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hmcs
HER MAJESTY'S
COURTS SERVICE

Roger Chaffey Esq
Clerk
Social Justice and Regeneration Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

4 November 2005

Dear Mr Chaffey,

**SOCIAL JUSTICE AND REGENERATION COMMITTEE
RESTRUCTURING OF CONSTABULARY**

I am very grateful to the Committee for the opportunity to contribute to its policy review into the recommendations of the report *Restructuring of Constabulary*. The redrawing of police boundaries potentially has significant implications for Her Majesty's Courts Service (HMCS) and the workings of the criminal justice system as a whole in Wales. While I appreciate that criminal justice is not a devolved function, the Committee will wish to be informed of those implications and possible changes to the delivery of court services that may follow from changes to police structures.

HMCS in Wales

HMCS is an agency of the Department for Constitutional Affairs. It is responsible for supporting the judiciary in the administration of the courts in England and Wales. The organisation is administered through 7 regions; the courts in Wales being run by the Wales and Cheshire Region, of which I am the Director. Since 1 April 2005, each Region has been further divided into areas whose boundaries are co-terminous with those of the 43 police forces of England and Wales. The Wales and Cheshire Region therefore has 5 areas, each led by an Area Director (Cheshire, Dyfed Powys, Gwent, North Wales and South Wales). The Areas are the key units of operational management of the Courts Service, each Area Director being responsible for the delivery of all court services (High Court, Crown Court, county courts and Magistrates Courts) in his or her Area.



BUDDSODDWR MEWN POBL INVESTOR IN PEOPLE

Cymru a Swydd Gaer
Swyddfa'r Cyfarwyddwr
Rhanbarthol
2^{il} Lawr, Tŷ Churchill
Ffordd Churchill
Caerdydd
CF10 2HH

Wales and Cheshire
Regional Director's Office
2nd Floor, Churchill House
Churchill Way
Cardiff
CF10 2HH

DX 121723 Cardiff 9

Ffôn / T 02920 415 505
Ffacs / F 02920 415 511
E-bost / E nick.chibnall@hmcourts-service.gsi.gov.uk

Minicom VII 0800 212368
(Linell Gymorth ar gyfer y byddar a'r trwm eu clyw)
Minicom VII 0191 478 1476
(Helpline for the deaf and hard of hearing)

www.gwasanaeth-llisoeddem.gov.uk

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INNOVATION IN VALUE
CRAU-FAHLEDDO CHYB I'R HANOD

CUSTOMER SERVICE EXCELLENCE

The services are currently delivered through 98 court buildings in Wales and Cheshire with a staff of 1,600 supporting 75 salaried Judges, 180 fee paid judiciary and about 3,000 lay magistrates.

The Principle of Co-terminosity

The unification of the courts under HMCS from 1 April 2005 enabled the courts system to reflect the boundaries of the 43 police forces in England and Wales for the first time in line with other criminal justice agencies (e.g. Crown Prosecution Service, Youth Offending Teams, Probation). Each police area has a non-statutory Local Criminal Justice Board (LCJB) which brings together the Chief Officers of those agencies to improve the operational delivery of justice in the area (i.e. the Chief Constable, Chief Probation Officer, Chief Crown Prosecutor, HMCS Area Director etc). The LCJBs are overseen by the National Criminal Justice Board (NCJB) for England and Wales, supported by the Office for Criminal Justice Reform. The LCJBs are set performance targets and monitored against their delivery by the NCJB; for example, in respect of speed of disposal of cases, victim and witness care and fine enforcement.

The importance of the LCJBs to the effective operation of the Criminal Justice System as a whole cannot be over-emphasised. They provide fora in which the Chief Officers can work together to ensure that the end-to-end criminal justice process works as smoothly and speedily as possible. The Chief Officers are generally close enough to the front line to identify practical problems and rubbing points on the ground. They also have the authority to make change happen in their respective organisations. The Board provides a forum in which each can challenge the others honestly and robustly to ensure all work to deliver their common goals. The Boards are often supported by sub-groups of local criminal justice agency representatives to review and improve processes and develop specific local initiatives.

The creation of the LCJBs has had a real and measurable impact on the performance of the criminal justice system in Wales. There is, of course, ample scope for further improvement. This is the reason why the co-terminosity of criminal justice boundaries is an important principle. It is co-terminosity which has facilitated greatly improved joint working between the agencies and thereby contributed to steady improvement in service delivery to the public. It is vital if further improvements are to be made to the performance of the criminal justice system that this capacity for effective joint working at a reasonably local level is maintained.

North Wales / Cheshire

Since the creation of the Crown Court in 1972 the Crown Court centres in North Wales have been run from Chester. The same is true of North Wales civil and some family work. A result of this is that over the years there has been investment in courts on the terms that Cheshire and North Wales form one area. At present there is insufficient courtroom capacity in North Wales for all criminal, civil and family work originating there to be heard there and in consequence a proportion of the work is dealt with in Cheshire.

We are in the process of moving the administration of North Wales work from Chester to North Wales and we are also developing plans to improve our courtroom accommodation in North Wales by reorganising present courts and seeking funding for new builds. We have not yet secured funding for all necessary works and it will be some years before we can guarantee that all work originating from North Wales will be heard in North Wales.

Restructuring the Constabulary

The reorganisation of the Constabulary therefore has significant potential consequences for the Wales and Cheshire Region of HMCS. If the Home Secretary's injunction that new police structures should not cut across the English Government Region boundaries is followed, then it must be assumed that the Cheshire Constabulary would be merged with another force or forces in North West England. Were the principle of co-terminosity to be maintained, then HMCS (and other agencies) would have to give serious consideration to realigning their structures to mirror those of the police, and Cheshire could presumably become part of a North West Region. In the short to medium term the new boundaries would have to remain porous to allow the movement of cases, Judges and staff, until such time as additional courtroom accommodation and office accommodation could be provided in North Wales. Such an arrangement would not be unique and could be made to work. A not dissimilar short-term arrangement was recently in place for the hearing of cases from Manchester in a Crown Court in Cheshire.

For Wales as a whole, the HMCS interest lies primarily in maintaining co-terminosity of boundaries at the operational level for the reasons outlined earlier. HMCS in Wales would be likely to realign its Area boundaries with any police force structure which facilitated the joint working currently undertaken by the 4 LCJBs in Wales. A move to a single police force would present some challenges but ones we could overcome. Were there a single Chief Constable for Wales then it is likely HMCS would favour the establishment of a Criminal Justice Board that would bring together the criminal justice agencies at an All-Wales level. It should be recognised, however, that such a body would perform a largely strategic role. I do not believe an All-Wales Criminal Justice Board could perform the same function as the existing Local Criminal Justice Boards which, as mentioned above, are successful precisely because they are local and reasonably close to the front line. I would assume, however, that a single Wales Police Force would not structure itself so as to have the 17 individual Basic Command Units reporting direct to the Chief Constable, but would put in place an operational sub-structure at a more local level. I would regard it as essential to continued improvement in the operational effectiveness of the criminal justice system in Wales for the police to be able to engage with HMCS and other criminal justice agencies at this level.

The Committee may therefore wish to consider the extent to which competing options for police reorganisation in Wales preserve the capability for joint operational working among the criminal justice agencies, whether through a number of separate police forces or the operational sub-structures of a single force.

Were there, under a single All-Wales force, to be a move away from the current 4 Areas to create the new sub-structure, I would suggest the creation of 3 operational sub-divisions:-

1. **North Wales**

North Wales will need to remain a separate area because of the familiar geographical considerations. Ideally we would wish to include Welshpool and North Powys in this area.

2. **South East Wales**

The Gwent area is small in size and the cities of Cardiff and Newport are so close that running them as separate areas may be considered inefficient. The Crown Court in Newport, for example, is already administered by offices based in the Crown Court in Cardiff.

3. **West and Mid Wales**

The Dyfed Powys area is geographically large and predominantly rural without, at present, any natural urban centre. The courts currently send a great many of the cases originating in Dyfed Powys to Swansea for administration and hearing. Although there are, as with North Wales, plans to improve the courtroom capacity in Aberystwyth, Carmarthen and Haverfordwest to enable cases to be heard closer to where they originate, there will remain a natural orientation of much of South West Wales towards Swansea and the redrawing of administrative boundaries to make Swansea the administrative centre for an HMCS area covering Mid and West Wales would have much to recommend it.

These 3 operational criminal justice areas – North Wales, Mid and West Wales and South East Wales – would largely reflect the current organisational structures of the Fire and Ambulance services in Wales.

Leaving aside the detail, however, the message I would wish the Committee to take on board is the need for any new police structure to be able to work effectively with other agencies at an operational level between that of the Basic Command Unit and an All Wales structure.

I trust that at least some of this is clear and of assistance to the Committee. I stand ready to provide any further information if required.

yours sincerely
N P Chibnall

N P Chibnall
Regional Director