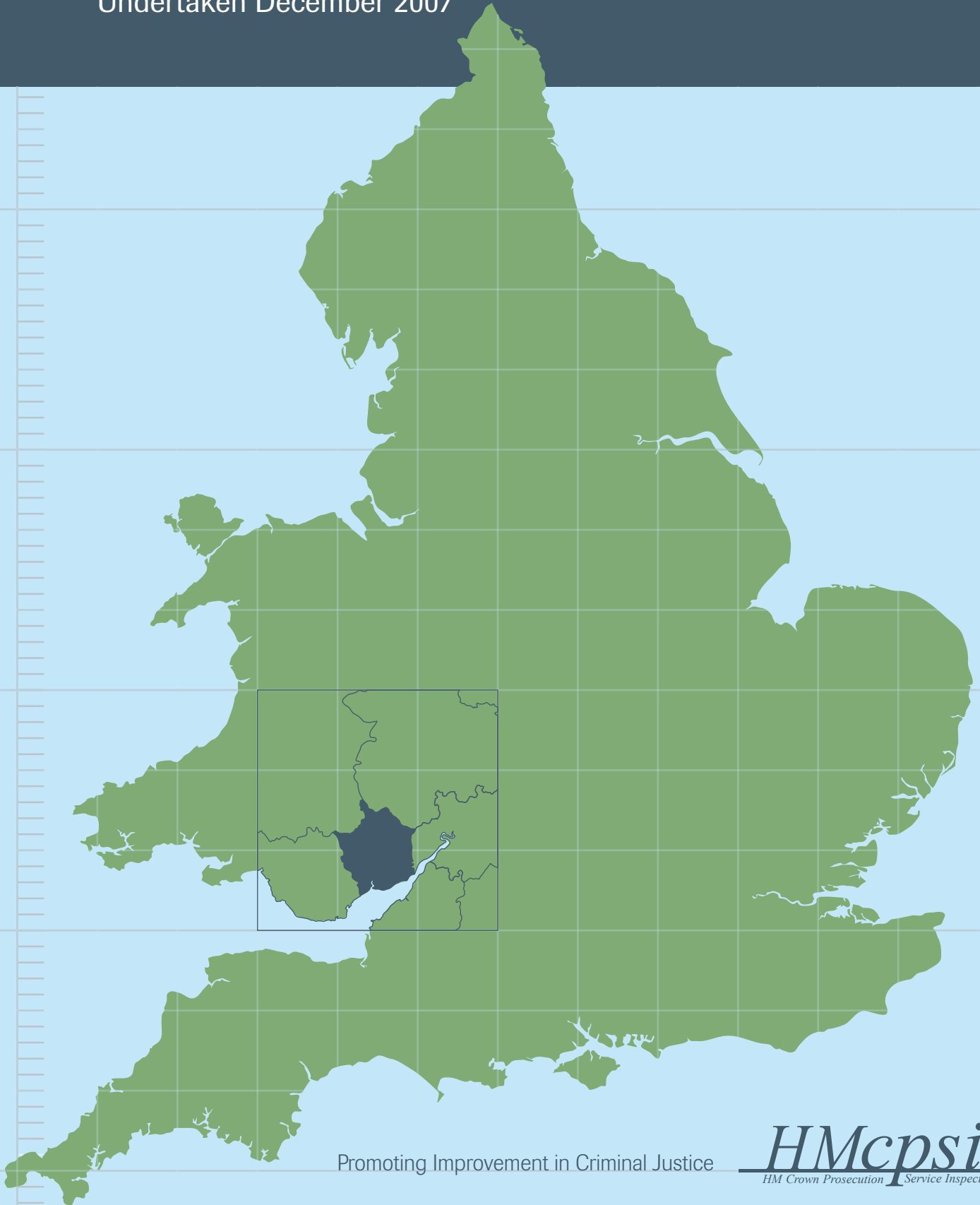


CPS Gwent

Overall Performance Assessment

Undertaken December 2007



Promoting Improvement in Criminal Justice

HMcp*si*
HM Crown Prosecution Service Inspectorate



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ABBREVIATIONS

Common abbreviations used in this report are set out below.
Local abbreviations are explained in the report.

ABM	Area Business Manager	HMCPSP	Her Majesty's Crown Prosecution Service Inspectorate
ABP	Area Business Plan	JDA	Judge Directed Acquittal
AEI	Area Effectiveness Inspection	JOA	Judge Ordered Acquittal
ASBO	Anti-Social Behaviour Order	JPM	Joint Performance Monitoring
BCU	Basic Command Unit or Borough Command Unit	LCJB	Local Criminal Justice Board
BME	Black and Minority Ethnic	MAPPA	Multi-Agency Public Protection Arrangements
CCP	Chief Crown Prosecutor	MG3	Form on which a record of the charging decision is made
CJA	Criminal Justice Area	NCTA	No Case to Answer
CJS	Criminal Justice System	NRFAC	Non Ring-Fenced Administrative Costs
CJSSS	Criminal Justice: Simple, Speedy, Summary	NWNJ	No Witness No Justice
CJU	Criminal Justice Unit	OBTJ	Offences Brought to Justice
CMS	Case Management System	OPA	Overall Performance Assessment
CPIA	Criminal Procedure and Investigations Act	PCD	Pre-Charge Decision
CPO	Case Progression Officer	PCMH	Plea and Case Management Hearing
CPS	Crown Prosecution Service	POCA	Proceeds of Crime Act
CPSD	CPS Direct	PTPM	Prosecution Team Performance Management
CQA	Casework Quality Assurance	PYO	Persistent Young Offender
CTL	Custody Time Limit	SMT/G	Senior Management Team or Group
DCP	District Crown Prosecutor	TU	Trial Unit
DCV	Direct Communication with Victims	UBM	Unit Business Manager
DCW	Designated Caseworker	UH	Unit Head
DP	Duty Prosecutor	VPS	Victim Personal Statement
ECU	Economic Crime Unit	WCU	Witness Care Unit
ETMP	Effective Trial Management Programme		
HCA	Higher Court Advocate		

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A INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS

This report is the outcome of Her Majesty's Crown Prosecution Service Inspectorate's (HMCPPI) overall assessment of the performance of the Crown Prosecution Service (CPS) in Gwent and represents a further assessment against which improvement from the previous baseline assessment in 2004-05 can be measured.

Assessments

Judgements have been made by HMCPPI based on absolute and comparative assessments of performance. These came from national data; CPS self-assessment; HMCPPI's findings; and measurement against the criteria and indicators of good performance set out in the overall performance assessment (OPA) framework, which is available to all Areas.

The OPA has been arrived at by rating the Area's performance within each category as either 'Excellent' (level 4), 'Good' (level 3), 'Fair' (level 2) or 'Poor' (level 1) in accordance with the criteria outlined in the framework.

The Inspectorate uses a rule-driven deterministic model for assessment, which is designed to give pre-eminence to the ratings for 'critical' aspects of work as drivers for the final overall performance level. Assessments for the critical aspects are overlaid by ratings relating to the other defining aspects, in order to arrive at the OPA.

The table at page 7 shows the Area performance in each category, as well as the 'direction of travel' since the previous OPA.

An OPA is not a full inspection and differs from traditional inspection activity. Whilst it is designed to set out comprehensively the positive aspects of performance and those requiring improvement, it intentionally avoids being a detailed analysis of the processes underpinning performance. That sort of detailed examination will, when necessary, be part of the wider programme of inspection activity.

Direction of travel grade

This is a reflection of the Area's change in performance between the current assessment period and the previous OPA, that is between 2004-05 and 2006-07. The potential grades are:

Improved reflects a significant improvement in the performance;

Stable denotes no significant change in performance;

Declined where there has been a significant decline in performance.

B AREA DESCRIPTION AND CASELOAD

CPS Gwent serves the area covered by the Gwent Constabulary. It has one office, at Newport, and the Area Secretariat is also based there.

At the time of the inspection business was divided on functional lines between magistrates' courts and Crown Court work. The Criminal Justice Units (CJUs) are responsible for the conduct of all cases dealt with in the magistrates' courts and a single Trials Unit handles Crown Court cases.

During the year 2006-07 Gwent had an average of 80.6 full-time equivalent staff in post and a budget of £3,519,796. This represents a 1.8% increase in staff and a 14.0% increase in budget since 2004-05, the period covered by the previous overall performance assessment.

Details of the Area's caseload in 2004-05, and in the year to March 2007 are as follows:

Pre-charge work¹

2004-05		2006-07	
Written advice	925	Decisions resulting in a charge	3,091
Pre-charge advice (where available)	2,150	Decisions not resulting in a charge ²	3,304

Magistrates' courts proceedings (including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Magistrates' courts prosecutions	15,819	13,302	-15.9%
Other proceedings	11	2	-81.8%
Total magistrates' courts proceedings	15,830	13,304	-15.9%

Crown Court proceedings

(including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Cases sent or committed to the Crown Court for determination	1,316	1,027	-21.9%
Committals for sentence ³	171	192	+12.2%
Appeals from the magistrates' courts ³	164	168	+2.4%
Total Crown Court proceedings	1,651	1,387	-15.9%

In 2006-07 55.3% of offences brought to justice were the result of convictions.

1 No valid comparison with 2004-05 pre-charge caseload is possible as statutory charging was only fully in place in all CPS Areas from April 2006 onwards.

2 Including decisions resulting in no further action, taken into considerations (TICs), cautions and other disposals.

3 Also included in the magistrates' courts figures, where the substantive hearing occurred.

C SUMMARY OF JUDGEMENTS

Contextual factors and background

CPS Gwent has a varied caseload which reflects a mix of urban and rural issues. It deals with some organized crime and complex cases, but in the main handles 'volume' crime such as hate and acquisitive crimes and assault.

It was rated as 'Fair' in the last OPA in 2005. An Area effectiveness inspection (AEI) was also conducted in January 2007, which focussed on the poorer aspects of performance. During the AEI inspectors talked with staff and partner agencies and examined a large number of case files. The report was published in May 2007.

Gwent was without a permanent Chief Crown Prosecutor (CCP) from 2004 until August 2007 and has been without a full time substantive Area Business Manager since September 2006. This situation led to a lack of direction and leadership and has prevented some necessary change being progressed or implemented fully. It has also had a negative effect on the morale of staff and some managers and hindered the development of a strategic approach with criminal justice partners to address performance and operational weaknesses.

A new CCP was appointed in August 2007; this report reflects performance during 2006-07 but also takes account of changes which have taken place in 2007-08 and since the new CCP's arrival.

The Area is undergoing change and restructuring and some changes are so recent that it was not possible to make a realistic assessment of their effectiveness. Evidence from the AEI has been taken into account where appropriate.

Summary

In 2006-07 there was a lack of clarity about how Area strategy was to be achieved and not all relevant issues were not captured in the business plan. Uncertainty over the CCP position compounded the problem. The Area is now better placed to determine a longer term strategy and how it is to be achieved. Changes to the internal structure have occurred and the first phase of an accommodation move has taken place, although the second phase has been delayed, which has not allowed the Area to implement fully all the changes it anticipated would bring about better performance. New arrangements to support change have been put in place but Gwent has a substantial change programme in front of it, not least to foster improved relationships with criminal justice partners, particularly the police at operational level.

There is a need to improve the arrangements for the provision of pre-charge decision-making, particularly the level of face-to-face advice and decision-making that occurs, and to reduce the proportion of cases that result in no further action. The proportion of cases that have been subject to a pre-charge decision and are later discontinued remains high. In addition, work needs to be undertaken with the police to ensure that all appropriate cases are submitted in accordance with the statutory scheme, to eliminate circumvention of the system. The pilot arrangement, under which prosecutors are allocated to charging centres for three months at a time, needs to be reviewed to ensure it is achieving the desired benefits. Work has begun to examine and improve the quality of police files and the Area needs to continue to seek a collaborative way forward with the police.

In the magistrates' courts successful outcomes were above the national average for 2006-07. Arrangements have recently been put in place to improve case progression, although it is too early to assess the benefits.

In the Crown Court successful outcomes were also better than the national average for 2006-07, as was the ineffective trials rate. The Area has forged productive relationships with the Crown Court and has benefited from the operation of its two Higher Court Advocate lawyers who undertake work there. The quality of case building is generally good and there are productive partnerships in relation to confiscation of the proceeds of crime.

There is some good work being done to identify witness and victim needs at the charging stage and thereafter, and to ensure that they are kept updated with the progress of cases. Witness waiting times have improved. However the Area is not complying in a consistent manner with obligations designed to improve the service to victims and witnesses. There is much work to be done with partners to take a robust and systematic approach and to improve performance.

Arrangements for sensitive cases, their flagging and handling by specialist prosecutors are generally satisfactory. There has been a deterioration in the successful outcome rate for domestic violence cases despite the introduction of specialist courts, but for hate crime overall performance has improved, albeit by less than the national average. There is scope for better analysis of sensitive and hate crime to identify any trends and lessons, which could usefully be fed back through the Area's established links to a range of local groups and fora, and to the Hate Crime and Domestic Violence Scrutiny Panels which are shortly to be introduced.

Some aspects of disclosure have improved, particularly initial disclosure in magistrates' courts cases and in recording decisions and the reasons for them. There is room to improve further and more work is needed with the police to bring performance up to the standard expected.

Custody time limit performance has deteriorated markedly. Systems are sufficient to ensure that they are correctly calculated and checked, however the lack of compliance with these and ineffective monitoring has led to one failure and the risk of more.

The Area overspent its non ring-fenced administration and prosecution budgets for 2006-07, while for the first half of 2007-08 there has been a significant underspend. Arrangements need to be put in place to ensure accurate profiling, monitoring and control. As restructure progresses the Area will need to ensure that clear expectations are set for lawyer deployment. Gwent continues to struggle to meet the target for savings derived from use of its Higher Court Advocates and its recovery plan has yet to be fully successful.

A programme of improvement has been embarked on to increase both the scope of performance information and promote a performance culture. There is still a need for predictive analysis and better evaluation, review and monitoring, to improve performance overall. Managing performance jointly with criminal justice partners is also improving, although anticipated benefits have not been realised fully.

The commitment to community engagement has been maintained despite the uncertainty and fragmented leadership during the 2006-07 period. It is clear that the Area regards engaging with, and improving the confidence of, the community as part of core business and a range of work is undertaken.

The Area hopes that changes in arrangements for performance and change management, and structural alterations, will help to make it more cohesive and ensure a corporate approach among the management team. Some senior managers are still acting on a temporary basis and it would help the Area to have a settled management team as soon as possible.

Direction of travel

Performance has significantly declined in four aspects, stayed relatively stable in six and improved in the other three. The capacity to improve further will depend on the development of a clear sense of direction, effective collaboration with criminal justice partners and the establishment of a settled management team.

In the light of our findings Gwent's overall performance is **FAIR**.

OVERALL ASSESSMENT	FAIR
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Critical aspects	Assessment level		
	OPA 2005	OPA 2007	Direction of travel
Pre-charge decision-making	Fair	Fair	Stable
Ensuring successful outcomes in the magistrates' courts	Fair	Fair	Declined ⁴
Ensuring successful outcomes in the Crown Court	Good	Good	Stable
The service to victims and witnesses	Good	Fair	Declined
Leadership	Fair	Fair	Stable
Overall critical assessment level		FAIR	
Progressing cases at court	Fair	Fair	Stable
Sensitive cases and hate crime	Good	Good	Stable
Disclosure	Poor	Fair	Improved
Custody time limits	Good	Poor	Declined
Delivering change	Fair	Fair	Stable
Managing resources	Good	Fair	Declined
Managing performance to improve	Fair	Fair	Improved ⁵
Securing community confidence	Good	Good	Improved ⁵
OVERALL ASSESSMENT	Fair	FAIR	

4 Although the assessment for this aspect remains unchanged there has been significant decline within the range of performance covered by the band.

5 Although the assessment for this aspect remains unchanged there has been a significant improvement within the range of performance covered by the band.

D DEFINING ASPECTS

1	PRE-CHARGE DECISION-MAKING: MANAGEMENT AND REALISING THE BENEFITS	OPA 2005	OPA 2007	Direction of travel
		Fair	Fair	Stable

1A The Area ensures pre-charge decision-making operates effectively at police charging centres, and is accurately documented and recorded

- The Area deploys three duty prosecutors to provide pre-charge advice and decisions between 9am-5pm Monday-Friday at three charging centres: the designated custody units at Newport and Ystrad Mynach, which deal with the majority of the Gwent's custody cases, and Cwmbran Police Station. When the permanent duty prosecutor is unavailable, cover is provided on an ad-hoc basis.
- A new charging protocol was agreed between the CPS and police in July 2007, but there is no formal arrangement covering the handling of serious or complex cases. When not dealt with in the charging centre, such cases are submitted to the CPS office either by referral from a duty prosecutor or directly via a police 'gatekeeper' for allocation by the Unit Head to a suitable lawyer. Advice is not always timely and the situation has been exacerbated by erratic communication between the police and CPS office, which can cause difficulties and delay.
- Charging centre appointments to enable a police officer to see the duty prosecutor are scheduled for 30 minute slots and are managed by a co-ordinator. However, there is no uniformity between charging centres in how the appointment system operates. The rate for making pre-charge decisions (PCDs) face-to-face was 50.3% in 2006-07, compared to 63.5% nationally. Whilst this has increased to 52.6% in the first half of 2007-08, the rate has fallen even further behind the national average figure of 71.8%.
- A significant proportion of pre-charge advice and decision-making is provided over the telephone: 23.0% in 2006-07 and 24.1% in April-September 2007. The national averages were 2.9% and 3.6% respectively. The Area offers a telephone advice service routinely as an alternative to an officer booking an appointment at the charging centre. This encourages officers seeking advice to do so remotely and without face-to-face contact with a duty prosecutor, which is contrary to expected practice.
- Police gatekeepers vet files prior to them being submitted to the duty prosecutor and all officers seeking pre-charge advice must obtain authority from the gatekeeper beforehand. Despite their existence, however, some cases are charged without reference to either the duty prosecutors or CPS Direct.
- Action plans, completed by the duty prosecutor to progress an investigation, are diarised by the police and managed by police CJU case progression officers. The police have now employed bail-to-return officers, in addition to gatekeepers, expressly to monitor timeliness. The quality of action plans is monitored by the Unit Heads who review a random sample each month.

- Timeliness of advice in 2006-07 was poor with the Area taking an average of 13.4 days from first consultation to charging decision, as against a national average figure of 9.6 days. 'Reality' checks confirmed that there are not a high proportion of inactive pre-charge cases on the electronic case management system (CMS).
- There is an established procedure to enable an appeal against a duty prosecutor's decision not to charge. The Unit Head will consider the merits of any decision and adjudicate accordingly. The police make use of the system and any issues arising are considered at the monthly Prosecution Team Performance Management (PTPM) meetings.
- Duty prosecutors are required to register their record of consultation (MG3s) directly on CMS. During 2006-07 96.4% of consultations were recorded on CMS against a target of 90.0%, which was better than the national average. This figure increased to 99.4% between April-September 2007. Our reality check showed that ethnicity and gender were being correctly recorded.
- The Area has a named contact point for liaising with CPS Direct, although contact has been infrequent. CPS Direct performance information is included in the Area performance pack.
- Conditional cautioning was piloted in one police division from March 2007 and is due to be rolled-out fully that December. Only three conditional cautions have been administered between April-October 2007. The Gwent Criminal Justice Board (GCJB) project implementation team has acknowledged this is disappointing. The Area has conducted a joint review of the initiative, but has not set any targets to measure success.

1B The Area ensures that pre-charge advice and decisions are in accordance with the Director of Public Prosecutions' guidance, the Code for Crown Prosecutors, charging standards and policy guidelines

- All prosecutors have received training under the Proactive Prosecutor Programme. They are allocated to charging centres for three months at a time. This system was established in October 2006 to try to improve the quality and consistency of PCDs and to develop more of a 'prosecution team' ethos with the police, in the expectation that performance and outcomes would improve.
- Charging decisions are monitored by the Unit Heads through the Casework Quality Assurance (CQA) process and compliance with the quality standards was most recently self-assessed at 87.7% for the second quarter of 2007-08. At the time of the AEI the quality of decision-making was considered to be good, with the evidential test correctly applied in 97.9% of cases and public interest test correctly applied in all cases. The choice of charge had satisfactorily reflected the seriousness of the offence in 98.0% of cases. Reality checks as part of this assessment indicated that the quality of the PCDs overall was mixed. Decisions in some cases were either not timely or taken precipitously, whilst others demonstrated a lack of detail or reasoned exposition of fact or law. In one instance the original charging advice was contradicted and a charge authorised by a less experienced duty prosecutor which led to its subsequent discontinuance, while in another there was no record of any pre-charge advice on either CMS or the paper file. The Area needs to review its arrangements for the provision of pre-charge advice and assess whether they are, in fact, delivering the expected benefits.

- In addition to CQA the Area considers the quality of charging advice by dip sampling a selection of MG3s and by requiring cases to be discontinued only with the consent of the Unit Head. Our reality checks showed that this approval was not always noted in writing. Feedback from monitoring is provided by the Unit Heads to individual lawyers on a one-to-one basis.
- The AEI noted as an aspect for improvement that duty prosecutors needed to consider ancillary issues likely to affect a case, such as disclosure of unused material, the Proceeds of Crime Act (POCA) and the needs of witnesses. Its own recent failed cases analysis indicated that these issues were still in need of attention, although our reality checks showed that some improvement had been made. In relation to POCA the Area has consistently performed above target and has recently improved its use of pre-confiscation restraint procedure.
- There are a high proportion of cases on which no further action (NFA) is advised. In 2005-06 49.7% of files submitted by the police resulted in no charges being brought and in 2006-07 51.1% were concluded as no further action, which were higher than the national averages of 36.8% and 35.4% respectively. Whilst the position has improved since the introduction of police gatekeepers, performance has remained worse than the national average for the first seven months of 2007-08. NFA advices are monitored by monthly dip sampling conducted by Unit Heads. The Area is aware of the high NFA rate but has not been able to identify any particular trend as a contributing factor, despite having specifically looked into their NFA performance.
- Conditional cautioning is monitored by the implementation team who meet regularly. Adoption has been slow and the team has considered the reasons why very few conditional cautions have been administered. Presently, consideration is being given to expanding the number of disposal options available and further analysis is to be undertaken.

1c The Area is able to demonstrate the benefits of their involvement in pre-charge decision-making

	Magistrates' courts cases				Crown Court cases			
	National target March 2007	National performance 2006-07	Area performance		National target March 2007	National performance 2006-07	Area performance	
			2005-06	2006-07			2005-06	2006-07
Discontinuance rate	11.0%	15.7%	27.7%	20.3%	11.0%	13.1%	16.6%	12.6%
Guilty plea rate	52.0%	69.2%	58.4%	62.3%	68.0%	66.5%	50.0%	66.3%
Attrition rate	31.0%	22.0%	35.0%	27.6%	23.0%	22.2%	33.3%	22.4%

- The Area is realising three of the expected benefits of charging and has improved its performance in the magistrates' courts since the last OPA in 2004-05. However performance in 2006-07 declined in comparison with the previous year, 2005-06. In each of the three measures Gwent has recorded figures worse than the national average for 2006-07. Discontinuance rates for magistrates' courts cases which have been subject to PCD were particularly high. The first half of 2007-08 has shown an improvement, but performance remains behind the national average.

- In the Crown Court performance has improved both in relation to the last OPA and 2005-06. Compared to nationally, for 2006-07 the Area has performed on par in relation to attrition and guilty plea rates, but worse in respect of discontinuance. In the first half of 2007-08 performance has been stable, although this is below Area target for all three measures, worse than the national average during the same period in respect of guilty pleas and attrition, and better than nationally for discontinuance.
- The overall conviction rate in 2006-07 for PCD cases, combining those for both magistrates' courts and Crown Court, was 73.6% which is below the national average of 78.0%. The first two quarters of 2007-08, however, have shown an improvement.
- The Area includes PTPM information as part of the performance pack which contains comprehensive information, although little in the way of analysis, something it is presently taking steps to address. Performance data is circulated to staff by email and discussed between the line managers and individual members of staff when considered appropriate. PTPM meetings take place regularly although the minutes do not reflect the level of discussion. There is scope also to improve the setting and follow-up of actions to ensure that the meetings effectively drive improvements. Progress in this and realising the benefits of charging have been hampered by the lack of a prosecution team ethos, particularly at an operational level.

2 ENSURING SUCCESSFUL OUTCOMES IN THE MAGISTRATES' COURTS	OPA 2005	OPA 2007	Direction of travel
	Fair	Fair	Declined

2A Successful outcomes are increasing

Case outcomes in the magistrates' courts	National performance 2006-07	Area performance 2006-07
Discontinuance and bindovers	10.8%	10.9%
No case to answer	0.2%	0.2%
Dismissed after trial	1.9%	1.4%
Discharged committals	0.2%	0.3%
Warrants	2.6%	2.2%
Overall conviction rate	84.3%	85.1%

- The conviction rate for 2006-07 was better than the national average and, although slightly down on the previous year's figure of 85.4%, has improved since the last OPA. The first half of 2007-08 has seen a slight decline in convictions to 84.8%, which is below the current Area target of 85.0%. This has been due to an increase in the proportion of acquittals after trial; performance in other measures has remained relatively stable.
- Discharged committals are higher than the national average for 2006-07 both as a proportion of finalised cases, at 0.3% compared to 0.2%, and as a percentage of committals heard or sent cases, at 4.0% compared to 2.5%. This represents a significant increase on the previous two years when performance was better than the national average. The magistrates' courts have recently become less amenable to granting adjournment applications than hitherto and this may, in part, explain the position but the Area itself still needs to work meaningfully with the police to improve file quality and timeliness. There are procedures in place to consider reinstating discharged committals, but mechanisms with the police do not appear robust enough to ensure that appropriate cases are then reinstated without delay. The increasing level is a matter of some concern and the situation has been raised at the GCJB.
- All unsuccessful outcomes, including discharged committals, are monitored by the Unit Heads who analyse the cases and prepare a monthly report for the District Crown Prosecutor. Assessments which indicate a review failure are returned to the Unit Head for discussion with the relevant lawyer.
- In partnership with other criminal justice agencies the Area exceeded the joint 2006-07 target of 15,348 offences brought to justice, achieving 16,653. Within that figure, CPS Gwent achieved a conviction rate of 55.3%, compared to a national average of 48.8%.

- The Area fared less well in respect of the persistent young offender (PYO) target and the performance stood at 84 days from arrest to disposal, compared to the target of 71 days and the national average of 72. At the time of the AEI there had been a drop in performance, although this mirrored the national trend. There was some evidence that delays were occurring at the pre-charge stage and the police were not always timely in seeking pre-charge advice and completing actions thereafter. Analysis by the Area in April 2007 discovered that avoidable delay was being built into the system as PYOs were being inappropriately summonsed to court and not passing through statutory charging. This issue was escalated to the GCJB and a training day was organised in May 2007 at which a presentation was delivered by the Board's PYO performance manager. The event was attended by CPS lawyers, administrators and the PYO Champion, as well as the police and the Courts Service's PYO co-ordinator. More recently the Area has improved performance, although it still remains outside the target and below the national average.

2B Effective case management and decision-making enables cases to progress at each court appearance

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	41.1%
Cracked trial rate	37.3%	35.1%
Ineffective trial rate	18.9%	23.7%
Vacated trial rate	22.5%	19.3%

- The Area reintroduced discrete file monitoring in May 2007, checking both timeliness and file quality submissions by the police. There is a comprehensive system for collating information which identifies key issues and trends that could be used to drive joint performance through PTPM meetings, but has yet to be used effectively. In September 2007, of the 135 magistrates' courts and Crown Court full files submitted by police the Area assessed 20 to be sufficiently ready for trial, 108 as not being trial ready and seven insufficient to proceed. Lawyers identified disclosure deficiencies as the single most common reason for a file to fail, in addition missing or incomplete witness information and witness statements, CCTV evidence, bad character information and special measures forms were also significant failings in file quality. Action in relation to these issues has yet to be taken. Timeliness of file submission was noted to be acceptable in the majority of cases.
- At the time of the AEI the quality of case preparation was patchy. The prosecution was not ready for pre-trial review hearings in 41% of cases and 33% of them had to be referred back to the court because orders had not been complied with. Delays in receiving material from the police impacted adversely on case preparation. In cases where a decision had been taken to discontinue, 62.5% of those decisions should have been taken earlier. This finding was replicated by our reality checks where 60% of discontinuance decisions should have been taken earlier than they were. The file monitoring, described above, has effected some improvements in respect of getting cases ready but timeliness remains an issue.

- The Area monitors the quality of full file reviews through the CQA process as well as evaluating this aspect as part of the adverse outcome reports. Reality checks showed that full file reviews were not universally completed or entered onto CMS and that the initial full Code for Crown Prosecutors' review, following a 'threshold' test charging decision, was not always present. We also found from our checks that the timeliness of the trial review was mixed.
- The introduction of the Criminal Justice: Simple, Speedy, Summary (CJSSS) initiative should have taken place in April 2007, but was not implemented until that August, and the Area has experienced difficulty embedding it successfully into its processes. The management team reviewed the operation of CJSSS in September 2007 and determined that the quality of files had not improved in line with the scheme. The AEI inspection team noted that CJSSS success would depend particularly on effective working between the prosecution and the police at local and strategic level and that CPS managers needed particularly to focus on achieving the benefits through collaboration. A considerable amount of work remains for the Area to build more effective partnerships at all levels with other criminal justice agencies.
- The proportion of ineffective trials has increased in 2006-07 to 23.7% compared to 20.3% in 2005-06. This was worse than the national average of 18.9% and well below the Area's own 18.5% target for the year. The first quarter's figures for 2007-08 show a reduction in ineffective trials to 21.7%, but this remains below the national average of 18.6% for the same period. Performance in respect of cracked and vacated trials was better than the national average during 2006-07, at 35.1% and 19.3% respectively, but again represented a decline since 2005-06.
- Case progression is the responsibility of the Case Progression Officer (CPO). In September 2007 a new Case Progression Unit (CPU) was established, retaining a lawyer in the office to work alongside the CPO. This was expanded in October 2007 when a second lawyer and an administrative manager were added. The Area has plans to incorporate the Optimum Business Model into case progression early in 2008. This will create two CPUs with a police officer attached to each. It is too early to assess any measurable performance improvements.
- The usage of CMS to manage cases has shown an improving trend in the first half of 2007-08 compared with the previous year and generally scores higher on review completion than for the finalisation of cases. The September 2007 CMS usage report shows that the Area has improved in five out of the six measured categories and completed 78.6% reviews on the system, compared to 79.1% nationally.

3 ENSURING SUCCESSFUL OUTCOMES IN THE CROWN COURT	OPA 2005	OPA 2007	Direction of travel
	Good	Good	Stable

3A Successful outcomes are increasing

Case outcomes in the Crown Court	National performance 2006-07	Area performance 2006-07
Judge ordered acquittals	13.1%	12.7%
Judge directed acquittals	1.4%	0.9%
Acquittals after trial	6.5%	7.6%
Warrants	1.3%	0.7%
Overall conviction rate	77.7%	78.2%

- Successful outcomes for 2006-07 were better than the national average and slightly up on the previous year's figure of 77.2%, but performance has declined slightly since the last OPA when the proportion was 79.0%. The first half of 2007-08 has seen the figure improve to 79.2% which is slightly below this year's Area target of 80.0%.
- The rate of judge ordered acquittals in 2006-07 was better than the national average but represents a slight decline in performance since the last OPA when the Area achieved 11.9%, and performance in 2005-06. Performance has improved during the first half of 2007-08. The proportion of judge directed acquittals has steadily improved since the last OPA and, during the first half of 2007-08, has reduced still further to 0.2%. Jury acquittals for 2006-07 were above the national average and have remained so during the first two quarters of 2007-08.
- The authority of the Trials Unit Head is required before a case can be discontinued in the Crown Court and a note of the consultation entered onto CMS. Reasons for discontinuances are analysed each month by the Unit Head who prepares a report for the District Crown Prosecutor. File checks indicate that required consultations with the Unit Head were taking place before a case is discontinued, but that this was not always being properly recorded on CMS.
- In addition to discontinued cases, the Unit Head monthly reports include judge ordered and judge directed acquittals. Learning points are highlighted and feedback is given to the individual lawyer where necessary. The reports are later 'anonymised' and the information circulated to all lawyers as well as being provided to each of the three police Divisional Commanders and included with the information supplied for the PTPM meetings. Recent performance indicates that successful outcomes have improved.

- The 2006-07 asset recovery target of £379,898 was exceeded by 75% and 43 orders obtained with a combined value of £665,367 to be confiscated as proceeds of crime. A lawyer and caseworker share lead responsibility for POCA, with assistance from a lawyer attached to the CPS regional complex casework unit. The police Financial Investigation Unit (FIU) provides the focus for the Area in confiscation work, which concentrates upon maximising the amounts recovered rather than on the numbers of orders. There is regular liaison with the FIU and the multi-agency Regional Asset Recovery Team. POCA performance is published and 'owned' by the GCJB, which has a designated POCA specialist, and progress is managed through the relevant sub-groups. Current performance for 2007-08 indicates that the Area is likely to exceed its target again and is in advance of its trajectory point for the first half of the year both for volume of orders and value of confiscation. Up to September 2007 31 orders have been obtained against a target of 50 and £664,609 realised against a target of £794,000.

3B Effective case management and decision-making enables cases to progress at each court appearance

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	58.3%
Cracked trial rate	39.5%	31.5%
Ineffective trial rate	12.4%	10.2%

- All cases in the Crown Court are first seen and considered by the Unit Head who will allocate a Trials Unit lawyer taking into account such factors as experience, development or a previous involvement at the PCD stage since, where possible, the principle of file ownership is maintained. At the time of the AEI it was noted that serious and complex cases were dealt with very well, with prosecutors adding value to the prosecution process. The quality of the review decisions in Crown Court cases was very good, in particular, two cases that were part of a pilot scheme for victims' advocates had been managed to a high standard. Reality checks conducted for this assessment confirmed that standards had been maintained, save that, in some instances little value was added to the pre-charge review. Overall, the Area demonstrated a better grasp of trial issues and jury points at the Crown Court review stage than at pre-charge review.
- Weekly discussions take place between the Area's Crown Court CPO and the Crown Court's own CPO, with a representative from the Witness Care Unit (WCU) also attending to identify issues affecting victims and witnesses. Positive feedback has been received from criminal justice partners about the work of the WCU and the contribution it makes to the ineffective trial rate. The Area uses an internal checklist to ensure that basic information is available at plea and case management hearings (PCMHs) and trial readiness stages, for example witness availability, information for bad character applications and special measures. The Crown Court centres at Newport and Cardiff utilise a number of specialised PCMH forms which address progression issues associated with certain types of cases, such as those involving an allegation of domestic violence or a youth.

- The Crown Courts maintain a sharp focus in respect of all cases where a youth is involved and are made a priority by the list officer. The Area uses a PYO information sheet on the file to keep track of timeliness targets and tracks progress using a spreadsheet. The whole procedure is overseen by the CPO with input from the Youth Champion. The Trials Unit administrative manager provides the Unit Head with a monthly analysis of all Crown Court PYO cases.
- Since the last OPA assessment the proportion of effective trials has increased and the ineffective and cracked trial rates decreased. In 2006-07, of the trials listed in the Crown Court, 58.3% were effective, 10.2% were ineffective and 31.5% were cracked. This was better than the national average performance, although Gwent performed even better in 2005-06. Whilst performance in 2006-07 fell by comparison, the ineffective trial rate for the first quarter of 2007-08 has improved to 8.5% and is better than the national average.
- The reasons for ineffective trials are analysed both internally and with local criminal justice partners. Area performance in 2006-07 was better than the national average in relation to cases that were cracked or ineffective due to prosecution reasons, which were 29.5% and 35.3% respectively, compared with 36.7% and 37.9% nationally. Performance appears to have resumed an upward trend, having dipped during the previous year.
- Performance is discussed at lawyer and caseworker team meetings, which are intended to be monthly and include the Higher Court Advocates (HCAs). Whilst the former have taken place, they have not been held with the regularity or frequency envisaged. Otherwise performance is fed back to lawyers individually by the Trials Unit Head on an ad-hoc basis and to staff in general by email.
- Lawyers within the Trials Unit make good use of CMS to record review decisions. The usage reports show that the Area exceeded the 2006-07 target of 90% for Crown Court reviews completed on the system, achieving a rate of 90.5%. This increased to 99.4% measured over the first two quarters of 2007-08 and, for September 2007, 100% of Crown Court reviews were completed on CMS.

4	PROGRESSING CASES AT COURT	OPA 2005	OPA 2007	Direction of travel
		Fair	Fair	Stable

4A The Area ensures that cases progress at each court appearance

- At the time of the AEI case progression was poor and a clear adjournment culture existed in the magistrates' courts. The inspectors noted numerous files where adjournment had followed adjournment, even in simple cases, and delay has been endemic throughout the process. During 2006-07 the Area took 138.4 days from first appearance to completion, nationally the average was 109.4 days. Both the magistrates' and the Crown Court adjourned cases more frequently than nationally. In 2006, having steadily fallen for the previous three years, the average time taken to dispose of a case in the Crown Court from first listing to completion stood at 57 days, compared to the national average of 52 days. The Area did fare better in respect of committal hearings in the magistrates' courts, where the average adjournment rate in 2006-07 was better than nationally. Adjournments are recorded in performance data and considered within the performance framework, however as yet no significant improvements have been brought about.
- Reality checks during this assessment confirmed that files were not being progressed effectively. Discontinuance decisions in six out of the ten cases examined should have been taken earlier. In a further three cases, an adjournment had to be requested because a review had not been completed in time for the hearing and in two cases heard at the magistrates' courts initial disclosure had not been completed in time for the trial to take place. Following the implementation of CJSSS, an initiative intended to simplify and quicken processes in the magistrates' courts, the Area has encountered difficulties being ready at the first date of hearing and has had to request adjournments in order to obtain information or complete a process in order to be ready to proceed. There is very little file ownership of cases in the magistrates' courts, or robust systems to ensure that cases are ready to proceed.
- However the quality of case progression in the Crown Courts, where there was greater file ownership, was generally better. The Area benefits from two experienced HCAs who conduct a significant proportion of cases heard in the PCMH courts and do so robustly, making sensible, informed decisions. Feedback from criminal justice partners shows that their efforts are appreciated by other Crown Court users.
- The timeliness of brief preparation for 2006-07 was above the national average with 90.8% of briefs being sent to counsel sufficiently in advance of the hearing, compared to 78.3% nationally. The quality of brief preparation is monitored through the CQA process. In 2006-07 Gwent self-assessed that 85.2% of briefs met the required standard compared to the national figure of 92.6%, which indicates that it had probably conducted robust reviews of performance.
- The level of in-house coverage in the magistrates' courts was good and lawyers are allocated courts one week in advance by the Unit Heads, but the late allocation of work permits little opportunity to assign lawyers so as to develop greater file ownership. Designated caseworkers (DCWs) are responsible for preparing their own court rota. The standard of advocacy was generally good, although feedback from criminal justice partners commented on occasions

where poor advocacy had been experienced. A recommendation made by the AEI was that managers should assess the standard of advocacy in the magistrates' courts and establish systematic monitoring of all prosecuting advocates in both the magistrates' and Crown Court. Although the Area has undertaken some monitoring since that time, it has been neither regular nor systematic and reliance is placed upon feedback from criminal justice partners in order to evaluate performance at both venues.

- The CPS has been ordered to pay wasted costs since the last OPA in both the magistrates' and the Crown Court. In 2006-07 there were at least two wasted costs orders made, but the Area is unable to state whether there were any additional orders.
- Partnership working is more harmonious in the Crown Court than the magistrates' courts, where the volume work is discharged. There are no listing protocols in operation and the Area would benefit from greater strategic collaboration with the magistrates' courts. There is a productive relationship with the Crown Court where regular meetings take place, permitting a greater degree of cross-fertilisation and partnership working.
- Additional material required for court is not always obtained from the police in a timely fashion and communication problems have acted as a barrier. Recently, the Area has been more 'alive' to case progression.

5 SENSITIVE CASES AND HATE CRIMES	OPA 2005	OPA 2007	Direction of travel
	Good	Good	Stable

5A The Area identifies and manages sensitive cases (including hate crime⁶) effectively

- Sensitive cases are identified at the PCD stage by the police gatekeepers who will, after discussion with the duty prosecutor, where appropriate refer them to the Unit Heads for allocation to a suitably experienced lawyer. Where the duty prosecutor is a specialist they may retain the case and there are plans to add an extra duty prosecutor in the busiest charging station in order to increase the specialist advice available there. Some delays in receiving files and providing advice have been tackled.
- Most cases are flagged as sensitive either by the duty prosecutor or the administrator who registers the case on CMS. Reality checks indicated that 90% of relevant cases had been flagged appropriately. Cases which are to be referred to the domestic violence multi-agency group, Project Saff, are specifically marked as such and referral forms are faxed to staff by the CPS.
- After charge Unit Heads monitor the progress of hate crime and other sensitive cases under CQA. Any proposal to make substantial amendments to a pre-charge decision must be authorised by a Unit Head. Unsuccessful outcomes are assessed in the same way as any other case through reports which are then reviewed. Counsel have been instructed to provide reports on any acquittals in rape cases, although a reminder has had to be issued to ensure that these are done consistently.
- All prosecutors have received some training or guidance on hate crime and some undertook specialist training for rape and racially or religiously aggravated offending. Rape allegations are handled by specialists from the PCD stage through to conclusion. There are champions or co-ordinators appointed for the key categories of specialist or sensitive cases. The champions are to meet the new CCP bi-monthly to discuss performance and casework issues and the first of these meetings took place recently. Some of the champions are very active, giving guidance and training and circulating updates in law and practice where appropriate.
- The Area has stopped using the national racial incident data sheet and has introduced its own hate crime monitoring forms, although in reality checks the one case which had relevant offences had a monitoring form which was not completed. There are examples of monthly reports of hate crime cases, but they do not consistently include the same categories of hate crime, or make clear into which each case falls. There is also inconsistency in the format of reports, which hampers comparisons between units or over time. The police also provide data on hate crime with brief information about the allegation and outcome. The Area's quarterly performance reports give some data on racially or religiously aggravated cases and homophobic offending, with an overview as to how the cases were concluded. However none of these includes a robust analysis of whether there are any trends emerging, any lessons which could be learned, or actions that the CPS or police could have done to avert unsuccessful outcomes.

⁶ For the avoidance of doubt all references in this aspect to sensitive cases includes all those involving hate crime (disability hate crime, domestic violence, homophobic, racist and religious crime) child abuse/child witnesses, rape, fatal road traffic offences and anti-social behaviour orders (ASBOs).

- In 2006-07 the unsuccessful outcome rate on all hate crime (33.3%) showed an improvement on the year before, but at a slower rate than nationally, so that performance became worse than the national average whereas previously it had been slightly better. The rate for racially and religiously aggravated offences (25.6%) was relatively stable but also fell below national performance (23.0%). The rate of successful outcomes for domestic violence cases has improved since 2005-06 and is better than the national figure.
- The Area operates Specialist Domestic Violence Courts at which trials are listed to enable targeted support to be made available to victims. The Home Office audit of these courts reported that the project was a model of good practice and was especially strong on partnership working and the training of lawyers and DCWs. The agencies collect and share data on the courts including the number of referrals, outcomes, victim retractions and other useful information. With the introduction of CJSSS arrangements have been put in place to ensure that police custody sergeants bail appropriate domestic violence cases to specific slots at the magistrates' courts so that specialist advisors and police officers can attend.
- CPS policies and any relevant reviews are circulated to lawyers and DCWs and prosecutors are expected to ensure that their casework complies. Some of the recommendations of the HMCPSI thematic review of the investigation and prosecution of rape offences are included in the 2007-08 Business Plan, but there is otherwise little evidence that reviews and national developments are systematically incorporated into the Area's policies and plans.
- Cases which may attract media interest or are of local concern are reported to the District Crown Prosecutor or CCP with regular updates being given. The Area is in the process of setting up Hate Crime and Domestic Violence Scrutiny Panels, each of which will have an independent lawyer and facilitator together with panel members drawn from relevant interested parties and community groups.
- The Area liaises with local multi-agency fora regularly including those covering domestic violence, public protection and racially-motivated offending. The GCJB has taken the decision not to make direct links into local multi-agency public protection arrangements, so these are maintained at agency level. There are five Local Safeguarding Children Boards in the area and although the CPS is not formally involved in any of them, one of the Unit Heads retains links from his attendance at Child Protection Group meetings, and therefore has relevant contacts if they are needed. The Business Plans for 2006-07 and 2007-08 do not include objectives directed at safeguarding children.

6 DISCLOSURE	OPA 2005	OPA 2007	Direction of travel
	Poor	Fair	Improved

6A There is compliance with the prosecution's duties of disclosure

- Compliance with the prosecution's duties regarding the disclosure of unused material in magistrates' courts cases has improved since the last OPA in 2005 and the AEI in January 2007. Checks on compliance are carried out regularly by Unit Heads during the CQA process and by the Disclosure Champion as a monthly assurance on the standard of endorsements. A review was also conducted of ten files per month for three months in the autumn of 2007, although this did not make a qualitative assessment of endorsements. Some training has been given, although there are still lawyers and caseworkers who have yet to receive the advanced disclosure training.
- There has been more consistency in the endorsement of schedules and in decisions that comply with the relevant legal provisions and guidance. In all cases prosecutors and other staff are more often using the disclosure record sheet to provide a log of actions and reasoning for decisions made. Reality checks showed that in all cases examined the disclosure record sheet was used and the material kept separate from other documents on the file. In 60% of the magistrates' courts cases and 80% of Crown Court cases initial disclosure had been dealt with properly. Continuing disclosure was dealt with properly in 60% of Crown Court cases, but only 33% (one in three) of the magistrates' courts cases. The CQA checks confirm that there is room for improvement.
- On initial disclosure the failings were in completing the disclosure in good time or at all. Task lists from CMS confirm that there are delays in magistrates' courts trials, with the vast majority of the outstanding tasks for initial disclosure showing as very overdue. A contributing factor may be the absence of key items of unused material which ought to be routinely included from the police trial file submission, as identified in the Area's file standards monitoring and our reality checks. When missing items are requested, there are delays receiving and linking them to the file.
- The AEI reported variable standards in police schedules and this is still the case. In addition, lack of response to defence statements from the police has led some prosecutors to bypass the police altogether and make continuing disclosure without a report from the police disclosure officer. Whilst this may be necessitated by very urgent situations, reality checks found an instance where a lawyer made continuing disclosure on the same day as the defence case statement was received, without giving the police disclosure officer any opportunity to provide a report. The Area has been monitoring schedules as part of the general assessment it conducts of police file quality and has fed back the results to the police. However this, and joint training by the Disclosure Champion and others, have met with limited measurable improvement.
- There was compliance with the duties of disclosure for sensitive material in the one applicable case in the Crown Court, but in neither of the two applicable magistrates' courts cases. The failings in handling sensitive material related to the standard of endorsements, a difficulty which has largely been overcome in relation to the non-sensitive schedules. The Area has a clear system for handling the material itself and, where possible, will not retain custody of it. If the material must be kept by the CPS it is stored securely. A log is kept of all applications for public interest immunity and has been checked recently to ensure that it is up-to-date.

- The Area has endeavoured to work with the Crown Court to improve compliance on disclosure and is making some headway. To support this it instructs all agents and counsel to be robust in their handling of any requests from the defence or formal applications.
- The number of trials which are ineffective due to disclosure problems is better than the national average for all courts and is improving in the magistrates' courts as a proportion of all trials. The Disclosure Champion has been involved in training some CPS staff and police officers and has carried out assurance checks.

7 CUSTODY TIME LIMITS	OPA 2005	OPA 2007	Direction of travel
	Good	Poor	Declined

7A Area custody time limit systems comply with current CPS guidance and case law

- There is a written custody time limit (CTL) system which largely complies with the CPS national essential actions and good practice documents. It mandates entries on CMS and in paper diaries, with regular checks on each. The written system does not make provision for checks on files after each hearing, a measure which could impact on the effectiveness of the monitoring systems. Task lists from CMS to are not used to assist in monitoring CTLs, although this would help with identifying cases where expiry dates were imminent. The monitoring includes a requirement that Unit Heads check weekly printouts of custody cases from CMS against the files themselves and provide assurance reports to the CCP regularly. It is apparent, however, that the checks and monitoring are not being carried out effectively.
- There has been one CTL failure since the last OPA which occurred in April 2007. In that instance the file was not initially marked as a custody case and the time limit was not monitored at first receipt. When it was noted that the defendant was in custody the wrong limit (70 days rather than 56) was applied and it was not until 14 days after the CTL expired that this error was discovered. The defendant was granted bail but remained in custody on another matter.
- As a result of the failure a report was circulated to staff, although it could have been more accurate and more detailed concerning the circumstances. Subsequently all outstanding custody cases were identified and checked and staff reminded of the importance of careful monitoring and compliance with the Area's system. The system itself was not reviewed as a result. If it were to be applied properly it ought to prevent a recurrence, currently this is not the case.
- Reality checks were carried out on six files and on each there were problems in the recording or monitoring of the time limit(s). Two cases were not being monitored as CTLs. In one of these the only explanation as to how, when and why the defendant came to have been remanded in custody was found in the defence psychiatrist's report copied to the CPS. In the other notes of two hearings on papers inside the file were copied over to the file jacket without a note about a CTL applying to the case. No expiry date had been calculated on either and there were no entries in the diary system. Two further cases, both with seven defendants, had no clear statement of which defendant(s) were in custody, who was on bail and with what conditions. The records of extensions to CTLs were also unsatisfactory.
- The fifth case in the reality check sample, which had been committed to the Crown Court, had CTLs recorded on the Crown Court file jacket which were the magistrates' courts limits of 56 and 70 days. The applicable limit, of 112 days, had not been marked on the file or entered in the diary. In the final case two separate trial dates had been set for the two allegations, both of which fell outside the CTL, but with no alert or explanation on the file. The expiry date was not in the diary, although there was an entry for the review seven days before the CTL expired.

- During the last OPA an aspect for improvement was identified: the Area Business Manager (ABM) is responsible for ensuring that the CTL system remains up-to-date but this was not reflected in their job description. The AEI identified that no progress had been made and this is still the case. The champions for magistrates' and Crown Court cases also do not have clearly defined roles and their involvement in maintaining the system, monitoring and training or supporting colleagues appears to be very limited.
- Efforts to engage the courts in joint monitoring have met with mixed results. HM Courts Service has declined to sign a draft protocol prepared by the Area, but the Crown Court monitors CTLs independently.

8 THE SERVICE TO VICTIMS AND WITNESSES	OPA 2005	OPA 2007	Direction of travel
	Good	Fair	Declined

8A The Area ensures timely and effective consideration and progression of victim and witness needs

- The Area is not meeting the proxy target for the number of letters it should be sending under the Direct Communication with Victims (DCV) initiative and is also largely falling short of national performance. Performance against the proxy target has fallen from 51.8% at the start of 2006-07 to 21.5% at the end of the financial year, although it reached 70.3% in one month. The percentage of letters sent within the five day target, at 56.0% in 2006-07, is also worse than the national average of 73.0% although it has improved since 2005-06 and again in the first two quarters of 2007-08 (61.5% and 64.7% respectively against national averages of around 73.0%).
- A reality check showed that in only one of three applicable cases was the DCV letter shown on CMS. The existence of an identified victim in the case was correctly flagged in eight of 11 cases. CMS showed that in the month checked there had been no victim flags set at all in the Trials Unit, compared to 227 in the other units. These findings are similar to those of the AEI.
- The standard of letters sent to victims and witnesses was unsatisfactory in four of the cases in the reality check file samples. One letter was sent using the last name of the victim without addressing him as "Mr". There were several examples seen of standard paragraphs meant for victims' letters being left in those sent to witnesses and of instructions to the writer in standard templates not being removed from the final letter sent. Letters were also sent to witnesses and victims with inaccurate information, such as telling witnesses that there had been a jury acquittal when the charges had been dropped or omitting to mention, when reporting the sentence on a racially aggravated public order offence, that two serious racial assault allegations had been dropped. Insufficient attention has been paid by managers to the standard of letters.
- Efforts to address performance have, as yet, not met with sufficient success. IT difficulties have contributed to the lack of progress but these have now been resolved. Inaccurate or incomplete entry of witness information has also impacted on performance and, despite reminders to staff, this persists.
- There is some evidence that duty prosecutors are considering witness needs and the possibility of special measures applications, including at the PCD stage, and one case in the reality checks showed a very good standard of care at charging and subsequently. The Area is assessing most victims' and witnesses' needs at an early stage, although there has been a longstanding problem with ensuring police compliance with requirements to supply the relevant information, particularly for special measures. This has yet to be fully resolved, but appears to be improving.
- If a case is going to trial, a 'mini' needs assessment is done and once witnesses are identified as being needed to attend trial, a full assessment is carried out. Case progression processes are used to address any difficulties that may arise and witness warning is generally accurate and timely. There were instances in the reality checks of timely provision of information to, and regular updates of, victims and witnesses with calls and other contacts being logged and relevant documents being kept separately on a witness care folder.

- The Area is working with the courts to reduce the number and impact of last-minute changes to trial listings and there is a protocol in place at the Crown Court to try to minimise witness waiting times. The average witness waiting time has improved and is now slightly better than the national average although the proportion of witnesses waiting for over two hours in the Crown Court, whilst much improved, is still worse than nationally.
- The Area has no specific system to ensure compliance with the Prosecutors' Pledge and the standard of care given at court, but relies on feedback from partner agencies (such as the Witness Service who attend court user group meetings) and from the GCJB sub-group for victims and witnesses. Instances where concerns have been raised have been dealt with appropriately.

8B The Area, with its criminal justice partners, has implemented the No Witness No Justice scheme (NWNJ) effectively

- Since the AEI Gwent has combined into one the previous two Witness Care Units (WCUs), one of which covered Crown Court cases and was managed by the CPS and the other magistrates' courts casework and managed by the police. The WCU is currently on police premises, but from February 2008 will be based at new premises where the CPS and parts of the police service will both be housed. The WCU is managed by the police and a new manager has very recently been appointed in an effort to address longstanding difficulties.
- The WCU has yet to achieve compliance with the minimum requirements of the No Witness No Justice initiative or the Victims' Code. Recent self-assessments on a 'traffic light' rating led the Area to conclude that most of the targets and requirements were rated as 'amber', with very few being 'green' and none 'red'. Reality checks and other evidence indicate that eight of the 14 minimum requirements are being met. It is apparent that some good communication with victims and witnesses is taking place, but that much more work is needed to bring the WCU up to the required standard.
- On primary measures for NWNJ there is a mixed picture. The rate of ineffective trials caused by witness issues is much worse than nationally in the magistrates' courts, but slightly better than the national average in the Crown Court. Cracked trials in all courts are better for witness issues but worse for late guilty pleas. There have been a significant number of trials (on average three a month since April 2007) which are ineffective because police witnesses have failed to attend. This has now become a disciplinary matter within the police service in Gwent to which senior officers are paying close attention.
- Witness attendance rates are somewhat erratic, but generally not as good as the national average. IT difficulties have impacted on the reliability of the Witness Management System (WMS) data so it appears more erratic than other data sources for witness attendance rates.
- The incomplete entry of information on WMS (such as missing phone numbers for witnesses) has also meant that the number of witnesses who are surveyed for their level of satisfaction is too low to give reliable data. This has hampered the Area's ability to analyse some secondary measures, such as the offering and take up of victim personal statements and referrals to support organisations. Indications are, however, that victim personal statements are not being offered as often as before and that witnesses and victims are not as confident as nationally that their needs were being met.

- The Area records its performance on NWNJ and other key initiatives, such as Victims' Code compliance, and the performance management reports include data on the primary measures. However the analysis of what underlies poorer performance, for example on DCV, and the steps necessary to effect change are not embedded. The sign-over report for NWNJ identified a number of aspects where improvement was needed, but the action plan which was produced has not been revisited either by the Area or jointly with the police. There have also been other action plans or issues tables produced, and objectives included in business and delivery plans, but these have also not been systematically implemented. Some assurance checks have lacked robustness. Tasks have been identified, such as a gap analysis on the Witness Charter by the GCJB victim and witness sub-group, but have not been carried out.

9 DELIVERING CHANGE	OPA 2005	OPA 2007	Direction of travel
	Fair	Fair	Stable

9A The Area has a clear sense of purpose supported by relevant plans

- At the time of the AEI the Area had been without a permanent CCP since mid-2004. Many managers were, and some still are, in temporary roles. Arrangements for executive decision-making were complex. An Investors in People (IIP) report in 2006 described the Area as being 'frozen' in its need to introduce essential strategic change and there is no doubt that the situation hindered its development and ability to move forward and manage change systematically. A permanent CCP was appointed in August 2007.
- The Area Business Plan for 2006-07 was aligned to the national CPS and Public Service Agreement objectives and targets and was relevant to nationally-led initiatives and local needs, although not all national change initiatives, or how the Area was going to play its part in delivery, were captured in it. There were some inconsistencies concerning the designation of responsibilities and relevant milestones and outcomes. The plan for 2007-08 is a slightly more detailed and broader document, which articulates how the Area intends to drive and improve its delivery. There is no operational action plan to underpin high level objectives, however it is complemented by several more detailed plans including ones for advocacy, community engagement and various inter-agency issues. These also have separate and more detailed risk plans.
- The Area Management Team (AMT) reviews performance against targets set out in the business plan monthly, as well as reviewing overall progress in relation to major change projects quarterly. A monthly performance meeting is also held to take forward operational issues that underpin the plan. It is clear from minutes of most meetings that actions are raised to improve systems and performance. It is less clear or tangible that these efforts result in the desired effect. The internal change management programme has monthly update reports through its Sounding Board meetings and various inter-agency meetings are held to discuss current change programmes such as CJSSS and conditional cautioning.
- Unit plans, of variable quality, linked to the business plan set out specific objectives for the unit concerned and show its planned contribution to the achievement of Area targets. Individual objectives are then linked to unit plans. The 2006 staff survey indicated that Gwent's staff generally have a good understanding of what is expected of them and how this relates to Area objectives and those of the CPS as a whole, with most scores above the CPS average.
- There is evidence of joint planning through the GCJB but during 2006 and early 2007 partner agencies had difficulty in knowing with whom to liaise because of the perceived lack of clarity in the Area surrounding responsibilities at senior management level, particularly for strategic decision-making. While it is evident that senior managers have played their part with criminal justice partners in respect of joint work, it is necessary to strengthen relationships at all levels.

9B A coherent and co-ordinated change management strategy exists

- Nationally-driven joint change projects have been implemented with varying degrees of success. Statutory charging and WCUs have been established across the Area, but there is a need for further improvement in the operation of both. The CJSSS programme and conditional cautioning have been implemented, but the anticipated benefits of these schemes have not been fully realised.
- Throughout 2006-07, there were no formalised or systematic arrangements for implementing change. Responsibility for change projects was designated to managers and supervisors and overseen by the AMT. The AEI revealed that the majority of managers and supervisors who were in temporary positions did not feel they were in a position to drive change, or had the necessary skills to undertake that type of work. For example whilst the Area had identified, for some time, that it needed to restructure to address difficulties in joint administrative processes with the police, establish effective administration across the Area and equalise workloads, it was unclear how restructuring was being planned or managed and who was responsible for delivery. The business aims of the change remain implicit rather than explicit.
- The first phase of this change programme, which involved moving CPS staff from the combined CPS/police unit at Newport Police Station, was completed in early 2007. The second phase, due to be complete in June 2007, which involved a further move to new accommodation and a final change in operations has been delayed due to accommodation difficulties.
- Since the appointment of the new CCP new arrangements have been put in place for managing change. A Management Committee has been established to plan for the restructure and accommodation move. The Committee has reinforced the Area's commitment to the Sounding Board which is made up of staff of different roles and grades. The Board will continue to meet regularly to plan for the restructure to ensure a two-way process develops and that a transition of roles and processes is completed with a minimum disruption to business. This forum appears to have filled the gap identified in the last AEI and liP inspection. A smaller group has been planning for the implementation of the Optimum Business Model, details of which have been communicated in team meetings. The Area has also received assistance and advice from CPS staff involved in national implementation of the Model.
- Although the Area does not have a change manager the ABM co-ordinates all the projects and initiatives. Along with senior managers the ABM endeavours to synchronise new projects with existing operational processes and other on-going projects to ensure, as far as possible, that duplication of work is avoided and work loads are spread evenly. Good examples were given of where the Area has provided training to staff (and police officers) to meet the need for new skills and to raise awareness of various initiatives.
- The approach to reviewing change is not systematic. The allocation of prosecutors to charging duties for three months at a time, originally a pilot, has not been thoroughly reviewed to ensure that the expected benefits of these arrangements have been achieved, although some work on the effects of restructuring has been undertaken and a review of charging arrangements is due in early 2008. Current nationally-driven change projects and initiatives, for example the implementation of CJSSS and conditional cautioning, are being reviewed regularly. In order to improve performance the Area would benefit from building review, as a matter of course, into the way it approaches change.

- The business plan is accompanied by a risk register that is reviewed along with it. Risks are appropriately identified and further counter-measures adopted through the reviewing process. A recovery plan has been produced for HCA usage which has not been on trajectory for the first two quarters of 2007-08 and further risks have been identified. Other initiatives have their own risk assessments and are reviewed as part of on-going meetings and monitoring.

9c The Area ensures staff have the skills, knowledge and competences to meet the business need

- A comprehensive training and development plan is in place which supports the business plan. It addresses the business need for the year and incorporates a separate local plan to cover the necessary training needs for the changing roles that will occur as a result of restructuring. Training has been provided locally for drafting indictments, Crown Court procedures, conditional cautioning, implementation of CJSSS, the Fraud Act, Optimum Business Model, domestic violence, anti-social behaviour orders (ASBOs) and proactive prosecuting. Lawyers have undertaken distance learning courses on disclosure and conditional cautioning. An induction course is undertaken by all joiners. In addition the Area has, together with the police, produced a staff induction pack for its partners in the local criminal justice system to explain the roles of each agency.
- Equality and diversity is addressed within the induction programme and all new staff are required to undertake the CPS electronic Prosecution College's equality and diversity module. Equality and diversity issues are also addressed in the training plan with relevant programmes on race equality and community engagement and for WCU staff. Steps are taken to ensure, as far as practicable, that there is equality of access to training. This is aided by a high level of in-house provision that results in more locally-based courses and greater flexibility regarding delivery times.
- Although no systematic evaluation of training is made locally, senior managers are keen to ensure that it results in improvements in performance. Training on specific issues had led to improvements in performance, in particular on proceeds of crime issues and CMS usage.

10 MANAGING RESOURCES	OPA 2005	OPA 2007	Direction of travel
	Good	Fair	Declined

10A The Area seeks to achieve value for money and operates within budget

- In 2006-07 the Area overspent its non ring-fenced administration (NRA) budget by 0.5%. This budget was underspent by 1.1% for 2005-06 and in 2007-08 was significantly underspent at the end of September 2007.
- The Area has sought to achieve value for money primarily through more effective staff deployment, efficient administration, low sickness levels and reducing the use of agents. Value for money has also been achieved through the employment of staff on fixed term contracts, negotiation in advance of expert guidance fees, and utilising more efficient ways of transporting case files.
- The NRA budget is controlled and monitored to ensure accurate monthly returns. A budget report giving an overview of spend is attached as part of the performance pack and considered monthly by the AMT. Budgets are not devolved to individual Unit Heads; profiling and ensuring that expenditure is properly accounted for is the responsibility of the ABM. During 2006-07 changes in the management structure led to unsatisfactory arrangements being in place for managing the NRA and prosecution costs budgets, which contributed to both being overspent. The swing from overspending in 2006-07 to significant underspending in 2007-08 suggests that financial controls, workload and capacity analysis could be improved.
- Prosecution costs in 2006-07 were overspent by 21.4%, the third highest overspend nationally. The 2005-06 position was also overspent, by 16.2%. For 2007-08 prosecution costs match the profile spend for the first quarter but for the second quarter were low. Very high cost cases are identified and discussed with senior managers. Timeliness of payment under the graduated fee scheme is better than the national average; 57% of fees paid in March 2007 related to cases finalised in February or March that year (national average 50%) and 94% related to cases finalised in the previous four months (national average 88%). The Area actively manages payments to chambers thereby ensuring that fees are presented within three months of the conclusion of the case.
- Additional funding has been received from CPS Headquarters but this has been ring-fenced for specific expenditure, for example, four permanent CPS staff to the WCUs. In 2007-08 it has been used to fund agents to assist in the clearance of backlogs and to cover additional courts in order to reduce the number of outstanding trials in preparation for the implementation of CJSSS. The Area also received money to employ a lawyer for a fixed term while one of their own prosecutors dealt with a lengthy and complex enquiry.

10B The Area has ensured that all staff are deployed efficiently

- Workloads and the distribution of staff between teams are monitored and reviewed by the ABM regularly with input from other line managers. The Area restructured in early 2007 and as part of the process withdrew co-located staff from Newport Police Station. One of the key aims of the centralisation was to increase deployment of prosecutors to court and reap the benefits of economies of scale but in-house court sessions have actually decreased, although these results may be slightly affected by the extra courts laid on under CJSSS, which are covered by agents. In September 2006 the allocation of lawyers to pre-charge advice was reviewed resulting in a pilot scheme under which they are allocated to charging centres for three months at a time. The objective of the scheme was to provide continuity of decision-making and improved liaison with police gatekeepers, thereby improving performance overall. A full evaluation of the scheme has yet to be undertaken.
- There are currently four DCWs. In 2006-07 the Area met its 10% target for deploying them in court but performance was lower than the national average at 10.4% of all magistrates' courts sessions against 14.7%. For 2007-08 the target has been increased to 17%. The Area is currently achieving 14.9% usage (to September 2007) and the results represent one of the lowest usages nationally. They have been given the responsibility to draw up their own rota, although this is monitored monthly by Unit Heads.
- Currently there are no set expectations of lawyers for the number of sessions prosecutors undertake at court. During 2006-07 a high proportion of magistrates' courts sessions (83.8%) were covered by in-house staff, which was better than the national average. The target for 2007-08 is 90% in-house use, however performance has decreased to 80.1% (second quarter, 2007-08) which is also below the national average of 84.0%. The Area has recently employed two lawyers on fixed term contracts to reduce the level of agent usage.
- There are two dedicated HCAs whose full time role is advocacy in the Crown Court and a further 8.5 lawyers who are trained HCAs but have other additional responsibilities. The Area exceeded its target in 2006-07 for savings resulting from the use of HCAs and was above the national average. In 2006-07 HCAs covered a total of 223 sessions. Most were bail applications and plea and case management hearings, although they have acted as junior counsel in murder and other complex cases, however very little trial work was achieved. For 2007-08 Gwent has been set a target of increasing savings from the 2006-07 low base of £61,000 to £168,800. At the end of September 2007 it was only meeting 44% of the trajectory target and was the second worst performing CPS Area in the country. Two Crown Advocates have recently been recruited, who at the time of this assessment had no fixed date for starting, and it is hoped they will improve coverage of trials and HCA savings. Despite the production of a recovery plan to increase usage, including making better use of non ring-fenced HCAs, the Area is unlikely to be able to achieve its 2007-08 target for HCA savings.
- The average sickness absence for 2006-07 was 6.4 days (to December 2006) which was better than the national average of 8.5. More recently the rate has increased to 9.4 days, which is a direct result of two members of staff becoming long term sick. Reports are provided to managers regularly and back to work interviews are conducted with staff returning from illness leave.
- Requests for flexible working are considered against business needs by the line manager in the first instance. Attempts to change some existing flexible working arrangements have been unsuccessful and have had an impact on the Area's ability to deploy staff more effectively. An overtime budget is maintained to assist when backlogs develop.

11 MANAGING PERFORMANCE TO IMPROVE	OPA 2005	OPA 2007	Direction of travel
	Fair	Fair	Improved

11A Managers are accountable for performance and performance information is accurate and timely

- The AEI identified that the Area, having recognised weaknesses in the performance framework, was embarking on a programme to improve the level of performance management and establish a performance culture. Arrangements for performance management across Gwent are now improving.
- The AEI recommended that the Area would benefit from developing a comprehensive performance pack. Although still being refined, the pack is presented in an increasingly useful and understandable format and covers a wide range of performance issues including casework decisions and results, budget, sickness absence, and advocacy. Performance is also benchmarked against CPS Areas of a similar size and the average national performance. Responsibility for collating the information is also shared, but co-ordinated by the Area Performance Manager and has engendered a wider appreciation of performance among staff.
- The performance pack is circulated to senior managers for consideration at the monthly performance meeting, where more detailed operational issues are discussed, and at the monthly AMT meeting where high level performance issues are discussed. Performance results are promulgated to staff on notice boards, at team meetings and a highlight is attached to the staff magazine.
- Quality assurance and general house-keeping of data is carried out by the data administrator and overseen by the ABM. The checks include finalisation of cases and the identification of corrective measures needed before the monthly deadline for the production of the performance report. The Area has also reviewed the quality of various types of data through a Compass (CMS) local implementation team. These measures have helped improve inter-agency confidence in the reliability of its data as well as giving a more accurate baseline against which to target improvement measures. A project currently being developed will link the police computer system dealing with criminal justice issues with the CPS system. This will assist not only with reducing duplication and increasing efficiency through the submission of electronic files, but also with data accuracy between the agencies.
- There is a general expectation that Unit Heads and other managers at all levels will take action to correct and improve performance against targets or objectives. Within the Area performance framework managers are allocated responsibilities for achieving targets and operational effectiveness. Examples were found and it was evident that senior and middle management were taking action to improve and prioritise activity in order to meet targets. Most actions raised at the performance meeting and at AMT were followed through to the next meeting to ensure corrective action had been taken. The recovery plan in respect of HCA savings is an example of where a formal action plan has been produced as a result of poor performance being identified, however overall there is room to improve the way the Area identifies potential problems through better predictive analysis and systematic evaluation, monitoring and review.

- The framework of meetings and defined responsibilities of named managers within the business plan ensures that managers at all levels are involved in the ownership and delivery of standards and targets. The plan also includes responsibilities assigned to managers of all grades to review various operational systems in order to bring about improvements. However, reality checks carried out as part of this assessment revealed that systems for reviewing performance need to be more robust, particularly the monitoring of CTL systems, the quality of letters to victims of crime and performance at court.
- Objectives in the business plan are linked into unit plans and in turn to individual objectives, so that staff are clear about what is expected of them. The appraisal system is then utilised, to some extent, to improve personal performance, for example objectives were set for use of CMS by lawyers which has improved usage. There is scope for broadening this approach to include other aspects of weaker performance.

11B The Area is committed to managing performance jointly with CJS partners

- Area managers work with criminal justice partners in groups designed to bring about improvement. In particular senior managers and other staff actively participate in the work of the GCJB and other inter-agency groups. The GCJB has differently themed sub-groups and the CPS is represented on each.
- Inter-agency working has led to some jointly owned strategies aimed at driving up performance and bringing more efficient working between criminal justice partners. Examples were seen of how joint working and sharing of performance data has led to improved results, protocols or greater efficiencies including the sharing of hate crime information that enabled police to target specific victim groups, implementing a joint strategy to improve performance concerning persistent young offenders, and introducing systems at the PTPM meeting to identify weaknesses in file preparation on a divisional and individual basis. Whilst these examples indicate improvement strategies can be successful, they are fairly limited and performance that relies on the inter-dependencies between the CPS and police, and the CPS and the magistrates' courts, needs strengthening. Benefits realisation in respect of some of the major improvement strategies remain challenging for the Area and its partners and include CJSSS, conditional cautioning, NWNJ and statutory charging.
- The Area provides and receives performance information with partner agencies. There is effective cross-agency sharing of information with the CPS providing PTPM, adverse case information, proceeds of crime and hate crime data for discussion at partner meetings. The Area Performance Manager also provides relevant information to the GCJB.

11c Internal systems for ensuring the quality of casework and its prosecution at court are robust and founded on reliable and accurate monitoring and analysis

- Compliance with CQA for 2006-07 was 68% compared to a national average of 84% and Gwent recorded the lowest compliance nationally in the last quarter of 2006-07. In the first quarter of 2007-08 it was above the national average but has since fallen again.

- The Area's own assessment of its casework quality standards shows it to be slightly below the national average overall for 2006-07. In respect of disclosure it is significantly below the average standard nationally. Standards have not been agreed to ensure consistency in the assessment of casework quality; the absence of such benchmarking may mean that the robustness of assessment is variable. The Area was unable to provide any examples of completed assessment forms.
- Compliance with CQA is measured and monitored at Area level and forms part of the monthly performance report which is considered at the performance and AMT meetings. CQA findings are fed back on an individual basis and any developing trends discussed at team meetings, although it was not clear whether performance has improved as a result.
- Although the Area's policy states that each advocate should be monitored at least twice a year and forms completed, there is no systematic or formalised monitoring designed to evaluate advocates' performance. No monitoring took place in the first two quarters of 2007-08.

12 LEADERSHIP	OPA 2005	OPA 2007	Direction of travel
	Fair	Fair	Stable

12A The management team communicates the vision, values and direction of the Area well

- The Area has adopted national vision and values and these are incorporated in the Business Plans for 2006-07 and 2007-08. Both have been developed and promoted through a two day all staff conference at the beginning of the business year. Opportunity is also taken at this conference to cascade information relevant to CPS business and staffing issues. The objectives for the year and the activities that underpin their delivery are set out in the plan. The staff survey, conducted in March 2006, showed that awareness by staff of the Director of Public Prosecutions' vision of the CPS becoming 'A World Class Prosecution Service' is high at 90%, compared with 80% nationally.
- The AEI report identified the unsatisfactory situation caused by the longstanding absence of a permanent CCP and the existence of a temporary ABM. At the time of the AEI there were also several staff in senior and middle management positions who occupied posts in an acting capacity, some of which had been on a short term rotational basis. Despite these arrangements the AEI found a sense of commitment from senior managers, an acknowledgement of the challenges and a willingness to move the Area forward if possible. Managers worked together collaboratively. Not surprisingly, however, staff were unsure who to go to for decision-making purposes and partner agencies also felt frustrated with the lack of a permanent CCP and the perceived absence of a CPS decision-making structure at a strategic level.
- With the appointment of a new CCP, some action has been taken to promote corporacy. A corporate approach is being engendered through the Area performance framework and a performance culture is emerging. The first stage of the Area restructure, which has brought teams together into one geographical location, has also begun to make it more cohesive.
- Senior managers generally make themselves available to staff, however the national survey indicated that the dialogue between managers and staff was generally less effective than nationally and that this had a negative impact on morale. Only 40% said they had regular meetings (against 59% nationally) and only 46% believed they had effective meetings (compared to 55%). Progress has been made subsequently and this is characterised by a more direct method of management which has been made possible by the centralisation of all teams in the Newport CPS office. However team meetings are still not held with appropriate frequency and they are not always properly minuted. The setting up of a Sounding Board to capture staff input concerning restructuring has been a positive step.
- The new CCP has held one-to-one meetings with managers and other members of staff in order to become better acquainted with individual and Area issues. Gwent has also conducted its own in-house staff survey in an attempt to evaluate whether the first stage of the restructure has had a positive effect on some of the more negative results in the staff survey. An evaluation will be available at the end of December 2007.
- During the AEI it was clear that the leadership structure and the then co-location of the CPS with police at Newport Police Station were affecting operational delivery in many respects. Despite good working relationships with the dedicated police trails unit, the development of an effective working relationship with the police and prosecution team ethos had been slow.

This had manifested itself in operational gaps in delivery and led to a blame culture emerging between agencies. Since the withdrawal from the co-located unit the roles of the CPS and police have become clearly defined. The CCP and Chief Constable recognise that a tighter working relationship still needs to be engendered and to this end a CPS/police workshop is planned for December 2007 to discuss many of the issues affecting efficient operational delivery between the two agencies. The CCP and Chief Constable now have regular one-to-one monthly meetings.

- The Area contributes to the shared vision of an effective criminal justice system that is driven by the GCJB. There is a CPS presence on each of the Board's sub-groups, with senior managers either chairing or playing a key role in those which relate directly to CPS core business.

12B Senior managers act as role models for the ethics, values and aims of the Area and the CPS and demonstrate a commitment to equality and diversity policies

- There is not a formal reward or recognition policy but one is planned for implementation by April 2008, together with an awards event. The staff survey indicated that the proportion of staff who considered there was an effective system of recognising people who perform well was the worst nationally at 2%, compared to a national average of 14%. Efforts are made to recognise good performance including thanks to specific individuals in meetings, minutes and newsletters. Managers consider that CPS staff being located with police away from the main office during 2006 may have led to some isolation, which has now been rectified.
- The 2005 OPA reported a lack of confidence that 'dignity at work' issues would be dealt with fairly and appropriately if raised. The 2006 staff survey indicated a much improved position in relation to promoting dignity at work in general; the proportion of staff who considered they were treated with fairness and respect was 69% compared with a national average of 63%.
- While no complaints have been received from staff concerning equality and diversity issues, there was a lack of awareness at senior management level about the need to integrate these principles explicitly as part of their strategies, plans and human resource issues. Little monitoring of these issues existed although it is clear that managers consider equality and diversity issues implicitly as part of staff deployment and access to training. There is an CPS Equality Co-ordinator for Wales, shared with the three other Welsh Areas, although his remit tends to be confined to encouraging a more diverse workforce and advising on community engagement events.
- There have been no complaints about prejudice in the workplace and senior managers try to ensure a working environment free of exclusion. Improper behaviour is dealt with appropriately and proportionately and has resulted in disciplinary action in respect of misuse of email. Standards of dress for lawyers have also been addressed in conjunction with the Whitley Council. Complaints about the CPS made by another agency were investigated and resolved informally.
- The Area is working towards a more representative workforce. The proportion of black and minority ethnic (BME) staff is approximately 2% compared to 4% representation in the local workforce and the Area has a four point workforce representation action plan that aims to reduce this gap by April 2008. The Equality Co-ordinator has been active in passing on possible vacancies to BME groups through established organisations. The Area endeavours to help staff to self-declare disabilities and to raise awareness that the term now has a wider application than has been understood in the past.

13 SECURING COMMUNITY CONFIDENCE	OPA 2005	OPA 2007	Direction of travel
	Good	Good	Improved

13A The Area is working proactively to secure the confidence of the community

- The Area has maintained its commitment to community engagement despite the absence of key personnel and fragmented leadership during 2006-07. Senior managers understand the increasing need to improve community confidence and become more accountable to the public, particularly as the prosecutorial role develops. The commitment of senior managers to engaging with the community and improving confidence in the criminal justice system is clearly evident.
- The Area business plan reflects the strategic commitment to improving community engagement and is supplemented by a more detailed community engagement strategy. It contains clear actions, some timescales and responsibilities as well as developing links to other aspects of the business plan involving race, homophobic and domestic violence casework, although most of the anticipated outcomes are quite broad. Objectives from the community engagement plans are then linked with personal objectives to appropriate individuals. The Area has not developed these plans in isolation but with other partners and through its membership of the GCJB, which has enabled a joined-up approach and the avoidance of most duplication. The Area also consulted externally regarding the content of its intended plan before publication. The plan is reviewed by the ABM who updates the AMT of progress.
- It is clear that the Area regards community engagement and improving the confidence of the community in bringing offenders to justice as part of core business. Events are captured in a community engagement log which sets out the nature of the event attended and what type of feedback was received. Whilst it is predominantly senior managers who participate there is evidence that other staff, including DCWs, are becoming more involved and the Area is active in promoting the engagement of staff at all levels. The numbers and range of activity captured is broad for a comparatively small Area, although it is in the early stages of attempting to learn and evaluate the effectiveness of its engagement policy. A Hate Crime Scrutiny Panel (a national initiative) is being developed, which aims to discuss cases and take the learning points from them. An independent facilitator will be used to co-ordinate these meetings.
- The Area has information on local demographics from various sources but primarily through the local council. It maintains a contacts directory and the WCUs are also developing a directory of local community groups through their involvement with other agencies and voluntary groups.
- The Area aims to engage with groups that are at most risk of exclusion or discrimination, particularly those likely to be a target of hate crime. It does so in co-ordination with other criminal justice partners. Good examples included work with the police to demonstrate how different crimes affect communities, leading to better focus of police resources; involvement with a committee examining the care of mentally ill and vulnerable persons; understanding cultural issues in a complex prosecution of Vietnamese offenders; involvement in multi-agency panels; and establishing a forum for homophobic crime.

- The Area recognises that building confidence and engagement activity with communities is a slow and considered process. Service changes and improvements resulting from such engagement have been developing slowly. In the main, service changes are realised through a greater awareness that CPS Gwent needs to remain accountable to the public and by raising staff awareness of the diverse cultural issues involved in prosecuting specific cases. This has led to improved, but not necessarily measurable, service delivery.
- There is no measure of public confidence specific to the CPS but it contributes to the public's confidence in the criminal justice system through undertaking its prosecution functions effectively and by engaging with the public directly and through the media. Public confidence in the ability of the criminal justice agencies within Gwent to bring offenders to justice, as measured by the British Crime Survey, has declined from 40.0% in September 2004 to 36.3% in June 2007. It remains below the national average of 42.3%.
- The Area has yet to build a media strategy or develop a service level agreement with the police or GCJB. The relationship between these groups is reactive rather than proactive although the Area's Communications Officer, a resource shared with CPS South Wales, is the single point of contact for the media. There appears to be an urgent need for criminal justice agencies, through the GCJB, to co-ordinate a media strategy in order to address the reported lack of confidence by the public in the local criminal justice system. Nevertheless the Area has cultivated a relationship with parts of the press, with the District Crown Prosecutor writing his own column in a local newspaper through which he explains the role of the CPS. It is anticipated that this medium will provide a platform for a more interactive exchange in the future. The new CCP has also published an innovative external journal which is intended to update criminal justice partners about the current changes within the CPS and local internal restructure.

ANNEXES

A PERFORMANCE DATA

Aspect 1: Pre-charge decision-making

	Magistrates' courts cases				Crown Court cases			
	National target March 2007	National performance 2006-07	Area performance		National target March 2007	National performance 2006-07	Area performance	
			2005-06	2006-07			2005-06	2006-07
Discontinuance rate	11.0%	15.7%	27.7%	20.3%	11.0%	13.1%	16.6%	12.6%
Guilty plea rate	52.0%	69.2%	58.4%	62.3%	68.0%	66.5%	50.0%	66.3%
Attrition rate	31.0%	22.0%	35.0%	27.6%	23.0%	22.2%	33.3%	22.4%

	National performance 2006-07	Area performance 2006-07
Charged pre-charge decision cases resulting in a conviction	78.0%	73.6%

Aspect 2: Ensuring successful outcomes in the magistrates' courts

	National performance 2006-07	Area performance 2006-07
Successful outcomes (convictions) as a percentage of completed magistrates' courts cases	84.3%	85.1%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	41.1%
Cracked trial rate	37.3%	35.1%
Ineffective trial rate	18.9%	23.7%
Vacated trial rate	22.5%	19.3%

Overall persistent young offender (PYO) performance (arrest to sentence)

National target	National performance 2006	Area performance 2006
71 days	72 days	84 days

Offences Brought to Justice

	CJS area target 2006-07	CJS area performance 2006-07
Number of offences brought to justice	15,438	16,653

Percentage make up of Offences Brought to Justice	National 2006-07	Criminal justice area 2006-07
Offences taken into consideration (TICs)	8.5%	6.0%
Penalty notices for disorder (PNDs)	10.3%	8.9%
Formal warnings	5.8%	3.9%
Cautions	26.5%	26.0%
Convictions	48.8%	55.3%

Aspect 3: Ensuring successful outcomes in the Crown Court

	National performance 2006-07	Area performance 2006-07
Successful outcomes (convictions) as a percentage of completed Crown Court cases	77.7%	78.2%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	58.3%
Cracked trial rate	39.5%	31.5%
Ineffective trial rate	12.4%	10.2%

Proceeds of Crime Act orders	Area target 2006-07	Area performance 2006-07
Value	£379,898	£665,367
Number	50	43

Aspect 10: Managing resources

	2005-06	2006-07
Non ring-fenced administration costs budget outturn	98.9%	100.5%

Staff deployment	National target 2006-07	National performance 2006-07	Area performance 2006-07
DCW deployment (as % of magistrates' courts sessions)	17.2%	14.7%	10.4%
HCA savings against Area target	100%	138.4%	134.4%
Sickness absence (per employee per year)	7.5 days	8.5 days	6.4 days

Aspect 13: Securing community confidence

Public confidence in effectiveness of criminal justice agencies in bringing offenders to justice (British Crime Survey)

CJS area baseline 2002-03	2004-05 (last OPA)	Performance in 2006-07
32.0%	40.0%	36.3%

B CRIMINAL JUSTICE AGENCIES AND ORGANISATIONS WHO ASSISTED WITH THIS OVERALL PERFORMANCE ASSESSMENT

There was an Area effectiveness inspection conducted in January 2007 where extensive views were considered and face-to-face interviews conducted with a comprehensive number and range of representatives from criminal justice agencies. It was unnecessary therefore to further burden partner agencies by requesting them to fill out questionnaires. Their contributions from the AEI have been fully considered as part of this OPA report where appropriate.

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