

Written evidence from Police and Crime Commissioners in Wales

Wales experience:

This joint submission is on behalf of the Police and Crime Commissioners in Wales in relation to the Justice Committee's call for evidence on the impact of Covid19 on the courts. The Police and Crime Commissioners in Wales are:

- Alun Michael – PCC for South Wales and Chair of the Policing in Wales group
- Arfon Jones – PCC for North Wales
- Jeff Cuthbert – PCC for Gwent
- Dafydd Llywelyn – PCC for Dyfed-Powys

The four Local Criminal Justice Boards in Wales are chaired by the PCC for their respective areas. All PCCs in Wales are members of the All Wales Criminal Justice Board (AWCJB) and have made significant efforts to understand and support measures to address the challenges for the courts. The PCCs arranged for an additional meeting of the AWCJB in order to address the growing backlog in the system and they have met with Criminal Justice Lead in HMCTS. The PCCs are represented on the AWCJB recovery group by the PCC for South Wales and the Deputy PCC for Gwent.

There is a nuanced view about the provision of data. In some areas, it is felt that at national level, there was very little data forthcoming regarding the extent of local backlogs and this took significant time and effort to follow up. Whereas in Gwent, it is felt that HMCTS have offered a significant amount of data. However, they were not able to look at the data and be able to prioritise cases, understand the requirements of addressing backlogs including the different logistical requirements for different kinds of such e.g. remand hearing vs. murder trial and therefore do not agree nor have they seen a methodology about how to address the backlog. HMCTS have since published their recovery plan which should result in a national approach. Similar planning will now have to be done at a local level. All PCCs in Wales instigated discussions with Chief Executives of partner agencies to ensure data was made available at the local level to assess and address the situation within the area. All PCCs supported the approach taken by the APCC leads David Lloyd and Sue Mountstevens with their efforts to raise the urgency and seriousness of the backlogged cases.

There were also some challenges in accessing the HMCTS Recovery Plans at an early stage and PCC influence on this is difficult as there is no PCC representation on the senior national governance structures.

Magistrates courts in Dyfed-Powys and North Wales have been able to increase sittings to a level where the backlog is being addressed and indeed has been resolved in some areas. Gwent had been given some assurances that the backlog was being addressed but now believe that this has faced some issues.

As for the Crown Court, there are more significant concerns and progress has been slower. The additional court established in Swansea Civic Centre opened on 17th August. This should allow cases to progress at pace but we are still some way from achieving the backlog

and detailed figures have not yet been shared at local level. Committed efforts have been made to open a Crown Court in City Hall Cardiff however that hasn't happened to date, despite a positive will and resolve by all local partners, including the PCC, to bring it to fruition. Similarly a venue in Newport was considered although not suitable due to social distancing restrictions.

Positive impacts

- IDVA access to courts lists have been prioritised at national level and enabled swift and effective support. This was a longstanding challenge at local level since the introduction of GDPR.
- More partnership liaison is taking place remotely rather than face-to-face using technology which has resulted in swifter and more effective meetings as well as ad-hoc communication, all improving the local response to the pandemic.
- Dyfed Powys has a strong use and scrutiny of out of court disposals and LCJB members have been assured that this important route has been utilised appropriately and effectively, rather than being seen as a potential way to clear backlogs.
- A recent meeting of the LCJB in North Wales was extremely positive and resulted in an impression that they have turned a corner in terms of addressing the backlog and the number of cases being processed has exceeded the number of new cases i.e. the "R" rate is below 1.
- In Gwent as well as IDVA's having the court lists, they have also been able to improve the cooperation between the Witness Care Unit, Witness Service, Victim's Services and IDVA's in ensuring that people have support at court as well as not being offered too much and duplicated support. They have been proactive in other aspects by facilitating an operational victim and witnesses group.

Adverse impacts:

- Witnesses in North Wales have had to wait in cars because of social distancing considerations.
- Extra sittings in courts impacts the ability to provide pre-charge advice to police, however attention was focussed on this locally to reduce the negative impact.
- Due to the listing of extra GAP courts, performance data regarding Guilty Plea rates increased significantly in the short term, showing a skewed performance picture. A truer picture will emerge in the coming months as other trials also restart.

Challenges / risks:

- Issues experienced in Swansea prison regarding lack of use of available technology and prisoners having to attend in person, this has been highlighted to HMCTS are working with the Prison Governor to rectify this.
- Video Remand Hearings remain a challenge due to the significant additional cost and resource expected of the Police and the lack of national agreement regarding PECS duties. Discussions continue at All Wales level regarding barriers to implementation.
- Guidance on provision of remote evidence not always clear and there have been concerns whether this applies to key workers, expert witnesses or all witnesses.

- Video Enabled Justice has not been as accessible and effective as it should be. This requires significant work to become part of the business as usual plan going forward. On one occasion an individual had to travel from Oldham to Mold to give video evidence for a case held in Caernarfon. It should have been possible to give the evidence from Oldham.
- The most significant impact has been on victims and witnesses. There are lengthy delays facing victims of more serious cases in Crown Courts, which may impact on public confidence. The delays and attrition rates also impact victim services directly as victims require support for longer and become more complex as the delay continues.
- The increased workload has created challenges for the witness care unit and there have been some administrative process issues experienced between Courts, CPS and WCU due to the increased demand. The local recovery working group provides a platform for these issues to be raised fortnightly and resolved swiftly. Examples of this include de warning communications not routinely being submitted via Witness Management System, risking a loss of audit trail and miscommunication.
- The requirement on PCCs for “a statutory reciprocal duty to co-operate in the delivery of an efficient CJS” has been challenging in the initial period when partners were unable to share data at a local level to deliver that requirement.
- Consultation with PCCs and all partners is required when considering the longer term solutions to the court backlog as the impact is felt on the entire criminal justice system.