



HM Crown Prosecution
Service Inspectorate

CPS South Wales

Executive Summary

The inspectorate's report on CPS South Wales

Undertaken April 2010

November 2010



Executive summary

Contextual factors and background

CPS South Wales (the Area) forms part of the Wales Group of CPS areas, which also comprises Gwent, Dyfed Powys and North Wales. National strategy is promoted through the Group structure down to Area level. As Group chair, the Area's CCP is responsible for setting Group priorities. The Group Operations Centre (GOC) is located at the Cardiff office.

The Area serves the regions covered by the South Wales Police, which has a mix of both rural and urban communities. It has offices in three locations: Cardiff (the main office), Swansea and Merthyr Tydfil.

At the time of the inspection in April 2010, the Area employed the equivalent of 198.4 full-time staff. It has seen a slight reduction in its overall caseload from 2008-09, down by 1,263 cases, or 2.8%. However, this has not been spread evenly across the full the range of cases, as the Area's Crown Court work has increased by 5.9% over the same period. Staff numbers have decreased by 11.1% since 2007, from 223.1 to 198.4, although some of this reduction is due to Area posts being re-allocated to the GOC and the Group-based Complex Casework Unit.

Since our last inspection in 2007, the Area has had a decrease in its budget from £9.49m to £9.36m; the Area received a further £0.65m underpinning from CPS headquarters at the end of 2009-10.

CPS South Wales was last subject to a full inspection in May 2004. In August 2007, the Area was rated 'fair' in an overall performance assessment (OPA) and this inspection was undertaken because of the increased risks emerging to Area performance since that last OPA.

The Chief Crown Prosecutor (CCP) for South Wales retired from the CPS during the inspection. The CCP for Gwent is presently acting CCP for South Wales, and Group Chair for the Wales Group of CPS Areas.

Summary of findings

Since the 2007 OPA, CPS South Wales has taken a number of strategic and operational decisions in support of change initiatives and policy implementation. During the period, Area performance has been variable and, whilst some trends are positive, others have not moved in the right direction.

The Chief Crown Prosecutor (CCP) and Area Business Manager (ABM) have concentrated efforts on the implementation of national and local initiatives with mixed success. Responsibility for the Group structure has impinged upon their time. Circumstances have affected the Area's ability to present a profile of strong, visible leadership and both internal and external communication has become fractured, leading to deterioration in some key relationships with partners and a lack of staff ownership and understanding of the Area's vision, values and direction.

Declining caseload has impacted upon the Area's budget, necessitating the centre to provide further funding. Although the position was continually monitored and steps were taken successfully by the Area to reduce spending, more could have been done to underpin its finances. Operating within budget will continue to be a major challenge for the Area and it will need to make significant efficiency savings.

The Area has undertaken a considerable amount of activity around known areas of weakness and

produced improvement plans across a number of discrete areas of work. These have resulted in some successes, but have not yet translated into sustained improvement since they have not been supported by robust performance management. The Area also needs to engage more effectively with its staff and communicate its priorities more clearly.

The quality of casework and decision making, and the timeliness of case progression were very variable, and in some cases poor. This was readily apparent to the Area's criminal justice partners and to inspectors, through file examination and court observations. At the time of the inspection the courts had begun to lose patience and the prosecution enjoyed very little leeway when cases did not run smoothly. Consequently, cases have not been proceeding as they should and attrition rates are rising. Reputational damage had been done to the CPS. A significant amount of work is now being undertaken by the new management team to address this issue particularly.

The Area is not realising sufficient benefit from its pre-charge decision-making in volume cases. While this aspect of work is affected at the outset by the standard of some investigations and case building, the Area is not taking a consistent approach to addressing these issues at an early stage.

Reviews by lawyers at key stages are not always in accordance with the Code for Crown Prosecutors. A significant proportion of cases are prepared late and not progressed with appropriate expedition and steps need to be taken jointly with the police to improve disclosure handling. The Area has a high percentage of late guilty pleas, predicated upon incomplete case preparation, which adversely impact upon the effective trial rates.

Poor quality review and casework, combined with a lack of proactivity can, also impact adversely on the service provided to victims and witnesses and undermine the efforts made by witness care officers who endeavour to ensure that individual needs are catered for. Overall though, the Area has striven to produce a good level of service to victims and witnesses. The quality of work undertaken in serious violent and sexual cases is better, and the Area is working with criminal justice parties to make a greater impact on cases involving violence against women.

Whilst Area performance is affected by the timeliness and quality of the files it receives from the police, some internal processes are inefficient, creating a duplication of effort, and these need to be addressed urgently.

Prosecutors generally present cases in court competently and there are some examples of good advocacy within the Area. In the magistrates' courts, the Area has significantly increased its use of associate prosecutors during 2009-10 and reduced its reliance on agents accordingly. In the Crown Court, the Area needs to utilise its crown advocates effectively, balancing value for money with quality case presentation. Case allocation systems and court rotas need to ensure that all advocates have sufficient time to be properly prepared for court.

Custody time limits (CTL) remain a high risk for the Area and in recent years it has had an unacceptable increase in recorded failures. The Area has already taken steps to improve CTL performance. These need to be maintained.

The Area's three district structure had led to some fragmentation, with different systems and approaches in place across the Area. This

structure was in the process of change at the time of the inspection. Senior managers have identified the principal weaknesses and are aware of poor individual performance. There are signs that the Area is now getting to grips with this aspect through effective performance management, supported through the line management chain.

The Area is now in a stronger position to move forward and there are signs that key partnerships are improving, which will place the Area in a better position to bring about change. Plans are afoot to restructure and align performance management to the CPS national core quality standards (CQS).

In the light of overall findings, CPS South Wales is rated as **POOR**.

Summary of judgements			
Critical aspects	OPA 2007	AEI 2010	Direction of travel
Pre-charge advice and decisions	Poor	Poor	Stable
Decision-making, preparation and progression in magistrates' courts cases	Fair	Poor	Declined
Decision-making, preparation and progression in Crown Court cases	Good	Fair	Declined
The service to victims and witnesses	Good	Good	Improved
Leadership and management ¹	Fair	Fair	Stable
Overall critical assessment level	Fair	Poor	
The prosecution of cases at court	Good	Fair	Declined
Serious violent and sexual offences and hate crime	Good	Good	Stable
Disclosure of unused material	Poor	Poor	Improved
Custody time limits	Fair	Poor	Declined
Managing performance to improve	Fair	Fair	Stable
Managing resources	Good	Fair	Declined
Partnership working and community confidence ²	Good	Good	Improved
OVERALL ASSESSMENT	FAIR	POOR	

¹ Leadership and management now captures elements included formerly in 'Delivering Change' which has now been removed from the framework as a stand alone aspect.

² Some aspects of this section were previously included in 'Managing Performance to Improve' and a full like for like performance comparison cannot be made.

Recommendations

Priority recommendations

There are seven key recommendations which need to be implemented within three months. These are:

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- 1 The Area needs to:
 - ensure, in introducing the modernised charging arrangements, that all case reviews at the pre-charge decision-making stage are in accordance with the Code;
 - ensure that greater consistency is achieved in the quality of its charging advice; and
 - ensure that robust arrangements are put in place to monitor the quality of work being undertaken (paragraph 1.10).

 - 2 OBM processes should be streamlined and consistent across the Area. The Area must ensure that prosecutors complete summary trial reviews expeditiously (paragraph 2.11).

 - 3 The Area needs to take active steps to reduce the discharged committals rate so that performance is in line with, or better than, the national average (paragraph 3.9).

 - 4 The Area needs to:
 - ensure sufficient resources are allocated to progress its most serious casework effectively;
 - achieve greater consistency in the standard of its review work in Crown Court cases; and
 - ensure that prosecutors have sufficient time to complete Crown Court reviews effectively (paragraph 3.13).

 - 5 The Area needs to:
 - ensure that legal decision-making for disclosure is sound, properly reasoned and recorded; and
 - use the disclosure reports prepared by the Area disclosure champion to manage individual performance (paragraph 6.9).

 - 6 The Area needs to:
 - communicate clear expectations about the standards expected of its lawyers and ensure that there are robust processes in place to tackle individual performance; and
 - develop a culture where the giving and receiving of feedback, and responding to it, is part of everyday business (paragraph 9.7).

 - 7 The Area needs to engage more effectively with staff across the Area so that it:
 - delivers key messages and priorities clearly and transparently; and
 - adopts an ethos of inclusivity so that all staff feel they have the opportunity to contribute towards change (paragraph 11.6).

Recommendations

There are a number of other recommendations that relate to improving and tightening processes and systems. Whilst not immediate priorities they need to be implemented to improve the service offered by the Area. We would expect that these secondary recommendations are implemented within the next 12 months.

1 The Area needs to ensure that case progression meetings throughout the Area work in partnership to increase the proportion of trials that are effective, and reduce those which are vacated or crack, so that performance is in line with, or better than, the national average (paragraph 2.13).

2 The Area needs to address how it instructs and deploys its crown advocates and their relationship with Area colleagues (paragraph 10.9).

3 The Area needs to:

- achieve greater consistency in decision-making for all serious and sensitive cases; and
- put in place effective processes to monitor and manage individual performance (paragraph 5.13).

4 In partnership with South Wales Police, the Area should develop and implement a joint disclosure training programme to improve the timeliness and quality of police schedules and CPS legal decision-making (paragraph 6.17).

5 The Area needs to ensure CTL cases are monitored robustly and that regular CTL audits are completed. Performance needs to improve so that it is in line with, or better than, the national average (paragraph 7.12).

6 The Area should ensure with the police that WCU performance is monitored, managed and assessed in accordance with NWNJ primary and secondary measures. Improvement programmes need to be assessed in compliance with NWNJ indicators (paragraph 8.5).

7 Meetings should be streamlined and duplication removed to ensure that the impetus to bring about improvement does not become diluted (paragraph 9.4).

8 Project management must be robust, with realistic risk assessments made, achievable milestones identified and progress monitored and communicated (paragraph 11.8).

Compliance issues

We additionally identified three “quick wins” which relate to compliance issues. These should be addressed within three months.

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- 1 Area managers must ensure that prosecutors complete tasks appropriately on CMS (paragraph 3.25).

 - 2 The Area needs to expedite adoption of the Third Party Protocol for disclosure (paragraph 6.12).

 - 3 The Area must ensure that special measures applications are properly drafted, supported by relevant information and made expeditiously, within the set timescales (paragraph 5.8).
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Strengths and good practice

We identified two strengths and two good practices within the Area’s performance.

Strengths

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- 1 The joint case progression meetings held by the Swansea district (paragraph 11.13).

 - 2 Joint working with criminal justice partners to improve performance in violence against women and rape cases (paragraph 5.10).
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Good practice

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- 1 The disclosure reports and assessments compiled by the Area disclosure champion (paragraph 6.16).

 - 2 Community panels used to assess the quality of letters completed under the direct communication with victims (DCV) scheme (paragraph 8.12).
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data represents an annual figure for each relevant member of staff. Crown Court cases are counted within the magistrates’ courts cases total. Where the advice is that proceedings should be instituted, that case will also be included as a summary/either way/indictable case in the statistics relating to the magistrates’ courts or the Crown Court as appropriate.

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- 3 This figure does not take into account the fact that crown advocates do not have any personal caseload.