

THE CRIMINAL JUSTICE INSPECTORATES' REPORT OF THE JOINT INSPECTION OF THE AVON AND SOMERSET CRIMINAL JUSTICE AREA

EXECUTIVE SUMMARY

Introduction

1. This is the report of the Criminal Justice Chief Inspectors on the joint inspection of the Avon and Somerset criminal justice area. The inspection was carried out by HM Inspectorate of Constabulary (HMIC), HM Crown Prosecution Service Inspectorate (HMCPPI), HM Inspectorate of Court Administration (HMICA), HM Inspectorate of Probation (HMI Probation) and HM Inspectorate of Prisons (HMI Prisons). The Quality and Standards Department of Victim Support also assisted the inspection team.

Background to the inspection

2. The Government has established 42 criminal justice areas, each with a Local Criminal Justice Board (LCJB). The Avon and Somerset Criminal Justice Board (ASCJB) formally assumed its responsibilities on 1 April 2003. Local Criminal Justice Boards operate on a non-statutory basis and represent a new way of doing business within the criminal justice system, through better co-ordinated and more cohesive working arrangements.
3. All LCJBs are charged with establishing and delivering, at local level, targets to support the achievement of national objectives for the criminal justice system that are designed to improve the overall efficiency and effectiveness of the system. The national targets, which are drawn from the Ministerial Public Service Agreements (PSAs), for 2005-06 included:
 - Increasing the level of public confidence in the criminal justice system to 40% by March 2006.
 - Improving the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.15 million by March 2006.
 - A reduction in the proportion of ineffective trials by 27% by March 2006, with the proportion of ineffective trials to be no more than 23% in magistrates' courts and 17% in the Crown Court.
4. The framework used for this inspection focused on the "front-end" of the criminal justice process, from arrest to the passing of sentence, with particular reference to three national criminal justice objectives, namely increasing public confidence in the criminal justice system, bringing offenders to justice and reducing ineffective trials.

5. Where relevant to the outcomes inspected within the framework, we also addressed issues of corporate governance arrangements and the strategies and policies of the ASCJB, together with the effectiveness of inter-agency co-operation on those matters which affected overall performance from the point of charge through to the passing of sentence.
6. Inspectors looked at how effectively the criminal justice agencies and their partners, such as Victim Support and the Witness Service, were working together in Avon and Somerset to deliver the outcomes necessary to achieve the targets set by the ASCJB. This included an examination not just of the work of the Board, but also the interaction between criminal justice agencies and partners outside the its framework.

Key findings of the inspection

Overview

7. Avon and Somerset Criminal Justice Board had a sound basis in the form of the Area Criminal Justice Strategy Committee and a Chief Officers' Group which set in place a strong commitment for partnership working across the Area. The Board has built on this and the ethos of working in partnership to deliver criminal justice business is demonstrated through a number of successful joint initiatives, for example work to manage prolific and other priority offenders, the reduction of ineffective trials in both the magistrates' courts and the Crown Court and the implementation of a joint training strategy.
8. The structure of the Board offers a reasonable basis for the management of cross-cutting work, although the task-group structures supporting the delivery of key initiatives needed to be clarified in some respects. There is also some confusion about cross-agency work at a bi-lateral and tri-lateral level and whether this should form part of the Board's remit. The Board needs to consider where its role lies in cross-cutting issues and ensure that it can hold respective criminal justice agencies to account where there is an impact across the whole of the criminal justice process. Subsequent to our discussion, ASCJB has now agreed (at the April 2006 meeting) a policy on how bi-lateral matters will be resolved and how and what will be communicated to other criminal justice partners.
9. There are sound structures in place to support performance management, although more could be done to ensure that best practice and improvement is targeted across the Area.
10. Although there is a good basis for driving cross-cutting criminal justice business at Board level, there are some aspects that have not translated into effective delivery. Operation of charging across the Area is not fully effective; the implementation and delivery of the service provided by Witness Care Units could be improved and the effectiveness of pre-trial case management and the impact on subsequent case management should be strengthened.

Public confidence and community engagement

11. There are good examples of engagement with the wider community as well as minority groups. The Board recognised the need to marshal its activity around community engagement and the appointment of a Board communications officer is beginning to ensure that a consistent message is emanating from ASCJB activity.
12. Pro-active work with Crime and Disorder Reduction Partnerships means that Board activity is beginning to permeate at local levels, and public consultation through these channels is reaching the wider community. There are good connections with the local race and equality groups, although there is a danger that this consultation is not being used to improve systems and processes as it often focuses on individual case issues.
13. The Board are in the process of developing a wider diversity strategy to ensure that links are made to all minority groups, as well as using these links to improve business processes and outcomes.
14. Public confidence in the criminal justice system has increased, with the key measure of the Area's effectiveness in bringing offenders to justice currently recorded (in the third quarter of 2005-06) as 46%. The 2005-06 target is 42% and national performance is 43%.

Bringing offenders to justice

15. Avon and Somerset has been successful in meeting and exceeding the 2005-06 offences brought to justice target as well as the required sanction detection rate.
16. The effectiveness of the operation of the pre-charge decision-making scheme could be improved. Changes to the structures within the police and CPS since the implementation of the statutory scheme have had a number of detrimental impacts. An inconsistent approach to police supervision arrangements for cases falling into the charging scheme and changes to how charging advice could be sought from CPS lawyers, including a reduction in the availability of face-to-face advice, has caused some confusion within both the police and CPS at the working level about the joint structures in place which support charging. Additionally there is also confusion surrounding the process to be followed to take cases through the scheme and a lack of clarity about the role and remit of those involved in the scheme at the working level. All of this has served to undermine the initiative.
17. Action needs to be taken to ensure that there is a clear understanding within the Area between the police and CPS about the strategic intent of the prosecution team and the charging scheme. This needs to be supported with effective joint structures, where there is a clear understanding of the role and remit of those involved in the process and effective communication of the procedures and expectations to all frontline staff.

18. Performance results have deteriorated for the majority of cases going through the scheme; the discontinuance rate for pre-charge cases in the magistrates' courts has increased from 11.0% to 15.3% over the course of the 2005-06 year.
19. Work is also required to improve both initial file quality (those which are presented for pre-charge decisions) and the processes that support file building through the life of the case. Internal police and CPS processes are also causing confusion about the responsibilities for file building and this too has a detrimental impact on the whole criminal justice process.
20. There are good examples of joint working in a number of aspects of performance, including progressing persistent young offender (PYO) cases, asset recovery, the management of prolific and other priority offenders and the handling of anti-social behaviour cases.
21. The handling of sensitive and specialist casework is generally well managed, but there are concerns about the identification and marking of cases at the initial stage. There needs to be improvements to this part of the process to ensure that cases of this nature are prioritised and dealt with correctly throughout the process.

Reducing ineffective trials

22. Area performance is better than the national average and within national target for ineffective trials in the magistrates' courts. In the Crown Court performance is within national target, but not as good as national average. The effective trial rate in both courts is also better than national average.
23. There are effective processes to support improvement activity around the handling of ineffective trials, with good joint working groups considering case outcomes, trends and learning points both in the magistrates' and Crown Court. This is supported by good awareness by the magistracy and court staff of performance and the importance of ensuring consistency in the use of monitoring systems.
24. There is evidence that processes supporting pre-trial case progression are not as effective as those supporting trial outcomes. Case directions set down at early hearings are often not followed by either the prosecution or defence and it seems that there is a culture of managing cases using court hearings rather than the supporting operational processes. This is inefficient and often leads to more hearings than necessary.
25. The evidence of inefficient pre-trial process is also supported by an inconsistent and ad-hoc approach to case progression across the Area. A case progression pilot for cases in the magistrates' courts in the south of the Area has shown improved results, but this improvement has not been matched in the north when the process was replicated for a short time, before ending due to funding constraints. Progression in Crown Court cases suffers from an inconsistent approach to resourcing. The Board needs to re-examine the effectiveness of the systems to support the Effective Trial Management Programme.

The treatment of victims and witnesses

26. The quality of the treatment of victims and witnesses is crucial to the effectiveness of the criminal justice system. In Avon and Somerset there was a genuine commitment across all agencies at all levels to enhance the support and treatment of victims and witnesses. The inclusion of Victim Support representation at both Board and task-group level demonstrates a willingness to learn from the user perspective.
27. The development of a specialist domestic abuse court pilot at Bridgwater also demonstrates the Area's commitment to working with partner agencies to support victims and witnesses. The plans in place to evaluate the pilot and roll-out domestic abuse courts across the whole of the Area should improve the handling of specialist domestic abuse cases for all involved.
28. Victims talked of experiences of good initial contact with the police, but communication thereafter was not consistent. This weakness has been recognised, although a more formal plan to tackle this issue would be welcomed by inspectors.
29. There were contradictory messages within the Area about the effectiveness of the Witness Care Units. Staff involved felt frustrated about caseloads and terms and conditions; the communication of the role of the units across the Area had been inconsistent; and there were frustrations about the way that Witness Service¹ posts had been funded. This, coupled with a lack of formal training for some new staff in the units, meant that offering support to victims has not always been possible.

The treatment of defendants

30. The rights of defendants are generally respected within Avon and Somerset, although there were weaknesses identified in dealing with those who may have required psychiatric care.
31. Cell accommodation is adequate, although there is a need for a court cell capacity assessment to ensure that the safety of defendants and staff is not put at risk at times of high demand.
32. In court, defendants are treated with courtesy and respect, with time taken to explain court procedures and processes.

¹ Witness Service is part of the volunteer organisation Victim Support, and offers support to victims and witnesses.

Key performance results

33. Avon and Somerset are on course to achieve all key PSA targets and most of the other supporting targets, for example PYO performance, in 2005-06.
34. The Area has a target to bring 30,623 offences to justice by March 2006; performance up to February 2006 records that 33,922 offences have been brought to justice, which is 31.2% above the 2001-02 baseline and 11% above the current target.
35. The ineffective trial rate in both the magistrates' courts and the Crown Court has shown improved performance, with both meeting their 2005-06 target. Against a target to reduce ineffective trial rates in the magistrates' courts to 19.5%, Avon and Somerset achieved 16.4%, and for cases in the Crown Court, achieved an ineffective rate of 16.1% against the target of 16.5%.
36. The ineffective trial rates in both jurisdictions were also supported by above national average effective trial rates. In the magistrates' courts Avon and Somerset's effective trial rate was 51.1% against the national average of 42.4% and in the Crown Court performance was 53.6%, comparing favourably against the national average of 47.7%.
37. Recent (rolling quarter December 2005 to February 2006) PYO performance is outside the rolling national average, with current performance being 73 days against the 71 day target and national figure. For the last rolling quarter (January to March 2006) the Area figure was 72 days (against a national performance of 72 days and target of 71 days).
38. Up to the third quarter of 2005-06 Avon and Somerset improved performance in raising the public confidence measure of bringing offenders to justice to 46%. This is against the target of 42% set for the Area and the baseline of 36%.
39. We found the following **strengths**:
 1. Positive commitment to engaging with other criminal justice system stakeholders, in particular Victim Support, which has benefits at operational level (paragraph 3.10).
 2. The over-arching role of the ASCJB training officer and the good cross-agency training and proposed shadowing scheme (paragraph 3.27).
 3. The early work of the communications forum and communications officer to raise the profile of the ASCJB (paragraph 4.8).
 4. The multi-agency domestic abuse court at Bridgwater and the effective process to evaluate and learn from the pilot before rolling-out across the rest of the Area (paragraph 5.28).

5. Effective joint work, awareness of, and the culture to pursue, asset recovery (paragraph 5.32).
6. Effective inter-agency working in relation to prolific and other priority offenders (paragraph 5.47).
7. The detailed analysis of ineffective Crown Court trials which enables remedial action to be identified and undertaken quickly (paragraph 6.17).
8. The innovative approach to case progression adopted by the ASCJB in appointing a jointly funded post with a widened range of powers to effectively progress cases (paragraph 6.29).

40. We found the following **aspects for improvement**:

1. ASCJB ensure that guidance and training is provided to frontline operational officers and supervisory officers, as well as lawyers involved in the charging decisions, about the identification and marking of cases of a sensitive nature and that awareness of the existing Avon and Somerset listing protocol is raised throughout the Area (paragraph 5.22).
2. ASCJB ensure that there is adherence to the protocol regarding cases requiring special measures (paragraph 5.25).
3. Court cells should be assessed by HM Court Service and the Prisoner Escort Contracting Service to certify the maximum number of defendants who can be held in cells at each custody facility (paragraph 6.51).
4. ASCJB should continue to work with the relevant agencies to ensure that there is appropriate and consistent provision for those held in court cells who have substance abuse and/or mental health problems, including formal diversion schemes (paragraph 6.53).

41. We made the following **recommendations**:

1. ASCJB rationalise the remit of task-group structures to ensure that:
 - cross-cutting issues are identified; and
 - over-laps with single agency or multi-agency groups are minimised and opportunities for synergy maximised (paragraph 3.13).
2. ASCJB produce and implement an equality and diversity plan to ensure that there is a cohesive and consistent approach to dealing with equality and diversity issues. The plan needs to cover all aspects of diversity and to match the overall aims of the Board, to drive improvement in public confidence and contain milestone targets to ensure effective delivery can be monitored (paragraph 4.16).

3. ASCJB re-launch charging to ensure that:
 - a better understanding of strategic partnership issues is communicated to all staff;
 - police and CPS develop joint structures to support the effective delivery of pre-charge decisions within the Area; and
 - a clear understanding of the role and remit of those involved in the scheme is communicated and that processes are implemented to ensure the effective operation of the charging scheme (paragraph 5.15).
4. ASCJB urgently improves early investigative processes and the systems which support file building and quality, including the arrangements for effective monitoring. Formal feedback processes should also be developed to ensure that learning points from advice are used to improve the scheme (paragraph 5.18).
5. The ASCJB takes action to tackle ineffective pre-trial hearings (paragraph 6.15).
6. The ASCJB should establish clear project management arrangements to support the on-going operational work of the Witness Care Units, ensuring that there are clear plans to address training, resourcing and future funding arrangements (paragraph 6.36).
7. ASCJB works with HM Court Service partners to improve the accommodation offered to victims and witnesses at courthouses (paragraph 6.45).

The full text of the report may be obtained from the Corporate Services Group of HMCPsi (telephone 020 7210 1197), and is also available at:

www.hmcp.si.gov.uk
www.homeoffice.gov.uk/hmic
www.homeoffice.gov.uk/justice/probation
www.homeoffice.gov.uk/justice/prisons
www.hmica.gov.uk

The Criminal Justice Inspectorates
July 2006