

# HM CROWN PROSECUTION INSPECTORATE

## INSPECTION OF CPS SOUTH WALES

### EXECUTIVE SUMMARY

#### Introduction

1. This is the report of Her Majesty's 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 led by a Chief Crown Prosecutor (CCP) who enjoys substantial autonomy.
2. South Wales is one of the larger CPS Areas. It has three Branches. Mid Glamorgan Branch covers courts at Cynon Valley, Merthyr Tydfil, and Newcastle and Ogmore. South Glamorgan Branch covers courts at Cardiff and the Vale of Glamorgan. West Glamorgan Branch covers courts at Neath, Port Talbot and Swansea. In the year ending March 2000, the Area dealt with 27,285 cases in the magistrates' courts and 2559 case in the Crown Court. It provided advice to the police in respect of another 1,476 cases.
3. The weight of the Area's caseload is close to the national average. Of the Area's caseload 41.1% were either way and indictable only offences, against a national average of 40.4%. Summary motoring offences accounted for a further 40.1 % against a national average of 36.6% and other summary offences were at 14.4%, against a national average of 18.2%.
4. The inspection was carried out during a period of significant change for the CPS both nationally and in South Wales. The Area has introduced initiatives designed to reduce delays in the criminal justice system to give effect to the recommendations made in the Review of Delays in the Criminal Justice System (the Narey Report). Each of the three Branches has also been reorganised into a Crown Court Unit (CCU) and a Magistrates' Courts Unit (MCU). This change was made for the Area's own operational reasons, but it has effectively paved the way for the changes required to give effect to the recommendations of the Glidewell Report.

#### The inspection process

5. Before visiting the Area, the team of inspectors examined a total of 441 case files. It also analysed management information supplied by the Area and by CPS Headquarters. During the on-site phase, the team included a lay inspector nominated by one of the local Citizens Advice Bureaux in South Wales. The inspection team interviewed CPS staff of all levels, representatives of other criminal justice agencies, witnesses who have given evidence, members of the judiciary and criminal

practitioners. Finally, the team observed 35 advocates including CPS prosecutors, agents in the magistrates' courts and counsel in the Crown Court.

### **Main findings of the Inspectorate**

6. The Inspectors found that, in nearly every instance, casework decisions taken by the CPS complied with the evidential test contained in the Code for Crown Prosecutors. In addition, the Code's public interest test was found to have been complied with in every case examined by the inspection team. Decisions on the level of charge were also usually sound. Nevertheless, it was felt that more attention to detail was required on some occasions when providing advice and when reviewing cases. There were further concerns with regard to the recording of review decisions.
7. The Area suffers from a high number of cases, where for one reason or another, trials did not go ahead. We noticed the Area's commitment to reduce the level of cracked and ineffective trials in partnership with other agencies. The handling of unused material was patchy and we found that the way secondary disclosure was dealt with in the Crown Court required more attention.
8. The standard of advocacy varied, although all the prosecutors we saw were competent. We were impressed by the designated caseworker we observed and we received favourable comments about the other three from other court users. The Area was not able fully to deploy its High Court Advocates because of the need for them to undertake duties in the magistrates' courts.
9. The Area is well managed. The CCP and the Area Business Manager (ABM) have a good understanding of the strengths and weaknesses of the Area. They have a clear vision as to what was needed to improve the Area's performance. Action to address these needs was being implemented at the time of the inspection. Members of staff informed inspectors of a significant improvement in internal communications and ownership of initiatives. Resource management was an issue in the Area and management will need to look carefully at the reasons for this year's overspend to avoid a repetition in the current financial year.
10. The overall picture on external communications is good. The Area plays a key part in the local criminal justice system. Its work with other criminal justice agencies in youth offender cases was commendable and is appreciated by other agencies. The Area works closely with local minority ethnic communities as part of its Equality and Diversity action plan which we thought was particularly impressive.

## **Specific findings**

### *Advice*

11. The quality of pre-charge advice varied between Branches. The advices from South and West Glamorgan Branches were good but those from Mid Glamorgan Branches gave us cause for some concern.

### *Review*

12. The quality of review is good and the large majority of decisions were correct. Inspectors agreed with the decision to prosecute in 105 out of 108 cases. The Area's discontinuance rate of 14.2% was slightly higher than the national average of 12.3 %. Inspectors agreed with the decision to terminate the prosecution in 34 out of 37 cases. Cases proceeded on the correct charges and prosecutors take appropriate decisions on mode of trial and bail. The standard and timeliness of continuing review after an early administrative hearing can be improved by a more robust approach to decision making. The proportion of adverse cases was better than the national average. Judge directed acquittals were recorded at 1.6%, against a national average of 2.3%. A very small number of cases resulted in a successful submission of no case to answer in the magistrates' courts - only 0.1% compared to a national average of 0.2%. The Area will need to improve significantly its recording of review decisions. It would also benefit from learning from failed cases, particularly those involving identification evidence, cases involving several defendants and cases where witnesses have failed to support the prosecution.

### *Case preparation*

13. The implementation of the Narey recommendations relating to the charging and bailing of defendants to early court hearings has meant that advance information is usually provided promptly. The Area has begun to make more extensive use of pre-trial reviews in the magistrates' courts to tackle cracked and ineffective trials. Early results were promising. Effective Plea and Direction Hearings in the Crown Court and the creation of the CCUs improved case management for Crown Court cases. Primary disclosure of unused material was satisfactory in 73% of case files examined by inspectors. We were unable to ascertain whether secondary disclosure had taken place in a large majority of cases. Whilst we accept that disclosure might, in effect, have taken place because of orders made at the Plea and Directions Hearings, we feel that a prosecutor must formally signify that, in his or her opinion, no further material was disclosable. The standard of instructions to counsel varied between Branches. Mid Glamorgan Branch was the poorest and inspectors found deficiencies in the case summaries and on instructions on acceptable pleas. We found that many files were not easy to follow in that documents were not always filed in a logical order and we saw examples where correspondence had not been responded to.

### *Case presentation*

14. We observed 35 prosecutors. All were competent. Several advocates were above average in some respects whilst the performance of several others revealed presentational weaknesses that marred their overall performance. The Area had six designated caseworkers at the time of the inspection. Their ability has been praised by representatives of other agencies. We observed one DCW in court and we, too, were impressed. Most prosecution counsel we saw were competent. Several were better than average in a number of respects but a minority could have performed better. We thought that the strength of prosecution counsel in the Area was very similar to that of defence counsel. The Area has four High Court Advocates (HCAs). The three HCAs in South Glamorgan are not fully engaged in Crown Court work because of magistrates' courts commitment. The HCA at Mid Glamorgan is deployed at the Crown Court. She performed well during our court visit.

### **Management issues**

15. The Area management team, known as the Area Strategic Board (ASB) consists of the CCP, the ABM and the three Branch Crown Prosecutors. The members of the ASB work well together. Although each Branch is allowed a reasonable degree of autonomy, at the time of the inspection efforts were being directed at achieving a greater degree of uniformity across Branches. The inspection team feels that management had struck an appropriate balance between strategic overview and managing change at operational level. A well-developed long-term plan to improve performance was being linked to a system for in-depth self-analysis of strengths and weaknesses. Each Branch has a CCU and a MCU. They are to be developed into Trial Units and Criminal Justice Units. The developmental process involved consultation with staff and the trade unions. Working groups, consisting of a cross section of staff, will now take work forward. The Area has received Investment in People accreditation. There is a well-developed Equality and Diversity Plan. External communications are good although the Area should develop a closer working relationship with the various Witness Services being set up in their locality. The Area dealt with complaints and correspondence from members of Parliament proficiently but timeliness and the recording of general complaints handling could be improved.

### **Commendations and good practice**

16. The Inspectorate commended three aspects of the Area's performance as good practice. These included a refresher training programme on the disclosure of unused material, to be conducted jointly with South Wales Police; the use of self assessment techniques in relation to the review and monitoring of service delivery in the Area; and the inter-agency agreement on enforcement of proceedings for breach of community sentences.

## **Recommendations and suggestions**

17. The inspectorate made 26 recommendations in respect of those aspects of performance where they felt some improvement should be a priority. These related to the monitoring the quality and timeliness of pre-charge advice; improving the system for recording informal advice; monitoring timeliness of decision making; discussion with the police on the selection of the appropriate charge; improving review endorsements; improving learning from experience; improving the quality of police files; requesting files for re-sentencing at the earliest opportunity; assessing the Area's performance on the disclosure of unused material against recommendations made in the CPSI thematic report; developing a system to ascertain witness availability before trial; monitoring cracked and ineffective trials in Merthyr Tydfil Magistrates' Court; operating a single Area wide custody time limit monitoring system; consideration of an Area wide file management system; improving correspondence handling; training needs analysis on advocacy; monitoring agents in the magistrates' courts; reviewing arrangements for monitoring counsel; improving the frequency of team meetings; reviewing transitional Branch structures and procedures; identification of key process that must be consistent across the Area; a fundamental review of the Area's budget to identify further saving; continuing the review as to whether the work for Bridgend court should be relocated to South Glamorgan Branch; appointing representatives to liase with Witness Services; reviewing with the Crown Court the arrangements for child abuse cases at Merthyr Tydfil; compliance with the Departmental Clear Desk Policy and improving the complaints handling procedure.
18. The report identifies six other aspects of performance in which Area managers will wish to take action. These included monitoring of the timeliness of decision making; improving the recording of when advance disclosure is made and what is disclosed; setting standards and monitoring performance on instructions to counsel; assessing whether further training is needed to improve the accuracy of performance indicators; developing communications with the police at operational levels and, working with other agencies, to consider the creation of a document aimed at explaining to victims and witnesses the different roles of the various agencies in the criminal justice system.
19. The full text of the report may be obtained from the Combined Administration Unit at HM CPS Inspectorate (telephone 020 7210 1197).

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