

# **Thames Valley Criminal Justice Area**

## **Report of the joint inspection**

carried out during September 2005

**HM Inspectorate of Constabulary  
HM Crown Prosecution Service Inspectorate  
HM Inspectorate of Court Administration  
HM Inspectorate of Prisons  
HM Inspectorate of Probation  
and  
Victim Support Quality and Standards Unit**

Published February 2006



# Contents

## Chief Inspectors' Foreword

**Overview** 1

**Summary of Findings** 3

### Chapters:

**1 Improving Confidence in the Criminal Justice System** 6

**2 Bringing Offenders to Justice** 13

**3 Reducing Ineffective Trials** 20

### Annexes

**Annex A Performance Information – Thames Valley Criminal Justice Board** 29

**Annex B Acknowledgements** 31

**Annex C Glossary** 33



## Chief Inspectors' Foreword

The Chief Inspectors of the criminal justice inspectorates are pleased to publish their joint report on the Thames Valley Criminal Justice Area. This inspection builds on previous joint inspection work and is the third joint area inspection of six that are planned for 2005/06. This represents a significant increase in joint area inspection activity and shows the commitment of the criminal justice inspectorates to working more closely to help the delivery of improved case management and develop public confidence in the criminal justice system (CJS).

The criminal justice inspectorates have, for some time, been placing greater emphasis on the effectiveness of relationships between the organisations that they are responsible for inspecting. In particular, how successful those agencies have been in improving performance through co-operation within a framework that recognises the inter-dependencies of the criminal justice system, whilst respecting the separate and independent role of the agencies themselves.

Local Criminal Justice Boards (LCJBs) operate on a non-statutory basis and came into existence formally on 1 April 2003. They represent a new way of doing business within the CJS, through better co-ordinated and more cohesive working arrangements. This national infrastructure also offers a more substantial focus point for integrated inspection. We, as leaders of the criminal justice inspectorates, are determined to continue to build on these developments through the planned programme for this year.

Strategic planning and managing delivery on a cross-agency basis at a local level is a developing concept. The National Criminal Justice Board keeps the scope of LCJBs' work under constant review, while the Office of Criminal Justice Reform regularly issues guidance and practitioner toolkits, for both new initiatives and best practice, toward improving performance against existing measures. Although the potential benefits of integrated inspection based on criminal justice areas are substantial, the inspection processes will need careful and ongoing development. Each joint inspection we undertake during this business year will be subject to a rigorous evaluation to ensure that there is continuous improvement in our processes.

The framework used for this inspection was developed with a view to it being used across all the joint inspections planned for this business year. Its focus is on the 'front-end' of the criminal justice process, from arrest to the point of sentence, with particular reference to three objectives, namely: increasing public confidence in the criminal justice system; bringing offenders to justice; and reducing ineffective trials. Within the framework we address aspects of corporate governance arrangements and the strategies and policies of the Thames Valley Criminal Justice Board, together with the effectiveness of inter-agency co-operation on those matters that affect overall performance from the point of charge through to passing of sentence. The framework drew on substantial guidance and other information about standards available either from the National Criminal Justice Board, the Office of Criminal Justice Reform, or the individual agencies themselves.

This inspection was carried out in accordance with the principles of inspection set out by the Office of Public Service Reform, and it examined issues, so far as practical, from a user perspective – particularly that of victims and witnesses. The inspection team worked closely with the Quality and Standards Department of Victim Support and their assessments have been incorporated into the overall report.

Our intention is that this report will inform the people of Thames Valley about how effectively their local CJS works by highlighting the strengths of inter-agency working and identifying where further improvement can be made. It will also inform the policies, strategies and delivery of the wider criminal justice community.

Finally, the Chief Inspectors take this opportunity to thank the Chief Officers and staff of the criminal justice agencies in Thames Valley for the considerable assistance rendered to them during the course of this inspection. We also thank those from the wider Thames Valley community who come into contact with the CJS for giving up their time to inform us of their experiences.



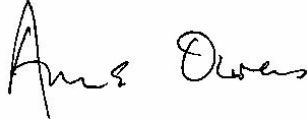
**Sir Ronnie Flanagan, GBE, MA**  
HM Chief Inspector of Constabulary



**Stephen J Woole, CB**  
HM Chief Inspector of  
the Crown Prosecution  
Service



**Eddie Bloomfield**  
HM Chief Inspector of  
Court Administration



**Ms Anne Owers, CBE**  
HM Chief Inspector of Prisons



**Andrew Bridges**  
HM Chief Inspector of Probation

## Overview

Thames Valley is the largest non-metropolitan criminal justice area in England and Wales covering the 2,200 square miles of the counties of Berkshire, Buckinghamshire and Oxfordshire. The area is home to 2.1 million people spread across rural and urban settings including towns and cities such as Oxford, Reading, Milton Keynes and Slough.

Thames Valley is an area of great contrasts; from the picturesque Cotswolds to the busy centres of Reading, Slough, Maidenhead and Bracknell; from historic Oxford to modern Milton Keynes.

Crime in Thames Valley is below the England and Wales average and the latest figures indicate that it is falling. In 2004/05, 97 crimes were recorded per 1,000 population compared with 105 for England and Wales as a whole. This represents a three per cent fall in crime in Thames Valley from the previous year.

Thames Valley is ethnically diverse, with nine per cent of the population being members of minority ethnic groups. This proportion rises to almost 20 per cent in East Berkshire. The area is generally prosperous and includes some of the most high-tech industries in the world. However, there are also areas of deprivation.

## Thames Valley Criminal Justice Board

The Government has established 42 criminal justice areas in England and Wales, each with a local criminal justice board made up of the chief officers of the criminal justice organisations of the area. Thames Valley Criminal Justice Board (TVCJB) formally assumed its responsibilities in April 2003, having run in 'shadow' form prior to that. However, TVCJB effectively came together in April 2002 to tackle rising levels of street crime.

All local criminal justice boards are charged with establishing and delivering, at local level, targets that support the achievement of national objectives for the criminal justice system (CJS). The national targets are drawn from the Ministerial Public Service Agreements (PSAs) and include:

- ◆ increasing the level of public confidence in the CJS to 40 per cent by 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 2005/06
- ◆ a reduction in the proportion of ineffective trials by 27 per cent by March 2006, with the proportion of ineffective trials to be no more than 23 per cent in the magistrates' courts and 17 per cent in the Crown Court.

The Office of Criminal Justice Reform has suggested targets for each criminal justice area to assist them in contributing to the overall national targets.

## Inspection

This joint inspection focused on the criminal justice process from the point of arrest to sentence but did not consider or comment on matters for which the judiciary have a responsibility or which seem to reflect on such a matter. It specifically considered how the criminal justice agencies and their partners, such as Victim Support and the Witness Service, were working together in Thames Valley to achieve the targets set by the TVCJB and deliver desirable outcomes for the community.

At the same time as the joint inspection, Her Majesty's Inspectorate of Court Administration (HMICA) conducted an inspection of the quality of service provided to victims and witnesses in Thames Valley, as part of its ongoing programme of single-agency inspections. The two inspections are separate and are reporting separately, although there are areas of overlap between the two. The two inspection teams worked together before, during and after the fieldwork to ensure that information and findings were shared and the burden of inspection on the criminal justice agencies in Thames Valley, and in particular the courts, was minimised.

## Methodology

Our methodology included a self-assessment by the TVCJB against the inspection framework, which is based on the PSA targets. We examined management information and consulted with criminal justice partners of the TVCJB. We visited the area for ten days in early September 2005 and held interviews with criminal justice staff at all levels, criminal law practitioners and representatives of local community-based organisations. Focus groups were held with police officers, victims and witnesses and staff from the Crown Prosecution Service (CPS) and courts. The inspection team carried out observations of the quality of service delivery by the criminal justice agencies and partners at both the magistrates' courts and Crown Court. This included an assessment of courthouse facilities for court users including those in custody.

## Report

A summary of findings and recommendations from the joint inspection can be found at the beginning of the report. The main body of the report is divided into three chapters that replicate the inspection framework, which is itself based on the government's targets for increasing public confidence in the CJS, increasing the number of offences brought to justice and reducing the rate of ineffective trials. These chapters contain the detailed findings of the inspection team.

## Summary of Findings

Thames Valley is one of the largest and most complex criminal justice areas in England and Wales. The chief officers are committed to working together and inter-agency relations are generally good. A clear and coherent Delivery Plan is in place, although arrangements for the delivery of the Board's programme are complex and will need careful management. Performance against PSA objectives has improved and is good in most cases. However, increasing workloads and problems with recruiting and retaining staff could threaten the progress made so far.

Thames Valley incorporates three counties and includes 16 Crime and Disorder Reduction Partnerships (CDRPs), eight Youth Offending Teams (YOTs) and a multitude of other related agencies and organisations; far more than is typically found in areas covering single counties or even larger metropolitan areas. This complexity is an obstacle to effective, consistent, multi-agency working, although excellent work around prolific and priority offenders demonstrates how these obstacles can be overcome. TVCJB's approach to performance management is shedding light on some of the problems facing the Board and is enabling appropriate strategies and solutions to be developed.

Public confidence is above the average for England and Wales and ahead of expectations, although more work is needed to develop a confidence plan.

Concerted efforts, initially by the police and subsequently by the wider CJS, has seen the number of offences brought to justice increase substantially in Thames Valley since the autumn of 2004. Performance has exceeded expectations and put pressure on other parts of the CJS as caseloads have increased.

The introduction of a local version of statutory charging had unforeseen and negative consequences, which were reversed following the adoption of the national scheme. Although many initial problems have been addressed, some remain and the scheme is not yet fully effective.

Domestic Violence (DV) is given priority status in Thames Valley and the amount of activity and related good work reflects this. However, trial delays have the potential to undermine some of this good work. The area is also performing well in relation to Persistent Young Offenders (PYOs) and is a leading light in the development and application of restorative forms of justice.

The ineffective trial rate has been successfully reduced in Thames Valley, although this is not due to the Effective Trial Management Programme (ETMP), which is yet to be fully implemented. Staff shortages and high caseloads adversely affect case progression, with poor preparation for pre-trial hearings. The LCJB is struggling to introduce ETMP in one area in particular, although plans are in place to address this.

Witness needs are catered for by Witness Care Units (WCUs), which have been introduced ahead of the government deadline although, again, caseloads are high and it is proving difficult to provide a full service to all witnesses. Some witnesses receive a poor service although early signs suggest WCUs are delivering improvements. The rights of defendants are respected, including those in custody.

## Recommendations

- 1 That TVCJB review and clarify the terms of reference, reporting and accounting mechanisms for Local Criminal Justice Board sub-groups, with a view to reducing overlap with single and multi-agency groups outside Local Criminal Justice Board structures and improving the efficiency of routine inter-agency meetings.
- 2 That TVCJB build on existing approaches to performance analysis and ensure that:
  - ◆ action plans are always produced following analysis
  - ◆ the impacts of planned operational changes are assessed
  - ◆ good practice is identified and spread.
- 3 That TVCJB review its arrangements for engaging with groups outside the Local Criminal Justice Board, including the voluntary sector, with a view to increasing their involvement in the work of the criminal justice agencies.
- 4 That TVCJB develop a broad, cohesive and proactive strategy for increasing public confidence in the criminal justice system that links together existing activities, identifies any gaps in provision and includes responsibilities, targets, timescales and resource commitments.
- 5 That TVCJB ensure the planned inter-agency training network is established and that, in addition to its objective of maximising joint training opportunities, it provides strategic oversight, co-ordination and prioritisation of joint training.
- 6 That TVCJB monitor progress against the Joint Charging Scheme Action Plan, and ensure that agreed processes are adhered to and that the benefits of statutory charging are realised and measured.
- 7 That TVCJB monitor adherence to, and ensure accountability for, the Effective Trial Management Programme and identify opportunities to expedite Domestic Violence and other priority cases.
- 8 That TVCJB ensure that the needs of all witnesses are assessed and prioritised and, wherever possible, these needs are met.

## Other aspects for improvement

- 1 Risk assessments should be routinely carried out for major single and multi-agency initiatives, including assessment of the impacts of exceeding targets.
- 2 TVCJB will want to assure itself that its initiative to make restorative justice available is not being adversely affected by its drive to increase sanction detections and offences brought to justice.
- 3 As Witness Care Units develop, managers will need to consider how links with the wider criminal justice system, including the Witness Service and other staff concerned with victim and witness care, can be formalised.
- 4 Joint monitoring systems should be set up between Victim Support and Thames Valley Police to monitor referral rates, using the data systems that already exist but are not being interrogated, with a view to increasing the rate of referrals.

## Areas of good practice

- 1 The Prolific and Priority Offender (PPO) scheme, is overseen by the TVCJB and is an outstanding example of effective engagement and joint working with Crime and Disorder Reduction Partnerships (CDRPs).
- 2 A computer-based training package for 'No Witness, No Justice' (NWNJ) has been developed by Thames Valley Police and delivered to 600 frontline staff. The training includes content on Victim Impact Statements and early referral to Victim Support, as well as aspects of witness care, required as part of the Victims' Code of Practice.

## Other strengths

- 1 In an attempt to improve overall performance, the LCJB has targeted investment to parts of the criminal justice system that were found to be acting as a bottleneck.
- 2 The analysis of the criminal justice system in East Berkshire provides insight into the problems faced by the criminal justice agencies in that part of Thames Valley and will enable TVCJB to focus improvement efforts more effectively.
- 3 A broad range of multi-agency training is provided across the Thames Valley criminal justice system, helping to build inter-agency co-operation and understanding.
- 4 The number of offences brought to justice in Thames Valley is increasing and is well ahead of the target trajectory.
- 5 Multi-agency planning and the development of a joint estates strategy will help to ensure future police, Crown Prosecution Service and court estates are complementary and support the efficient and effective operation of the criminal justice system in Thames Valley.
- 6 A strong commitment to preventing Domestic Violence is evident in Thames Valley, where a range of innovative plans and initiatives is likely to improve provision to victims and potential victims.
- 7 TVCJB's experience and emphasis on restorative justice provides a valuable alternative option that can increase public confidence in the criminal justice system.
- 8 The Thames Valley witness survey provides useful insight into issues affecting witnesses in Thames Valley.

# Chapter 1: Improving Confidence in the Criminal Justice System

## Overall assessment

**1.1** Thames Valley is one of the largest and most complex criminal justice areas in England and Wales. Performance against PSA objectives has improved and is good in most cases. The chief officers are committed to working together and inter-agency relations are generally good. However, increasing workloads and problems with recruiting and retaining staff could threaten the progress made so far. The complex nature of the area is an obstacle to effective, consistent, multi-agency working. The TVCJB's approach to performance management promises to shed further light on many of the problems faced and to enable appropriate strategies and solutions to be developed. More work is needed to develop a confidence plan.

## The Thames Valley Criminal Justice Board

**1.2** Multi-agency working in Thames Valley has progressed a long way since the foundation of the TVCJB in 2003. The individual criminal justice agencies now work more closely together and enjoy good relations at both operational and strategic levels. The Chief Constable chairs the Board and the Chief Crown Prosecutor (CCP) is his deputy.

**1.3** TVCJB has set out its plans for 2005/06 in a Delivery Plan. This is clear and coherent and covers the implementation of major initiatives and the Board's intentions for improving performance against each of the PSA objectives. The Board regularly reviews progress against the Delivery Plan.

**1.4** Delivery of the Board's priorities is through a series of sub-groups and project boards, which report to the main Board. Sensible plans to strengthen the arrangements for reporting progress are in place that, when fully implemented, should improve the Board's control over its programme of work. A standard format for sub-group minutes has been introduced but is yet to be adopted universally. The use of a Gantt chart will enable the progress of individual pieces of work to be tracked more effectively.

**1.5** Inspectors were provided with minutes for the following sub-groups:

- ◆ Victims and witnesses
- ◆ Resettlement
- ◆ Race and Diversity
- ◆ Persistent Young Offenders
- ◆ Domestic Violence
- ◆ Communications.

**1.6** There are also three steering groups, which oversee the introduction of the three principal elements of the Criminal Case Management Programme (CCMP):

- ◆ Statutory Charging
- ◆ Effective Trial Management Programme
- ◆ No Witness No Justice.

- 1.7 In addition, the Delivery Plan includes details for establishing a Performance Delivery Group, which has now been set up, LCJBs based on each of the five Basic Command Units (BCUs) and a Futures Group to look at IT, legislation, estates and initiatives. Individual chief officers are also setting up or planning further sub-groups.
- 1.8 Once all these groups are in place, the board structure will be extensive and complex. The complexity is increased further when TVCJB's arrangements are viewed alongside a large number of single and multi-agency groups that exist in Thames Valley but which are not allied to the Board.
- 1.9 Many of the non-Board groups in Thames Valley are a statutory requirement for one or more of the individual agencies and so cannot be disbanded. Much of the work of the Board and non-Board groups is complementary. However, there are areas of overlap and the links between TVCJB sub-groups and the other groups are not always clear or widely understood, even by some group members. The Board's recognition of the importance of this is included in the Delivery Plan:

*"The introduction of Local Criminal Justice Boards must be seen as part of a rationalisation of the number/frequency of existing routine inter-agency meetings."*

The high number of groups also acts as a drain on managers' time as membership lists show it is often the same people who attend the different meetings.

- 1.10 Wisely, TVCJB is planning to review the terms of reference for its sub-groups. The recruitment of additional staff to the TVCJB support team will also help to clarify, monitor and maintain the links between sub-groups but not necessarily those outside board structures. The efficient dovetailing of Board and non-Board activities is particularly important when the limited resources available in Thames Valley are considered.

**Recommendation 1: That TVCJB review and clarify the terms of reference, reporting and accounting mechanisms for Local Criminal Justice Board sub-groups, with a view to reducing overlap with single and multi-agency groups outside Local Criminal Justice Board structures and improving the efficiency of routine inter-agency meetings.**

- 1.11 Board meetings are well attended and conducted in a friendly yet businesslike manner. The focus is on performance, although a broad range of matters is discussed. The Board regularly invites external speakers, enabling members to keep up to date with developments across a wider arena.
- 1.12 Members of the TVCJB state that they are willing and able to hold each other to account over actions to which they are committed. The Chair and Deputy Chair are increasingly able to monitor the progress of Board initiatives and activities and to take prompt action in areas of concern. Interventions by the Chair or Deputy Chair often take place between Board meetings. This approach may enable the Board to get on with its business more quickly at meetings but it may prevent a formal record of accountability being included in the minutes. TVCJB should consider introducing procedures to summarise, for members, any executive actions or delegated authority decisions made between formal meetings.
- 1.13 The Board has demonstrated an ability to take a system-wide view and has shown a willingness to invest in particular parts of the CJS in order to deliver wider benefits. The Board's analysis of the challenges in East Berkshire provides an excellent example of this multi-agency approach (see paragraph 1.17).

**Strength:** In an attempt to improve overall performance, the Local Criminal Justice Board has targeted investment to parts of the criminal justice system that were found to be acting as a bottleneck.

## Performance management

- 1.14** The presentation of performance information to the Board is clear and timely. The Area Performance Officer (APO) is able to access police IT systems to obtain up-to-date information. Access to similar information from the CPS, using the case management, management information system (COMPASS MIS) is impeded by a national shortage of the requisite software licenses, with little optimism that more licences can be provided under the current software contract. The CPS has made arrangements for the APO to receive the information he needs, although this is not as efficient as allowing direct access. The establishment of the Performance Delivery Group will strengthen the Board's capacity to analyse performance in more depth.
- 1.15** The emphasis on performance management in Thames Valley is around reporting and analysing the achievement, or otherwise, of the Board's objectives. Useful sets of associated indicators have been developed that shed light on the reasons for good or poor performance and contribute to managers' operational decisions.
- 1.16** Projections of future performance and assessments of the impacts of operational changes are less well developed. For example, the potential impacts of an increase in sanction detections (see paragraphs 2.5-2.6), or the requirement to produce a full file before charge (see paragraphs 2.8-2.10) were not fully understood in advance. Accurate performance forecasts and scenario testing have the potential to make a valuable contribution to TVCJB's strategic planning and decision making.

### *East Berkshire problem profile*

- 1.17** Performance data, regularly reviewed by the Board, identifies East Berkshire as the source of many of the performance challenges in Thames Valley and as a barrier to further improvements. Problems include a backlog of trials and a high ineffective trial rate. The Board commissioned an analysis of the CJS in East Berkshire by the APO, and received a report on this in August. The resulting problem profile is an excellent, insightful analysis of the challenges faced in East Berkshire. Earlier drafts of the report were rewritten to ensure all the agencies involved had contributed to a genuinely multi-agency analysis. The analysis identifies the underlying causes of poor performance, including staff shortages and a less than ideal court estate, and also takes account of the potential impact of future changes to the police estate.

**Strength:** The analysis of the criminal justice system in East Berkshire provides insight into the problems faced by the criminal justice agencies in that part of Thames Valley and will enable TVCJB to focus improvement efforts more effectively.

- 1.18** The Board has recognised it now needs to develop an action plan that addresses the issues raised in the problem profile. The newly formed East Berkshire CJB has met to discuss how to take things forward, although some of the problems will need area-wide or national input in order to resolve them.

## *The Thames Valley area*

- 1.19** The characteristics of the Thames Valley Criminal Justice Area have a significant influence on the operation of the CJS. Thames Valley is the largest non-metropolitan criminal justice area in England and Wales. The size of the area brings some benefits of economies of scale, however, the geography and demography bring considerable challenges. The area varies between rural Oxfordshire and the urban sprawl of East Berkshire, which lies adjacent to West London. The diverse nature of Thames Valley means it can be difficult to find a single solution that is suitable across the whole area. The three counties, from which Thames Valley was formed retain significant local identities that can make corporate solutions difficult to implement.
- 1.20** Recruitment and retention of staff is very difficult in the Southeast of Thames Valley as staff are continually attracted to the higher salaries available in London. As a consequence, Thames Valley criminal justice agencies have to operate with a high proportion of inexperienced staff and high vacancy rates. The probation service in East Berkshire typically operates at 65 per cent to 80 per cent of establishment and with 40 per cent of probation officers who have less than two years' experience.

## *Identifying good practice*

- 1.21** A variety of local practices are evident in Thames Valley. In some cases, variation results from staff failing to follow agreed processes. Frequently, however, the variation is historic, having been inherited from county-based agencies that were amalgamated to create Thames Valley. The Board is aware that variable practice is widespread and is taking appropriate action to increase consistency. There is little evidence that different working practices are compared and evaluated to find the best ways of working.

### **Recommendation 2: That TVCJB build on existing approaches to performance analysis and ensure that:**

- ◆ **action plans are always produced following analysis**
- ◆ **the impacts of planned operational changes are assessed**
- ◆ **good practice is identified and spread.**

## **Community engagement**

- 1.22** Membership of TVCJB is focused around the Chief Officers from the five criminal justice agencies, with a small number of additional senior staff. Membership of the Board has previously been more extensive but the Board took the decision to streamline itself in order to increase efficiency and effectiveness.
- 1.23** A single YOT manager represents all the Thames Valley YOTs on the Board. This arrangement ensures YOT views are represented at Board meetings but the YOT Board representative is unable to commit other YOTs to Board decisions. Other YOT managers are members of sub-groups and all are involved in some way in Board activities. The YOT representative on the main Board recently changed, as part of a planned rotation of roles amongst YOT managers.

- 1.24 Involvement of other groups in Board activities is difficult to facilitate in Thames Valley which, as well as eight YOTs, has 16 CDRPs, two Victim Support areas and a myriad of local voluntary groups. Sub-groups include representation from groups outside the Board's member agencies but, inevitably, with the number of possible candidates for group membership, it is difficult to be truly representative. Attendance at meetings by those from outside the criminal justice agencies is patchy and there is a perception amongst some voluntary groups that they should be more fully involved. This was particularly notable in the DV sub-group. Voluntary groups also received little information on the work of the Board. The Board's newsletter did not seem to be widely circulated, and Board minutes even less so.
- 1.25 Links with local authorities and CDRPs, at a strategic level, are through the Chief Executives Group and the Thames Valley Partnership. At an operational level, initiatives such as the PPO work, rely on effective local links. Although effective at their respective levels, there is a gap in the middle that results in Community Safety Managers feeling disengaged from TVCJB and unaware of its role. Community Safety Managers felt there was scope for closer working between themselves and TVCJB and that further co-operation would have benefits on both sides, including those around planning and meeting targets.
- 1.26 Defence solicitors are another group that would welcome stronger links with the Board. Some initial engagement as part of ETMP has been well received so plans to engage further with this group through a new Legal Issues sub-group are timely.

**Recommendation 3: That TVCJB review its arrangements for engaging with groups outside the Local Criminal Justice Board, including the voluntary sector, with a view to increasing their involvement in the work of the criminal justice agencies.**

## **Building public confidence in the criminal justice system**

- 1.27 The latest survey of confidence in the CJS revealed that 45 per cent of those asked had confidence in the Thames Valley CJS's ability to bring offenders to justice. This is four percentage points higher than the baseline set in March 2003 of 41 per cent and is also higher than the average for England and Wales of 43 per cent. The Board is aiming for a target of 47 per cent by March 2006.
- 1.28 TVCJB places less emphasis on public confidence *per se* compared with other aspects of performance and there is no separate confidence plan. Increasing public confidence is featured in the Delivery Plan and the Board intends to develop a detailed action plan based on *Planning for Confidence*. The Board's view is that public confidence is very difficult to influence directly and is most likely to be improved through the provision of an effective CJS.
- 1.29 Inspectors found an impressive range of activities and initiatives capable of boosting public confidence, including neighbourhood policing, restorative justice (see paragraph 2.33), prolific and priority offenders (see paragraph 2.28) and the planned work around anti-social behaviour. However, there is no over-arching strategy for building public confidence that will ensure that the impact on confidence of all these initiatives is fully realised. Without this the Board risks failing to capitalise on the good work already ongoing and may not identify opportunities to build public confidence in areas currently not being addressed.

**Recommendation 4: That TVCJB develop a broad, cohesive and proactive strategy for increasing public confidence in the criminal justice system that links together existing activities, identifies any gaps in provision and includes responsibilities, targets, timescales and resource commitments.**

**1.30** TVCJB does not see itself as a publicly recognised brand, preferring to rely on the public's existing recognition of individual criminal justice agencies. This decision may, in part, be a pragmatic one as the resources available for both internal and external communication are limited. Again the characteristics of the Thames Valley area present particular difficulties to the small team of people responsible for communication. Using the media to promote positive messages about the CJS in Thames Valley involves contact with many newspapers, radio and television stations.

## Equality and diversity

**1.31** Diversity, particularly around race and DV, has a significant profile within TVCJB and the individual criminal justice agencies, although there is no TVCJB equality and diversity plan. There is a lack of clarity around the responsibilities of the TVCJB and single agency groups concerned with equality and diversity, and little co-ordination between them. The Race and Diversity sub-group, which is the designated TVCJB lead for equality and diversity, has struggled to secure appropriate and regular police representation, although this now appears to be resolved.

**1.32** The Race and Diversity sub-group has commissioned research into attitudes towards the CJS, amongst various minority groups, with the intention of providing a baseline against which future performance can be assessed. The research has good aspirations and is inclusive, engaging with a wide range of groups, including travellers and victims of DV from a minority ethnic group. Early indications are that the research findings, perhaps not surprisingly, relate mainly to the police.

**1.33** The research has become the sole focus of the sub-group, which is no longer fulfilling its wider remit, including monitoring hate crime on behalf of the Board, although this does happen at the single agency level.

## Joint training

**1.34** Inspectors found many good examples of multi-agency training across Thames Valley. Examples include joint training in NWNJ for the police and CPS, and the facility for YOT staff to attend training in other agencies.

**Strength:** A broad range of multi-agency training is provided across the Thames Valley criminal justice system, helping to build inter-agency co-operation and understanding.

**1.35** Several sub-groups and project boards have identified a need for joint training and awareness-raising exercises as part of their work strands, and are actively considering further training opportunities. It is likely, therefore, that the extent of multi-agency training will continue to grow across the area. In broad terms this is a positive development that is likely to further increase inter-agency co-operation and understanding. In the short-term, however, further training may add to the demands on frontline staff at a time when many parts of the CJS are working under great pressure.

**1.36** At present there is no central co-ordination of joint training, although an inter-agency training network is planned that will have the objective of maximising joint training opportunities. Without co-ordination there is a risk that, while each individual training initiative may be reasonable, in combination they could place an unsustainable burden on frontline resources through increased abstraction. To manage this risk and ensure that training is effectively

prioritised, TVCJB will need to ensure training is co-ordinated across all agencies. Central co-ordination and oversight of the joint training programme would also ensure duplication between training initiatives is minimised.

**Recommendation 5: That TVCJB ensure the planned inter-agency training network is established and that, in addition to its objective of maximising joint training opportunities, it provides strategic oversight, co-ordination and prioritisation of joint training.**

- 1.37** A job-shadowing scheme has been established, although the uptake so far has been limited. Feedback from individuals who have taken part in the scheme is concerned with how well the scheme is operating. The TVCJB should also look at ways in which improvements to working practices, inter-agency co-operation and good practice can be identified via the shadowing scheme and then spread across the area.

# Chapter 2: Bringing Offenders to Justice

## Overall assessment

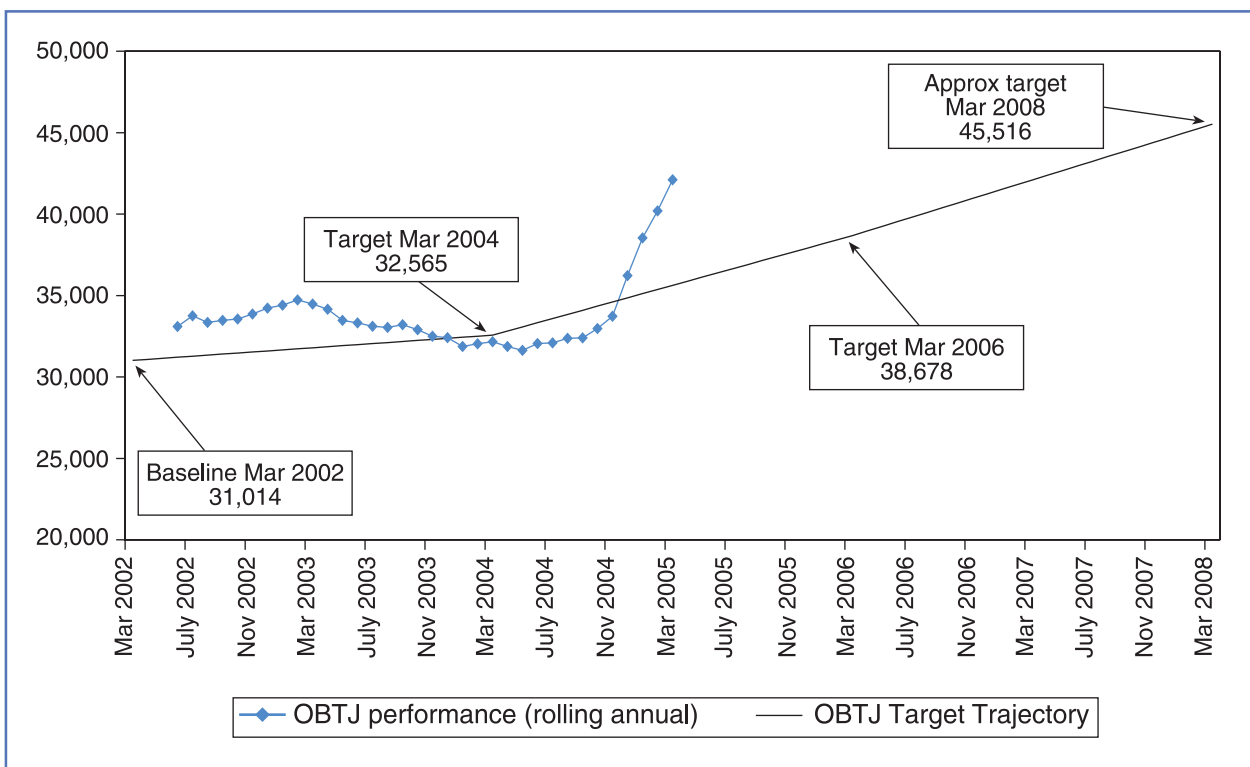
2.1 Concerted efforts, initially by the police and more recently by the wider CJS, have seen the number of offences brought to justice increase substantially in Thames Valley since the autumn of 2004. The introduction of statutory charging caused early problems. Initial problems have been addressed, although some remain and the scheme is not yet fully effective. Domestic Violence is given priority status in Thames Valley and the amount of activity and related good work reflects this. However, trial delays have the potential to undermine some of this good work. Thames Valley is a leading light in the management of prolific and priority offenders and the application of restorative forms of justice.

## Offences brought to justice

2.2 Increasing the number of offences brought to justice is a top priority for TVCJB, which is borne out by the prominence of this objective in the Delivery Plan and the amount of energy and attention that is focused upon it.

2.3 Performance has been improving since autumn 2004, shortly after the police initiated a major drive to increase sanction detections. The extent of the improvement in performance is impressive and can be seen in Figure 1, which is taken from the TVCJB Performance Information Pack. The chart presents a twelve-month rolling average, which has the effect of dampening short-term changes in performance. Therefore, the size of the increase is likely to be greater than that presented and should carry on increasing until the full-year effect of the Board's efforts are felt.

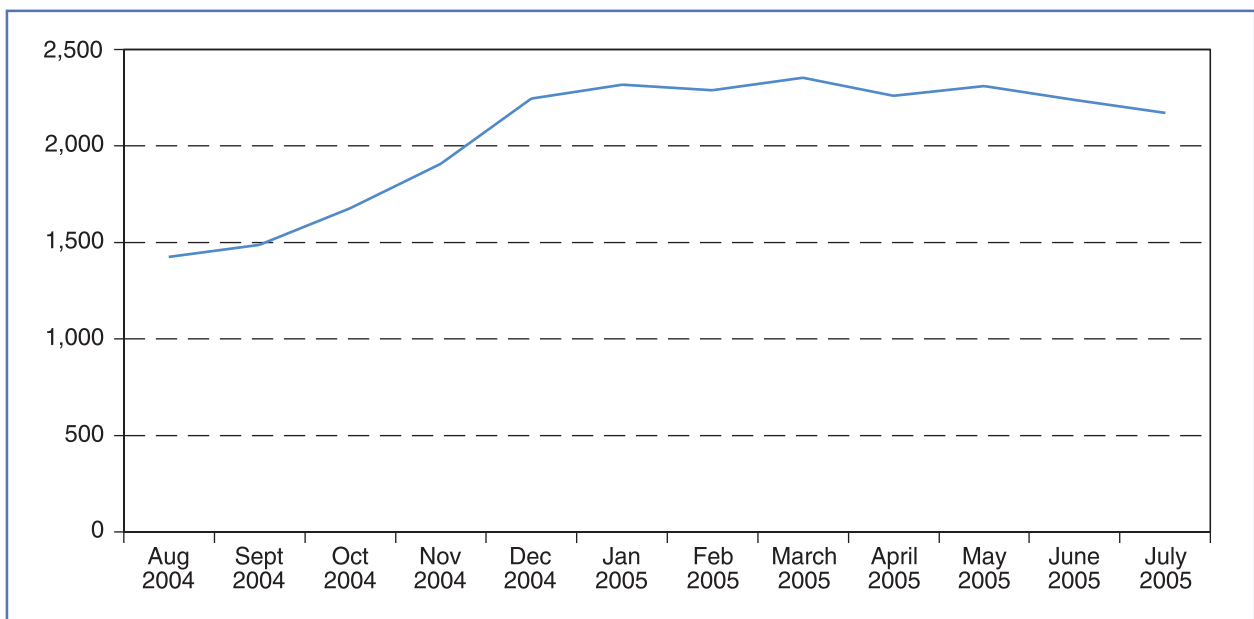
Figure 1 The number of offences brought to justice (OBTJ) in Thames Valley



**Strength:** The number of offences brought to justice in Thames Valley is increasing and is well ahead of the target trajectory.

- 2.4 Many of the additional offences are brought to justice as a result of the increased use of cautions, fixed penalty notices and 'offences taken into consideration' (TICs). Thames Valley now has the lowest proportion of OBTJ as a result of a conviction in England and Wales, although the numbers of charges and cases going to court has also increased in line with the overall rise. The increased number of cases within the CJS is stretching court capacity in some parts of Thames Valley and placing greater demands on staff at a time when many are involved with the implementation of CCMP initiatives.

**Figure 2** The number of charges per month by Thames Valley Police



- 2.5 The drive to raise the sanction detection rate came from the police but other agencies became increasingly involved and efforts are now genuinely multi-agency. From 1 August 2005 it became a joint performance measure for the police and the CPS. There is evidence that the police informed TVCJB about what they were going to do in relation to sanction detections and that the likely impacts were assessed. However, not everyone seems to have been aware or has taken on Board the full extent of possible impacts from increasing the sanction detection rate.

- 2.6 Target profiling that was carried out to assess the consequences of an increase in sanction detections, was based on an assumption that increases would be in line with targets. In reality, performance has exceeded the target by 35 per cent.

**Aspect for improvement:** Risk assessments should be routinely carried out for major single and multi-agency initiatives, including assessment of the impacts of exceeding targets.

- 2.7 There are positive indications that the TVCJB has learned from its experience with sanction detections. For example, plans for a more recent police initiative, to increase the number of warrants enforced, have been communicated to partners at a much earlier stage.

## Statutory charging

- 2.8** Statutory Charging was introduced in Thames Valley in September 2004, following a period of shadow running. The area initially introduced its own version of the scheme, which differed from the national scheme in that it required a full prosecution file to be produced by the police for those cases where a 'not guilty' plea was expected and the suspect was on bail. The police and the CPS had decided to introduce this additional requirement, as they were concerned about the quality of file preparation amongst police officers. The reasons for departing from the national scheme were sound but the consequences were unforeseen.
- 2.9** The requirement for a full file before charge resulted in a backlog of cases waiting for a charging decision and an increase in the number of suspects being released on police bail. The courts noticed a decline in the number of prosecutions reaching them and the police started to encounter problems in keeping track of the increasing number of individuals on bail.
- 2.10** It is to the area's credit that problems with the charging scheme were identified and action was taken to address them. On realising the impact of the requirement for a full file, the charging scheme in Thames Valley was brought into line with the national scheme. The requirement for a full file in every case was dropped and a fast-track file introduced. The change to the scheme has had the desired effect of reducing the numbers of suspects on bail and increasing the number of cases reaching the courts. In fact, the courts have moved from a position where they were concerned over the small numbers of cases reaching them, to one where they are struggling to meet demand in some parts of the area, resulting in longer waits for trials.
- 2.11** The charging scheme in Thames Valley was reviewed in April 2005, as part of the national charging programme. The review painted a generally positive picture, including a commendation for the quality of file preparation and the advice/charging decisions observed during the review. The inspection of Thames Valley CPS, by Her Majesty's Crown Prosecution Service Inspectorate in September 2004, also provided an early positive assessment of the introduction of the charging scheme.
- 2.12** The joint inspection team did not analyse the charging scheme in Thames Valley to the same depth as the review in April. However, we support the conclusions of that review and the action plan that followed, which provides clear ownership and timescales for the actions contained within it. Assuming the action plan is successfully addressed, the leaders of the charging programme nationally do not anticipate further need to visit Thames Valley.
- 2.13** Although many of the actions within the action plan have now been implemented, a number of challenges still exist, including ensuring full adherence to procedures, improving access to lawyers and reducing the discontinuance rate. All these will need to be overcome before Statutory Charging is fully effective in Thames Valley. There is little evidence yet that the charging scheme is starting to deliver the benefits expected. The most recent benefits realisation data indicate that the guilty plea rate and the discontinuance rate are both worse than the area targets.

**Figure 3 Thames Valley Pre-charge Decision benefits realisation data**

		Actual performance		
	Area target %	May 2005 %	June 2005 %	July 2005 %
<b>Discontinuance rate</b>				
Magistrates' courts	14.3	23.8	20.8	22.8
Crown Court	12.7	9.7	5.9	17.8
<b>Guilty plea rate</b>				
Magistrates' courts	71.4	63.7	61.0	58.7
Crown Court	69.0	65.3	73.7	58.9
<b>Attrition rate</b>				
Magistrates' courts	31.0	30.0	29.7	32.2
Crown Court	23.0	22.6	15.8	27.4
<b>Caseload</b>				
Magistrates' courts		656	495	373
Crown Court		124	152	73

**2.14** The high discontinuance rate is of particular concern as it contrasts with the rate for cases that have not been through the charging scheme, which is falling. The CPS is aware of the problem and is taking appropriate steps to discover the reasons for the high rate.

**2.15** Inspectors found some evidence that the charging scheme is not being fully adhered to and that local custom and practice is developing. Analysis of a small sample of prosecution files revealed six out of 14 did not contain a record of the initial review decision. A fall in the number of charging consultations over recent months is also a concern as it may indicate that some cases that should pass through the scheme are not doing so.

**Recommendation 6: That TVCJB monitor progress against the Joint Charging Scheme Action Plan, and ensure that agreed processes are adhered to and that the benefits of statutory charging are realised and measured.**

**2.16** Some police officers described difficulties gaining access to charging lawyers. Long waits can be experienced at busy charging centres and the CPS and police agreed that access to a charging lawyer at some of the smaller, quieter centres should be by telephone. The large number of charging centres in Thames Valley, spread over a wide geographic area, presents particular challenges to the CPS when determining how to deploy its limited resources. The demands for prosecutors within other parts of the prosecution process (see paragraph 3.7) mean that increasing the total number of lawyers available in charging centres is unlikely to be possible. The Charging Steering Group is planning to review deployment of charging lawyers over the coming months.

**2.17** Police plans for a major overhaul of the custody estate could have significant impacts on the way charging lawyers are distributed across Thames Valley. It is encouraging, therefore, that the CPS and Her Majesty's Court Service (HMCS) are involved in the planning process for the police custody estate and that the agencies are working together on a wider joint-estate strategy.

**Strength:** Multi-agency planning and the development of a joint estates strategy will help to ensure future police, Crown Prosecution Service and court estates are complementary and support the efficient and effective operation of the criminal justice system in Thames Valley.

## Priority and sensitive cases

- 2.18** A range of protocols exists for dealing with sensitive and specialist cases, such as DV, race and other hate crimes, although not all of these are multi-agency and sensitive cases are not always properly identified. File analysis revealed that only 18 out of 25 cases were properly identified and that only 16 were being properly monitored by the CPS on the case management system. Incorrect identification of cases is acknowledged by the area as a problem. Increased training and monitoring have been introduced and are thought to be delivering improvements.
- 2.19** Area champions (CPS) and specialist officers (police) have been introduced to try to ensure sensitive and specialist cases are dealt with appropriately. A special needs co-ordinator takes on the task of linking the agencies together. Arrangements appear to be in place for prioritising sensitive cases, although not all staff are aware of these or consider them effective.

## Domestic violence

- 2.20** Thames Valley CJB has identified DV as a particular priority, and has included it as one of the eight projects/workstreams within the 2005/06 Delivery Plan. Lessons are being learned from previous experience of DV cases. Following a multi-agency DV conference, organised by the Thames Valley Partnership, an action plan is being prepared to address the issues raised. The conference led to the useful report *Risky Business*, which emphasises the need for greater multi-agency co-operation.
- 2.21** An exercise is also being carried out to map all the DV processes, including links with statutory and non-statutory bodies. A risk-assessment model for DV, developed in association with the Metropolitan Police has been introduced in three of the five BCUs in Thames Valley. Domestic Violence among minority ethnic groups is one of the issues addressed in the research commissioned by the Race and Diversity sub-group.
- 2.22** The arrangements for developing and overseeing the Thames Valley DV strategy are complex, with a project board and an LCJB sub-group in existence. Contact has taken place between the Chairs of the respective groups, although there are no plans for more formal links. In addition, there are links with non-criminal justice agencies through the Thames Valley Partnership and local links with CDRPs and their DV forums.
- 2.23** Thames Valley Police has an impressive 82 dedicated DV officers in post, along with clear directions and policy for investigating cases. Despite this investment, staff believe it will be impossible to deliver all the elements contained within national guidance on DV.
- 2.24** The current emphasis within DV in Thames Valley is on prevention and harm reduction, mainly through the establishment of risk management arrangements. Within the prosecution process, a service level agreement on the handling of DV cases has been developed between the police and the CPS. There are plans for one or more DV courts in Thames Valley, although at the moment these are being pursued by more than one group and the TVCJB will want to ensure that duplication of effort is avoided and a solution appropriate to the whole area is provided.

**Strength:** A strong commitment to preventing Domestic Violence is evident in Thames Valley, where a range of innovative plans and initiatives is likely to improve provision to victims and potential victims.

- 2.25** Having talked to victims and their representatives, Inspectors are generally satisfied with the way in which DV and other sensitive cases are handled by the prosecution. However, long periods of time may elapse before cases come to court, which can greatly reduce the willingness of victims and witnesses to proceed.
- 2.26** Police were mainly praised for their sensitivity in dealing with DV cases. However, there is uncertainty around the approach to be adopted in cases where the victim wishes to withdraw the allegation. Prosecutors may summon witnesses or proceed without the victim's evidence, although the basis for a decision on which is most appropriate in individual cases is not clear. The process for supporting victims through the court process appeared inconsistent and the capacity for WCUs to prioritise care in DV cases is not clear (see paragraph 3.28). The TVCJB will wish to ensure there is greater clarity in cases when the victim withdraws an allegation and that appropriate policies are adhered to.

### *Persistent Young Offenders*

- 2.27** In Thames Valley cases involving PYOs are dealt with, on average, more quickly than the 71-day target. Unlike most timeliness measures, the PYO target includes the time taken between arrest and charge, so delays pre-charge can impact on timeliness. A useful system has been developed that enables PYOs, who have been arrested but not yet charged, to be tracked and for reminders to be sent to the officer in the case (OIC) and their supervisor when a delay occurs pre-charge. Information on arrests involving PYOs is obtained from police information systems, and details of subsequent charges and case progression are obtained from CPS systems. Cases are flagged when two months have elapsed without charge, following an arrest.

### *Prolific and priority offenders*

- 2.28** Thames Valley's involvement with PPOs can be traced back to its designation as one of the ten street-crime areas in 2002. The TVCJB commissioned research into persistent/prolific and priority offenders in 2003 and a programme of research has been ongoing since then.
- 2.29** The current project grew out of the Persistent Offender scheme, which focused on street crime. Thames Valley's proven track record in this sphere helped it to attract pump-priming government funding, with the Board acting as a conduit.
- 2.30** The project is also significant in that the Prison Service is a key player and has also provided funding. The Prison Service has its own targets to deal with prolific offenders and the TV PPO project facilitates the achievement of these. A matrix has been developed in order to identify PPOs in a consistent way across Thames Valley. The project operates throughout the prison service area that covers Thames Valley and Hampshire & Isle of Wight. Although the project covers both these criminal justice areas, it reports separately to the two LCJBs.

**2.31** The Thames Valley PPO project has links with all 16 CDRPs in Thames Valley, with the relationship defined by a protocol. Each CDRP has a small sub-group that applies the protocol and identifies the PPOs. The manager of the project acts as a broker and manages the important interface between the offender and the community and also between the TVCJB and CDRPs.

**Good practice:** The Prolific and Priority Offender (PPO) scheme, is overseen by the TVCJB and is an outstanding example of effective engagement and joint working with Crime and Disorder Reduction Partnerships (CDRPs).

**2.32** The work on PPOs is overseen by the Resettlement sub-group, which is also pursuing a wider resettlement agenda.

## Restorative justice

**2.33** Thames Valley has been a leader in the development and availability of restorative approaches to justice for many years. The establishment of the Thames Valley Statutory Adult Restoration Service (TVSTARS) demonstrates TVCJB's ongoing commitment to restorative justice. A management group, which reports to the main Board and includes membership from the Probation, Police and Prison Services, as well as voluntary and lay members, oversees this. Two different approaches to restorative justice are currently employed in Thames Valley.

### *Adult conditional cautioning*

**2.34** Adult Conditional Cautioning is part of a national pilot project, which is currently operating in Oxfordshire and Reading BCUs. Under the Oxford scheme, offenders accept a caution as an alternative to prosecution and undertake restorative activities. Early evidence indicates benefits for both the offender and victim.

**2.35** The process for administering a conditional caution and restorative action requires much greater time and commitment from the OIC. As a consequence, as workloads and the drive for sanction detections remain high, there is a natural temptation to opt for alternative approaches, which can deliver detection more quickly and with less effort in comparison with a conditional caution. Inspectors also found awareness of conditional cautioning amongst custody sergeants is patchy.

**Aspect for improvement:** TVCJB will want to assure itself that its initiative to make restorative justice available is not being adversely affected by its drive to increase sanction detections and offences brought to justice.

### *Post-sentence restorative justice*

**2.36** The second strand of work involves a programme of restorative interventions involving small numbers of serious adult offenders post-sentence. This is part of a wider study into restorative justice.

**Strength:** TVCJB's experience and emphasis on restorative justice provides a valuable alternative option that can increase public confidence in the criminal justice system.

## Chapter 3: Reducing Ineffective Trials

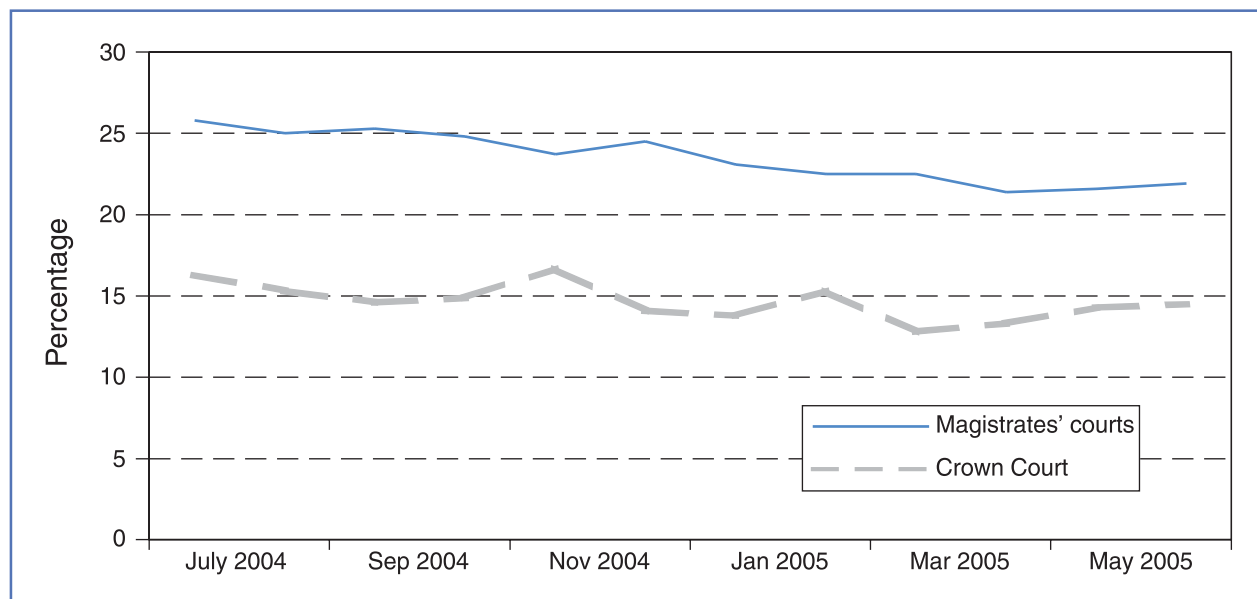
### Overall assessment

**3.1** The ineffective trial rate has been successfully reduced in Thames Valley, although this is not due to the Effective Trial Management Programme (ETMP), which is yet to be fully implemented. Case progression is adversely affected by staff shortages and high caseloads. Witness needs are catered for by Witness Care Units, which have been introduced ahead of the government deadline although, again, caseloads are high and it is proving difficult to provide a full service to all witnesses. Some witnesses receive a poor service, although early signs suggest WCUs are delivering improvements. The rights of defendants are respected.

### Ineffective trial rate

**3.2** The ineffective trial rate in Thames Valley has improved in the magistrates' courts and remains stable in the Crown Court. In June 2005, the annual rate was 21.9 per cent in the magistrates' courts and 14.5 per cent in the Crown Court. The rate for both types of court is better than the average for England and Wales and is ahead of the targets for March 2006 of 22 per cent in magistrates' courts and 17.9 per cent in the Crown Court.

**Figure 4** *Ineffective trial rate (%) in Thames Valley*



**3.3** One of the reasons for the reduction in the number of ineffective trials is a fall in the frequency that a prosecution witness fails to attend. This reduction is particularly encouraging when set in the context of increasing trial delays, which tends to increase the likelihood that prosecution witnesses will drop out. An assessment of Thames Valley's approach to supporting witnesses can be found at paragraph 3.16. The proportion of trials where the defence is not ready has also declined, although this may also have been influenced by trial delays, which provide more time for case preparation.

## Effective Trial Management Programme

- 3.4** The main vehicle for reducing ineffective trials is intended to be the ETMP, although benefits are yet to be realised (see paragraph 3.7). Implementation is overseen by the ETMP steering group, which is chaired by the head of the CPS Trials Unit and includes appropriate representation from the police and HMCS.
- 3.5** The roll-out of ETMP procedures has been slower than anticipated and, as yet, area-wide coverage has not been achieved. In East Berkshire there is no target date for full implementation due to capacity constraints, although a modified version of the scheme was due to begin operating in September 2005. Successful introduction of ETMP is thought unlikely there until more progress has been made to address the problems identified in the East Berkshire problem profile (see paragraph 1.17). TVCJB will want to ensure that ETMP implementation, including a target date, is included in its action plan for East Berkshire.
- 3.6** Some managers see ETMP as having increased the workload of staff who are already operating under pressure. With the exception of East Berkshire, members of the steering group are rightly fighting the temptation to revert to a partial version of the programme, although there is evidence that the scheme is not being followed in some cases. Case file analysis revealed a number of files where the ETMP process had not been adhered to. There was no evidence in any of these cases of management action to address non-compliance with the agreed process. The CPS is developing action plans in all its Criminal Justice Units to ensure cases are ready at the Pre-Trial Review (PTR) stage, in line with ETMP.
- 3.7** Although the key ineffective-trial-rate measure has improved, this does not appear to be as a direct result of ETMP. Earlier in the trial management process there are signs of continuing problems and indications of a system under pressure. Whilst readiness for trial has improved, preparation ahead of pre-trial hearings is poor. Court directions are frequently not adhered to within the necessary time frame and disclosure is often late. Unavailability of lawyers to review files is commonly cited as one of the main causes of these problems.
- 3.8** TVCJB has correctly identified the degree of ‘churn’ as a crucial factor in freeing up time and resources. Churn is a term that describes the number of cases that do not make progress when they should and so re-enter or remain in the system, absorbing resources. TVCJB’s approach to the problems being experienced in East Berkshire (see paragraph 1.17) is intended to reduce the degree of churn and should provide an effective first step to addressing the factors inhibiting effective trial management.
- 3.9** Another important factor affecting ETMP is courthouse capacity. As a result of the increased number of prosecutions, delays before trial are starting to increase in some parts of Thames Valley. A commonly observed effect of long waits before trial is an increase in the number of ‘not guilty’ pleas, as some defendants consider there is less chance of their case getting to trial. An insightful piece of analysis by TVCJB has provided early indications that this is indeed starting to occur.
- 3.10** The impact of trial delays is more acute for some types of case, such as DV, compared with others. Domestic Violence cases often rely on the evidence of the victim, who can come under pressure to withdraw allegations. It is of concern that there are currently no arrangements for ensuring that the effects of trial delays are minimised for DV and other priority cases (see paragraph 2.25).

**Recommendation 7: That TVCJB monitor adherence to, and ensure accountability for, the Effective Trial Management Programme and identify opportunities to expedite Domestic Violence and other priority cases.**

### ***Case progression***

- 3.11** Another important element of ETMP is the case progression function. Appropriate systems are in place to deal with case progression in Thames Valley. Case progression staff are in regular contact with colleagues from other agencies and police staff attend direction hearings in the Crown Court.
- 3.12** Thames Valley has adopted a mixed strategy for providing the case progression function. In the CPS and HMCS (Crown Court), dedicated Case Progression Officers (CPOs) have been introduced on a full- or part-time basis. The CPS CPOs deal with cases in the magistrates' courts, whereas case progression for cases being prepared for Crown Court is the responsibility of the CPS caseworker, with the Business Manager providing oversight. In the police (with one exception) and HMCS (magistrates' courts), the case progression function is delivered by staff as part of a wider role. Staff performing the case progression role as part of a wider one, do not always have a clear understanding of what the case progression element entails.
- 3.13** The case progression role within the police is currently under review as part of a wider examination of the structures and roles for delivering criminal justice. The proposed corporate model looks sensible and should increase the level of consistency across Thames Valley.
- 3.14** Morale amongst CPOs has been damaged due to a combination of factors. The case progression function, in keeping with much of the rest of the CJS in Thames Valley, is under pressure from high caseloads. Caseloads have increased as a result of the drive to increase sanction detections/OBTJs and clearance of the backlog that developed following the introduction of the charging scheme. A sense that the case progression function is under-resourced is widespread. CPOs can also face frustration when obtaining copies of files and waiting for answers to queries raised with CPS lawyers, although action to address this is planned.
- 3.15** Many staff fulfilling a case progression role are temporary or seconded from other jobs. TVCJB will want to ensure that this policy does not feed a perception that case progression and ETMP are not here to stay.

### **Victim and witness care**

- 3.16** A Victims and Witnesses sub-group has been established to take forward victim and witness issues in Thames Valley. The group has a high profile, is chaired by the CCP and includes appropriate representation from the other criminal justice agencies, along with representatives from the two branches of the Witness Service operating in Thames Valley. A separate Domestic Violence sub-group deals with issues specific to victims and witnesses of DV, although the Victims and Witnesses group takes an appropriate interest in DV matters.

**3.17** The No Witness No Justice project that, alongside statutory charging and ETMP, makes up the Criminal Case Management Programme (CCMP), is a central part of TVCJB's strategy for victims and witnesses. The Victims and Witnesses sub-group does not directly oversee the implementation of NWNJ, which is undertaken by a project board. A detailed implementation plan has been produced that sets out milestones and deliverables. The plan is difficult to understand and the section on milestones does not include information on deadlines or responsibility. A useful risk register has been maintained, which lists risks identified, categorises them into high, medium and low groups, sets out any mitigating action and identifies someone responsible for managing the risk.

### *Witness Care Units*

**3.18** Three WCUs, one for each county, have been established in Thames Valley as part of the NWNJ programme. These are at different stages of development, although all are well ahead of the requirement to have all WCUs up and running by the end of 2005.

**3.19** The WCU for Berkshire is the most advanced, partly because it was the first to be established but also because there is a pre-existing Glidewell unit in Reading, from which some of the Witness Care Unit staff are drawn. This meant that police and CPS staff joining the WCU were already used to working together and had a good working knowledge of the CJS. The Berkshire WCU has successfully completed its three- and six-month reviews by a central NWNJ team. The three-month assessment for one of the other units had been postponed, as it was not considered ready.

**3.20** The availability of suitable accommodation also helped the progress of the Berkshire WCU, enabling the unit to be located near to other prosecution teams. Suitable accommodation has been difficult to find for the other two units and, so far, only temporary solutions are in place. Recruitment and retention have also been more difficult at the Buckinghamshire and Oxfordshire units. All three units had a high proportion of new staff recruited from outside the CJS, which meant staff took longer to become familiar with systems and processes.

**3.21** Access to police and CPS IT systems has also presented problems, although progress is now being made towards resolving this. The CPS and police have generally worked well together to address problems, with the project board taking an overview.

**3.22** The attitude and commitment of WCU staff to providing high quality witness care impressed Inspectors. However, a sense of frustration was also evident as Witness Care Officers (WCOs) felt that their high caseload meant they were unable to dedicate as much time to individual witnesses as they wished. In Berkshire, each WCO has at least 120 cases, although even higher numbers were reported, well in excess of the recommended number of 50 witnesses per WCO. The Berkshire WCU recently came under severe pressure when three murders were committed over a single weekend.

**3.23** At the time of inspection, the high caseload and staff shortages at some units meant needs assessments were not being conducted for all witnesses. Warning witnesses ahead of trials was seen as the priority, although there was evidence that one of the units was struggling to meet this requirement. WCUs are, principally, only taking on new cases, as they do not have the capacity to deal with those already in the system prior to the creation of the units. While this is a short-term problem it means that, until all the cases that pre-date the creation of WCUs have been completed, there will be a two-tier system of witness care in Thames Valley unless additional funding can be secured.

- 3.24 Witness Care Officers were concerned that they did not yet have sufficient skills and experience to deal with some witnesses, particularly those in a distressed state. Some training had been provided and more is planned.
- 3.25 Members of the Witness Service are based within each WCU in Thames Valley and have already become important members of the witness care team. WCOs explained how valuable the presence of the WS is, as they possess a great deal of experience of helping witnesses and are able to spend more time talking to individuals. Although good co-operative working exists between the seconded WS staff and the WCOs, there is a need for further clarification of roles, and agreements on issues such as confidentiality. There were reports of confusion in the public at large as to the distinction between the two services.
- 3.26 Knowledge of the witness care role amongst staff across Thames Valley is patchy, although this is understandable given the newness of WCUs. Witness Care Officers have benefited from opportunities to shadow colleagues working in other parts of the criminal justice process. A reversal of these arrangements, enabling key staff to shadow WCOs, would help raise understanding of WCUs across the CJS.
- 3.27 Links have also been established with officers in specialist and sensitive cases, including Family Liaison Officers (FLOs). At present, however, the links are informal and rely on the WCO contacting the OIC to try and co-ordinate efforts. This has been achieved with varying degrees of success.

**Aspect for improvement:** As Witness Care Units develop, managers will need to consider how links with the wider criminal justice system, including the Witness Service and other staff concerned with victim and witness care, can be formalised.

- 3.28 Witness Care Units do not prioritise services to particular groups, such as victims and witnesses of DV or hate crime, even though witnesses in these types of case can be particularly vulnerable and attrition rates due to witness withdrawal are likely to be higher. This is a policy agreed with the WS. So until WCUs can provide a full service to all witnesses, some witnesses in DV or other priority cases may not receive adequate support. The rationale behind this policy assumes that FLOs or other specialist officers already ensure additional attention is focused on priority and sensitive cases and that further prioritisation could mean needy victims in less serious cases would lose out.
- 3.29 Inspectors suggest this policy is reviewed in the light of the:
- ◆ experiences of some victims and witnesses highlighted during the inspection (see paragraph 3.34)
  - ◆ fact that witness needs assessments are not being carried out in all cases
  - ◆ informal links that exist with FLOs
  - ◆ limited nature of witness care resources.
- 3.30 At the time of inspection fieldwork, the services provided by each of the WCUs varied and none were yet providing the full range of services ultimately planned. Since the fieldwork ended, managers responsible for witness care have been addressing these issues.
- 3.31 This inspection looked at witness care in Thames Valley during a period of significant and rapid change. It is likely that some of the issues encountered have already been addressed as part of the ongoing implementation process. TVCJB is clearly committed to providing effective services to victims and witnesses. The Board conducts its own witness survey, which provides a valuable insight into local issues and can be tailored to reflect local priorities.

**Strength:** The Thames Valley witness survey provides useful insight into issues affecting witnesses in Thames Valley.

### *Special Measures*

- 3.32** Early identification of a need for a Special Measures application is an important step towards addressing witnesses' concerns, which has caused problems in the past. However, file analysis showed, in the limited sample examined, that all cases had been dealt with appropriately where an application for Special Measures was warranted. The police are working hard to educate staff about the importance of early identification, via the Victims and Witnesses sub-group and an e-learning package (see paragraph 3.43). Videolinks can also be provided to victims' homes or other locations through an innovative contract with a private communications company. This has already been used successfully with a burglary victim who was unable to leave his home.
- 3.33** WCUs are now able to provide a valuable back-up by picking up cases that may qualify for Special Measures but for which an appropriate application has not yet been made. In such cases, they refer the case back to the OIC for further action. Court legal advisers are also able to prompt lawyers during pre-trial hearings, when an application for Special Measures may be appropriate. However, Witness Service staff report cases are still coming to court without a Special Measures application, when the need for one should have been identified at an earlier stage.

### *Treatment of victims and witnesses*

- 3.34** Contact with victims and witnesses during the inspection revealed a mixture of positive and negative experiences. A number of sensitive cases were brought to Inspectors' attention, in which there was evidence of very poor victim and witness care by prosecution teams. Many of these pre-dated the introduction of WCUs and there were indications that, more recently, some witnesses have had a positive experience with the new WCUs.
- 3.35** The HMICA inspection of the quality of service provided to victims and witnesses in Thames Valley looks in more detail at the witnesses' experience in court, and dialogue with the WS. From the point of view of this inspection, Inspectors saw facilities for witnesses varying from the excellent to the unacceptable. Facilities at Aylesbury Crown Court are particularly poor. Similarly, although at a local level, relations between the courts and the WS were good, there were many examples of poor communication, and perceptions that the WS is 'low-status'. Witnesses interviewed at court were critical of the delays, the lack of information, and of occasions they had attended court only to find the trial was not taking place.
- 3.36** The Casework Quality Assurance Scheme (self-assessed) shows victims and witnesses were correctly dealt with by the CPS on only half of all occasions, compared with an average for England and Wales of 81 per cent. Communication with victims and witnesses following a case being discontinued is a source of concern. Some explanations for the reason a case was discontinued left victims dissatisfied and WCU staff said they sometimes contacted witnesses themselves as formal notification by the CPS was slow.

**Recommendation 8:** That TVCJB ensure that the needs of all witnesses are assessed and prioritised and, wherever possible, these needs are met.

- 3.37** Thames Valley is due to implement the Victims Code of Practice in October 2005. There is scope for the greater involvement of Victim Support in the delivery and monitoring of this implementation.
- 3.38** An effective system is in place for making referrals to Victim Support via the police crime system (known as CEDAR). When an operator takes a report of crime they need to ask the victim if they consent to their details being provided to Victim Support. This does not always happen and remedial action is being taken by way of a training package. Whilst this is a positive development, there was a concern that a key factor in the blockage lay with the civilian call handlers, who were responsible for the paperwork that triggered the referral but were not scheduled to receive this training. Unreliable referral systems meant that a service was often not being offered to those who might need it. At the same time, working practices in WCUs also create a risk that victim details could be passed on to Victim Support, even if the victim has previously withheld consent.

**Aspect for improvement:** Joint monitoring systems should be set up between Victim Support and Thames Valley Police to monitor referral rates, using the data systems that already exist but are not being interrogated, with a view to increasing the rate of referrals.

- 3.39** In some courts, examples of police contacting the Witness Service of their own volition, on behalf of vulnerable witnesses, were rare or unheard of. This was less the case at the Crown Court, where FLOs in particular, were more likely to make early contact.
- 3.40** A police officer is typically the first point of contact a victim or witness has with the CJS. Input by the WS into police probationer training was reduced when the length of probationer training was cut, although police trainers also cover similar content. There is concern that the changes to probationer training have coincided with a drop off in referrals to the WS. The police have taken action to address the gap in knowledge amongst its officers by introducing an e-learning package.
- 3.41** The police in Thames Valley have identified gaps in the knowledge of many of their officers in relation to victims and witnesses. So far, 600 frontline staff have undertaken compulsory training, which is assessed and must be passed.

**Good practice:** A computer-based training package for 'No Witness, No Justice' (NWNJ) has been developed by Thames Valley Police and delivered to 600 frontline staff. The training includes content on Victim Impact Statements and early referral to Victim Support, as well as aspects of witness care, required as part of the Victims' Code of Practice.

- 3.42** Victims and witnesses reported that they often found it difficult to contact the OIC, to follow up the initial contact, or because 'promises' given by police about what would happen next had not been actioned. There were concerns that messages left with the police switchboard were not getting through. We were assured that messages were being passed on but that OICs did not always get back to the caller. The high proportion of inexperienced officers in Thames Valley was cited as a reason for the poor communication, as inexperienced officers were reluctant to engage with witnesses if there was nothing positive to report.

**3.43** Although victims and witnesses want to be provided with direct dial or mobile phone numbers for the OIC, the police have ruled this option out. Instead the police are considering how email contact could be used as 80 per cent of Thames Valley residents have Internet access. Whilst email communication could provide an efficient and effective method of communication for many victims and witnesses, it is important that those without access to the internet are not neglected. Many victims and witnesses may be from the vulnerable or disadvantaged elements of the community where Internet availability is likely to be less than the average for the area.

## The rights of defendants

### *Treatment of prisoners*

**3.44** Staff operating the court custody facilities in Thames Valley include appropriate combinations of male and female officers, and minority ethnic groups are also represented. No discriminatory behaviour was observed during the inspection. In general, custody staff treat prisoners with courtesy and are clear that their role is to settle prisoners during their time at court. In only one case were there concerns when a difficult prisoner was treated in an over-controlling and unduly negative manner.

**3.45** One court had implemented a no-smoking regime in the cell area and this gave rise to resentment by prisoners, who thought custody staff were responsible for this. All the prisoners interviewed were clear about rights and access to legal advice.

### *Court custody facilities*

**3.46** The standard of court custody facilities in Thames Valley is generally adequate and, in some cases, good. At one court it is occasionally necessary to escort prisoners through public areas. Arrangements are in hand to maintain the security of the prisoner but this inevitably compromises the prisoner's privacy to some extent. All of the cells inspected were free of ligature points.

**3.47** Arrangements for the separate, safe management of men, women and children were in place at each court visited, although facilities for the lavatory arrangements for women at one court are poor, requiring women prisoners to pass all the male cells to access the lavatories.

**3.48** None of the cells seen had been badly defaced. Interviewing facilities are basic and, in one case, the interview room had been taken out of use because it was not adequately sound proofed. All custody staff described good relations with court maintenance staff, enabling speedy resolution of minor works.

**3.49** Positive working relations are evident between escort staff and the courts. The courts are co-operative if custody staff ask for a trial to be moved to a more secure court because there is a high risk of violence or escape. The timeliness of prisoner arrivals, although still subject to delay, is thought to be improving.

### *The needs of vulnerable defendants*

- 3.50** Custody staff at all the court custody suites visited were aware of arrangements to access doctors, or had well-rehearsed arrangements for calling emergency para-medical assistance. Prisoner Escort Records (PERs) were in use and contingency arrangements are in place to alert other court users if prisoners appear to be suffering with mental health problems or alcohol or drug withdrawal. Custody staff described such events as exceedingly rare.

### *Prison videolinks*

- 3.51** Where present, prison videolinks are in use and prisons are described as adaptable and responsive when setting up links. At one courthouse a simultaneous link had been successfully established with more than one prison, as part of a case involving more than one defendant. Solicitors regularly use the link to speak with clients.

## Annex A

### Performance Information

### Thames Valley Criminal Justice Board

Thames Valley PSA Targets and Performance				
<b>Offences Brought to Justice</b>	<b>Target March 2006</b>	<b>Year ending March 2002</b>	<b>Year ending June 2005</b>	<b>Percentage change</b>
	38,678	31,014	45,430	+46%
<b>Rate of ineffective trials</b>	<b>Target March 2006</b>	<b>Baseline August 2002</b>	<b>Quarter ending December 2004</b>	<b>Quarter ending March 2005</b>
<i>Magistrates' courts</i>	22%	30.1%	20.1%	19.2%
<i>Crown Court</i>	17.9%	10.5%	6.2%	16%
<b>Effective in bringing criminals to justice (public confidence)</b>	<b>Target March 2006</b>	<b>Baseline year ending March 2003</b>	<b>Year ending March 2005</b>	<b>England &amp; Wales Year ending March 2005</b>
	47%	41%	45%	43%
<b>Fine enforcement</b>	<b>March – May 2005</b>	<b>England &amp; Wales March – May 2005</b>	<b>Year to date May 2005</b>	<b>England &amp; Wales Year to date May 2005</b>
	99%	81%	92%	77%
<b>Persistent Young Offenders</b>	<b>National target</b>	<b>Quarter February – April 2005</b>	<b>Quarter May – July 2005</b>	<b>England &amp; Wales average Quarter May – July 2005</b>
	71 days	53 days	68 days	65 days



# Annex B

## Acknowledgements

We are most grateful to the following:

### *Crown Court*

His Honour Judge Hall  
His Honour Judge Spence  
His Honour Judge Tyrer

### *Magistrates' courts*

District Judge English  
District Judge Loosley  
District Judge Vickers  
J Smith JP

### *Crime and Disorder Reduction Partnerships*

G White  
R Solly  
R Adams  
I Boswell  
R Craggs  
K Galvin  
H Green  
B Martin  
G Stimpson  
J Whittington

### *Criminal Defence Service*

M Harrison

### *Staff and volunteers from Victim Support and the Witness Service, including:*

L Austin  
J Bone  
W Charlston  
S Cutler  
C Dalton  
J Festermacher  
L Grainger  
J Harris  
D Hasting  
S Holder  
J Hudson-Clerk  
T Lott  
A McKee  
C Panagiotou  
M Parker  
A Speechley  
M Ward

### ***Community Groups***

E Pitts	Berkshire Women's Aid
T Fowler	Wycombe Race Equality Council
D Hodson	Oxfordshire CC Domestic Violence Co-ordinator
C Muir	Reading Declaration
C Smith	Chiltern Race Equality Council
P Wallace	Buckinghamshire CC Domestic Violence Co-ordinator
A West	Wycombe Domestic Violence Forum

### ***Other Groups***

K Phelps	Prisoner Escort and Custody Service
S Raikes	Thames Valley Partnership
N Samota	NACRO

Additionally, we thank the victims, witnesses and prisoners who assisted this inspection either through interview or attending focus groups.

# Annex C

## Glossary

<b>APO</b>	Area Performance Officer
<b>BCU</b>	Basic Command Unit
<b>CCMP</b>	Criminal Case Management Programme
<b>CCP</b>	Chief Crown Prosecutor
<b>CDRP</b>	Crime and Disorder Reduction Partnership
<b>CJS</b>	Criminal Justice System
<b>CPO</b>	Case Progression Officer
<b>CPS</b>	Crown Prosecution Service
<b>DV</b>	Domestic Violence
<b>ETMP</b>	Effective Trial Management Programme
<b>FLO</b>	Family Liaison Officer
<b>HMCS</b>	Her Majesty's Courts Service
<b>HMCPSI</b>	Her Majesty's Crown Prosecution Service Inspectorate
<b>HMICA</b>	Her Majesty's Inspectorate of Court Administration
<b>HMIP</b>	Her Majesty's Inspectorate of Prisons
<b>IT</b>	Information Technology
<b>LCJB</b>	Local Criminal Justice Board
<b>NWNJ</b>	No Witness, No Justice
<b>OBTJ</b>	Offences Brought to Justice
<b>OIC</b>	Officer in the Case
<b>PER</b>	Prisoner Escort Record
<b>PPO</b>	Prolific or Priority Offender
<b>PSA</b>	Public Service Agreement
<b>PTR</b>	Pre-Trial Review
<b>PYO</b>	Persistent Young Offender
<b>TIC</b>	Taken Into Consideration

<b>TVCJB</b>	Thames Valley Criminal Justice Board
<b>TVSTARS</b>	Thames Valley Statutory Adult Restoration Service
<b>WCO</b>	Witness Care Officer
<b>WCU</b>	Witness Care Units
<b>WS</b>	Witness Service
<b>YOT</b>	Youth Offending Team