER COMMITMENT				
MPs' correspondence replied to within 15 days	100%	96.7%		100%

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

** Average performance of Areas inspected in inspection cycle 2000-2002 based on sample of cases examined and observations at court

*** Area performance based on sample of cases examined and observations at court in this inspection

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

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

CJS PERFORMANCE MEASURES (shared between Home Office, Lord Chancellor's Dept and CPS)	National Target	National outcome	Area target	Area outcome
Youth Justice		Quarter ending September 2001		Quarter ending September 2001
To halve the time from arrest to sentence for persistent young offenders from 142 days to 71 days by 31 March 2002	71 days	70 days	71 days	51 days

PROVIDING ADVICE

Appropriateness of requests for advice

- 2.1 Pre-charge advice provided to the police amounted to 5.3% of the Area caseload in the year ending 30 September 2001. In the Eryri CJU 4% of the caseload for this period was pre-charge advice. In the Wrexham CJU it was 6.8%. Both CJUs exceed the national average of 3.4% for the period.
- 2.2 In 1995 the CPS, locally, agreed a Service Level Agreement (SLA) with North Wales Police which included guidelines on those cases in which pre-charge advice from the CPS was appropriate. The SLA was revised in 2000 to take account of the European Convention on Human Rights and issues surrounding child abuse cases. The guidelines are sound. They positively encourage the police to seek advice at an early stage in those cases with legal or evidential complications that are likely to affect the later handling of the case.
- 2.3 Most decisions on whether to charge are, however, properly taken by the police without the need for advice from the CPS. Our sample of 10 advice cases included six allegations of careless driving. We thought three out of the six were cases where a referral to the CPS was clearly unnecessary.
- 2.4 Whilst the police must not be discouraged from seeking advice, it is important that CPS resources are directed towards those cases that really need them. We think the Unit Heads should seek to ensure that those requests that are made are appropriate as set out in the SLA.
- 2.5 **We suggest that the Unit Heads discuss with the police better compliance with the 1995 Service Level Agreement on the provision of pre-charge advice.**

Quality of advice

- 2.6 The sample of 10 advice files included six allegations of careless driving, two of harassment or criminal damage arising from neighbour disputes, one of deception and one of child abuse. We also examined five cases in the terminated file sample that had originally been the subject of pre-charge advice. These related to cases of assault, affray, robbery and indecent exposure.
- 2.7 We found that the quality of advice in most cases was satisfactory with a reasoned advice sent to the police. We did however disagree with the application of the Code evidential test in two cases. One related to a careless driving case and the other to the case of indecent exposure. In a further case the lawyer advised incorrectly on the appropriate charge under the Protection from Harassment Act 1997.

Timeliness of advice

- 2.8 The CPS nationally has agreed, with the police, a time guideline for dealing with requests for advice within 14 days from receipt of sufficient information from the police.

- 2.9 The dates of receipt of the request for advice and the replies are recorded on the front of the Wrexham CJU files. We found that four out of five of the advices were sent within the time guideline. One was eight days late, but it was not a straightforward case. This finding accords with the Area's own statistics which showed that for the period July to September 18 out of 23 advices were sent on time (78.3%). This is a good level of performance.
- 2.10 The date of receipt of the requests for advice is not recorded on the advice files dealt with by the Eryri CJU, but the Area statistics for the same period showed only 13 out of 32 (40.6%) advices were sent on time. The ASB needs to address this level of performance by, for example, a greater use by lawyers of the word processing facility on Connect 42. The three inappropriate requests for advices already referred to at paragraph 2.3 were all sent to the Eryri CJU. A reduction in the number of unnecessary requests for advice should assist in focussing resources where they are needed. We also refer to the need for the Area to review its deployment of resources at paragraph 6.39.

Oral advice

- 2.11 The police, as well as submitting written files for advice, make requests for advice over the telephone or at the police station. A record of any oral advice should be logged and recorded in the Area's performance indicators. We found that, generally, oral advices were logged by the Wrexham CJU but not by the Eryri CJU.
- 2.12 A copy of the advice should also be sent to the police to avoid any confusion arising later over the nature of the advice. The failure to do this had been the subject of a recommendation in the previous report on the Area. We found this was still not being done systematically when the advice was being recorded. If advice was given at the police station, for instance, it was for the officer requesting the advice to take a copy from the advice log if he so wished.
- 2.13 We suggest that the Area review its systems for recording oral advice to ensure that any such advice is recorded for PI purposes, reduced to writing and copied to the police in all cases.**

Allocation and monitoring

- 2.14 All written requests for advice are allocated initially to the lawyers by the CJU Head at both CJUs, or, if the case is one that is likely to be dealt with in the Crown Court, it is passed to the TU. The CJU Head will then allocate the remaining cases within the CJU. A time target is attached to the front of all advice files. However, the systems for monitoring differ between the two CJUs, and the TU.
- 2.15 In the TU and the Wrexham CJU completed advices are usually sent direct to the police by the lawyer advising although, in difficult cases, the lawyer will speak with the Unit Head. A caseworker line manager monitors the timeliness of the advice. In the Eryri CJU, however, the CJU Head sees all advices before they are sent to the police, and records the timeliness in the advice log. We think that the monitoring of timeliness is a task more appropriate to a caseworker line manager rather than a Unit Head. We also think that it is important that there is systematic monitoring of the

quality of advice given because pre-charge advice is an important aspect of the Area's work. However, we do not think that a check on all advice files is necessary unless there are significant shortcomings in the performance of an individual or a Unit. Very often, systematic dip-sampling will be sufficient to assure Unit Heads of the quality of advices.

2.16 We recommend that the Area reviews:

- * **the systems for monitoring timeliness in the three Units;**
- * **the systems for monitoring the quality of advices.**

Recording of performance indicators for advices

2.17 An advice file submitted by the police may lead to a request for further information before a final advice is delivered. Both CJUs have adopted the practice of finalising the advice on the Area case tracking system whenever a reply is sent to the police, whether it is a request for more information or not. The advice is then counted as work completed for the purposes of the performance indicators which dictate the Area's funding. If further information is later received from the police, a final advice will then be sent. The Wrexham CJU has been recording the supplementary advice as a new piece of work on the performance indicators, thus, in effect, counting the same advice work twice. The Area explained to us that, unless this is done, the time taken for the police to re-submit the file will count towards the time spent in preparing the advice and will almost always result in the Area missing its timeliness target. On the other hand, if it does not re-register the cases, it will not be able to track and monitor the progress of the cases properly.

2.18 The Area also pointed out that, in some cases, when the file is re-submitted by the police with the new information, it will often have to be looked at in its entirety again. When this happens, the Area is effectively dealing with a fresh case and, unless the re-submission is recorded anew, credit will not be given in terms of funding for the additional work. These issues have been discussed in the Inspectorate's Report on the Review of Advice Cases (Thematic Report 3/98) and CPS Headquarters will wish to clarify its instructions to Areas so that all Areas act consistently.

REVIEWING CASES

Introduction

- 3.1 Prosecutors are under a duty to review all cases received from the police in accordance with the principles set out in the Code for Crown Prosecutors (the Code) and promulgated by the Director Of Public Prosecutions (DPP) under Section 10 of the Prosecution of Offences Act 1985.
- 3.2 The Code requires prosecutors to consider, first of all, whether there is sufficient evidence to afford a realistic prospect of conviction and, secondly, if the evidential test is met, whether circumstances are such that a prosecution would be in the public interest. This review should be carried out as soon as the case is received, and there is a continuing duty to keep the case under review until it is finalised.
- 3.3 Our file sample covered a full range of cases, from pre-charge advice (dealt with in chapter 2) to trials in the Crown Court. It focused especially on categories of cases which consistently attract a high degree of public concern (for example, discontinued cases), or those which tend to be problematic, and may therefore hold important information about the quality of decision-making (for example, judge ordered acquittals).
- 3.4 The inspection process examines the quality and timeliness of legal decision-making at various stages in the progress of the case. It can be difficult to assess the quality of legal decision-making because different lawyers may, for perfectly proper reasons, take different views of the evidential or public interest factors in the same case. Our assessment, therefore, considers whether the decision taken was one which was properly open to a reasonable prosecutor having regard to the principles set out in the Code for Crown Prosecutors and other relevant guidance. A statement that we disagree with a decision, therefore, means that we consider it was wrong in principle; we do not “disagree” merely because the inspector might have come to a different decision.
- 3.5 We also examined other issues such as the level and appropriateness of the charge; ancillary decisions such as representations made at mode of trial or 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.
- 3.6 Against this background, we set out our findings.

Initial review: quality and timeliness

- 3.7 Under the Narey system of court hearings, prosecutors receive almost all cases the afternoon before the Early Administrative Hearing (EAH) or Early First Hearing (EFH). If the defendant is kept in custody, the file is made available at court. A few cases will have been subject to advice already, but the great majority will not have been reviewed before. In those cases the initial review decision may be an interim decision, pending the completion of further enquiries by the police, or the submission of a full file of evidence. Nonetheless the initial review is important. This is the

opportunity to identify those cases where further work needs to be carried out by the police, and to ensure that the accused has been charged with the most appropriate offence. This review is all the more important given the introduction of section 51 Crime and Disorder Act 1998. Under section 51, indictable only cases are sent to the Crown Court without committal proceedings, and often at the first date of hearing.

3.8 We found that the decision whether or not to accept a case at initial review was largely correct. In a random sample of 59 cases, covering guilty pleas and trials in the magistrates' courts, youth court and the Crown Court, we were satisfied that the Code evidential test was properly applied in 56 cases (94.9%) and the Code public interest test in all cases. We found, however, that the depth of the first review in the file sample as a whole was variable and not always sufficient to identify weaknesses in the case. We comment further at paragraph 3.18 on weaknesses at initial review in the discontinued file sample. The quality of initial review can be strengthened. We think that the Unit Heads should examine the quality of the initial review as part of their monitoring of discontinued cases, cracked and ineffective trials and acquittals.

3.9 We recommend that the Unit Heads examine the quality and timeliness of initial review as well as the subsequent decision-making whenever monitoring casework decisions.

Selection of the appropriate charges and charging standards

3.10 The CPS and the police nationally have agreed charging standards for assaults, public order offences and some driving offences. We examined 19 cases in the file sample where the charging standards applied and found that they were correctly applied in all of them. Furthermore, the final charge reflected the gravity of the offending in all 59 cases in the random sample.

3.11 We found that the police charges needed alteration in 10 out of 59 cases in the random sample and that the necessary amendments were made at the first reasonable opportunity in seven out of ten cases. This is good. It reflects a proactive approach to the appropriate charge in relation to the allegation contained within the case summary or the victim's statement.

Continuing review

3.12 A high proportion of cases result in guilty pleas, or are dealt with as proofs in absence, at the first date of hearing. However, a significant proportion of cases proceed towards summary trials or committal, or are adjourned pending a decision on whether the case should proceed or not. In the year to 30 September 2001, 8.65% of cases resulted in summary trial or committal for trial in the Crown Court and 11.9% of cases resulted in discontinuance. All such cases require further consideration, for example when the police reply to a request for further enquiries or a full file of evidence is received from the police. The same Code test needs to be applied in the changed circumstances. In the case of a trial, whether summary or indictable, the reviewer will also need to ensure that the evidence supporting the prosecution case is as complete as possible. We assess the quality and timeliness of continuing review in the following paragraphs.

Discontinuance

3.13 In the year ending September 2001, the Area's discontinuance rate was 11.7%. This is lower than the national average of 13.1%.

3.14 We examined the 100 cases that were stopped by the prosecution in the magistrates' court during June 2001 to try and established the reasons for discontinuance.

3.15 The reasons for discontinuance are set out in the table below:

Terminated for Evidential Reasons	Terminated for Public Interest Reasons	Prosecution Unable to Proceed	Documents Produced at Court	Other
39%	30%	25%	2%	4%
Inadmissible evidence – other 1	Defendant elderly or suffering ill health 1	Case not ready/ adjournment refused 1	Documents produced 2	Reasons not known 4
Conflict of evidence 1	Genuine mistake or misunderstanding 1	Victim refuses to give evidence/ retracts 24		
Legal element missing 30	Loss/harm put right 1			
Unreliable witnesses 4	Long delay 6			
Identification unreliable 3	Small or nominal penalty 6			
	Caution more suitable 14			
	Youth offender 1			
TOTAL 39	30	25	2	4

3.16 The police were consulted about termination in 75 of the cases and disagreed with the proposed discontinuance in only one of these. Consultation did not take place in an assault case before it was discontinued. We were unable to tell in 10 cases if the police had been consulted, and the remaining 14 cases involved minor road traffic offences, for which the Area has agreed with the police that consultation prior to discontinuance is not necessary. If the police disagree with a proposed discontinuance it is usual for the case to be referred to a Unit Head for a final decision.

3.17 We examined 25 cases in more detail to determine whether the Code tests had been properly applied. These required more demanding review decisions than the majority of CJU casework. We found the quality and timeliness of review was variable.

- 3.18 We disagreed on evidential grounds with the decision to accept three cases at initial review. One was subsequently discontinued after the key witness failed to attend the trial. It had been subject to pre charge advice and we referred to this case at paragraph 2.7. The second was discontinued after the reviewer agreed to a disposal by way of a caution. There appeared to be no evidential basis for a caution and the reviewer should not have agreed to discontinue on the basis that a caution be accepted by the accused. The third case was subsequently discontinued on evidential grounds after the case was drawn to the notice of the Unit Head. We also found either inadequate review or muddled reasoning behind the initial acceptance of two cases that were subsequently discontinued on evidential grounds.
- 3.19 In six cases the reasons for discontinuance were inadequately recorded on the file, although in only two of those did we disagree with the decision from our own reading of the file. In those two cases we disagreed with the decision to discontinue on public interest grounds. One case was discontinued after a caution was administered although, in our view, the nature of the offence and the accused's record made such a course inappropriate. The second case was one of domestic violence where the victim had indicated she wished to withdraw, but insufficient weight had been given to the background of the case and the admissions made by the accused in interview.
- 3.20 We also found that the decision to discontinue once circumstances changed was not made at the earliest reasonable opportunity in a further two cases.
- 3.21 The CJU Heads monitor discontinuance and are planning to provide an analysis of trends as part of a monthly performance report to the CCP. We think this is necessary, both as part of joint performance management of police file quality and timeliness and as part of the performance management of the quality and timeliness of review within the CJU. We have already referred to the importance of effective initial review at paragraph 3.7.
- 3.22 We recommend that monitoring of discontinuance be structured to provide information on the quality and timeliness of prosecutor review as well as police file submissions.**

Summary trial review

- 3.23 We considered that the standard of the summary trial check in both CJUs was generally adequate. However, the timeliness of that review at the Eryri CJU was poor. In three out of 11 of the trials from the Eryri CJU the trial check had not been completed before the pre-trial review at court. The Area has recognised this weakness and the Eryri CJU has recently moved from individual file ownership by lawyers to ownership based on court teams in order to address the issue. We discuss pre trial reviews later at paragraph 4.20 to 4.22.
- 3.24 The decision to proceed to trial in nine out of 10 acquittals in the random file sample was in accordance with the principles set out in the Code. Our one disagreement related to a case of theft where inadequate consideration had been given to the issues of joint enterprise at both initial review and trial review stages. The Area recorded 20 no case to answers (NCTAs) in the year ending 30 September 2001 (0.2% of magistrates' court case results). This is the same as the national average. There were

two NCTAs in our file sample. Both were from the Eryri CJU. We disagreed with the decision to proceed in one case where the reviewer had recognised the case as being weak, but had not identified the flaws in the case as being fatal. In the other case we thought the outcome was foreseeable and more could have been done to deal with inconsistencies in the prosecution case.

3.25 The Area has a system of the trial lawyer completing a case dismissed form in all NCTAs. The forms are then passed to the CJU Head to identify any issues arising from the case and whether the outcome was attributable to a failure in review. In both the NCTAs we examined the outcome was attributable to a review failure. The CPS nationally collates statistics on such cases based on Area returns. However, the Area did not record any cases falling in that category for the relevant period. There are national guidelines on how to assess whether a NCTA is attributable to a review failure. We think that the Area needs to remind itself of those guidelines and be more robust in its self-assessment, and in the identification of weaknesses in performance. The Area also carried out an analysis of all magistrates' court acquittals. It still does at the Eryri CJU, but not the Wrexham CJU. We discuss this further at paragraph 3.56.

3.26 We recommend that:

- * **the Eryri CJU Head monitors the timeliness and quality of trial preparation in light of the new arrangements for file ownership; and**
- * **the CJU Heads carry out a more rigorous self-assessment in relation to NCTAs, and magistrates' court acquittals in general.**

Committal review (including review of sent cases)

3.27 The Area reviews most of its Crown Court cases to a high standard. All cases within the file sample were reviewed in depth by a lawyer before committal (or, in the case of sent cases, service of the file of evidence after the preliminary hearing) with the aim of making the case trial ready.

3.28 For the year ending 30 September 2001, the Area recorded the following outcomes as a percentage of the Crown Court cases:

	NORTH WALES	NATIONAL
Acquittals after trial as a % of all cases committed for trial	10.3% (63 cases)	9.6%
Judge ordered acquittals and bind overs as a % of all cases committed for trial	8.8% (59 cases)	14.9%
Judge directed acquittals as a % of all cases committed for trial	1.3% (8 cases)	2.2%

- 3.29 We examined 30 Crown Court cases in the random sample. The decision to commit in all of them was in accordance with the principles set out in the Code. In only one out of 20 of the cases ending in trial did the committal papers include material that should have been treated as unused material. In only two cases where additional evidence was required at committal stage was the request clearly not made at the earliest reasonable opportunity.
- 3.30 We disagreed with the decision to commit in two out of the 24 judge ordered acquittals (JOAs) in the sample, and in none of the four judge directed acquittals (JDAs) in the sample. In one case that we disagreed with, an identification parade should have been held. The failure to hold one led to the only other identification evidence being ruled inadmissible. In the second case the reviewer at committal stage had correctly made enquiries about the credibility of a key witness but the case was committed before the police had replied. We also disagreed with the decision to drop two of the JOAs. In both cases we thought undue weight had been given to potential evidential difficulties. However, even in those cases where we disagreed, there was evidence that the reviewer had sought to address the issues in the case.
- 3.31 We also examined the JOAs and JDAs to ascertain whether the outcome was foreseeable, and if so, whether any action had been taken to deal with any problems. In nine of the 28 JOA and JDAs (32.1%) we thought that the outcome was not only foreseeable but that more could have been done to avoid the outcome either by terminating the case earlier or by trying to deal with evidential defects.
- 3.32 The TU Head carries out a detailed case analysis of all non jury acquittals based on a case report provided by the reviewing lawyer. We saw the reports that had been completed over a three month period and were satisfied that the TU Head was making real efforts to identify ways in which the case outcome might have been avoided. Nonetheless, the Area only recorded five cases as attributable to a CPS review failure over the period in question. This is the same test as applied to NCTAs (see paragraph 3.25). The information is used for the same purposes. The TU Head will want to bear those in mind in future self-assessments.

Review endorsements

- 3.33 A full review endorsement in the appropriate place on a file is an essential part of the casework process. It is particularly important for the Eryri CJU where individual lawyer file ownership has been replaced by court team ownership. The endorsement should not just be a rehearsal of the facts but should include an analysis of the strengths and weaknesses of the evidence, the level of charge and the acceptability of pleas. The absence of a review endorsement can suggest a failure to consider these factors and, if the endorsement is not easily found, it makes it difficult for others dealing with a case to establish what has happened. Additionally, if the case is subject to continuing review, the reasons for key decisions should be recorded on the file.
- 3.34 The poor standard of review endorsements was the subject of a recommendation in the previous Branch inspection report (October 1998). We saw cases in the file sample where the review endorsements were good, and we were impressed by the detail of the committal review notes on file. However, we thought that overall there remains room for improvement, particularly at the initial review stage. In the random sample, for

example, there was a full evidential review note throughout the life of the case in only 71% of the sample, and a public interest review note in 76% of the cases. We were told that the Unit Heads included the quality of the review endorsements in their existing monitoring. We think this needs to continue.

Bail

- 3.35 We were satisfied that prosecutors at court in relation to bail applications were making appropriate decisions. We agreed with the prosecutor's decision to oppose bail in all eight relevant cases in the random sample. However a full note of the grounds for the application and the reasons found by the court were only endorsed in five out of the eight cases.

Mode of trial/plea before venue

- 3.36 We examined the mode of trial representations in all the either way case category in the random file sample and found the appropriate representations were made in 33 out of 34 cases (97%). This follows a similar finding in the previous inspection report.

Minor road traffic cases

- 3.37 We examined 10 road traffic cases that were subject to summary trial. We agreed with the decision to proceed in all cases. The quality of trial review was to the same standard as for other criminal offences.
- 3.38 The Area has recently agreed a protocol with the police for implementation of section 1 Magistrates' Courts (Procedure) Act 1998 locally. This will mean that the courts will deal with guilty pleas to minor road traffic cases without the need for involvement of the CPS. This will have clear benefits in reducing the paper flow through the Area's offices and will avoid unnecessary case preparation by prosecutors.

Sensitive and aggravated cases

- 3.39 The CPS, nationally, recognises that certain types of offences require special care and attention in handling because they are of a sensitive nature. The principal categories are cases involving child abuse, offences with a racial motivation and domestic violence.

Child abuse

- 3.40 The Area has designated lawyers in the TU with special responsibility for dealing with child abuse cases. Such cases are usually allocated to them. The Area is alert to the particular difficulties of handling child abuse cases. It is a party to a protocol between CPS and designated child protection doctors in Wales dealing with, amongst other things, the evidence gathering, pre-trial therapy and training arrangements. The Area SLA with the police on advice submissions identifies categories of child abuse cases that should be submitted for pre charge advice. In addition, and the Area has a protocol with the police that determines the respective roles and responsibilities of the two agencies.

- 3.41 We found six child abuse cases in our file sample. Four were dealt with at Crown Court, one in the magistrates’ court, and the other was an advice case. They were all well handled. There was evidence that it was the usual practice to view disclosure videos before transfer, and the reviewers were clearly aware of the need to ensure that child witnesses were properly supported before and at court. Advice had been sought pre-charge in accordance with the SLA in both the relevant cases in the sample.
- 3.42 All three Units had child abuse logs that contained details of each child abuse case. However, only the Wrexham CJU log was up to date. The Wrexham CJU log also included an index of all current cases that clearly indicated the up to date position of the case. Accordingly it was possible to tell at a glance which cases were progressing more quickly than others.
- 3.43 **We recommend that the Unit Heads for the Trials Unit and the Eryri CJU ensure that their child abuse logs are kept up to date and in the same format as the Wrexham CJU log.**

Racially aggravated cases

- 3.44 The Area recorded 39 racially aggravated cases in the year ending September 2001. We examined a sample of the most recent 18 cases to ascertain whether the racially aggravated element of the offence had been appropriately handled.
- 3.45 We found the following:

Racially aggravated offence dropped and guilty plea to non racially aggravated offence	8
Racially aggravated Offence NOT dropped	7
All offences Discontinued	3
TOTAL	18

- 3.46 In one case the CPS added a racially aggravated charge at acceptance review even though the police had not identified it as a racially aggravated crime. The decision to discontinue the three cases in the sample was appropriate. It arose either for evidential reasons or because of the failure of a witness to attend court. However, we thought that the decision to drop the racially aggravated offence was wrong in three out of eight cases where a guilty plea to a non-racially aggravated offence was accepted. In each case we thought that insufficient weight, if any, had been given to the racially aggravated nature of the offence. In addition, the racist incident monitoring data sheet had not been completed to explain why it was thought appropriate to reduce the charge.
- 3.47 The Area has had training on the law relating to racially aggravated offences and a representative of the North Wales Racial Equality Network spoke at a recent Area training day. We think, however, that further work needs to be undertaken to raise prosecutors’ awareness of the impact of racially aggravated crime on minority groups and of CPS policy in relation to prosecution of such offences. This needs to be supported by rigorous monitoring by the Unit Heads of all cases where the racially aggravated element is reduced.

- 3.48 We recommend further training for prosecutors and caseworkers to raise awareness of the impact of racially aggravated crime on the victims and a better understanding of CPS policy in relation to racially aggravated offences.**

Domestic violence

- 3.49 We examined 15 cases of domestic violence in our file sample. Three cases fell in the JOA sample, and 12 in the terminated sample. We disagreed with the evidential decision to drop one of the JOAs (see paragraph 3.30) and to discontinue one of the terminated sample (see paragraph 3.19) on public interest grounds. Although none of the other decisions was manifestly unreasonable, we were concerned that, in several cases, the provision of a withdrawal statement by the victim appeared to lead to discontinuance without a full consideration of the option of compelling the victim to give evidence. Such a decision is a difficult one to make (see HMCPSI's Thematic Report 2/98, paragraphs 8.82 to 8.86), but the possibility should be canvassed with the police, particularly in those cases where the relationship is likely to continue.
- 3.50 The Area has already recognised the difficulties inherent in prosecuting domestic violence cases. Both the Wrexham and Eryri CJUs have domestic violence specialists, and there is a standing instruction in the Eryri CJU that domestic violence cases should not be discontinued without the approval of the Unit Head. One of the joint CJU Heads in Wrexham is the Area Domestic Violence Co-ordinator and represents the Area on the North Wales Domestic Abuse Forum. The Area has commenced work with the police to improve the handling and evidence gathering in domestic violence cases. Nevertheless, we think that more work needs to be done in those cases where the victim withdraws to ensure full consideration is given to the option of compelling the attendance of the victim to court. This will involve liaison with the police to ensure that full background information is available in all such cases.
- 3.51 We suggest that the ASB reviews with the police its handling of domestic violence cases in those cases where the victim withdraws his or her complaint, in order to ensure fully informed consideration is given to whether to compel the victim to give evidence.**

Youth justice

- 3.52 The Area has four youth specialists who review all youth cases and cover most youth courts.
- 3.53 We examined 15 cases involving youth offenders in the file sample. The overall quality of review was competent, although we disagreed with the decision to proceed to trial in two cases (see paragraph 3.24).
- 3.54 The Area has dealt with persistent youth offender cases (PYOs) in a consistently timely manner. It bettered the 71-day target for arrest to sentence in the last 12 months ending September 2001. In the quarter from 1 July 2001, which is the most recent quarter for which statistics are available, the time taken from arrest to sentence has improved to 51 days. This is an impressive performance. It is the result of effective inter agency working to reduce delay, and the CPS has played a full part in this.

Learning from experience

- 3.55 The improvement of casework skills and judgement quality depends, at least in part, on the development of a culture of learning amongst all lawyers and caseworkers. We think more can be done in the Area to develop such a culture.
- 3.56 The Area has a system of case reports for NCTAs, JOAs and JDAs. These reports are seen by the Unit Heads, and in the case of the JOAs and JDAs, the CCP. We have already commented on the quality of this self-assessment at paragraphs 3.25 and 3.32. However, the Area would benefit from systematic recording or analysis of reasons for all acquittals after a full trial in either the magistrates' or the Crown Court, and from making the analysis available to everyone in the Units. The Area is concerned that extensive reporting of failed cases may encourage a culture of blame. We think a learning process can be developed so that only learning points, as opposed to the responsibilities for failures, can be distilled from the case analysis. The learning process can include points from successful cases too, so that the emphasis is placed firmly on continuous improvement rather than looking backwards. We think it would be worthwhile for the Area to revisit and extend its analysis of trials and the identification of learning points.
- 3.57 The dissemination of learning points, once identified, would benefit from further consideration. At present, reliance is placed on team meetings, memos, and discussions between lawyers and caseworkers. However, the three Units disseminate information separately. There is no systematic passing of information on adverse outcome of Crown Court cases from the TU to the CJUs beyond the Unit Heads, even though all the CJU lawyers will have initially accepted them for prosecution. There is also a duplication of effort between the two CJUs themselves. Each of the CJUs has its own designated lawyer responsible for keeping the CJU abreast of significant legal developments. It would be sensible for one lawyer to do this for the whole of the Area.
- 3.58 The Area subscribes to a casework digest called the Welsh Prosecutor that covers all the CPS Areas in Wales. We do not think, however, that it has sufficient local focus on the learning points arising from casework in North Wales. Whilst we appreciate the need to avoid an information overload, we think the Area should consider its own casework digest, including significant case results, and learning points from both magistrates' and Crown Court. The digest could include recent legal developments, or an index of where to find them. The Unit Heads have recently started to send the CCP a monthly casework report, including casework trends. This could, perhaps, form the basis of such a digest.
- 3.59 We recommend that the ASB puts in place structured arrangements for learning points of general relevance from all trials, and for ensuring that lawyers in both the CJU and TU are kept informed of case outcomes in the Crown Court.**

CASE PREPARATION

Introduction

4.1 Good quality decision making at review is only one aspect of the efficient and professional handling of casework. In this section of our report we consider the Area's performance in a range of processes supporting the different stages of casework.

Advance information

4.2 Since the introduction of EAH and EFH courts, the police have undertaken the preparation of additional copies of the statements and ancillary information for service as advance information (AI) by the CPS on the defence at court. Although the legal duty to provide advance information only extends to either way cases, an AI bundle is prepared for all cases. This arrangement ensures timely service.

4.3 No record is kept of what is served by way of AI at the first hearing. Prosecutors simply assume that all the evidential material that is available at the first hearing has been disclosed. While this does not appear to have caused any difficulty in the cases we have seen, prosecutors still of course need to check the bundle prepared by the police to ensure that it does not inadvertently include any inappropriate material. Where the police prepared bundle has not been disclosed in full, prosecutors must also be able clearly to demonstrate what has been provided to the defence.

4.4 We recommend that prosecutors, when dealing with advance information, record on the file the material provided to the defence.

Probation information

4.5 The CPS nationally has agreed that it will provide the Probation Service with details of the case and the antecedents of the defendant where a magistrates' court orders a pre-sentence report or the defendant is committed to the Crown Court. Arrangements are in place to enable the information to be passed to agreed collection points in the Probation Service so that they can be sent to the authors of the reports.

4.6 We found that, in 27 out of 28 of the relevant cases in the random sample, this information had been sent to the Probation Service within the agreed time-scale. However, there have been occasions when the pre-sentence report indicates that CPS information had not been available. There is no clear evidence as to where the process breaks down. The CPS is addressing the issue with the Probation Service on a systematic basis.

Disclosure of unused material

Overview

4.7 The Area's performance on primary disclosure was impressive, but it needs to improve the provision and recording of secondary disclosure. Prosecutors and caseworkers are generally knowledgeable about their obligation to provide disclosure, and they respond positively to reasonable requests for information. Our concern with

secondary disclosure stems from the fact that we have not been able to determine from the file whether the procedure had been carried out. The problem may well lie in the poor recording of what had been done at that stage of the disclosure process. We deal with this issue in greater detail in paragraph 4.14.

- 4.8 As part of the Certificate of Assurance process, the Area conducted a spot-check on how it dealt with the disclosure of unused material. This was a useful exercise that informed Area Management of the Area's performance. The Area may wish to extend the process to become a tool for the management of an individual's performance.
- 4.9 The Branch report in 1998 recommended that the CPS should address concerns regarding the police obligation to reveal all relevant material to the prosecutor. The CPS has participated in police training, and the police have appreciated their involvement. While we found that the police submitted the relevant unused material schedule in all the cases we examined, and that the quality of the schedules is seen to be improving, the schedules required amendments in a quarter of the cases. The Area should persist with its effort to raise standards, and should seek amendments to the schedules or sight of inadequately described material where necessary. We note that this is an objective under the Area Business Plan 2001/2002.

Primary disclosure (non-sensitive material)

- 4.10 The police submitted schedules of unused material (the MG6C) in all 47 cases we examined for this purpose. Some of the schedules were of a high quality but over a quarter of the schedules required amendments.
- 4.11 In the random sample of magistrates' and youth courts cases, primary disclosure had been correctly dealt with in all 17 cases, and the appropriate documents were all sent in a timely fashion. We also examined a sample of 10 summary trials involving road traffic offences. Disclosure had properly been dealt with in only three of them. In the seven other cases, the prosecutor did not take any action when the police did not supply an MG6C, or when the quality of the MG6C was such that the prosecutor could not have taken an informed decision. Prosecutors are fully aware that the rules on disclosure apply to road traffic cases, and should therefore be more proactive in addressing deficiencies in those files.
- 4.12 Primary disclosure was correctly carried out in 27 out of 30 random Crown Court cases. In one of the three remaining cases the lawyer concluded that some items might undermine the prosecution case, but there was no indication of what these items were, and there was no record of what was sent to the defence. In a second case the disclosure schedule was clearly incomplete but the lawyer did not take any action. In a third case the police incorrectly listed two items on the sensitive material schedule and the CPS requested that it be amended. The police refused, and the CPS took no further action because the items did not undermine the prosecution case. This demonstrated a misunderstanding of the purpose of the disclosure schedule.
- 4.13 Documents regarding disclosure are usually kept together and under the cover of a marked coloured card. On occasions, some documents have not found their way into this disclosure bundle, and correspondence dealing with disclosure is usually kept with general correspondence. This should be addressed.

Secondary disclosure (non-sensitive material)

- 4.14 Defence statements were recorded as being sent in 17 out of 20 Crown Court cases, and in one case in the youth court. We found a response from the police in 10 of these cases, but we were unable to find evidence that action had been taken to chase missing replies.
- 4.15 The CPS did not respond to the defence statement in the case in the youth court, and its handling of secondary disclosure was adequate in only eight of the 20 Crown Court cases. Several prosecutors told us that some defence statements lacked details and assessment of them tended to result in no disclosure being judged necessary. They also said that formal notification of secondary disclosure had not occurred in some cases because the disclosure would have been covered by orders made at plea and directions hearings, or made informally at pre-trial hearings. Since there was no indication on the file that non-disclosure had been raised in court or in correspondence, these explanations may well account for our findings, but they are not satisfactory. The legislation imposes a clear and positive duty on the prosecutor to assess unused prosecution material for information that might assist the defence case. This duty cannot be fully discharged if the prosecutor only acts in response to defence requests or court orders. Furthermore, in cases where no disclosure is deemed necessary, or where the information has already been disclosed via another route, the prosecutor is still under a duty to inform the defence that no further disclosure will be made.

Sensitive material

- 4.16 Five cases in our random sample involved sensitive material. Four cases were handled correctly. In the remaining case there was no evidence that the reviewing lawyer gave any consideration to the sensitivity of the material. However, our external interviewees were satisfied with the performance of the CPS in this regard.
- 4.17 Some sensitive material requires particularly secure handling because of the nature of the information. This commonly relates to the involvement of registered informants. In North Wales, the police hand the information to the CCP. The CCP keeps the material, and informs the appropriate Head of Unit. He or she then enters a note on the file, and requires the reviewing lawyer to provide a report of the case to the CCP. We are not satisfied that the responsibility for assessing the material for disclosure is clearly understood and, in any event, the procedure seems to be cumbersome and may hinder access by lawyers working in the Colwyn Bay office. We think that the process should be reviewed to make it more efficient while still retaining the level of security deemed necessary.
- 4.18 We recommend that the ASB ensures that an appropriate assessment is made in all cases about its need for secondary disclosure, that the defence are formally informed of the result of the assessment, and that the procedure is fully documented.**

4.19 We suggest that:

- * **the ASB reviews its procedure for handling sensitive material;**
- * **the Heads of Units ensure that all unused material, including correspondence, is kept in a separate folder on all files;**
- * **the CCP continues to seek improvements from the police in the quality of the disclosure schedules.**

Summary trial preparation

Overview

4.20 A coloured form is used to provide a record of what has been done in preparation for trial. The form also records the reviewing lawyers' analysis of the issues in the case. The effort involved in the proper use of this form is **commendable**. Overall, we found that, apart from a timeliness issue with the Eryri CJU (see paragraph 3.23), the quality and timeliness of trial preparation was fairly good. We think, nonetheless, that further measures should be taken to reduce cracked and ineffective trials. The Area should also aim to improve readiness for pre-trial reviews and for the trials.

Pre-trial review (PTR)

- 4.21 In most cases where a not guilty plea has been entered in the magistrates' courts, the court will adjourn the case for a pre-trial review. The adjournment allows the parties to prepare the case for trial. Before the PTR takes place, the prosecution is expected to review the case and serve statements from witnesses it intends to call at the trial, so that the parties can identify the disputed issues in the case, look for areas of agreement, and avoid unnecessary witness attendance at court. We have found instances where an effective review had not taken place before the PTR. This is also the view of some of our external interviewees.
- 4.22 Despite the fact that most summary trials have been subject of a PTR, a significant number of trials do not take place on the appointed dates. Cases do not go ahead either because one or more of the parties is not ready to proceed, or because the court cannot accommodate the trial on that date (ineffective trials). Trials can also fail to go ahead because guilty pleas to the original charges or to a level acceptable to the prosecution are agreed on the trial date (cracked trials). Cracked and ineffective trials are wasteful because they take up valuable resources of all the agencies and parties involved. In many cases it will also mean that witnesses have attended unnecessarily, and those involved in ineffective trials will have to re-attend on a later date.
- 4.23 As with most other CPS Areas in England and Wales, cracked and ineffective trials occur too frequently in North Wales. Although they concern all criminal justice agencies, not just the CPS, it is an issue that must be addressed. There has been monitoring of cracked and ineffective summary trials in North Wales for the past two years but it has not been seen as productive. In April 2001 North Wales acted as one of the pilots in a joint national project to identify a suitable means to monitor and address cracked and ineffective trials. The monitoring pilot took place over three months, after which the local agencies agreed to continue with the process, albeit in a modified way.

- 4.24 The results do not point to a single agency being particularly at fault, but that there must be a joint effort to tackle the problem. We are pleased to learn that the CPS, the police and the courts have jointly analysed the results of the pilot and have approached their counterparts in another area to see if any good practices can be learnt. In the meantime, the agencies have identified that the effectiveness of the PTR must be improved, and steps have been taken by the courts and the CPS to ensure that their respective staff act robustly when dealing with PTRs.
- 4.25 The timely service of statements under section 9 of the Criminal Justice Act 1967, where appropriate, is important in order to avoid the unnecessary attendance of witnesses. We found that, while late reviews occur sometimes, statements were served in time for trial in all 18 cases we examined.

Witness warning

- 4.26 The timeliness of witness warning is important both in order to ensure good witness care and the attendance of witnesses at trial. In the random sample of summary trials, we found that all the witness warnings were timely. We have been told that, on occasions, witnesses were warned unnecessarily. We have not seen this in our file sample, but the effectiveness of the PTR is again the key to preventing this from occurring.
- 4.27 **We suggest that the CJU Heads consider the use of a “readiness check” a short time before the trial to ensure the prosecution has done all it can to render the trial effective. This check should ensure that all the appropriate witnesses are called, and that those who are no longer required can be stood down.**

Crown Court case preparation

Timeliness and quality of committal papers

- 4.28 The CPS has a national target of service of committal papers on the defence within 14 days of receipt of a complete file from the police if the defendant is on bail and 10 days if in custody. We have applied the same time guidelines to the service of the evidence bundle in sent cases (section 51 Crime and Disorder Act 1998).
- 4.29 In the year ending 31 March 2001, committal papers were sent to the defence on time in 63.3% of cases. We found the same result in our sample of 30 cases. This is below the national average of 77.2%, and the Area’s own target of 70%.
- 4.30 We were unable to measure timeliness in five of the 30 cases, because we were unable to ascertain when the full file was received from the police, but six of the 30 cases were clearly late. We were given various reasons for the Area’s unsatisfactory performance. Typing resources and the availability of caseworkers in the Wrexham office are issues that feature in other aspects of the Area’s performance. We expand on these issues in paragraphs 6.7 and 6.8. The late delivery of police files, whilst not affecting the measurement of CPS timeliness, can also lead to committal papers being served late. While the magistrates have often allowed adjournments when committals are not ready, the number of late committals is on the increase, and the risk of cases being discharged is increasing. The situation must be addressed before it deteriorates

further. The Head of the TU is already working with the police to improve timeliness of police files. Although the situation with typing and caseworkers is improving, management must ensure that typing needs be continually reviewed. With the introduction of computerisation in the CPS offices, the Area should also examine ways to reduce delays caused by the lack of typing resources.

4.31 We suggest that the ASB should assess whether the use of the standard Crown Court Case Preparation Package by lawyers and caseworkers directly on their word processors will reduce the time taken to prepare committal papers.

4.32 We examined committal bundles to ascertain whether evidence, which should have been dealt with as unused material, had been included in the committal papers. We found inappropriate material had been included in only one of the 30 cases examined.

Cases sent to the Crown Court under section 51 of the Crime and Disorder Act 1998

4.33 Under section 51 of the Crime and Disorder Act 1998, offences triable in the Crown Court only are sent to the Crown Court without the need for committal proceedings. The time period between the first magistrates' court appearance and the first Crown Court appearance is intended to be a matter of days, and subordinate legislation provides that documents containing the prosecution evidence must be served on the defendant and the Crown Court within 42 days from the date of the first hearing in the Crown Court, unless the court grants an extension (or further extension) of that period. The provision was implemented on 15 January 2001, but the procedure was applied in North Wales prior to that date as the Area took part in a pre-implementation pilot.

4.34 There is a multi-agency protocol in place within North Wales for dealing with section 51 cases. Its contents are in accordance with national policy. We examined 14 files from our sample that were sent under section 51. The Crown Court gave the prosecution less than 42 days to serve its papers in seven cases, although the CPS was able to comply with the order in all of them. We are told that in some cases when the CPS has completed their preparation in the time allowed, they have been pro-active in bringing the case back to court sooner. This apparent success must be placed alongside the Area's concern that their effort has encouraged judges to set even more stringent timetables, and to do so in more cases, to such an extent that they now find it difficult to cope.

4.35 It was not clear from the files examined on what basis the CPS was sometimes given a period to serve its case which was less than that allowed by legislation. The problem is one which has been encountered by several CPS Areas, with the result that the CPS nationally has taken advice. This was to the effect that such orders are unlawful. CPS North Wales should draw on that advice in any circumstances where it may need to challenge for a direction which does not accord with the legislation. Even so, CPS policy is to identify cases where preparation can reasonably take less than 42 days so that the matter can be expedited. We saw one such case in our court observations where the facts were straightforward and there were clear indications that the offence would be admitted. This effort must be encouraged, but, on the other hand, prosecution advocates must be careful to bear in mind the prosecution's commitment to other cases, and avoid putting the TU under undue pressure by agreeing to shorter adjournment periods unnecessarily. We understand that the CCP will discuss the matter with the resident judge.

- 4.36 A Case Action Plan should be provided by the police to assist the court in determining how much time should be allowed for the service of papers. This is routinely sought from the police, but the response is often poor. Bearing in mind the court's tendency to reduce the normal 42 days period for service, the Unit Head may wish to take this up with the police.
- 4.37 A guilty plea or a conviction after trial of one or more indictable only offences occurred in only two out of the 14 cases. This caused us to examine the cases more closely to see whether some cases went to the Crown Court unnecessarily. Three cases resulted in an acquittal of all offences, and two cases resulted in a guilty plea to an either way offence. The remaining seven cases resulted in a conviction of either way offences after a full trial. We also thought that the police preferred the correct level of charge in 11 out of the 14 cases. We have therefore concluded that caseload in the Crown Court has not been unreasonably increased through the implementation of section 51.

Timeliness and quality of instructions to counsel

- 4.38 The timeliness of instructions to counsel is the subject of a national target of 73%. In the year ending 31 March 2001, the Area recorded a return of 78.2% against an Area target of 70%. The performance is satisfactory, compared to a national average of 77.4% for the same period. We are pleased to note that, since we inspected the Area, the Area's performance has improved. In the second quarter of 2001, 87.7% of instructions to counsel was delivered within national guidelines.
- 4.39 The Bar and the CPS have entered into a national agreement that counsel should offer a preliminary view of the case, so that a discussion on the conduct of the case and any outstanding work can be commenced as soon as possible. One of the reasons for sending instructions to counsel in a timely fashion is to enable counsel to do this. Compliance by counsel to this agreement is patchy in this Area, and an improvement in timeliness of the delivery of briefs should help.
- 4.40 The quality of the instructions is not subject to any target, but it is important that there is a record of the reviewing lawyer's analysis of the case and the appropriateness of pleas, for the benefit of both counsel instructed and of any CPS colleague who needs to make a subsequent decision on the case. In the 30 cases we examined, 23 contained instructions that adequately addressed the issues in the case. This is a good effort. However, the Area will need to improve on giving instructions on the acceptability of pleas, which was found in only 13 out of 27 appropriate cases.
- 4.41 We suggest that the TU Head monitors the quality of instructions to ensure issues are fully addressed and, in particular, that instructions on acceptable pleas be dealt with in appropriate cases.**

Timeliness and quality of indictments

- 4.42 Lawyers in the TU draft most of the indictments. We took issue with the quality of the indictments in only one of the random 30 cases. Four indictments required amendments, (ie 3.3% which compares favourably with 25.2% in the findings in the cycle of inspections to date), but these amounted to no more than a fine tuning of the prosecution case. There were no major errors. All 30 indictments were lodged in time.

Plea and directions

- 4.43 The TU in Colwyn Bay uses a PDH checklist to ensure that it is ready for the hearing. This is useful, but it is not done in the Wrexham office due to lack of training for new staff.
- 4.44 The compliance with directions given at PDH in the cases in our file sample was generally timely. However, information on the orders must be extracted from a copy of the judge's questionnaire, which are not always present. There was also no proper recording on the file of whether the orders have been complied with. We are told that both TU offices maintain a diary that records the orders and their compliance. It is also the basis of a bring forward system. We think, however, that the Unit must be prepared for the real possibility of information being sought when the diary is not readily accessible, for example, when asked by a judge in court.
- 4.45 **We suggest that the TU Head:**
- * **implements as soon as practicable the pre-PDH check list procedure in the Wrexham office; and**
 - * **researches and implements a system for recording on the file, directions given at a PDH, and the date of compliance.**
- 4.46 CPS North Wales is responsible for only a small proportion of cracked and ineffective Crown Court trials. Effective preparation of the case for PDH, and the Area's deployment of CPS lawyers to cover PDHs will have contributed positively.

Instructions to counsel on appeals from the magistrates' courts

- 4.47 The quality of the instructions in appeals against convictions from the magistrates' courts was very good. Since such appeals operate by way of a re-hearing it is important that the lawyer who is briefed to represent the prosecution should be fully informed as to what took place in the magistrates' courts. Of the seven cases we examined, we found a satisfactory analysis of the issues in the magistrates' courts in six cases. A report on the trial was included in six out of the seven sets of instructions. The Area's effort in preparing instructions on appeals is **commendable**.
- 4.48 The responsibility for preparing the instructions varies between the Colwyn Bay and Wrexham offices. In Wrexham, the instructions are prepared by lawyers in the TU, although some of the TU staff considered that this should be done by the CJU. In Colwyn Bay, the instructions are prepared by an A2 caseworker in the CJU. This is the only Crown Court work performed by the Eryri CJU and the A2, who works part time, has sole responsibility. The Area will need to ensure that there is adequate cover in her absence. The Area may also wish to consider that a uniform approach should be preferred throughout the Area. One important factor is that the TU and CJU must not be seen to be acting separately in the Crown Court.

Custody time limits

- 4.49 Custody time limit (CTL) provisions regulate the length of time during which an accused person may be remanded in custody prior to the disposal of the case. Failure to monitor the time limits and, where appropriate, to make an application to extend them, may result in a defendant being released on bail who should otherwise remain in custody.
- 4.50 We examined nine magistrates' court and six Crown Court files that were subject to custody time limits. The expiry date had been correctly calculated in eight cases in the magistrates' court. One was incorrectly calculated and showed the review date as the expiry date, ie a week earlier than the actual expiry date. Review dates were endorsed on the front of only five of the files in the magistrates' court. In the Trials Unit, all the expiry dates were correctly calculated and endorsed on the front of the files. The review date was endorsed on the front of four of the files seen.
- 4.51 The Units employ different systems to monitor CTLs. The monitoring systems in the Wrexham CJU and both offices of the TU are not identical, but management checks are in place to ensure accuracy of the calculation and the updating of the files.
- 4.52 In the Eryri CJU, CTLs are endorsed manually on the front of the file by the level A casetrackers and recorded on SCOPE. The expiry and review dates are then entered in a diary. The diary for the Llandudno, Denbigh and Prestatyn courts are maintained by an A2 casetracker and checked by the Unit's B1 manager, although entries concerning cases from Prestatyn court are often made by the B1 manager herself. The Caernafon satellite office maintains a separate diary for its cases. The level of details in the diaries varies, and we are not satisfied that management checks on the Caernarfon diary are as robust as are necessary.
- 4.53 Making the system the sole responsibility of a single member of staff, as in Caernarfon cases, and to a certain extent Prestatyn cases, carries with it a degree of risk of systematic inaccuracy, and of a break in continuity should the relevant member of staff become unavailable. We also think that it is important that the CTL management system is quality assured through management checks of the system and the calculation in a sample of cases. We think that the Area should consider whether to continue with different monitoring systems, which tend to mean that staff from other Units will not be able to take over the tasks easily if called upon to do so. The situation for Caernarfon and Prestatyn cases should therefore be improved.
- 4.54 We were informed that, should a custody time limit need to be extended, letters requesting an application to extend will be automatically sent by the CJU in Colwyn Bay. In Wrexham, a lawyer will identify any case where an application to extend is required and the letter is prepared by the typists. In the Trials Unit, the lawyer or caseworker will identify any case that requires an application to extend and again the typists will prepare the letters.
- 4.55 Two cases examined involved extensions to the custody time limit. Both files had the new expiry dates clearly recorded on the file. However, in both instances, it was not readily apparent from the file that the appropriate action and procedures had been taken to effect the extension.

- 4.56 In a further three cases, the custody status of the defendant was not apparent from the file endorsements. In one case, poor file endorsements had led to counsel being informed of bail conditions for the defendant, when he was in fact in custody. Fortunately, the file was clearly marked with the correct CTL, and the error was noticed before any damage was done.
- 4.57 The Area informed us that it is planning to provide training for staff in the operation of monitoring systems as well as the law and procedures. We support this initiative.
- 4.58 We suggest that the Unit Heads should review custody time limit monitoring procedures, and agree upon a system that:**
- * **is uniform across the Area; and**
 - * **ensures that there are management checks into the reliability of the procedure.**

Statutory time limits for prosecution

- 4.59 North Wales has been operating as one of the national pilots to prepare for the implementation of prosecution time limits for all young offenders, pursuant to Sections 22 and 22A of the Prosecution of Offences Act 1985, as amended by the Crime and Disorder Act 1998. Under the legislation, the date fixed for the offender's first appearance in court must be within 36 days of the arrest of the offender. The CPS is then required to progress the prosecution from the offender's first appearance to the start of a trial within 99 days. One member of staff in each office has been tasked to monitor progress of these cases to ensure that they proceed within that period. There have not been any failures. We have also observed a CPS lawyer, in accordance with national guidance, offering assistance to a police officer who appeared in court to apply for an extension of the first period (ie that the court authorise a charge be preferred more than 36 days after the arrest).

File endorsements and organisation

- 4.60 There was an adequate record of magistrates' courts proceedings in 66% of the files we examined. Recording out of court work was better. Our main concerns are clarity and legibility. There is an impending move by the CJUs to operate a single file system with the police. The administration of the files will then mainly fall to police staff, who might not be used to the style and abbreviations adopted by CPS staff. The CPS must therefore improve the quality of file endorsements before the implementation of the new system.
- 4.61 Endorsements on Crown Court proceedings are very good, but out of court work was properly recorded in only 37% of cases in our sample. The main areas of concern here are records of telephone calls and decisions taken. The absence of these records means that it is often difficult to see how decisions are arrived at.
- 4.62 We recommend that the Unit Heads monitor the quality of file endorsements, and address poor performance with individual members of staff.**

4.63 We have discussed the organisation of documents used in the unused material disclosure process. The organisation of both magistrates' courts files and Crown Court files was otherwise satisfactory.

Correspondence handling

4.64 Concerns were raised by some agencies about the timeliness of responses to correspondence. We thought that the systems for correspondence were satisfactory, and that that the problem lies with lawyers' out of court time and the availability of typists in some instances. We deal with these issues further in chapter 6 of this report.

PRESENTING CASES IN COURT

Introduction

- 5.1 Advocacy and case presentation in the courts are extremely important. Not only are they the most visible aspects of the work of a CPS Area, but their quality can significantly affect the outcome of 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 advocacy and 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 to assess all the prosecuting advocates observed during its inspections. These include CPS lawyers, Designated Caseworkers (DCWs), solicitor agents and counsel in the magistrates’ courts and counsel and CPS Higher Court Advocates (HCAs) in the Crown Court.
- 5.3 Using the Advocacy Standards as a basis, we allocate marks to the advocates we observe. An advocate who is fully competent is marked as 3. However, there is a wide variation 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- and 3+ categories. 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 27 lawyers including the CCP. We were able to observe 14 of those lawyers in magistrates’ and Crown Courts (51.9%), including two out of the five Higher Court Advocates (HCAs) in the Crown Court. We also observed three out of the five designated caseworkers (DCWs). The overall standard was good.
- 5.5 We also observed five counsel instructed by the Area in the Crown Court, and two in the magistrates’ court.

Quality of advocacy in magistrates’ court

5.6 We observed 12 CPS lawyers, three DCWs and two agents in a range of magistrates’ and youth courts. We set out our assessments in the table below:

	1	2	3+	3	3-	4	5	Total
CPS Lawyer	-	1	2	8	1	-	-	12
DCW	-	-	3	-	-	-	-	3
Agent	-	-	-	2	-	-	-	2

5.7 All CPS advocates we observed, save one, were authoritative and at ease in their courts. Most of the courts comprised remand or sentence cases, but we were able to observe two trials. They were well conducted. We found one advocate was lacklustre in presentation and did not address the court fully when the opportunity arose. We were also able to observe some advocates addressing the court in both Welsh and English as circumstances required.

5.8 All the DCWs in the Area have the confidence of other court users. Our observations confirmed that the confidence was well placed. The only comment expressed by other court users related to the limitation on the types of cases they are allowed to handle under current arrangements for them. This is a comment we hear in most of the Areas we inspect.

5.9 The Area instructs a significant proportion of agents to cover the magistrates’ courts. In October, for example, agents prosecuted 25% of courts. They are mainly drawn from the junior Bar. Court users told us that the standard of their advocacy was variable. We saw two counsel agents who were both competent in all respects. Nonetheless, it is important to ensure that agents of the right calibre are used. We refer to the need for monitoring at paragraphs 5.24 to 5.27.

5.10 The Area has provided induction for agents in the past and is in the process of preparing a more structured induction package. It is important that induction continues and includes all agents used by the Area.

Court coverage in the magistrates’ courts

5.11 The Area services 12 magistrates’ courts although, at the time of the inspection, two were closed for refurbishment. There is a mix of urban courts that sit every day, and rural courts that sit only once or twice a week.

5.12 The DCWs are deployed at four court centres and attend EFH or sentence courts on average three times a week. They have sufficient time to prepare fully for court. Indeed, the Area recognises that the current court-listing pattern only requires three DCWs to service it. We discuss deployment of resources at paragraph 6.46.

- 5.13 All CJU lawyers in the Area are expected to attend court four days per week. They will also attend the police station once a week to prepare an EAH court. At the time of the inspection, Eryri lawyers did not attend the police station because of the temporary reduction in staffing levels. Lawyers in the Wrexham CJU attend court on average three days a week and the police station once a week. They have one day in the office. The Caernarfon sub office is based in the police station, and lawyers generally still attend court four days a week.

- 5.14 The deployment of lawyers within the Area has been the subject of review by the ASB. It is mindful of the need to have an appropriate balance between review, court preparation and court attendance. We comment later at paragraph 6.8 on the deployment of CJU staff between the Colwyn Bay office and the Caernarfon sub-office. We also think there is greater scope for TU lawyers to attend the magistrates’ courts. The policy of the Area is that lawyers in the TU should conduct magistrates’ courts proceedings although, at the time of the inspection, this had all but ceased due to the temporary absences in the TU. We think that, once the TU is back up to its intended strength, the ASB should consider a greater deployment of TU lawyers in the magistrates’ court. This would have a number of advantages. We have already mentioned the high number of agents and the difficulties that causes. A greater use of in-house lawyers would reduce the impact of the problem. We also think it important that TU lawyers do not become de-skilled at magistrates’ court advocacy in light of the policy of rotation between the TU and CJU.

- 5.15 The CCP is an experienced advocate. He regularly appears in the Crown Court as an HCA, but no longer appears in the magistrates’ court. The CCP recognises that both aspects of the Areas work are important. We think there are clear benefits in the CCP attending the magistrates’ court, as well as the Crown Court, so that he is seen to provide leadership in both venues. The CJU Heads attend court at least once a week. In the Inspectorates’ Thematic Review of Advocacy (Thematic Report 1/2000) at paragraphs 3.6 to 3.8, we commented on the importance of senior managers prosecuting cases in court as often as possible.

- 5.16 We suggest that the ASB consider increasing the court coverage by TU lawyers in the magistrates’ courts.**

Quality of advocacy in the Crown Court

5.17 In the Crown Court we saw five counsel and two HCAs. Our assessments were as follows:

	1	2	3+	3	3-	4	5	Total
Counsel	-	-	1	4	-	-	-	5
HCA	-	-	1	1	-	-	-	2

5.18 We found a perception that there was parity between counsel for the prosecution and the defence in the more serious cases but that, on occasions, this did not extend to the less serious cases. We were unable to see sufficient advocates to form our own view on this, but it is an important factor that should be born in mind by the Area in monitoring and selection of counsel.

Court coverage in Crown Court

- 5.19 The Area generally provides caseworker coverage of one caseworker to one court. This is good. It ensures counsel is fully supported.
- 5.20 There are five HCAs in the Area, including the CCP. They cover bail applications, preliminary hearings of sent cases, PDHs, appeals against conviction and sentence and committals for sentence. They attend court regularly. The Area is planning to extend coverage to trials as soon as resources allow. This will be a welcome development.

Selection of counsel and returns of briefs

- 5.21 The Area seeks to instruct counsel from the Wales and Chester circuit. This in effect restricts the Area to three sets of chambers at Chester because of the travelling times for the Cardiff and Swansea Bars. The Chester bar also serves CPS Cheshire. This plainly limits the number of counsel available to cover the Areas cases. We were not fully satisfied that the Area had an adequate pool of suitably competent and experienced counsel for all grades of work from which to draw. We think the Area needs to consider widening the chambers it regularly instructs even though this would mean instructing chambers from outside the circuit.
- 5.22 The level of returns is high. In only 46.7% of cases in the random file sample did counsel originally instructed attend the PDH and in only 33.3% of cases did the counsel originally instructed attend the trial. This level of returns presents a particular problem when there are only a limited number of counsel available to pick up the return. The high level of returns was identified as a problem in the previous inspection report. It clearly remains one.
- 5.23 **We suggest that the ASB:**
- * **considers extending the chambers it instructs to the chambers at Liverpool and Manchester; and**
 - * **takes steps to reduce the level of returns.**

Monitoring of advocacy standards

- 5.24 CPS prosecutors are monitored at least once a year. This level of monitoring is appropriate for advocates who have been assessed as fully competent, but the Area will want to be alert to the need to monitor more frequently those advocates who are lacking in presence, lacklustre or less than fully competent. We found only one advocate falling into this broad category, but it is important for the Area carry out its own monitoring to benchmark current performance and set standards.
- 5.25 Monitoring of agents is ad hoc, and tends to be reactive to complaints. We think the Area should be more pro-active in relation to agents, particularly those that are new to the Area.

- 5.26 Similarly, there is no systematic monitoring in the Crown Court, save for new counsel and counsel seeking to be re-graded. We think that the ASB should consider a more structured monitoring system. This need not be overly resource intensive. The CPSI report on Advocacy and Case Presentation (Thematic Report 1/2000) gave guidance on how monitoring can be achieved without unacceptable resource implications. Furthermore, there is now an agreement between the CPS and the Bar on the selection of advocates in the Crown Court. The agreement deals with the extent of monitoring that should be undertaken.
- 5.27 We suggest that the ASB should introduce more regular and structured monitoring of all agents in the magistrates' courts and of all counsel in the Crown Courts.**

MANAGEMENT AND OPERATIONAL ISSUES

Overview

- 6.1 The Area management is pro-active about its planning and review activity, about being an improving organisation, and about managing change. Many members of staff, particularly the lawyers and caseworkers, have been in service for some time. While this provides the Area with considerable casework experience and an established presence in various parts of the county, it has also presented the Area with difficulties in implementing structural changes that best serve its current business needs. This theme runs across many of the management and operational issues discussed in this chapter.
- 6.2 CPS North Wales/Dyfed Powys was created in 1986. It had offices at Colwyn Bay, Mold and Bangor with a centralised Crown Court Unit at Colwyn Bay. From 1992 to 1997, the work in North Wales was covered by a Wrexham/Powys Branch based at Wrexham, with a satellite office at Newtown, and the Eryri Branch with offices at Colwyn Bay and Bangor. When team working was introduced, Crown Court caseworkers dispersed into the prosecution teams. The North Wales offices were roughly the same size.
- 6.3 Since the Glidewell report, North Wales became a single Branch Area and the new CCP and ABM inherited an Area whose staffing costs were some 30% higher than Activity Based Costing suggested was warranted. Consequently, one of Area management's key priorities was to reduce spending and an early decision was taken to transfer two lawyers to a neighbouring Area. In order to reduce costs still further it was decided to close the Bangor office when its lease came up for renewal. While these decisions made sound business sense, they caused disruption and were unpopular among the staff. They are still impacting upon morale, and the difficulties with relocating staff from the west of the county to the Colwyn Bay and Wrexham offices have had an adverse influence in the progress towards the implementation of the new Area structure.
- 6.4 By the time of this inspection, the management had effectively secured a better match between expenditure and caseload. The complement of staff has 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.
- 6.5 Internal communication and a number of other human resource issues require further attention to address morale and workflow. It is important that these issues are addressed so 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.
- 6.6 The Area clearly has the ability to effect the transition from a Branch into a modern and successful CPS Area. There are structural and people issues to be addressed, but 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.

Management of the Area

Organisational structure

- 6.7 Casework in CPS North Wales is conducted by one Trials Unit (TU) and two Criminal Justice Units (CJUs). Most Crown Court cases in North Wales are dealt with at the Crown Court situated at Mold and Chester. The TU caseload is comparable to many single site Trials Units. Therefore, it does not justify a split site arrangement that divides the Unit's resources and increases management and administrative burdens. At the time of the inspection, each site has the equivalent of only two administrative staff, and this already represents an improvement from previous staffing levels. Furthermore, until recently, the caseworkers were mainly located in the Colwyn Bay office so that the Wrexham office was severely understaffed in terms of caseworkers. In our view these arrangements render the Unit less flexible to deal with workflow than it should be. It was clear to us that some of the Wrexham TU lawyers were often doing work that should properly be performed by caseworkers and administrative staff, thereby putting themselves under pressure on account of this additional workload. Area management have addressed the disparity in numbers of caseworkers, but we still have reservations about the split in its Trials Unit.
- 6.8 The Eryri CJU also works from two offices in Colwyn Bay and Caernarfon. The problems with flexibility, duplication of administrative processes, and management supervision are also present. Furthermore, the division of the staff does not reflect the needs of the business. Caernarfon office has only 1.6 permanent administrative members of staff, and, until recently, Colwyn Bay suffered from a shortage of typing support (see also paragraph 6.20).
- 6.9 During this inspection, Area management announced that, when the joint police/CPS CJU is fully implemented in Colwyn Bay and Caernarfon, all the lawyers in the Unit will be based in Colwyn Bay. A lawyer will cover the Caernarfon office on a rotation basis, and courts currently served by the office will be covered by lawyers based at Colwyn Bay. The involvement of CPS in the administrative functions in the joint CJU is still under discussion, but it should significantly reduce the need for CPS administrative cover in Caernarfon.
- 6.10 The decision to operate the split site arrangements has been heavily influenced by the difficulty of relocating staff to offices some distance from their normal place of work, because of the geography of the Area, and the lack of public transport. For example, staff who work and reside in Colwyn Bay will have to travel over 40 miles each way to work in the Wrexham office. Staff who live on Anglesey and who currently work in Caernarfon will add roughly 15 miles each way to work in Colwyn Bay. Another factor that influenced decisions was the availability of accommodation. While these factors are undoubtedly important considerations, the Area and its staff must take difficult decisions to avoid an adverse impact upon the operational effectiveness of the Area. The Area will need to consider the viability of two TU offices and, as part of that review, the Area may wish to consider whether the TU can be self-contained and located more centrally. The proximity of Wrexham to the Crown Court locations makes it a more natural candidate but there are other factors which must also be taken into account.

- 6.11 We recommend that the ASB reviews the question of whether the Trials Unit should be divided. This review should be wide-ranging, and should include the feasibility of the Unit being housed in suitable accommodation in another location to provide reasonable access by staff and others who have business with the Service.**
- 6.12 Lawyers in the Units are line managed by the Unit Heads. A business manager line manages the caseworkers and administrative staff in the TU. In each of the CJUs, a B1 team manager manages the administrative staff, and the two B1s are managed by a CJU business manager. Both business managers report to the ABM. The CJU business manager has a number of roles beside the management of the administrative teams. We thought that line management of the administrative staff in the Eryri CJU is vulnerable, bearing in mind that the top two tiers are in Wrexham, and the team manager is not often able to visit Caernarfon. The ABM is considering the transfer of the CJU business manager role to herself as the current manager simply has too many tasks to perform. We agree that there needs to be stronger management of the administrative functions of the CJUs, but we think that the Unit Heads must be able to have an input into this. The Area may wish to consider whether the management role should go the Unit Heads, or at least have a formal structure that enables Unit Heads to have a level of control over this aspect of the operation (see our recommendation on meeting structure at paragraph 6.16).
- 6.13 We recommend that the ASB reviews arrangements for the line management of administrative staff in the Criminal Justice Units.**

Meeting structure

- 6.14 All levels of management in the Area used to meet monthly in an Area Management Team (AMT) meeting. Since April 2001, only the CCP, the ABM and the Heads of Unit meet in a monthly Area Strategic Board (ASB). The wider AMT now meets quarterly, and is intended to deal with day to day operational issues only. Inevitably, the ASB has to deal with non-strategic matters, but it is now done without the benefit of the knowledge the level B managers can bring. Some of the level B managers also feel that they have lost the ability to inform and influence decisions that have an impact on the day to day running of the business. It is clearly prudent for members of the ASB to focus their meeting on strategic issues, but the change of management meeting structure may have weakened the link between the ASB and other managers.
- 6.15 We think that the Area may benefit from a tier of meetings that sit below the ASB and which deal with operational issues that are office based or Unit based. One possible model consists of an office management meeting for each of the main offices, a management meeting of the TU, and a joint CJU management meetings. The ABM can act as the link between these groups, and between the groups and the ASB. This will facilitate two way communications between the various levels of management, and will ensure that decisions of the ASB are informed by the views of operational managers.
- 6.16 We suggest that the ASB reviews its management meeting structure.**

Policy and strategy

- 6.17 The Business Plan 2001/02 follows the national template, and Area-specific goals underpin the national goals. We are pleased to see that all the managers in the Area have undergone a self-assessment exercise using the Business Excellence Model (BEM). The involvement of a large number of staff in the process is **commendable**. The assessment has identified both strengths and areas for improvement.
- 6.18 The Area conducted a strategy meeting in May 2001 and devised an Action Plan that draws together the various planning processes and the areas for improvement identified through the business excellence assessment. The Action Plan covered issues such as Glidewell implementation, the development of ICT links, the extension of HCA coverage and the improvement of performance, systems and communications. This was a positive step towards improvement by planning, but we think that the ownership, the implementation and the monitoring of progress can be strengthened. The May Action Plan says what the Area needs to do, but does not say how it can be done. Not all the underpinning plans are formalised and, while some individuals have taken action, others are less engaged. Area management agreed with us that they need to take stock of progress to date.

Change management

- 6.19 When the CPS introduced activity based costing (ABC), all three offices in CPS North Wales/Dyfed Powys were seen to take up a disproportionate amount of resources in relation to their caseload, when compared with other CPS Branches. After CPS North Wales became an Area in its own right, Area management decided to reduce costs by the closure of the Bangor office.
- 6.20 This was a significant event. Some staff still speak fondly of working environment of the old office when discussing with inspectors their current dissatisfaction. Personal and cultural reasons associated with the change raised a number of difficult people issues, and this has resulted in the problem with the organisational structure that we have described above, and to staff deployment issues that we shall discuss in paragraph 6.46. While we do not underestimate the difficulties associated with managing a change of such enormity, and whilst we are satisfied that efforts have been made to consult and to secure agreement, these efforts have not been totally successful. For example, while the Colwyn Bay office has picked up the Crown Court work from the Bangor office, the Bangor typists were all relocated to Caernarfon, resulting in a severe backlog of typing in Colwyn Bay. It has become quite obvious that some of these decisions can no longer be sustained, and further changes will have to be made (eg by changing again the working arrangements for the Caernarfon office). This risks a further loss of stability and further erosion of the trust and respect between management and staff. The closure of the Bangor office resulted in a significant reduction of morale, against a background of other cost reduction measures. While the situation is improving, it still remains an issue. The Area must improve two-way communications and the ownership of change among all staff to enable a smooth transition.

- 6.21 Further key changes were the Area's re-organisation into a Trials Unit and two Criminal Justice Units in anticipation of the creation of CPS/Police CJUs, and the relocation of the Area headquarters from Colwyn Bay to Wrexham.
- 6.22 The next major change in the Area will be the implementation of joint CPS/police CJUs. They will be operative in Colwyn Bay and Caernarfon by January 2002. The implementation project is conducted jointly with the police, and a DCW is detached from her normal duties to serve on the implementation team. The plans are comprehensive and sound, and there has been a process mapping exercise, but there has been a poor communication of the progress and it is limited to individuals. We think that implementation can benefit from a greater input from staff, who are best placed to anticipate problems in their immediate environment.
- 6.23 In addition to changes to the infrastructure, the Area has taken on the piloting of the Narey provisions, section 51, cracked trial monitoring, victims, statutory time limit for young offenders, and the direct notification of victims within the last two years. They have brought benefits to the Area but they continue to require changes to roles and working practices. The Area will need to consolidate before making itself available to pilot future initiatives.

Performance management

- 6.24 Members of the ASB receive a quarterly management information pack comprising of performance indicators for each unit, monthly outturns of timeliness of providing pre-charge advice, case reviews and discontinuance, court sessions for lawyers and DCWs, and sickness absences. In addition, Unit Heads and managers examine adverse case reports.
- 6.25 We think that the quarterly management report can be made more comprehensive by the inclusion of JPM data and information on cracked and ineffective trials. It could also benefit from comments about the data to highlight any trends or significant changes.

Performance indicators (PIs)

- 6.26 Accurate recording of case outcomes is important, not only because this data is used to determine the allocation of resources to an Area but also because it provides details of the Area's performance in relation to its casework.
- 6.27 We found inaccuracies in the PIs within our file sample. We were informed that there were no files finalised as judge directed acquittals (JDAs) in the period from which our file sample was drawn, but we found four in this category. On further examination, three of these had been categorised as judge ordered acquittals (JOA), despite being clearly marked as JDAs. We also found that 12 of the 100 discontinued files had been finalised incorrectly, and one further discontinued file should have been categorised as a JOA. We made a recommendation in the 1998 Branch report that casework information should be accurately recorded in the PIs. It is therefore disappointing to find that case outcome continues to be inaccurately recorded. We note that whilst management checks on information on adverse cases are carried out by B1 managers, there are no periodic checks on the accurate finalisation of other cases.

- 6.28 We also found that specified traffic proceedings that proceed by way of guilty pleas were being recorded in the Area PIs. These cases should not involve the CPS and should not be included in the Area caseload. We have been told that North Wales Police pass over all court files to the CPS, including specified proceedings files. This means that, unless the Area includes the files into its case tracking system (and hence the Area caseload), difficulties may be encountered should a file be required. We appreciate the problem, but the inclusion of specified proceedings results in an inaccurate picture of the Areas caseload and is contrary to CPS guidelines. We would also observe that if the prosecution files are in the hands of the CPS, its advocates tend to get involved in cases that should not concern them. This is the case in North Wales, albeit only occasionally. We are pleased to learn that, since 1 November 2001, police files will only be sent to the CPS in the event of a not guilty plea or where the matter is to be proved in a defendant's absence.
- 6.29 The Thematic Review of Performance Indicator Compliance and Case Outcomes sets out guidance and good practice in relation to PIs and the Area may wish to draw further on this.
- 6.30 We recommend that the ASB sets up effective and consistent systems across the Area in order to ensure the accurate recording of caseload and case outcomes, and that regular management checks are carried out to assure the accuracy of the recording process.**

Internal communications

- 6.31 There is a comprehensive written communications strategy. Connect 42 is operational in the Area. It is used to disseminate management information and items such as the Area Business Plan are disseminated. There is also an Area Sounding Board, an Area Newsletter and arrangements for Unit meetings. Despite the plethora of strategies and tools to effect communications to staff, and they are used frequently, they do not appear to be effective. Many members of staff do not appear to have a clear vision of the priorities and goals for the Area, and how the Area intends to achieve them. Both staff and management question the effectiveness of the Sounding Board, which has become a vehicle for disseminating information from management, and does not effectively facilitate communications from the staff to management. The Newsletter is irregular and, like the Sounding Board, mainly carries messages from management to staff. Unit meetings are also irregular.
- 6.32 We think that communications from staff to management is even less effective. Members of staff feel that they have not been listened to on day to day efficiency issues, and the separation of the ASB from the AMT may make matters worse.
- 6.33 There is a growing realisation by the ASB that staff must be engaged more in order to raise morale and to facilitate the important changes that the Area is to undergo in coming months. It is identified as an area for further improvement in the May Action Plan. In October 2001, the Area conducted a training session that was also aimed at communicating with staff the Area's plan for the implementation of joint CJUs. They have been well received by many members of staff. It demonstrates that channels of communications are still open, but that they need to be exploited.

6.34 We recommend that the ASB:

- * **reviews and strengthen the progress of actions identified in the communications strategy;**
- * **reviews the constitution of the Area Sounding Board in order to ensure that the attendance of members is facilitated;**
- * **considers further opportunities for personal engagement with staff;**
- * **develops inter-office and inter-unit communications;**
- * **considers a new editorial process for the Area Newsletter to make it a document for the Area rather than another management tool.**

Leadership

- 6.35 Members of the ASB work together as a team. They share an understanding of how local objectives, priorities and targets support national CPS strategies and policies. The CCP and the ABM operate in partnership to try to ensure that the business is managed to achieve the Area plans. The Wrexham CJU Heads work well on a job-share basis. They and the Heads of the Trials Unit and the Eryri CJU have demonstrated leadership qualities at an appropriate level, and are actively engaged in performance management.
- 6.36 Low morale has affected the cohesion of the Area. Management and staff must share common goals, and these goals must be those of the Area as a whole. We have already alluded to the need to improve communications at all levels in order to encourage ownership of the plans. Management must also cultivate a corporate identity to move members of staff away from old office cultures that no longer serve the Area. We have discussed at various points in this report the variation in the processes and systems across the Area, and how this might affect efficiency. A coherent corporate identity is a further reason why the ASB must provide clear strategic directions to create uniformity of practice across the Area.
- 6.37 We think that there is scope for a structured presence by the CCP in Colwyn Bay. Staff particularly value dialogue with the CCP in times of change and when difficult decisions concerning staffing have to be taken. There are already formal meetings for the CCP to discuss issues with the staff. He has established a presence in the Colwyn Bay office. This is a positive step.

Management of financial resources

Efficiency and effectiveness of use of resources

- 6.38 The efficient and effective use of the Area's resources is dependent on a number of factors. Some of these are inter-agency, whilst others are specific to the Area. The inter-agency issues include delay in the magistrates' courts; the cracked/ineffective trial rate in the magistrates' court; inappropriate requests for advice by police; the involvement of the CPS in specified proceedings, the deployment of DCWs,

and co-location with the police of CJUs. There is continuing inter-agency work on all these issues. There is a working group that looks at listing and trials, as well as a Glidewell Implementation Group. Most of our external interviewees have a good understanding of factors that might affect CPS efficiency and effectiveness. We are satisfied that adequate effort is being made by Area management to secure co-operation.

- 6.39 A key internal factor in the effective use of resources in an Area is to have the correct staff in the correct geographical and structural location, performing the correct tasks. Another factor is a consistency in practice and procedures between offices and units. There is scope for the Area to improve its efficiency and effectiveness on both counts. (See paragraphs 6.7, 6.8, 6.12, and 6.20) The development of the Area since 1986 has meant that many changes the Area must make to suit current operational needs involve major changes to the working environment and practices. Some positive steps have already been taken, eg the reduction of lawyer numbers. Further steps such as the implementation of the joint CJUs, and the potential review of the working arrangements of the TU will continue to present a difficult challenge for the Area. The ASB is fully aware that these are difficult issues, but it must never the less persist, and staff must be more realistic about the need to make efficient use of resources.

Allocation of resources

- 6.40 Allocation of resources is effected through resource accounting, and is a standing item at ASB meetings. We are satisfied that the process is robust, but also responsive to unforeseen circumstances such as sickness absences. We do think, however, that it would benefit morale if the need to move staff from one part of the Area to another were to be better explained to all staff in order to avoid feelings of favouritism.

Budgetary control

- 6.41 Budgetary control is adequate. It is a standing item on the agenda of ASB meetings. Staffing costs, which represent the majority of running costs, are closely monitored by the Area, and this has resulted in the recent transfer of lawyers to another Area.
- 6.42 There is currently a slight overspend. The heavy use of agents in the magistrates' courts is a factor. However, this was partly due to long term sick absences. The sickness absence situation is expected to improve in the near future, and the ABM is confident that the Area will come in on budget this year.
- 6.43 The control of some heads of spending (eg agents, casual staff, travelling and subsistence) is devolved to the Unit Heads. There are limits, and expenditure is monitored by the Area Secretariat. The Unit Heads have received some training on budgetary control, but they are comparatively new to the tasks. The Area will wish to develop their skills further so that they can actively manage the budget, rather than simply acting as a control.

Management of human resources

Deployment of staff

- 6.44 The effective deployment of staff is a key aspect of the efficient and effective use of resources. Improved Area performance management should assist in identifying how best to deploy staff. The ASB is aware of the effect of staff deployment on the achievement of Area targets. For instance, youth specialists are designated at each office, and they have helped to reduce delay in dealing with PYOs.
- 6.45 We have discussed the issues arising from split site working in paragraphs 6.7 and 6.8, and the need for the efficient use of resources in paragraph 6.39. We have also discussed court coverage issues at paragraph 5.12. The effective use of staff also relies on staff working to their full capacity, both in terms of skills and workload. The involvement of level B caseworkers in the preparation of Crown Court cases varies between the two offices. We do not consider that the current the level B caseworkers in the Wrexham office are fully utilised in the preparation of Crown Court cases. Greater involvement of level B caseworkers in preparing committal papers would release lawyers to spend more time on the more complex casework. It would also allow the B1 caseworkers to develop and use their skills and experience.
- 6.46 By virtue of the nature of the statutory scheme, DCWs are only able to deal with straightforward guilty pleas and minor road traffic proofs in absence of the defendant. We found that the restrictions on the type of cases DCWs can deal with, and court sitting patterns have meant their time is not being fully utilised, particularly at the Colwyn Bay office. The Area is maintaining an effort to influence court sitting patterns, and we are also pleased to see that the Area has found ways to make further use of the DCWs. One DCW from the Colwyn Bay office has been released to work on the Glidewell Implementation Group, and there is some limited use of DCWs in reviewing summary trial cases in both CJUs.
- 6.47 We suggest that the CCP and ABM review, with the aim of ensuring full and effective deployment of their skills:**
- * **the tasks and deployment of DCWs; and**
 - * **the tasks of level B caseworkers in the TUs.**

Training and development

- 6.48 Training needs for staff in the Area are informed by their forward job plans and by developments in the law and business needs. The Area has provided legal courses for lawyers and DCWs. However, views of staff as to the adequacy of Area training vary. A significant number felt that, while they do get the training they need, it often does not come at the right time. We found that some of these concerns concerned training courses organised nationally and their arrangements were outside the control of the Area.

- 6.49 In recent years, financial constraints have restricted the level of Area-wide training. Lawyers and caseworkers have had a legal training event in the last 12 months, and a training day involving all grades took place during our inspection. The response to the latter was positive, in that the event provided an opportunity for the management to engage staff in person, and to discuss the development of the Area.
- 6.50 All staff have received training on Connect 42, but we think that that some training on general ICT and word processing skills will facilitate communications and the reduction of typing delays. We have already mentioned that it will be beneficial for Unit Heads to receive further training on budgetary control.
- 6.51 We suggest that the ASB reassess training requirements for staff and, in particular, to ensure that:**
- * **staff have adequate skills effectively to utilise the information and communications technology available to them;**
 - * **Unit Heads are able to manage their devolved budgets in accordance with national and Area policies and procedure.**
- 6.52 The creation of CJUs and TUs can lead to lawyers becoming de-skilled in some aspects of prosecutorial work. This concern is not apparent in the Area, and the ASB accepts that rotation between the two Units is desirable. There is an Area policy for rotation, and the Unit Heads have a discretion to allow CJU lawyers to retain specific case that go to the Crown Court.

Sickness

- 6.53 The Area recorded an average of 11 days absence per member of staff in 2000/2001. It did not meet its target of 6.9 days. While the Area has reservations about the data from which the target was set, it is providing training to all its managers on dealing with sickness in accordance with departmental procedures. The Area has taken steps to improve the accuracy of its records, and data is fed into quarterly management reports.

Performance appraisal

- 6.54 The timeliness of completion of appraisal reports in 2000/2001 was fair. Only 2% of appraisal reports were completed by the 9 June deadline. This rose to 86% by 16 June and 98% by 11 July. The Area is seeking to improve this performance by setting timeliness objectives for managers.

Accommodation, health and safety

- 6.55 All three offices provide a reasonable standard of accommodation. The Wrexham office is on the outskirts of the town and enjoys easy access to the major trunk roads in the county. The Area Secretariat and the administrative staff are in open plan rooms, but lawyers are accommodated two or three to a room. The Area is looking at ways of expanding the office to accommodate police CJU personnel. This will provide an opportunity for the Area to review whether a more open style office would be preferable. The Colwyn Bay office is also within easy reach of the major trunk road

that runs along the coast. It is in a three-story building and the CPS now has use of all the floors. The style of the accommodation is satisfactory. It is being re-organised to accommodate police CJU personnel, the lawyers from Caernarfon, and an office for the CCP. Some training facilities will also be available.

- 6.56 The personal safety of staff is an important consideration for Area management. A member of staff had been assaulted by a defendant in the town centre recently. This has resulted in all staff being issued with personal alarms. The ASB is also discussing with the courts concerns about security of staff and CPS facilities within the precincts of the court.

Equality and diversity

- 6.57 The Equality and Diversity Plan 2000/2003 is good and clear. It contains internal and external dimensions, which sets out actions, and it identifies a need to monitor developments. There have been three reviews of progress, when achievements have been made. The latest development is the setting up of an Area Diversity and Equal Opportunities Group, and the appointment of an Area Equal Opportunities officer.
- 6.58 The Area does not have any staff from a minority ethnic community. The benchmark figure from the 1996 – 1998 Labour Force Survey for the Area is 1.1%. The Area has found it difficult to engage local minority ethnic communities because they are not readily identifiable in the Area. The Area is forging stronger links with the North Wales Racial Equality Network and have accepted advice that more outreach work should be done.

Complaints handling

- 6.59 The Wrexham and Colwyn Bay offices maintain their own registers for non-Parliamentary complaints. Parliamentary complaints are dealt with by the CCP.
- 6.60 The non-Parliamentary complaints registers did not contain a full record of the timeliness of the responses to the complaints. For example, the dates of the acknowledgement letters were not recorded in nine of the 20 cases in the Wrexham register, and we were unable to ascertain when the full replies were sent in two of the four cases recorded in the Colwyn Bay register.
- 6.61 From the limited information available, the timeliness of responses was generally satisfactory. The average time it took from the receipt of a complaint to a substantive reply being sent by the Wrexham office was six and a half days and seven and a half days by the Colwyn Bay office. The replies from Wrexham were good. They were courteous and generally dealt with the issues raised by the complainant in clear and understandable language. The responses from the Colwyn Bay office were satisfactory, although one letter contained typographical errors that should have been rectified.
- 6.62 The ASB has now resolved to transfer the handling of non-Parliamentary complaints to the Victim Information Bureau (VIB). This should help improve the consistency of the replies and facilitate record keeping. However, the Area will need to be mindful of the time it will take for the VIB to obtain the information from the Units to enable it to

reply. We have been shown the new register to be used by the VIB. It is a significant improvement on those currently in use. In addition to the timeliness information, the new register will record the manner in which the complaint was made, the status of the complainant, eg victim, police etc, together with a brief summary of the nature of the complaint. We think that it would also be helpful for it to include a note on the outcome of the complaint investigation. This information can be a useful tool to monitor standards of performance and to learn whatever lessons may be revealed in the investigation.

External relations

General

- 6.63 The Area maintains a good working relationship with its partners in the local criminal justice system. The CCP, and his management team, play a full role in regular meetings at both strategic and operational levels. They are well regarded among their peers in the criminal justice system. There is a Chief Officers' Group comprising the CCP, the Chief Constable, the Justices' Chief Executive, the Chief Probation Officer and the Crown Court manager. The Group agrees on and implements a joint local CJS agenda. The CPS plays an active role in the Group and the CCP was the chair until recently.
- 6.64 The CCP chairs the local Trials Issues Group (TIG). It is working well. A number of sub-groups work on developing issues identified as bringing overall benefits to the local CJS. It is particularly strong on developing IT links between the local agencies.

Community links

- 6.65 CPS North Wales does not present a strong image in its local community but it is improving, for example, by the work of the recently created Victim Information Bureau (see paragraph 6.82), its participation in the 2001 National Eisteddfod of Wales, and the adoption of a more pro-active approach to the local media. Resources are a constraint on the development of community links, but the CPS can perhaps do more with raising its profile in the local community. The Area can draw from a Good Practice Note issued by the CPS Joint Standing Committee on Good Practice in August 2001.
- 6.66 The CPS is represented on a local Diversity and Race Issues Working Group. While the number of racist crimes is small, there is a concern about how they are handled in the criminal justice system. We commented on the performance of the CPS in paragraph 3.44 to 3.47. The CPS will need to work on the issue with other agencies and in the local community to raise its performance and that of the CJS as a whole, in order to address perceptions in the community.

Youth justice

- 6.67 Both CJUs have designated leads on youth offenders issues. They are well received by the courts. There is an effective inter-agency relationship, which brought about impressive performance in reducing delays in the prosecution of persistent young offenders since a target was set by the Government. North Wales has performed well for some time and has improved continuously. We **commend** the Area's effort in helping to bring this about.

- 6.68 The CPS is seen to be helpful to the local youth offending teams, but liaison is limited, and can perhaps be more proactive on issues such as bail support, and fast tracking of all offenders.

Magistrates' court

- 6.69 The CPS enjoys a good and constructive working relationship with the Justices' Chief Executive and the Magistrates' Courts Committee. There is proactive, anticipatory work. There is also a good relationship with the court and with the defence.
- 6.70 The Area and the courts agreed to be a national pilot to monitor cracked and ineffective trials from April 2001. There is still a level of disagreement in the Area about how monitoring can best be done to produce reliable and meaningful results. This should become part of the wider issue of case progression, which is being treated by local agencies as a priority.
- 6.71 There is a perception among magistrates that the reduction in lawyer numbers has adversely affected the level of service. The ASB will need to discuss with staff how CPS resources issues should be presented externally. We have commented that the CCP should renew his appearance at the magistrates' courts. This should provide an opportunity for him to engage with magistrates on how the CPS is seeking to achieve a higher level of efficiency, in addition to it being addressed at Court Users' Group. This should also be a task for the CJU Heads, as part of the development of their role as local managers.

Crown Court

- 6.72 The relationship with judiciary and Crown Court staff is good. The CCP meets the court manager, and will commence regular meetings with the new resident judge at Mold. There are also plans for a new North Wales Crown Court User Group.
- 6.73 Joint initiatives included the practice of listing as many cases from the central and eastern parts of the county in Mold instead of sending them to Chester, and the development of case progression officers to reduce delay.

Police

- 6.74 There is a very good relationship between the CPS and the North Wales Police at senior level. There are no regular bi-lateral meetings between the Chief Constable and the CCP but they meet frequently, both at multi-agency meetings and informally. Other senior police officers feel that they can speak to the CCP and other CPS managers on areas of concern to the police, and they always get a full response.
- 6.75 It is inevitable that there are occasional disagreements between operational officers and CPS staff, but they have been dealt with constructively. The Chief Constable and the CCP are now working to establish standardised liaison between police and CPS.
- 6.76 Development on the implementation of the joint CJUs has proceeded smoothly, and has been preceded by the location of part of the Eryri CJU in Caernarfon police station. While each organisation made a point of maintaining its own working practices there, until the full implementation of the CJU, CPS and police staff share a room, and no difficulties have arisen. We were also told that the police file preparation unit felt that they benefited from a CPS presence.

6.77 There is still work to be done with the joint performance monitoring of file submissions. The CCP reports adverse cases to senior police officers and also discusses them with the Head of the Criminal Justice Department. Unit Heads have formal JPM meetings with police at divisional level. On the other hand, the CCP accepts that the Area needs to improve its TQ1 return rate because the CPS thinks that there is a deterioration of police file quality and timeliness, and that this is affecting its performance. The implementation of joint CJUs should provide a better environment for improvements for both organisations. The CPS should therefore take stock of the situation, and seek to agree with the police how the monitoring data can be used to raise performance in both organisations.

Counsel

6.78 The CPS in Wales and Cheshire meet regularly with heads of chambers used by the CPS. Relations between CPS North Wales and the Bar have greatly improved since the TU was set up in May 2000, and there is much more communication over cases.

6.79 Returns and timeliness of briefs are often discussed. We have mentioned in paragraph 4.38 that counsel often do not provide early advice in accordance with the nationally agreed service standard. We think that this should be placed on the agenda. We also think that, in discussing returns and timeliness issues, the attendance of the TU business manager may be beneficial.

Probation Service

6.80 The CPS also enjoys a good working relationship with the Probation Service at a strategic level. At the operational level, a designated CJU Head works closely with the Probation Service to address issues arising out of the provision of information for pre-sentence reports. She also gave a presentation to a recent probation conference on bail information.

Victims and witnesses

6.81 There is a local Service Level Agreement on witness care, issued by the North Wales Trials Issues Group (TIG). The document contains good practices, but a review is needed to update its contents, for example, by including the service provided by the Witness Service in the magistrates' courts. We understand that the local TIG plans to do so. The CPS should give some encouragement to the process.

6.82 We are satisfied that efforts are made at both PTRs and PDHs to avoid unnecessary witness attendance, although we have noted at paragraph 4.23 that the effectiveness of PTRs can be an issue in some cases. Furthermore, the CPS ensures, wherever possible, that the attendance of witnesses is staggered. In the Crown court, the caseworkers take time to keep all the witnesses informed of the progress of their cases. Prosecutors in the magistrates' court also take time to speak with the witnesses.

6.83 A copy of the List of Witnesses to Attend Court (LWAC) is provided to the police to warn the witnesses. We were informed that in some cases, the LWACs are sent late and witnesses are warned to attend court at short notice. While this was not borne out by our file examination, the Area has been discussing with the police what steps can be taken to improve witness warnings.

- 6.84 The retraction of evidence by witnesses and the non-attendance of witnesses at court are major concerns for the Area. The CPS is exploring with the police and other agencies ways in which witness failure can be reduced. We support this initiative, and add our observations that, from our file sample, witness liaison and care before trial by the police may be areas which merit further consideration.
- 6.85 The North Wales Witness Service was first established for the Crown Court, but has been gradually extended to various magistrates' courts in the Area. The Witness Service is notified, prior to trial, of the names of the witnesses attending court. The Witness Service and Victim Support have day to day contact with the CPS on an informal basis and are able to raise any issues with the CPS as they arise. The ABM is a member of the local Victim Support Management Board. Representatives from all three organisations meet at the Court User Group meetings, the local TIG and the Area Criminal Justice Strategy Committee. In addition, the Head of the Victim Information Bureau has a formal bi-lateral liaison arrangement with the Witness Service and Victim Support.

Victim Information Bureau

- 6.86 Both the Glidewell Report and the report by Sir William Macpherson into the death of Stephen Lawrence recommended that the CPS should take responsibility for communicating decisions about dropping cases or substantially lowering the charges direct to victims rather than via the police. CPS North Wales was one of six Areas chosen to pilot proposals for direct communication with victims. This was implemented in November 1999.
- 6.87 Initially, letters to victims and witnesses were drafted and sent out by the lawyers. This caused delays. The Area has, therefore, undertaken to pilot the Victim Notification Bureau model with another CPS Area. It has since proved to be more effective.
- 6.88 The Victim Information Bureau (VIB) is based in the Wrexham office and is staffed by a B2 Manager, supported by two caseworkers. Once a decision is taken to drop a case or to lower a charge substantially, a member of the VIB drafts the letter to the victim based on the information provided by the reviewing lawyer. In addition to the provision of information about the decision in a case, the letter also provides the name and the contact number of the local Victim Support co-ordinator. In appropriate cases, explanatory leaflets produced by the North Wales Racial Equality Network or Domestic Violence Forum are included. The letter is then sent back to lawyer to check for accuracy before it is despatched.
- 6.89 The VIB monitors the timeliness of various tasks and data on performance is supplied monthly to the Heads of Units and to CPS Headquarters. The 5-day time limit to notify a victim or witness was not always met. The Area considered that the geography of the Area and the location of the VIB might have played a part in this. It has therefore resolved to place a member of the VIB in the Colwyn Bay office for three days each week from January 2002. Together with the introduction of Connect 42, timeliness should improve.

- 6.90 In certain cases, the victim and their family are offered the opportunity to speak with the CPS about its decision. The CCP or one of the Unit Heads conducts these in the main. Each office has a room set aside for such meetings. A police officer and, if requested, a representative from Victim Support will also attend.
- 6.91 The evaluation report of all the pilots commended the consistently high standard of the letters written by CPS North Wales. On the other hand, it was concerned with health and safety issues over the meetings with victims. The Area has taken on board the recommendation made in the evaluation report with regards to health and safety issues, and should also consider procedures for dealing with victims and witnesses who arrive unexpectedly at the office. The report also suggested an extension to the victim notification process whereby the CPS would send a letter to the victim explaining that the file has been passed to the CPS, outlining the role of the CPS and giving details of how they will be kept informed. CPS North Wales has agreed to pilot this initiative from January 2002.

Welsh Language Scheme

- 6.92 CPS North Wales, together with other CPS Areas in Wales, is committed to a Welsh Language Scheme that aims to enable everyone who receives a service from or communicates with the CPS in Wales, to do so through the medium of either Welsh or English according to their personal choice. The Scheme also aims to promote the use of the Welsh language within the Service and in its dealings with other agencies in the criminal justice system.
- 6.93 All publications, press notices and forms are now available in Welsh, and all CPS offices in Wales will respond to telephone calls in Welsh where preferred and will reply in Welsh to Welsh correspondence. If a victim has indicated to the North Wales VIB that Welsh is their first language or statements are written in Welsh, then bi-lingual letters will be sent out. Two members of the VIB are fluent Welsh speakers and are able to deal with any telephone calls in that language.
- 6.94 All staff in the Area have been offered training as to their obligations under the scheme and in the Welsh language. The Area has offered an NVQ course and a 12 hours training programme in office time to enable telephone answering in Welsh. Jobs are advertised in both languages. Nearly a third of staff are fluent Welsh speakers and a further 10% have some understanding. The Area considers that it is well placed with conducting court business in Welsh.

CONCLUSIONS, COMMENDATIONS, RECOMMENDATIONS AND SUGGESTIONS

Conclusions

- 7.1 The Area has an experienced body of lawyers and caseworkers. The overall quality of case review and case preparation is sound. Some aspects of casework, such as the preparation of counsel's instructions for appeals from the magistrates' courts, are impressive.
- 7.2 There are, however, a number of casework issues upon which the Area can improve. The timeliness of pre-charge advice to the police is unsatisfactory, and some of the reviews lacked depth and failed to identify evidential weaknesses. We also found a small number of cases where we did not agree with the decision to discontinue, or where we thought that decisions were taken without according proper weight to the racially aggravating feature in a case. We think that the Unit Heads will need to strengthen their monitoring in these areas, to facilitate learning from experience, and to take actions to address any weaknesses.
- 7.3 Case preparation is also of sound quality generally, but can be let down in some regards. The Area's performance in primary disclosure is very good, but significant improvements are needed in secondary disclosure. While timeliness in the preparation of committal papers remains an issue for the Area, timeliness of the preparation of counsel's instructions has greatly improved from the last inspection. As with reviews and advices, monitoring by Unit Heads should be deployed to drive up performance.
- 7.4 Standards of advocacy by CPS lawyers are good. The DCWs are able and well received by the courts and other court users. The deployment of HCAs is sound.
- 7.5 The Area enjoys a good working relationship with its criminal justice partners. The local agencies have been proactive in bringing in changes such as the Narey courts, statutory time limits for young offenders, section 51 of the Crime and Disorder Act 1998, and the Victim Information Bureau, and the CPS staff have put in a great deal of effort in taking forward such a range of pilots. The Area has also been working closely with the police in implementing the recommendations of the Glidewell Report, and they anticipate the first joint police/CPS CJUs to be operative in January 2002.
- 7.6 The Area does put in a great deal of effort in planning its business and in effecting changes. The Area Strategic Board works as a team and is clear about its goals, but it needs to have more formalised underpinning plans to achieve strategic objectives. There are adequate systems in the Area to manage performance, financial resources and human resources. These systems are utilised, but constraints are placed on performance because of the Area's structure. The former structure and staffing level of the Area have given rise to a number of staff deployment issues as changes have been introduced. These have resulted in less than ideal organisational structures. Changes have been introduced and deployments made that impact adversely on the efficiency and effectiveness of the Area. The challenge for the ASB is to develop ownership of the Area's visions and goals among all staff. The Area must improve corporate cohesion, raise the profile of its leadership, and greatly improve the effectiveness of its internal communications.

Commendations

7.7 We commend the Area on the following aspects of their performance:

- * the proper documentation of the steps taken in preparation for a summary trial (paragraph 4.20);
- * the preparation of instructions to counsel on appeals to the Crown Court (paragraph 4.47);
- * the involvement of a large number of staff in the BEM assessment exercise (paragraph 6.17);
- * its part in the continuing local improvements in reducing the time it takes to deal with persistent young offenders from arrest to sentence (paragraph 6.67).

Recommendations and suggestions

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

7.8 We make the following recommendations:

- 1 in relation to the provision of pre-charge advice, the Area reviews:
 - * the system for monitoring timeliness in the three Units;
 - * the systems for monitoring the quality of advices (paragraph 2.16);
- 2 the Unit Heads examine the quality and timeliness of initial review as well as the subsequent decision-making whenever monitoring casework decisions (paragraph 3.9);
- 3 that monitoring of discontinuance be structured to provide information on the quality and timeliness of review as well as police file submissions (paragraph 3.22);
- 4 with a view to improving the quality of summary trial review:
 - * the Eryri CJU Head monitors the timeliness and quality of trial preparation in light of the new arrangements for file ownership; and
 - * the CJU Heads carry out a more rigorous self-assessment in relation to NCTA, and magistrates' courts acquittals in general (paragraph 3.26);
- 5 the Unit Heads for the Trials Unit and the Eryri CJU ensure that their child abuse logs are kept up to date and in the same format as the Wrexham CJU log (paragraph 3.43);

- 6 further training for prosecutors and caseworkers to raise awareness of the impact of racially aggravated crime on the victims and a better understanding of CPS policy in relation to racially aggravated offences (paragraph 3.48);
- 7 the ASB puts in place structured arrangements for learning points of general relevance from all trials, and for ensuring that lawyers in both the CJU and TUs are kept informed of case outcomes in the Crown Court (paragraph 3.59);
- 8 prosecutors, when dealing with advance information, record on the file the material provided to the defence (paragraph 4.3);
- 9 the ASB ensures that an appropriate assessment is made in all cases about its need for secondary disclosure, that the defence are formally informed of the result of the assessment, and that the procedure is fully documented (paragraph 4.18);
- 10 the Unit Heads monitor the quality of file endorsements, and address poor performance with individual members of staff (paragraph 4.62);
- 11 the ASB reviews the question of whether the Trials Unit should be divided. This review should be wide-ranging, and should include the feasibility of the Unit being housed in suitable accommodation in another location to provide reasonable access by staff and others who have business with the Service (paragraph 6.11);
- 12 the ASB reviews arrangements for the line management of the administrative staff in the Criminal Justice Units (paragraph 6.13);
- 13 the ASB sets up an effective and consistent system across the Area in order to ensure the accurate recording of caseload and case outcomes, and that regular management checks are carried out to assure the accuracy of the recording process (paragraph 6.30);
- 14 with a view to improving internal communications, the ASB:
 - * reviews and strengthens the progress of actions identified in the communications strategy;
 - * reviews the constitution of the Area Sounding Board in order to ensure that the attendance of members is facilitated;
 - * considers further opportunities for personal engagement with staff;
 - * develops inter-office and inter-unit communications;
 - * considers a new editorial process for the Area Newsletter to make it a document for the Area rather than another management tool (paragraph 6.34).

7.10 We make the following suggestions:

- 1 the Unit Heads discuss with the police better compliance with the 1995 Service Level Agreement on the provision of pre-charged advice. (paragraph 2.5);
- 2 the Area reviews its systems for recording oral advice to ensure that any such advice is recorded for PI purposes, reduced to writing and copied to police in all cases (paragraph 2.13);
- 3 the ASB reviews with the police its handling of domestic violence cases in those cases where the victim withdraws his or her complaint, in order to ensure fully informed consideration is given to whether to compel the victim to give evidence (paragraph 3.51);
- 4 in relation to the disclosure of unused material:
 - * the ASB reviews its procedure for handling sensitive material;
 - * the Heads of Units ensure that all unused material, including correspondence, is kept in a separate folder on all files;
 - * the CCP continues to seek improvements from the police in the quality of the disclosure schedules (paragraph 4.19);
- 5 the CJU heads consider the use of a “readiness check” a short time before the trial to ensure the prosecution has done all it can to render the trial effective. This check should ensure that all the appropriate witnesses are called, and that those who are no longer required can be stood down (paragraph 4.27);
- 6 the ASB should assess whether the use of the standard Crown Court Case Preparation Package by lawyers and caseworkers directly on their word processors will reduce the time taken to prepare committal papers (paragraph 4.31);
- 7 the TU Head monitors the quality of instructions to ensure issues are fully addressed and, in particular, that instructions on acceptable pleas be dealt with in appropriate cases (paragraph 4.41);
- 8 in relation to plea and directions hearings, the TU Head:
 - * implements as soon as practicable the pre-PDH check list procedure in the Wrexham office; and
 - * researches and implements a system for recording on the file, directions given at a PDH, and the date of compliance (paragraph 4.45);
- 9 in relation to custody time limits, the Unit Heads review custody time limit monitoring procedures, and agree upon a system that:
 - * is uniform across the Area; and
 - * ensures that there are management checks into the reliability of the procedure (paragraph 4.58);

- 10 the ASB consider increasing the court coverage by TU lawyers in the magistrates' courts (paragraph 5.16);
- 11 in relation to the selection of counsel, the ASB:
 - * considers extending the chambers it instructs to chambers at Liverpool and Manchester; and
 - * takes steps to reduce the level of returns (paragraph 5.23);
- 12 the ASB should introduce more regular and structured monitoring of all agents in the magistrates' courts and of all counsel in the Crown Court (paragraph 5.27);
- 13 the ASB reviews its management meeting structure (paragraph 6.16);
- 14 the CCP and ABM review, with the aim of ensuring full and effective deployment of their skills:
 - * the tasks and deployment of DCWs; and
 - * the tasks of level B caseworkers in the TUs (paragraph 6.47);
- 15 the ASB reassess training requirements for staff and, in particular, to ensure that:
 - * staff have adequate skills effectively to utilise the information and communications technology available to them;
 - * Unit Heads are able to manage their devolved budgets in accordance with national and Area policies and procedure (paragraph 6.51).

KEY STATISTICS

- 8.1 The charts at Annex 2 set out the key statistics about the Area's casework in the magistrates' courts and in the Crown Court for the year ending 31 September 2001.

EXTERNAL CONSULTATION

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

TOTAL NUMBER OF FILES EXAMINED FOR CPS NORTH WALES

Category	Number of files
Advice	10
Custody time limit	15
Terminated (one month)	100
Terminated cases	25
Traffic trials	10
Appeals against convictions	7
MC no case to answer	2
Discharged committals	0
Judge ordered acquittals	24
Judge directed acquittals	4
Random sample	59
MC acquittals	10
Jury acquittals	9
MC guilty pleas	10
MC convicted after trials	9
CC guilty pleas	10
CC convicted after trial	11
Total	254

ANNEX 2

Table for chart 1

Types of case	North Wales		National	
	Number	Percentage	Number	Percentage
Advice	906	5.3	45,621	3.4
Summary motoring	6,319	36.7	501,129	37.3
Summary non-motoring	3,859	22.4	249,930	18.6
Either way & indictable	6,090	35.3	536,778	39.9
Other proceedings	66	0.4	11,608	0.9
Total	17,240	100	1,345,066	100

Table for chart 2

Completed cases	North Wales		National	
	Number	Percentage	Number	Percentage
Hearings	13,115	80.6	934,757	72.6
Discontinuances	1,899	11.7	169,349	13.1
Committals	631	3.9	85,865	6.7
Other disposals	623	3.8	97,866	7.6
Total	16,268	100	1,287,837	100

Table for chart 3

Case results	North Wales		National	
	Number	Percentage	Number	Percentage
Guilty pleas	11,254	85.7	770,570	82.1
Proofs in absence	1,127	8.6	115,068	12.3
Convictions after trial	503	3.8	36,729	3.9
Acquittals: after trial	228	1.7	14,645	1.6
Acquittals: no case to answer	20	0.2	1,561	0.2
Total	13,132	100	938,573	100

Table for chart 4

Types of case	North Wales		National	
	Number	Percentage	Number	Percentage
Indictable only	181	17.7	29,168	26.0
Either way: defence election	19	1.9	15,543	13.9
Either way: magistrates' direction	474	46.3	36,807	32.8
Summary: appeals; committals for sentence	350	34.2	30,563	27.3
Total	1,024	100	112,081	100

Table for chart 5

Completed cases	North Wales		National	
	Number	Percentage	Number	Percentage
Trials (including guilty pleas)	609	90.4	68,115	83.6
Cases not proceeded with	53	7.9	10,732	13.2
Bind overs	6	0.9	1,415	1.7
Other disposals	6	0.9	1,257	1.5
Total	674	100	81,519	100

Table for chart 6

Case results	North Wales		National	
	Number	Percentage	Number	Percentage
Guilty pleas	464	75.9	50,431	72.7
Convictions after trial	76	12.4	10,763	15.5
Jury acquittals	63	10.3	6,657	9.6
Judge directed acquittals	8	1.3	1,533	2.2
Total	611	100	69,384	100

Chart 1: Magistrates' Court - Types of case

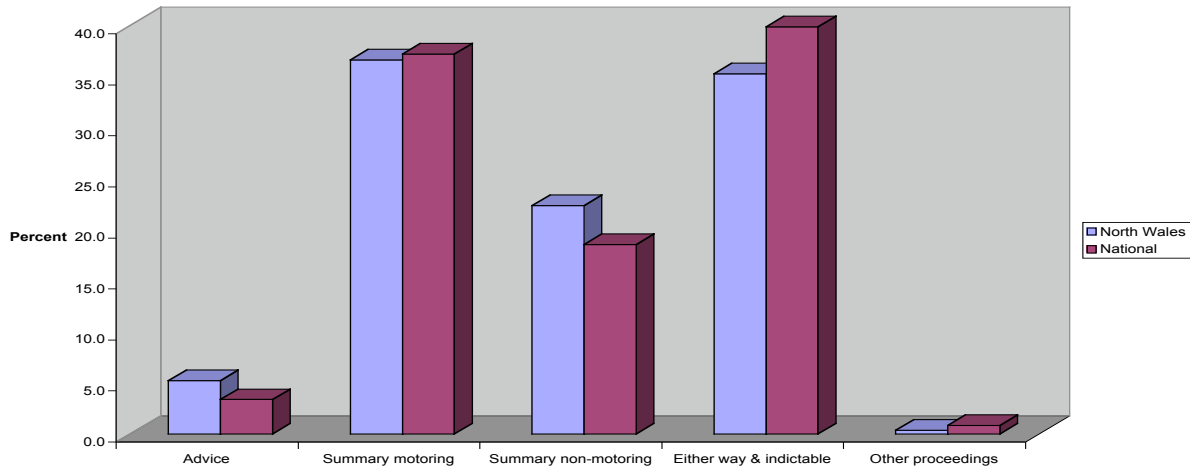


Chart 2: Magistrates' Court - Completed cases

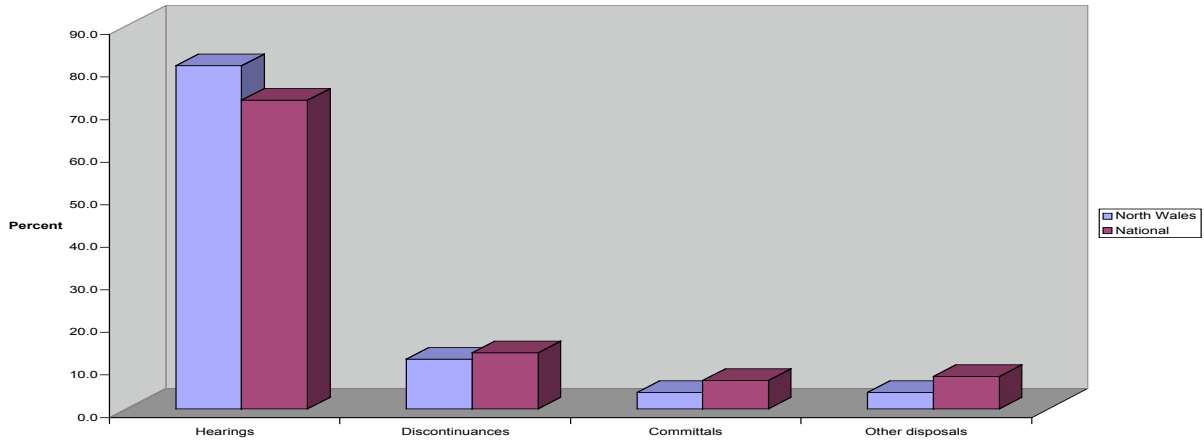


Chart 3: Magistrates' Court - Case results

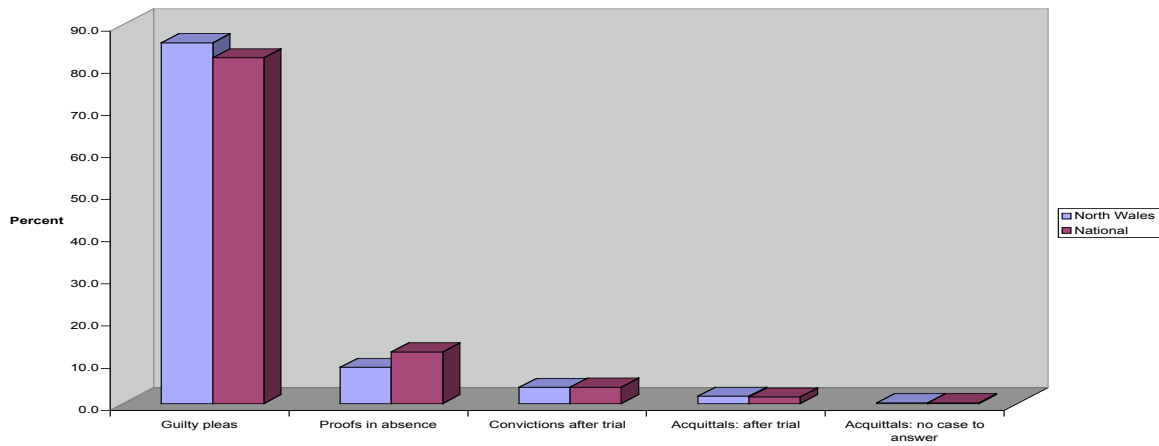


Chart 4: Crown Court - Types of case

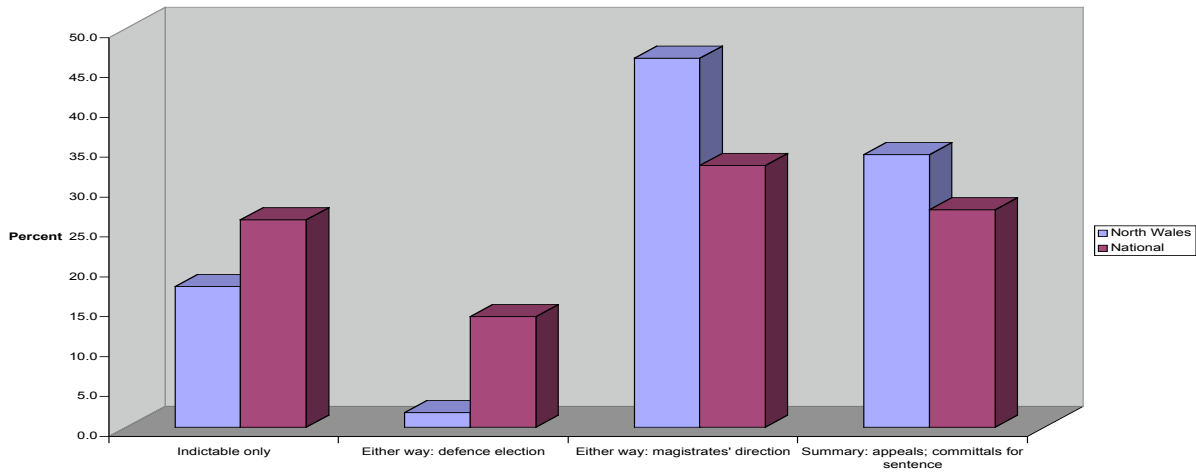


Chart 5: Crown Court - Completed cases

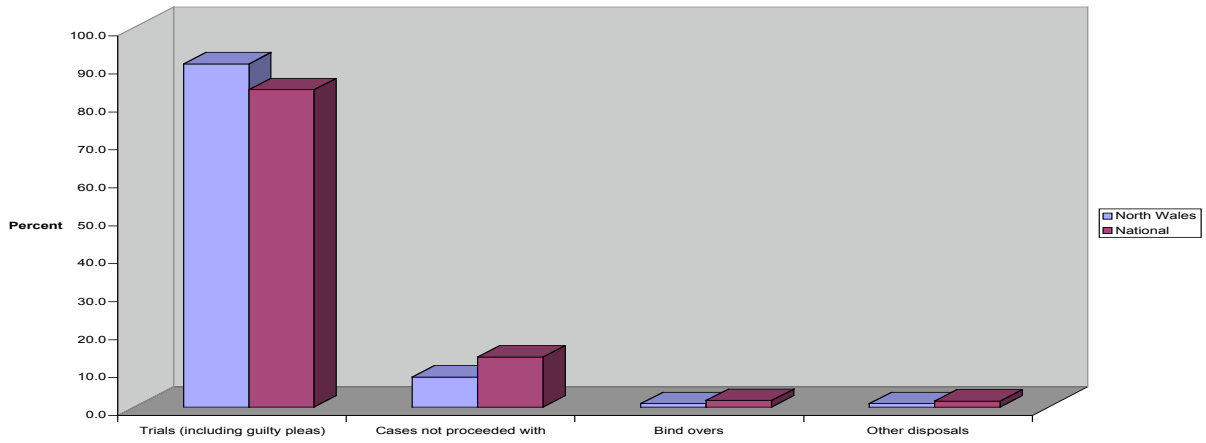
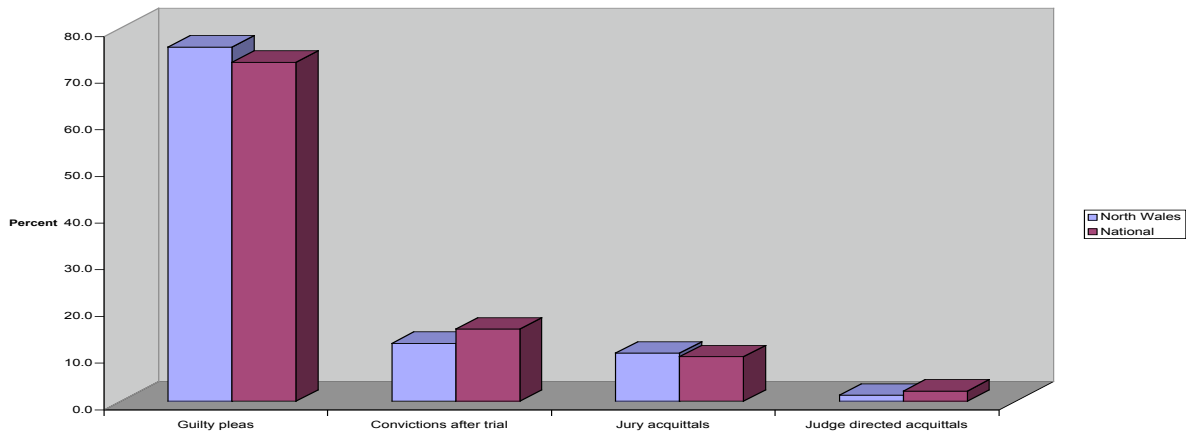


Chart 6: Crown Court - Case results



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

Crown Court Judge

HH Judge Rogers QC, Resident Judge, North Wales

Magistrates

Mr D Austin Savage JP, Chairman of the Denbighshire Bench
Mr M Davies JP, Chairman of the Anglesey Youth Panel
Dr P Davies JP, Chairman of the Wrexham Youth Panel
Mr R Davies JP, Chairman of the Meirionnydd Bench
Mr B James JP, Chairman of the Conwy Youth Panel
Mr C Jones JP, Chairman of the Flintshire Bench
Mr G Roberts JP, Chairman of the Conwy Bench
Mr G T Roberts JP, Chairman of the Dwyfor Bench
Mr M Taylor JP, Chairman of the Wrexham Bench
Mr I Norbury JP, Chairman of the Flintshire Youth Panel
Mr G Williams JP, Chairman of the Arfon Bench
Mr J Williams JP, Chairman of the Denbighshire Youth Panel

Justices' Chief Executive

Mr J G Jones

Justices Clerks

Mr I Thomas, Western Clerkship
Mr G Tranter, Wrexham and Flintshire

Crown Court Manager

Mr G Kenney, Mold Crown Court

North Wales Police

Mr R Brunstrom, Chief Constable
Mr C Wolfendale, Assistant Chief Constable
Superintendent J Sandham
Chief Inspector M Mullis
Inspector M Davies
Sergeant A Roberts
Sergeant P Thompson
Sergeant L Williams

Probation Service

Mrs C Moore, Chief Probation Officer
Mr S Ray, Assistant Chief Probation Officer

North Wales Youth Offender Service

Mr D Johnson

North Wales Crime and Disorder Partnership

Mr S Shaw

Victim Support and Witness Service

Mr K Davies, Area Manager, Victim Support
Mrs G Lewis, Senior Co-ordinator, Victim Support

Commission for Racial Equality

Dr M Ally

Counsel

Mr R T Jones
Mr M Lewis-Jones
Mr A Thomas

Counsel's Clerks

Mr R King
Mr R Whinnett

Chambers' Staff

Ms A Malcomson, Practice Manager

Defence Solicitors

Mrs M Haycock
Mr G Parry

HER MAJESTY'S 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.