



CPS GWENT

THE INSPECTORATE'S REPORT ON
CPS GWENT

EXECUTIVE SUMMARY

MAY 2007

Introduction

This is the report of Her Majesty's Crown Prosecution Service Inspectorate's (HMCPIS) inspection of CPS Gwent (the Area), carried out in January 2007.

There are two types of inspection. A full one considers each aspect of Area performance within the Framework, while a risk-based inspection considers in detail only those aspects assessed as requiring scrutiny. This is based on HMCPIS's overall performance assessment (OPA) and other key data.

The OPA of CPS Gwent, undertaken in December 2005, assessed the Area as "Fair". As a result of this and recent performance data it was determined that the inspection should be a tailored one. In determining what aspects should be covered HMCPIS conducted a risk assessment that highlighted five aspects of performance that the Inspectorate should focus on. These are:

- Pre-charge decision-making.
- Disclosure.
- Presenting and progressing cases at court.
- Delivering change.
- Leadership.

In the light of this assessment, the inspection did not include detailed consideration of all other aspects. However our on-site work raised concerns regarding case decision-making and handling in magistrates' courts' cases and we have therefore included some of these elements in this report. We also comment on some aspects in respect of Crown Court casework, where we found good performance.

Overview

Gwent has been without a permanent Chief Crown Prosecutor (CCP) since mid-2004. This position has been exacerbated by the apparent absence of any firm timescale within CPS Headquarters to resolve the issue. Despite obvious hard work and commitment of individuals in key positions, it has been difficult to maintain the strategic direction of the Area and the necessary pace of change. The current Acting CCP and Area Business Manager (ABM) both operate from CPS South Wales but continue to have executive decision-making authority for Gwent. Notwithstanding the efforts of senior managers the absence of a permanent CCP, and the consequent difficulties in which the Area has operated, has weakened morale of staff as well as affecting operational delivery in many aspects. Many of the weaknesses are inextricably linked to this unsatisfactory situation, which has predominately been beyond the control of Area. The inspection team probed these matters with management at national level. Whilst there are understandable reasons for each of the steps taken, matters should have been resolved with greater expedition. The delay in filling the CCP post has undoubtedly impacted on the performance of the Area.

Despite these difficulties there has been a sense of collaboration and commitment among senior managers to try to move Gwent forward. The Area has recognised for some time that strategic changes are needed to improve performance but the uncertainty over the CCP position, that would sanction the change, has slowed the process. However the Area is now in the process of re-structuring and moving to new offices where all staff will be located. Managers are confident that these changes will address many of the aspects for improvement identified in this report. However, re-structuring alone will not achieve improvement. Firm strategic direction is needed, and clear management arrangements will need to be established, to ensure the anticipated improvements are achieved and maintained.

Generally, the development of a 'prosecution team' ethos with police has been slow, despite the close and effective working relationship with the police trials units and some encouraging developments lately. A clear blame culture is beginning to emerge that needs to be addressed at both a strategic and operational level as a matter of urgency.

Other key issues the Area should address include a strengthening of its performance framework; comprehensive monitoring and training concerning disclosure of unused material; more effective analysis of pre-charge decision (PCD) cases where no further action is advised; making a reality of the anticipated benefits of the PCD scheme (particularly in magistrates' courts' cases); and addressing an adjournment culture in the magistrates' courts.

Pre-charge advice and decisions

Gwent has migrated to statutory charging and is resourcing three police charging centres. A three month posting of more experienced lawyers to the charging stations, to provide more consistency and to encourage the development of a prosecution team ethos with police, is currently being piloted. It is too early to evaluate the success of the pilot. Despite these recent changes, the realisation of anticipated benefits of the pre-charge scheme are below the national average. In particular, the benefits of the scheme are not being achieved in magistrates' courts' cases where performance is poor. The Area would benefit from thorough analysis of the reasons behind this poor performance as well as reasons for the high proportion of cases that result in no further action being taken.

Casework in the magistrates' courts

Casework in the magistrates' courts was not assessed as a specific aspect as part of this inspection. However, as the inspection progressed, we had some concerns that the quality of decision-making and case handling was mixed and standards of endorsements variable. Case progression is also poor and the quality of summary trial preparation is patchy. The ineffective trial rate is one of the highest in the country.

Casework in the Crown Court

Casework in the Crown Court was not assessed as a specific aspect as part of this inspection. In the OPA the handling of Crown Court cases was assessed as being "Good". Generally decision-making and the quality of case handling was very good. The overall conviction rate is slightly better than the national average.

Presenting and progressing cases at court

We found, through court observation and case file examination, that a clear adjournment culture exists in the magistrates' courts which is largely attributable to current systems of case progression. Designated caseworkers (DCWs) and Higher Court Advocates (HCAs) are highly regarded. The presentational skills of in-house lawyers was adequate.

Sensitive cases and hate crime

Sensitive cases and hate crimes were not included as a specific aspect for this inspection. The OPA rated performance in relation to them as "Good". Effective identification and allocation systems ensure that such cases are appropriately handled.

Disclosure of unused material

Following the OPA substantial remedial action was undertaken to address weaknesses in compliance with the prosecution disclosure regime. Extensive training was delivered to all lawyers and caseworkers and improved monitoring arrangements were introduced. Even so, the handling of unused material remains in need of improvement.

Our file examination showed the quality of police schedules was variable. Prosecutors were inconsistent in their review of unused material and did not always fully record reasons for decisions. Proper completion of disclosure record sheets was patchy. The Disclosure Champion has provided training to lawyers and caseworkers and continues to be involved in joint training with the police, but more training is needed to ensure consistency of approach between lawyers.

Custody time limits

Custody time limits (CTLs) were not assessed as a specific aspect as part of this inspection. The OPA rated performance in managing them as "Good". The Area's documented systems complied with national guidance and there have been no CTL failures for several years.

The service to victims and witnesses

The service to victims and witnesses was not specifically assessed as part of this inspection. In the OPA performance was rated as "Good". As part of the Area re-structure, the Witness Care Unit will remain in police premises with a reduced CPS presence, but increased police staff to retain unit strength. The balance of CPS staff may increase in the future subject to available funding.

In 33% of relevant cases we examined the victim was not notified that a charge had been dropped or reduced, in accordance with the Direct Communication with Victims (DCV) policy.

Delivering change

The Area has a clear vision for the future, with plans, actions, targets and milestones set against its objectives. Staff are aware of their objectives but feedback performance and whether the Area is meeting its objectives are weak. There is some evidence of joint planning through the Local Criminal Justice Board, but the lack of consistency in CPS leadership has hampered strategic direction.

The Area is re-structuring and will shortly be introducing and reviewing procedures when the Speedy, Simple, Summary Justice (SSSJ) and Conditional Cautioning initiatives are introduced. This will require an effective relationship with the police for what is, overall, a substantial change programme. The Area needs to formalise its arrangements for managing change. The training and development plan is detailed and Gwent shares training resources with other CPS Areas. However, monitoring the effectiveness of training could be strengthened.

Managing resources

Managing resources was not assessed as a specific aspect as part of this inspection. The OPA rated performance as "Good". Gwent continues to manage its resources well. National counsel fees saved per session are amongst the highest in the country. Sickness levels are also better than the national average.

Managing performance to improve

At the time of the OPA the Area was assessed as "Fair". It has recently introduced more robust systems to analyse data and management information. It is intended that this new performance regime will ensure management attention is focussed appropriately. Despite the lack of sophisticated performance data the Area has identified several key areas for improvement that are currently being addressed. It would benefit from developing a comprehensive performance pack as well as benchmarking practices.

Leadership

Senior managers have had to operate in a climate of uncertainty about the future arrangements for the management of the Area for some time. In particular the CCP position has been temporary or acting since June 2004. Despite these resultant uncertainties, there exists a sense of commitment and willingness to move the Area forward. Temporary arrangements have led to a sense of collaboration among senior managers which was described to us as an agenda lead by committee. However they have also led to gaps in operational delivery, loss of accountability and staff becoming confused regarding the decision-making process. CJS partners also find the leadership arrangements complicated and confusing, and feel there is a lack of strategic direction. The situation is accepted by senior managers at CPS Headquarters as unsatisfactory. Matters should have been resolved with greater expedition and the position concerning a substantive CCP needs swift resolution. The Area's approach to embedding diversity and equality issues into planning, policy and managing change needs review.

Community confidence

As the OPA rated this aspect "Good", it follows that it has been considered with a light touch. While Gwent leads with some best practice concerning the domestic violence agenda, more attention is required concerning its community engagement strategy.

Follow-up from previous report

HMCPSI identified 49 aspects for improvement (AFIs) in the OPA. Of these, 18 were either achieved or substantial progress made and limited progress was made on a further 21. There were eight where no progress had been made and two aspects that are no longer applicable.

Recommendations and aspects for improvement

We make recommendations about the steps necessary to address significant weaknesses relevant to important aspects of performance, which we consider to merit the highest priority.

We have made eight recommendations to help improve the Area's performance.

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- 1 Senior managers should work with police partners to ensure the establishment of effective analysis of charging outcomes at both a strategic and local level (paragraph 3.26).

 - 2 The Area managers should, in conjunction with its re-structuring process, address the standard of advocacy in the magistrates' courts and establish systematic monitoring of all prosecuting advocates in both the magistrates' and Crown Court (paragraph 6.13).

 - 3 Further training in relation to the handling of unused material should be delivered to ensure consistency. The effectiveness of this training should also be monitored (paragraph 8.12).

 - 4 The Area should formalise its arrangements for managing and monitoring change (paragraph 11.13).

 - 5 The Area needs to ensure that there are formalised arrangements in place to monitor training and its effectiveness (paragraph 11.18).

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- 6 The Area should establish a structured performance framework in order to deliver effective services and change, together with an appropriate performance pack which meets its strategic and operational needs (paragraph 13.5).

 - 7 The CPS, with police partners, need to engage fully and define clear strategies for working effectively together as soon as possible (paragraph 14.12).

 - 8 A substantive Chief Crown Prosecutor should be appointed as soon as possible (paragraph 14.12).

We additionally identified nine aspects for improvement within the Area's performance.

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- 1 Duty prosecutors need to consider ancillary issues likely to affect the case, such as disclosure of unused material, Proceeds of Crime Act and the needs of witnesses, as part of the pre-charge consultation process (paragraph 3.11).

 - 2 Commitment to addressing proactively the adjournment culture in the magistrates' courts (paragraph 6.5).

 - 3 Systematic monitoring of court endorsements and steps to address deficiencies (paragraph 6.5).

 - 4 Prosecutors should record their decisions on the disclosure schedules indicating how items of material are to be dealt with. Disclosure record sheets should contain all steps taken in respect of unused material (paragraph 8.9).

 - 5 The Area would benefit from having a named individual, with day-to-day responsibility for the project/action indicated on the Area Business Plan (paragraph 11.4).

 - 6 Where staff are recruited to new or temporary management roles, they should be given access to the appropriate management training to assist their decision-making capability and develop the role (paragraph 11.13).

 - 7 The Area should ensure that its objectives are linked to individual Performance and Development Reviews and unit plans (paragraph 14.4).

 - 8 The development of an effective and fair mechanism of providing constructive feedback and recognising good performance (paragraph 14.17).

 - 9 Ensuring equality and diversity issues are explicitly considered as part of the planning process (paragraph 14.17).

Strengths

We also identified four strengths.

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- 1 The work of the Area's designated caseworkers and Higher Court Advocates is valued by other criminal justice agencies (paragraph 6.13).

 - 2 Disclosure documents are kept in a separate folder in Crown Court files and in a separate bundle in magistrates' courts' files. All documents were in a particular order and were easy to locate (paragraph 8.9).

 - 3 Gwent pools its training with the South Wales and Dyfed Powys CPS Areas. This enables them to combine resources and allows for minimum abstractions of staff to make up a fully attended course (paragraph 11.18).

 - 4 Despite the significant leadership difficulties, the Area has taken positive action to address its weaknesses through a programme of re-structure (paragraph 14.11).

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.hmcpsi.gov.uk.

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