

HM CROWN PROSECUTION SERVICE INSPECTORATE

INSPECTION OF CPS SOUTH WALES (REPORT 6/04)

EXECUTIVE SUMMARY

Introduction

1. This is the report of HM Crown Prosecution Service Inspectorate about CPS South Wales. The CPS is a national service, but operates on a decentralised basis with each of its 42 Areas being led by a Chief Crown Prosecutor who enjoys substantial autonomy. This was a full inspection. The Area was previously reported on in January 2001.

The Area

2. CPS South Wales serves the area covered by South Wales Police. It has main offices at Cardiff, Merthyr Tydfil and Swansea. Further units are co-located with the police in Barry, Bridgend and Swansea Police Stations. The Area is divided on functional lines between the magistrates' courts and Crown Court work. At the time of our inspection, the Area employed the equivalent of 201.4 full time staff. In the year to September 2003, it dealt with 50,331 cases in the magistrates' courts and 3,737 cases in the Crown Court. It gave pre-charge advice to the police in a further 2,468 cases.

Main findings of the Inspectorate

3. Casework outcomes in the Area are satisfactory and, in many aspects, better than national averages. This is particularly creditable in the context of both the magistrates' courts and Crown Court granting the prosecution less time for case preparation than is the norm in many parts of the country. As a consequence, to some degree, detailed analysis of individual cases in the file sample, and at court, revealed some in which more positive action should have been taken by the CPS at an early stage. Area lawyers need to ensure that a high standard of decision-making is maintained by being more thorough in their consideration of the evidence in all cases.
4. Casework processes, with the exception of the number of committals discharged when not ready, are generally sound. Levels of ineffective trials in the magistrates' courts, and particularly in the Crown Court, are lower than national averages.
5. The Area's undertaking of its duties of disclosure of unused material is vulnerable, in that prosecutors do not explore the issues in sufficient detail. Training was provided across most of the units, and detailed guidance was provided to lawyers in 2003. Nevertheless, although there is a permissive attitude to the defence having access to material, significant improvements are needed.
6. Most prosecution advocates give a satisfactory performance and several are better than average in some regards. There are, however, a number of CPS lawyers whose performance was lacklustre and indicated a lack of preparation or experience.

7. Engagement with witnesses was generally good, but varied between individual prosecutors. The attendance at Cardiff Magistrates' Court by a Case Progression Officer to assist witnesses is good practice. The Area is also introducing an innovative feedback procedure to assess the overall performance of witness care by counsel in the Crown Court, in order to make improvements.
8. There is a sound structure for performance management. The Area is working very positively in the Local Criminal Justice Board (LCJB) on narrowing the justice gap and raising public confidence. Co-location with police has gone forward well and proved successful, and the new charging scheme has been welcomed by police.
9. Staffing and the organisational structure are regularly reviewed and changes made to meet demands. Great emphasis is put on staff development. Communications within the Area are good, with a mixture of management meetings, new technology and Area publications (including Welsh language versions) being used to ensure that staff are aware of current events. The management structure is sound and meets local needs.
10. The Area has good systems to monitor and control its budget expenditure, but it needs to assure the integrity of its casework data, so that the allocation of financial resources to the Area is soundly based.
11. The Area gives a high degree of effort to engaging with the local community, including minority ethnic groups and organisations. It is active in promoting equality and diversity amongst its staff.

Specific findings

Casework

12. Casework outcomes tend to be favourable. Nevertheless, we found examples where difficult evidential issues have been identified late, or not at all. This has resulted in a number of late discontinuances and charge reductions on the trial date in the magistrates' courts. We found similar examples in the Crown Court, albeit performance in relation to cracked and ineffective trials in the Crown Court has improved, and is better than the national average. Sensitive cases are handled for the most part appropriately and the quality of decision-making in these cases is generally good.
13. The prosecution's undertaking of its duty of disclosure of unused material was identified as in need of strengthening in the last inspection, and the Area's performance in evidencing its positive decisions and action needs to improve.
14. Between 1 April and 31 December 2003, 136 committals (7.2% of cases for committal) were discharged because the prosecution was not ready to proceed. The Area will need to work with police and the magistrates' courts to reduce this number, and ensure that discharged cases are re-instated where appropriate.
15. Administrative processes have evolved in line with co-location. Most of the units are performing at a satisfactory level, but the backlog in post handling and case finalisation in some offices needs to be addressed. Inspectors consider that a significant contributory factor is the CPS dealing with specified minor offences unnecessarily.

Advocacy and quality of service delivery at court

16. The quality of advocacy by counsel and designated caseworkers (DCWs) is sound. Many CPS lawyers perform well - and some very well - but others need to improve.

Victims and witnesses

17. CPS staff provide a good service to victims and witnesses at most courts. The attendance at Cardiff Magistrates' Court by a Case Progression Officer has improved witness care, and Inspectors regard it as good practice. The Area is taking active steps to improve counsel's engagement with victims and witnesses. This includes an innovative survey of witnesses who attend court. The application of the Direct Communication with Victims (DCV) initiative in the Area is satisfactory.

Performance management

18. The National Casework Quality Assurance scheme has been implemented to monitor individual performance and the Area monitors unit reports closely. There is some inconsistency of approach between the units, however, and individual performance management needs to be strengthened.
19. There are Area and unit performance targets. A performance matrix and monthly unit performance report allows managers to assess key aspects of performance.

People management and results

20. Staffing and organisational structures are regularly reviewed and changes made to meet demands. Great emphasis is put on personal development. Communications within the Area are good, with a mixture of management meetings, new technology and Area publications being used to ensure that staff are aware of current events. Staff development is a strength.
21. The Area is active in promoting equality and diversity and has taken positive action to address issues highlighted in the 2002 Staff Survey.

Financial management

22. The Area has effective systems to monitor and control its budget expenditure.

Partnerships and resources

23. The Area is well respected among criminal justice system (CJS) partners and plays a significant role in raising the profile of CJS issues within the community. The Area has introduced the Compass case management system and most staff are using the system appropriately.

Policy and strategy

24. Staff in the Area understand the need to deliver key elements of the objectives set for the criminal justice system. The development of policy and strategy is planned and takes into account the needs and expectations of external stakeholders. The Area Business Plan is reviewed regularly, and there is a sound framework to deliver changes.

Public confidence

25. The quality of the responses to complaints is reasonable, but timeliness can be improved. The standard of the complaint logs varies. The Area is pro-active in engaging with minority ethnic communities, and the community generally. It has helped produce a video for school children on criminal justice issues and race crime.

Leadership and governance

26. The Area is committed to playing a key role to achieve the aims set for the criminal justice system. The Chief Crown Prosecutor chairs the LCJB and, together with the Area Business Manager, is seen as making a significant contribution to driving forward important initiatives in the local criminal justice system.
27. The management structure is sound and meets local needs. The organisational structure is changing in line with national and local requirements and the changes are managed.

Recommendations

28. Inspectors made the following three recommendations:
 1. The Area should improve the thoroughness of initial reviews, to ensure that weaknesses in a case are identified and addressed as soon as possible.
 2. The Area should address the understanding and implementation of the prosecutor's duties of disclosure through the revised joint operational instructions.
 3. The Area Business Manager and Chief Crown Prosecutor must ensure that specified proceedings are not included in the Area's caseload statistics, and clarify with police and the magistrates' courts the role of the CPS in specified offences dealt with by specified proceedings.

The full text of the report may be obtained from the Corporate Services Group at HMCPS Inspectorate (telephone 020 7210 1197) and is also available online at www.hmcpso.gov.uk.

HMCPS Inspectorate
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