



**THE INSPECTORATE'S REPORT
ON
CPS DYFED POWYS**

REPORT 13/04

AUGUST 2004

Promoting Improvement in Criminal Justice

CPS DYFED POWYS



AREA OFFICE

Carmarthen

OTHER OFFICES

Haverfordwest, Newtown

MAGISTRATES' COURTS

Aberystwyth, Ammanford, Brecon, Cardigan, Carmarthen
Haverfordwest, Llanelli, Llandrindod Wells, Welshpool

CROWN COURT

Chester, Merthyr Tydfil, Mold, Swansea

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PREFACE

Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI) was established by the Crown Prosecution Service Inspectorate Act 2000 as an independent statutory body. The Chief Inspector is appointed by, and reports to, the Attorney General.

HMCPSI's purpose is to promote continuous improvement in the efficiency, effectiveness and fairness of the prosecution services within a joined-up criminal justice system, through a process of inspection and evaluation; the provision of advice; and the identification of good practice. It works in partnership with other criminal justice Inspectorates and agencies, including the Crown Prosecution Service (CPS) itself, but without compromising its robust independence.

The main focus of the HMCPSI work programme is the inspection of business units within the CPS – the 42 Areas and Headquarters Directorates. In 2002 it completed its first cycle of inspections during which it visited and published reports on each of the 42 CPS Areas as well as the Casework and Policy Directorates within CPS Headquarters. A limited amount of re-inspection was also undertaken. In this second cycle of inspections some significant changes have been made in methodology in order to enhance the efficiency of HMCPSI itself and adapt its processes to developments both within the CPS and the wider criminal justice system. The four main changes are: the adoption of a four-year cycle with each Area now receiving two visits during that period, one of which may be an intermediate (as opposed to full) inspection; a risk assessment technique has been developed to determine the appropriate type of inspection and the issues which should be covered; an inspection framework has been developed founded on the EFQM (Business Excellence Model); and we have incorporated requirements to ensure that our inspection process covers all matters contained in the inspection template promulgated by the Commission for Racial Equality. HMCPSI will also be using a wider range of techniques for gathering evidence.

The Government has initiated a range of measures to develop cohesion and better co-ordinated working arrangements amongst the criminal justice agencies so that the system overall can operate in a more holistic manner. Public Service Agreements between HM Treasury and the relevant Departments set out the expectations which the Government has of the criminal justice system at national level. The framework within which the system is managed nationally has been substantially revised and that is reflected by the establishment in each of the 42 criminal justice areas of a Local Criminal Justice Board. During the second cycle of inspection, HMCPSI will place even greater emphasis on the effectiveness of CPS relationships with other criminal justice agencies and its contribution to the work of these new Boards. For this purpose, HMCPSI will also work closely with other criminal justice Inspectorates.

Although the inspection process will continue to focus heavily on the quality of casework decision-making and casework handling, it will continue to extend to overall CPS performance. Consistently good casework is invariably underpinned by sound systems, good management and structured monitoring of performance. Although reports in our first cycle tended to address management and operational issues separately from casework, that fundamental linkage will now be reflected more fully through the EFQM-based inspection framework. Inspection teams comprise legal inspectors, business management inspectors and casework inspectors working closely together. HMCPSI also invites suitably informed members of the public nominated by national organisations to join the process as lay inspectors.

These inspectors are unpaid volunteers who examine the way in which the CPS relates to the public, through its dealings with witnesses and victims, its external communication and liaison, its handling of complaints and the application of the public interest test contained in the Code for Crown Prosecutors.

HMCPSI has offices in London and York. The London office houses the Southern Group and part of the Northern and Wales Group. The remainder of the Northern and Wales Group are based at the office in York. Both Groups undertake thematic reviews and joint inspections with other criminal justice Inspectorates. At any given time, HMCPSI is likely to be conducting six geographically-based or Directorate inspections and two thematic reviews, as well as joint inspections.

The inspection framework we have developed from the Business Excellence Model can be found summarised at Annex 1. The chapter headings in this report relate to the key requirements and the sub-headings relate to the defining elements or standards against which we measure CPS Areas. These are set out in full in Annex 1A and are cross-referenced to the sub-headings in the text.

The Inspectorate's reports identify strengths and aspects for improvement, draw attention to good practice and make recommendations in respect of those aspects of the performance which most need to be improved. The definitions of these terms may be found in the glossary at Annex 9.

During the second cycle of inspections, a database will be built up enabling comparisons to be drawn between performances of CPS Areas. The table of key performance indicators within this report makes such comparison with the aggregate data gathered from the first 27 inspections. HMCPSI points out the care which must still be undertaken if readers are minded to compare performance described in this report with the overall CPS performance in the *first* cycle. Although many of the key requirements remain and are tested by the same standard, the composition of the file sample has altered and this may make such comparisons unreliable. For that reason, no comparisons are made in this report with the first cycle.

1 INTRODUCTION

- 1.1 This is Her Majesty's Crown Prosecution Service Inspectorate's report about CPS Dyfed Powys (the Area) which serves the area covered by the Dyfed Powys Constabulary. It has three offices, at Carmarthen, Haverfordwest and Newtown. The Area Headquarters (Secretariat) is based at the Carmarthen office.
- 1.2 Area business is divided along functional lines. There are three Criminal Justice Units (CJUs) for Carmarthenshire, Pembrokeshire and Cerdigion, and Newtown, which deals with cases in Powys. These handle all cases in the magistrates' courts. There is a Trial Unit at Carmarthen which handles cases in the Crown Court in Dyfed. There is also a Trial Unit for Crown Court cases in Powys, which is based at Newtown and is a joint unit with the local CJU.
- 1.3 At the time of the inspection in March 2004, the Area employed the equivalent of 54.9 full-time staff. The Area Secretariat comprises the Chief Crown Prosecutor (CCP), Area Business Manager (ABM) and the full-time equivalent of 5.4 other staff. Details of staffing of the units is set out below:

Grade	Carmarthen TU	Carmarthen CJU	Pem/Cer CJU	Newtown CJU/TU
Level D	1	0.8	2	1
Level C lawyers	3.8	5.9	4	2.4
Level B2 caseworkers	1	1		1 (DCW)
Level B1 caseworkers	5	1	1	1
Level A caseworkers	2	6.4	3.4	3.8
TOTAL	12.8	15.1	10.4	9.2

A detailed breakdown of staffing and structure can be found at Annex 2.

- 1.4 Details of the Area's caseload in the year to December 2003 are as follows:

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	1,294	8.4	7.9
Summary motoring	4,396	28.6	26
Other summary	5,071	33	28.8
Either way and indictable only	4,545	29.6	36.2
Other proceedings	57	0.4	1
TOTAL	15,363	100%	100%

1.5 The Area's Crown Court finalised cases in the year to December 2003 were:

Crown Court finalised cases	Area numbers	Area % of total caseload	National % of total caseload
Indictable only	177	22.1	31.9
Either way offences	331	41.4	43.8
Appeals against conviction or sentence	140	17.5	8.9
Committals for sentence	152	19	15.4
TOTAL	800	100%	100%

1.6 A more detailed table of caseload and case outcomes compared with the national average is attached at Annex 3 and a table of caseload in relation to Area resources at Annex 4.

The report, methodology and nature of the inspection

1.7 The inspection process is based on the inspection framework summarised at Annex 1. The chapter headings in this report relate to the key requirements and the sub-headings relate to the defining elements or standards against which we measure CPS Areas. These are set out in full in Annex 1A and are cross-referenced to the sub-headings in the text.

1.8 There are two types of inspection. A full inspection considers each aspect of Area performance within the framework. An intermediate inspection considers only those aspects which a risk assessment against the key elements of the inspection framework, and in particular the key performance results, indicates require attention. These key results are drawn from the Area's own performance data, and other performance data gathered within the local criminal justice area.

1.9 The scope of the inspection is also influenced by the length of time since performance was previously inspected. The assessment in respect of CPS Dyfed Powys also drew on findings from the previous inspection of the Area, a report of which was published in March 2002. As a result of this risk assessment, it was determined that the inspection of CPS Dyfed Powys should be an intermediate one.

1.10 In the light of that, the inspection did not include observations of advocacy in the Crown Court, and only limited observations in the magistrates' courts.

1.11 Our previous report made a total of 15 recommendations and four suggestions, as well as identifying one aspect of good practice. In the course of this inspection, we have assessed the extent to which the recommendations and suggestions have been implemented, and a synopsis is included at Annex 5.

- 1.12 Our methodology combined examination of 104 cases finalised between 1 November 2003 - 31 January 2004 and interviews with members of CPS staff at all levels, criminal law practitioners and local representatives of criminal justice agencies. Our file sample was made up of magistrates' courts and Crown Court trials (whether acquittals or convictions), cracked and ineffective trials and some specific types of cases. A detailed breakdown of our file sample is shown at Annex 6. A list of individuals from whom we received comments is at Annex 7.
- 1.13 Inspectors visited the Area between 29 March - 2 April 2004. The lay inspector for this inspection was Tony Summers, who was nominated by the Citizens Advice Bureau. The role of the lay inspector is described in the Preface. The lay inspector examined files that had been the subject of complaints from members of the public and considered letters written by CPS staff to victims following the reduction or discontinuance of a charge. He also visited some courts and had the opportunity to speak to some of the witnesses after they had given evidence. This was a valuable contribution to the inspection process. The views and findings of the lay inspector have been included in the report as a whole, rather than separately reported. He gave his time on a purely voluntary basis, and the Chief Inspector is grateful for his effort and assistance.
- 1.14 The purpose and aims of the Inspectorate are set out in Annex 8. A glossary of the terms used in this report is contained in Annex 9.

2 SUMMARY OF INSPECTION FINDINGS AND RECOMMENDATIONS

- 2.1 This summary provides an overview of the inspection findings as a whole. It is broken down into sub-headings that mirror the chapters in the report which are based upon our inspection framework. This has been developed from the EFQM Business Excellence Model (see Annex 1). Other sub-headings deal specifically with Public Service Agreement (PSA) targets and equality and diversity issues.

Overview

- 2.2 In the two and a half years since the last inspection visit the Area has experienced an increase in caseload of 12.1% against a rise in financial resources of some 17%. Lawyer numbers remain very nearly the same whilst administrative staff numbers have increased. The challenges occasioned by the geographic spread of the Area, which covers half of Wales, and the fact that the principal Crown Court centres are all outside the Area, remain. There has been a modest rationalisation of magistrates' courts and there are nine to be serviced.
- 2.3 Against that background the Area has done well to implement the various new initiatives, to maintain or improve its casework performance in most respects, and to help deliver a very good performance in relation to narrowing the justice gap and increasing public confidence. On measures such as ineffective and cracked trials and reducing the arrest to sentence time for persistent young offenders, Dyfed Powys is among the leaders. Credit for this must go to all staff as well as to the very effective degree of joint working there is with the Area's criminal justice partners, principally the police and the magistrates' courts.
- 2.4 There are still one or two recalcitrant aspects of performance which need to be addressed and our recommendations are designed to assist with these. The Area is only co-located with the police to a modest extent, which means the scope for giving face-to-face advice is limited, and it will meet an important challenge in the relatively near future when the CPS takes over the statutory responsibility for charging. We have therefore laid particular emphasis in the report on the need to develop further the existing joint working with the police, in particular in relation to file quality, requests for full files, advices not to charge and discontinuance.

Key performance results

- 2.5 The results are particularly impressive in relation to magistrates' courts casework and to the delivery of the PSA targets in both courts. Witness care was also good. Crown Court casework was nearer to the national average on most measures and continuing review was better than average. On the other hand, disclosure was not handled well by some units, particularly in the Crown Court.

Casework

- 2.6 With the exception of disclosure, the Area handles most aspects of casework confidently, efficiently and effectively, including sensitive cases. It has the benefit of experienced staff, both administrative and legal, and has well-honed systems in operation for dealing with its workload - with the result that file review and case preparation in both

courts is of a high standard. On the other hand, there remains the long-standing problem that many lawyers are not very forthcoming in setting out the reasons for their decisions in writing when they endorse files. This causes duplication of work if different lawyers handle the case, and some problems now that cases - particularly trials - in the magistrates' courts are more likely to be conducted by agents. The quality of briefs was very variable on the file sample, though we were told that the reason for this had been identified as a problem with the introduction of the Compass Case Management System.

Advocacy and quality of service delivery

- 2.7 Inspectors commended the Area at the time of the last inspection for the quality of its advocacy and, after risk assessment, no attempt was made to see representative numbers of advocates. However, the usage of agents has increased, and there was some perception from respondents that progress in cases was less successful when agents were conducting them. The Area, however, selects its agents with some care, and there is some informal monitoring. It is also making efforts to train them.
- 2.8 Agents would be better placed to deal with cases if lawyers recorded more fully their reasons for decisions.
- 2.9 There is an urgent need to recruit and deploy more designated caseworkers (DCWs) - especially as their remit has recently been enlarged - and in view of the Area's increased caseload in the magistrates' courts.

Victims and witnesses

- 2.10 The Area has responded well to rebalancing the criminal justice system in favour of victims and witnesses. Witness care is generally good. There is a central Victim Information Bureau with responsibility for Direct Communication with Victims, and good working relationships exist with the Witness Service and Victim Support. Special Measures are well understood and sought where appropriate.

Performance management

- 2.11 The Area has implemented the national Casework Quality Assurance scheme, supplemented by its own pre-existing scheme, but more rigorous follow-up is required.
- 2.12 Performance is frequently discussed informally by senior managers but is an intermittent topic at Area Management meetings and there is little formal discussion at Unit level, or comparison between them. Unit Action Plans need to be devised and feed into the Area's Business Plan.
- 2.13 There is good joint performance management with the magistrates' courts and the police, which has enabled commendable progress in relation to the PSA targets. Further work is needed with the police about file quality and case outcomes, as well as to facilitate the introduction of the charging scheme.

People management and results

- 2.14 There are some pressing staffing challenges for the Area as it is overspending against its salary budget. This has been caused by a number of factors including many experienced legal staff towards the top of salary scales, long term sickness and no regular DCW coverage in the south of the Area.
- 2.15 Higher Court Advocates (HCAs) have conducted a wider range of work since the last inspection but this is now taking second place to their involvement in the charging initiative.
- 2.16 The Area is regarded as a good employer and staff are generally managed well, but re-invigoration of the performance appraisal system is required and cross-functional issues need to be discussed and addressed at team meetings.

Management of financial resources

- 2.17 In view of a significant overspend on budget and the increased use of agents, the Area's financial procedures need to be strengthened and there needs to be greater transparency regarding the performance of units and their costs. There has been some misuse of the 3010 budget on special cases in the magistrates' courts. The Area considers that the high travel costs associated with rurality are not adequately reflected in its funding.

Partnerships and resources

- 2.18 There is strong and well established inter-agency working yielding some excellent Public Service Agreement results. The CCP chairs the Local Criminal Justice Board (LCJB) and it has got off to a good start. The Area is held in high regard by its partners. There have been a few issues with the introduction of the Compass Case Management System - which requires new methods of working - to which some lawyers are finding it difficult to adapt. However, the system has great potential benefits for the Area as it could facilitate remote working from home, court or police station and thus reduce travelling time and expense.

Policy and strategy

- 2.19 Policy and strategy are focussed firmly on achieving PSA targets.
- 2.20 There is some co-location at Carmarthen TU with two police staff undertaking delivery of Section 51 cases "sent" and there are plans to augment these staff to prepare indictable only cases and manage the pending new procedures to send either way cases to the Crown Court. There is a small co-located unit under construction at Haverfordwest, but no immediate prospect of co-location of police and CPS staff at either Carmarthen or Newtown. Close and co-ordinated efforts with the police at all levels are going to be needed to deliver successfully the full charging scheme.
- 2.21 The Area needs to consult with staff to review and update its governance and policy framework and document it in an Operations Manual.

Public confidence

- 2.22 The Area participates in the Area Child Protection Committee and Domestic Violence fora. It is generally respected locally, but until the fairly recent past has had quite a low profile. More pro-active engagement and liaison with the local media, to make the public more aware of its achievements with its partners, would help increase public confidence, as would an enhanced Annual Report. The Area is still feeling its way, with the LCJB, in developing appropriate structures to measure and evaluate public confidence. An independent Advisory Group to represent the voice of the public has been set up.

Leadership and governance

- 2.23 Staff are made aware of Area objectives and plans through all-staff training days, and hard work by individuals and groups is recognised. Management styles vary and most problems are resolved, but there is a degree of drift over some issues. A local statement which depicted the shared values and respective expectations of managers and staff would be of assistance in making all grades of staff more comfortable with the governance of the Area. The Terms of Reference of the Area Management Team (AMT) should be clarified and its decisions promulgated clearly.

Bringing offenders to justice

- 2.24 By close joint working between all the criminal justice agencies, Dyfed Powys has increased the numbers of offenders brought to justice by 13.1%, one of the best performances in the country.

Reducing ineffective trials

- 2.25 Ineffective trials have decreased considerably since the last inspection. In the Crown Court the latest figure is 9%, and in the magistrates' courts 17.8%. Again these excellent results are the product of close working with partners in the LCJB, where ineffective cases are regularly examined by CPS, magistrates' courts and police staff on a case-by-case basis, with lessons learned and necessary improvements implemented.

Improving public confidence

- 2.26 British Crime Survey figures indicate that local public confidence in criminals being brought to justice has increased by 1% last year (albeit these figures are not statistically reliable).

Value for money

- 2.27 The Area has succeeded in covering an increased caseload with approximately the same number of lawyers and a modest increase in caseworkers. However, agent usage has increased, the pilot charging scheme is not comprehensive, and there is as yet no co-location of police and CPS staff.
- 2.28 Travel and subsistence costs are substantial given the spread of the Area. Some innovative planning might help reduce this.

Equality and diversity issues

- 2.29 Service delivery is sound in relation to racist incidents. Training on equality and diversity issues has been undertaken comprehensively. It would be helpful if the small minority ethnic make-up of the community could be reflected in the staff.

Recommendations

- 2.30 Inspectors make recommendations about the steps necessary to address significant weaknesses relevant to important aspects of performance, which are considered to merit the highest priority.
- 2.31 Inspectors have made six recommendations to help improve the Area's performance:
1. Prosecutors adhere to JOPI in all units, undertake the duties of disclosure scrupulously, and senior managers ensure this (paragraph 4.28).
 2. Prosecutors endorse the reasons for proceeding and for preferring a particular charge on all trial files, and managers ensure this happens through the Casework Quality Assurance system and the Performance Appraisal system (paragraph 4.39).
 3. The Area should recruit and deploy further designated caseworkers (paragraph 8.6).
 4. The AMT should review, revise and issue written procedures covering the use criteria, authorisation and audit of the 3010 budget code (paragraph 9.7).
 5. To improve consistency of the working culture and to prevent adverse working issues developing, the Area needs to:
 - * review and update its governance and policy framework;
 - * include a statement encapsulating the shared values and aspirations of managers and staff (paragraph 13.3).
 6. Terms of Reference should be agreed for the AMT, including its composition, frequency of meetings, matters which are reserved for the AMT's decision and the composition and Terms of Reference for subsidiary groups reporting to it. The Terms of Reference need to be reviewed annually and aligned with the Area's business strategy (paragraph 13.8).

Good practice

- 2.32 We have identified two aspects of good practice which might warrant adoption nationally:
1. Requiring the reviewing lawyer's assessment of the child's video evidence in the case to be recorded in writing (paragraph 4.32).

2. The Area's Victim Information Bureau has extended its remit to include contacting all witnesses in indictable only cases which have been sent to the Crown Court and supplying information to them on a continuing basis (paragraph 6.6).

3 KEY PERFORMANCE RESULTS

Target 1: To improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.2 million by 2005-06; with an improvement in all CJS areas, a greater increase in the worst performing areas, and a reduction in the proportion of ineffective trials.

CPS PERFORMANCE	National Target 2003-2004	National Performance Cycle to date*	Area Target 2003-2004	Area Performance
MAGISTRATES' AND YOUTH COURT CASEWORK				
Advice				
Decisions complying with evidential test in the Code ¹	-	96.3%	-	90% (9 out of 10)
Decisions complying with public interest test in the Code ¹	-	97%	-	100%
First Review				
Decisions to proceed at first review complying with the evidential test ¹	-	98.6%	-	100%
Decisions to proceed at first review complying with public interest test ¹	-	99.9%	-	100%
Requests for additional evidence/information made appropriately at first review ¹	-	77.5%	-	95%
Discontinuance				
Discontinuance rate of completed cases (CPS figure)	-	12.2%	-	14.9%
Discontinued cases with timely discontinuances ¹	-	75.4%	-	100%
Decisions to discontinue complying with the evidential test ¹	-	93.3%	-	100%
Decisions to discontinue complying with the public interest test ¹	-	92.6%	-	89%
Discontinued cases where all reasonable steps had been taken to request additional evidence/information ¹	-	89.1%	-	91.6%
Level of charge				
Charges that required amendment and were amended in a timely manner ¹	-	72.2%	-	78%
Cases that proceeded to trial or guilty plea on the correct level of charge ¹	-	95.1%	-	100%
Cracked and ineffective summary trials				
Cracked trials as recorded by CPS and magistrates' courts JPM	-	(Oct - Dec 03) 37.5%	-	(Oct-Dec 03) 29.5%
Cracked trials in file sample that could have been avoided by CPS action ¹	-	19.3%	-	4 out of 14
Ineffective trials as recorded by CPS and magistrates' courts JPM	-	(Apr - Dec 03) 29.3%	-	(Apr-Dec 03) 18.9%
Ineffective trials in the file sample that could have been avoided by CPS action	-	34.1%	-	0 out of 3
Summary trial				
Acquittal rate in magistrates' courts (% of finalisations) – CPS figure	-	1.9%	-	2.2%
Decisions to proceed to trial complying with the evidential test ¹	-	96.2%	-	100%
Decisions to proceed to summary trial complying with the public interest test ¹	-	99.6%	-	100%
Cases with timely summary trial review ¹	-	76.7%	-	100%
Requests for additional evidence/information made appropriately at summary trial review ¹	-	70.9%	-	100%
No case to answers where outcome was foreseeable, and CPS could have done more to avoid outcome ¹	-	40.7%	-	1 out of 2

CPS PERFORMANCE	National Target 2003-2004	National Performance Cycle to date*	Area Target 2003-2004	Area Performance
CROWN COURT CASEWORK				
Committal and service of prosecution papers				
Cases with timely review before committal, or service of prosecution case in "sent" cases ¹	-	79.1%	-	100%
Decisions to proceed at committal/service of prosecution papers stage complying with evidential test in the Code for Crown Prosecutors ¹	-	96.4%	-	96.9%
Decisions to proceed at committal/service of prosecution papers stage complying with public interest test in the Code for Crown Prosecutors ¹	-	99.9%	-	100%
Requests for additional evidence/information made appropriately at committal/service of prosecution case review ¹	-	80.3%	-	88.8%
Timely and correct continuing review after committal	-	83%	-	90%
Cases with timely service of committal papers on defence	80%	76.2% 85.3% ³	-	100% ¹ 97% ²
Cases with timely delivery of instructions to counsel	84%	84.6% 85.4% ³	-	88.8% ¹ 88.3% ²
Instructions to counsel that were satisfactory ¹	-	63.7%	-	50%
Cracked and ineffective trials				
Cracked trials as recorded by CPS and Crown Court JPM	-	(Apr 03-Mar 04) 38.3%	-	(Apr-Dec 03) 28.1%
Cracked trials that could have been avoided by CPS action ¹	-	15.8%	-	4 out of 14 28.6%
Ineffective trials as recorded by CPS and Crown Court JPM	-	(Apr 03-Mar 04) 20.7%	-	(Apr-Dec 03) 6.7%
Ineffective trials where action by CPS could have avoided an adjournment ¹	-	12.1%	-	4
Level of charge				
Charges that required amendment and were amended in a timely manner ¹		78.9%		77.7%
Indictments that required amendment ¹		25.6%		26.3%
Cases that proceeded to trial or guilty plea on the correct level of charge ¹		97.4%		100%
Judge ordered and judge directed acquittals				
JOA/JDAs where outcome was foreseeable, and CPS could have done more to avoid outcome ¹	-	23.3%	-	20%
Trials				
Acquittal rate in Crown Court (% of all finalisations excluding JOA, appeals/committals for sentence and warrant write-offs) ²	-	10.4%	-	12.6%
NARROWING THE JUSTICE GAP				
Percentage brought to justice against the baseline for 2001-02 as recorded by JPIT	Target +5%	+6.9% (as at Nov 03)		+13.5% (Jul-Sept 03)

¹ as assessed by HMCPSI from examination of the file sample during inspection

² self-assessment by Area

³ nationally collated figure based on Area self-assessment returns

⁴ insufficient numbers of files to provide reliable data

* average performance of Areas inspected in inspection cycle 2002-2004 based on a sample of cases examined and observations at court up to 31 March 2004

Target 2: To improve the level of public confidence in the criminal justice system, including increasing that of ethnic minority communities, and increasing year on year, the satisfaction of victims and witnesses, whilst respecting the rights of defendants.

CPS PERFORMANCE	National Target 2003-2004	National Performance Cycle to date*	Area Target 2003-2004	Area Performance
MAGISTRATES' AND YOUTH COURT CASEWORK				
Disclosure				
Cases where primary disclosure properly handled ¹		72.7%		77.2%
Cases where secondary disclosure properly handled ¹		61.1%		0 out of 1
Witness care				
Trials where appropriate use made of S9 CJA 1967 ¹		97%		100%
Trials where appropriate use made of the witness care measures ¹		88.4%		100%
CROWN COURT CASEWORK				
Disclosure				
Cases where primary disclosure properly handled ¹		85.9%		68.4%
Cases where secondary disclosure properly handled ¹		60%		25%
Witness care				
Trials where appropriate use made of witness phasing/standby ¹		81.9%		80%
Trials where appropriate use made of the witness care measures ¹		92.8%		100%
MAGISTRATES' COURTS AND CROWN COURT				
Custody time limits				
Cases in sample where expiry dates accurately calculated	-	93.2%	-	100%
OTHER ISSUES				
Payment of witness expenses				
Payment of witness expenses within 10 days of receipt of claim ²	100%	Oct – Dec 03 98.7%	100%	99.9%
Handling of complaints				
Complaints replied to within 10 days ²	94%	Oct – Dec 03 85%	96%	85.7%
Citizens charter commitment				
MPs correspondence replied to within 15 days ²	100%	Oct – Dec 03 92.7%	N/A	40%
Improving productivity				
Reduce sick absence rate per member of staff	10.6 days (2001)	Not available		7.1 days
OTHER ASPECTS OF CPS PERFORMANCE				
CJS Youth Justice Performance Measures (shared between Home Office, Department of Constitutional Affairs (formerly LCD) and CPS)				
To halve time from arrest to sentence for persistent young offenders from 142 to 71 days by 31 March 2002	71 days	67 days (Sep - Nov 03)	71 days	34 days (Oct-Dec 03)

¹ as assessed by HMCPSI from examination of the file sample during inspection

² self-assessment by Area

* average performance of Areas inspected in inspection cycle 2002-2004 based on a sample of cases examined and observations at court up to 31 March 2004

Commentary

- 3.1 The Area's casework results are good, particularly in the magistrates' courts, with performance exceeding national averages in the cycle-to-date on most measures. The main exception is disclosure in the Crown Court, where the performance is poor. The quality of instructions to counsel also needs to be improved.
- 3.2 Progress towards delivering the Government's PSA targets has been impressive, and the criminal justice area is among the best performers in this respect.

Pre-charge advice to police

- 3.3 In the sample of cases submitted by the police for formal written advice, inspectors agreed with the application of the evidential test in all but one out of ten cases. At the time of the inspection the Area was also operating a scheme for giving oral, pre-charge advice to the police. This combines the daily services of a duty lawyer to give telephone advice, and weekly visits to designated police stations to conduct legal "surgeries".

Quality of decision-making

- 3.4 Decision-making in the magistrates' courts is of a consistently good standard. In the Crown Court the most serious cases receive careful attention, but the more "routine" cases do not always receive such close scrutiny, and the overall performance in the Crown Court is average relating to the quality of decision-making.

Continuing review

- 3.5 Again, the results under "summary trial" are impressive, with all cases receiving timely and correct continuing review, and requests for additional information and evidence made appropriately in all cases. Though the acquittal rate in the magistrates' courts is somewhat higher than the national average, inspection results do not suggest any link with CPS performance on review.
- 3.6 In the Crown Court also, inspectors were satisfied that all cases were receiving timely committal or "sent" review, and thereafter where appropriate. However, the comment made in the preceding section applies and the quality of the review was average overall.

Discontinuance

- 3.7 The Area's rate of discontinuance exceeds the national average and has been rising. This trend needs continuing careful monitoring, and regular joint work needs to be conducted with the police to identify learning points - in particular to see whether cases subject to pre-charge advice have had to be discontinued - and if so, why.
- 3.8 On all cases sampled, discontinuance was timely, and inspectors agreed with the application of the evidential test. In a small number of cases the application of the public interest test to discontinue did not comply with the Code.

Discharged committals

- 3.9 There were none in the file sample, as pre-inspection risk assessment did not indicate a problem.

Level of charge

- 3.10 This is a significant topic for the Area as historically there has been some police tendency to overcharge. In the magistrates' courts, performance on amendment was above the national average and all cases proceeded to trial or guilty plea on the correct level of charge. This was also the case in the Crown Court, although amendment was not always timely.

Ineffective trials

- 3.11 Performance by all relevant agencies working together in reducing the incidence of ineffective trials in the magistrates' courts has been excellent, albeit at the cost of some delay. There have also been steady improvements in the Crown Court.

Persistent young offenders

- 3.12 The Area, with its partners, continues to deliver a performance significantly better than the target figure in dealing speedily with persistent young offenders (PYOs) from arrest to sentence – currently 40 days.

Sensitive cases

- 3.13 The Area produced a good performance in relation to cases of domestic violence, child abuse and those with a racially aggravated element.

Adverse outcomes

- 3.14 There were only two cases in the file sample where the magistrates found there was no case to answer: these were correctly brought, but in one more could have been done to avoid the outcome.
- 3.15 The Crown Court performance is similar to the national average, with a significant proportion of cases where more could have been done by the CPS to avoid the outcome.

Narrowing the justice gap

- 3.16 The Area, in close co-operation with the police, has done well in delivering this Government target and improvement above the baseline has been over twice the national average.

Disclosure

- 3.17 Overall the performance has been disappointing, although the figures in the magistrates' courts and the Crown Court mask a considerable variation in performance between the units. Thus in the magistrates' courts all non-compliance in primary disclosure on the file sample related to the CJU at Carmarthen.
- 3.18 In the Crown Court, both TUs had three cases where inspectors found that primary disclosure had not been properly carried out, and the TU at Carmarthen had a particularly high incidence (eight cases) where secondary disclosure had not been properly handled.

4 CASEWORK

Advice to police (CAP1)

- 4.1 Eight out of ten advices in the file sample were timely and in nine of them a full explanation was given for the decision. The explanations were detailed and well reasoned, some conspicuously so. Inspectors agreed with all applications of the public interest test, but in one case did not agree with the evidential decision: there was no indication on the file that a request for further information had been followed through before advice to take no further action on a serious allegation was given.
- 4.2 The provision of advice to the police is a significant topic for the Area, given the future responsibility of the CPS for charging. We saw the present pilot scheme in operation and were satisfied that, within its limited scope, there were good systems in operation for giving and recording advice throughout the Area. However, there are aspects of the present position which are potential rubbing points between the agencies.
- 4.3 We were told by the police that in about half of all formal advice files the advice was not to prosecute. On the one hand we noted a police tendency to overcharge in some cases, and that the quality of supporting files was not uniformly good. On the other hand, we were told of a CPS tendency to ask for a full file in cases of doubt, but to advise against prosecution when all the extra work had been done. The CPS consider that in asking for a full file in these cases they are properly following the national scheme.
- 4.4 The different perceptions will hinder the development of a prosecution team approach, and can be addressed by some simple joint performance monitoring and assessment.
- 4.5 In any event the Area, working with the police, needs to investigate this issue and maintain close scrutiny of the outcomes of requests for advice, to smooth the way for the full introduction of the charging scheme.

Cases ready to proceed at first date of hearing (CAP2)

- 4.6 Though at present there is no co-location of CJUs with the police, the Area has good systems in place for ensuring that files are available to lawyers the day before first hearing: using computer links with the police, files for first hearing are delivered electronically. This standard is thereby satisfactorily met even though in some instances, especially for cases to be heard at Aberystwyth or Cardigan, members of staff have to travel considerable distances to deliver and receive the files.
- 4.7 A yellow initial review sheet, devised by the Area, is used at this stage to record review and the case is registered on the Compass system on return from court. Likewise with overnight cases which are taken to court directly by the police.
- 4.8 All relevant cases in our file sample were ready to proceed at first hearing.

Bail/custody applications (CAP3)

- 4.9 Risk-assessment prior to inspection did not indicate a risk on this topic and nothing to the contrary was brought to our attention on site.

Discontinuances in magistrates' courts (CAP4)

- 4.10 All the relevant cases in our file sample were discontinued at the earliest reasonable opportunity and the reasons for the decision fully recorded. The police were also fully consulted in all cases and agreed with the decision in ten out of 11 of them. All the decisions on the evidential test, and all but one application of the public interest test, complied with the Code.
- 4.11 The Area's rate of discontinuance is somewhat higher than the national average and has been rising. It is another aspect of the interaction with the police over the quality of evidence to which we have already referred under "Advice". From the CPS perspective, the evidence contained in police files submitted to them was sometimes lacking, and we saw some examples in the file sample of incomplete files. The police response to this issue, and the extent of supervision of officers submitting files, differs across the counties. From the police perspective a high rate of discontinuance can cause wasted work and lead to a sense of frustration.
- 4.12 The Area's analysis showed that, in recent months, the discontinuance rate had been adversely affected by a large number of contested speeding camera cases that had to be rejected as they did not contain sufficient evidence. If those cases are taken out of the figures, the rate approximated to the national average.
- 4.13 Experience has shown that co-location and the provision of early face-to-face advice tend greatly to reduce discontinuance, but given that the Area is not co-located and the opportunities for face-to-face consultation will continue to be limited by geographical considerations, this is an aspect of performance that needs close attention. The Area already shares with the police on a systematic basis the reasons for discontinuance in particular cases. The police should be encouraged to monitor these equally systematically at a senior supervisory level so that any about which there is real disagreement can be noted and discussed further with Unit Heads at their regular meetings (together with advices not to charge).

Aspects for improvement

- * Working with the police to monitor discontinuances and the reasons for them on a regular and systematic basis.

Summary trial preparation (CAP5)

- 4.14 In our file sample all 20 decisions to proceed at summary trial review were in accordance with both Code tests, and in all cases save one – where it could not be ascertained from the file whether a full file review had taken place – the review was timely. In all six cases where it was appropriate to request further evidence or information, that was done.
- 4.15 Having said that, the recording of a full file review was somewhat haphazard. It was consistently apparent in the Newtown cases, but in others was often sketchy or had to be inferred from other actions taken on the file.
- 4.16 In all cases save one, witness warnings were given at least 14 days before trial, and all section 9 statements were served expeditiously.
- 4.17 The new integrated case management system, Compass, was being used by administrative staff (but by only a few lawyers) for case progression and there were in addition manual systems to ensure that full files were received and the necessary court preparation work undertaken.

Committal and Crown Court case preparation (CAP6)

- 4.18 Decisions to proceed at committal review were correct on both the evidential and the public interest test in all 18 relevant cases and all were timely. In one case out of nine where it was necessary to obtain further information or evidence, the request was incomplete, though this did not affect the outcome at trial. The service of papers in all committed, transferred or sent cases was also timely. This is particularly impressive as the local Resident Judges require service in non-exceptional cases within 28 days.
- 4.19 In one case within the file sample there was no apparent further review after committal, which was unfortunate as a charge had been initially selected which did not permit registration as a sex offender where that was clearly desirable on conviction. In the event the charge was amended at the suggestion of the Judge.
- 4.20 Although we saw some examples of good instructions to counsel, overall the standard was disappointing, being in nine out of 19 cases less than satisfactory. Instructions about acceptability of pleas were lacking in six out of 16 relevant cases, and case analysis was often missing. This was also an issue at the time of the last inspection. Area Managers told us there had been difficulties in locating the right place on the Compass package to insert these matters, and then ensuring that what had been written was actually printed out and included with the papers for counsel. These difficulties coincided with the period of our file sample. We were shown some other briefs on site which contained full instructions.
- 4.21 Though the actual decisions were correct, on many files there was no reasoning to justify them and a committal review had to be deduced from other actions carried out. Evidential factors were recorded in only a minority of cases (eight out of 19), and in four out of 17 cases counsel advised on points that should have been taken earlier by the CPS. These failings were a feature of the more “routine” as opposed to the most serious cases, where careful and thorough work had obviously been done.

Aspects for improvement

- * Recording committal (or sent or transfer) review in all cases.

Disclosure of unused material (CAP7)

- 4.22 In the magistrates' courts primary disclosure was carried out properly in 17 out of 22 relevant cases. The five not complying were from the Carmarthen CJU. Reasons for failure were various: relying solely on the judgement of the police where the items were not sufficiently described; failing to examine items of sensitive material to see if they were really sensitive, or undermining; endorsements such as "no primary disclosure" which were insufficient to indicate whether the tests had been applied. Instead of making decisions some lawyers would disclose all non-sensitive material to the defence. The one case of secondary disclosure in the magistrates' courts was not properly handled in that no reply had been received from the police in response to the defence statement and no letter was written to the defence.
- 4.23 In the Crown Court primary disclosure was properly handled in only seven out of 13 relevant cases. Again the reasons for failure were various and included an unsigned and unendorsed MG6C; a discloseable item apparently overlooked; and not endorsing a Forensic Science Service MG6C. In many cases there was a practice of disclosing all items whether discloseable or not.
- 4.24 In both types of court, despite the recent new Joint Operational Instructions (JOPI) and the training given to implement them, the Disclosure Record Sheet was not always used to record decisions and actions taken on disclosure, and relevant correspondence was often found in several different places in the file. Although inspectors did not record these as failures they reduce the effectiveness of the new Instructions.
- 4.25 In the majority of relevant cases in the Crown Court (nine out of 12) secondary disclosure was not properly carried out – in the main because it was simply not done, that is to say the defence statement had not been sent on to the police or there had been no final letter to the defence after police comment. Eight out of nine of these failures were in the Carmarthen TU.
- 4.26 The lack of secondary disclosure is linked to the frequent practice in relation to primary disclosure of disclosing everything. It appears to be assumed that since that has been done, everything relevant must have been already disclosed, and the service of a defence statement is therefore no more than a formality.
- 4.27 This erodes the distinction between primary and secondary disclosure and the different tests that are (at present) applied and, in so doing, prevents both the JOPI and the main Act from working properly. It means that neither the CPS nor the police carry out properly their duty of positively looking among the unused material for anything that might assist the defence because of issues raised in the defence statement, and re-assessing the case in the light of this. It also makes it impossible to demonstrate, if it is ever challenged, that correct processes have been followed and reliable decisions made.

- 4.28 We were told that some further joint training is planned and that the police are carrying out a file quality audit. Our impression of police disclosure forms, however, was that they were above average. The root of the problem in the sample was not in the quality of the forms but of the scrutiny to which they and relevant material are subjected.

RECOMMENDATION

Prosecutors adhere to JOPI in all units, undertake the duties of disclosure scrupulously, and senior managers ensure this.

Sensitive cases (CAP8)

- 4.29 These cases were clearly identified by means of differently coloured file jackets and tracked for monitoring purposes.

Racially aggravated cases

- 4.30 The five cases in the sample were all correctly identified and flagged up as racial cases and the racial element in them was robustly prosecuted. In one case, on an acceptable guilty plea, there was no endorsement that the court had been reminded of the racial element and whether they took it into account on sentencing.

Domestic violence

- 4.31 All cases were prosecuted in accordance with CPS policy on domestic violence. They were generally well-handled and prosecuted, and reflected a clear awareness of the special issues in this type of case.

Child abuse

- 4.32 In response to a recommendation contained in the last Inspectorate Report, the Area has introduced a form on which the reviewing lawyer should record that they have watched the videotape of the child's interview, and their assessment of it. This is **good practice**. In one case in the sample, however, the form was not present in the file, and there was a very sketchy Compass review. The other cases demonstrated a better standard of review than at the time of the last inspection.

Youth cases (CAP13)

- 4.33 The Area and its criminal justice partners have achieved excellent performance on reducing the average period between arrest and sentence for persistent young offenders to 40 days.
- 4.34 The files in our sample demonstrated robust prosecution of youth cases. All decisions to proceed were correct, all appropriate requests for further evidence or information were made, and all summary trial reviews were timely. The standard of written review, however, varied from very good to sketchy.

File/message handling (CAP9)

- 4.35 Administrative work at all locations was handled efficiently with very effective systems for linking post with files. There was no evidence of backlogs occurring.

Strengths

- * Administrative work is executed to a high standard at all locations with a marked determination for efficiency and achievement.

- 4.36 In the magistrates' courts there were seven out of 19 relevant cases where neither evidential nor public interest issues were recorded on either the initial review yellow form or a full file Compass review. Figures for the Crown Court were very similar (eight out of 19 evidential, seven out of 19 public interest). In addition, file contents were often not orderly, making relevant documentation difficult to find.
- 4.37 The Area operates a form of Casework Quality Assurance (CQA) that exceeds national requirements and therefore managers see on a regular basis more of their lawyers' files than elsewhere. We saw some evidence within the files of managers' attempts to influence prosecutors to improve their recording of the reasons for their decisions, but we have already referred to the perfunctory nature of some written reviews and the problem is a recalcitrant one: it was the subject of a recommendation at the time of the last inspection. If the extra management effort over and above the national CQA scheme is to be fully effective, managers must ensure that issues are addressed by individuals, and applied to live casework.
- 4.38 Some lawyers either fail to understand or to appreciate the problems that can be created for others if they do not endorse the files with a succinct statement of their reasons for proceeding, or for choosing a particular charge. In particular, an increasing proportion of the Area's cases are now prosecuted at trial by agents. Unless the reviewing lawyer explains the decision on the file it can appear that the decision was not a careful or a reasoned one. In those circumstances the trial advocate is naturally drawn into filling the apparent vacuum of judgement with a judgement of their own about the sufficiency of the evidence or the appropriate charge, with the obvious possible consequences of seeking instructions about adjournments or amendment, or even the abandonment of a particular charge. The absence of any brief in these cases exacerbates the problem.
- 4.39 The same principles apply in the Crown Court, even though a brief is available which should, but does not always, contain analysis of the facts and evidence and give instructions about acceptability of pleas.

RECOMMENDATION

Prosecutors endorse the reasons for proceeding and for preferring a particular charge on all trial files, and managers ensure this happens through the Casework Quality Assurance system and the Performance Appraisal system.

Custody time limits (CAP10)

- 4.40 All cases in the custody time limit (CTL) file sample were correctly handled and we were satisfied that sound systems exist to ensure that CTLs are identified, monitored and actioned.

Joint action to improve casework (CAP11)

- 4.41 Excellent work in partnership with the magistrates' courts and the police, under the authority of the Local Criminal Justice Board, has resulted in significant improvements in the reduction of ineffective trials. The reason for this has been regular discussion between all three agencies on a case-by-case basis. Attention should, however, be given to timeliness of case progression.
- 4.42 Joint performance monitoring by the CPS and the police is used as a means of assessing and discussing monthly performance in relation to file quality. It could usefully be extended to deal with advice cases and discontinued cases, to identify rubbing and learning points.
- 4.43 The pilot charging scheme operates by means of a duty lawyer manning a telephone on an 8.30am to 5pm weekday basis. In addition, lawyers hold regular legal surgeries at designated police stations; the take-up has been greater at some police stations than others, but the practice is an essential step to providing as much face-to-face advice as possible, which is difficult in an Area which is not presently co-located and where geographical distances are great.

Strengths

- * Work under the auspices of the LCJB to reduce the rate of ineffective trials.

National Probation Service and Youth Offending Teams (CAP12)

- 4.44 There are local arrangements for the disclosure of information to the Probation Service and we were told that they are working well. They are kept under review and any problems that arise are dealt with at the LCJB.
- 4.45 There is an inter-agency protocol between the Area and local Youth Offending Teams (YOTs). Generally, the provision of information to YOT officers is also good, although we were told that there were a small number of cases handled by agents where the pre-sentence report package was not handed over to the YOT officer at court. This can cause difficulties in PYO cases because of the short time scale for producing reports; the issue requires management attention.

Appeal and committal for sentence processes (CAP14)

- 4.46 The instruction of counsel in appeals against conviction to the Crown Court now routinely contain a contribution from the trial lawyer, together with trial reports and notes of evidence. The office systems for dealing with these - and for appeals against, and committals for - sentence appeared adequate and efficient.

Appeals against unduly lenient sentences (CAP15)

- 4.47 We were satisfied that the Area is well aware of its duty to refer potentially unduly lenient sentences to the Attorney General and that it works with the Bar to ensure that such cases are identified. The Area needs to keep victims (or victims' relatives) informed of the consideration being given to the case and that they may write to the Law Officers direct.

Recording of case outcomes (CAP16)

- 4.48 Those pleading guilty at first appearance do not need the full Compass registration and quick registration of these cases is carried out at Carmarthen. It could usefully be extended to Haverfordwest: a matter for management attention.
- 4.49 Cases are finalised on Compass, and we were satisfied that this was being done correctly.

Information on operational and legal issues (CAP17)

- 4.50 The CCP circulates a monthly bulletin of legal issues, which is a distillation of the Adverse Case Reports sent to him in the previous months, with attention drawn to features or problems that are likely to recur. Details of the cases are also circulated to the police.
- 4.51 There is scope for an Area newsletter or similar document addressed to all staff and dealing with broader operational issues.

Strengths

- * The monthly bulletin of legal issues.

Readiness for court (CAP18)

- 4.52 On the Crown Court administrative side caseworkers made full and effective use of the Compass system, and of a secure email system with the court. A Case Progression Officer attends Swansea Crown Court on plea and directions hearings (PDHs) days. A form is completed and on return to the office the progress of cases is monitored to ensure that orders are complied with. Where problems arise or are anticipated an extension to the deadline for compliance is sought administratively. No trials in the file sample were ineffective through a fault in CPS review or preparation and all directions were complied with. In three cases compliance was not timely, but this was not the fault of the CPS.

- 4.53 In the magistrates' courts sample no case was ineffective through a CPS failure in review or preparation.

Strengths

- * Systems for ensuring compliance with court orders and case management generally.

Learning points (CAP21)

Adverse cases

- 4.54 Both no case to answer (NCTA) files contained adverse case reports that had been completed by the reviewing lawyer and the Unit Head, and correctly identified the reasons for the outcome.
- 4.55 The three judge directed acquittal (JDA) cases all had Crown Court Case Reports that had been completed by the caseworker, reviewing lawyer and Unit Head, and correctly identified the reasons for the outcome.
- 4.56 We examined 11 judge ordered acquittals (JOAs). In one case there was no report where no evidence was offered against one of the two defendants; in another there was a degree of defensiveness and a blaming of others, and no identification of a clear failure of review. In some others we detected a slight tendency for the benefit of the doubt, and a degree of deference, to be given to the Area's lawyers, whereas the same benefit was not always extended to other agencies. This could undermine the benefit of the legal bulletin referred to above.

Aspects for improvement

- * Objectivity and openness in compiling adverse case reports.

5 ADVOCACY AND QUALITY OF SERVICE DELIVERY

Advocacy standards and monitoring (CAP19)

- 5.1 The last Inspectorate Report commended the Area on the quality of its advocacy in the magistrates' courts, on the culture of lawyers' prosecuting their own trials and on Unit Heads regularly attending court. The quality of advocacy in the Crown Court was likewise found to be good. Accordingly, after risk assessment – and whilst inspectors visited some magistrates' courts to assess the quality of advocacy and service delivery - we did not see representative numbers of advocates in either court.
- 5.2 Although the culture and practice referred to above were still in place at the time of this inspection, the requirements of the charging pilot and an increase in the amount of work have meant that lawyers in the CJUs have less frequent opportunities to conduct trials and a higher proportion of these are now being conducted by agents. External consultees were less satisfied with the general quality of agents and had some frustration that agents were unable to take decisions in cases in court. There was also a perception that the usage of agents was linked to more trials being ineffective or cracking.
- 5.3 We therefore explored with some care the arrangements that the Area has made for selecting, training and monitoring agents, and for ensuring that they only handle appropriate courts. Lists are now maintained of suitable agents and Unit Heads consider which agents to instruct. Training had taken place for some of them to familiarise them with the work of the CPS. An open day had been held at which talks were given by different lawyers explaining CPS requirements, including the importance to the CPS of the PSA targets, endorsements and other topics. Some agents who did not perform satisfactorily were no longer instructed.
- 5.4 The Area is taking active steps to secure the right advocates to prosecute its cases in the magistrates' courts and that they are aware of what was required of them. However, a detailed and reasoned written review in all cases fixed for trial, and an orderly file, is a necessity if agents are to perform effectively.

Court endorsements (CAP20)

- 5.5 A clear and comprehensive record of what had taken place on each appearance in court was not always present in either the magistrates' courts or Crown Court files in our sample.
- 5.6 In the magistrates' courts files only about 75% of court endorsements were clear, comprehensive and legible.
- 5.7 In Crown Court files there is a pink Report of Case Covered Form but this was not always present, and in those cases the file had not been endorsed fully either. In one case the endorsement of a sentencing hearing said only "sentenced", and in another it was not possible to tell of which offences the defendant was convicted or acquitted. On several other files there was either no apparent endorsement of a particular hearing, or the endorsements did not present a clear picture of what had happened. The Area's cases are heard outside the Area - and they are therefore sometimes dependent on coverage by caseworkers from other CPS Areas - but steps need to be taken to ensure that in all cases there is a proper record available of what has taken place in court.

Aspects for improvement

- * Court endorsements.

Court preparation (QSD1)

- 5.8 We were told that CPS lawyers including Higher Court Advocates (HCAs), agents and counsel were generally well prepared for court and limited observations in the magistrates' courts confirmed this.

Attendance at court (QSD2)

- 5.9 Attendance of prosecutors in the magistrates' courts is timely.
- 5.10 In the Crown Court the Area has to deal with a situation where its work is done at courts outside the Area. Caseworkers regularly attend Swansea Crown Court but even so are sometimes reliant on caseworkers from another CPS Area to cover parts of hearings. This is always so at Merthyr Tydfil, Chester and Mold.

Accommodation (QSD4)

- 5.11 Accommodation for the CPS is adequate at the Crown Court, but there is no separate room for them at most of the magistrates' courts buildings in the Area, albeit most seemed spacious. It apparently required considerable effort to obtain the dedicated use of a room at the new Haverfordwest court.

6 VICTIMS AND WITNESSES

Witnesses at court (QSD3)

- 6.1 In eight out of nine relevant cases in the file sample, in both the Crown Court and the magistrates' courts, appropriate arrangements were made for the phasing or standby of witnesses. In the Crown Court, where witnesses required directions for Special Measures, the appropriate application was made. In the magistrates' courts and youth court, in all three relevant cases application was made. In all relevant cases where the trial was cracked, the victim was consulted about the acceptability of the plea.
- 6.2 In general, the Area has been active in helping to promote the interests of victims and witnesses, and Special Measures have been carefully introduced in liaison with the police to help identify suitable cases. There is a local protocol between the CPS and the Crown Court which governs the way victims and witnesses are dealt with and, in particular, the procedure for Special Measures applications.
- 6.3 In liaison with the Crown Court, a good system has been devised for the notification to witnesses of late adjournments or cancellation of their attendance at trials, by fax or phone. In the ineffective cases in our file sample, the CPS had taken all reasonable steps to prevent the unnecessary attendance of witnesses. Of considerable assistance to victims and witnesses in any event has been the reduction achieved in both courts of the incidence of ineffective and cracked trials. We heard that agents tend to be less pro-active in dealing with witnesses, although in one trial we observed the prosecuting agent introduced herself to the witnesses and explained the procedure helpfully. Agents have been given training on how to handle vulnerable witnesses.
- 6.4 We saw evidence of a very good and joined-up working relationship with both the Witness Service and Victim Support. There is a good exchange of information with them both before and on the day of trial. The Area has involved itself both in the training of representatives and attending board meetings. It would assist the Witness Service further if the Area could always include the status of witnesses in the copy List of Witnesses to Attend Court (LWAC) sent to them.

Strengths

- * Handling of witnesses at court and a pro-active approach to improving the care of witnesses.

Direct Communication with Victims (CAP13)

- 6.5 The Area system is that the lawyer identifies the need to send a Direct Communication with Victims (DCV) letter and drafts it, or sets out in the circumstances in a note. It is then passed to the Victim Information Bureau (VIB) for scrutiny. The VIB may suggest amendments, and agrees the final form of the letter, which is then sent out.

- 6.6 The VIB has had its initial remit extended to include contacting all witnesses in section 51 sent cases and the supply of information to them. This is **good practice**. It is planned to extend this to corresponding with all full file pre-charge advice cases by 1 June 2004 and to all Crown Court child abuse cases by 1 July 2004.
- 6.7 In all relevant cases in our file sample, the victim was informed when a case was discontinued, when a charge was substantially altered, or when no evidence was offered in the Crown Court.
- 6.8 We examined, together with our lay inspector, a number of recent letters to victims at Carmarthen and Newtown. They all gave adequate information to victims in a reasonably digestible manner, though the letters from Carmarthen relied more on standard paragraphs. Those from Newtown gave fuller explanations and were more carefully tailored to the particular case. The majority were sent within the target date. Statistics kept by the Area indicated that 6% of letters were sent outside the target date, against a national average of 5%.

Meetings with victims and relatives of victims (DCV5)

- 6.9 DCV letters offered meetings in appropriate cases and the TU Head had one such meeting during the course of our inspection.
- 6.10 We received evidence about some of the impressive work undertaken with the Road Death Project in Powys, and of the valued assistance and sympathetic treatment given by the CPS to the relatives of victims of road traffic fatalities.

Strengths

- * Work undertaken with the Road Death Project in Powys.

Victims' Charter (CR2)

- 6.11 The Area works with the Court Service to reduce both unnecessary attendance and lengths of waiting times for witnesses. In the current year, the aspiration is to reduce waiting times in the magistrates' courts from an average of one hour and forty five minutes to one hour and twenty five minutes, and in the Crown Court from two hours and thirty nine minutes to two hours and twenty six minutes. Unnecessary attendance is to be improved to 35% in the magistrates' courts and 45% in the Crown Court. Latest figures show that the targets have been achieved in some months, but can also fluctuate upwards.

7 PERFORMANCE MANAGEMENT

Performance standards (PM1)

- 7.1 The Area supports a range of performance standards relating to both PSA targets and other important aspects of work. The Area has implemented the National Casework Quality Assurance (CQA) scheme, and supplements this with its own more comprehensive system which samples two to four cases per lawyer per month. The Area system now in use feeds national CQA information. Improvement issues are said to be taken up with individual lawyer and as necessary embodied into Performance Appraisal Reports (PARs), but have had little impact on the relatively poor review and court endorsements (see paragraph 4.37).
- 7.2 Timeliness performance limits form part of staff Performance Appraisal Reports (PARs) and administration staff interviewed were able to recall the standards supported and able to articulate the related time limits.
- 7.3 The Area also has a series of protocols to govern work quality which are overseen by Area Champions. These include Hate Crime, the Victim Information Bureau and Special Measures.

Performance monitoring (PM2)

- 7.4 Within the Area, performance management is not systematic. The LCJB Performance Officer provides comprehensive information mainly focussed towards PSA targets. Discussion of performance issues at AMT meetings is intermittent and tends to note situations without initiating action.
- 7.5 Similarly within units, performance is not routinely discussed nor issues analysed and there is no feeling of collective ownership. Actions are taken by units on stimuli from the external performance groups and relayed to staff.
- 7.6 Units do not develop Action Plans to address weaknesses collectively, and thus support the objectives in the Area's Business Plan.

Aspects for improvement

- * Unit Action Plans need to be developed to provide a collective response indicating how units will contribute to achieving Business Plan commitments.

Joint performance management (PM3)

- 7.7 Whilst the Area has good working relationships with the police and courts, joint performance management needs to be more wide ranging and effective. There is a range of complex issues associated with file quality, submissions for advice, negative advice after full file requests and discontinuance which need to be addressed jointly and systematically with the police.

- 7.8 Joint performance monitoring with the courts on cracked and ineffective trials has been positive and enabled each agency to improve systems.

Risk management (PM4)

- 7.9 The Area has a good appreciation of risk and these are presented in the Risk Register produced as part of the business planning cycle. Risks are catalogued and allocated an owner, impacts quantified, current status flagged and counter measures proposed. Where relevant counter measures are fed into other parts of strategy for effective implementation, for example into training and staff objectives. A selection of risks (six) were highlighted for 2003-04.
- 7.10 Risks are monitored at the AMT through work in progress. Some of the counter measures are self-limiting. For example, the counter measures for the only red risk, which related to ABC funding limitations, are all cost cutting actions rather than work innovations to improve productivity.

Continuous improvement (PM5)

- 7.11 The Area has recognised that more could be done to monitor performance and has initiated suitable actions. An Internal Performance Group has been convened under the stewardship of the ABM. This is a cross-discipline group comprised of senior management, unit administration, the Secretariat and a Unit Head. The group's role is to look at performance trends, undertake analysis and make recommendations to the AMT. This is an encouraging step towards unit ownership of performance.
- 7.12 A single page performance tracker has been developed to track performance issues of interest to the Area. We were shown figures that showed a degree of comparison between units, but at a high level. Where possible the tracker should use measures which are qualitative and related to work quality or load indicators, rather than numerical indexes.
- 7.13 All adverse cases are monitored and analysed by the CCP and Unit Heads, with lessons learned being shared with colleagues and the police.
- 7.14 The Area has relied upon the LCJB performance information, and has achieved very good results in relation to PSA targets. It has started to examine a wider range of performance through an Internal Performance Group. We consider that this should be reinforced by clear unit-based performance information on a range of key issues.

8 PEOPLE MANAGEMENT AND RESULTS

Human resource planning (P1)

- 8.1 Since the last inspection total staff numbers have been effectively static whilst the Area caseload has increased by 12.1%.
- 8.2 The Area has some pressing staffing challenges as it is overspending against its staff salary budget. This is a long-standing situation and the inability of ABC costing to fully accommodate rurality issues is cited by the Area as the root cause. There is a large geographic area and distant centres for magistrates' courts, while the bulk of Crown Court work is handled in Swansea. Also, during the period the CPS moved to an ABC costing base, the Area's caseload had decreased by 0.5%. The above increase in case load arises from a large rise in cases in the current year, which are up 12.7% on year-to-date figures to December 2003. Another cause of the overspend is having the benefit of an experienced work force, particularly lawyers, including two overbearing in senior positions.
- 8.3 The Area has undertaken some actions to normalise the situation through encouraging redeployment and staff transfers, by block-booking one agent and employing two junior barristers on short term casual contracts. However, opportunities to recruit less experienced lawyers have been lost as some vacancies have been filled by compassionate transfers.
- 8.4 Business Plans and Risk Registers give consideration to staffing and recovery actions to ameliorate the staffing overspend. This year efforts to create further opportunities for DCW deployment and higher productivity through the use of Compass CMS are planned.
- 8.5 There is an urgent need in Carmarthen and Haverfordwest for designated caseworkers (DCWs) to cover hearings, we saw an experienced Higher Court Advocate (HCA) covering a DCW court. With impending expansion of the DCW remit, the Area must seize the moment and increase its DCW complement.
- 8.6 Inspectors were impressed with the calibre of B1 staff, some of whom were keen to rise to the DCW challenge, but there was a perception that forthcoming vacancies may be lost to compassionate transfers, thus limiting promotion prospects.

RECOMMENDATION

The Area should recruit and deploy further designated caseworkers.

Staff structure (P2)

- 8.7 Staffing issues are reviewed regularly in the AMT and courses of action determined. Staff were concerned that the balance of lawyers between the units was not equitable. Haverfordwest CJU considers it is 0.5 lawyer under strength and others felt the Carmarthen TU was overstaffed for its caseload. However, from Inspectorate figures, overall lawyer loading has increased by 14.2% since the last inspection with contested cases in the magistrates' courts increasing by 20.5% per lawyer and trials in the Crown Court by 35% per lawyer.
- 8.8 The Area's cadre of five HCAs represents an impressive 25% of the legal staff. Since the last report they have conducted some jury trials and appeals against conviction, and also take occasional plea and directions hearings, but the deployment rate is low. The Area has aspirations to increase HCA activity, but this is being circumscribed by the priority being given to charging at present.

Staff development (P3)

- 8.9 The Area has an active Training Committee which meets regularly and a sound Training Plan has been produced based on indicative needs from the Business Plan, Personal Development Plans (PDPs), national CPS priorities and previous Inspectorate findings. Training is also provided for developmental needs. For the coming year the Area is seeking to baseline skills capability through a Training Needs Analysis to be undertaken by the Service Centre's Training and Development Officer. Staff interviewed thought training received was beneficial and helped them to be effective in their roles.
- 8.10 In the Carmarthen CJU, to give staff the widest range of work the B1 Manger rotates staff through roles on a weekly basis and will also cycle A1 staff to A2 duties under supervision. In other units, staff felt that opportunities to act up and gain experience were often lost when staff at the next level had short periods of absence, as the duties were covered by managers.

Strengths

- * The Area is committed to providing a wide range of training and, in particular, to provide for developmental aspiration.
- * Duty rotation to provide job enrichment.

Performance review (P4)

- 8.11 All staff had received an annual appraisal and most had had interim appraisals.
- 8.12 Generally staff were not convinced that the Performance Appraisal Report process was taken seriously as objectives tended to be standard, although staff could add personalised objectives; some also felt that box markings were not very discriminating and the same mark was awarded for a wide range of performance irrespective of how hard staff worked. This was considered to be a demotivator by staff.

Aspects for improvement

The Area needs to review and refresh the Performance Appraisal Report system and generally make the process more discriminating. This needs to include consideration of:

- * the range and formulation of objectives, e.g. results, work standards, professional attainment and contribution to work innovation;
- * realistic Casework Quality Assurance assessments re: lawyers and DCWs.
- * evaluation of performance/achievement against objectives and quality assurance of these by the CCP and ABM.

Management involvement (P5)

- 8.13 The AMT recognises hard work by individuals and groups through acknowledgements in the minutes which are accessible to staff. Unit meeting minutes are often presented as points to note, without recording much in the way of discussion and actions, or recognition.
- 8.14 Following the AMT meetings there is a B1 Line Managers meeting at which noteworthy points are raised for discussion and onwards transmission to staff. However, staff did not feel well informed, with the main medium of communication being via email and email news bulletins from the CCP and others. Staff felt a regular Newsletter would be helpful in keeping them up-to-date, particularly in regard to initiatives. Methods of communication are presently under discussion within the Area and a Communication Strategy is being developed. There is effective communication between staff and management through the Whitley Council arrangement, with a wide range of issues being discussed.
- 8.15 Business planning is led by senior management, with B1 Managers become involved at the draft stage and providing commentary on proposals. The Area communicates the main thrust of business objectives and priorities through all-staff training days. These events are appreciated by staff, but can come across at a remote level for administrative staff.
- 8.16 Unit meetings are not consistent, with some involving administrative staff and others not. The Carmarthen CJU holds separate meetings for lawyers and administrative staff and these are on a different calendar cycle. As a result, cross-functional issues remain unresolved and drift on. Unit objectives are not maintained and staff felt they could contribute more to business planning achievement and improvement if a suitable means was provided.

Aspects for improvement

- * Make better provision for cross-functional meetings and for all staff to contribute to improvement.
- * Review the purpose and composition of unit meetings and clarify the form of the meeting record.
- * Implementation of the Communication Strategy with due regard to the role of the Newsletter.

Good employment practice (P6)

- 8.17 Staff turnover is very low and many of the staff have been employed by the Area for many years. The career development of new staff can therefore be relatively slow. The vast majority of staff consider the CPS to be a good employer offering good pay and benefits and an excellent environment within which to work.
- 8.18 Thorough sickness records are supplied to the Area by the Service Centre and maintained by the Area. These provide a detailed picture of sickness trends including days per person, incidents per person, average duration per incidents, incidents pattern, cumulative totals and costs.
- 8.19 The sickness rate is currently 7.1 days per person per year. The ABM monitors sickness levels. Once the Area threshold is exceeded the relevant manager is reminded and then uses discretion on action to be taken. Generally, staff felt that management could be more timely in their actions and could bear down more positively on abusers. This view was also held by some managerial staff. In all those cases probed by inspectors, actions had been taken and relevant warnings given, but action could have been taken earlier on the few persistent cases.
- 8.20 There are management issues in some units which are causing disruption. In one case a member of staff had been absent for twelve out of the last eighteen months owing to illness. A number of staff have acted up, but had not been fully empowered and so staff felt unmanaged with insufficient support. Area managers were aware of staff concerns and the impact. Whilst the issue is complex and the Area has been active in seeking a pragmatic solution, a positive interim allocation of full responsibility would have been better with hindsight.
- 8.21 The Area achieved Investors in People (IiP) re-recognition during the past year.

Aspects for improvement

- * Develop criteria to ensure managers evaluate objectively sickness trends and take appropriate action.
- * Review and set sickness target annually as part of business planning.

Equality and diversity (P7)

- 8.22 There is a low percentage of black and minority ethnic citizens in the local working population (1.9%) and no Area staff have a minority ethnic background. The Area is seeking to gain a better understanding of these issues through a bespoke research project and by expanding the community engagement programme.
- 8.23 All staff have received training on equality and diversity and disability issues. Similarly, training on race equality policy impact analysis has been received.
- 8.24 The Area's Equality and Diversity (E&D) Committee became moribund. This was not owing to a lack of staff interest, but insufficient management appreciation of the importance of the function. While on site, inspectors became aware of some latent issues in regards to behaviours which need to be addressed.
- 8.25 Senior management readily recognised the void created through the absence of an active E&D Committee and that an issues gap had occurred. Accordingly, the Area has reconstituted the Committee and invited the Regional Equality and Diversity Officer to vet certain aspects of employment practices for compliance with CPS best practice. The ABM is scheduling an away day with the E&D Committee to advance the Area's planning.

Aspects for improvement

- * Ensuring that one senior manager will lead on the equality and diversity agenda and oversee Area planning and its implementation.

Health and safety (P8)

- 8.26 The Area undertakes comprehensive monthly health and safety checks and compiles an annual Health and Safety Report.

9 MANAGEMENT OF FINANCIAL RESOURCES

Staff financial skills (MFR1)

- 9.1 The main responsibility for financial management rests with the Area Business Manager (ABM) who has been in post since April 2003 and is continuing to build up financial management experience. The Area has no relevant written operational procedures, nor financial tools for modelling and estimating until recently. Assistance is available from the Service Centre and the ABM is seeking to take advantage of this in planning for the financial year 2004-05.
- 9.2 Budgets are held centrally and budget head codes are Area-wide. Previous intentions of allocating aspects of the budgets to Unit Heads have not been implemented. Whilst in a small Area budgets can be handled competently from the centre, it is difficult for Unit Heads to gain access to their own financial positions and appreciate the consequences of decisions unless the budget is devolved on paper.
- 9.3 The ABM produces a monthly overview statement of Area spend against budget with supporting exception commentary, but as account codes are Area-wide it is not possible to appreciate relative spend and efficiencies of individual units.
- 9.4 The Area Management Team do not routinely consider budget and spend issues as a standing item, financial matters are discussed intermittently on an ad hoc basis.

Aspects for improvement

- * The Area's financial procedures need to be strengthened and there needs to be greater transparency regarding the performance of units and their costs.
- * Centrally held budgets should be allocated to units through the use of cost centre codes. Periodic reporting should then be against units.

Adherence to financial guidelines (MFR2)

- 9.5 Since the last inspection the Area's non-ring fenced administrative budget has increased by 16.9% from £1,968,607 to £2,300,800, against an increase in cases of 12.1%.
- 9.6 Overspends are occurring on lawyer salaries and through the use of agents. The £20,000 additional monies allocated to the Area from the CPS contingency reserve fund for a complex murder case has been allocated to the salaries budget.
- 9.7 Spend on special cases in the magistrates' courts (3010 budget code) has moved from £1,600 to £32,900 since the last inspection. Inspectors noted that many of the cases were non-complex, lasting a couple of hours with one or two witnesses. The Area accepts that there has been some misuse of this budget, but the situation has now been clarified. Inspectors found staff remained uncertain as to appropriate use of the budget code.

RECOMMENDATION

The AMT should review, revise and issue written procedures covering the use criteria, authorisation and audit of the 3010 budget code.

Budgetary controls (MFR3)

- 9.8 The Area's control of its financial position is fragile. During the previous financial year the Area predicted an overspend of approximately £100,000, but managed to limit this to £56,000 by a combination of staff transfers, redeployments and increased part-time working.
- 9.9 Up to February 2004 the Area had been predicting it would manage its affairs generally in line with its budget. At the time of the inspection in March 2004, the Area was predicting an overspend of £97,000 (3.7%) with the main sources being the staff salaries budget and the use of agents. However, if an estimate for the misuse of the 3010 budget (approximately £24,000) is included, the overspend is nearer 5.3%.
- 9.10 Lawyer salary overspend is an ongoing characteristic of the Area dating back several years. Redeployment actions taken last year have been offset somewhat by the acceptance of compassionate transfers of legal staff, which has resulted in the continued maintenance of a very experienced work force, with all lawyers being at C2 level and two senior overbearing positions.
- 9.11 Whilst Inspectors accept that every effort should be made to alleviate pressing personal circumstances to avoid the otherwise loss to Government service of valued staff, it is incumbent on the Area in accepting such staff to undertake quantified impact assessments and then put in place compensating strategies.
- 9.12 The Area acknowledges the pressing budgetary situation: it has taken some actions to provide for a DCW court, and is in the process of recruiting a further DCW. Other initiatives in hand include employing one counsel on a fixed term basis with a view to reducing the number of agents' sessions.

Aspects for improvement

- * In the light of lawyer experience levels, the Area undertakes a quantified impact assessment and implements compensating strategies.

Management of prosecution costs (MFR4)

- 9.13 Key TU managerial staff have been on long term sick leave and, whilst other staff have acted up, it is unclear how the responsibilities for high cost case management plans have been allocated, for example origination of plans, calculation of fees and maintenance of logs.

- 9.14 Systems are in place to ensure counsel's fees are paid within time limits, and during the period August to December 2003, 100% were in time. During January 2004 the achievement was 95%.

Aspects for improvement

- * The Area should clarify the responsibility for producing high cost case plans.

Value for money approach (MFR5)

- 9.15 The Area has complex rurality issues to cope with, as it is a relatively low crime Area with a large geographic coverage and is visited by thirteen million tourists each year. The Area's overall performance against Public Service Agreement (PSA) targets is excellent, but there is much scope to improve value for money. Co-location discussions at Haverfordwest have been ongoing for several years and previously completed process mapping now needs to be readdressed, as the respective organisations have evolved.
- 9.16 There is more scope for using DCWs in the magistrates' courts, thus increasing lawyer availability and reducing agent dependency.
- 9.17 The Area has 20 lawyers of whom five are HCAs. However, only two of these tend to be active and rurality makes cost-effective deployment difficult. Area Managers need to consider the types of cases which can be beneficially handled by HCAs.

10 PARTNERSHIPS AND RESOURCES

CJS partnerships (P&R1)

- 10.1 The CCP is Chairman of the LCJB and ensures that the CPS participates in joint activities. Staff at senior and middle management level actively participate in cross-agency groups. The Area and its partners have worked effectively on common objectives around PSA targets and together they have achieved some outstanding results.
- 10.2 The Area works with its partners to reduce bottlenecks and increase the effectiveness of CJS resources. For example, discussions have been fruitful with the courts in increasing the opportunities for DCW working, which is relieving pressure on lawyers, and there are monthly meetings between the CPS, court legal advisers and defence solicitors.

Strengths

- * Well established and strong inter-agency working yielding some excellent PSA results.

- 10.3 There are some partnerships which have not yet been developed where a CPS input may be of value, for example the Local Authority Community Safety Partnerships.

Aspects for improvement

- * Review with Community Safety Partnerships, as soon as ASBO Co-ordinator appointed, the extent to which CPS could add value to the work.

CJS agencies (KPR8)

- 10.4 There is a well established tradition within the Area of joint working with other CJS agencies and this has resulted in some very commendable PSA returns. However, other aspects of co-operation need attention if casework is to be high quality and value for money obtained through the system. For instance, adequate CPS rooms at magistrates' courts and some form of co-location at distant police divisions could reduce travelling and file movement.

Improving local CJS performance (CR4)

- 10.5 The Area's partners hold it in high regard and value the CPS contribution to joint activities. External consultees commented that, over the last few years, some of the present CPS staff have done much to improve the public's perception of the CPS by building excellent rapport with other agencies and the public.

- 10.6 The Area has been active in agreeing protocols with the courts, for example the Pre-Trial Review (PTR) Protocol to improve witness availability, and the creation of DCW Courts.
- 10.7 The Area as a whole has a well established heritage of joint working with other CJS agencies. This has provided a firm platform to implement recent national initiatives.
- 10.8 There is an overarching Area Performance Group (APG) with representation provided by senior CJS agency officers. This is chaired by the Clerk to the Justices and the CCP represents the CPS. The APG is supported by four divisional groups which similarly have cross-agency representation, and the CPS is represented by Unit Heads.
- 10.9 The LCJB Performance Officer provides the CPS and other agencies with a very comprehensive Area Performance Report which tracks performance achievement. The Report provides some indicative analysis of issues and allocates action to the relevant bodies, including the CPS Area Management Team.
- 10.10 The main emphasis of the performance report is the PSA targets and the Area and its partners are to be congratulated on some outstanding results. For example, offenders brought to justice +13.5%; persistent young offender arrest to sentence 34 days; ineffective trials in the Crown Court 6.7%; and ineffective trials in the magistrates' courts 18.9%.

Strengths

- * Very strong culture of joint work which has delivered some impressive results.
- * Effective performance network involving CJS agencies.

Information technology (P&R2)

- 10.11 The Area covers a wide geographic area and is not co-located. However these difficulties are somewhat offset by very good joint use of police IT for progressing case issues, which greatly improves timeliness and ensures court readiness.
- 10.12 Administrative staff actively uses the Compass CMS, but further progress needs increased lawyer usage. Generally, lawyers are reluctant to commit to Compass as it is perceived to be more time consuming and not to fit working patterns developed to counter rurality issues. The Area is experimenting with laptop use to determine benefits or otherwise, and there may be further home-working support facilities available from CPS.
- 10.13 A few Area lawyers use Compass CMS extensively. Inspectors believe, therefore, that the general reluctance is born out of a lack of familiarity and confidence amongst lawyers and that further work needs to be done in this regard.

- 10.14 Unit Heads have had supplementary training concerning the allocation of cases and transferring lawyers and they use Compass for this and task allocation, but they are not using the management facilities of Compass to full effect.
- 10.15 The CCP and ABM's perception of Compass CMS use is greater than the actuality. For example, to assist Compass CMS uptake, a one-page form had been introduced to replace the six-page PTR document. However, as the new document does not cater for administrative needs, staff have reverted to the manual system.
- 10.16 Inspectors believe that Area uptake would improve if the CCP and ABM developed a pattern of regular use for managerial purposes. At present, they had found some difficulty in obtaining guidance about what senior management tasks can effectively be carried out on the system.

Strengths

- * Good inter-working with the police using IT, with the improving productivity showing up in performance figures.

Aspects for improvement

- * Explore with the Compass CMS Relationship Manager the viability of more substantial IT support for remote working.
- * CCP and ABM to seek guidance or further training in the use of Compass in regards to their roles from the Local Implementation Team.
- * Review implementation issues and improve the match to the needs of users.

Buildings, equipment and security (P&R3)

- 10.17 The Area has three offices to support its service in a large geographic area. Health and safety checks are regularly carried out by trained staff and comprehensive records are maintained.
- 10.18 The Headquarters, where the majority of staff are located, is in a large country house which provides an excellent working environment. Unfortunately it is difficult to adapt this building to be disability-friendly. Offices were tidy and sufficiently spacious.
- 10.19 The office at Haverfordwest is small, staff are somewhat cramped, and there are consequential difficulties with storage.

Partnership with Headquarters and the Service Centre (P&R4)

- 10.20 The Cardiff Service Centre provides the Area with payroll, invoice payment, human resources (HR) and financial assistance. A Service Level Agreement is in place, which is being met by both parties.
- 10.21 A constructive relationship is maintained between the ABM and the Service Centre Manager. The ABM has sought assistance with HR matters, including disciplinary issues and some financial matters. Service Centre Managers believe they could provide the Area with more assistance and avoid duplication. The Area plans to take advantage of the expertise available.
- 10.22 The Area uses the services of the family group Equality and Diversity Officer and there are some excellent innovations which are ongoing. Conversely, the Area could have taken advice more readily and thus may have prevented an equality and diversity gap developing, and this requires management attention.

11 POLICY AND STRATEGY

Stakeholders (P&S1)

- 11.1 Through close working with its partners the Area has a good understanding of stakeholder needs, and is active in seeking to improve performance through joint working. A range of functional protocols are working within the Area.
- 11.2 There is some co-location at Carmarthen TU with two police staff undertaking delivery of Section 51 “sent” cases and there are plans to augment these staff to prepare indictable only cases and manage the pending new procedures to send either way cases to the Crown Court. CJU co-location is not well advanced within the Area and where it has been agreed progress has been slow. However a co-located unit at Haverfordwest is now under construction and is due for completion in April 2005. There is no prospect in the short term of either the Carmarthen or the Newtown CJUs being co-located.
- 11.3 Pre-charge advice has been operating via a telephone and surgery advice service, but full implementation is subject to making necessary lawyer expertise available, and much will depend on securing both further DCW courts and DCWs.

Performance measurement (P&S2)

- 11.4 The Area receives comprehensive information from the LCJB Performance Officer and the majority of its achievements flow from close joint working and synchronisation with its partners.
- 11.5 The Area provides for use of informed opinion by actively following reports, e.g. from Investors in People and HMCPSI, through action planning and feeding issues into the Business Plan.
- 11.6 Internally there is little in the way of unit performance analysis and comparison.
- 11.7 Units do not produce Action Plans or produce Unit Performance Reports. Inspectors believe this is hindering the decision-making process internally and we welcome the Area’s decision to set up an Internal Performance Group.

Review (P&S3)

- 11.8 The Area’s main policy development activity is the creation of the Area Business Plan. This document focuses principally on PSA targets, although some internal issues are highlighted.
- 11.9 The standard of business planning is sound, but further management attention could be given to identifying internal improvement issues, which could then be tracked via the AMT and subsidiary working groups.

Framework of key processes (P&S4)

- 11.10 The approach to training is well established with good synchronisation of strategy and policy.
- 11.11 Introduction of Compass has met with mixed success with good uptake amongst administrative staff and TU lawyers, but a skills deficit amongst CJU lawyers is impeding further progress.
- 11.12 The Area implements a range of family-friendly work patterns including full-time, part-time, accelerated hours, flexi-time and some informal home working arrangements for lawyers, thus making it an attractive employment proposition. However the policy for flexi-time is unclear and there is not consistent practice across units.
- 11.13 The main area of concern is in the Carmarthen CJU where the administrative staff describe the approach as “Inflexible flexitime” as it does not increase by a significant degree the available hours within which they can work. If the staff suggestions were followed it could increase the CJU office hours at both ends of the day and lead to greater effectiveness. This issue requires management attention.
- 11.14 The Area has had to cope with some significant issues over the last year or so which have impacted Area business. For example the change in ABM, introduction of family-friendly policies, Compass CMS, pre-charge advice and several instances of long term sickness. These have tested the Area and there is now a need to review and document governance and policy mechanisms (see Recommendation at paragraph 13.3).

Communication and implementation (P&S5)

- 11.15 The Area encapsulates its planning activities into the Area Business Plan, which is communicated to staff mainly through the auspices of dedicated training weekends, which are held off site.
- 11.16 Ongoing communication concerning policy developments occurs via discussions at the AMT, which are carried back into Unit Meetings by Unit Heads and briefing emails. An Area Newsletter might assist.
- 11.17 Communication of Area-wide activities are co-ordinated and communicated by the LCJB and a cross-representation of staff on committees and working groups.

12 PUBLIC CONFIDENCE

Complaints (CR1)

- 12.1 The four complaint files that were within the sample period were examined by a legal inspector and by our lay inspector. In one of them the target date for reply had passed, but the explanation was that a reply was awaited from prosecution counsel. In the other letters the target date was met, and clear answers were given to all the questions that were raised. The tone of the letters was understanding and not unnecessarily defensive.
- 12.2 The Area assessed itself in the period October to December 2003 as replying to letters of complaint within ten days on 85.7% of occasions, against a target of 96%. This is about the same as the national average.

Minority ethnic communities (CR5)

- 12.3 The black and minority ethnic community is very scattered within the Area, and it has found difficulty in establishing contacts with any organised groups representative of such communities. It has established, with the LCJB, an independent advisory group, and has also commissioned a project, one of whose tasks is to research and develop black and minority ethnic community links.
- 12.4 The Area deals with racially aggravated cases well and prosecutes these robustly. A local protocol is in force for the handling of racially and religiously aggravated crime, and there is effective monitoring of racial incidents, with compliance assured by a Hate Crime Champion.

Safeguarding children (CR7)

- 12.5 Since the last inspection the Area has improved the standard of review and handling of child abuse cases. It has also successfully introduced Special Measures and has appointed a Special Measures Champion who is, along with the police, helping to raise the awareness of the procedure, and has reported on the implementation of the scheme.
- 12.6 The Area has nominated members in both Dyfed and Powys who sit on the Area Child Protection Committees.

Community engagement (CR6 and SR1)

- 12.7 The Area is generally respected locally, but it has until the fairly recent past had quite a low profile. Efforts are now being made - under the auspices of the LCJB, and in conjunction with joint work in developing the Board's Confidence Plan - to raise this. An Area Communications Officer has been appointed. The Area now participates in the local Domestic Violence Forum, and has forged links with Womens' Aid in Carmarthenshire, though not yet in all parts of the Area. Members of staff have supported Career Fairs, mock interviews at schools and led in CPS representation at the Welsh National Eisteddfod. Links have also been forged with the Welsh Assembly.

Media engagement (SR2)

- 12.8 The Area Communications Officer has established links with the local media. Press releases regarding major cases, CPS-wide and local initiatives and other developments have been issued. Requests for comment and information are co-ordinated so that suitable responses can be given.
- 12.9 Media contacts need to be built on so that the media are granted, and routinely use, contact with appropriate senior managers who can give authoritative information and comment on current and recently concluded cases.

Aspects for improvement

- * Further pro-active engagement and liaison with the local media.

Public confidence (SR3)

- 12.10 We have already mentioned the establishment of the independent Advisory Group and of the LCJB Confidence Plan. Area Managers will want to develop - in conjunction with the LCJB - appropriate structures to measure and evaluate public confidence in the CJS, and to take action as a result. The British Crime Survey showed a 1% increase in public confidence in the counties upon effectiveness in bringing criminals to justice (albeit there are caveats about the statistical reliability of this figure).

13 LEADERSHIP AND GOVERNANCE

Vision and values (L&G1)

- 13.1 Staff are made aware of Area objectives and plans through all-staff training days which are held away from the work place. These events are used to inform staff of Area priorities and business planning objectives. Staff considered these events to be valuable in understanding their role and contribution.
- 13.2 Management styles vary across the Area's disparate office locations and staff have contrasting experiences. In some locations staff felt managers were approachable, felt confident that they could raise work issues and had every expectation that these would be addressed. In others, issues persist and out of line situations develop without challenge.
- 13.3 The Area does not have a Vision and Values Statement that depicts how it is to be managed and sets out the shared values the management and staff wish to developed and maintain.

RECOMMENDATION

To improve consistency of the working culture and to prevent adverse working issues developing, the Area needs to:

- * **review and update its governance and policy framework;**
- * **include a statement encapsulating the shared values and aspirations of managers and staff.**

Staff recognition (L&G2)

- 13.4 The AMT recognise hard work by individuals and groups through acknowledgements in the meeting minutes which are accessible to staff. However, similar characteristics are not evident within team meeting minutes, which are mainly presented as points to note often without recording much in the way of discussion.
- 13.5 A wide range of training is provided to assist staff in implementing Area and national initiatives. Staff are also able to participate in particular developmental training, for example the Certificate in Criminal Prosecution and Law Scholarship scheme.
- 13.6 In one of the CJUs the lawyers meet with the Head of Unit on a monthly basis, whereas the administrative staff meet quarterly with their B1 manager. There are, however, ongoing issues between lawyers and administrative staff which need attention. For example, in the unit concerned there are long standing issues about inadequate file endorsements by lawyers and administrative staff have to seek assistance from the court to fill in gaps. Periodic joint forums under the auspices of the Head of Unit would ensure mutual issues were discussed openly and action greed, thus prevent time wasting and frustration.

- 13.7 Lawyer court rotas and substitutions have been difficult to resolve in holiday periods, and Unit Heads need to be active in dealing with these issues.

Management structure (L&G3)

- 13.8 The Area has an Area Management Team meeting once per month, which operates to an agenda and has its minutes recorded. All Unit Heads sit on the AMT, but there are different perceptions of its role: as a decision-making body which operates through a process of consensus, or an advisory group to the CCP, who then makes the decisions. The AMT has not had written Terms of Reference previously. Similarly, other forums have overly brief or non-existent Terms of Reference, for example the B1 Managers' Forum.

RECOMMENDATION

Terms of Reference should be agreed for the AMT, including its composition, frequency of meetings, matters which are reserved for the AMT's decision and the composition and Terms of Reference for subsidiary groups reporting to it. The Terms of Reference need to be reviewed annually and aligned with the Area's business strategy.

Organisational structure (L&G4)

- 13.9 The Area covers a large territory and thus operates from several locations. The CPS Headquarters and Secretariat are in Carmarthen, as is the principal CJU and TU. Services are offered at offices in Newtown (combined CJU and TU) and as a CJU at Haverfordwest.
- 13.10 There is some concern amongst staff that the balance of resources between the TU and the CJUs may not be optimum. In particular administrative staff at Haverfordwest sometimes have difficulty in gaining access to a lawyer, particularly in the peak summer holiday period, and there is a perception that the CJU is half a lawyer under strength. In this regard the CCP has invited historical lawyer load trends to be charted, and the TU staffing level has been informed by comparisons with TU staffing levels/caseloads in adjoining CPS Areas.

Action plans (L&G5)

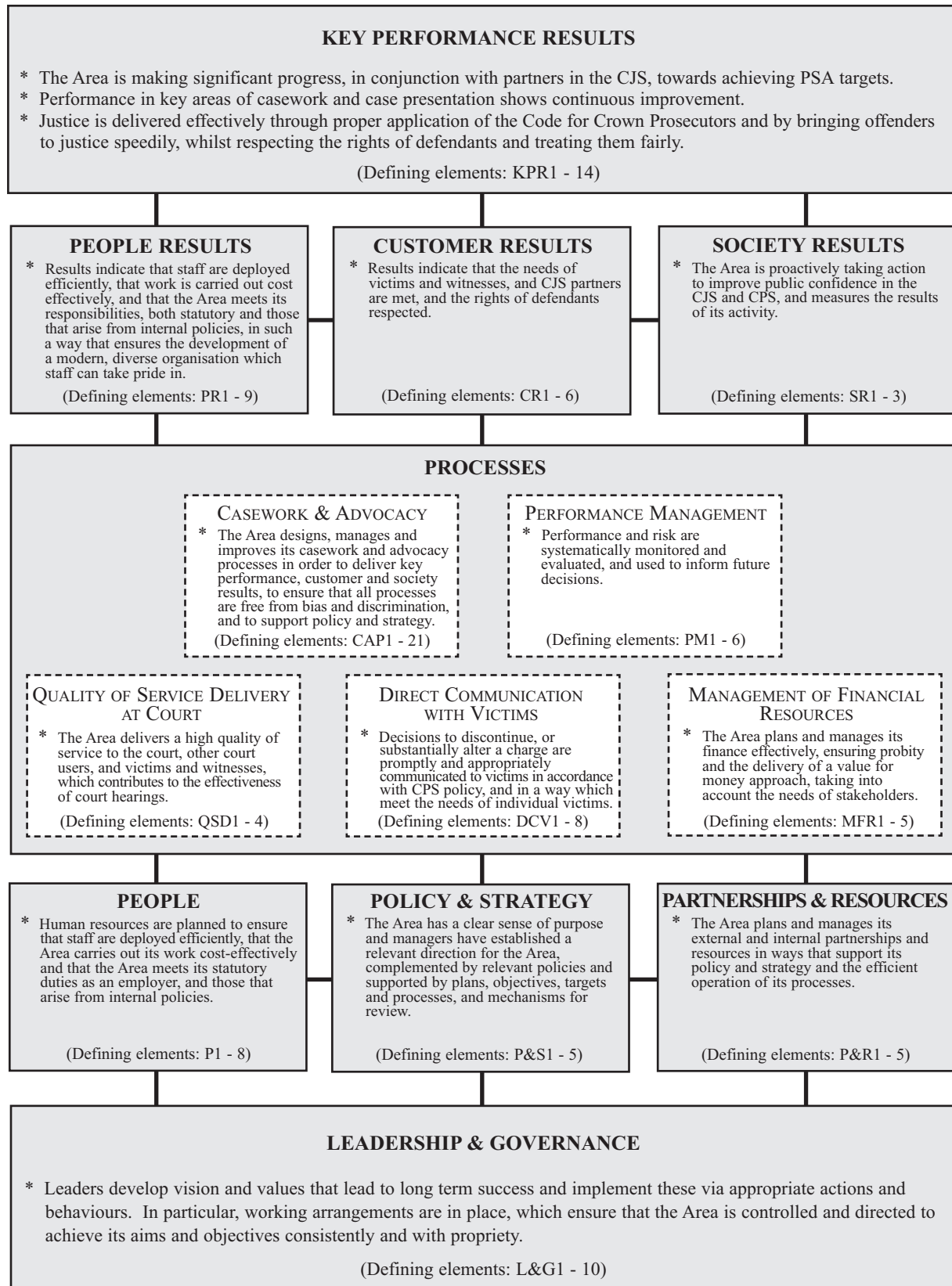
- 13.11 The Business Plan for the financial year 2004-05 has been produced in accordance with CPS Headquarters' format and interprets Headquarters' objectives in the context of Area locality issues. Intermediate milestones with dates are set out clearly and responsibility assigned. However, the actual targets are contained in other documents - or are aspirational, such as to improve discontinuance - without any analysis supporting a quantified numerical target. To improve readability, all targets need to be within the Business Plan, and actual performance targets specified, to assist the production of subsidiary plans. Units do not develop Action Plans to support the Business Plan.

- 13.12 Risk analysis forms part of the business planning process and the Area has constructed an appropriate Business Risk Register for the 2004-05 financial year.

Criminal justice system co-operation (L&G6)

- 13.13 There is a long history within the locality of joined-up working amongst the CJS agencies. The CCP holds the Chair of the Local Criminal Justice Board and has been pro-active in building on the pre-existing links. For example, the geographic area has enjoyed for some time the benefit of the Area Performance Group and this has now been extended by the creation of four Divisional Performance Groups.
- 13.14 Staff at all senior and middle management level participate in cross-agency activities, taking back actions into CPS units, greatly increasing the cohesiveness of the CJS agencies.
- 13.15 This has resulted in exemplary co-ordinated efforts that have furnished some outstanding results.

BUSINESS EXCELLENCE MODEL INSPECTION MAP



KEY REQUIREMENTS AND INSPECTION STANDARDS**CASEWORK (Chapter 4)**

KEY REQUIREMENT: THE AREA DESIGNS, MANAGES AND IMPROVES ITS CASEWORK PROCESSES IN ORDER TO DELIVER KEY PERFORMANCE, CUSTOMER AND SOCIETY RESULTS, TO ENSURE THAT ALL PROCESSES ARE FREE FROM BIAS AND DISCRIMINATION, AND TO SUPPORT POLICY AND STRATEGY

Advice to police (CAP1)

Standard: early consultation, and charging advice are dealt with appropriately in a timely way, and in accordance with Code tests, CPS policy and local protocols, and advice is free from bias and discrimination.

Cases ready to proceed at first date of hearing (CAP2)

Standard: joint CPS/police processes ensure cases ready to proceed at first date of hearing and that casework decisions are free from bias and discrimination.

Bail/custody applications (CAP3)

Standard: joint CPS/police processes ensure appropriately informed bail/custody applications are made and decisions are free from bias and discrimination.

Discontinuances in magistrates' courts (CAP4)

Standard: discontinuances in magistrates' courts or Crown Court are based on all available material and are timely.

Summary trial preparation (CAP5)

Standard: summary trial processes ensure that the pre-trial review (if there is one) and trial dates are effective hearings.

Committal and Crown Court case preparation (CAP6)

Standard: Area processes for cases "sent" or committed for trial to the Crown Court ensure that:

- a) service of the prosecution case on the defence takes place within agreed time periods before committal/plea and directions hearing (PDH);
- b) prosecution has taken all necessary steps to make the PDH and trial date effective; and
- c) prosecutor is fully instructed.

Disclosure of unused material (CAP7)

Standard: disclosure is full and timely and complies with CPIA and CPS policy and operational instructions in both the magistrates' courts and Crown Court.

Sensitive cases (CAP8)

Standard: sensitive cases (race crime, domestic violence, child abuse/child witness, rape, fatal road traffic offences, homophobic attacks) are dealt with in a timely way in accordance with CPS policy and in a manner which is free from bias and discrimination.

File/message handling (CAP9)

Standard: file/message handling procedures support timely casework decisions and actions in both the magistrates' courts and Crown Court.

Custody time limits (CAP10)

Standard: systems are in place to ensure compliance with statutory and custody time limits in both the magistrates' court and Crown Court.

Joint action to improve casework (CAP11)

Standard: Area has effective processes and partnerships with other agencies to improve timeliness and quality of casework review and preparation for both the magistrates' court and Crown Court and that partnership decisions reflect the general duty under the Race Equality Scheme.

National Probation Service and Youth Offending Teams (CAP12)

Standard: the provision of information to the Probation Service is timely and enables the production of accurate reports free from discrimination and bias.

Youth cases (CAP13)

Standard: youth cases are dealt with in a timely way (in particular persistent young offenders) and in accordance with CPS policy and in a manner which is free from bias and discrimination.

Appeal and committal for sentence processes (CAP14)

Standard: appeal and committal for sentence processes ensure appeal/sentence hearings are fully prepared and presented.

Appeals against unduly lenient sentences (CAP15)

Standard: submissions to the Attorney General of potential references to the Court of Appeal against unduly lenient sentences are made in accordance with CPS policy and current sentencing guidelines, and are free from bias and discrimination.

Recording of case outcomes (CAP16)

Standard: recording of case outcomes and archiving systems are efficient and accurate.

Information on operational and legal issues (CAP17)

Standard: information on operational and legal issues is efficiently and effectively disseminated.

Readiness for court (CAP18)

Standard: joint CPS, police and court systems ensure files are delivered to the correct court in a timely manner and are ready to proceed.

Learning points (CAP21)

Standard: learning points from casework are identified and improvements implemented.

ADVOCACY AND QUALITY OF SERVICE DELIVERY (Chapter 5)

KEY REQUIREMENT: THE AREA DELIVERS A HIGH QUALITY OF SERVICE, INCLUDING ADVOCACY, TO THE COURT, OTHER COURT USERS, AND VICTIMS AND WITNESSES, WHICH CONTRIBUTES TO THE EFFECTIVENESS OF COURT HEARINGS

Advocacy standards and monitoring (CAP19)

Standard: selection and monitoring of advocates in the magistrates' courts and Crown Court ensures cases are presented to a high standard and in a manner which is free from bias and discrimination, and that selection of advocates complies with CPS general duty under the Race Relations (Amendment) Act 2000.

Court endorsements (CAP20)

Standard: court endorsements are accurate and thorough and timely actions are taken as a result.

Court preparation (QSD1)

Standard: preparation for court is efficient and enables business to proceed and progress.

Attendance at court (QSD2)

Standard: staff attendance at court is timely and professional, and the correct levels of support are provided.

Accommodation (QSD4)

Standard: the CPS has adequate accommodation at court and there are sufficient facilities to enable business to be conducted efficiently.

VICTIMS AND WITNESSES (Chapter 6)

KEY REQUIREMENTS:

- * **THE NEEDS OF VICTIMS AND WITNESSES ARE MET**
 - * **DECISIONS TO DISCONTINUE, OR SUBSTANTIALLY ALTER A CHARGE ARE PROMPTLY AND APPROPRIATELY COMMUNICATED TO VICTIMS IN ACCORDANCE WITH CPS POLICY, AND IN WAY WHICH MEETS THE NEEDS OF INDIVIDUAL VICTIMS**
-

Witnesses at court (QSD3)

Standard: witnesses are treated with consideration at court and receive appropriate support and information.

Direct Communication with Victims (CAP13)

Standard: victims are informed of decisions to discontinue or change charges in accordance with CPS policy on Direct Communication with Victims.

Meetings with victims and relatives of victims (DCV5)

Standard: meetings are offered to victims and relatives of victims in appropriate circumstances, staff are adequately prepared and full notes are taken.

Victims' Charter (CR2)

Standard: results indicate that the needs of victims and witnesses are consistently met in accordance with the Victims' Charter.

PERFORMANCE MANAGEMENT (Chapter 7)

KEY REQUIREMENT: PERFORMANCE AND RISK ARE SYSTEMATICALLY MONITORED AND EVALUATED, AND USED TO INFORM FUTURE DECISIONS

Performance standards (PM1)

Standard: performance standards are set for key aspects of work and communicated to staff.

Performance monitoring (PM2)

Standard: performance is regularly monitored by senior and middle management against plans and objectives, targets and standards are evaluated, and action taken as a result.

Joint performance management (PM3)

Standard: systems are in place for the management of performance jointly with CJS partners.

Risk management (PM4)

Standard: risk is kept under review and appropriately managed.

Continuous improvement (PM5)

Standard: the Area has developed a culture of continuous improvement.

Accounting for performance (PM6)

Standard: the Area is able to account for performance.

PEOPLE MANAGEMENT AND RESULTS (Chapter 8)

KEY REQUIREMENTS:

- * HUMAN RESOURCES ARE PLANNED TO ENSURE THAT STAFF ARE DEPLOYED EFFICIENTLY, THAT THE AREA CARRIES OUT ITS WORK COST-EFFECTIVELY AND THAT THE AREA MEETS ITS STATUTORY DUTIES AS AN EMPLOYER, AND THOSE THAT ARISE FROM INTERNAL POLICIES
 - * RESULTS INDICATE THAT STAFF ARE DEPLOYED EFFICIENTLY, THAT WORK IS CARRIED OUT COST-EFFECTIVELY, AND THAT THE AREA MEETS ITS RESPONSIBILITIES, BOTH STATUTORY AND THOSE THAT ARISE FROM INTERNAL POLICIES, IN SUCH A WAY THAT ENSURES THE DEVELOPMENT OF A MODERN, DIVERSE ORGANISATION WHICH STAFF CAN TAKE PRIDE IN
-

Human resource planning (P1)

Standard: human resource needs are systematically and continuously planned.

Staff structure (P2)

Standard: staff structure and numbers enable work to be carried out cost effectively.

Staff development (P3)

Standard: staff capabilities are identified, sustained and developed.

Performance review (P4)

Standard: staff performance and development is continuously reviewed and targets agreed.

Management involvement (P5)

Standard: management has an effective dialogue with staff and fosters a climate of involvement.

Good employment practice (P6)

Standard: management meets its statutory obligation as an employer and demonstrates good employment practice.

Equality and diversity (P7)

Standard: action has been taken to implement CPS equality and diversity initiatives and all staff are treated equally and fairly.

Health and safety (P8)

Standard: mechanisms are in place to address requirements under health and safety legislation.

MANAGEMENT OF FINANCIAL RESOURCES (Chapter 9)

KEY REQUIREMENT: THE AREA PLANS AND MANAGES ITS FINANCES EFFECTIVELY, ENSURING PROBITY AND THE DELIVERY OF A VALUE FOR MONEY APPROACH TAKING INTO ACCOUNT THE NEEDS OF STAKEHOLDERS

Staff financial skills (MFR1)

Standard: the Area has the appropriate structure and staff with the necessary skills to plan and manage finance.

Adherence to financial guidelines (MFR2)

Standard: the Area complies with CPS rules and guidelines for financial management.

Budgetary controls (MFR3)

Standard: the Area has effective controls to facilitate an accurate appreciation of its budgetary position for running costs.

Management of prosecution costs (MFR4)

Standard: prosecution costs are effectively managed and represent value for money.

Value for money approach (MFR5)

Standard: the Area demonstrates a value for money approach in its financial decision-making.

PARTNERSHIPS AND RESOURCES (Chapter 10)

KEY REQUIREMENT: THE AREA PLANS AND MANAGES ITS EXTERNAL AND INTERNAL PARTNERSHIPS AND RESOURCES IN WAYS THAT SUPPORT ITS POLICY AND STRATEGY AND THE EFFICIENT OPERATION OF ITS PROCESSES

CJS partnerships (P&R1)

Standard: partnerships with other CJS agencies are developed and managed.

CJS agencies (KPR8)

Standard: partnerships with other CJS agencies are improving quality and timeliness of casework and ensure that decisions are free from bias.

Improving local CJS performance (CR4)

Standard: CJS partners are satisfied with the contribution the CPS makes to improving local Area performance.

Information technology (P&R2)

Standard: information technology is deployed and used effectively.

Buildings, equipment and security (P&R3)

Standard: the Area manages its buildings, equipment and security effectively.

Partnership with Headquarters and the Service Centre (P&R4)

Standard: the Area has a good working partnership with Headquarters Departments and the Service Centre.

POLICY AND STRATEGY (Chapter 11)

KEY REQUIREMENT: THE AREA HAS A CLEAR SENSE OF PURPOSE AND MANAGERS HAVE ESTABLISHED A RELEVANT DIRECTION FOR THE AREA, COMPLEMENTED BY RELEVANT POLICIES AND SUPPORTED BY PLANS, OBJECTIVES, TARGETS AND PROCESSES, AND MECHANISMS FOR REVIEW

Stakeholders (P&S1)

Standard: policy and strategy are based on the present and future needs and expectations of stakeholders.

Performance measurement (P&S2)

Standard: policy and strategy are based on information from performance measurement, research and related activities.

Review (P&S3)

Standard: policy and strategy are developed, reviewed and updated.

Framework of key processes (P&S4)

Standard: policy and strategy are developed through a framework of key processes.

Communication and implementation (P&S5)

Standard: policy and strategy are communicated and implemented.

PUBLIC CONFIDENCE (Chapter 12)

KEY REQUIREMENTS:

- * THE AREA IS PRO-ACTIVELY TAKING ACTION TO IMPROVE PUBLIC CONFIDENCE IN THE CJS AND CPS, AND MEASURES THE RESULTS OF ITS ACTIVITY
 - * RESULTS INDICATE THAT THE NEEDS OF VICTIMS AND WITNESSES, AND CJS PARTNERS, ARE MET, AND THE RIGHTS OF DEFENDANTS RESPECTED
-

Complaints (CR1)

Standard: complaints are effectively managed to increase satisfaction and confidence.

Minority ethnic communities (CR5)

Standard: the Area ensures that high casework standards are maintained in cases with a minority ethnic dimension in order to increase the level of confidence felt by minority ethnic communities in the CJS.

Safeguarding children (CR7)

Standard: the Area safeguards children through its casework performance and compliance with CPS policy in relation to cases involving child abuse and work through with other agencies, including the Area Child Protection Committee(s).

Community engagement (CR6)

Standard: the Area has appropriate levels of engagement with the community.

Media engagement (SR2)

Standard: the Area engages with the media.

Public confidence (SR3)

Standard: public confidence in the CJS is measured, evaluated and action taken as a result.

LEADERSHIP AND GOVERNANCE (Chapter 13)

KEY REQUIREMENT: LEADERS DEVELOP VISION AND VALUES THAT LEAD TO LONG TERM SUCCESS AND IMPLEMENT THESE VIA APPROPRIATE ACTIONS AND BEHAVIOURS. IN PARTICULAR, WORKING ARRANGEMENTS ARE IN PLACE, WHICH ENSURE THAT THE AREA IS CONTROLLED AND DIRECTED TO ACHIEVE ITS AIMS AND OBJECTIVES CONSISTENTLY AND WITH PROPRIETY

Vision and values (L&G1)

Standard: vision and values are developed and support a culture of continuous improvement.

Staff recognition (L&G2)

Standard: managers actively motivate, recognise and support their staff.

Management structure (L&G3)

Standard: the Area has developed an effective management structure to deliver Area strategy and objectives.

Organisational structure (L&G4)

Standard: the Area has developed an effective organisational structure to deliver Area strategy and objectives.

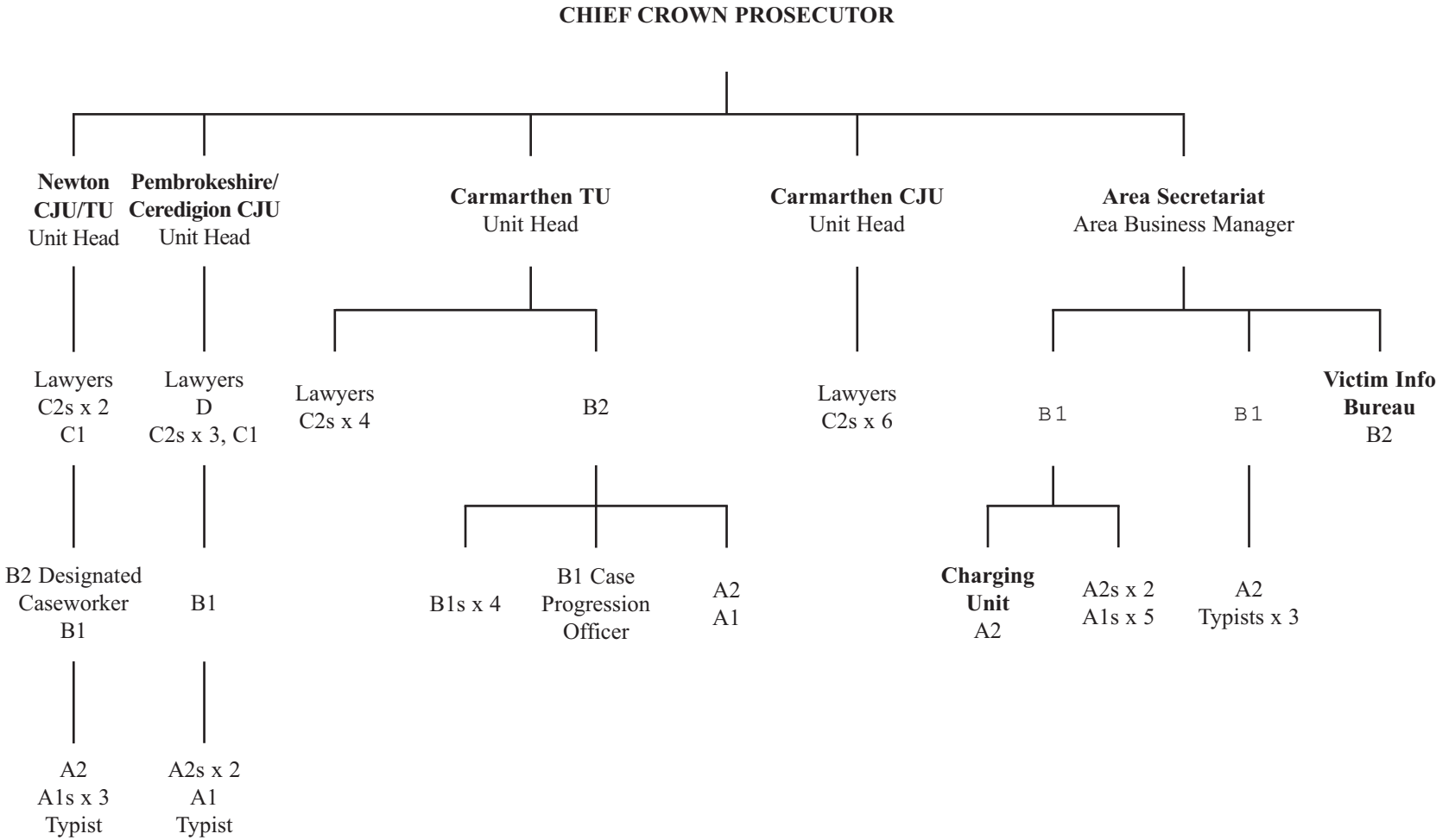
Action plans (L&G5)

Standard: effective plans of action, which identify key issues, and which reflect CPS and CJS strategic priorities, and local needs, are in place.

Criminal justice system co-operation (L&G6)

Standard: the Area co-operates with others in achieving aims set for the criminal justice system.

CPS DYFED POWYS STAFF STRUCTURE



ANNEX 3

AREA CASELOAD FOR YEAR TO DECEMBER 2003

1. Magistrates' Court - Types of case	Dyfed Powys		National	
	Number	Percentage	Number	Percentage
Advice	1,294	8.4	114,941	7.8
Summary motoring	4,396	28.6	383,130	26.1
Summary non-motoring	3,604	23.5	335,008	22.8
Either way & indictable	6,012	39.1	619,567	42.2
Other proceedings	57	0.4	15,124	1.0
Total	15,363	100	1,467,770	100

2. Magistrates' Court - Completed cases	Dyfed Powys		National	
	Number	Percentage	Number	Percentage
Hearings	10,911	77.9	987,943	73.9
Discontinuances	2,019	14.4	163,413	12.2
Committals	517	3.7	95,895	7.2
Other disposals	565	4.0	90,435	6.8
Total	14,012	100	1,337,686	100

3. Magistrates' Court - Case results	Dyfed Powys		National	
	Number	Percentage	Number	Percentage
Guilty pleas	9,235	83.7	789,700	79.2
Proofs in absence	1,015	9.2	142,754	14.3
Convictions after trial	534	4.8	46,428	4.7
Acquittals: after trial	224	2.0	15,685	1.6
Acquittals: no case to answer	21	0.2	2,552	0.3
Total	11,029	100	997,119	100

4. Crown Court - Types of case	Dyfed Powys		National	
	Number	Percentage	Number	Percentage
Indictable only	177	22.1	40,238	31.9
Either way: defence election	58	7.3	13,822	11.0
Either way: magistrates' direction	273	34.1	41,490	32.9
Summary: appeals; committals for sentence	292	36.5	30,612	24.3
Total	800	100	126,162	100

5. Crown Court - Completed cases	Dyfed Powys		National	
	Number	Percentage	Number	Percentage
Trials (including guilty pleas)	456	89.8	78,902	82.6
Cases not proceeded with	43	8.5	13,617	14.3
Bind overs	3	0.6	1,114	1.2
Other disposals	6	1.2	1,910	2.0
Total	508	100	95,543	100

6. Crown Court - Case results	Dyfed Powys		National	
	Number	Percentage	Number	Percentage
Guilty pleas	297	63.6	59,363	73.5
Convictions after trial	100	21.4	13,054	16.2
Jury acquittals	59	12.6	6,820	8.4
Judge directed acquittals	11	2.4	1,555	1.9
Total	467	100	80,792	100

TABLE OF RESOURCES AND CASELOADS

AREA CASELOAD/STAFFING CPS DYFED POWYS		
	December 2003	December 2001
Number of lawyers in post (excluding CCP)	21	21.4
Cases per lawyer (excluding CCP)	667.2	584.3
Magistrates' court contests per lawyer (excluding CCP)	37.1	30.8
Committals per lawyer (excluding CCP)	24.6	25.6
Crown Court trials per lawyer (excluding CCP)	8.1	6
No of B1, B2 & B3 caseworkers in post (excluding ABM)	13	12
Committals per caseworker (B1, B2)	39.8	45.7
Crown Court trials per caseworker (B1, B2)	13.1	10.7
Non ring-fenced running costs	£2,300,800	£1,968,607

NB: Caseload data represents an annual figure for each relevant member of staff.

**IMPLEMENTATION OF RECOMMENDATIONS/SUGGESTIONS FROM REPORT
PUBLISHED IN MARCH 2002**

	RECOMMENDATIONS	POSITION IN APRIL 2004
R1	CJU Heads introduce systems for monitoring the new review form for Narey cases and for ensuring that an effective review is carried out as soon as possible in all cases.	Achieved.
R2	CJU Heads introduce regular monitoring of the completion of the PTR form and of the quality of summary trial review contained in it.	Achieved.
R3	The committal review form ceases to be optional and TU Heads introduce a system for monitoring the completion of it.	Superseded by introduction of Compass CMS.
R4	Unit Heads ensure that review decisions are fully endorsed on the file.	Not yet achieved and further recommendation made.
R5	In all child abuse cases the TU Head is to supervise closely the review process to ensure that the proper evidential test is being applied and comment is made on the video evidence.	Achieved.
R6	(a) The CCP ensures that all adverse case reports are fully completed with learning points identified; and (b) The AMT further develops the system for making all staff aware of Crown Court outcomes.	(a) Achieved. (b) Partially achieved.
R7	CCP and Unit Heads to monitor the handling of unused material, particularly secondary disclosure, to ensure scrupulous compliance with procedures.	Not achieved, and further recommendation made.

	RECOMMENDATIONS	POSITION IN APRIL 2004
R8	In appeals against conviction, TU Heads should ensure that instructions to counsel always include a contribution from the trial lawyer, together with a trial report and notes of evidence.	Achieved.
R9	TU Heads should monitor all instructions to counsel to ensure that they contain case analysis and instruction about the acceptability of pleas.	Partially achieved.
R10	The CCP extends the categories of case currently conducted by HCAs.	Partially achieved.
R11	In the Area Business Plan, the Area separates ongoing objectives into component prioritised stages of activity.	Achieved.
R12	The Area put in place a coherent performance management framework.	Partially achieved.
R13	The AMT review the Area induction process.	Achieved.
R14	The CCP should introduce a complaints pro-forma.	Achieved.
R15	The CCP should take steps to ensure the timeliness of replies to complaints.	Achieved.
	SUGGESTIONS	POSITION IN APRIL 2004
S1	Unit Heads satisfy themselves of the appropriateness of requests for advice.	Superseded by the charging pilot.
S2	AMT consider management development opportunities in relation to team building and creating a strong corporate identity.	Partially achieved.
S3	AMT undertake further analysis to identify core information critical to informing management decisions.	Partially achieved.
S4	Managers in Newtown consider regular house meetings with all office users.	Achieved.

**TOTAL NUMBER OF FILES EXAMINED FOR
CPS DYFED POWYS**

	Number of files examined
Magistrates' courts cases/CJUs:	
Advice	5
No case to answer	2
Trials	10
Discontinued cases	12
Race crime	5
Domestic violence cases	4
Youth trials	5
Cracked trials	10
Ineffective trials	3
Cases subject to custody time limits	5
Crown Court cases/TU:	
Advice	5
Committals discharged after evidence tendered/sent cases	0
Dismissed after consideration of case	0
Judge ordered acquittals	12
Judge directed acquittals	3
Trials	10
Child abuse cases	4
Race crime	0
Cracked trials	8
Ineffective trials	0
Rape cases	3
Street crime cases	3
Cases subject to custody time limits	5
TOTAL	114

LIST OF LOCAL REPRESENTATIVES OF CRIMINAL JUSTICE AGENCIES AND ORGANISATIONS WHO ASSISTED IN OUR INSPECTION

Crown Court

His Honour Judge J Curran
His Honour Judge J Diehl, QC
Ms S Colclough, Crown Court Manager
Mrs P Cuddy, Crown Court Manager
Mrs C Bevan, Listing Officer
Mrs W Ferguson, Crown Court Manager

Magistrates' Courts

Mr P Townsend
Mr S Whale
Mr I Jones, JP
Mr D Banner, JP
Mr B Couzens, JP
Mr P Davies, JP
Mr P English, JP
Mr G Evans MBE, JP
Mrs J Gimblett, JP
Mr J James, JP
Mrs M Jones, JP
Mr W Jones, JP
Rev N Lewis-Head, JP
Mr F Lloyd, JP
Mr H Tombs, JP

Police

Chief Constable T Grange
Chief Superintendent P Amphlett
Chief Superintendent A Jones
Chief Superintendent A Pickard
Chief Superintendent A Williams
Chief Inspector P Davies
Chief Inspector A Jones
Chief Inspector O Durbridge
Sergeant R Davies
Sergeant B Peck
Sergeant M Thomas
Constable A Jones

Defence Solicitors

Mr R Hanratty
Mr S Lloyd
Mr D Williams

Counsel

Mr L Davies, QC
Mr P Harrington, QC
Mr C Howells
Mr P Thomas, QC
Ms N Powell

National Probation Officer

Mrs C Morgan

Victim Support

Mr P Gilbert, Area Manager for Dyfed
Mr R Ritchie, Area Manager for Powys
Ms N Roguski, Co-ordinator for Pembrokeshire
Mrs B Stephens, Area Manager for South Powys

Witness Service

Ms K Buntten, Co-ordinator
Mr P Davies, Co-ordinator

Youth Offending Team

Mr P Brecknell, Manager of Pembrokeshire
Mr R Summers, Manager of Carmarthenshire
Mr B Steer, Manager of Mid Wales, Powys and Ceredigion

Community Groups

Ms I Eriksson, Co-ordinator for Women's Aid, Carmarthen
Ms N Gilbert, Representative for Women's Aid, Carmarthen
Ms W Ginetta-Jones, Representative for Women's Aid, Carmarthen
Ms D Harrison, Representative for Women's Aid, Carmarthen
Mr G James, Director of Support and Cultural Services, Pembrokeshire County Council
Ms S Jones, Co-ordinator for Carmarthenshire Domestic Abuse
Ms S Jones, Representative for Women's Aid, Carmarthen
Ms J Luck, Co-ordinator for Women's Aid, Carmarthenshire
Ms E Mannion, Co-ordinator for Women's Aid, Aberystwyth
Mr C Morgan, Representative of Powys Road Death Project
Mr R Owen Watkin, Chief Executive for Ceredigion County Council
Ms L Rees, Representative for Women's Aid, Carmarthen

Ms A Riddington, Representative for Women's Aid, Carmarthen

Mr M Sharratt, Badger Protection

Ms J Shaw, Representative for Women's Aid, Carmarthen

Mrs N Trimble, Co-ordinator of Pembrokeshire Domestic Abuse

Ms A Williams, Head of Children and Families Services Social Care and Housing Department

HMCPST VISION, MISSION AND VALUES

Vision

HMCPST's purpose is to promote continuous improvement in the efficiency, effectiveness and fairness of the prosecution services within a joined-up criminal justice system through a process of inspection and evaluation; the provision of advice; and the identification of good practice. In order to achieve this we want to be an organisation which:

- performs to the highest possible standards;
- inspires pride;
- commands respect;
- works in partnership with other criminal justice inspectorates and agencies but without compromising its robust independence;
- values all its staff; and
- seeks continuous improvement.

Mission

HMCPST strives to achieve excellence in all aspects of its activities and in particular to provide customers and stakeholders with consistent and professional inspection and evaluation processes together with advice and guidance, all measured against recognised quality standards and defined performance levels.

Values

We endeavour to be true to our values, as defined below, in all that we do:

- | | |
|------------------------|---|
| consistency | Adopting the same principles and core procedures for each inspection, and apply the same standards and criteria to the evidence we collect. |
| thoroughness | Ensuring that our decisions and findings are based on information that has been thoroughly researched and verified, with an appropriate audit trail. |
| integrity | Demonstrating integrity in all that we do through the application of our other values. |
| professionalism | Demonstrating the highest standards of professional competence, courtesy and consideration in all our behaviours. |
| objectivity | Approaching every inspection with an open mind. We will not allow personal opinions to influence our findings. We will report things as we find them. |

Taken together, these mean:

We demonstrate integrity, objectivity and professionalism at all times and in all aspects of our work and that our findings are based on information that has been thoroughly researched, verified and evaluated according to consistent standards and criteria.

GLOSSARY

ADVERSE CASE	A <i>NCTA</i> , <i>JOA</i> , <i>JDA</i> (see separate definitions) or one where magistrates decide there is insufficient evidence for an <i>either way</i> case to be committed to the Crown Court
AGENT	Solicitor or barrister not directly employed by the CPS who is instructed by them, usually on a sessional basis, to represent the prosecution in the magistrates' court
AREA BUSINESS MANAGER (ABM)	Senior business manager, not legally qualified, but responsible for finance, personnel, business planning and other operational matters
AREA MANAGEMENT TEAM (AMT)	The senior legal and non-legal managers of an Area
ASPECT FOR IMPROVEMENT	A significant weakness relevant to an important aspect of performance (sometimes including the steps necessary to address this)
CATS - COMPASS, SCOPE, SYSTEM 36	IT systems for case tracking used by the CPS. Compass is the new comprehensive system in the course of being rolled out to all Areas
CASEWORKER	A member of CPS staff who deals with, or manages, day-to-day conduct of a prosecution case under the supervision of a Crown Prosecutor and, in the Crown Court, attends court to assist the advocate
CHIEF CROWN PROSECUTOR (CCP)	One of 42 chief officers heading the local CPS in each Area, is a barrister or solicitor. Has a degree of autonomy but is accountable to Director of Public Prosecutions for the performance of the Area
CODE FOR CROWN PROSECUTORS (THE CODE)	The public document that sets out the framework for prosecution decision-making. Crown Prosecutors have the DPP's power to determine cases delegated, but must exercise them in accordance with the Code and its two tests – the evidential test and the public interest test. Cases should only proceed if, firstly, there is sufficient evidence to provide a realistic prospect of conviction and, secondly, if the prosecution is required in the public interest
CO-LOCATION	CPS and police staff working together in a single operational unit (<i>TU</i> or <i>CJU</i>), whether in CPS or police premises – one of the recommendations of the <i>Glidewell</i> report
COMMITTAL	Procedure whereby a defendant in an <i>either way</i> case is moved from the magistrates' court to the Crown Court for trial, usually upon service of the prosecution evidence on the defence, but occasionally after consideration of the evidence by the magistrates
COURT SESSION	There are two sessions each day in the magistrates' court, morning and afternoon

CRACKED TRIAL	A case listed for a contested trial which does not proceed, either because the defendant changes his plea to guilty, or pleads to an alternative charge, or the prosecution offer no evidence
CRIMINAL JUSTICE UNIT (CJU)	Operational unit of the CPS that handles the preparation and presentation of magistrates' court prosecutions. The <i>Glidewell</i> report recommended that police and CPS staff should be located together and work closely to gain efficiency and higher standards of communication and case preparation. (In some Areas the police administration support unit is called a CJU)
CUSTODY TIME LIMITS (CTLs)	The statutory time limit for keeping a defendant in custody awaiting trial. May be extended by the court in certain circumstances
DESIGNATED CASEWORKER (DCW)	A senior <i>caseworker</i> who is trained to present straightforward cases on pleas of guilty, or to prove them where the defendant does not attend the magistrates' court
DIRECT COMMUNICATION WITH VICTIMS (DCV)	A new procedure whereby CPS consults directly with victims of crime and provides them with information about the progress of their case
DISCLOSURE, Primary and Secondary	The prosecution has a duty to disclose to the defence material gathered during the investigation of a criminal offence, which is not intended to be used as evidence against the defendant, but which may be relevant to an issue in the case. Primary disclosure is given where an item may undermine the prosecution case; secondary is given where, after service of a defence statement, any item may assist that defence
DISCONTINUANCE	The dropping of a case by the CPS in the magistrates' court, whether by written notice, withdrawal, or offer of no evidence at court
EARLY ADMINISTRATIVE HEARING (EAH)	Under <i>Narey</i> procedures, one of the two classes into which all summary and <i>either way</i> cases are divided. EAHs are for cases where a not guilty plea is anticipated
EARLY FIRST HEARING (EFH)	Under <i>Narey</i> one of the two classes into which all summary and <i>either way</i> cases are divided. EFHs are for straightforward cases where a guilty plea is anticipated
EITHER WAY OFFENCES	Those triable in either the magistrates' court or the Crown Court, e.g. theft
EUROPEAN FOUNDATION FOR QUALITY MODEL (EFQM)	A framework for continuous self-assessment and self-improvement against whose criteria HMCSI conducts its inspections
EVIDENTIAL TEST	The initial test under <i>the Code</i> – is there sufficient evidence to provide a realistic prospect of conviction on the evidence?
GLIDEWELL	A far-reaching review of CPS operations and policy dating from 1998 which made important restructuring recommendations e.g. the split into 42 local Areas and the further split into functional units - <i>CJUs</i> and <i>TUs</i>

GOOD PRACTICE	An aspect of performance upon which the Inspectorate not only comments favourably, but considers that it reflects in manner of handling work developed by an Area which, with appropriate adaptations to local needs, might warrant being commended as national practice
HIGHER COURT ADVOCATE (HCA)	In this context, a lawyer employed by the CPS who has a right of audience in the Crown Court
JOINT PERFORMANCE MONITORING (JPM)	A management system which collects and analyses information about aspects of activity undertaken by the police and/or the CPS, aimed at securing improvements in performance
INDICTABLE ONLY OFFENCES	Offences triable only in the Crown Court, e.g. murder, rape, robbery
INEFFECTIVE TRIAL	A case listed for a contested trial that is unable to proceed when it was scheduled to start, for a variety of possible reasons, and is adjourned to a later date
JUDGE DIRECTED ACQUITTAL (JDA)	Where the judge directs a jury to find a defendant not guilty after the trial has started
JUDGE ORDERED ACQUITTAL (JOA)	Where the judge dismisses a case as a result of the prosecution offering no evidence before a jury is empanelled
LEVEL A, B, C, D, E STAFF	CPS grades below the Senior Civil Service, from A (administrative staff) to E (senior lawyers or administrators)
LOCAL CRIMINAL JUSTICE BOARD	The Chief Officers of police, probation, the courts, the CPS and the Youth Offending Team in each criminal justice area who are accountable to the National Criminal Justice Board for the delivery of <i>PSA</i> targets
MG6C, MG6D ETC	Forms completed by police relating to unused material
NAREY COURTS, REVIEWS ETC	A reformed procedure for handling cases in the magistrates' court, designed to produce greater speed and efficiency
NO CASE TO ANSWER (NCTA)	Where magistrates dismiss a case at the close of the prosecution evidence because they do not consider that the prosecution have made out a case for the defendant to answer
PERSISTENT YOUNG OFFENDER	A youth previously sentenced on at least three occasions
PRE-TRIAL REVIEW	A hearing in the magistrates' court designed to define the issues for trial and deal with any other outstanding pre-trial issues
PUBLIC INTEREST TEST	The second test under <i>the Code</i> - is it in the public interest to prosecute this defendant on this charge?
PUBLIC SERVICE AGREEMENT (PSA) TARGETS	Targets set by the Government for the criminal justice system (CJS), relating to bringing offenders to justice and raising public confidence in the CJS

RECOMMENDATION	This is normally directed towards an individual or body and sets out steps necessary to address a significant weakness relevant to an important aspect of performance (i.e. an aspect for improvement) that, in the view of the Inspectorate, should attract highest priority
REVIEW , initial, continuing, summary trial etc	The process whereby a Crown Prosecutor determines that a case received from the police satisfies and continues to satisfy the legal tests for prosecution in the Code. One of the most important functions of the CPS
SECTION 9 CRIMINAL JUSTICE ACT 1967	A procedure for serving statements of witnesses so that the evidence can be read, rather than the witness attend in person
SECTION 51 CRIME AND DISORDER ACT 1998	A procedure for fast-tracking <i>indictable only</i> cases to the Crown Court, which now deals with such cases from a very early stage – the defendant is sent to the Crown Court by the magistrates
SENSITIVE MATERIAL	Any relevant material in a police investigative file not forming part of the case against the defendant, the <i>disclosure</i> of which may not be in the public interest
SPECIFIED PROCEEDINGS	Minor offences which are dealt with by the police and the magistrates' court and do not require review or prosecution by the CPS, unless a not guilty plea is entered
STRENGTHS	Work undertaken properly to appropriate professional standards i.e. consistently good work
SUMMARY OFFENCES	Those triable only in the magistrates' courts, e.g. most motoring offences
TQ1	A monitoring form on which both the police and the CPS assess the timeliness and quality of the police file as part of <i>joint performance monitoring</i>
TRIAL UNIT (TU)	Operational unit of the CPS which prepares cases for the Crown Court