

**THE INSPECTORATE'S REPORT  
ON  
CPS SOUTH WALES**

**REPORT 6/04**

**MAY 2004**

# CPS SOUTH WALES



## **AREA OFFICE**

Cardiff

## **OTHER OFFICES**

Barry, Bridgend, Cardiff, Merthyr Tydfil, Swansea

## **MAGISTRATES' COURTS**

Cardiff, Cynon Valley, Merthyr Tydfil, Neath Port Talbot  
Newcastle and Ogmore, Pontypridd, Swansea County, Vale of Glamorgan

## **CROWN COURTS**

Cardiff, Merthyr Tydfil, Swansea

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## **PREFACE**

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

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

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

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

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

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

HMCPPI has offices in London and York. The London office has two Groups which undertake inspections in the Midlands and Wales, and in Southern England. The Group based in York carries out inspections in Northern England. Both offices undertake thematic reviews and joint inspections with other criminal justice inspectorates. At any given time, HMCPPI is likely to be conducting six geographically-based or Directorate inspections and two thematic reviews, as well as joint inspections.

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

During the second cycle of inspections, a database will be built up enabling comparisons to be drawn between performances of CPS Areas. The table of key performance indicators within this report makes such comparison with the aggregate data gathered from the first 15 inspections. HMCPPI points out the care which must still be undertaken if readers are minded to compare performance described in this report with the overall CPS performance in the *first* cycle. Although many of the key requirements remain and are tested by the same standard, the composition of the file sample has altered and this may make such comparisons unreliable. For that reason, no comparisons are made in this report with the first cycle.



## 1 INTRODUCTION

- 1.1 This is Her Majesty's Crown Prosecution Service Inspectorate's report about CPS South Wales. CPS South Wales serves the area covered by the South Wales Police. It has six offices at Barry, Bridgend, Cardiff, Merthyr Tydfil and Swansea. The Area Headquarters is based in Cardiff.
- 1.2 Area business is divided on functional lines between magistrates' courts and Crown Court work. Criminal Justice Units (CJUs) are responsible for the conduct of all cases dealt with in the magistrates' courts. The CJUs have offices at Barry, Bridgend, Cardiff, Merthyr Tydfil and Swansea. Trial Units review and handle cases dealt with in the Crown Court and are based at Cardiff, Merthyr Tydfil and Swansea.
- 1.3 The Area Strategic Board (ASB) consists of the Chief Crown Prosecutor (CCP), the Area Business Manager (ABM), the eight Unit Heads, and a Business Manager at the Secretariat.
- 1.4 In January 2004, the Area employed the equivalent of 201.4 full-time staff. The Area Secretariat comprises the CCP, the ABM and the full-time equivalent of four other staff. Area staff includes a Special Casework Lawyer (SCL) and a level B1 caseworker, a van driver and two level A file store staff. Details of staffing of the units is set out below:

<b>TRIAL UNITS</b>			
<b>Grade</b>	<b>Cardiff</b>	<b>Merthyr Tydfil</b>	<b>Swansea</b>
Level E	1	1	1
Level D	1	-	1 (or CPS Direct)
Level C lawyers	6.8	6	3.6
Level B2 caseworkers	1	1	1
Level B1 caseworkers	10.5	8	7
Level A caseworkers	12	10	8
<b>TOTAL</b>	<b>32.3</b>	<b>26</b>	<b>21.6</b>

<b>CRIMINAL JUSTICE UNITS</b>					
<b>Grade</b>	<b>Barry</b>	<b>Bridgend</b>	<b>Cardiff</b>	<b>Merthyr Tydfil</b>	<b>Swansea</b>
Level E	-	-	1	-	-
Level D	1	1	1	1	1
Level C lawyers	3.6	4	14.4	11	10
DCWs	1	1	2	2	3
Level B1 caseworkers	1	1	3	3	2
Level A caseworkers	1.8	3	18	12.6	9
<b>TOTAL</b>	<b>8.4</b>	<b>10</b>	<b>39.4</b>	<b>29.6</b>	<b>25</b>

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

1.5 Details of the Area's caseload in the year to September 2003 are as follows:

<b>Category</b>	<b>Area numbers</b>	<b>Area % of total caseload</b>	<b>National % of total caseload</b>
Pre-charge advice to police	2,468	4.9%	4.8%
Summary motoring	20,623	41.0%	36.1%
Other summary	7,310	14.5%	19.1%
Either way and indictable only	19,559	38.9%	39.3%
Other proceedings	371	0.7%	0.6%
<b>TOTAL</b>	<b>50,331</b>	<b>100%</b>	<b>100%</b>

1.6 Magistrates' courts caseload went up by 7.7% from the last inspection but nearly half of the increase is accounted for by summary road traffic matters, which now form 41% of the Area's total caseload. These cases have given rise to issues concerning administrative burden, case presentation and affected accurate caseload and performance indicator recording. We deal with these issues at the relevant chapters in this report.

1.7 Details of the Area's Crown Court finalised cases in the year to September 2003 are:

<b>Crown Court finalised cases</b>	<b>Area numbers</b>	<b>Area % of total caseload</b>	<b>National % of total caseload</b>
Indictable only	1,360	36.4%	31.6%
Either way offences	1,417	37.9%	43.9%
Appeals against conviction or sentence and committals for sentence	960	25.7%	24.4%
<b>TOTAL</b>	<b>3,737</b>	<b>100%</b>	<b>100%</b>

1.8 A more detailed table of caseload and case outcomes compared with the national average is attached at Annex 3 and a table of caseload in relation to Area resources at Annex 4. CPS South Wales (in common with other CPS Areas) has benefited from a significant increase in its budget since our last inspection in order to drive up performance. As a result, the Area has been able to recruit more staff and reduce the average numbers of cases dealt with per lawyer and caseworker.

### **Methodology and nature of the inspection**

1.9 The inspection process is based on the inspection framework summarised at Annex 1. There are two types of inspection. A full inspection considers each aspect of Area performance within the framework. An intermediate inspection considers only those aspects which a risk assessment against the key elements of the inspection framework, and in particular the key performance results, indicates require attention. These key results are drawn from the Area's own performance data, and other performance data gathered within the local criminal justice area.

- 1.10 The scope of the inspection is also influenced by the length of time since performance was previously inspected. The assessment in respect of CPS South Wales also drew on findings from the previous inspection of the Area, a report of which was published in January 2001. As a result of this risk assessment, it was determined that the inspection of CPS South Wales should be a full one.
- 1.11 Our previous report made a total of 26 recommendations and six suggestions, as well as identifying three aspects of good practice. In the course of this inspection, we have assessed the extent to which the recommendations and suggestions have been implemented, and a synopsis is included at Annex 5.
- 1.12 Our methodology combined examination of 274 cases finalised between 1 August and 31 October 2003 and interviews with members of CPS staff at all levels. We received evidence from criminal law practitioners and local representatives of criminal justice agencies. Our file sample was made up of magistrates' courts and Crown Court trials (whether acquittals or convictions), cracked and ineffective trials and some specific types of cases. A detailed breakdown of our file sample is shown at Annex 6. A list of individuals from whom we received comments is at Annex 7. The team carried out observations of the performance of advocates and the delivery of service at court in both the magistrates' courts and the Crown Court.
- 1.13 Inspectors visited the Area between 12 and 23 January 2004. The lay inspector for this inspection was Mr Roy Ham, who was nominated by Victim Support. The role of the lay inspector is described in the Preface. The lay inspector examined files that had been the subject of complaints from members of the public and considered letters written by CPS staff to victims following the reduction or discontinuance of a charge. He also visited some courts and spoke to some witnesses after they had given evidence. This was a valuable contribution to the inspection process. The views and findings of the lay inspector have been included in the report as a whole, rather than separately reported. He gave his time on a purely voluntary basis, and the Chief Inspector is grateful for his effort and assistance.
- 1.14 The purpose and aims of the Inspectorate are set out in Annex 8. A glossary of the terms used in this report is contained in Annex 9.

## **2 SUMMARY OF INSPECTION FINDINGS AND RECOMMENDATIONS**

- 2.1 Casework outcomes in the Area are satisfactory and, in many aspects, better than national averages. This is particularly creditable in the context of both the magistrates' courts and the Crown Court granting the prosecution less time for case preparation than is the norm in many parts of the country. As a consequence, to some degree, detailed analysis of individual cases in the file sample and at court revealed some in which more positive action should have been taken by the CPS at an early stage, and Area lawyers need to ensure that a high standard of decision-making is maintained by being more thorough in its consideration of the evidence in all cases.
- 2.2 Casework processes, with the exception of the unused material regime, are sound. There are some inconsistencies of approach between the eight units, but these are being addressed by a recently issued set of Area standards.
- 2.3 A significant number of cases that should have been committed for trial were discharged because the prosecution was not ready to proceed. The Area will need to reduce this number, and ensure that discharged cases are re-instated where appropriate.
- 2.4 The Area's undertaking of its duties of disclosure of unused material is weak, in that prosecutors do not explore the issues in sufficient detail. Training was provided across most of the units, and detailed guidance was provided to lawyers in 2003. Nevertheless, significant improvements are required.
- 2.5 Most prosecution advocates give a satisfactory performance and several are better than average in some regards. There are, however, a number of CPS lawyers whose performance was lacklustre and indicated a lack of preparation or experience.
- 2.6 Engagement with witnesses was generally good, but varied between individual prosecutors. The attendance by a Case Progression Officer to assist witnesses at Cardiff Magistrates' Court is good practice. The Area will shortly be introducing a feedback procedure to assess the overall performance of witness care by counsel in the Crown Court, in order to make improvements.
- 2.7 There is a sound structure for performance management. The National Casework Quality Assurance scheme has been implemented to monitor individual performance, but inconsistent approaches between the units need to be addressed.
- 2.8 Staffing and the organisational structure are regularly reviewed and changes made to meet demands. Great emphasis is put on staff development. Communications within the Area are good with a mixture of management meetings, new technology and Area publications being used to ensure that staff are aware of current events. The management structure is sound and meets local needs. The new CPS case management system (Compass) has been implemented and the Area is undergoing planned changes to co-locate with the police and to ready itself for the implementation of the pre-charge advice scheme.
- 2.9 The Area has sound systems to monitor and control its budget expenditure, but it needs to assure the integrity of its casework data, so that the allocation of financial resources to the Area is soundly based.

### **Bringing offenders to justice**

- 2.10 Figures for the percentage increase in the number of offences brought to justice show an upward trend. The target is for 31,697 (or 5% improvement on the 2001-02 baseline). By April 2003, there had been 2.7% improvement on the baseline.

### **Reducing ineffective trials**

- 2.11 The Area has contributed successfully to the reduction in ineffective Crown Court trials, which are now significantly better than the national average. The ineffective summary trial rate is also better than the national average. There nevertheless remain cases in which the prosecution could do more to avoid the ineffective outcome.

### **Sensitive cases**

- 2.12 Sensitive cases are for the most part handled appropriately. The recent joint thematic inspection of the Investigation and Prosecution of Cases Involving Domestic Violence identified several aspects of the Area's performance as good practice.

### **Improving public confidence**

- 2.13 CPS South Wales makes a significant and positive contribution to the local criminal justice system (CJS). It has a sound strategic approach to improving public confidence in the CJS and the CPS.

### **Value for money**

- 2.14 The Area generally gives good value for money because of its ability to handle casework within shorter than normal deadlines, its regular reviews of deployment of staff, its effective control of the budgets and robust performance management. Our only concerns relate to the lack of usage of Higher Court Advocates (HCAs) in the Crown Court.

### **Community engagement**

- 2.15 There is considerable and effective community engagement activity across the Area.

### **Equality and diversity issues**

- 2.16 The Area is active in promoting equality and diversity amongst its staff and has done considerable work to engage with the minority ethnic groups in South Wales. There was no evidence of bias or discrimination in service delivery.

### **Recommendations**

- 2.17 We make recommendations about the steps necessary to address significant weaknesses relevant to important aspects of performance, which we consider to merit the highest priority.

We have made three recommendations to help improve the Area's performance:

1. The Area should improve the thoroughness of initial reviews, to ensure that weaknesses in a case are identified and addressed as soon as possible (paragraph 4.13).
2. The Area should address the understanding and implementation of the prosecutor's duties of disclosure through the revised joint operational instructions (paragraph 4.32).
3. The ABM and CCP must ensure that specified proceedings are not included in the Area's caseload statistics, and clarify with police and the magistrates' courts the role of the CPS in specified offences dealt with by specified proceedings (paragraph 9.5).

### **Good practice**

- 2.18 We have identified two aspects of good practice, which might warrant adoption nationally.
1. Aspects of dealing with cases involving domestic violence (paragraph 4.36).
  2. The attendance of the Case Progression Officer at Cardiff Magistrates' Court (paragraph 6.4).

### 3 KEY PERFORMANCE RESULTS

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

<b>CPS PERFORMANCE</b>	<b>National Target 2002-2003</b>	<b>National Performance Cycle to date*</b>	<b>Area Target 2002-2003</b>	<b>Area Performance</b>
<b>MAGISTRATES' AND YOUTH COURT CASEWORK</b>				
<b>Advice</b>				
Decisions complying with evidential test in the Code <sup>1</sup>	-	98.3%	-	100%
Decisions complying with public interest test in the Code <sup>1</sup>	-	96%	-	100%
<b>First Review</b>				
Decisions to proceed at first review complying with the evidential test <sup>1</sup>	-	98.2%	-	100%
Decisions to proceed at first review complying with public interest test <sup>1</sup>	-	99.8%	-	100%
Requests for additional evidence/information made appropriately at first review <sup>1</sup>	-	78.2%	-	31.8%
<b>Discontinuance</b>				
Discontinuance rate of completed cases (CPS figure)	-	12.6%	-	14.7%
Discontinued cases with timely discontinuances <sup>1</sup>	-	73.7%	-	71.1%
Decisions to discontinue complying with the evidential test <sup>1</sup>	-	92%	-	87.1%
Decisions to discontinue complying with the public interest test <sup>1</sup>	-	98.4%	-	76.9%
Discontinued cases where all reasonable steps had been taken to request additional evidence/information <sup>1</sup>	-	87.1%	-	78.1%
<b>Level of charge</b>				
Charges that required amendment and were amended in a timely manner <sup>1</sup>	-	72.7%	-	63.6%
Cases that proceeded to trial or guilty plea on the correct level of charge <sup>1</sup>	-	96.8%	-	88.9%
<b>Cracked and ineffective summary trials</b>				
Cracked trials as recorded by CPS and magistrates' courts JPM	-	(Apr – Jun 03) 37.9%	39%	(Apr - Jun 03) 43.0%
Cracked trials in file sample that could have been avoided by CPS action <sup>1</sup>	-	22.4%	-	4 out of 6
Ineffective trials as recorded by CPS and magistrates' courts JPM	-	(Apr – Jun 03) 29.4%	26%	(Apr – Jun 03) 25.9%
Ineffective trials in the file sample that could have been avoided by CPS action	-	- <sup>4</sup>	-	1 out of 7
<b>Summary trial</b>				
Acquittal rate in magistrates' courts (% of finalisations) – CPS figure	-	1.8%	-	1.4%
Decisions to proceed to trial complying with the evidential test <sup>1</sup>	-	94.8%	-	97.8%
Decisions to proceed to summary trial complying with the public interest test <sup>1</sup>	-	99.5%	-	100%
Cases with timely summary trial review <sup>1</sup>	-	77.3%	-	87.1%
Requests for additional evidence/information made appropriately at summary trial review <sup>1</sup>	-	72.5%	-	47.1%
No case to answers where outcome was foreseeable, and CPS could have done more to avoid outcome <sup>1</sup>	-	51.3%	-	5 out of 6

<b>CPS PERFORMANCE</b>	<b>National Target 2002-2003</b>	<b>National Performance Cycle to date*</b>	<b>Area Target 2002-2003</b>	<b>Area Performance</b>
<b>CROWN COURT CASEWORK</b>				
<b>Committal and service of prosecution papers</b>				
Cases with timely review before committal, or service of prosecution case in "sent" cases <sup>1</sup>	-	80.3%	-	84%
Decisions to proceed at committal/service of prosecution papers stage complying with evidential test in the Code for Crown Prosecutors <sup>1</sup>	-	96.3%	-	97.7%
Decisions to proceed at committal/service of prosecution papers stage complying with public interest test in the Code for Crown Prosecutors <sup>1</sup>	-	99.8%	-	100%
Requests for additional evidence/information made appropriately at committal/service of prosecution case review <sup>1</sup>	-	87.9%	-	67.1%
Timely and correct continuing review after committal	-	83.4%	-	80.5%
Cases with timely service of committal papers on defence	80%	79.2% 86.8% <sup>3</sup>	-	66.3% <sup>1</sup> 96.8% <sup>2</sup>
Cases with timely delivery of instructions to counsel	84%	84.3% 85.9% <sup>3</sup>	-	98% <sup>1</sup> 97.5% <sup>2</sup>
Instructions to counsel that were satisfactory <sup>1</sup>	-	62.7%	-	62.5%
<b>Cracked and ineffective trials</b>				
Cracked trials as recorded by CPS and Crown Court JPM	-	(Apr – Oct 03) 38%	-	(Apr – Oct 03) 36.8%
Cracked trials that could have been avoided by CPS action <sup>1</sup>	-	23.4%	-	1 out of 6
Ineffective trials as recorded by CPS and Crown Court JPM	-	(Apr – Oct 03) 22.2%	12.3%	(Apr – Oct 03) 11.5%
Ineffective trials where action by CPS could have avoided an adjournment <sup>1</sup>	-	- <sup>4</sup>	-	2 out of 6
<b>Level of charge</b>				
Charges that required amendment and were amended in a timely manner <sup>1</sup>		85.6%		71.4%
Indictments that required amendment <sup>1</sup>		27.9%		23.6%
Cases that proceeded to trial or guilty plea on the correct level of charge <sup>1</sup>		97.9%		92.9%
<b>Judge ordered and judge directed acquittals</b>				
JOA/JDAs where outcome was foreseeable, and CPS could have done more to avoid outcome <sup>1</sup>	-	20.7%	-	24.2%
<b>Trials</b>				
Acquittal rate in Crown Court (% of all finalisations excluding JOA, appeals/committals for sentence and warrant write-offs) <sup>2</sup>	-	10.1%	-	9.3%
<b>NARROWING THE JUSTICE GAP</b>				
Percentage brought to justice against the baseline for 2001-02 as recorded by JPIT		+4.5% (as of June 03)		+2.7% (as of Apr 03)

<sup>1</sup> as assessed by HMCPsi from examination of the file sample during inspection

<sup>2</sup> self-assessment by Area

<sup>3</sup> nationally collated figure based on Area self-assessment returns

<sup>4</sup> insufficient numbers of files to provide reliable data

\* average performance of Areas inspected in inspection cycle 2002-2004 based on a sample of cases examined and observations at court up to 30 September 2003



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

<b>CPS PERFORMANCE</b>	<b>National Target 2002-2003</b>	<b>National Performance Cycle to date*</b>	<b>Area Target 2002-2003</b>	<b>Area Performance</b>
<b>MAGISTRATES' AND YOUTH COURT CASEWORK</b>				
<b>Disclosure</b>				
Cases where primary disclosure properly handled <sup>1</sup>		72.8%		42.5%
Cases where secondary disclosure properly handled <sup>1</sup>		60%		0 out of 2
<b>Witness care</b>				
Trials where appropriate use made of S9 CJA 1967 <sup>1</sup>		97.7%		84.9%
Trials where appropriate use made of the witness care measures <sup>1</sup>		83.3%		0 out of 1
<b>CROWN COURT CASEWORK</b>				
<b>Disclosure</b>				
Cases where primary disclosure properly handled <sup>1</sup>		85.9%		62.5%
Cases where secondary disclosure properly handled <sup>1</sup>		59.8%		26.3%
<b>Witness care</b>				
Trials where appropriate use made of witness phasing/standby <sup>1</sup>		85%		81.8%
Trials where appropriate use made of the witness care measures <sup>1</sup>		91%		82.4%
<b>MAGISTRATES' COURTS AND CROWN COURT</b>				
<b>Custody time limits</b>				
Cases in sample where expiry dates accurately calculated	-	92.5%	-	100%
<b>OTHER ISSUES</b>				
<b>Payment of witness expenses</b>				
Payment of witness expenses within 10 days of receipt of claim <sup>2</sup>	100%	99.3%	-	100%
<b>Handling of complaints</b>				
Complaints replied to within 10 days <sup>2</sup>	94%	85.4%	-	90.9%
<b>Citizens charter commitment</b>				
MPs correspondence replied to within 15 days <sup>2</sup>	100%	91.8%	N/A	85.7%
<b>Improving productivity</b>				
Reduce sick absence rate per member of staff	10.6 days (2001)	8.5 days (2001)	10.9 days (2001)	10.7 days (2001)
<b>OTHER ASPECTS OF CPS PERFORMANCE</b>				
<b>CJS Youth Justice Performance Measures (shared between Home Office, Department of Constitutional Affairs (formerly LCD) and CPS)</b>				
To halve time from arrest to sentence for persistent young offenders from 142 to 71 days by 31 March 2002	71 days	66 days (Aug - Oct 03)	71 days	60 days (Aug - Oct 03)

<sup>1</sup> as assessed by HMCPSI from examination of the file sample during inspection

<sup>2</sup> self-assessment by Area

\* average performance of Areas inspected in inspection cycle 2002-2004 based on a sample of cases examined and observations at court up to 30 September 2003

## **Commentary**

- 3.1 The acquittal rates and the ineffective trial rates in both magistrates' and Crown Courts; the cracked trial rate in the Crown Court; and the average time it takes to deal with persistent young offenders are all significantly better than the national average. These are the positive aspects of the Area's casework performance.
- 3.2 The thoroughness and timeliness of some reviews, decisions to discontinue cases and the disclosure of unused material are less assured.

### ***Advice to police***

- 3.3 We examined 20 cases where the police had sought advice from the police. All the decisions complied with the evidential and public interest tests in the Code for Crown Prosecutors.

### ***Quality of decision-making***

- 3.4 The evidential test in the Code had been applied at initial review in all cases. However, additional evidence or information was not sought when appropriate in much higher proportion than average in the cycle to date.

### ***Continuing review***

- 3.5 The Area's acquittal rate in the magistrates' courts is better than the national average, but the thoroughness of continuing reviews needs to improve. In our examination of files, the evidential test was correctly applied in 97.8% of cases at summary trial review, and the public interest test in 100% of summary trial reviews. These are slightly above the national performance, but again additional evidence or information should have been requested from police in many more cases. These findings, together with a high cracked trial rate and the number of late discontinuances (see paragraphs 4.14 and 4.15) indicate that difficult but fundamental evidential issues had not been addressed before the trial. When they become apparent on the trial date, cases were discontinued or dealt with by way of guilty pleas to lesser offences.
- 3.6 The quality of reviews when cases were prepared for the Crown Court was better. The Area's performance was again above the national average, but with the recurring feature of additional evidence and information not being sought. Most of the failed cases are due to reviewing lawyers not getting to grips with the details of the case and not taking action which might strengthen the case or avoid witness failure.

#### **Aspects for improvement**

- \* The quality of continuing review.

### ***Discontinuance***

- 3.7 The Area's discontinuance rate for the year ending September 2003, at 14.7%, is higher than the national average of 12.5%. Area managers consider that decisions by CPS lawyers at the pre-charge stage (see paragraph 4.7) will reduce this substantially. However, the quality of those decisions not to charge will need to be monitored in the light of our findings on the quality of decisions to discontinue. The decision to discontinue complied with the evidential test in 27 out of 31 cases (87.1% compared with national average of 92%), and the decision to discontinue on public interest grounds was correct in ten out of 13 relevant cases (76.9% compared with the national average of 98.4%). Timeliness of discontinuance is a concern, as a significant number of discontinuances took place as late as the trial date.

### ***Level of charge***

- 3.8 The selection of the correct level of charge was an issue in the last report. This issue remains, with 88.9% of cases proceeding to trial or guilty plea in the magistrates' courts on the correct level of charge. Offences of violence are a major problem in South Wales, but it was clear that offenders were often charged with a more serious offence than that suggested by the national charging standards, and the CPS tends to be slow in deciding on the correct charge.
- 3.9 Over-charging is also an issue in Crown Court cases and a significant number of cases were sent to the Crown Court as indictable only offences, when they should have been dealt with as either way offences. The timeliness with which the charges are amended can be improved, and the percentage of cases that proceeded to completion at the correct level of charge was significantly below the national average.
- 3.10 We received some evidence that there was a high rate of charge of youth offences, rather than using final warnings. The CPS youth specialists will want to liaise with police about this.

### ***Ineffective trials***

- 3.11 The proportion of ineffective trials in the magistrates' courts is 25.9% and in the Crown Court 11.5%. These are better than the respective national averages.

### ***Persistent young offenders***

- 3.12 The Area has performed consistently very well in the speedy resolution of cases involving persistent young offenders. Cases concluding in August to October 2003 took an average of 60 days against the national target of 71 days. This was better than the national performance. It is also creditable that all youth cases are expedited.

### ***Persistent offenders***

- 3.13 In common with most other criminal justice areas, this figure is not being achieved by a large margin according to the Area's case tracking data. The Area needs to analyse comprehensiveness of inputting by police and finalisation by CPS.

### ***Sensitive cases***

- 3.14 Sensitive cases are for the most part dealt with appropriately.

### ***Adverse outcomes***

- 3.15 Magistrates found that there was no case to answer in 45 cases in the year ending September 2003, which was half the national rate. In the Crown Court, the Area's performance was close to the national average with 16.4% of cases not proceeded with compared to 14.2% nationally, and 1.7% judge directed acquittals compared to 1.8% nationally. The majority of the adverse cases in the Crown Court were due to the prosecution not proceeding with a case after it had been committed or sent to the Crown Court.
- 3.16 The percentage of cases where the adverse outcome was foreseeable and the CPS could have done more to avoid the outcome was higher than the national average. This is another factor that supports our concern about the effectiveness of continuing reviews.

### ***Disclosure***

- 3.17 At the last inspection, we identified the disclosure of unused material as an aspect for improvement. Examination of the file sample showed that the situation remains unsatisfactory.

## 4 CASEWORK

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

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### Overview

- 4.1 Casework outcomes tend to be favourable, but we found examples where difficult evidential issues have been identified late, or not at all. This has resulted in a number of late discontinuances and charge reduction on the trial date in the magistrates' courts. We found similar examples in the Crown Court, albeit performance in relation to cracked and ineffective trials in the Crown Court has improved and is better than the national average performance.
- 4.2 Disclosure of unused material has not been dealt with well. This issue was identified in the last inspection and the Area's performance continues to be unsatisfactory.
- 4.3 Administrative processes have evolved in line with co-location. Most of the units are performing at a satisfactory level, but intermittent backlogs in post handling and case finalisation need to be addressed. Inspectors consider that a significant contributory factor is the CPS dealing with specified offences unnecessarily.
- 4.4 Sensitive cases are handled appropriately and the quality of decision-making in these cases is generally good.

### Advice to police

**STANDARD: REQUESTS FOR ADVICE ARE APPROPRIATE, AND DEALT WITH IN A TIMELY WAY IN ACCORDANCE WITH CODE TESTS AND CPS POLICY, AND ADVICE IS FREE FROM BIAS AND DISCRIMINATION**

- 4.5 The quality, timeliness and accurate recording of advices were issues raised in the last inspection report. Consideration of advice files within our sample indicated that 100% complied with the evidential test in the Code for Crown Prosecutors, against 98.3% nationally in the current inspection cycle so far, and that the public interest test was correctly applied in both of the applicable cases. In two further instances, while the advice given not to proceed was ultimately correct, the reasoning behind the decisions addressed the wrong issues.
- 4.6 In our file sample, advice was sent to police within the nationally agreed 14 day target in 13 out of 18 cases (72.3%). This represents a significant improvement from the last inspection, when only 30% of the advices were provided within the timeliness target.
- 4.7 Our broader file sample contained several serious cases that would have benefited from advice before charge, but this had not been sought. A shadow charging scheme, whereby certain types of offence are submitted to the CPS before charge for advice, has been implemented in parts of the Area. In the Rumney division of Cardiff, where officers discuss cases directly with the duty prosecutor at the police station, the

prosecutor also deals with all formal written requests for advice. We observed this charging centre which was working well. The scheme has not been in place long enough to enable its effectiveness to be measured, but many police officers have provided favourable responses.

### **Cases ready to proceed at first date of hearing**

**STANDARD: JOINT CPS/POLICE PROCESSES ENSURE CASES READY TO PROCEED AT FIRST DATE OF HEARING AND THAT CASEWORK DECISIONS REFLECT THE GENERAL DUTY UNDER THE RACE EQUALITY SCHEME (I.E. TO ELIMINATE UNLAWFUL DISCRIMINATION, PROMOTE EQUALITY OF OPPORTUNITY AND PROMOTE GOOD RELATIONS BETWEEN PERSONS OF DIFFERENT RACIAL GROUPS)**

- 4.8 The processes for early administrative (EAH) and early first hearings (EFH) at the magistrates' courts work well. Files due in court on the following day are provided to and reviewed by lawyers and Designated Caseworkers (DCWs).
- 4.9 It is apparent from our file sample and from other evidence that a bar to cases being ready to proceed is the quality and timeliness of police files. This may relate to difficulties in obtaining medical or video evidence, but sometimes it is more fundamental and relates to the quality of the police investigation. The police and the CPS are working to re-invigorate joint performance management (JPM) (see paragraph 4.47).

### **Bail/custody applications**

**STANDARD: JOINT CPS/POLICE PROCESSES ENSURE APPROPRIATELY INFORMED BAIL/CUSTODY APPLICATIONS ARE MADE AND THAT CASEWORK DECISIONS REFLECT THE GENERAL DUTY UNDER THE RACE EQUALITY SCHEME**

- 4.10 Prosecutors make appropriate representations on bail in the magistrates' courts as well as the Crown Court.

### **Discontinuances in magistrates' courts**

**STANDARD: AREA PROCESSES ENSURE DISCONTINUANCES IN MAGISTRATES' COURTS OR CROWN COURT ARE BASED ON ALL AVAILABLE MATERIAL AND ARE TIMELY**

- 4.11 The discontinuance rate at 14.7% is higher than the national average (12.6%). Some of this has been attributed to police file quality and to issues arising from some road traffic cases.
- 4.12 The timeliness of the decisions can also be improved. In the files we examined, 71.1% of the decisions to discontinue could have been taken sooner. In particular, nine out of 39 of the discontinuances occurred on the trial date.

### Aspects for improvement

- \* The timeliness and quality of decisions to discontinue cases.

### Summary trial preparation

**STANDARD: AREA SUMMARY TRIAL PROCESS ENSURES THAT THE PTR (IF THERE IS ONE) AND THE TRIAL DATE ARE EFFECTIVE HEARINGS, AND ANY DECISIONS ON ACCEPTABILITY OF PLEAS OR ALTERNATIVE CHARGES ARE MADE IN ACCORDANCE WITH CODE TESTS AND CPS POLICY, AND ARE FREE FROM BIAS AND DISCRIMINATION**

- 4.13 Inadequacies in police files must be addressed as early as possible to avoid delays to trial preparation. Our file sample indicates that shortcomings in police files can often be apparent at initial review, but prosecutors do not always ensure that they request police to take remedial action at that stage.

### RECOMMENDATION

- \* **The Area should improve the thoroughness of initial reviews, to ensure that weaknesses in a case are identified and addressed as soon as possible.**

- 4.14 Cracked and ineffective trial rates were high at the time of the last inspection and the Area has worked with its CJS partners to address them by trying to make pre-trial reviews (PTRs) more effective. There has been improvement in the ineffective trial rate, which is now better than the national average, but the cracked trial rate, at 43.2%, is high compared to the national average of 37.9%.
- 4.15 We examined six trials which resulted in guilty pleas on the day set for trial. Four of them could have been avoided had the CPS been more realistic at an earlier stage and accepted that less serious offences were more appropriate.
- 4.16 Cardiff CJU has a dedicated PTR team that takes over a case once a not guilty plea is indicated. Generally speaking, prosecutors at PTRs had good knowledge of the cases with which they were dealing. Their contribution might, however, be limited by the large numbers of cases listed in a PTR court, because the time allowed for each case does not encourage resolution. Bearing in mind the number of cracked trials and late discontinuances, the Area needs to ascertain whether the lack of full file at PTR prevents a timely decision being made. The dual decision-making process is, of course, a duplication of effort. This issue requires management attention.
- 4.17 Case Progression Officers (CPOs) have been appointed to all the CJUs. They liaise with their counterparts in the magistrates' courts to check on PTR and trial readiness. We found a real desire to work together to improve case progression. In Cardiff Magistrates' Court, the CPO also attends court to deal directly with witnesses and to sort out any problems on the day of trial.

### **Aspects for improvement**

- \* The cracked trial rate in the magistrates' courts.

### **Committal and Crown Court case preparation**

**STANDARD: AREA PROCESSES FOR CASES "SENT" OR COMMITTED FOR TRIAL TO THE CROWN COURT ENSURE THAT:**

- A) SERVICE OF THE PROSECUTION CASE ON THE DEFENCE TAKES PLACE WITHIN AGREED TIME PERIODS BEFORE COMMITTAL/PDH;**
- B) PROSECUTION HAS TAKEN ALL NECESSARY STEPS TO MAKE THE PDH AND TRIAL DATE EFFECTIVE; AND**
- C) PROSECUTOR IS FULLY INSTRUCTED**

- 4.18 Across the Area, lawyers decide on the contents of committal and section 51 bundles and administrative staff put them together for service. Caseworkers do not become involved until after committal/service. We think that Crown Court cases can benefit from caseworkers applying their experience to case preparation. This is an issue for management attention.
- 4.19 The service of committal papers was timely in 66.3% of cases in our file sample. This is below national performance in the cycle to date. There are also delays in cases sent under the provisions of section 51 of the Crime and Disorder Act. The explanation most commonly given is the timeliness and quality of police files. We have pointed out at paragraph 4.9 that effort to improve police performance for summary trial files must be accompanied by lawyers being more pro-active at the earliest opportunity. The same applies for committal files. In most cases in our sample, a request for a committal file does not identify further information that should be included, even when there are obvious gaps in the case. This requires management attention, bearing in mind the context that both magistrates' courts and the Crown Court fix shorter periods than the norm in other parts of the country for case preparation by the prosecution.

### ***Discharged committals***

- 4.20 Timeliness and quality of police files are also factors that impact on the number of committals discharged because the prosecution was not ready to proceed on the appointed date. In the first two quarters of 2003, 121 committals were discharged for this reason. This represented approximately 15% of cases of cases that should have been committed for trial. Figures in the three quarters from April 2003 appear much improved, with 136 out of 1,891 cases for committal being discharged (7.2%).
- 4.21 One common factor of delay is obtaining medical evidence. CPS Headquarters has devised a protocol with Accident and Emergency Departments and Areas are encouraged to adopt it locally. There are, however, no such agreements with health authorities across South Wales, although piecemeal attempts, as in Swansea, have been made to convey an understanding to some doctors of the implications of the provision or otherwise of medical statements. Another cause of delay in some police divisions is their ability to cope with typing records of taped interviews with defendants.



- 4.22 When committals are discharged because they are not ready, it is generally the practice for notices to be sent to the police outlining the deficiencies and they are given 28 days to provide the evidence required. Some Area lawyers took the view that this should be the limit of their responsibility. We disagree. Defendants have been brought before the courts, sometimes in custody. Efforts have already been made by the court, the prosecution and the defence to progress the case but more importantly, victims have an expectation that their cases should be brought to a just conclusion. It will adversely affect public confidence in the CJS if cases fail without a judicial determination as to guilt, simply because an adequate police file has not been submitted. Whilst police response to the requests can be patchy, the Area is working with them to ensure that, wherever possible and subject to the Code tests, cases should be returned to the court. Where the 28 days period lapses, prosecutors refer the case to a supervisory officer for a response.

#### ***Instructions to counsel***

- 4.23 The proportion of cases where instructions to counsel are sent within the required timescale is 98% and significantly better than the national performance. The quality of the instructions is similar to the national average.

#### ***Indictments***

- 4.24 The number of indictments requiring amendment is also similar to the national average. However, some common errors recur such as the averment of wounding when the indictment should have specified grievous bodily harm, and the inclusion of all the different ways in which an offence could have been committed, leaving the prosecution's allegations unclear.

#### ***Proceeds of Crime Act 2002***

- 4.25 CPS South Wales has two "champions" designated for restraint and confiscation proceedings under the Proceeds of Crime Act 2002. All TU lawyers and CJU Heads have attended the national training courses, and several prosecutors have been involved in obtaining or varying restraints orders. In addition, awareness training has been provided for CJU lawyers and caseworkers.
- 4.26 A protocol with the police was introduced on 1 March 2004 whereby a financial investigation officer would be in place in each division, with two officers for three bigger divisions. The CPS will need to ensure that lawyers flag up all appropriate cases for the Crown Court and that the necessary statements of information are set in train.
- 4.27 Liaison has still to take place with the magistrates' courts to ensure that satisfactory systems are in place there for enforcement of orders, but the Area is alive to the need to raise this awareness. Discussions have commenced with the police officer about the role and remit of a newly created regional assets recovery team.

## **Disclosure of unused material**

### **STANDARD: AREA PROCESSES FOR DISCLOSURE ENSURE FULL AND TIMELY COMPLIANCE WITH CPIA AND CPS POLICY/OPERATIONAL INSTRUCTIONS IN BOTH MAGISTRATES' COURTS AND CROWN COURT**

- 4.28 The handling of unused material was an issue raised in the last inspection and the Area indicated that it would review the processes involved. Since then, new national joint operational instructions (JOPI) have been issued (December 2002).
- 4.29 The result of our file examination was disappointing. In summary trial cases, primary disclosure was handled properly in only 42.5% of cases, where the national average in this cycle of inspections to date is 72.8%. In the Crown Court, primary and secondary disclosure was properly handled in only 62.5% and 26.3% of cases respectively. These figures are significantly below the national performance.
- 4.30 This finding does not mean that the CPS has regularly withheld material from the defence. Our conclusion, in both magistrates' courts and Crown Court, is that there is no evidence on the files that the reviewing lawyer has properly applied the statutory disclosure tests. There is a practice of endorsement stating that the material has not been viewed but that no material undermined the prosecution case or assists the defence, regardless of the quality of the unused material schedule. In some units, lawyers apply a sticker with such an endorsement onto the disclosure schedule. This does not follow the CPS's commitment to undertake the duties of disclosure scrupulously. It is seldom the case that prosecutors can discharge their statutory duty without viewing any material. Prosecutors are not obliged to view every item of unused material, but their decisions must be informed by their assessment of the disclosure schedule provided by the police Disclosure Officer. If the description of the unused items given on the schedules is poor, which is very often the case, a decision to disclose or otherwise without viewing the item or seeking further clarification is not an informed one. In many cases in the sample, prosecutors allowed the defence access to all the material. Other prosecutors did not, relying solely on the disclosure officer's indication that the material referred to did not undermine.
- 4.31 We found little evidence of response to defence statements to confirm whether or not secondary disclosure was undertaken. Prosecutors explained to us that this was because of their anticipation that wide ranging orders for disclosure would be made at plea and directions hearings (PDHs) in any event. This approach has disadvantages. A permissive approach to secondary disclosure can be a disincentive to the defence to provide an appropriate defence statement. It adds unnecessary burden to the prosecution tasks and leaves it unclear what has been disclosed. Importantly, prosecutors are unlikely to consider fully the strength of the defence case, and the content of the unused material.
- 4.32 We received a mixed picture as to the extent to which the revised joint operational instructions have been implemented, as evinced by the continued use of old style disclosure schedules by police and the failure by prosecutors to consider the impact of unused material. Some formal training has taken place, written guidance has been issued and some work done with the police to improve the quality of police schedules of unused material.

## RECOMMENDATION

- \* **The Area should address the understanding and implementation of the prosecutor's duties of disclosure through the revised joint operational instructions.**

### Sensitive cases

**STANDARD: SENSITIVE CASES (RACE CRIME, DOMESTIC VIOLENCE, CHILD ABUSE/ CHILD WITNESS, RAPE, FATAL ROAD TRAFFIC OFFENCES, HOMOPHOBIC ATTACKS) ARE DEALT WITH IN A TIMELY WAY IN ACCORDANCE WITH CPS POLICY AND IN A MANNER WHICH IS FREE FROM BIAS AND DISCRIMINATION**

- 4.33 Sensitive cases are for the most part handled appropriately. There are occasional lapses in the continuing review process, in that prosecutors can be more pro-active and seek to strengthen the case. This follows the pattern of our findings in relation to general cases. Lapses in casework processes, such as poor file endorsements, can also be seen in sensitive cases.

#### *Race crime*

- 4.34 The quality of decision-making is good in race crime cases, in terms of discontinuance and the correct level of charge. The quality of decisions to reduce charges is better than average and prosecutors are less likely to remove the racial element. Discontinuances are less likely than average to be timely, but more likely to be appropriate. Just as in other cases, prosecutors need to be more pro-active to improve file quality.

#### *Rape offences*

- 4.35 Rape offences are generally handled more proficiently than other cases, in that the correct decisions are taken and prosecutors follow through actions to ensure that file quality is improved. This is particularly so by Swansea TU.

#### *Domestic violence*

- 4.36 Domestic violence cases are handled well. The joint thematic inspection of the Investigation and Prosecution of Cases Involving Domestic Violence (February 2004) identified six aspects of **good practice** in the Area. They include:

- \* domestic violence advice surgeries for the police, involving CPS specialists;
- \* CPS participation in the Cardiff Women's Safety Unit that provides effective support to victims;
- \* fast tracking of domestic violence cases in the courts;

- \* training of agents and prosecution counsel on CPS domestic violence policy and practice;
- \* affording domestic violence cases priority when several trials are listed for the same courtroom; and
- \* listing trials in the fixtures.

4.37 While casework decisions are sound, we found that in three out of the 11 cases examined, the prosecutors had not complied fully with national policy. Prosecutors should have requested the victims who sought to withdraw their support for the prosecution to confirm their intention in writing, before the CPS dropped the cases.

### ***Child abuse cases***

4.38 A particular operation involving many child abuse cases had resulted in successful outcomes with good work between police and CPS South Wales. The Area has child abuse specialists but they do not exclusively review and conduct such cases. There have been problems in Swansea with police awareness of considering special measures in appropriate cases, but these have been addressed. Conferences to discuss special measures for the witness and separately to consider the evidence would have been appropriate in some of those cases. The file sample showed satisfactory handling in some cases, but a few combined a lack of robustness of decision-making with a lack of pro-activity in strengthening cases by means of anticipating issues and in pursuing both background information and further evidence. Poor quality video recording of interviews emerged as a problem at court rather than being picked up at an early stage.

### **File/message handling**

#### **STANDARD: FILE/MESSAGE HANDLING PROCEDURES SUPPORT TIMELY CASEWORK DECISIONS AND ACTIONS IN BOTH MAGISTRATES' COURTS AND CROWN COURT**

4.39 The standards of file management vary across the Area. In some of the files we saw, key documents were difficult to find or were missing, and endorsements were not located at the more obvious places. Some finished files may have had wallets and dividers removed, but this does not explain missing documents and, in any event, observations at court revealed similar variations from very well ordered files to the opposite. The introduction of common file keeping standards in January 2004 is therefore timely.

4.40 Across the Area there is mixed performance and backlogs in some of the units. The situation was acute in Swansea CJU. At the time of the inspection, it had not finalised any of the cases concluded in the first half of January and there were also backlogs in responding to lawyers' requests for action and in post handling, with some post over a month old. A significant contribution to the increase in the workload of CJU administrative staff is the large increase of the number of cases involving automatic speed detection devices. This effect is particularly noticeable in Swansea.

- 4.41 The Area is undertaking administrative tasks and file management responsibilities for specified offences which either are, or should be, dealt with under the specified proceedings provisions under the Magistrates' Courts Act 1980. They are mainly minor motoring offences, such as driving in excess of the speed limit, which the legislation provides need not to be taken over by the CPS until the matter is contested or has to be proved in the defendant's absence. Apart from Bridgend CJU, specified proceedings files are delivered by the Police Central Ticket Office (CTO) to the CPS offices. The acceptance of the files means that the Area deals with issues arising from these cases. This can be onerous - one CJU dealt with nine telephone enquiries on CTO cases in one day, and the Area serves evidence under section 9 Criminal Justice Act 1967 on the defendant. Furthermore, the files are being registered before the first hearing and tracked to their conclusion, which is onerous and in many cases inappropriate under the CPS's caseload recording provisions (see recommendation at paragraph 9.5).
- 4.42 The administrative processes in two of the co-located CJUs (Barry and Bridgend) were running relatively smoothly but those in Swansea can be improved. Process mapping has taken place but it is time for local police and CPS managers to take stock of whether the systems operated by the unit are working as effectively as first envisaged. This is an issue for management attention.

**Aspects for improvement**

- \* Post handling and administrative systems in the Swansea CJU.

**Custody time limits**

**STANDARD: SYSTEMS ARE IN PLACE TO ENSURE COMPLIANCE WITH TIME LIMITS/TARGETS IN BOTH MAGISTRATES' COURT AND CROWN COURT**

- 4.43 Since the introduction of Compass, a dual custody time limit (CTL) checking system has been implemented using casework management system (CMS) printouts and a CTL diary, in accordance with national guidelines. There is a robust system for the management of CTLs, and the roles and responsibilities of staff in the system are well defined.
- 4.44 While the new computerised system is being used and the necessary checks are carried out, the manual diary is not always updated. Some managers attribute this to lapses by the administrative staff. The electronic diary is now the primary monitoring tool but the manual back up must be accurate if it is still to be used. This issue requires management attention.
- 4.45 We examined ten magistrates' court files and ten Crown Court files on site. All the units are making good efforts to ensure compliance with the new system, but file endorsement requires improvement to ensure that expiry dates are accurately calculated and clearly marked on the files. In Swansea CJU the expiry date is entered on a separate yellow card which is attached to the file. There was evidence of monitoring at Merthyr Tydfil TU but the endorsements on the file were poor. In one

case, three defendants appeared to have been released on bail and re-entered into custody at various times, but it was impossible to see the expiry date for each defendant. Furthermore, an application was made for the extension of one of the CTLs, but the outcome was not clear and no new CTL re-calculations had been noted on the file. In our experience, failures in the management of CTLs are often caused by the poor quality of file endorsements and this must be addressed.

**Aspects for improvement**

- \* File endorsements for CTL purposes.

**Joint action to improve casework**

**STANDARD: AREA HAS EFFECTIVE PROCESSES AND PARTNERSHIPS WITH OTHER AGENCIES TO IMPROVE TIMELINESS AND QUALITY OF CASEWORK REVIEW AND PREPARATION FOR BOTH MAGISTRATES' COURT AND CROWN COURT AND THAT PARTNERSHIP DECISIONS REFLECT THE GENERAL DUTY UNDER THE RACE EQUALITY SCHEME**

- 4.46 The Local Criminal Justice Board's Delivery Plan sets out how the CJS in South Wales will meet the Public Service Agreement (PSA) targets; with most of the actions revolving around process improvement. Joint improvement work is undertaken by the various joint working groups set up to address specific issues. There is a high level of involvement and commitment by the CPS to these groups and they are addressing the issues identified.
- 4.47 Police file quality and timeliness remain an issue for the Area and joint performance management of these issues have not been effective. We are pleased to learn that the Area has now agreed with the police to re-invigorate joint performance management so that police managers can obtain a more accurate assessment of police performance.

**Aspects for improvement**

- \* Realistic performance targets should be set.

**National Probation Service and Youth Offending Teams**

**STANDARD: AREA HAS SYSTEMS TO ENSURE COMPLIANCE WITH PROVISION OF INFORMATION TO PROBATION SERVICE TO ENABLE THE PRODUCTION OF ACCURATE REPORTS FREE FROM DISCRIMINATION AND BIAS**

- 4.48 The delivery of pre-sentence report packages to the Probation Service is satisfactory, but papers for some youth offending team (YOT) cases have not reached them. Since the packages should be available at first hearing, the issue may be one of delivery rather than preparation. Unit Heads will wish to discuss this with YOT managers in their courts.

### **Appeal and committal for sentence processes**

**STANDARD: APPEAL AND COMMITTAL FOR SENTENCE PROCESSES ENSURE APPEAL/ SENTENCE HEARINGS ARE FULLY PREPARED AND PRESENTED**

- 4.49 The general practice adopted in the Area is for administrative staff to prepare the paperwork, including a brief, and for the cases to be conducted either by HCAs or counsel. Care needs to be taken that defendants' antecedents are up to date.

### **Appeals against unduly lenient sentences**

**STANDARD: SUBMISSIONS TO THE ATTORNEY GENERAL OF POTENTIAL REFERENCES TO THE COURT OF APPEAL AGAINST UNDULY LENIENT SENTENCES ARE MADE IN ACCORDANCE WITH CPS POLICY AND CURRENT SENTENCING GUIDELINES, AND ARE FREE FROM BIAS AND DISCRIMINATION**

- 4.50 Caseworkers are primarily responsible for identifying these cases. They then put together the necessary papers for the Unit Head. A report is sent to the CCP for consideration and onward transmission to CPS Headquarters where appropriate.

### **Recording of case outcomes**

**STANDARD: RECORDING OF CASE OUTCOMES AND ARCHIVING SYSTEMS ARE EFFICIENT AND ACCURATE**

- 4.51 We observed some problems with timely recording of case finalisations which we were assured were temporary. The accuracy of outcome coding can also be improved. Several files in our file sample had been given an incorrect finalisation code and one of the CJUs had misapplied the no case to answer code to all five cases they submitted to us. The training of staff and the accuracy of case outcome recording is an issue for management attention.

### **Information on operational and legal issues**

**STANDARD: INFORMATION ON OPERATIONAL AND LEGAL ISSUES IS EFFICIENTLY AND EFFECTIVELY DISSEMINATED**

- 4.52 Operational and legal issues are disseminated through the quarterly in-house newsletter and ad hoc unit instructions. E-mail is also used extensively for this purpose.

### **Readiness for court**

**STANDARD: JOINT CPS, POLICE AND COURT SYSTEMS ENSURE FILES ARE DELIVERED TO THE CORRECT COURT IN A TIMELY MANNER AND ARE READY TO PROCEED**

- 4.53 The Area has made appropriate arrangements to deliver files to court in time for hearings. However, we came across files missing at first hearing because the police had not completed their file preparation, and other files were missing because of delivery difficulties. In Cardiff Magistrates' Court, there are specific lists for

defendants appearing from custody. These lists are only able to progress as defendants and their case papers are produced. We observed considerable hiatus in proceedings involving those who have been detained by the police before their first appearance. The timely production of “overnight” prisoners and the relevant paperwork requires management attention.

### **Learning points**

#### **STANDARD: AREA HAS EFFECTIVE SYSTEMS IN PLACE TO IDENTIFY LEARNING POINTS FROM CASEWORK AND IMPLEMENT IMPROVEMENTS**

- 4.54 Effective evaluation of adverse cases was an issue raised at the last inspection. Systems are now in place whereby reports go firstly to the Unit Heads and who in turn report to the CCP. Our consideration of adverse case reports raised questions about how robust this system is. Of the five adverse magistrates’ courts cases in our sample, only three had adverse case reports and one of these did not correctly identify the issue in the case. Of the 38 adverse Crown Court cases in our sample, only 23 had case reports, and only 15 reports correctly identified the issues. This requires management attention.
- 4.55 We reiterate that casework performance is better than the national average, but there remains plenty of scope for the Area to improve still further. There is some discussion within teams at meetings on case results but no vehicle for learning across teams as between the TU and CJUs. Clear channels of communication are needed. This will assist a consistent approach towards the handling of cases including the application of charging standards in relation to section 51 Crime and Disorder Act cases.
- 4.56 Adverse case reports are discussed at JPM meetings with the police (and other agencies).



## 5 **ADVOCACY AND QUALITY OF SERVICE DELIVERY**

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

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### **Overview**

- 5.1 The quality of advocacy by counsel and DCWs are sound. Many CPS lawyers perform well, and some very well, but others need to improve.

### **Advocacy standards and monitoring**

**STANDARD: SELECTION AND MONITORING OF ADVOCATES IN MAGISTRATES' COURTS AND THE CROWN COURT ENSURES CASES ARE PRESENTED TO A HIGH STANDARD AND IN A MANNER WHICH IS FREE FROM BIAS AND DISCRIMINATION, AND THAT SELECTION OF ADVOCATES COMPLIES WITH CPS GENERAL DUTY UNDER THE RACE RELATIONS (AMENDMENT) ACT 2000**

- 5.2 We observed a total of 39 advocates in the Crown Court, magistrates' courts and youth court, including CPS lawyers, designated caseworkers, agents and counsel. Of the 18 CPS lawyers seen, seven were competent in all respects, two were above average in some respects and one was very good. The performance of five CPS lawyers was lacking in presence or lacklustre because of an undue reliance on the file, thereby giving an impression of lack of preparation or confidence. The DCWs performed well and they are generally highly regarded by the courts. The work of HCAs is limited, but received favourable comment from the courts.
- 5.3 The Area's usage of agents in the magistrates' courts is low compared to the national average, and this has enabled it to use agents with better ability. We observed four agents. Three were competent in all respects and one was above average in some respects.
- 5.4 The quality of counsel in the Crown Court is also good. Of the 13 prosecution counsel observed, four were above average in some respects.
- 5.5 There is no systematic monitoring of advocates by the Area. While the overall standard of advocacy is satisfactory, Area managers need to identify weaker advocates and raise their standards; some Crown Prosecutors apparently lack essential skills, and others seem not to have prepared adequately.

### **Court endorsements**

**STANDARD: COURT ENDORSEMENTS ARE ACCURATE AND THOROUGH AND TIMELY ACTIONS ARE TAKEN AS A RESULT**

- 5.6 We recommended at the last inspection that Area-wide file endorsements standards should be introduced. These standards have only been recently introduced but most staff are aware of them. The quality of the endorsements is reasonable, and indeed some are very good, although legibility is very poor in some cases.

## **Court preparation**

### **STANDARD: PREPARATION FOR COURT IS EFFICIENT AND ENABLES BUSINESS TO PROCEED AND PROGRESS**

- 5.7 Generally, preparation for court is satisfactory and allows court business to proceed. Cardiff CJU has a dedicated team that reviews EFH and EAH cases for Cardiff Magistrates' Court the day before the first hearing. We are impressed by the team's standard of care taken in preparation of files. All Narey courts we observed were covered by prosecutors who were prepared and able to progress their cases.

## **Attendance at court**

### **STANDARD: STAFF ATTENDANCE AT COURT IS TIMELY AND PROFESSIONAL, AND THE CORRECT LEVELS OF SUPPORT ARE PROVIDED**

- 5.8 In general, staff attendance allowed sufficient time for defence or court enquiries, but some prosecutors were arriving very close to the start of the proceedings at Cardiff Magistrates' Court. We understand that courtrooms may not be accessible until just before the start of the list and consequently some prosecutors wait at the CPS room. Some pre-court discussion with the court clerk and the defence lawyers will facilitate progress and the issue should be discussed at court users group meetings so that a solution can be found. This issue requires management attention.
- 5.9 A CPS CJU Case Progression Officer attends Cardiff Magistrates' Court. This was a pilot arrangement, but within a short time her presence seems to be having a beneficial effect in the running of the court in terms of witness care, enquiries about files and effective trials.
- 5.10 The lack of clarity about the responsibility for the prosecution of specified proceedings is also manifested in court, where many prosecutors present cases with written guilty pleas that should be the responsibility of the court legal advisors. We appreciate that prosecutors are naturally keen to assist the court and would not wish to be seen to be obstructive, but the Area should examine the presentation of these cases as part of their overall review of how these matters should be handled by the CPS.
- 5.11 The Area provides one caseworker per courtroom in the Crown Court. Caseworkers in all three Crown Court centres have reasonable knowledge of the cases under their care, but they often rotate on a daily basis and so lose continuity, except in some sensitive cases such as murder and rape.
- 5.12 TU lawyers are not often in the Crown Court and HCA coverage of Crown Court cases is low. The presence of CPS lawyers at the Crown Court can assist in the expeditious disposal of issues arising, and Unit Heads may wish to consider whether lawyer attendance can be improved.

## **Accommodation**

### **STANDARD: THE CPS HAS ADEQUATE ACCOMMODATION AT COURT AND THERE ARE SUFFICIENT FACILITIES TO ENABLE BUSINESS TO BE CONDUCTED EFFICIENTLY**

- 5.13 The standard of CPS accommodation at court is variable. Generally, it is satisfactory, with the CPS being allowed a room (sometimes shared with other court users). The CPS is able to furnish these rooms with basic office equipment to enable its business to be conducted efficiently.

## 6 VICTIMS AND WITNESSES

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### KEY REQUIREMENTS:

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

- 6.1 CPS staff provide a good service to victims and witnesses at most courts. The attendance by a Case Progression Officer at Cardiff Magistrates' Court has improved witness care, and we regard it as a good practice. The Area is taking active steps to improve counsel's engagement with victims and witnesses. This includes an innovative survey of witnesses who attend court.
- 6.2 The application of the Direct Communication with Victims (DCV) initiative in the Area is satisfactory.

### Witnesses at court

#### STANDARD: WITNESSES ARE TREATED WITH CONSIDERATION AT COURT AND RECEIVE APPROPRIATE SUPPORT AND INFORMATION

- 6.3 Prosecutors, with a few individual exceptions, provide a good service to victims and witnesses. In the Crown Court, many caseworkers also relate positively to victims and witnesses. In Cardiff Crown Court the Witness Service Manager had provided training to caseworkers and this had helped develop good work, and we encourage Unit Heads to seek this for both caseworkers and lawyers. In other respects the situation is less satisfactory and it appears that some counsel are still reluctant to engage with victims and witnesses to the extent that is expected of them. The Area is aware of this concern and we are pleased to see that it has now agreed with counsel standards on victim and witness care (see paragraph 6.10).
- 6.4 Prosecutors in the magistrates' courts often have to deal with several trials. The time they can give to witnesses can therefore be limited. We are pleased to see that the Case Progression Officer from Cardiff CJU attends court to deal with witness issues. She works in conjunction with the Witness Service directly with witnesses, provides copies of statements and explains what is happening. We received very positive feedback on this arrangement, which had already prevented a number of trials being ineffective, and we consider this to be **good practice**.

#### Aspects for improvement

- \* The level of victim and witness engagement by some prosecution counsel and a few Crown Prosecutors.

## **Direct Communication with Victims**

### **STANDARD: VICTIMS ARE INFORMED OF DECISIONS TO DISCONTINUE OR CHANGE CHARGES IN ACCORDANCE WITH CPS POLICY ON DIRECT COMMUNICATION TO VICTIMS**

- 6.5 The units adopt different approaches to the preparation of DCV letters. In the TUs, the reviewing lawyers write them, and the management of the process is the responsibility of the unit Case Management Officer. In Cardiff and Swansea CJUs, the Victim Information Bureau (VIB) model is used. The VIB Case Management Officer drafts the letters for the lawyers' signature. The other CJUs operate a system similar to the TUs.
- 6.6 Timeliness of DCV letters is monitored. In 2003, 64% of DCV letters were sent within five days of the decisions to discontinue or change the charge. This is better than the average national performance, and has since risen to 80% as at February 2004.
- 6.7 We considered a number of DCV letters from each unit. They follow national guidance broadly and the standards are satisfactory. A few typographical errors suggest that not all the letters have been checked carefully before they are sent out.
- 6.8 A particular issue was that the Area, like some others, interprets national guidance so that in the event of a discharged committal, a DCV letter was not sent until a positive decision not to re-instate had been made. This means that a victim may not be informed for some time (or indeed at all if police do not respond to the CPS), that the defendant has had no evidence offered against him and has been discharged. HMCPSI has already made clear its view that this approach is not satisfactory.

## **Meetings with victims and relatives of victims**

### **STANDARD: MEETINGS ARE OFFERED TO VICTIMS AND RELATIVES OF VICTIMS IN APPROPRIATE CIRCUMSTANCES, STAFF ARE ADEQUATELY PREPARED AND FULL NOTES ARE TAKEN**

- 6.9 Meetings have been held in appropriate cases. Accommodation is available in all the units for this purpose, but the facilities in some of the smaller co-located units is less satisfactory.

## **Victims' Charter**

### **STANDARD: RESULTS INDICATE THAT THE NEEDS OF VICTIMS AND WITNESSES ARE CONSISTENTLY MET IN ACCORDANCE WITH VICTIMS' CHARTER**

- 6.10 The Area is taking positive steps to address the needs of victims and witnesses. It is introducing a "Statement of expectations for victims at Crown Court". Victims and witnesses are invited to complete an assessment of whether these expectations have been met. This initiative has been agreed with all Heads of Counsel's Chambers and data from the survey will be shared with the Bar. It is anticipated that the scheme will be in place by April 2004. It is too early to assess its impact, but we are pleased to see that the Area has taken this innovative approach to witness care.

## 7 PERFORMANCE MANAGEMENT

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

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### Overview

- 7.1 There are Area and unit performance targets. A performance matrix and monthly unit performance report allows the ASB to assess key aspects of performance.
- 7.2 The National Casework Quality Assurance scheme has been implemented to monitor individual performance, but there is inconsistency of approach between the units. Individual performance management needs to be strengthened.

### Performance standards

**STANDARD: PERFORMANCE STANDARDS ARE SET FOR KEY ASPECTS OF WORK AND COMMUNICATED TO STAFF**

- 7.3 Standards have been set for key aspects of casework. These have been communicated to staff (although some profess to be unaware of these) and each unit has a folder setting out the unit standards for casework. In Swansea TU the unit standards have been incorporated into a personal handbook for each member of staff that also sets out their roles and responsibilities.

#### Strengths

- \* The use at Swansea TU of a personal handbook, which has promoted staff's understanding of the relationship personal roles and responsibilities to unit performance standards.

#### Aspects for improvement

- \* Inconsistent approach to casework quality assurance.

### Performance monitoring

**STANDARD: PERFORMANCE IS REGULARLY MONITORED BY SENIOR AND MIDDLE MANAGEMENT AGAINST PLANS AND OBJECTIVES, TARGETS AND STANDARDS ARE EVALUATED, AND ACTION TAKEN AS A RESULT**

- 7.4 Targets for performance are set in the Business Plans for both the Area and the units. A new Performance Monitoring Regime has been developed that includes a performance matrix, covering key performance data for each unit, and a Monthly Performance Report from the Unit Head. This gives an overview of performance for the key aspects, on a traffic light basis, with a comment on specific aspects by the Unit Head.

- 7.5 The Area has implemented the National Casework Quality Assurance scheme. It involves Unit Heads undertaking monthly assessment of casework quality in six casework themes as agreed by ASB. The Unit Head's assessment is documented and feedback provided to lawyers on individual performance. Recurring problems are addressed by unit good practice notes. We found that the approach as to which cases should be examined and the level of details assessed varies between units. Furthermore, a thematic approach to casework assurance can mean that some lawyers are not assessed regularly.
- 7.6 Meetings between the Unit Heads, CCP and ABM supplement performance reports. These meetings focus the issues identified in the performance report and provide the opportunity to comment on both good performance and the areas for improvement. To provide a better balance to the discussions and ensure management issues are clearly understood, consideration should be given to the Unit Business Manager also attending these meetings.

### **Strengths**

- \* The effective use of a performance matrix and Monthly Unit Report to enable levels of performance to be assessed.

### **Joint performance management**

**STANDARD: SYSTEMS ARE IN PLACE FOR THE MANAGEMENT OF PERFORMANCE JOINTLY WITH CJS PARTNERS**

- 7.7 Performance against targets set in the LCJB Delivery Plan are monitored by the CJS Performance Officer and documented in a monthly performance pack. This has led to a greater emphasis on joint agency work at a senior level, together with a wider acceptance of collective responsibility for performance. The leadership of the CPS has been significant in the development of joint agency working.
- 7.8 A hierarchy of groups has been established under the LCJB. There is a Narrowing the Justice Gap Steering Group, which oversees working groups charged with delivering specific initiatives. Thus a comprehensive regime is in place ensuring analysis, review, action and future planning supported by the monthly performance pack. These systems provide a clear reporting structure and reflect the LCJB focus on performance.

### **Risk management**

**STANDARD: RISK IS KEPT UNDER REVIEW AND APPROPRIATELY MANAGED**

- 7.9 The Area has, in accordance with the risk management guidance issued by the CPS centrally, identified the five key risks in its Area Business Plan that could prevent it from meeting its objectives. They relate to performance issues both within the CPS and wider CJS, the effective management of resources and the systems for managing CTLs and High Cost Cases.

- 7.10 Countermeasures have been identified to address these risks. As the risks are related to the delivery of the business, they are reviewed by default whenever performance is reviewed. The Area needs to make this link more transparent and consideration should be given to aligning the risks with the aspects detailed in the risk performance template

### **Continuous improvement**

#### **STANDARD: THE AREA HAS DEVELOPED A CULTURE OF CONTINUOUS IMPROVEMENT**

- 7.11 A strong commitment to continuous improvement exists in the Area as illustrated by:
- \* an EQFM programme;
  - \* local inspections;
  - \* review of complaints by the CCP; and
  - \* casework quality assurance by Unit Heads.
- 7.12 The ASB, through its review of performance, identifies areas for improvement and make decisions on how these will be addressed. Where issues were highlighted, ASB has commissioned ad hoc reviews to collect evidence, provide and evaluation and make recommendations on how to proceed.
- 7.13 The systems to provide feedback on performance are useful tools to drive up performance but, on the other hand, they can make performance assessment more guarded. We think that for feedback to be meaningful as a learning tool, there needs to be a more realistic analysis of the issues involved. Additionally, casework standards and actions to help achieve PSA targets need to be included in personal objectives in the performance reporting regime.

### **Accounting for performance**

#### **STANDARD: THE AREA IS ABLE TO ACCOUNT FOR PERFORMANCE**

- 7.14 There are clear lines of accountability from Unit Heads to the ASB. This is reinforced by the performance monitoring framework and the allocation of individual responsibility for the completion of tasks set out in the Area Business Plan.

## 8 PEOPLE MANAGEMENT AND RESULTS

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### KEY REQUIREMENTS:

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

- 8.1 Staffing and organisational structure are regularly reviewed and changes made to meet demands. Great emphasis is put on personal development. Communications within the Area are good with a mixture of management meetings, new technology and Area publications being used to ensure that staff are aware of current events. Staff development is a strength.
- 8.2 The Area is active in promoting equality and diversity and has taken positive action to address issues highlighted in the 2002 Staff Survey.

### Human resource planning

#### STANDARD: HUMAN RESOURCE NEEDS ARE SYSTEMATICALLY AND CONTINUOUSLY PLANNED

- 8.3 Deployment of human resources is based on activity based costing (ABC) and agreed at the start of the year with regular and ongoing reviews by the ASB. These take into account succession planning, known changes and future needs, but the money available dictates the overall staff complement.
- 8.4 The Area has had a high turnover of administrative staff, particularly in Cardiff and this, coupled with the recent increase in the numbers and co-location, has led to a high level of new staff in some units. This contrasts with other units where there are well-established staff. The fact that the Area operates from eight main locations has meant that it has not always been possible to equalise the distribution of experienced staff.

### Staff structure

#### STANDARD: STAFF STRUCTURE AND NUMBERS ENABLE WORK TO BE CARRIED OUT COST EFFECTIVELY

- 8.5 The Area structure is evolving to meet the demands of changes in working practice brought about by co-location with police and the pre-charge advice scheme. Presently the Area is divided into eight units, each dealing with specific courts. ASB continuously reviews the deployment of staff across the Area on the basis of cases received and finalised, staff in post figures and weighted case output data.



- 8.6 A full range of functions sit within the Area Secretariat, including communications, facilities resources and performance, and the provision of either project management or support to project managers in the units in change programmes e.g. Compass, co-location and the pre-charge advice initiative.
- 8.7 The perception of many is that they are busy and do not have adequate resources to carry out the work. Some backlogs are attributable to the disruption caused by the development and bedding in of new working practices following the introduction of Compass and co-location, but there has been an increase in workload, particularly in Swansea CJU.
- 8.8 There is a relatively low level of deployment of HCAs at the Crown Court. From 1 April to 30 November 2003, Cardiff TU covered 80 sessions, Swansea 20 and Merthyr Tydfil none. The Area has lost the use of two HCAs recently. Of the remaining 17 HCAs, nine are lawyers in the CJUs and not readily available to appear in the Crown Court. HCA deployment has also been affected by operational priorities such as the introduction of Compass which have contributed to this pattern. The Area will need to make overall improvement. In particular, it should bear HCA coverage in mind when it re-deploys staff under its rotation policy.

**Aspects for improvement**

- \* Deployment of HCAs in the Crown Court.

**Staff development**

**STANDARD: STAFF CAPABILITIES ARE IDENTIFIED, SUSTAINED AND DEVELOPED**

- 8.9 The Area has sound structures for ensuring training needs are identified and delivered. It has been assessed for Investors in People (IiP) and has met the national standards at a high level. Details of training opportunities are sent to all staff on a quarterly basis and individuals can discuss their training needs with their line manager. A comprehensive Welcome and Induction Training Package exists to introduce new staff into the job, so that they can become confident about their work environment and their job. This Package works well generally. The Area is continuing its recruitment of new legal staff and managers will need to ensure that the package is adhered to.
- 8.10 The Area is pro-active in staff development and staff are generally content that their development needs were being met.
- 8.11 At the time of the inspection, the Area's policy of rotating legal staff between the TUs and the CJUs has been implemented, but in practice only limited movement has taken place. Area management needs to keep the situation under review to strike a balance between the operational needs of the units and individual developmental needs. We appreciate that recent national initiatives have affected staff deployment, but issues arising from casework handling suggest that the Area needs to move on this point fairly quickly.

### **Strengths**

- \* A pro-active successful approach to staff development.
- \* The Area's effective induction programme for new staff.

### **Aspects for improvement**

- \* Rotation of lawyers between the CJUs and TUs.

### **Performance review**

#### **STANDARD: STAFF PERFORMANCE AND DEVELOPMENT IS CONTINUOUSLY REVIEWED AND TARGETS AGREED**

- 8.12 In the last staff reporting cycle, Performance Appraisal Reports (PARs) were returned in time for 91% of staff. All members of staff have Forward Job Plans. Individual objectives range from ones that are job specific, to ones that underpin local targets and personal development. Individual performance is reviewed at regular intervals as part of the PAR processes. Staff are broadly satisfied that their PARs accurately reflect performance. In addition, they feel that individual good performance is recognised and commented on both by colleagues and managers.
- 8.13 While the Area has well developed systems for managing unit performance, the findings we have made in relation to the quality and timeliness of decision-making in some cases suggest that individual performance can slip at times. Unit managers will need to ensure that personal performance is systematically reviewed, and that issues arising from the unit's Casework Assurance system and adverse cases are fully analysed and discussed with reviewing lawyers. This is an issue for management attention.

### **Management involvement**

#### **STANDARD: MANAGEMENT HAS AN EFFECTIVE DIALOGUE WITH STAFF AND FOSTERS A CLIMATE OF INVOLVEMENT**

- 8.14 Normally information is cascaded down to staff through meetings at unit and team levels. Members of staff consider that they are able to raise concerns with their managers and are provided with feedback on any action taken. They are consulted on key changes.
- 8.15 In addition to communications via the management chain, an in-house newsletter, Whitley Council Meetings and ad hoc circulars to promote specific topics are also used. The newsletter *Celtic Voice*, printed in English and Welsh, is well received by staff and reflects the effort made by those involved in its production.

## **Good employment practice**

### **STANDARD: MANAGEMENT MEETS ITS STATUTORY OBLIGATION AS AN EMPLOYER AND DEMONSTRATES GOOD EMPLOYMENT PRACTICE**

- 8.16 The Area is committed to putting into practice CPS employment policies. The service level agreement with the Service Centre indicates responsibilities for all personnel functions.
- 8.17 The majority of staff are aware of the various family friendly policies and are confident that their managers will consider their views.
- 8.18 Sickness levels in the Area for the year ended 31 December 2001, the date of the last officially published figures, was 10.7 working days per employee, as against the target of 10.9 days and a national average of 9.6 days. The Area undertakes pro-active management of sick leave with advice and support provided by Service Centre.

## **Equality and diversity**

### **STANDARD: ACTION HAS BEEN TAKEN TO IMPLEMENT CPS EQUALITY AND DIVERSITY INITIATIVES AND ALL STAFF ARE TREATED EQUALLY AND FAIRLY**

- 8.19 Levels of satisfaction revealed in the 2002 Staff Survey were, in a number of respects, below the national average. As a result, the Area has taken positive steps to address the issues identified and the majority of staff are now satisfied with the CPS as a place to work.
- 8.20 The Area is very pro-active in dealing with equality and diversity issues. It has been awarded the CPS National Equality and Diversity award in October 2002 for its works in promoting diversity, and won a further award for its work in combating racism in schools.

### **Strengths**

- \* The Area's work that has led to an improvement in staff satisfaction.
- \* The Area's achievement in relation to equality and diversity.

## **Health and safety**

### **STANDARD: MECHANISMS ARE IN PLACE TO ADDRESS REQUIREMENTS UNDER HEALTH AND SAFETY LEGISLATION**

- 8.21 The Area Health and Safety Committee has recently been reconstituted. A training programme has been put in place and trained Health and Safety Officers and Incident Control Officers have been appointed. In addition, all units have floor marshals and first aiders. A planned programme of regular inspections is in place.

## 9 MANAGEMENT OF FINANCIAL RESOURCES

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

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### Overview

- 9.1 The Area has effective systems to monitor and control its budget expenditure.

### Staff financial skills

**STANDARD: THE AREA HAS THE APPROPRIATE STRUCTURE AND STAFF WITH THE NECESSARY SKILLS TO PLAN AND MANAGE FINANCE**

- 9.2 The ABM is responsible for the management of the budget. Day to day monitoring of the budget and preparation of the various financial management reports is carried out by the Secretariat.
- 9.3 Resources are allocated to units and Unit Heads have some delegated financial powers. They have all received an appropriate level of training on financial skills. A framework has been put in place, during the current financial year, to ensure that Unit Heads are accountable for their budgets. Each month they receive details of expenditure to date and provide projections for the next month and details of any virements they wish to make between budget heads. Details are then updated on the various spreadsheets and on ROSS (the CPS finance and accounting system).

### Adherence to financial guidelines

**STANDARD: THE AREA COMPLIES WITH CPS RULES AND GUIDELINES FOR FINANCIAL MANAGEMENT**

- 9.4 Written financial delegation has been issued to all appropriate staff. All decisions on the allocation of resources are approved by ASB, which receives monthly budget reports that show the current position alongside known commitments and anticipated accruals.
- 9.5 The inclusion of specified proceedings in performance indicators is contrary to CPS accounting rules, because it can give an Area or unit an exaggerated claim on resources. In paragraphs 4.40 and 4.41 we discussed why these cases have been included into a unit's caseload. While the Area has actually done work on managing and presenting some of these cases, its involvement is voluntary and not part of its statutory duties. These cases generally remain with the police until the CPS takes them over in accordance with the statutory provisions. A departure from standard accounting rules is therefore unjustified.

#### RECOMMENDATION

- \* **The ABM and CCP must ensure that specified proceedings are not included in the Area's caseload statistics, and clarify with police and the magistrates' courts the role of the CPS in specified offences dealt with by specified proceedings.**

#### **Budgetary controls**

**STANDARD: THE AREA HAS EFFECTIVE CONTROLS TO FACILITATE AN ACCURATE APPRECIATION OF ITS BUDGETARY POSITION FOR RUNNING COSTS**

- 9.6 The Area's spend for the first nine months of 2003-04 was 74.6% of its budget. The present budgetary control systems provide clear and reliable information and allows for effective monitoring of the budget. The financial records maintained provide a clear audit trail of the transactions undertaken, virement between budget heads, and decisions made on the allocation of resources.

#### **Strengths**

- \* The Area's budget control systems that have enabled the budget to be monitored effectively.

#### **Management of prosecution costs**

**STANDARD: PROSECUTION COSTS ARE EFFECTIVELY MANAGED AND REPRESENT VALUE FOR MONEY**

- 9.7 The Area's spend on prosecution costs for the first nine months of 2003-04 was 78.4% of its budget. The budget control system picked out a high level of expenditure on budget code 3010 and an investigation was conducted which revealed that this was the result of mis-coding by one unit. This has now been resolved.
- 9.8 The Area exercises appropriate control of its high costs cases.

#### **Value for money approach**

**STANDARD: THE AREA DEMONSTRATES A VALUE FOR MONEY APPROACH IN ITS FINANCIAL DECISION-MAKING**

- 9.9 ASB makes the key financial decisions for the Area. Where there are competing demands for resources, it considers which represent best value for money. The current financial and performance management regime allows ASB accurately to assess the resources available, the costs incurred, future liabilities and the outputs produced.

## 10 PARTNERSHIPS AND RESOURCES

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

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### Overview

- 10.1 The Area is well respected among CJS partners and plays a significant role in raising the profile of criminal justice issues within the community.
- 10.2 The Area has introduced the Compass case management system and most staff are using the system as required.

### CJS partnerships

**STANDARD: PARTNERSHIPS WITH OTHER CJS AGENCIES ARE DEVELOPED AND MANAGED**

- 10.3 Partnerships with other agencies are strong and collaborative. There is a lead from senior management and effective working relationships have been built at all levels with police and the magistrates' courts and Crown Court. The CPS is seen as constructive and responsive to comments from its partners. Having said that, the CPS works in the long standing position of receiving files from police which are often not of a good standard, and receiving inadequate time for preparation of either way and indictable cases from the magistrates' courts and Crown Court respectively. Well founded applications for extensions of time are now generally granted, but it places pressure on the prosecution in the generality of cases and fosters a rushed "make do" standard of preparation.
- 10.4 There is also a good working relationship with the Witness Service, but this could be strengthened by consistent levels of liaison at all courts. Some detailed operational issues, such as the provision of information to the Witness Service on cases requiring special measures, and late vacated trials, should receive some attention.

<p><b>Strengths</b></p>
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- |   |
|---|
| <p>* Strong working relationship with CJS partners.</p> |
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### Improving local CJS performance

**STANDARD: CJS PARTNERS ARE SATISFIED WITH THE CONTRIBUTION THE CPS MAKES TO IMPROVING LOCAL AREA PERFORMANCE**

- 10.5 The CPS works closely with CJS partners to improve performance. The CCP chairs the LCJB, which is accountable for the delivery against the Public Service Agreement targets. It is working well and focusing on important issues.

- 10.6 CJS agencies have pointed to the contribution made by the CPS. For example, the CPS worked with Cardiff Magistrates' Court to deliver training on the special measure provisions to local defence solicitors. This has helped to achieve a shared understanding of the law.

### **Information technology**

#### **STANDARD: INFORMATION TECHNOLOGY IS DEPLOYED AND USED EFFECTIVELY**

- 10.7 The new CPS case management system (Compass) has been introduced across the Area. All staff have been trained and an appropriate level of equipment provided. The level of usage varies between units and individual staff. Some staff have found the system cumbersome and some of the legal staff were particularly slow to embrace it, despite the offer of further training. Some staff have expressed the view that the extra effort in operating the system is not justified because the case preparation functions of Compass cannot be realised until police files are provided electronically, but this view does not appreciate that another main reason for using Compass is to enable cases to be managed more effectively.

### **Buildings, equipment and security**

#### **STANDARD: THE AREA MANAGES ITS BUILDINGS, EQUIPMENT AND SECURITY EFFECTIVELY**

- 10.8 The Area is adopting the security standard BS7799 which should raise the awareness of security issues and put in place a formal structure for monitoring, assessing and improving security.
- 10.9 The Area, with the Service Centre, manages its estate satisfactorily. The Area makes the best use of its accommodation and provides staff with a suitable environment in which to work. Adequate access controls exist at the sites, but a clear desk policy is not being consistently applied throughout the Area. Staff should be reminded about the security of files out of office hours. This is an issue for management attention.
- 10.10 Some of the CPS rooms in the Crown Court centres are equipped with stand-alone computers to enable indictments to be amended. The staff must ensure that floppy disks used for that purpose are scanned for viruses each time.

### **Partnership with Headquarters and the Service Centre**

#### **STANDARD: THE AREA HAS A GOOD WORKING PARTNERSHIP WITH HEADQUARTERS DEPARTMENTS AND THE SERVICE CENTRE**

- 10.11 There is a good relationship between the Area and the Service Centre, which share premises in Cardiff. Their proximity enables close and regular liaison.
- 10.12 The CCP and ABM are involved in many national initiatives, working closely with CPS Headquarters. They feel able to express any concerns that they have with the relevant Headquarters' Departments.

## 11 POLICY AND STRATEGY

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

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### Overview

- 11.1 Staff in the Area understand the need to deliver key elements of the criminal justice system. The development of policy and strategy is planned and takes into account the needs and expectations of external stakeholders. The Area Business Plan is reviewed regularly and there is a sound framework to deliver changes.

### Stakeholders

**STANDARD: POLICY AND STRATEGY ARE BASED ON THE PRESENT AND FUTURE NEEDS AND EXPECTATIONS OF STAKEHOLDERS**

- 11.2 The Area Business Plan takes into account the objectives set for the CPS and those set by the LCJB based on the Public Service Agreement targets. ASB will discuss the issues and decide how targets can be met, taking into account current performance, organisation and structure, and known changes or initiatives that will impact upon the Area during the next year.
- 11.3 Owing to the lack of an ABM for several months, it was not possible to involve staff in the formulation of the Area Business Plan for 2003-04. However, business planning for 2004-05 is involving staff at all levels to enhance ownership and responsibility.

### Performance measurement

**STANDARD: POLICY AND STRATEGY ARE BASED ON INFORMATION FROM PERFORMANCE MEASUREMENT, RESEARCH AND RELATED ACTIVITIES**

- 11.4 Both the Area and LCJB performance monitoring systems produce reliable performance data and have clear and well defined reporting arrangements to ensure that issues of concern are identified, discussed and decisions taken on future actions.

### Review

**STANDARD: POLICY AND STRATEGY ARE DEVELOPED, REVIEWED AND UPDATED**

- 11.5 The ASB regularly reviews the Area's policy and strategy against performance and national and local initiatives.



## **Framework of key processes**

### **STANDARD: POLICY AND STRATEGY ARE DEVELOPED THROUGH A FRAMEWORK OF KEY PROCESSES**

- 11.6 Each ASB member takes the lead and responsibility for development of various aspects of policy. Minutes and action plans indicate that the Area has a systematic approach to the development of new policies and strategies.

## **Communication and implementation**

### **STANDARD: POLICY AND STRATEGY ARE COMMUNICATED AND IMPLEMENTED**

- 11.7 Progress on the implementation of the Area Business Plan is reviewed by ASB throughout the year. Information is fed back to staff at unit and team meetings. Staff are encouraged to participate in various working groups to develop operational systems for the various initiatives so enhancing their sense of ownership and responsibility.
- 11.8 A systematic and project-based approach has been adopted to change management with the B3 in the Secretariat acting as project manager. The Area has formed a partnership approach to project management with the police on co-location and the charging initiative.

## 12 PUBLIC CONFIDENCE

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### KEY REQUIREMENTS:

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

- 12.1 The quality of the responses to complaints is reasonable, but timeliness can be improved. The standard of the complaint logs varies.
- 12.2 The Area is pro-active in engaging minority ethnic communities.

### Complaints

#### STANDARD: COMPLAINTS ARE EFFECTIVELY MANAGED TO INCREASE SATISFACTION AND CONFIDENCE

- 12.3 Complaint logs vary in style across the units. Some are well organised and include a spreadsheet that charts the progress of the complaint. In contrast, one log is essentially a collection of papers whereby correspondence in relation to each complaint is stapled together. Tracking the progress of complaints in that unit is therefore most difficult. Complaint logs should also include the nature of each complaint and whether it is upheld, so that it can be used to improve systems and performance on a unit basis. National guidance on good practice already exists.
- 12.4 The quality of the responses to the complaints was variable. Many are comprehensive, but a few did not address the complaint fully. The Area reported that 90.9% of its response to complaints were given in ten days. In the complaints we looked at and were able to track their progress, nine out of 18 complaints were responded to outside the ten day period. There may be an issue of correct application of the national guidance on timeliness.

#### Aspects for improvement

- \* The format of complaint logs.
- \* The timely response to complaints.

## **Minority ethnic communities**

**STANDARD: THE AREA ENSURES THAT HIGH CASEWORK STANDARDS ARE MAINTAINED IN CASES WITH A MINORITY ETHNIC DIMENSION IN ORDER TO INCREASE THE LEVEL OF CONFIDENCE FELT BY MINORITY ETHNIC COMMUNITIES IN THE CJS**

- 12.5 We touched upon the handling of race crime cases at paragraph 4.34.
- 12.6 The DCV scheme engages victims in only certain circumstances and formal meetings with Racial Equality Councils and community groups do not fully deal with concerns of the local communities. There is a desire that where resources permit, the CPS has more face-to-face engagement with the communities to share with them information about CPS performance in hate crime.
- 12.7 Two Area initiatives to increase the level of confidence felt by minority ethnic communities are noteworthy. First, the CCP pro-actively engaged with minority ethnic communities after September 11 2001 to reassure them of the CPS's commitment to deal with race hate crime robustly. Secondly, the CPS played a leading role in the LCJB initiative to tackle racism in schools. It involved taking some school pupils through a case study from offence to sentence. This gave the pupils involved an insight into how the criminal justice system works. The project was recorded on DVD and its distribution will ensure that the message is widely spread.

## **Safeguarding children**

**STANDARD: THE AREA SAFEGUARDS CHILDREN THROUGH ITS CASEWORK PERFORMANCE AND WORK WITH OTHER AGENCIES, INCLUDING THE AREA CHILD PROTECTION COMMITTEE(S)**

- 12.8 Unit Heads maintain appropriate engagements with local Area Child Protection Committees. Child abuse cases are handled satisfactorily, but the standard could be raised (see paragraph 4.38).

## **Community engagement**

**STANDARD: THE AREA HAS APPROPRIATE LEVELS OF ENGAGEMENT WITH THE COMMUNITY**

- 12.9 There is considerable community engagement activity across the Area. Some of the work is undertaken by local units, while the CCP, ABM and other Secretariat staff deal with Area-wide issues. The Area was involved in the Macpherson Multi-Agency Forum on recruitment, where a presentation on the role of the CPS was provided. This endeavour was very successful. The Area also has a representative on the Race Equality Council in Swansea and attends meetings twice per year. Other examples include an address given to Respect, a Prison Service organised group, and an open day for leading community members. Liaison with Race Equality First in Cardiff is leading to articles about the CPS being put in its newsletter to help promote the CPS's image.

- 12.10 In addition to engagement with minority ethnic communities, the ABM chairs the Homophobic Working Group and her work has been praised by the Terrence Higgins Trust. Two other members of staff in the Secretariat engage with local disability organisations and provide awareness training for Area staff.
- 12.11 After a good start, the Area will want to consolidate the work done so far, by taking further steps to reach into the grass roots of minority ethnic communities in particular, as well as increasing public confidence through sound transparent casework.

### **Media engagement**

#### **STANDARD: THE AREA ENGAGES WITH THE MEDIA**

- 12.12 The Area does not have a designated communications officer, but a level B2 member of staff in the Area Secretariat covers press officer duties. Cases with potential media interest are identified by the units and referred to him. A number of staff have also been given press and publicity training. Generally, there is consistent and positive coverage of the Area's work.

### **Public confidence**

#### **STANDARD: PUBLIC CONFIDENCE IN THE CJS IS MEASURED, EVALUATED AND ACTION TAKEN AS A RESULT**

- 12.13 The British Crime Survey 2002 and 2003 showed that public confidence in criminal justice issues is not strong in South Wales, but it is in line with the national picture. The LCJB has developed a Confidence Delivery Plan covering actions from December 2003 to March 2005. Positive feedback of the Plan has now been received from the Criminal Justice Directorate.

## 13 LEADERSHIP AND GOVERNANCE

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

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### Overview

- 13.1 The Area is committed to playing a key role to achieve the aims set for the criminal justice system. There is a visible lead by the CCP and the ABM. The CCP chairs the LCJB and, together with the ABM, is seen as making a significant contribution to driving forward important initiatives in the local criminal justice system.
- 13.2 The management structure is sound and meets local needs. The organisational structure is changing in line with national and local requirements and the changes are managed.

### Vision and values

**STANDARD: VISION AND VALUES ARE DEVELOPED AND SUPPORT A CULTURE OF CONTINUOUS IMPROVEMENT**

- 13.3 The CCP and ABM have taken the lead on explaining to staff the aims and objectives of the Area and how they can contribute. This has been achieved through the use of the Area newsletter, meetings with individuals and groups, the use of working groups and publication of an easy reference guide to the key targets. The Staff Survey (2002) analysis commented that the “vast majority of staff know what is expected of them and most understand how their job relates to the Area’s objectives.”
- 13.4 ASB reviews performance at its monthly meetings and, coupled with the use of Business Excellence Model and internal reviews, shows a commitment to continuous improvement.

### Staff recognition

**STANDARD: MANAGERS ACTIVELY MOTIVATE, RECOGNISE AND SUPPORT THEIR STAFF**

- 13.5 The 2002 Staff Survey highlighted various areas for improvement with regards to managers’ interaction with staff. An action plan was developed to address these issues and the majority of staff consulted during the course of the inspection felt that their managers motivated, recognised and supported them.
- 13.6 Individual performance is assessed and commented on formally in annual Performance Appraisal Reports but staff also have experience of individual managers, colleagues and CJS partners providing positive feedback on good performance.

## **Management structure**

### **STANDARD: THE AREA HAS DEVELOPED AN EFFECTIVE MANAGEMENT STRUCTURE TO DELIVER AREA STRATEGY AND OBJECTIVES**

- 13.7 The ASB sets the strategic direction for the Area and acts as the key decision-making body. It comprises the CCP, the ABM, the Secretariat B3 Business Manager and the Unit Heads. Individual responsibility for performance that underpins the delivery of key priorities is clearly set out in the Area Business Plan. At unit level, the Unit Heads and the Unit Managers mirror the role of the ASB. They are responsible for their unit's performance.

## **Organisational structure**

### **STANDARD: THE AREA HAS DEVELOPED AN EFFECTIVE ORGANISATIONAL STRUCTURE TO DELIVER AREA STRATEGY AND OBJECTIVES**

- 13.8 The Area structure is evolving to meet the demands of changing working practices. CPS South Wales covers a large geographical area and it has established five CJUs and three TUs, each co-terminus with a specific court or a group of courts and police operational divisions.
- 13.9 The CJUs at Barry, Bridgend and Swansea are co-located with police file preparation units on police premises. Plans for co-location at Merthyr Tydfil have been revised so that Merthyr Tydfil CJU will be divided and co-located at Pontypridd and Merthyr Tydfil Police Stations, by October 2004 and December 2004 respectively. There are plans to co-locate the Cardiff CJU with a number of police units and additional space has been acquired at the CPS office in Cardiff for this purpose. As an interim measure, Cardiff CJU lawyers attend Rumney Police Station to review and prepare files for first hearing.
- 13.10 CPS and police staff at Barry and Bridgend CJUs work cohesively and there are some integrations of systems to reduce administrative tasks. However, at Swansea CJU, which is by far the largest of the three co-located units, the workload and management of the single file system are affecting joint working. The process map should therefore be reviewed.
- 13.11 Swansea TU is co-located with the police on CPS premises, and Cardiff TU has a police presence. Co-location at Merthyr Tydfil TU will take place once accommodation becomes available after the CJU is co-located.
- 13.12 The implementation of the charging initiative is also underway. At the time of the inspection, duty prosecutors provided pre-charge advice in Barry, Bridgend, Pontypridd and Swansea, as well as in the CPS CJU based at Rumney Police Station in Cardiff. In Cardiff, there were also plans to deploy duty prosecutors to the two main charging centres at Cardiff Central and Fairwater Police Stations, but these had been delayed.

## **Action plans**

**STANDARD: EFFECTIVE PLANS OF ACTION, WHICH IDENTIFY KEY ISSUES, AND WHICH REFLECT CPS AND CJS STRATEGIC PRIORITIES, AND LOCAL NEEDS, ARE IN PLACE**

- 13.13 The Area Business Plan identifies the action that will need to be taken in order to meet the strategic priorities. Individual members of the ASB are responsible for delivery of the specific actions. Various working and focus groups have been set up to aid delivery. Progress is reported via ASB meetings where decisions are made on any amendments needed on the strategy being followed.

## **Criminal justice system co-operation**

**STANDARD: THE AREA CO-OPERATES WITH OTHERS IN ACHIEVING AIMS SET FOR THE CRIMINAL JUSTICE SYSTEM**

- 13.14 The key to achieving the aims of the CJS is that the initiatives are being managed by the LCJB in its Delivery Plan. They cover all aspects of the CJS process and include cross-agency working. In each, the priorities, targets, responsibilities, actions and monitoring mechanisms are clear. The CPS contributes to all these initiatives with time and resources being made available to allow full participation.

## **Performance accountability**

**STANDARD: THE AREA IS ABLE TO ACCOUNT FOR PERFORMANCE**

- 13.15 The Area has comprehensive management information systems, which should enable it to monitor performance regularly. Performance trends by units are appropriately considered, but performance management of individuals can be strengthened.

## **Principles of conduct**

**STANDARD: THE AREA DEMONSTRATES ADHERENCE TO APPROPRIATE PRINCIPLES OF CONDUCT IN PUBLIC AFFAIRS**

- 13.16 Financial responsibility and accountability in the Area are clearly established and systems assure regularity, propriety and probity in the management of public money. The Area complies with its obligations under the Race Relations (Amendment) Act.

## **Financial systems**

**STANDARD: FINANCIAL RESPONSIBILITY AND ACCOUNTABILITY ARE CLEARLY ESTABLISHED AND SYSTEMS ASSURE REGULARITY, PROPRIETY AND PROBITY IN THE MANAGEMENT OF PUBLIC MONEY**

- 13.17 We found that financial accountability, regularity and propriety were an integral part of the good governance of the Area.

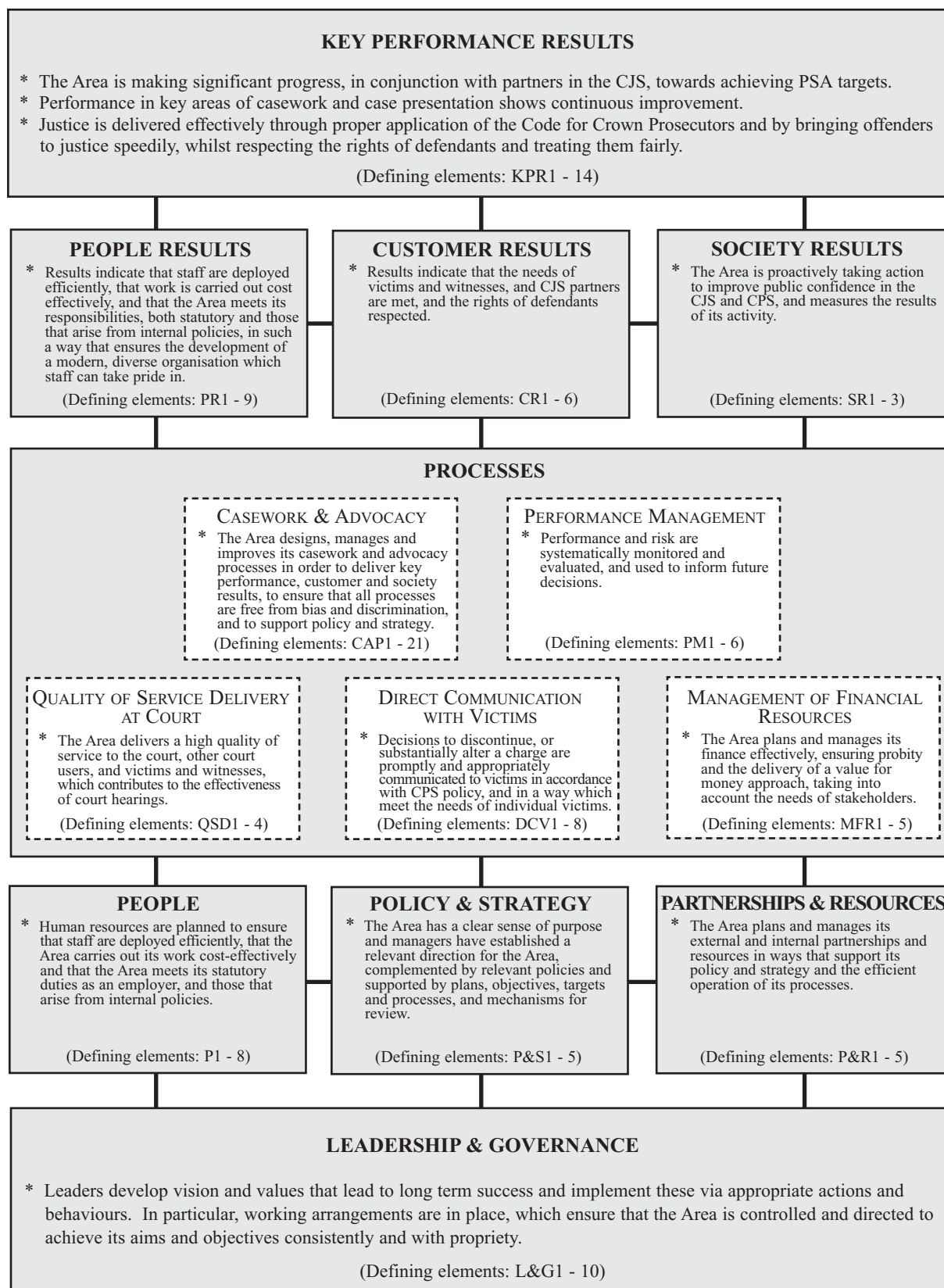
## **Community**

**STANDARD: THE AREA IS RESPONSIVE TO THE VIEWS OF AN INFORMED, DIVERSE COMMUNITY**

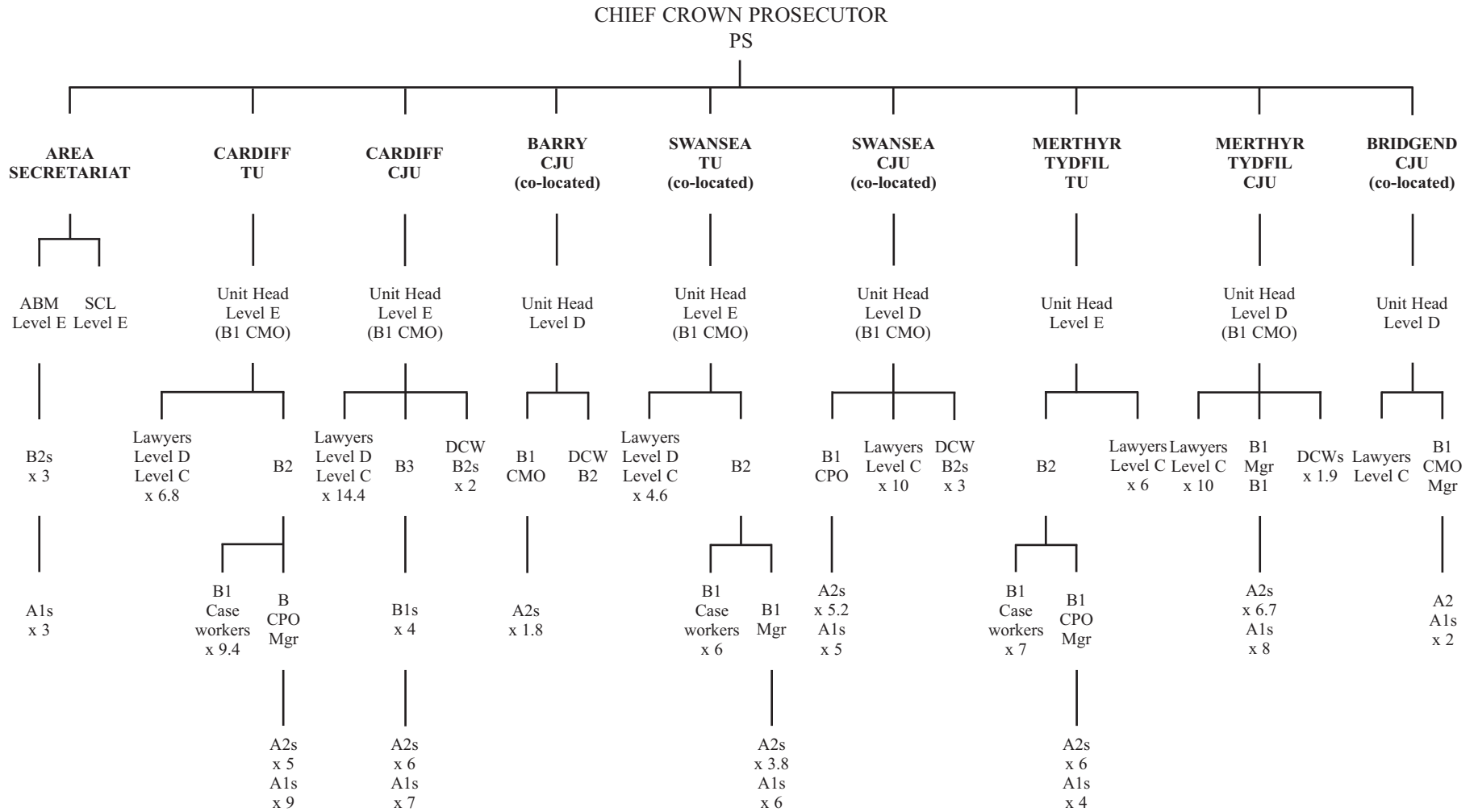
- 13.18 The Area both reached out to the community and was responsive to its views. It is working to improve both its timeliness and the quality of its casework in order to bring offenders to justice.



**BUSINESS EXCELLENCE MODEL INSPECTION MAP**



# CPS SOUTH WALES STAFF STRUCTURE



## ANNEX 3

## AREA CASELOAD FOR YEAR TO SEPTEMBER 2003

1. Magistrates' Court - Types of case	South Wales		National	
	Number	Percentage	Number	Percentage
Advice	2,468	4.9	69,712	4.8
Summary motoring	20,623	41.0	520,589	36.1
Summary non-motoring	7,310	14.5	275,620	19.1
Either way & indictable	19,559	38.9	567,055	39.3
Other proceedings	371	0.7	8,747	0.6
<b>Total</b>	<b>50,331</b>	<b>100</b>	<b>1,441,723</b>	<b>100</b>

2. Magistrates' Court - Completed cases	South Wales		National	
	Number	Percentage	Number	Percentage
Hearings	33,529	70.6	996,773	73.1
Discontinuances	6,985	14.7	171,066	12.5
Committals	2,571	5.4	90,844	6.7
Other disposals	4,407	9.3	104,581	7.7
<b>Total</b>	<b>47,492</b>	<b>100</b>	<b>1,363,264</b>	<b>100</b>

3. Magistrates' Court - Case results	South Wales		National	
	Number	Percentage	Number	Percentage
Guilty pleas	26,483	78.8	811,960	80.9
Proofs in absence	5,302	15.8	131,992	13.2
Convictions after trial	1,340	4.0	41,686	4.2
Acquittals: after trial	457	1.4	15,575	1.6
Acquittals: no case to answer	45	0.1	1,849	0.2
<b>Total</b>	<b>33,627</b>	<b>100</b>	<b>1,003,062</b>	<b>100</b>

4. Crown Court - Types of case	South Wales		National	
	Number	Percentage	Number	Percentage
Indictable only	1,360	36.4	40,310	31.6
Either way: defence election	202	5.4	15,195	11.9
Either way: magistrates' direction	1,215	32.5	40,863	32.0
Summary: appeals; committals for sentence	960	25.7	31,174	24.4
<b>Total</b>	<b>3,737</b>	<b>100</b>	<b>127,542</b>	<b>100</b>

5. Crown Court - Completed cases	South Wales		National	
	Number	Percentage	Number	Percentage
Trials (including guilty pleas)	2,285	82.3	79,613	82.6
Cases not proceeded with	456	16.4	13,651	14.2
Bind overs	17	0.6	1,210	1.3
Other disposals	19	0.7	1,894	2.0
<b>Total</b>	<b>2,777</b>	<b>100</b>	<b>96,368</b>	<b>100</b>

6. Crown Court - Case results	South Wales		National	
	Number	Percentage	Number	Percentage
Guilty pleas	1,838	78.4	59,889	73.6
Convictions after trial	287	12.2	13,338	16.4
Jury acquittals	179	7.6	6,698	8.2
Judge directed acquittals	39	1.7	1,488	1.8
<b>Total</b>	<b>2,343</b>	<b>100</b>	<b>81,413</b>	<b>100</b>

## TABLE OF RESOURCES AND CASELOADS

<b>AREA CASELOAD/STAFFING CPS SOUTH WALES</b>		
	<b>January 2004</b>	<b>January 2001</b>
Lawyers in post (excluding CCP)	71.2	60.9
Cases per lawyer (excluding CCP) per year	706.9	766.9
Magistrates' courts contested trials per lawyer (excluding CCP)	25.8	30.5
Committals for trial and "sent" cases per lawyer (excluding CCP)	36.1	38.9
Crown Court contested trials per lawyer (excluding CCP)	7.1	10.6
Level B1, B2, B3 caseworkers in post	52.3	37.4
Committals for trial and "sent" cases per caseworker	49.2	63.4
Crown Court contested trials per caseworker	9.6	17.2
Running costs (non ring fenced)	£7,341,500	£ 5,200,944

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

**IMPLEMENTATION OF RECOMMENDATIONS/SUGGESTIONS FROM REPORT  
PUBLISHED IN JANUARY 2001**

	<b>RECOMMENDATIONS</b>	<b>POSITION IN JANUARY 2004</b>
<b>R1</b>	The CCP and ABM ensure that there are effective systems within each Branch to monitor the quality and timeliness of advice, and the appropriateness of the requests for advice from the police.	Achieved. Systems are implemented and monitoring is now being conducted through Compass and Casework Quality Assurance.
<b>R2</b>	The CCP and ABM should consider extending the system for recording advices in operation at the West Glamorgan Branch to the whole Area.	Achieved. No current problem.
<b>R3</b>	The CCP should ensure that timeliness of decision-making should be included as part of ongoing monitoring by managers, and that the result of the monitoring be fed into Performance Appraisal Reports.	Partially achieved. Monitoring systems implemented, but late decision-making still a concern in this inspection.
<b>R4</b>	CPS representatives should raise issues of over-charging with the police at JPM meetings and, where necessary, provide further guidance to the police on the application of the charging standards.	Partially achieved. CPS raised issues through JPM and re-circulation of charging standards, but over-charging still occurs. The Area aims to address this through the pre-charge advice scheme.
<b>R5</b>	The Area Strategic Board should set Area-wide standards on file endorsements.	Achieved. Standards issued in January 2004. Effectiveness cannot be judged at this stage, but some files, particularly those from Merthyr Tydfil TU, are still untidy. Outcomes are recorded in a variety of places.
<b>R6</b>	The BCPs/PTLs should conduct a more detailed analysis of the reasons for the failure of adverse cases, decide what actions need to be taken to avoid such outcomes, and take the appropriate actions.	Partially achieved. Area implemented a system whereby Unit Heads report adverse cases to the CCP. The system is appropriate, but Unit Heads are still over-generous in their assessments.

	<b>RECOMMENDATIONS</b>	<b>POSITION IN JANUARY 2004</b>
<b>R7</b>	The CCP should seek ways of improving the quality of files submitted by the police to ensure that cases progress as quickly as possible, consistent with the interest of justice.	Not achieved. Police file quality and timeliness remain an issue. JPM to be re-launched. Discharged committals are now an issue in the Area.
<b>R8</b>	The BCPs should implement a practice whereby reviewing lawyers should request files for re-sentencing purposes at first review.	Unit instructions issued October 2003. No current problems.
<b>R9</b>	The CCP should assess the Area's handling of unused material against the good practice and recommendations made in the CPSI Report on the Disclosure of Unused Material (Thematic Report 2/00), which will have to be read in conjunction with the Attorney General's Guidelines.	Not achieved. Disclosure of unused material remains a significant concern. New JOPI circulated, but formal training not delivered due to other priorities. Compliance is patchy. The duties of disclosure not undertaken scrupulously.
<b>R10</b>	BCPs should develop a system, in consultation with the police, to check on witness availability shortly before trial. If witnesses are no longer traceable or are no longer willing to attend, then the case should be carefully reviewed in accordance with the Code criteria.	Partially achieved. Cracked and ineffective trial and domestic violence protocols signed. Case Progression Officers appointed aimed at increasing number of effective trials.
<b>R11</b>	The BCP of the Mid Glamorgan Branch should monitor, with other agencies, the cracked and ineffective trial rates in the magistrates' courts covered by the Branch, with a view to taking whatever action may be considered appropriate in order to reduce them.	Partially achieved. The ineffective trial rate now part of LCJB monitoring, with cracked trial rates monitored by magistrates' courts and data shared with the CPS. The ineffective trial rate is improving, but cracked trials remain an issue.
<b>R12</b>	All Branches operate a single, Area-wide CTL system, by incorporating guidance from MAS and the Service Standard on Custody Time Limits.	Achieved. Compass-based system implemented and operated in accordance with national guidelines. No current problems.
<b>R13</b>	Area management should consider unified Area practice regarding composition, compartmentalisation and order in all files.	Achieved. Area conducted review and file endorsement standards issued mid-January 2004. This is still an issue, particularly at Merthyr Tydfil TU.

	<b>RECOMMENDATIONS</b>	<b>POSITION IN JANUARY 2004</b>
<b>R14</b>	Office managers should ensure that the timeliness of responding to correspondence is improved.	Partially achieved. New practices developed since co-location, but the backlog is acute in Swansea CJU.
<b>R15</b>	A training needs analysis for all prosecutors and DCWs in the Area, in relation to advocacy skills, be carried out on completion of the performance appraisal cycle in April 2001.	Not fully achieved. Skills audit took place in 2003, but advocacy standards not uniformly monitored or addressed.
<b>R16</b>	The CCP reviews arrangements for the monitoring of agents in the magistrates' court.	Not achieved. Monitoring not implemented, but no current problem.
<b>R17</b>	The CCP review the current arrangements for the monitoring of counsel in the Crown Court in light of the CPSI report on Advocacy and Case Presentation (Thematic Report 1/00).	Not implemented, but no current problem.
<b>R18</b>	The Area should look to address the problems of infrequent and inconsistent team meetings as part of the remit of the project group on communication, which was established following the recent EFQM assessment.	Achieved. No current problem.
<b>R19</b>	The Area should review the transitional arrangements (both structures and procedures) it has put in place within each Branch, to ensure that these are clearly defined and well understood by all members of staff.	No longer relevant.
<b>R20</b>	As part of the work to be undertaken on key processes following the EFQM assessment, a system is put in place whereby the Area can identify and differentiate between those processes and systems, which need to be consistent across the Area, and those where greater local flexibility is appropriate.	Not achieved. Apart from CTL monitoring system, units continue to operate differently for no necessary or logical reasons. Area review conducted for co-location and for Compass. File standards instructions issued in January 2004.

	<b>RECOMMENDATIONS</b>	<b>POSITION IN JANUARY 2004</b>
<b>R21</b>	A more fundamental review of all of the Area's budget heads is undertaken, in order to identify what the underlying problems are and whether there are any hidden savings. It is also likely that the CCP and ABM will need some specialist advice and assistance in order to undertake this exercise.	New systems implemented and Unit Heads and Unit Managers involved. Budget managed appropriately. No current problem.
<b>R22</b>	The Area should continue to keep under review the decision in relation to the work at Bridgend Magistrates' Court.	No longer relevant.
<b>R23</b>	Each Branch should appoint a lead representative to liaise with the various witness services in South Wales and the police, in order to agree a joint approach to witness care.	Partially achieved. Some issues with information supplied to Witness Service and contact points between the services at unit level are not clear.
<b>R24</b>	The BCP at Mid Glamorgan should pursue negotiations with the Resident Judge or Court Listing Officer to review listing practices in child abuse cases.	Achieved.
<b>R25</b>	All Branches should ensure that they comply with the Departmental Clear Desk Policy.	Partially achieved.
<b>R26</b>	The BCPs should review the effectiveness of the way in which staff deal with complaints in each Branch. This should include style and content of correspondence as well as the system for logging and collating information, which should ensure that a copy of the response together with the date of the response is attached to each complaint.	Partially achieved. Complaint logging implemented in each unit, but not to a consistently good standard. Unit Heads prepare letters and monitored by CCP.
	<b>SUGGESTIONS</b>	<b>POSITION IN JANUARY 2004</b>
<b>S1</b>	The BCPs/PTLs should monitor timeliness of decision-making and address delays with individual lawyers.	Casework Quality Assurance implemented and Compass used by Unit Heads to check on tasks. Timeliness of decision-making still an issue.



	<b>SUGGESTIONS</b>	<b>POSITION IN JANUARY 2004</b>
<b>S2</b>	The BCPs should devise ways of improving the recording of the time of the disclosure of advance information and of what is disclosed.	No current problem.
<b>S3</b>	Managers should set clear standards on instructions to counsel, and monitor performance against those standards.	Guidance issued to staff and objectives set for lawyers. Quality of case analysis improved.
<b>S4</b>	Managers assess the extent to which the training initiatives continue to result in better performance and consider whether further training is necessary for the Area to meet the recommendations made in the thematic review on performance indicators.	Not achieved. Accurate finalisation coding and the inappropriate inclusion of specified proceedings remain an issue.
<b>S5</b>	BCPs should develop an infrastructure for communication with the police at operational level, both in order to deal with individual cases and to facilitate discussion and planning on front line work.	Achieved through co-location and regular meetings with divisional commanders.
<b>S6</b>	The CCP should consider, with other agencies, the creation and distribution of a document aimed at victims and witnesses, which sets out the respective roles and responsibilities of the various agencies, so that correspondence can be directed to the appropriate body.	National Direct Communication with Victims scheme implemented.

**TOTAL NUMBER OF FILES EXAMINED FOR  
CPS SOUTH WALES**

	<b>Number of files examined</b>
<b>Magistrates' courts cases/CJUs:</b>	
Advice	10
No case to answer	5
Trials	23
Discontinued cases	39
Race crime	24
Domestic violence cases	11
Youth trials	5
Cracked trials	6
Ineffective trials	7
Cases subject to custody time limits	10
<b>Crown Court cases/TUs:</b>	
Advice	10
Committals discharged after evidence tendered/sent cases dismissed after consideration of case	0
Judge ordered acquittals	33
Judge directed acquittals	5
Trials	28
Child abuse cases	10
Race crime	5
Cracked trials	7
Ineffective trials	8
Rape cases	9
Street crime cases	10
Cases subject to custody time limits	9
<b>TOTAL</b>	<b>274</b>

When figures are in brackets, this indicates that the cases have been counted within their generic category e.g. trials.

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

**Crown Court**

His Honour Judge Griffith Williams, the Recorder of Cardiff  
His Honour Judge Curran  
His Honour Judge Diehl

**District Judges**

District Judge V Manning Davies  
District Judge J Watkins  
Mr N Williamson, Crown Court Manager  
Mrs C Bevan, Listing Officer

**Magistrates' courts**

Mr P Muxworthy JP, Chair of the South Wales Magistrates' Courts Committee  
Mrs P Braakenburg JP, Chair of the Cardiff Bench  
Mrs P Braun JP, Chair of the Cardiff Youth Panel  
Mrs M Campbell JP, Chair of the Barry Bench  
Mr C Jones JP, Chair of the Neath and Port Talbot Bench  
Mr H Morgan JP, Chair of the Swansea Bench  
Mrs B Parselle JP, Chair of the Barry Youth Panel  
Mrs L Rees JP, Chair of the Neath and Port Talbot Youth Panel  
Mr D Thomas JP, Chair of the Miskin Bench  
Mrs G Baranski, Justices' Chief Executive  
Mr J Barron, Clerk to the Justices  
Mr A Secular, Clerk to the Justices  
Mr M Waygood, Clerk to the Justices

**Police**

Deputy Chief Constable P Wood  
Assistant Chief Constable M Lewis  
Chief Superintendent J Cooksley  
Chief Superintendent J Dave  
Chief Superintendent M Jehu  
Superintendent J Jones  
Superintendent R Lewis  
Superintendent T Morris  
Superintendent T Roberts  
Chief Inspector R Bignal  
Chief Inspector S Fryzer  
Chief Inspector K Prosser  
Mrs B Ranger, Head of Administration of Justice

## **Defence Solicitors**

Mr D James

## **Counsel**

Mr N Bidder  
Mr D Lloyd  
Mr G Walters

## **Victim Support**

Miss J Willott, Area Manager

## **Witness Service**

Mr P Choda  
Mr E Dinham  
Mr M Griffiths  
Ms P Harding  
Mr J Holland  
Ms B Logan  
Ms M Moore  
Mr D Pye

## **Local Criminal Justice Board**

Mr P Morgan  
Mr S Routledge

## **Racial Equality Council**

Mr T Idris  
Mr J Iheanacho

## **Local Crime and Disorder Partnerships/Groups**

Chief Inspector S Siddall

## **Youth Offending Teams**

Mr M Gay  
Mr M Goldman  
Mr A Gwynn  
Mr P Hoare  
Ms I Masmeyer  
Miss L Meek

## **Community Groups**

Police Constable A Payne, Hate Crime Officer  
Swansea Community Race Relations Advisory Group  
Ms J Pickles, Manager of Women's Safety Unit  
Mrs D Twigg, Vale Women's Aid  
Mr A Wonklyn, Co-ordinator Careers Wales West

## HMCPsi VISION, MISSION AND VALUES

### Vision

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

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

### Mission

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

### Values

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

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

Taken together, these mean:

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

## GLOSSARY

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

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



<b>EVIDENTIAL TEST</b>	The initial test under <i>the Code</i> – is there sufficient evidence to provide a realistic prospect of conviction on the evidence?
<b>GLIDEWELL</b>	A far-reaching review of CPS operations and policy dating from 1998 which made important restructuring recommendations e.g. the split into 42 local Areas and the further split into functional units - <i>CJUs</i> and <i>TUs</i>
<b>GOOD PRACTICE</b>	An aspect of performance upon which the Inspectorate not only comments favourably, but considers that it reflects in manner of handling work developed by an Area which, with appropriate adaptations to local needs, might warrant being commended as national practice
<b>HIGHER COURT ADVOCATE (HCA)</b>	In this context, a lawyer employed by the CPS who has a right of audience in the Crown Court
<b>JOINT PERFORMANCE MONITORING (JPM)</b>	A management system which collects and analyses information about aspects of activity undertaken by the police and/or the CPS, aimed at securing improvements in performance
<b>INDICTABLE ONLY OFFENCES</b>	Offences triable only in the Crown Court, e.g. murder, rape, robbery
<b>INEFFECTIVE TRIAL</b>	A case listed for a contested trial that is unable to proceed when it was scheduled to start, for a variety of possible reasons, and is adjourned to a later date
<b>JUDGE DIRECTED ACQUITTAL (JDA)</b>	Where the judge directs a jury to find a defendant not guilty after the trial has started
<b>JUDGE ORDERED ACQUITTAL (JOA)</b>	Where the judge dismisses a case as a result of the prosecution offering no evidence before a jury is empanelled
<b>LEVEL A, B, C, D, E STAFF</b>	CPS grades below the Senior Civil Service, from A (administrative staff) to E (senior lawyers or administrators)
<b>LOCAL CRIMINAL JUSTICE BOARD</b>	The Chief Officers of police, probation, the courts, the CPS and the Youth Offending Team in each criminal justice area who are accountable to the National Criminal Justice Board for the delivery of <i>PSA</i> targets
<b>MG6C, MG6D ETC</b>	Forms completed by police relating to unused material
<b>NAREY COURTS, REVIEWS ETC</b>	A reformed procedure for handling cases in the magistrates' court, designed to produce greater speed and efficiency
<b>NO CASE TO ANSWER (NCTA)</b>	Where magistrates dismiss a case at the close of the prosecution evidence because they do not consider that the prosecution have made out a case for the defendant to answer
<b>PERSISTENT YOUNG OFFENDER</b>	A youth previously sentenced on at least three occasions
<b>PRE-TRIAL REVIEW</b>	A hearing in the magistrates' court designed to define the issues for trial and deal with any other outstanding pre-trial issues

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