

HM CROWN PROSECUTION SERVICE INSPECTORATE

INSPECTION OF CPS GWENT

EXECUTIVE SUMMARY

Introduction

1. This is the report of Her Majesty's Crown Prosecution Service Inspectorate about CPS Gwent. The CPS is a national service, but operates on a decentralised basis with each of its 42 Areas led by a Chief Crown Prosecutor (CCP) who enjoys substantial autonomy.
2. The inspection was carried out during a period of extensive change for the CPS both nationally and in Gwent. Initiatives to reduce delays in the criminal justice system have been introduced to give effect to the recommendations contained within the report "Reducing Delays in the Criminal Justice System" (the Narey Report). The Area is also making progress to effect the transition to the functional-based structure recommended in the review of the CPS (the Glidewell Report). A Trials Unit has been established to handle Crown Court casework and is housed in the CPS office in Newport. In addition, two Criminal Justice Units are to be created, one based at Newport Central police station and the other at Ystrad Mynach. However, a delay in building a new police station at Ystrad Mynach has caused the establishment of the unit there to be postponed. At the time of the inspection, the Area was in the process of advertising the posts for the heads of the new units.
3. The report focuses mainly on the quality of casework decision-making and casework handling, together with those matters which support the casework process. However, now that the Inspectorate examines all aspects of an Area's performance, the report also addresses a number of management and operational issues as well.

The Area

4. CPS Gwent has its headquarters in Newport and employs the equivalent of 70.6 full time members of staff. In the year ending 31 December 2000, the Area dealt with 19,454 defendants in the magistrates' courts and 1,495 defendants in the Crown Court. It gave the police advice before charge in a further 1,477 cases. The casework figures suggested that the Area had a high proportion of serious cases with the number of indictable-only cases being above the national average.

The main findings of the Inspectorate

5. Overall, the inspectors found the performance of the Area to be good in respect of both its casework and its management. The standard of decision-making is good and the Area handles well cases that are sensitive and aggravated and those involving persistent young offenders. There has been considerable progress in relation to the issues raised and the recommendations made in the last inspection report (1998). Positive steps have been taken to improve many aspects of case handling. The Area's handling of sensitive and unused material continues to be good.
6. Inspectors were concerned with the timeliness of some decision-making. Late decision-making, a lack of thorough analysis and early consideration of some potential issues, led to some cases being discontinued and others resulting in adverse findings by the courts. The overall standard of review endorsements was disappointing.
7. Inspectors considered that the listing practices in the magistrates' courts did not always assist the Area in the preparation of cases. Courts in both Petty Sessional Areas listed Early Administrative Hearing (EAH) cases and pre-trial review (PTR) cases in the same courtroom. This tends to create very heavy lists.
8. The programme of change for CPS Gwent has been managed well. There has been full consultation with all Area staff. Internal communication is excellent and staff are aware of, and committed to, a vision for the Area founded on dedication to core casework objectives, delivered to a high standard and underpinned by appropriate development and training of staff, together with good local liaison.
9. The Area is committed to the training and development of its entire staff. Some of the legal training given to lawyers has been adapted for the benefit of the administrative staff. The AMT has given a strong lead in promoting the Area's Equality and Diversity Plan. Implementation of the plan has resulted in members of ethnic minority communities expressing their interest in working for the CPS. There was a successful Equality and Diversity open day in October 2000 which had a positive effect on recruitment.
10. The Area has a good and constructive working relationship with the other criminal justice agencies in the county. The overall view is that meetings, whether on a formal or informal basis, are constructive. The CPS is regarded as one of the main participants in the work of the Area Criminal Justice Strategy Committee.

Specific findings

11. Advice - the quality of advice given to the police is good, with reasons being given for decisions. There are concerns about the timeliness of the advice and the Area has introduced monitoring systems to reduce the number of late advices.

There are some concerns that the police are submitting a number of unnecessary requests for advice. The number of advices given to the police pre-charge is twice the national average. Although this does not automatically indicate a large number of inappropriate requests for advice, the CCP needs to try and ensure that requests for advice are only made by the police when they are really necessary.

12. Review – the standard of decision-making is good in the majority of cases although there are concerns about application of the Code tests in some of the discontinued and adverse cases. There are also concerns about the timeliness of some of the decisions and the late submissions of inadequate files by the police. The discontinuance rate is just below the national average. The adverse case rate is well below the national average. A monthly analysis of adverse cases in the Crown Court is prepared by the Trials Unit manager and adverse case reports are discussed with the reviewing lawyer. We considered that the monthly analysis would be a good basis for a general discussion with all lawyers and caseworkers of any relevant learning points.
13. Case preparation – the Area’s handling of unused and sensitive material is good. Summary trials are also generally well prepared. There are concerns about the extent to which prosecutors are prepared for pre-trial reviews as well as the effectiveness of these hearings. There is a high number of cracked and ineffective summary trials. This is of concern to both the CPS and the magistrates’ courts. The Justices’ Clerks are examining the reasons and how the situation might be improved. The quality of instructions to counsel and the timeliness of the delivery of briefs is slightly better than in other Areas that have been inspected recently, although there is still some room for some improvement.
14. Case presentation – Twenty-three CPS prosecutors were observed in the magistrates’ courts and in the Crown Court. The overall standard of advocacy in Gwent was found to be satisfactory. The Area has two designated caseworkers (DCWs) who are both deployed on DCW work four days of the week. They have secured a good reputation with other court users. The Area has five higher court advocates (HCAs); their work in the Crown Court includes the conduct of preliminary hearings for cases which are “sent” to the Crown Court under section 51, Crime and Disorder Act 1998.
15. Management and operational issues:
 - The Area has made progress in meeting the changes required by the Glidewell report as well as developing the individual identity of the Area and introducing a number of new initiatives to improve performance.
 - Internal communication is good. Key points from the Area Management Team meetings are cascaded throughout the Area. The teams aim to hold weekly meetings and most manage to meet at least monthly. The CCP uses voicemail to give verbal updates to all staff.

- The Area has developed an external communication strategy which covers representation on interagency groups, liaison with criminal justice partners and media and local community contacts.
- Financial management is sound and there is likely to be an underspend at the end of the financial year
- The Area has a comprehensive training and development strategy which covers the training needs of all staff. There is commitment to provide wider development opportunities for everyone.
- There is no formal liaison between the Area and the Witness Service and Victim Support organisations. This needs to be addressed. There is currently no Witness Service representation in the magistrates' courts although this is to be introduced during 2001/2002.
- The Area has an open and constructive attitude towards equality and diversity issues. There is a relatively low ethnic minority population in Gwent (1.06%). The CPS has 2.7% of its staff from minority ethnic communities.
- There are problems with the recording of case outcomes for the purposes of Performance Indicators. A significant number of cases had not been receipted or finalised and the backlog dated back to November 2000. This backlog needs to be cleared and a stocktake of files carried out.
- Generally, complaints are handled satisfactorily and responses are timely.

Commendations and identification of good practice

16. Inspectors commended seven areas of work which cover:

- their suggestion to police that they appoint someone who will be responsible for taking all statements relating to medical evidence;
- the appointment of the case progression officer for youth cases;
- the quality of their re-issued Area instructions on the handling of unused and sensitive material;
- the Bar Standard 2 form sent to counsel with every set of instructions;
- the holding of separate team meetings on administrative matters in addition to the normal team meetings for lawyers and caseworkers;
- the proactive nature of the Area's strategy in relation to communications with the local media;

- the way in which staff have approached delivery of the Equality and Diversity plan.
17. Inspectors identified three aspects of good practice which might benefit other Areas these were:
- the use of a laminated sheet listing key actions for primary and secondary disclosure;
 - the training provided for counsel who wished to undertake prosecution work for the CPS in both the magistrates' courts and the Crown Court;
 - the delivery of suitably adapted legal training for level A staff.

Recommendations and suggestions

18. Inspectors have made 15 recommendations identifying those aspects of performance where it was felt improvements should be made. The recommendations cover:
- the continued monitoring of timeliness of pre-charge advice to the police;
 - the monitoring of the number of inappropriate request for pre-charge advice to see what percentage of the total number of advice files they form;
 - ensuring that review decisions are taken at the earliest appropriate opportunity in all cases;
 - ensuring that lawyers make appropriately full review endorsements, including representations on mode of trial, in the correct place on each file;
 - ensuring that the date primary disclosure is given in Crown Court cases is endorsed on the file if it is different from that on the disclosure letter;
 - ensuring that instructions to counsel contain all the relevant information;
 - maximising the opportunity for structured monitoring of all prosecution advocates in the magistrates' courts;
 - the AMT allocating time for some management development activity, to include team building and allocation of key roles on strategic issues;
 - the ABM undertaking further developmental work to ensure that the EFQM framework is fully integrated with other planning and evaluation processes within the Area;

- an analysis of agent usage so AMT can agree guidance for when agents should be used;
 - the implementation of some formal liaison with representatives of the Witness Service and Victim Support outside the CUG and TIG setting;
 - a formal agreement to be incorporated into the overarching CPS/Police Service Level Agreement so that there is liaison between police, CPS and the Witness Service over the needs of witnesses;
 - CPS should liaise with the police to ensure that regular checks are introduced to check the willingness of reluctant witnesses to attend court;
 - current backlogs of files to be cleared and a full stocktake of all files is carried out immediately;
 - the setting up of an effective system that will ensure the timely recording of all case receipts, adjournments and finalisations, and ensure that regular management checks are carried with regard to the accuracy of finalised cases.
19. Inspectors made nine suggestions identifying aspects of performance in respect of which local managers will wish to take action. The relevant areas are:
- liaison with the head of the police Criminal Justice Department to discuss the feasibility of Administrative Support Unit staff pursuing with officers responses to CPS requests;
 - offering the police some CPS assistance in any training of the medical statement taker;
 - exploring with the Justices' Chief Executive more effective and efficient systems of dealing with EAH and PTR courts;
 - all prosecutors endorsing files with a record of what material is served by way of advance information;
 - subject to a satisfactory outcome of the pilot on cracked, ineffective and vacated trials, making formal proposals to the JCE for the joint monitoring such cases;
 - ensuring that letters to outside agencies are typed rather than hand-written;
 - the development of an information package for agents who prosecute on the Area's behalf;

- reviewing barriers to effective communication on some teams;
 - evaluating the possibility of offering support to witnesses in trials in magistrates' courts by level A staff within the Area.
20. The full text of the report can be obtained from the Combined Administrations Unit (CAU) at HMCPSI (telephone: 020 7210 1197).

HMCPS Inspectorate
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