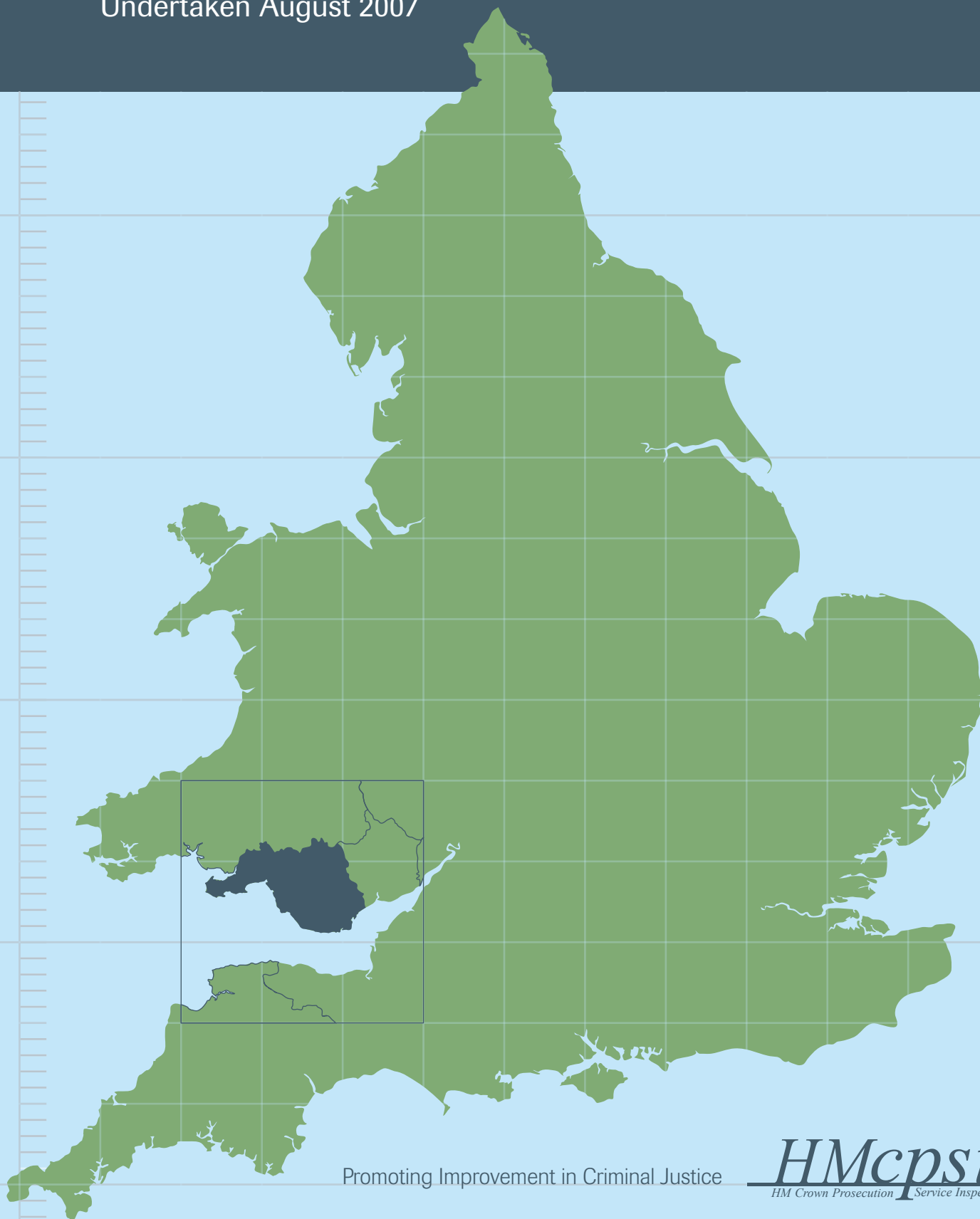


CPS South Wales

Overall Performance Assessment

Undertaken August 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		
AEI	Area Effectiveness Inspection	JDA	Judge Directed Acquittal
ASBO	Anti-Social Behaviour Order	JOA	Judge Ordered Acquittal
BCU	Basic Command Unit or Borough Command Unit	JPM	Joint Performance Monitoring
BME	Black and Minority Ethnic	LCJB	Local Criminal Justice Board
CCP	Chief Crown Prosecutor	MAPPA	Multi-Agency Public Protection Arrangements
CJA	Criminal Justice Area	MG3	Form on which a record of the charging decision is made
CJS	Criminal Justice System	NCTA	No Case to Answer
CJSSS	Criminal Justice: Simple, Speedy, Summary	NRFAC	Non Ring-Fenced Administrative Costs
CJU	Criminal Justice Unit	NWNJ	No Witness No Justice
CMS	Case Management System	OBTJ	Offences Brought to Justice
CPIA	Criminal Procedure and Investigations Act	OPA	Overall Performance Assessment
CPO	Case Progression Officer	PCD	Pre-Charge Decision
CPS	Crown Prosecution Service	PCMH	Plea and Case Management Hearing
CPSD	CPS Direct	POCA	Proceeds of Crime Act
CQA	Casework Quality Assurance	PTPM	Prosecution Team Performance Management
CTL	Custody Time Limit	PYO	Persistent Young Offender
DCP	District Crown Prosecutor	SMT/G	Senior Management Team or Group
DCV	Direct Communication with Victims	TU	Trial Unit
DCW	Designated Caseworker	UBM	Unit Business Manager
DP	Duty Prosecutor	UH	Unit Head
ECU	Economic Crime Unit	VPS	Victim Personal Statement
ETMP	Effective Trial Management Programme	WCU	Witness Care Unit
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 (HMCPsi) overall assessment of the performance of the Crown Prosecution Service (CPS) in South Wales 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 HMCPsi based on absolute and comparative assessments of performance. These came from national data; CPS self-assessment; HMCPsi'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 South Wales serves the area covered by the South Wales Police. It has five offices, one at Cardiff, two at Swansea, and two at Merthyr Tydfil. The Area Headquarters (Secretariat) is based at the Cardiff office. The Area also covers ten charging centres.

Business is divided between three geographical divisions and the units within them are based on multi-functional lines. There is a Higher Court Advocate (HCA) Unit based in Cardiff and the Complex Casework Unit for the Wales Area Group (the four Welsh CPS Areas together) has been established in South Wales at split sites in Swansea and Merthyr Tydfil.

During the year 2006-07 the Area had an average of 223.1 full-time equivalent staff in post, and a budget of £9,493,620. This represents a 7.1% increase in staff, and an 20.9% increase in budget since 2004-05, the period covered by the previous OPA.

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	2,032	Decisions resulting in a charge	9,076
Pre-charge advice (where available)	5,248	Decisions not resulting in a charge ²	7,964

Magistrates' courts proceedings (including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Magistrates' courts prosecutions	44,535	28,737	- 35.5%
Other proceedings	96	57	- 40.6%
Total magistrates' courts proceedings	44,631	28,794	- 35.5%

Crown Court proceedings

(including cases previously subject to a pre-charge decision)			
Cases sent or committed to the Crown Court for determination	3,066	2,360	- 23.0%
Committals for sentence ³	824	729	- 11.5%
Appeals from the magistrates' courts ³	321	307	- 4.4%
Total Crown Court proceedings	4,211	3,396	- 19.4%

In 2006-07, 59.1% 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

There has been some instability in terms of staffing. Although the Chief Crown Prosecutor (CCP) took up post in July 2004 and is now well established, at the time of this assessment he continued to act as CCP for the neighbouring CPS Gwent in the absence of a permanent post holder there. The responsibility for two Areas was not ideal, especially since his appointment as lead for the Wales Area Group makes it necessary to focus on developing the required structures. The Area Business Manager (ABM) is currently seconded to CPS Headquarters and the acting ABM has subsequently been assigned to South Wales from Gwent. A Divisional Head has also been seconded to CPS Headquarters which has led to some movement of senior managers and there is an acting Divisional Head in Cardiff.

The Area has undergone some restructuring since the last OPA in 2005 with a move away from functional units to the establishment of combined units within the divisions and a reduction of offices from eight to five. Witness Care Units (WCUs) are now located on three sites, one in each division, instead of seven. A full-time HCA Unit has been established in Cardiff and the Wales Area Group Complex Casework Unit has been created at split sites.

There has been a significant decline in caseload since the last OPA. Crown Court cases have dropped by 19.4%, and those in the magistrates' courts by 35.5%, between 2004-05 and 2006-07. This has impacted on the allocated share of the overall CPS budget, although the Area has received an underpin from CPS Headquarters for the last two years.

A key initiative for the four Welsh Areas is the implementation of the Welsh Language Scheme during the current year. The CCP has played a pivotal role working with the Welsh Language Board in the development of the scheme, to engage the respect and confidence of the Welsh speaking population. The Area is also currently preparing for the introduction of Criminal Justice: Simple, Speedy, Summary.

Summary

There is a clear commitment by senior managers to the implementation of key initiatives and to the leading of joint work at Local Criminal Justice Board (LCJB) level and across the criminal justice arena. There are indications of good working relationships with other agencies at a senior level but this is not always translated into service delivery by the agencies on a joint basis.

There has been mixed success in relation to the implementation of joint projects. The introduction of the WCUs with the police has been successful and these are now integrated into core business. In contrast, charging has been less of a success, and a review of that scheme has recently been completed. The Area has found it a challenge to embed charging as core business and it is still seen by some as a 'bolt-on' activity. Despite this the benefits in five of the six measures are being realised. The Effective Trial Management Programme could also have achieved greater benefits for the courts and the CPS.

Some initiatives have been driven effectively on a joint basis. There was a declining performance during 2006-07 in the time taken from arrest to sentence of persistent young offenders. Action was taken and performance addressed jointly by the agencies which has resulted in improvement in more recent months. Similarly, improvements in effective trial rates in the Crown Court and the magistrates' courts, which are now both better than nationally, have been achieved through joint work.

Within the Area there is a considerable degree of autonomy at divisional level, resulting in different systems, processes and procedures. Strategic and Area-wide approaches are lacking. This extent of independence at divisional level has impacted on the way some key initiatives have been implemented. For example the approach to charging varies, rather than reflecting an agreed Area strategy with the police, and there has been no strategic approach to improving listing for the benefit of the CPS or the criminal justice area as a whole. A clearer corporate message about the future strategy and direction for South Wales is needed to give a lead to all managers and staff.

There is mixed performance in relation to casework across the divisions. Overall, Crown Court cases are well handled; systems are in place and adhered to, ensuring that cases are prepared properly and progress through the system expeditiously. The performance in magistrates' courts is less good but there are sufficient management mechanisms in place to monitor individual performance and provide feedback at all levels. The timeliness for cases once they have entered the court system is generally very good. Although this is commendable it may reflect the limited reduction in the number of sittings in the face of a declining caseload so that 'light' lists and effective case progression have been achieved at the expense of real efficiency savings.

The handling of sensitive cases and hate crime is sound and has produced some very good results. The structures, mechanisms and expertise are all in place to ensure effective management of this aspect of casework. There are three Specialist Domestic Violence Courts, with the flagship court in Cardiff; these have all been achieved through a multi-agency approach.

The Area is able to identify aspects for improvement and action is taken to address performance, although actual improvements are not always achieved consistently across the divisions. Considerable work has been undertaken to address the deficiencies identified during the last OPA in relation to the disclosure of unused material. Some improvements have been delivered but not across South Wales as a whole, and in one division performance is still less than satisfactory. Improvement has not been sufficient to lift the Area's rating in this aspect of work. Similarly with custody time limits, significant work has been undertaken and improvements have been made. However, the absence of evidence to demonstrate compliance with the Area system and variable approaches across the divisions undermines the work undertaken.

The Area recognises the need to increase in-house court coverage, which is already better than the national average. Further efficiencies could be made if it could create opportunities for the greater use of designated caseworkers and work with the courts in all divisions to reduce the number of lists. An effective HCA Unit has been established and usage has exceeded the savings target. The challenge for the future is to ensure initiatives are implemented, whilst also achieving greater savings and efficiencies in the face of a declining budget, and demonstrating greater consideration of value for money policies.

There is commitment to engaging with the community across the Area, which is reflected in the business plan and demonstrated by the nature of community engagement activity undertaken by a wide range of staff. A budget for engagement activity has also been allocated. The Area is proactive in its approach to the media and addressing issues of local concern which can impact on confidence. Despite this, public confidence in the criminal justice system in South Wales, as measured by the British Crime Survey, has declined slightly although this is not as marked as the national trend.

Direction of travel

Performance has improved in three aspects but action must be taken to improve the operation of statutory charging which has regressed since the last OPA. The Area has maintained its performance in the remaining aspects. The capacity to improve further will depend on corporate and robust management of projects and performance, particularly in the Merthyr Division, and effective partnerships with other agencies. The Area has demonstrated it has the ability to manage performance and deliver change albeit limited at times in some parts of its work, but in the light of our findings the 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	Poor	Declined
Ensuring successful outcomes in the magistrates' courts	Good	Fair	Stable ⁴
Ensuring successful outcomes in the Crown Court	Good	Good	Stable
The service to victims and witnesses	Good	Good	Stable
Leadership	Fair	Fair	Stable
Overall critical assessment level		FAIR	
Progressing cases at court	Good	Good	Stable
Sensitive cases and hate crime	Good	Good	Stable
Disclosure	Poor	Poor	Improved ⁵
Custody time limits	Fair	Fair	Improved ⁵
Delivering change	Fair	Fair	Stable
Managing resources	Good	Good	Stable
Managing performance to improve	Fair	Fair	Stable
Securing community confidence	Good	Good	Improved ⁵
OVERALL ASSESSMENT	FAIR	FAIR	

4 The direction of travel reflects the fact that outcomes in magistrates' courts cases and the handling of those cases were assessed separately at the time of the last OPA.

5 Although the assessment for this aspect remains unchanged there has been 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	Poor	Declined

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

- The ten charging centres aligned to police Basic Command Units (BCUs) are covered 9am to 5pm Monday to Friday by lawyers selected as duty prosecutors (DPs). Initially DPs worked on a rota based on three month assignments to charging centres due to the limited number of lawyers that were considered to have the skills required. However, in the centres covered by the Swansea Division rotas are now more flexible, and in Cardiff a pilot is running of weekly assignments. Face-to-face charging advice to the British Transport Police is also provided once a fortnight.
- Face-to-face advice is usually given in custody cases; however, the practice in many bail cases is for the police to submit a paper file and the DP to prepare a written advice which is provided to the officer in time for the bail return date. In the year to March 2007 this practice resulted in only 38.7% of decisions being given face-to-face, whilst 41.4% were written. This has arisen partly because the Area does not offer an appointments system and a lack of resources and resilience in the police has led them to prefer to pass a paper file to the CPS rather than to make arrangements, possibly involving travel and some delay, to see the DP. To date this has not been challenged by the CPS systematically, although some units are considering moving to an appointments system to reduce waiting time for the police. The lack of face-to-face contact limits the opportunity for discussion to elicit additional information, or for the prosecutor to provide a learning opportunity for the officer.
- Figures indicate a wide variation in the number of consultations that are handled in charging centres at each session, ranging from an average of three a day at one centre, to 19.8 at another. The average number of consultations per day across the Area in 2006-07 was 62, the equivalent of only just over six consultations per charging centre per day. Further work is needed to analyse the volume of work undertaken and ensure arrangements are fit for purpose.
- Complex cases and those being investigated by specialist police units fall outside the DP system and are referred to the Complex Casework Unit through Divisional Heads and the CCP.
- The Area recognises that the current operation of charging scheme requires improvement and an internal review has been undertaken. Recommendations have been made which include a requirement for the police to improve the operation of the 'gatekeeper' role and increasing the use of action plans, extending the use of an appointments system and increasing the number of face-to-face consultations. Many of the recommendations re-state processes that were in place when charging was introduced and from which the Area acknowledges that it has since deviated; this represents an attempt to go back to the beginning rather than to move forward. The police are also conducting a review of their Investigation Support Units which were set up to support charging, which has been conducted separately - but in parallel - to the CPS review.

- The initial bail period of six weeks is frequently extended by the police, often more than once, because they are not ready to submit a full evidential file and delays in seeking advice result. The CPS and police review ongoing case reports at joint Prosecution Team Performance Management (PTPM) meetings in all divisions but there have been few signs of improvement in the timeliness of the submission of files. 5.9% of cases were finalised on the CPS electronic case management system (CMS) administratively in 2006-07 against a national average of 6.6%.
- There has also been a continuing problem with officers failing to seek pre-charge advice in all relevant cases. Where this happens it is taken up with supervisory officers by the Unit Heads and raised in PTPM meetings. It is thought that this is caused by lack of resources and police supervision rather than a deliberate attempt to avoid the procedures.
- There is a high rate of cases in which no further action (NFA) is advised and in the year to March 2007 the ratio was approximately one charge to one NFA. The national charging team advise that the ratio should be in the order of 2:1. This has raised concerns about the gatekeeper role operated by the police. It is discussed at PTPM meetings with the police and feedback is given on a case-by-case basis, but there is limited analysis of trends and performance has not improved significantly.
- There is a conflict resolution model agreed at Area level for escalation of any disputes between the police and the DP, but it rarely has to be used.
- In 2006-07 92.1% of consultations were recorded on CMS and 94% of decisions had an electronic MG3 (the form used to record pre-charge advice and decisions). The post-implementation review of charging in June 2006 showed compliance with the recording of ethnicity, which was confirmed by the 'reality' check undertaken as part of this assessment. However, in the year to March 2007, 18.3% of cases were "undefined" indicating errors in completing the relevant screens. In the Swansea Division managers are identifying such errors and ensuring that they are being rectified.
- Decisions made by CPS Direct (CPSD) are monitored through the adverse case reviews undertaken by the Unit Heads. If any are clearly wrong in law, details are fed back through the CPSD liaison manager.
- Conditional cautioning went 'live' in the Swansea Division in March 2007. By the end of that June there had been five instances of issue of a conditional caution. A system of 'missed opportunity' reports has been used to highlight cases which are charged when they could have been suitable for conditional caution. These are sent to the police as feedback. Roll-out to the other divisions is to take place before the end of 2007.

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 lawyers, including those not required to make charging decisions, have received Proactive Prosecutor Programme training and other training has been delivered where required, for example, in relation to all categories of hate crime. There are mechanisms in place to enable DPs to seek the advice of specialist lawyers when necessary in allegations of rape and child abuse or in youth cases.
- A sample of MG3s (five charge and five NFA cases per month) are monitored by each Unit Head and individual feedback is given to lawyers. If any themes emerge, information is given to others via e-mail or office instructions and guidance notes. Feedback is also given on NFA cases to the police at the PTPM meetings.
- Monitoring is recorded on a form which covers most standard elements of charging decisions, with the exception of restraint and confiscation orders. Casework quality assurance (CQA) analysis shows that this was properly considered in only 88.9% of cases (national average 95.1%).
- The post-implementation review of charging by the national team in summer 2006 found a generally good standard of decision-making. Reality checks carried out as part of this assessment confirmed this view. However, timeliness of decision-making with an average of 11.4 days from first decision to charge decision is poorer than the national average of 9.6 days and this reflects the dominance of written advice.
- Any decision to discontinue a case which has been the subject of a pre-charge decision (PCD) must be approved by a Unit Head.

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%	20.2%	16.8%	11.0%	13.1%	14.6%	10.2%
Guilty plea rate	52.0%	69.2%	64.9%	69.4%	68.0%	66.5%	66.5%	71.4%
Attrition rate	31.0%	22.0%	25.1%	22.0%	23.0%	22.2%	24.5%	20.6%

- The Area is realising five out of six of the expected benefits of charging and improvements have been made from 2005-06 to 2006-07. In magistrates' courts cases, however, the discontinuance rate is behind national performance levels. In Crown Court cases performance is better than the national level in all aspects.

- The overall conviction rate for all pre-charge cases, at 78.3%, is slightly better than the national average.
- Cases which result in NFA at the pre-charge stage are analysed at unit level and are discussed with police counterparts. Discussion at PTPM meetings also includes aspects of benefits realisation, but there is no data on early guilty plea rates and therefore no Area-wide analysis or sharing of information.
- Local PTPM meetings are held in each unit. They have been broadened out to include other issues and agencies, such as the courts, because there is no other forum for inter-agency discussion of performance. These meetings are considered by the Area to be effective. However, there is a risk that the opportunity for detailed analysis of prosecution team performance has been diluted and there is less time available to pay full attention to the key prosecution team issues. At a strategic level PTPM is less effective: meetings either do not happen, or attendance is poor or at the wrong level. This has been recognised by the Criminal Case Management Programme Group, a sub-group of the LCJB, which oversees the charging initiative. The group is taking steps to ensure that strategic analysis takes place. Within the police the COMPSTAT (IT system) process makes comparisons between the BCUs.
- The Area has found it a challenge to embed charging as part of core business and it is still seen by some as a bolt-on activity. It still assigns selected prosecutors to the work on a rotation basis, rather than all those with the necessary experience, and there is limited recognition of the part that charging should play in assisting improvement of performance across the whole criminal justice system within other agencies, particularly the police. There is also little evidence of a developing 'prosecution team' ethos as the recent parallel reviews of charging conducted separately by the police and the CPS indicate. The current arrangements for the management and operation of the charging scheme have contributed to the rating given to this aspect of work.

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

2a Successful outcomes are increasing

Case outcomes in the magistrates' courts	National performance 2006-07	Area performance 2006-07
Discontinuance and bindovers	10.8%	12.6%
No case to answer	0.2%	0.1%
Dismissed after trial	1.9%	1.4%
Discharged committals	0.2%	0.3%
Warrants	2.6%	4.2%
Overall conviction rate	84.3%	81.4%

- The conviction rate in the magistrates' courts is lower than the national average although there has been an improvement in performance from the previous year (78.7%). However, the acquittal after trial and no case to answer rates are better than national averages.
- The discharged committal rate is worse than the national average, which can mostly be attributed to performance in the Merthyr Division. The rate of discharged committals as a percentage of committals heard and sent cases is also worse than national average, 3.2% compared to 2.5% nationally. The main cause is the absence of a full file in order to prepare the case for committal. The courts are not sympathetic towards adjournments in such circumstances and accordingly cases are discharged. There is a re-instatement system, which is applicable to all divisions, and instructions have been issued in Merthyr to ensure the process is adhered to.
- The discontinuance rate is also worse than the national average although it has improved significantly on the previous year (15.1%). In all cases where discontinuance is proposed authority of the Unit Head is required and all hate crime cases are referred to them and a specialist prior to agreement to discontinue. Discontinuance figures are scrutinised. Two issues have been identified for improvement: victim and witness issues and where the essential legal element is missing. The latter should not occur where a case has been subject to PCD.
- All failed cases are referred to the Unit Heads and adverse case reports are created with the objective of identifying lessons to be learned. Individual feedback is provided and arrangements are in place to disseminate lessons learned at unit and divisional levels, although these vary between the units. Performance information is also available to staff on the shared drive. Successful outcomes for all casework are also jointly monitored at PTPM meetings and there is discussion of performance at Court User Group meetings.

- Performance in relation to persistent young offenders (PYOs) has declined since the last OPA in 2005 when the 71 day target from arrest to disposal was consistently met. Although there is generally effective case progression post-charge, the long periods elapsing between arrest and charge were having a significant adverse impact on the figures, which was exacerbated by the failure to identify PYOs at an early stage. Performance declined throughout the year which culminated in the attendance of the police Deputy Chief Constable at two accountability meetings with the Attorney General to examine how performance was being addressed. The average time from arrest to disposal for 2006-07 was 72.3 days which is outside the target but comparable to the national average of 72 days. However, the three month rolling average to March 2007 was 80 days. The Area, in conjunction with its criminal justice partners, has undertaken a considerable amount of work including establishing a PYO protocol, which is starting to bring about improvements. It has set a target of 65 days for 2007-08 in line with the 'stretch' target set by the Attorney General.
- The target for offences brought to justice (OBTJ) is a shared one set by reference to the criminal justice agencies. The ability of the CPS to influence it is limited because the target includes offences dealt with by non-prosecution disposals. Its contribution comes through managing cases to keep discontinuance low, good decision-making and case management and the Area is striving to improve performance in regard to all of these. The agencies did not meet the OBTJ target for 2006-07 and the number is below target for the current year. In addition, there are lower than national averages in terms of police cautions and offences taken into consideration. As a consequence the proportion of convictions was the highest nationally for 2005-06 and remained above the national average during 2006-07 which reflects the Area's positive contribution to OBTJ.

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%	44.0%
Cracked trial rate	37.3%	42.5%
Ineffective trial rate	18.9%	13.5%
Vacated trial rate	22.5%	30.8%

- The quality and timeliness of police files is a major obstacle to effective case progression. For example there are many instances across the Area where files are submitted one or two days prior to the committal hearing, lawyer resource has to be allocated to ensure preparation is carried out which can impact on other work, and there is also a knock-on effect for the typists and administrative support staff. Police file quality has been a long standing problem and identified during the last OPA. It has continued to be discussed at divisional level and at the LCJB but as yet has not been addressed effectively. Declining police performance in the criminal justice arena has also been highlighted by HM Inspectorate of Constabulary. Although there are agreed procedures with South Wales Police for the provision of files, these are not being adhered to.

- Limited monitoring is undertaken as part of PTPM but this is not capturing the information necessary to enable proper analysis of performance. In the Cardiff Division there is a system to capture some non-compliance by police to enable informed discussions to take place with a view to improving performance, and in the Swansea Division a new joint monitoring system is being developed to capture timeliness and quality data which will be considered by the Criminal Case Management Programme Strategy Group. However, it remains a challenge for the police to submit a timely full file of the appropriate quality in all police divisions, which is impacting on all levels of CPS performance. The Area needs a strategy in place to address this issue.
- Unit Heads undertake dip sampling of pre-charge cases and conduct CQA analysis which is supplemented by lawyer assessments. These monitoring mechanisms enable the Area to be assured at unit and divisional levels of performance in relation to the quality of decision-making and case preparation. They also enable lessons to be learned to be fed back to individuals to drive improvements.
- The Area has tried to improve consistency in case preparation with the issue of instructions on standard file preparation and common file formats which include separate folders for correspondence and unused material. There is also an agreed case progression procedure to be applied to all cases following a not guilty plea which was evident during the reality checks.
- A joint magistrates' courts protocol was agreed as part of the Effective Trial Management Programme. This provided for the appointment of Case Progression Officers (CPOs) in all agencies and the processes to be adhered to throughout the life of a case. CPOs have been appointed in each division and daily contact is maintained with their counterparts in the other agencies and with the Witness Care Units. They maintain case progression monitoring sheets to track and progress cases and regular case progression meetings are held with the courts. In general, once cases have entered the court system progression is usually timely.
- The Area is preparing for the introduction of CJSSS. It will be piloted in the Swansea Division in August 2007 before being fully rolled-out. All agencies have signed up to the project and initial reluctance on the part of the police has been overcome. Project managers for the CPS and police have been appointed and Local Implementation Teams established in each division in anticipation of the roll-out.
- An Area Youth Champion and divisional specialists have been appointed to lead on youth issues. In the Cardiff Division a specialist team has been set up to review and prosecute all cases in the youth courts. In the other two divisions specialists review and prepare cases and invariably prosecute the youth courts, although all lawyers have been trained in youth issues. Youth casework is raised at team meetings and youth case progression meetings are held with criminal justice partners to track and progress cases.
- The effective trial rate is better than the national average and is an improvement on the previous year. The ineffective trial rate is significantly better than national average and exceeds both the local and national targets; this represents an improvement on 2005-06 (15.1%). In contrast the rate of ineffective trials due to the prosecution is worse than national average (48.7% compared to 35.5%). The Area attributes this to the proactive stance taken in relation to cases involving allegations of domestic violence. The overall ineffective trial rate is achieved at the expense of the vacated trial rate, which is higher than the national average and has declined since 2005-06 (25%), although a high vacated trial rate can be an indicator of the effectiveness of the case progression system ensuring trials are vacated in advance if difficulties arise. The cracked trial rate is worse than nationally and shows a declining trend from 2005-06 (43.9%). There is also an increasing trend of cracked cases due to late guilty pleas.

- Cracked and ineffective trial rates are monitored, reasons analysed and performance discussed at team meetings. Divisional performance is monitored by the Unit Heads, discussed by the Divisional Management Teams (DMTs) and reported on at the quarterly performance reviews. Performance is reported on and discussed at the joint PTPM and Court User Group meetings. There is also input from the Witness Care Units when witness issues are identified.
- CMS is used routinely to record key events in cases; the reality checks revealed very few escalated tasks. The rate for recording magistrates' courts reviews for 2006-07 was 68.9%, which showed a significant trend of improvement from a baseline of 34.7% at the start of the year increasing to 80% at the year end. The target for the current year has been set at 80%. Timeliness of recording hearing outcomes (47.4%) and finalisations (32.6%) need improvement, but is being addressed in the current year.

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%	10.7%
Judge directed acquittals	1.4%	1.9%
Acquittals after trial	6.5%	7.0%
Warrants	1.3%	1.1%
Overall conviction rate	77.7%	79.3%

- The conviction rate in the Crown Court is better than the national average although this represents a slight decline in performance from the previous year (80.9%). Performance in relation to all categories of unsuccessful outcomes is mixed but most are comparable with the national averages, and the discontinuance (judge ordered acquittal) rate is considerably better.
- In all cases where discontinuance is proposed, authority of the Unit Head is required to ensure only appropriate cases are discontinued. This is supplemented by monitoring of the quality of pre-charge advice, the procedures adopted for hate crime cases and adverse outcome monitoring.
- An adverse outcome report is completed for all unsuccessful outcomes. This is done on CMS with a record of the finalisation code, reasons for the outcome and any lessons to be learned. Unit Heads monitor and analyse the adverse outcomes and feedback given to individuals and at team meetings. Feedback is also provided via bulletins in two of the divisions or guidance to address specific issues as they arise. There is discussion about performance by the DMT, at the quarterly divisional performance reviews, and externally with criminal justice partners at the PTPM meetings with a view to driving improvement.
- The Proceeds of Crime Act (POCA) target for 2006-07 was not achieved in relation to the number of orders obtained, with 170 against a target of 187. However, the monetary target was far exceeded, at £2,351,588 against a target of £1,022,341. This was a considerable improvement in both respects on the previous year. All lawyers have received training from a member of the Regional Asset Recovery Team and this was supplemented in one division with additional training by an officer from the Financial Investigation Unit. The CPOs are the key points of contact at divisional level and maintain records of orders obtained. Each division has also appointed a local champion. POCA casework is considered as part of the monthly monitoring regime and reported on at the quarterly performance reviews.

- The Business Manager in the Complex Casework Unit (CCU) has assumed the Area lead for POCA enforcement and the CCU Head sits on the LCJB enforcement sub-group. POCA enforcement training has been provided at the divisional training days, which are held on a six monthly basis. The Area Business Plan for 2007-08 prioritises improvement in advocacy standards with a specific objective to increase specialist POCA advocacy.

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%	54.6%
Cracked trial rate	39.5%	33.7%
Ineffective trial rate	12.4%	11.7%

- The Area ensures timely and appropriate review and case preparation through CQA which is undertaken by the Unit Heads. This is supplemented by individual lawyer assessments which provide a detailed narrative of performance. The newly formed CCU handles the most complex casework. The Wales Area Group has established the unit in South Wales for the four Welsh CPS Areas. All cases are referred to the CCP prior to acceptance by the unit. The divisions also handle much of the complex and serious casework undertaken in the Area, which is generally handled well.
- The divisions use various templates to assist with, and record case progression on, the files. Reality checks confirmed appropriate use of the forms and generally proactive case progression. Caseworker meetings provide a forum for discussion of Crown Court issues that need to be addressed and dissemination of information.
- CPOs have been appointed in all divisions to ensure progression of Crown Court casework and spreadsheets are maintained to track progress. They meet weekly with their counterparts from other agencies to discuss progression of individual cases, with input on witness issues provided by the Witness Care Managers (WCMs).
- A Criminal Case Management protocol for the Crown Court in South Wales, Gwent and Dyfed Powys has been in operation since August 2005. This details the process for pre-trial hearings and provides a timeline for standard directions. There is also regular formal and informal contact between the Divisional Heads, Crown Court managers and the judiciary to address issues as they arise.
- Specialists in each division review and handle all youth cases. Joint performance is considered at youth case progression group meetings at which specific cases are analysed in order for progress to be made. Cardiff Crown Court maintains a youth offender trials spreadsheet, all cases are considered on a monthly basis and details are provided to the relevant Unit Heads for analysis.

- The effective trial rate is better than the national rate, but represents a slight decline in performance in the previous year (56.6%). The cracked trial (33.7% compared to 39.5%) and ineffective trial rates (11.7% against 12.4%) are also better and the latter exceeds both the Area and national targets. The cracked trial rate is comparable with performance in 2005-06 (33.6%) but the ineffective trial rate has declined (9.8%). The rate of ineffective trials that are due to the prosecution is better than the national average (32.3% compared to 37.9%).
- Performance is discussed at team meetings and fed back in divisional bulletins. Divisional performance is monitored by the Unit Heads, discussed by the DMTs and reported on at the quarterly performance reviews. The CPOs and WCMs also undertake analysis of cracked and ineffective trial rates to capture lessons to be learned for incorporation in future casework progression and ensure the court monitoring forms record the correct reasons.
- Unit Heads meet with their counterparts in the Crown Court to discuss performance. However, due to a change in personnel this system has been suspended in the Merthyr Division although discussions are ongoing with a view to re-instatement. There is also discussion with partners on performance at PTPM meetings and Court User Group meetings.
- The rate for use of CMS for Crown Court reviews was 87.2% which did not reach the Area or national target of 90%. However, there has been significant improvement throughout the year, starting from a low baseline of 44.2% and for seven months performance exceeded 90%.

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

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

- The Area has taken steps internally and jointly to improve the progression of cases through the courts. It relies on the procedures at the pre-charge stage to ensure cases progress at first hearing as far as possible and there is an agreement with South Wales Police to provide expedited files the day before the first hearing. Although there is no monitoring of 'strike rates' at first hearing the guilty plea rates for pre-charge cases in the magistrates' courts and the Crown Court are consistently high. Performance information in relation to guilty plea rates is discussed at the joint monthly meetings with the police and courts.
- Monitoring of instructions to counsel and case preparation is undertaken as part of the CQA system, which is supplemented by detailed assessments of individual lawyers. Senior managers are assured that instructions contain a case analysis and proper instructions with regard to pleas. The reality checks indicated some variance in performance; there were two examples of excellent instructions and one where little information was provided with the understanding that counsel would re-draft the indictment. There is an expectation that all cases submitted to the HCA Unit will have appropriate instructions.
- Instructions to counsel are timely; South Wales is significantly better than the national average, at 92.4% compared to 78.3%. The timeliness of indictable cases during 2006 was also significantly better than national average, at 34 days compared to 52, which is a considerable improvement on the previous year of 11 days. The Area monitors the returns of Bar standards and briefs, and performance is discussed with the heads of chambers.
- More court sessions are covered in-house (82.2%) than the national average (80.4%), which has improved from the previous year. The aim is to achieve a balance of three court days and two office days per week for prosecutors to enable sufficient time to prepare cases. However, staff shortages have required lawyers to cover more court sessions. Rotas are prepared one week in advance and the divisions try to ensure that lawyers cover their own trials in more complex cases, which assists in preparation. Specialists are allocated to the youth courts and Specialist Domestic Violence Courts and counsel is specifically selected to prosecute cases involving sexual offences.
- The HCA Unit contains full-time advocates who regularly undertake trials and individuals have acted as a junior in a number of more complex cases. The commitment to HCA usage has not only achieved financial savings but other benefits, including improved casework quality. The Area Business Plan for 2007-08 prioritises improvement in advocacy standards with specific objectives to increase trials undertaken by the HCAs, increase specialist POCA advocacy and achieve a reduction in the use of agents in more complex cases.

- All advocates are aware of the requirements to attend court in sufficient time to be available for court staff, the defence and solicitors. Advocacy monitoring is undertaken to assess performance against the national advocacy standards in addition to general service delivery at court. Criminal justice partners also provide informal feedback.
- The Area encourages proactivity in contributing to case progression at all hearings, which is supported by CPOs for out of court work. In the magistrates' courts the period between fixing the date and conducting the trial is usually six weeks and feedback suggests that the CPS is committed to achieving this.
- Timeliness across all aspects is better than the national average. The service of papers on the defence is better at 81.2% than the national average of 71.5% and the rate of discontinuances on the third or subsequent hearings is also slightly better at 58.9% compared to 59.2% nationally. In addition, timeliness rates for adult guilty pleas and trials and youth initial guilty pleas and trials are all better than the national averages. However, feedback provided in response to HMCPSI's questionnaires suggested that there is some frustration caused to criminal justice partners at the inability of some prosecutors in court to make appropriate decisions and also some deterioration in the readiness for hearings in the magistrates' courts.
- In the Swansea Division there has been success in negotiating reduced listing with the magistrates' courts to reflect the declining caseload and the resultant lighter court lists. There has been less success in negotiations in the other two divisions, which impinges on the Area achieving the most effective use of resources. There is a joint protocol for the listing of cases where the Welsh language is used.
- The Area does not collect data on the number of adjournments and overall timeliness of cases - this is collated by the magistrates' courts but not disseminated on a regular basis. The average numbers of adjournments per case in the magistrates' courts and the Crown Court is comparable with national average, two of the three rates are slightly better.
- During 2006-07 there were four wasted costs orders in Swansea and one in Cardiff Crown Court; there were no recognisable trends. Wasted costs orders are considered by the Divisional Management Teams and at the quarterly divisional performance reviews with the CCP and ABM.

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

- The Area ensures that sensitive cases are appropriately reviewed and managed. All lawyers have been trained to handle cases involving domestic violence, racially aggravated and homophobic crime. Cases involving allegations of rape, child abuse and fatal road traffic offences are allocated to specialists when written advice files are submitted and duty lawyers in charging centres are able to contact specialists for advice at the pre-charge stage. Rape cases are referred to a specialist when it is proposed that no further action should be taken and pre-charge decisions in fatal road traffic offences are quality assured by the CCP. Reality checks confirmed proper case handling and the appropriate application of CPS policies.
- Unit Heads monitor the quality of pre-charge decisions through dip sampling. Hate crime and sensitive cases are also considered as part of the CQA system, which is supplemented by additional lawyer assessments. In addition, the Area ensures that in all cases where discontinuance is proposed authority is sought from the Unit Heads. All adverse case reports are reviewed by the Unit Heads to ensure areas for improvement are taken forward with individual lawyers and across the relevant unit.
- Effective champions and specialists have been appointed and are consulted where appropriate in sensitive cases. Each specialist topic has a lead prosecutor in each of the three divisions and there are also Area champions or co-ordinators for key aspects of sensitive casework. The specialists and champions have personal objectives relating to their roles and the co-ordinators follow the job descriptions sent out from CPS Headquarters. All specialists have been trained in their relevant area of expertise and often take the lead in the training of other lawyers.
- Serious and sensitive case logs are maintained in each division. This ensures that high profile cases are brought to the attention of the CCP who, in conjunction with the Area Communications Officer, develops a media approach and a formal statement. South Wales Police provide early notification of high profile cases and lawyers ensure that media interest cases are flagged on CMS.
- The Specialist Domestic Violence Court (SDVC) in Cardiff is well established and is the flagship court for the Area. There are additional SDVCs at Pontypridd, Swansea, Bridgend and Neath Port Talbot. They operate a fast track system for cases involving allegations of domestic violence and trials are also listed when they can be accommodated. The divisional specialists are heavily involved in multi-agency work and one sits on the LCJB domestic violence sub-group. There are links between the Merthyr Division and the sexual assault referral centre in Merthyr Tydfil and a project group has received funding to establish a site in Cardiff. The Divisional Head has been involved in meetings to provide the CPS perspective on the effective management of this aspect of casework.

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).

- The Area usually flags sensitive cases for monitoring purposes and the reality checks confirmed that 21 of the 23 relevant cases had the correct flagging on CMS. Management Information System reports are produced by the Performance Officer on a monthly basis to ensure cases are captured. The Area is confident that the flagging of all hate crime cases takes place, however it has identified that improvement is needed in relation to rape cases.
- HMCPSI thematic reviews and new or amended CPS policies are circulated and are discussed at the Area Strategic Board, where Inspectorate reports are a regular agenda item. Leads are identified where it is appropriate to take work forward at an Area or divisional level, for example, guidance on domestic violence and on rape has been drafted and circulated by the Divisional Heads, and Area protocols for rape and fatal road traffic offences have been developed.
- The proportion of hate crimes that result in an unsuccessful outcome has reduced from 45.2% in 2005-06 to 34.6% in 2006-07, better than the national target. Hate crime outcomes are reported in the divisional monthly performance reports and considered at the quarterly divisional performance meetings. There is monitoring of outcomes in all categories of hate crime cases, in allegations of rape and fatal road traffic offences. There is also some analysis of hate crime cases where there is a reduction or change of charge. All cases have to be authorised by a Unit Head prior to discontinuance. In addition, in Cardiff a form has been developed which has to be completed when a lawyer is considering discontinuance in a domestic violence case. The forms are analysed by the divisional co-ordinator.
- Meeting the needs of women and children has been prioritised in the Area Business Plan for 2007-08, specifically in relation to monitoring and improving successful outcomes for domestic violence and rape cases. There are champions and specialists for child abuse and youth cases but as yet no specific lead for the CPS Children and Young Persons Charter to link the various strands of safeguarding children, although the policy has been circulated. The Area has links with the Local Safeguarding Children Boards (LSCBs) and Community Safety Panels through the Local Criminal Justice Board and in the Merthyr Division one of the Unit Heads receives minutes from the LSCB enabling the division to be informed of local issues. In Swansea there is a joint protocol with the NSPCC for children giving evidence via a remote video link and in Cardiff multi-agency risk assessment conferences (MARACs) are undertaken as part of the 11 SDVC components. Where a MARAC has been held it is considered by the duty prosecutor as part of the file review.

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

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

- During the last OPA CPS South Wales was rated as 'Poor'. They have treated the process of improving disclosure performance as a specific project which was led by a Divisional Head, who has been the Disclosure Champion since January 2006. It also prioritised disclosure in the Business Plan for 2006-07 and the current plan, and counter-measures are detailed in the risk register.
- Considerable work has been undertaken by the Area, with varying results across the divisions. The Disclosure Manual and guidance has been issued to all lawyers, a disclosure package has been developed and training has taken place. All prosecutors have also completed the CPS Prosecution College disclosure modules that were supplemented by follow-up sessions in the units to assure managers of the effectiveness of training. The Area has developed and distributed a best practice document and divisional guidance is produced when required. Advance disclosure training is planned for all prosecutors during the current year. Disclosure is addressed with individuals, at team meetings and at the quarterly divisional performance reviews with the CCP and ABM. Procedures and expectations have also been discussed at caseworker meetings.
- The Area undertook its own thematic review of disclosure during June and July 2006. Files from all prosecutors were dip sampled, assessments of progress in each unit were made and an action plan was drawn up identifying areas for improvement. The review was, and continues to be, supplemented by dip sampling and CQA checks including a detailed narrative of findings with results fed back to individual lawyers. Objectives have been given to lawyers to address individual performance issues.
- The champion has monitored progress and any improvements arising from the disclosure project through divisional status reports. These highlighted performance in each unit and division and identified areas of good practice as well as for improvement.
- The Area was also subject to an external evaluation by a CPS Headquarters review team. Feedback at the time indicated significant improvements and specific findings were addressed with individuals, although no formal report was made.
- HMCPSI also undertook a thematic review of disclosure of unused material across the CPS, which examined a file sample from South Wales. The files, which had been finalised during 2006-07, indicated mixed performance across the divisions, much of which was less than satisfactory. However, a dip sample of more recent files from Swansea indicated significant improvement. The Inspectorate found that large and more complex cases are generally handled quite well.

- There has been continued improvement in the Swansea Division since the end of the disclosure project. In Cardiff improved performance has been a very slow process, but it is now recognised as being better than before. Although some improvements have been made, and despite the focus given to disclosure and the commitment of managers in the division, performance in Merthyr remains weak.
- The reality check carried out as part of this assessment showed that in four of the nine relevant files, the initial duty of disclosure was not properly complied with, mainly in terms of endorsement of schedules. In three of the four relevant cases the continuing duty of disclosure was not complied with - either the defence statement was inadequate and was not rejected or there was no follow-up action when the police failed to respond to delivery of the defence statement. In six of the nine relevant cases there was no evidence to suggest that the lawyer had considered the sensitive material schedules. Most, but not all, of the deficiencies noted related to files from the Merthyr Division.
- The Area file format provides a disclosure folder for each file with a disclosure record sheet (DRS) attached. It needs to ensure that the folder is used and a complete audit trail is maintained on the DRS in all relevant cases. This is an issue that has been highlighted in divisional assessments and confirmed during the reality checks of files examined on-site. In six of the ten relevant cases the DRS was not used to provide a clear audit trail of decisions and actions and in a number of cases copies of letters that had been sent could not be located in the folder or elsewhere on the file.
- The rate of ineffective trials in the magistrates' courts due to the prosecution not being ready because of disclosure problems is significantly worse, at 5%, than the national average of 1.9%. There is a marked difference in performance across the individual divisions in this regard.
- The CPS is working with the Crown Court to improve the handling of unused material. A protocol on the control and management of unused material has been agreed detailing duties of the judiciary, CPS expectations, public interest immunity (PII) issues and third party disclosure amongst other things. The business plan priority for disclosure details stopping non-compliance by the Bar and the judiciary as an objective.
- The Area has had a series of discussions with South Wales Police to emphasise the need for improvement, has helped with the development of guidance for officers and provided a core group of lawyers to assist with police training. There is ongoing work with the police to try to ensure copies of material are provided with the schedules, which has resulted in varying levels of success. Lawyers are instructed to return schedules where descriptors are inadequate.
- All sensitive material is handled by the Divisional Heads. The sensitive material schedules record the nature of material viewed as this is usually retained by the police. A PII log is also maintained in each division by the Divisional Head and the records and logs are stored securely.

7 CUSTODY TIME LIMITS	OPA 2005	OPA 2007	Direction of travel
	Fair	Fair	Improved

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

- The Area has undertaken considerable work since the last OPA in 2005. A full review of the custody time limit (CTL) system was undertaken in July 2006, which identified actions that have been progressed. The Business Plan for 2007-08 identifies CTLs as a risk and counter-measures have been implemented.
- There is an up-to-date written system which complies with the latest national guidance and also incorporates much of the good practice guide. Monitoring is undertaken with a monthly dip sample of files. Workshops have taken place in each division and training is ongoing to ensure that all relevant administrative managers are trained. The importance of adherence to the procedures is emphasised to all new staff and CTLs are discussed at unit team meetings.
- The Divisional and Unit Heads are CTL leads at a local level. There is also an Area champion who conducted a review in June 2007. This identified inconsistencies between the divisions and highlighted that there were varying degrees of compliance with the Area system. The reality checks confirmed some of these findings, in particular, there was no evidence of agreement with the courts and limited evidence that the management checks had been undertaken. The Area needs to ensure that its system is adhered to consistently, that the CTL review sheets attached to the files are fully utilised, and the files endorsed to demonstrate compliance.
- There was a CTL failure during the last assessment period in 2005-06 and a further failure during 2006-07. In the latter case a full report was compiled with lessons to be learned. The CCP, in accordance with national instructions, submitted this to CPS Headquarters. There have been no failures during the current year.
- A protocol was agreed with HM Courts Service in October 2006 which provides for confirmation of the CTL at the first hearing in the magistrates' and Crown Court, confirmation of extension dates in open court and revised expiry dates for defendants returned to custody after a period of bail. The protocol was circulated to chambers with a covering letter detailing the expectations of counsel in relation to CTLs. Managers on the units confirm expiry dates with the magistrates' courts if an agent has prosecuted any case with a CTL.
- The Area expects CMS to be fully utilised in all cases involving a CTL. CMS task lists are used to monitor the effectiveness of the system and daily checks of cases are undertaken. Weekly assurance certificates are completed by managers in each unit to confirm that monitoring of these cases has been undertaken, and checked and countersigned by the Unit Head prior to submission to the Divisional Head. CTLs are reported on at the quarterly divisional meetings with the CCP and ABM. The management checks have identified errors and remedial action has been taken immediately.

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

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

- In 2006-07 79% of letters to victims under the Direct Communication with Victims (DCV) scheme were sent within the target of five days, which is better than the national average of 73%. Identification of the need for a letter improved steadily from a low point of 16.6% in December 2005 to 90.3% of the proxy target in the 12 months ending March 2007.
- A review of the DCV scheme in December 2006 by the Victims Delivery Unit (VDU) found that requirements to identify victims clearly were generally complied with, files with an identifiable victim marked and victim status flagged on CMS. The reality checks undertaken as part of this assessment confirmed that victim status was flagged in eight of ten pre-charge decision cases examined.
- Lawyers are responsible for drafting most of their own letters to victims, with the exception of standard letters on some occasions, for example in the case of a victim withdrawal when it is drafted by an administrative manager for signature by the lawyer.
- The quality of letters is variable. Some are comprehensive and written in plain English, whilst others were either very brief or not well written. A random selection of letters on CMS found that some that had been drafted but apparently not sent and one which was written in very curt tones and addressed, presumably in error, to the victim by his surname with no title included.
- Where advice is given to take no further action, without a face-to-face consultation between the duty prosecutor and the police officer it is the responsibility of the CPS to inform the victim and to explain the decision. The high proportion of written advices provided means that there is a large number of such cases in which letters should be sent. In the case of vulnerable and intimidated witnesses a letter notifying them of the decision must be sent within 24 hours. There is less than full compliance with this requirement, which the Area acknowledges, but no data is collected on this aspect of the Victims' Code. A review by the VDU found a lack of awareness of the need to prioritise vulnerable and intimidated witnesses.
- Arrangements for meeting the requirements of DCV or the Victims' Code vary between divisions and there are no standard Area procedures. Whilst administrative managers act as divisional co-ordinators, there is no Area co-ordinator as recommended by the review undertaken by the VDU. However, the Area Project Manager has delivered training on the Victims' Code to unit managers and Witness Care Unit staff and has access to the relevant e-learning module on the Prosecution College.
- Initial needs assessments should be made by the police at the point of taking a statement and recorded on the back of the statement form (MG11). The final review of the WCUs found that only 20% were fully completed and actions have been put in place by the police to improve this. Duty Prosecutors are instructed to seek the necessary information from the officer and to reject MG11s which are not complete, although this is not always done. Procedures are in place in each division to ensure that special measures applications are made when appropriate.

- The number of vacated trials, together with a blanket warning system operated in Cardiff, impacts on the service delivery provided by the WCU's leading to repeated de-warning and re-warning of witnesses. This creates additional work for witness care officers and potential unnecessary anxiety for witnesses.
- All prosecutors have been given a copy of the Prosecutors' Pledge, however, this aspect of their role at court is not specifically included in advocacy monitoring. Divisional managers would expect to receive reports formally or informally from other court users if lawyers' conduct towards victims is inappropriate.
- Feedback from the Witness Service is positive about treatment of witnesses at court by CPS staff although there are sometimes difficulties because of listing patterns, particularly over-listing of trials.

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

- There are three WCUs, one for each of the divisions. At the time of the final review the Merthyr unit was on four sites and the Cardiff unit on two; both have now moved onto single sites. The Cardiff and Swansea units are on CPS premises, whilst the Merthyr unit is in a police station. All three are staffed by both police and CPS personnel on a roughly equal basis and there is a police and CPS manager in each. The Cardiff unit had a Witness Service representative working in it for part of 2006-07, funded by the LCJB, but it has not been possible to continue that into 2007-08.
- The final review report commended the WCUs for community engagement, training for Witness Care Officers, the quality assurance system for MG11s and the timeliness of information to victims and witnesses. The review found that victims and witnesses are generally given information or updates within 24 hours.
- There is a detailed action plan to address the issues raised in the final handover review and this is reviewed by the ABM and the police Head of Criminal Justice on a regular basis. Aspects are also addressed separately by each of the WCUs.
- The unit in Swansea has assessed itself as meeting all the minimum requirements with the exception of completion of initial needs assessments on MG11s. WCUs aim to undertake full needs assessments in cases where a guilty plea is entered. In Cardiff it has been decided, because of resource difficulties, not to undertake a full needs assessment immediately a guilty plea has been entered but to wait. In magistrates' courts cases this is until after the list of witnesses to attend court has been supplied, and in the Crown Court until after the plea and case management hearing. For the same reasons, for the time being in Cardiff full communication at every stage will only be provided in cases involving allegations of domestic violence.
- Analysis of data is carried out at local WCU and divisional level and included in a monthly electronic data pack produced by the LCJB Performance Officer. This information is provided to CPS managers but it does not include any analysis, although there are comparisons with national figures.

- Witness attendance has increased consistently from a baseline of 68% to around 85%. The rate of ineffective trials in the Crown Court due to witness difficulties has also improved from a baseline of 2.4% reducing to only 0.4% in the fourth quarter of 2006-07. In the magistrates' courts performance has improved from a baseline of 3.8% to 3%. The proportion of trials that crack due to witness issues has increased in the magistrates' courts from a baseline of 4.5% to 5.4% and in the Crown Court it is static at 2.3%.
- Victim Personal Statements were offered in 80% of cases in March 2007, which is better than the national average of 77%. Support services were offered in 27% of cases, with take up of 5% (compared to national rates of 28% and 8% respectively). Referrals to the Witness Service, Victim Support and other voluntary organisations were made in 74% of cases (compared to 59% nationally), and pre-trial visits in 100% of cases.
- WCU managers attend PTPM meetings and performance of the units is discussed, with action points being agreed for both the units and the agencies. For example, issues surrounding the proper completion of MG11s by the police are addressed by police representatives.
- The LCJB has a sub-group on victims and witnesses and another covering the Criminal Case Management Programme which oversees the No Witness No Justice project and monitors the action plan.

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

- The Area Business Plan includes a clear statement of intention from the CCP. Copies are provided to all staff and a summary is displayed on office notice boards. The 2006-07 plan sets out broad objectives but with little detail as to how they will be achieved. The plan for 2007-08 is more specific about the actions to be put in place to support specific projects, although it does not address in-depth some of the key issues facing the Area in the next year, such as: a falling caseload and reduced resources; the need to make significant changes to the way statutory charging operates; and the challenges posed by the restructuring of the CPS Areas in the Wales grouping.
- The plan is reviewed quarterly at the Area Strategic Board (ASB) when progress is discussed, but the plan itself is not updated. The 2006-07 plan did not include the major reconfiguration of units in Cardiff and Merthyr. This took place in the second half of the year in response to the direction set by the CCP that the Area should move away from an artificial distinction between magistrates' courts and Crown Court work and re-align itself into multi-functional teams.
- The published document shows responsibilities, key milestones and desired outcomes. It contains clear links between the Area's objectives and criminal justice system targets, the CPS national targets and the OPA framework. Links are then carried through to individual objectives. All divisions work to the Area plan, and at least one has agreed an action plan to support its own delivery of the Area strategy.
- The LCJB has a detailed Strategic Delivery Plan and there is evidence of close working with the police on some change initiatives, such as conditional cautioning and No Witness No Justice. A tri-partite strategy group (a sub-committee of the Board) oversees the Criminal Case Management Programme which includes charging, NWNJ and the Effective Trial Management Programme. This group reviews progress and discusses operational issues. There is little evidence of joint planning with the courts, for example, in relation to listing arrangements across the Area.

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

- The Area has a senior lawyer assigned full-time to the role of Project Manager. He leads many of the local and national change projects, including CJSSS for which he takes a role across the criminal justice system on behalf of the LCJB. Comprehensive documentation based on national templates is produced to support recent projects, and is updated as and when required. This approach has been used for the re-organisation of the Cardiff and Merthyr Divisions, conditional cautioning and CJSSS.

- Post-implementation reviews of national projects have been used to assess success and develop action plans. In the case of the Witness Care Units the plan has been reviewed and the project has been successful in that the units are now integrated into core business and progressing well towards meeting the minimum requirements. The Local Implementation Team initially set up to manage the introduction of CMS has continued to meet and, as a result, has been effective in ensuring that further IT developments such as secure e-mail and new releases of CMS have been introduced successfully.
- The development of pre-charge decision-making and its integration as part of core business has not progressed as well as it should, despite successful implementation at the time. This has been recognised and a review of the scheme undertaken. The project set up during 2006-07 to improve the quality of disclosure was well run and very comprehensive, but has not yet succeeded in producing the required improvements across the Area. This is accepted and the Area intends to use the performance management system more robustly in future as a way of achieving more success.
- Plans are in place for the implementation of CJSSS and all agencies seem to be committed to it. Plans are well documented and regularly updated. Conditional cautioning currently operates in Swansea and implementation teams will be set up in the other divisions to facilitate roll-out across the Area. A Complex Casework Unit has been established, which is the basis for the unit for the new Wales Area grouping. The national template was followed as a planning document.
- The ASB receives reports on individual projects at its monthly meetings but there is no obvious linking of change projects through an over-arching programme board. Nor is there linkage in the way projects are managed, for example there does not appear to be widescale recognition of the impact that statutory charging should have on performance throughout the prosecution process.
- Each project includes a training plan, which was one of the strengths identified in the final review of the NWNJ project. On some the training is limited to circulation of documents or electronic distance learning without face-to-face contact.
- Reviews of progress lead to change where required, for example, the final review of the WCUs led to changes in the Merthyr Division to bring four sites into one. However, change is often as a result of identifying problems, rather than being part of an evolutionary forward-looking process, such as the review of charging recently carried out.
- There is a risk register which identifies key strategic risks. It is reviewed periodically and the status of risks recorded, but the reviews do not appear to identify any additional counter-measures or further action. The NWNJ project had its own risk register, but a decision was taken that other projects would not have separate registers.

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

- There is a training programme which has been compiled in conjunction with the neighbouring CPS Areas of Gwent and Dyfed Powys. Whilst it does not contain specific links to key objectives, the subjects clearly relate to priorities for the CPS. The programme is put together by the Learning and Development Manager (LDM) who covers the three Areas and is advised by a committee of their Area Business Managers.

- Personal development plans are completed by staff in conjunction with managers and supplied to the LDM to assist in preparing the programme; training provision is demand led. A culture of proactivity in identifying training needs is developing and individual projects each have a training plan incorporated.
- There is no specific reference to equality and diversity in the training programme, other than the opportunities to learn or to improve Welsh language skills, although equality and diversity is included in the induction training which is being developed, based on the national framework.
- Managers are required to consider equality of access when authorising training applications, for example, to ensure that part-time staff are able to access the same provisions as full-time. Staff are invited to apply for courses provided in the standard programme. An NVQ programme is run for administrative staff. The review of South Wales for re-accreditation for Investors in People (IiP) found that 83% of staff said that their training was appropriate.
- All lawyers have received Proactive Prosecutor Programme training. Induction training was identified as a weakness and there are plans to improve its quality.
- All staff are requested to complete an evaluation form three months after the provision of training and the LDM provides a quarterly report to the ABM summarising the feedback. Beyond that there is no formal evaluation process, but managers would expect to see improvements in performance as a result, which is identified through CQA and other mechanisms.

10 MANAGING RESOURCES	OPA 2005	OPA 2007	Direction of travel
	Good	Good	Stable

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

- In both 2005-06 and 2006-07, the Area underspent on its non ring-fenced administration costs budget (99.15% in 2006-07). There was also a significant underspend in 2006-07 on prosecution costs (71.77% of budget).
- The running costs budget is largely controlled within the Secretariat and devolution of budgets to divisions is limited to small items of general administration expenditure, agents' fees and short term temporary staff. There is little evidence of any specific value for money policies, although managers are aware of the budget position from oral reports given at the ASB and AMT. The budget is also a topic at divisional quarterly reviews and Division Management Team meetings.
- The budget is monitored centrally and at divisional level, using the reports provided by CPS Headquarters from the accounting system. Invoices are tracked where expenditure has occurred, but beyond that forecasting is largely done on a pro-rata basis rather than by making informed judgements about future expenditure. Anticipated pay rises were built in to the budget planning process in 2006-07 and accruals information is recorded and provided to Headquarters.
- Prosecution costs budgets are not routinely discussed by the ASB or DMTs but high cost cases are monitored in the Secretariat. Case management panels chaired by the CCP have been convened for very high cost cases and counsel have been willing participants. Payment under the graduated fee scheme is timely. Of fees paid in March 2007, 61% related to cases finalised in February or March (national average 50%) and 99% to cases finalised in the previous four months (national average 88%). The underspend in 2006-07 was not anticipated and no specific reasons are put forward for it.
- Savings in counsel fees as a result of Higher Court Advocate usage in the Crown Court have been used to subsidise the recruitment of additional lawyers to backfill for those assigned full-time to higher courts work.

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

- The activity based costing (ABC) model is used to calculate the number of staff that should be allocated to the three divisions, based on their respective caseloads. Adjustments are made during the year to reflect changes in total staffing and caseload, and to address anomalies.
- Within divisions staff are moved between units at the discretion of the DMTs to take account of workload fluctuations. During the latter part of 2006-07 there was a re-structuring exercise involving the Cardiff and Merthyr Divisions and the ABC model was used to allocate staff resource within the new structure.

- In 2006-07 82.2% of magistrates' courts sessions were covered in-house, slightly better than the national average of 80.4%. Ideally lawyers are expected to have three days a week in court and two in the office, although in practice this is more often nearer to a four to one ratio. The Area has set higher expectations for 2007-08 and no budget has been allocated for agent usage. Charging lawyers do not feature in the standard working week because of the practice of rostering them for extended periods to charging centres. Further review is needed of the operation of the charging scheme to ensure the efficient deployment of lawyers to charging centres.
- In 2006-07 the Area had 8.8 designated caseworkers (DCWs) who achieved coverage of 12.9% of court sessions against a target of 15%. The 2006-07 Business Plan stated that two more were to be recruited but this had not happened by the end of the year. Deployment improved towards the end of the year from 352 sessions in the first quarter to 438 in the fourth. The target for 2007-08 is more challenging at 17%, however, there is no clear strategy to achieve this.
- There are various reasons for the failure to meet the DCW target. In Bridgend DCW courts are being covered by lawyers, whilst in Merthyr there are insufficient courts suitable for DCWs because the division covers four court centres with predominantly mixed lists. The percentage target has been achieved in Swansea, where 18-20% of sessions are covered by DCWs. There has been some negotiation with the courts at divisional level but there has been no strategic approach to improving listing in the magistrates' courts for the benefit of the CPS or the criminal justice area as a whole.
- The HCA target was achieved, saving a total of £233,948 against a target of £142,985, although savings per session were £207.55 (increasing to £241 by the fourth quarter), which is below the national average of £338.96. There is a full-time unit of six HCAs based in Cardiff, covering the Crown Court sitting at Cardiff and Merthyr. Full-time HCAs concentrate mainly on trials and covered 121 in 2006-07 as sole advocates, as well as four cases as junior to leading counsel.
- The intention is that other HCAs based in the divisions who are not assigned to the full-time unit should cover preliminary and plea and case management hearings where there is an anticipated guilty plea. This happens in the Merthyr Division but not in the other two. In Swansea only preliminary hearings and committals for sentence are routinely covered by their HCAs and in Cardiff the full-time unit covers most of the work based there. The reasons given for this are the pressures of magistrates' courts work and the fact that several of the HCAs are also managers, who cannot allocate sufficient time to the work.
- Sick absence has reduced from an average 9.1 days per person per year in the 12 months to June 2006 to 8.8 days in the 12 months to September 2006. An overall figure of 7.6 days was achieved for the year 2006-07. The Area is satisfied through its management checks that all absence is properly recorded. The reduction has been achieved largely by resolving some long term absences. There has also been training provided to managers, particularly in relation to the advice available from the occupational health services.
- Flexible working is an accepted practice with 19% of respondents to the staff survey having alternative working patterns. Only 11% of staff work part-time hours which is the lowest nationally. Requests to work part-time are considered by the relevant line manager and a decision is taken by the ABM based on business need.

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

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

- Performance is included in the terms of reference for the Area Strategic Board. It is discussed at every meeting using a data pack, which is produced monthly in a user friendly electronic format. The pack is circulated to senior managers and placed on the public drive in each office. Month-by-month figures are provided but there is no supporting analysis. The Area is compared with the national picture and data is provided down to divisional level, however, comparisons between the divisions are not easy because of the way the data is presented and it is not broken down to individual units. A similar pack is produced for Witness Care Unit data but it is less easy to understand and there is no glossary or indication of the source of the data.
- A monthly performance overview is provided for each division, with data on key priorities including charging, NWNJ, higher courts advocacy, disclosure, hate crime and the Effective Trial Management Programme. There is a section for comments on performance and proposed actions to be inserted by the division. These reports form the basis of quarterly discussion between the Divisional Head, CCP and ABM where actions are agreed with timescales and responsibilities recorded.
- Performance is discussed at DMT meetings and comparisons are made with other divisions. The Change Delivery Group, comprising all the senior managers, considers performance across the Area and makes comparisons between different organisational units. Divisional Business Managers meet quarterly and share good practice.
- Data quality checks are undertaken monthly on CMS by administrative managers and errors corrected before the system 'freeze' at the end of the month. Adverse outcome reports are also used to highlight inputting errors.
- Performance has improved during 2006-07 on the key targets but South Wales remains rated as poor by CPS Headquarters on offences brought to justice and persistent young offenders, and only slightly better on financial management, DCW usage and CQA returns.
- Following team or divisional meetings where performance is discussed, actions are passed on to staff through guidance notes or office instructions. There is no systematic process review, except in relation to change projects such as the re-organisation of the Merthyr and Cardiff Divisions. Reminders to ensure compliance with systems are issued in writing (either hard or electronic copy) and through team meetings, and are normally at team or divisional level rather than across the Area. Where action has improved performance it is noted in subsequent meetings.
- Personal responsibility of staff for performance is made clear through the performance review process as well as team meetings. Verbal feedback is given to lawyers in respect of adverse cases, pre-charge dip sampling and CQA, which is supplemented by lawyer assessments, and notes are retained for performance and development reviews.

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

- The LCJB delegates most performance matters to the Performance Steering Group (PSG) sub-group, where the ABM represents the CPS. The Board's Performance Officer, who is based in the Cardiff office, produces a monthly performance report which is submitted to the PSG. The sub-group also receives reports on actions taken and progress from other sub-groups dealing with individual issues, for example in relation to youths and victims and witnesses.
- PTPM meetings in all divisions have been broadened out from their original focus on prosecution team performance around case building and charging to include other aspects of performance, and other agencies. Representatives from the courts are invited because there is no other forum at which performance across the criminal justice arena can be reviewed and actions agreed. These meetings are held monthly at divisional level and cover a range of performance issues across the agencies. Action lists are not routinely produced, although those identified in minutes are followed up at subsequent meetings.
- There are also Court User Groups, with even broader membership, which are used to discuss performance as well as practical issues in the courts. Senior managers attend Crown Court User Groups chaired usually by the Presiding Judge. The CCP has an 'open door' relationship with the Senior Presiding Judge for the Wales and Chester Circuit.
- Performance information, especially the PTPM reports, is shared effectively with the police and courts.
- There has been some joint work around the Witness Care Units and the follow-up to the final review has resulted in some improvements. There has also been some work in conjunction with the other agencies to improve performance in relation to persistent young offenders, but this was driven by the police. The PTPM meetings have not been fully effective in driving up performance in charging. As a result the Area has decided to re-introduce a system of monitoring the timeliness and quality of police files as a means of highlighting blockages in the system.

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

- The CQA system is used to assess performance of individual lawyers. The return rate averaged 68.7% over the year to March 2007 and was 66% in the fourth quarter of 2006-07 (compared to the national average of 93%). Strengths and areas for improvement are noted on the forms and narrative is also recorded on separate lawyers assessment forms; face-to-face feedback is provided. Improvement actions are identified for individuals and notes are made so that performance can be reflected in the annual performance appraisal process.
- The assessment of performance on some aspects of casework quality is below the national average, which implies a level of honesty in the process. There is no evidence that assessments are challenged by individuals.
- The findings from the CQA process are not analysed for trends either in terms of positive feedback or lessons to be learned. The outcomes are not discussed at the ASB and CQA data is not included in the monthly data pack or in the divisional quarterly reviews.

- Adverse outcome reports are completed on CMS on all failed cases. These are discussed with the reviewing lawyer and at unit meetings so that lessons learned can be disseminated. There is no formal mechanism for disseminating lessons beyond the unit or division, although Divisional Heads will raise issues on an ad hoc basis at AMT meetings, which take place involving all managers at least three times a year.
- Issues that involve other agencies, especially the police, are raised at PTPM meetings and feedback on individual cases is given by Unit Heads to the appropriate supervising officer.
- Champions and co-ordinators for specialisms are mainly divisionally-based rather than having Area-wide responsibilities. In some cases they will meet to share good practice but this is not routine and communication between them, if required, is usually written.
- Advocacy monitoring against the CPS national standards is carried out at least once a year, more often for less experienced lawyers. Results are recorded on the appropriate form. Feedback is given individually and there is some discussion at DMT meetings. There is no analysis or Area level evaluation of advocacy standards other than in respect of counsel who are monitored by lawyers to inform the Joint Advocates Selection Committee, which considers applications from counsel to join the CPS list and for re-grading.

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 adopts the Director of Public Prosecutions' vision and values and they are quoted at the start of the Business Plan, copies of which have been provided to all staff. The plan was the main subject on the agenda for an 'Away Day' with all managers. In one division mini team meetings were held to explain the plan to staff and to link it to individual objectives, and in another, managers' briefings were held to assist them in cascading the plan to staff. The Director's DVD "Building a World Class Prosecution Service" has been shown to staff on all divisions.
- There are terms of reference for the Area Strategic Board and the Area Management Team which set out the responsibilities of the groups. The ASB determines strategic direction and high level operation whilst the AMT, which includes all senior managers, reviews implementation, acts as a consultative group and is a forum for the dissemination of information. There is also a Change Delivery Group which comprises all senior managers, namely the ABM and Divisional Heads, but there are no terms of reference for this group. An Investors in People re-accreditation review conducted during 2006-07 was very positive about managers' commitment to delivery of the Area's strategy.
- Although the various management groups meet regularly and review progress against the Area plan, there is no clear corporate message coming from those groups to give a lead to other managers and to staff about the future strategy and direction of the Area. The three DMTs are responsible for operational implementation of ASB and AMT decisions. However, there is a considerable degree of independence for divisions, leading to different systems, processes and procedures developing in each. There has been a level of autonomy afforded to divisions in the way some key initiatives have been implemented, rather than taking an Area approach.
- The CCP and the ABM have delivered presentations at divisional training days, which take place about twice a year, but there are no regular forums for staff to meet the senior managers.
- Team meetings are held in all units. These are compulsory and Divisional Heads are required to report on them at the quarterly reviews. 61% of staff who responded to the staff survey said that they had effective staff meetings, which is better than the national average of 55%. Meetings are minuted and copies are provided to those members of staff unable to attend. To make the meetings as productive as possible some include both lawyers and administrative staff, whilst others will just focus on one group as required by the agenda. The Whitley Council is also used as a mechanism for consultation and for keeping staff informed.
- Divisional instructions or guidance notes are issued to staff to inform them about new procedures or to reinforce messages about old ones, such as charging, custody time limits or disclosure. Some of them are very comprehensive and easy to follow, whilst others are little more than a covering note attached to a national document, with no local interpretation. These are generally issued at divisional level rather than as cross-Area instructions.

- Until recently the CCP was chair of the LCJB. The Board has a number of sub-committees covering a variety of topics and the CPS is represented by senior managers on all of them and chairs at least one. Minutes of meetings would appear to indicate good working relationships with other agencies, although commitment at the top level does not always translate into delivery on the ground. However, the fact that separate reviews of CPS and police processes relating to charging were undertaken with each agency only consulting the other, suggests that the prosecution team ethos is not embedded.
- Managers are willing to learn from success and failure. The plan agreed with the police following the final handover review of the Witness Care Units has been reviewed jointly at regular intervals and most of the actions have been addressed. Whilst a review of charging was undertaken it was a reaction to the unsatisfactory operation of the scheme rather than an intrinsic part of continuing post-implementation review. In some cases, whilst plans are in place they have not always achieved the desired outcomes, for example, the project to try to improve the quality of disclosure has had limited success.

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 some recognition of good performance, commendations from the police are passed on with additional messages from the relevant manager or CCP, and the bonus scheme has been used in a small number of cases. Area newsletters are used to announce successes in exams and certificates have been presented at Away Days. Good work or success is also acknowledged through day-to-day interaction with managers rather than by any more formal recognition.
- A local survey of staff was conducted in January 2006. Only 24% responded, but some concerns were raised about 'Dignity at Work'. 29% of the respondents disagreed that they were treated with fairness and respect; three said that they had been bullied and two that they were treated with disrespect. Following the survey, focus groups were set up to find out more about staff views although no further action was subsequently taken. In the national staff survey, conducted three months later, 71% of staff said they were treated with fairness and respect compared to the national average of 63%. An action plan was agreed in response to the national staff survey but has not yet been followed through, as the regional Equality and Diversity Officer post is now vacant.
- There have been no substantiated formal complaints made by staff about their treatment by managers and a complaint of racial harassment was resolved by mediation after advice was sought from Headquarters. There has been one minor incident of unacceptable behaviour which was dealt with by an oral warning.
- Any inappropriate e-mails sent by staff via the CPS network are referred to the Area by the IT security team in Headquarters. They are referred by the ABM to the line manager of the person concerned. The Area policy is to speak to the member of staff on the first and second occasions and oral warnings are considered for a third offence only; this is not a robust approach.
- The ABM is the champion for equality and diversity and takes the lead on the Workforce Representation Plan, liP and the staff survey. These are listed as priorities in the business plan but there is no overarching strategy on equality and diversity, although it is implicit in the approach to community engagement.

- At the start of 2006-07 4% of staff were from minority ethnic backgrounds against just over 4% in the local population (2005 labour force statistics). 5% of the Area's workforce declared themselves to be disabled. The Area plan in 2006-07 proposed to double the proportion of staff from minority ethnic groups and with disabilities by 2008, through a variety of means. The plan has not yet been updated for 2007-08.

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

- Senior managers are committed to engaging with the community, with the CCP as strategic lead for the Area, ABM and Area Communications Officer (ACO) as operational leads, and the Business Managers taking the lead locally on the divisions. The Area has allocated a £10,000 budget for community engagement which forms part of the Secretariat budget and senior managers encourage staff attendance at events, ensuring that resources are made available.
- There is a clear set of actions on community and staff engagement; these were built into the Business Plan for 2006-07 and continue in the current plan for 2007-08. There is a clear focus on improving performance against the community engagement measure and progress has been made against the key recommendations identified in the Headquarters report for the fourth quarter of 2006-07. Staff were involved in the development of the business plan and continue to be in the monitoring of progress. In addition, all staff have an individual community engagement objective in their personal development plan. A community engagement training programme has been developed, delivered by a Divisional Business Manager and the ACO.
- Each division is responsible for determining the level and nature of community engagement to meet local needs. The Area ensures that any good practice or engagement that needs to be conducted at an Area level is identified at the divisional quarterly assurance meetings with the CCP and ABM. There are also regular meetings between the Divisional Business Managers and the ACO which enable ideas to be shared and identification of where an Area resource is necessary.
- The CPS is engaged with communities from across all the priority groups: age, disability, health and community groups relevant to the three categories of hate crime. There has been fairly wide-ranging activity across all the divisions, although during 2006-07 this was carried out by a small group of staff with representation from all grades. The personal objectives set for the current year should ensure that all staff are engaged in at least one activity during the year. Staff have also participated in events held under the auspices of the LCJB and those led by criminal justice partners.
- The Area has up-to-date information on the demographics of Wales and local communities, and statistics available from the Welsh Assembly Government include information on the Welsh speaking population. The CCP has worked with the Welsh Language Board to produce the Welsh Language Scheme which should engage the respect and confidence of Welsh speakers. The scheme is a key priority for the Area and the CPS Welsh Area Group during the current year. Project plans are in place, training has been planned and a budget of £20,000 has been provided by Headquarters to assist with compliance.

- The Area benefited from the assistance of a regional Equality and Diversity Officer. Before leaving the post in July 2007 they were able to make contact with harder to reach minority groups, for example disability, Stonewall Cymru, Muslim youths, refugees and Surestart for single mothers, and the Area needs to ensure that the momentum of the positive work already undertaken is maintained. A Community Assurance Panel was established in advance of the requirement by Headquarters to introduce a Hate Crime Panel. It comprises a selection of community groups and provides feedback on all aspects of casework. A Hate Crime Scrutiny Panel is planned for the current business year.
- A log is maintained which captures all community engagement activity across the Area and within the divisions. Evaluation sheets are filled out by all delegates on completion of community engagement training and individual events are evaluated, with reports provided to the Secretariat. The evaluation and feedback of events are publicised in the Area bulletin. The evaluation has led to an improvement in the manner in which events are held and the nature of community engagement undertaken, and the Area now needs to ensure that it is also translated into service delivery improvements, for example arising out of the Community Assurance Panel.
- Public confidence in the ability of the criminal justice system within South Wales to bring offenders to justice has declined from 44.1% in June 2006 to 42.4% by that December, as measured by the British Crime Survey. However, this is above the national average (42.3% in December 2006) which has declined at a greater rate.
- The ACO, who was appointed in January 2007, has responsibility for media contacts in South Wales and for one day each week on behalf of CPS Gwent. They have developed good links with the press and the BBC locally, which has ensured that press releases receive coverage and adverse comment is challenged. All media coverage of published articles or broadcasts is captured in a monthly log. The ACO is now undertaking work to develop contacts with the smaller local press to make the CPS relevant to local communities.

ANNEX 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%	20.2%	16.8%	11.0%	13.1%	14.6%	10.2%
Guilty plea rate	52.0%	69.2%	64.9%	69.4%	68.0%	66.5%	66.5%	71.4%
Attrition rate	31.0%	22.0%	25.1%	22.0%	23.0%	22.2%	24.5%	20.6%

	National performance 2006-07	Area performance 2006-07
Charged pre-charge decision cases resulting in a conviction	78.0%	78.3%

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%	81.4%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	44.0%
Cracked trial rate	37.3%	42.5%
Ineffective trial rate	18.9%	13.5%
Vacated trial rate	22.5%	30.8%

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

National target	National performance 2006	Area performance 2006
71 days	72 days	72.3 days

Offences Brought to Justice

	CJS area target 2006-07	CJS area performance 2006-07
Number of offences brought to justice	31,780	29,523

Percentage make up of Offences Brought to Justice	National 2006-07 ⁷	Criminal justice area 2006-07
Offences taken into consideration (TICs)	8.5%	4.8%
Penalty notices for disorder (PNDs)	10.3%	16.2%
Formal warnings	5.8%	4.4%
Cautions	26.5%	15.5%
Convictions	48.8%	59.1%

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%	79.3%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	54.6%
Cracked trial rate	39.5%	33.7%
Ineffective trial rate	12.4%	11.7%

7 Final figures awaited.

Proceeds of Crime Act orders	Area target 2006-07	Area performance 2006-07
Value	£1,022,341	£2,351,588
Number	187	170

Aspect 10: Managing resources

	2005-06	2006-07
Non ring-fenced administration costs budget outturn	97.3%	99.2%

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%	12.9%
HCA savings against Area target	100%	138.4%	156.6%
Sickness absence (per employee per year)	7.5 days	8.5 days	7.6 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
35%	41%	42.4%

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

Police

South Wales Police

HM Courts Service

HM Courts Service South Wales

Victim Support

Victim Support South Wales

Community Groups

Stonewall Cymru

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