



CPS Gwent

The Inspectorate's report on CPS Gwent

February 2010





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PREFACE

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

HMCPPI's purpose is to enhance the quality of justice through independent inspection and assessment which improves the effectiveness of prosecution services, and provides assurances to Ministers, government and the public. Its statutory remit includes the Crown Prosecution Service (CPS) and the Revenue and Customs Prosecutions Office (RCPO). It also inspects, under delegated authority from the Chief Inspector of Criminal Justice in Northern Ireland, the Public Prosecution Service there.

We work in partnership with other agencies including the CPS itself, but without compromising our independence, and with other criminal justice inspectorates. Each year as well as conducting inspections and casework audits of the CPS business units - the 42 areas, Central Casework divisions and Headquarters directorates - we also carry out thematic reviews across the CPS, or the criminal justice system (CJS) jointly with other criminal justice inspectorates.

In 2007-08 we undertook the second overall performance assessment of all 42 areas and published a summative report on the performance of the CPS as a whole. In those reports we assessed the individual areas as excellent, good, fair or poor. All our reports are available on our website www.hmcpipi.gov.uk.

In 2009-10 we are carrying out a full inspection of those areas found to be poor in order to assess whether performance has improved and will carry out other risk based inspections of areas as necessary. We are unlikely to be inspecting those assessed as good or excellent; they may nevertheless be visited in the course of a programme of casework audits or as part of thematic reviews.

HMCPPI also seeks to work with other criminal justice inspectorates to examine cross cutting systemic issues which affect delivery of the CJS overall. Where necessary, as is the case in Gwent, our reports also draw attention to factors concerning the working arrangements and cooperation between the criminal justice agencies, where these affect the level of service the public receives.

Public Service Agreements between HM Treasury and the relevant departments set out the expectations which the government has of the CJS at national level. However it is our experience that the targets can frequently be achieved notwithstanding significant inefficiencies in the processes and without work necessarily being of a suitable standard. HMCPPI does not therefore necessarily accept that simply meeting the targets is indicative of satisfactory performance. Additionally although in our reports we frequently make comparisons with national average performance, this does not necessarily mean that this is considered an acceptable standard. If a particular aspect of performance represents a weakness across areas generally, it will be possible to meet or exceed the national average without attaining the appropriate standard.

The Chief Inspector has set out a statement of his expectations of prosecuting authorities:

"The hallmark of good quality prosecution is that each case is dealt with individually at each stage according to its merits, with the degree of care which reflects the fact that it impacts on the lives of people, and with the degree of proactivity and vigour that would be expected by the public."

The inspection process focuses heavily on the quality of casework decision-making and handling that leads to successful outcomes in individual cases, and extends to overall CPS performance. Consistently good casework is invariably underpinned by sound systems, good management and structured monitoring of performance. We have made clear what we consider acceptable in our inspection framework (summarised at annex B) and in our casework standards.

Inspection teams comprise legal and business management inspectors working closely together. HMCPSI also invites suitably informed members of the public to join the process as lay inspectors. They are unpaid volunteers who examine the way in which the CPS relates to the public through its dealings with witnesses and victims; engagement with the community, including minority groups; handling of complaints; and the application of the public interest test contained in the Code for Crown Prosecutors.

HMCPSI has offices in London, which houses the Southern Group, and York where the Northern and Wales Group are based. Both groups undertake CPS business unit inspections, thematic reviews and joint inspections with other criminal justice inspectorates. At any given time HMCPSI is likely to be conducting several CPS based inspections and 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 performance which most need to be improved. The definitions of these terms may be found in the glossary at annex I.

1 DESCRIPTION AND CASELOAD OF CPS GWENT

- 1.1 This is Her Majesty's Crown Prosecution Service Inspectorate's (HMCPPI) report about the Crown Prosecution Service (CPS) in Gwent (the area) which serves the area covered by the Gwent Police. It has one office which is at Cwmbran.
- 1.2 The area changed its team structure moving to a combined unit dealing with both magistrates' courts and Crown Court cases and is divided nominally between north and south for management purposes.
- 1.3 At the time of the inspection in September 2009 Gwent employed the equivalent of 74.95 full-time staff, details of whom are set out below:

Grade	Number
CCP	1
Level E	1
Level D	4
Crown advocates	10
Level C lawyers (includes legal trainee)	13.2
Associate prosecutors	4
Level B2 caseworkers	1
Level B1 staff	11.6
Level A staff	29.15
Total	74.95

A detailed breakdown of staffing and structure can be found at annex C.

- 1.4 Caseload in 2008-09 was as follows:

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge decisions	6,163	37.1	34.0
Advice	0	0	0
Summary	6,272	37.7	38.3
Either way and indictable only	4,177	25.1	27.5
Other proceedings	3	0.1	0.2
Total	16,615	100%	100%

- 1.5 These figures include the cases set out in the next table as all Crown Court cases commence in the magistrates' courts. In 2,861 of the 6,163 area pre-charge decisions, the decision was that there should be no prosecution. Overall decisions not to prosecute account for 17.2% of caseload. Where pre-charge advice results in the institution of proceedings the case will also be counted under the relevant category of summary or either way/indictable only in the caseload numbers.
- 1.6 The Crown Court caseload in 2008-09 was:

Crown Court cases	Area numbers	Area % of total caseload	National % of total caseload
Indictable only	481	37.9	29.0
Either way offences	507	40.0	45.2
Appeals against conviction or sentence	131	10.3	10.0
Committals for sentence	150	11.8	15.8
Total	1,269	100%	100%

- 1.7 A more detailed table of caseloads and case outcomes compared to the national average is attached at annex D and caseload in relation to area resources at annex E. Since our last inspection in 2007 Gwent has had a slight increase in its budget from £3.520m to £3.548m. Staff numbers over the same period have reduced from 88.6 to 74.95 full-time equivalent posts.

The report, methodology and nature of the inspection

- 1.8 The inspection process is based on the framework summarised at annex B. Chapter headings relate to the standards and section headings to the criteria against which we measure CPS areas. Italicised sub headings identify particular issues within those criteria.
- 1.9 There are two types of inspection - a full one considers each aspect of performance within the framework, while a risk based inspection considers in detail only those aspects assessed as requiring scrutiny. This is based on our overall performance assessment (OPA) and other key data.
- 1.10 The OPA of Gwent, undertaken in December 2007, assessed the area as fair. Since then performance has not improved and if anything there has been a decline in many key outcomes. Although the area retained "amber/green" within the CPS performance ratings this was a cause of concern within HMCPSI who determined that the inspection should be a full one. Events during the preliminary stage of the inspection reinforced those concerns.
- 1.11 HMCPSI learned during the preparation for the inspection that circumstances wholly unconnected to the fact of the inspection had arisen which resulted in the then Chief Crown Prosecutor (CCP) being assigned to other duties. He has since left the Service.
- 1.12 In a further and equally unconnected development a member of the management team was arrested and now faces criminal proceedings. As a result of those proceedings we extended the scope of our evidence gathering to include a wider sample of files for examination.

- 1.13 Our methodology combined interviews and questionnaires completed by criminal law practitioners and local representatives of criminal justice agencies, interviews with CPS staff at all levels and examination of 80 cases finalised between December 2008-April 09. Our file sample was made up of pre-charge decision cases, magistrates' courts and Crown Court trials (whether acquittals or convictions) and some specific types of cases. Due to concerns about the standard of decisions identified in discontinued cases within our original sample we examined an additional 11 of these cases. A detailed breakdown of our file sample is shown at annex F.
- 1.14 We make a number of assessments about the quality of decision-making and case handling in the course of the file examination. Findings from the file examination have not been compared to the findings from the other area effectiveness inspections as Gwent is only the third inspection of this type. There is a risk that any comparison against a small file sample would be of limited value.
- 1.15 A list of individuals we met or from whom we received comments is at annex G. The team carried out observations of the performance of advocates and the delivery of service at court in both the magistrates and Crown Court and also at charging centres.
- 1.16 Inspectors visited the area between 8-24 September 2009. The lay inspector for this inspection was Tony Summers. The role of the lay inspector is described in the introduction. He examined files that had been the subject of particular public interest considerations or complaints from members of the public and considered letters written by CPS staff to victims following the reduction or discontinuance of a charge. He also visited some courts and had the opportunity to speak to some of the witnesses after they had given evidence. This was a valuable contribution to the inspection process. The views and findings of the lay inspector have been included in the report as a whole rather than separately reported. Tony gave his time on a purely voluntary basis and the Chief Inspector is grateful for his effort and assistance.
- 1.17 The purpose and aims of the Inspectorate are set out in annex H and a glossary of the terms used in this report in annex I.

2 SUMMARY OF INSPECTION FINDINGS AND RECOMMENDATIONS

Contextual factors and background

- 2.1 CPS Gwent was last subject to a full inspection in May 2007. Subsequently in December 2007 it was rated as fair in HMCPSI's OPAs of all CPS areas. At the time of the OPA the area was undergoing change and restructuring. Some aspects of performance were better than the national average although arrangements for pre-charge work and case progression in magistrates' courts' cases needed improvement. The appointment of the first permanent CCP since 2004 was seen by partners and staff in the area as a new start and an impetus for driving improvement and change.
- 2.2 The area has not progressed or improved over the intervening period. The move to new offices in Cwmbran, which was viewed by some as the answer to many of the problems that existed, and organisational re-structure has failed to deliver the benefits that some were assured would result. Additionally the appointment of a permanent CCP, who resigned during the course of this inspection - albeit for unconnected reasons - was not a catalyst for change and did not offer the area a vision and direction that we had hoped for when we recommended in 2007 that the CPS act with expediency to appoint a permanent leader.
- 2.3 Since the last inspection there has been a substantial reduction in caseload, 20% in the magistrates' courts and just over 7% in the Crown Court. This has not resulted in an improvement in the quality of casework preparation or decision-making. There has also been a 17% reduction in staff numbers.
- 2.4 Both at the point of the last inspection and OPA we expressed concerns about partnership working with other criminal justice agencies. The development of a 'prosecution team' ethos had not emerged from the new charging arrangements as it has in other areas and a blame culture existed between agencies which needed to be addressed both at the strategic and operational levels.
- 2.5 This inspection was undertaken because of Gwent's declining performance since the OPA and this summary provides an overview of the inspection findings as a whole.

Summary of findings

- 2.6 Gwent is now in a much weaker position than that reported in the last inspection and OPA. Performance has failed to keep pace with the rest of the Service and, in many instances, has deteriorated. It is of great concern that an area which had been subject to serious management failings, as identified in our last inspection, has not been subject to closer scrutiny by CPS Headquarters.
- 2.7 Many of the issues which were identified in the 2007 inspection remain and in some cases have been amplified by further serious management failings. For staff working in the area, events of the last two years have added insult to injury and it is a real testament to them that the inspection team found many in the area remained committed, were working hard and retained enthusiasm to do a good job, in spite of the situation.
- 2.8 The appointment of an experienced permanent CCP should have been an impetus for real change as the area had been lacking a clear vision and real leadership since 2004. The appointment of the CCP in 2007 did not have the desired effect. Over the past two years the area continued to suffer from an absence of leadership, real and visible, and vision about what it should achieve.

This has also had very serious consequences on working relationships with other criminal justice agencies, which were already strained. The approach adopted by the CCP of allowing existing senior managers to continue to take almost complete responsibility for performance, because of their status and a belief that he had to tread softly because of the troubled history of the area, was flawed.

- 2.9 However it is all too easy to lay all the blame for poor performance at the door of the CPS. Whilst they are core to the process much of what they do is influenced by other partners in the criminal justice system (CJS). Our file examination gives us an insight into the joined up processes of the system. The quality of files received by the CPS from the police is far too often poor and frequently subject to unacceptable delay. This makes the job of the prosecutor very difficult, can add pressure and increases workloads unnecessarily. It also has an impact on cases coming to the magistrates' courts. Far too often cases have not been fully prepared in line with expected timescales. This has resulted in the court losing patience and there is very little leeway given. As a result cases are being discontinued prematurely as the CPS is left with little other option; they cannot progress them without the relevant papers.
- 2.10 The magistrates' courts take a consistent and robust line in the face of applications for an adjournment which is intended to impact on prosecution or defence but frequently has the ultimate effect of penalising the victim. The perception on the part of criminal justice practitioners is one of intransigency in response to a general criticism in an earlier HMCPSI report of an adjournment culture within Gwent. Whilst we applaud an approach which challenges applications for adjournments to be satisfied that they are justified, we would not wish to have been the authors of an approach which could lead to potential injustice for victims.
- 2.11 Poor case progression by the CPS and difficulties in servicing the court and defence with timely papers has resulted in an extension of the blame culture that was developing in 2007. Many of the processes and systems that work in other areas of the country have been strained in Gwent. Blame was also readily attributed in open court, which is particularly unsatisfactory, and has the potential to affect further the public's confidence in the CJS, which in Gwent is already low.
- 2.12 The standard of file quality is something that has been discussed regularly with the police. There is an acceptance that as the 'gateway' into the system file quality is crucial to its overall efficiency. The police have recognised this and are substantially increasing resources to improve front end file building and management. It is hoped that this may address some of the long standing problems. However much of the planning of this change had taken place in isolation. The CPS needs to work with the police as equal partners to ensure that this change is effectively managed to deliver agreed benefits.
- 2.13 File examination has highlighted some serious deficiencies in the standards of decision-making. The Code for Crown Prosecutors (the Code) was applied incorrectly in over 10% of cases at the charging stage and decision-making was worse in serious cases destined for the Crown Court than in magistrates' courts' cases. Weaknesses in decision-making continue to affect cases as they progress through the system and are a real cause for concern. There is an absence of clear expectations and standards at the working level, which has had serious consequences. Some of the supporting processes are weak as we highlight above. However even where the files have been received and there is a case wrong decisions are being made. Cases are being charged and then discontinued even though there is no material change in circumstances and lost due to unnecessary delays. Much of what is happening is not being identified by any internal performance

management system. There is very little internal awareness of the current state and this means that there is a disconnection between what is happening in reality and what the area thinks is the reason behind many of the failings.

- 2.14 The CCP adopted the approach previously planned by the area and developed a Crown Court advocacy unit, staffed by in-house crown advocates, who would present most Crown Court cases, as opposed to employing external counsel. Whilst this national CPS strategy is fundamentally sound the way it has been implemented in Gwent has had disastrous consequences. In particular it has drained resources and Crown Court case preparation has suffered badly. Preparation and decision-making in these cases, including serious violence, sexual offences and hate crime, is poor. In some instances this lack of resource has meant that lawyers are unavailable to give pre-charge decisions and advice to the police in complex, sensitive cases, delays occur and 'fire fighting' to catch up has become the norm. The strategy placed a serious financial strain on the area and it cannot continue to operate in a way that results in such a significant overspend.
- 2.15 Many of the failings highlighted in the report have impacted on the service being offered to victims and witnesses and the quality of justice overall. Poor decisions are leading to cases being started but ultimately discontinued. Poor relationships with CJS partners means very often victims and witnesses are not at the heart of the system and are disadvantaged because of the impact of the blame culture. Many of the cases seen as part of the file examination highlight that victims' needs are not always paramount during decision-making and, despite some process improvement, the service provided to victims and witnesses in Gwent has suffered.
- 2.16 The area must go back to basics. It needs to establish some very firm standards and expectations for case handling and the professional behaviour of its lawyers and implement an effective performance management regime against which to assess actual, individual performance. Lawyers need to be managed and there has to be a shared understanding of what is expected. If the area is to improve the overall quality of justice delivered by the system it will have to focus activity on ensuring improvements to its own business as well as working with partners to improve theirs.
- 2.17 Since the inspection the CPS has moved to appoint a new permanent CCP. This has been welcomed by criminal justice partners. The CCP has begun his analysis and is gaining a clear understanding of the issues that need to be addressed. Some urgently needed action to improve the preparation of serious cases has already begun. A narrative response to this inspection report produced by the area is at annex J.
- 2.18 The necessary improvements will only be delivered if Gwent is given support from CPS Headquarters and partners. The new CCP will also need to be properly supported by a capable and committed team. A comprehensive review of structures and management arrangements in the area is recommended. CPS Headquarters will need to ensure that they give the financial and other support to ensure the necessary changes to structure, culture and performance can be achieved.

Conclusions

- 2.19 It is of real concern that an area has been allowed to fail to this extent without some intervention. The findings in this inspection highlight such failings that we have serious concerns about the service offered to those who come into contact with the CJS in Gwent. This concern extends further than the CPS and is a critical partnership issue. In light of overall findings CPS Gwent is rated as **POOR**.

Summary of judgements

Critical aspects	OPA 2007	Inspection 2009	Direction of travel
Pre-charge advice and decisions	Fair	Poor	Declined
Decision-making, preparation and progression in magistrates' courts' cases	Fair	Poor	Declined
Decision-making, preparation and progression in Crown Court cases	Good	Poor	Declined
The service to victims and witnesses	Fair	Fair	Declined
Leadership, management and partnership working ¹	Fair	Poor	Declined
Overall critical assessment level	Fair	Poor	Declined
The prosecution of cases at court	Fair	Fair	Stable
Serious violent and sexual offences and hate crimes	Good	Poor	Declined
Disclosure	Fair	Fair	Improved
Custody time limits	Poor	Poor	Improved
Managing performance to improve	Fair	Poor	Declined
Managing resources	Fair	Poor	Declined
Community confidence	Good	Fair	Declined ²
Overall assessment	FAIR	POOR	DECLINED

Recommendations

2.20 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 and have made 17 to help improve Gwent's performance.

1 The area works with police partners to ensure pre-charge advice and decisions are delivered correctly and efficiently, on the right cases, in accordance with the Director's Guidance. Arrangements for effective joint monitoring need to be put in place (paragraph 3.24).

2 Prosecutors are retrained in their charging responsibilities and actively managed to ensure that decision-making improves and that they are proactive in their case analysis and in the advice they give to the police (paragraph 3.24).

1 Leadership and management captures elements included formerly in "Delivering change" which has now been removed from the framework as a stand alone aspect.

2 No direct comparison possible as the framework against which the area is inspected has been changed. However it has been scored for community engagement and partnership working although the chapter on leadership captures the text due to the significant overlaps in this area.

-
- 3 Arrangements for the flow of information between the police and CPS are addressed by the area as a matter of urgency, through open and constructive dialogue (paragraph 4.22).
-
- 4 Operation of the optimum business model is examined to ensure the necessary tasks and preparation for trial take place in good time (paragraph 4.22).
-
- 5 Case progression meetings with the court are reinstated (paragraph 4.22).
-
- 6 The area ensures it raises the priority of Crown Court casework and sets clear expectations and standards for lawyers to drive up the quality of decision-making and case handling. Standards should be underpinned by a sound quality assurance regime (paragraph 5.28).
-
- 7 The area revisits its approach to the implementation of the advocacy strategy to ensure quality advocacy, undertaken by advocates with the right skills, and supported by sound casework (paragraph 6.18).
-
- 8 The area takes steps to improve the quality of decision-making in all serious and sensitive cases, ensuring policies are adhered to (paragraph 7.26).
-
- 9 The area considers the establishment of advice surgeries for rape and sexual offences (paragraph 7.26).
-
- 10 Further training is provided for lawyers in dealing with third party and public interest immunity disclosure issues, and steps should be taken to agree a protocol for the disclosure of third party material with the police and social services (paragraph 8.9).
-
- 11 The area works with partners to improve processes that support victims and witnesses (paragraph 10.28).
-
- 12 The area ensures that the quality of direct communication with victims letters improves and that there are effective quality assurance processes in place (paragraph 10.28).
-
- 13 The area articulates clearly the professional standards required and develops a robust performance management regime to ensure work is undertaken professionally and to a high standard (paragraph 11.5).
-
- 14 The area works with partners and uses joint performance meetings as a means to driving up standards and improving the service it offers to the public (paragraph 11.14).
-
- 15 The area reviews its current management and organisational structures to ensure that it is best placed to deliver the outcomes expected (paragraph 12.13).
-

16 The area establishes a clear vision for CPS Gwent which is effectively communicated to staff and partners (paragraph 13.20).

17 The area develops a clear set of standards for behaviours which should be implemented consistently (paragraph 13.20).

2.21 We additionally identified one aspect for improvement.

1 The area needs to ensure that there is a regular feedback of learning points to individual lawyers from adverse case reports and any casework quality assurance system (paragraph 11.7).

3 PRE-CHARGE ADVICE AND DECISIONS	OPA 2007	AI 2009	Direction of travel
	Fair	Poor	Declined

Benefits realisation

- 3.1 Responsibility for determining charges in the more serious cases passed from the police to the CPS in 2004. The reason for the change was to ensure that cases proceeded on the right charges and to enable prosecutors to detail for police what further evidence or information is needed to ensure a realistic prospect of conviction. It was expected that more cases would be successfully concluded and fewer ones discontinued during the process.
- 3.2 To enable this to occur successfully, working arrangements between the police and CPS need to be both efficient and well managed. That is, the police need to ensure that they bring all relevant cases to the prosecution, supported by appropriate evidence, so that the right decision can be made. In turn the prosecution needs to ensure that suitably experienced prosecutors are available when needed to make good quality decisions and provide good quality advice to the police. The operation of the scheme nationally is governed by what is known as the Director's Guidance.³ In Gwent there are shortcomings in both the efficiency of the scheme's operation and in the effectiveness of decision-making.
- 3.3 The inspection in 2007 identified that Gwent was not realising the anticipated benefits of the pre-charge decision-making process as performance was below the national average. A recommendation was made that managers should work with police partners to ensure the effective analysis of charging outcomes at both a strategic and local level. It was also highlighted that work with police partners to improve performance had progressed slowly.
- 3.4 Since that inspection the situation has deteriorated. In recent months the charging benefits results show Gwent as the worst performing area in England and Wales. Discontinuance rates in both the magistrates' court and Crown Court are of significant concern. The area needs to address this performance urgently.

	National target 2008-09	National performance 2008-09	Area performance 2008-09	Area performance to June 2009
<i>Magistrates' courts' cases</i>				
Discontinuance rate	13%	13.1%	17.6%	17.3%
Guilty plea rate	70%	74.4%	70.1%	70.5%
Attrition rate	23%	19.2%	24.6%	24.1%
<i>Crown Court cases</i>				
Discontinuance rate	11%	11.7%	16.3%	16.8%
Guilty plea rate	70%	72.9%	68.5%	68.9%
Attrition rate	23%	19.4%	24.4%	24.4%

3 Guidance on charging to be applied by police officers and crown prosecutors.

Operation of the charging scheme

- 3.5 The area provides face to face advice and decisions at Ystrad Mynach and Newport Police Stations between 9am-5pm Monday to Friday. Two lawyers are normally allocated to Newport. An appointment system is in place throughout the day which is controlled by the police administrative support and time is made available for unexpected custody cases, which are given priority. Each appointment lasts for 45 minutes although this is flexible depending on the complexity of the case. At the time of the last inspection lawyers were allocated to charging duties for three months, they are now deployed to the charging centre for one day at a time. Despite these arrangements inspectors found that a significant number of decisions were actually being made in charging centres on paper files submitted in advance rather than with the officer in the case being present to discuss the case. This removes the ability of the prosecutor to help the officer understand evidential issues in the case and action they may need to take and also calls into question whether, as things operate currently, there is truly a need for a prosecutor to be located all day at a police station.
- 3.6 There are several deficiencies in the way cases are brought to the CPS. First there are a number where defendants are charged by the police or summonsed for offences where charges should have been authorised by the CPS. These do not comply with the Director's Guidance. Such cases should be captured before the first hearing and reviewed to ensure that they pass the full Code test. Any case which does not reach the evidential standard should be discontinued. This review and/or discontinuance should be properly recorded, a record of non-compliance kept and cases referred back to senior officers to ensure that unlawful charging is addressed. This did not appear to be happening.
- 3.7 Many cases are prematurely referred to prosecutors and currently around 50% result in charge. Moreover the numbers of cases which result in multiple consultations is above the national average which results in unnecessary duplication, delay and builds inefficiency to the process.
- 3.8 The fact that cases are prematurely referred to charging lawyers is surprising as police evidential review officers (EROs) are deployed to check the quality of police files and ensure cases pass the threshold test before they are submitted for a charging decision. The police are aware that there have been deficiencies in this system which has sometimes been bypassed by officers. Consequently they were allocating significant additional resources to substantially increase the number of EROs with effect from 1 October 2009. The high level of cases either being marked no further action (NFA) at charge, or later discontinued, is unacceptable. This needs to be tackled, not only using joint performance management but also through feedback to the ERO decision-makers.
- 3.9 Files involving the same defendant are not systematically linked by the police thereby preventing decisions being made on the totality of the offending. Many of the examples seen related to serious Crown Court offences. This omission causes duplication, delay and damage to the individual cases which may also impact adversely on a victim. Problems include duplicate unique reference numbers (which may be due in part to the numbers of offenders on bail awaiting charge) are becoming prevalent. This is also leading to confusion in the identification and progress of cases.
- 3.10 Finally, and significantly, our file examination identified an unacceptable level of delay by the police in bringing cases to the prosecution. In a number of files examined the delay was caused by an excessive investigative process. In others there was evidence of multiple consultations caused by a failure of the police to comply with prosecutor's action plans. However there was also evidence that the quality of the actions plans provided by prosecutors was poor and did not

give the police a clear steer. Within the file sample the average time from arrest to charge in magistrates' courts' cases was 51 days and in Crown Court cases 105 days. We saw a number of cases where up to 12 months had elapsed before a charging decision was authorised. One case was 18 months old with no explanation being recorded. Cases which are 'stale' are inevitably more difficult to prove as witnesses' recollections deteriorate or they no longer wish to be involved in the judicial process.

Quality of advice and decisions

- 3.11 The inspection in 2007 found that the quality of decision-making was considered generally good with the Code applied correctly in 97.9% of cases; this is no longer the case. We found that in only 86.6% (71 out of 82) relevant cases was the Code test applied correctly. Of those where it was not three did not pass the public interest test, which is unusual. Two further cases were deemed to be wrongly charged on the threshold test when there was sufficient evidence on the file to apply the full Code test. Decision-making was generally less good in all Crown Court cases than in magistrates' courts' cases. Details are given in chapters 4 and 5.
- 3.12 Poor decision-making may be due in part to a perceived pressure to charge when a case has potential rather than being evidentially sound. Given that some cases are presented to lawyers many months after the commission of the offence there may be a reluctance to add further delay by suggesting additional, but necessary, lines of enquiry. One case in the file examination involved a serious driving offence which was brought back to the prosecutor 15 months after the first charging consultation, at which the lawyer had given the police an action plan to obtain additional evidence and make further enquiries. The case was charged with some deficiencies still present which subsequently caused it to be discontinued just before the trial.
- 3.13 In 13.4% of cases the nature of the charge was inappropriate. We saw examples of both under and over charging. There were instances where defendants were charged with offences which did not fully reflect the seriousness of the offending. This cautious approach may be driven by a desire to obtain a conviction but there is a danger that the full extent of the offending behaviour cannot be appropriately punished. In other instances the defendant was over charged with unnecessary offences, some of which were rightly reduced at an early hearing. This encourages an environment of plea bargaining rather than getting the charge right on the first occasion.
- 3.14 Prosecutors should be proactive at the pre-charge decision stage adding value by detailing in action plans what further evidence is needed to build the case. They should also address ancillary issues such as the needs of witnesses, disclosure of unused material and potential asset recovery action. The absence of such proactivity by lawyers is a significant weakness in the area.
- 3.15 Overall the quality of recording evidence on the charging documentation (MG3) was variable and a significant number of cases contained insufficient detail about the issues.
- 3.16 The main weaknesses identified within the file examination were the quality of action planning and attention to ancillary matters. Action plans are weak with 14 (25.9%) failing to meet an appropriate standard. Ancillary matters were not dealt with consistently and 23 (32.9%) failed to address routine issues. Opportunities to make applications which would strengthen the prosecution case are not always realised. Additional training on the use of bad character and hearsay, in particular, would assist. Restraint and confiscation issues rarely occurred in the sample but we found evidence that some lawyers lacked confidence in handling these ancillary matters. Prosecutors failed to give appropriate instructions on the MG3 to the court advocate in 42.6% of cases.

- 3.17 The above weaknesses were highlighted in 2007 and there has been no improvement. Better analysis and action plans would support more efficient court preparation by advocates, reduce unnecessary duplication of work and provide an audit trail and a better understanding behind decisions made.
- 3.18 The overall quality of decision-making and proactivity at the charging stage is unsatisfactory. Too many cases are not receiving the care and consideration which ought to be routine.

The charging of serious casework

- 3.19 Charging advice on serious casework is usually dealt with away from the charging centre by the submission of a written file. There was some lack of clarity around which types of cases should be submitted.
- 3.20 The inappropriate delay by the police in submitting files extends to serious cases. This is compounded by unacceptable delays by the CPS in making charging decisions. It was apparent that it is the norm for some types of serious crime (rape and child abuse) to be subject to lengthy delays. Cases routinely take many months to acquire a charging decision. In addition too many cases are received by the CPS from the police which are evidentially so weak that they should be marked for no further action by the police; this wastes valuable CPS resources. Recently a manager has attempted to tackle this by returning files to individual police supervisors. This should be done more consistently and the area should be seeking improvements through joint performance discussions. Once inappropriate work is removed the area must ensure that timescales for providing advice are significantly reduced.
- 3.21 Our file examination contained four cases involving road traffic fatalities. In two of these there was no effective analysis of the case at the charging stage or consideration of the tactics that would be required at any potential trial. In none of the four was there an offer of a meeting with the family of the deceased to explain the reasoning for the charging decision; national CPS policy for handling such cases was not complied with. In one of the cases the advice was not entered on the case management system (CMS).
- 3.22 More specific findings on the quality of sensitive and specialist casework are outlined in chapter 7.

Performance management and partnership working

- 3.23 The lack of internal performance management is dealt with in detail in chapter 11. The area needs to ensure that it implements changes immediately to improve the quality of the decision-making and ensure that case analysis is completed to a higher standard. Feedback must be directed at individuals to ensure that the messages delivered are fully understood. This change will require the creation of a performance management culture that identifies weaknesses and tackles these at the earliest opportunity. Equally part of this change must be the creation of an effective partnership with the police.

- 3.24 The use made of prosecution team performance management meetings to address poor performance across both agencies needs to change. Although meetings are supported by detailed performance reports there is no analysis to highlight the key issues in the relevant month. The documentation is comprehensive but too detailed to be effective. The discussion has recently centred on identifying the recurring problems and attributing blame rather than working in partnership to find case by case solutions which could bring about improvement in performance in investigation, file quality and timeliness. A shorter summary document would be of use to inform a wider audience of key individuals involved in the charging process. Closer liaison between CPS and police managers at a less strategic level on an individual basis to address specific casework failings may be more effective in bringing about long term improvement. The building of a prosecution team ethos is necessary to deliver a better service to the people of Gwent.

RECOMMENDATION

The area works with police partners to ensure pre-charge advice and decisions are delivered correctly and efficiently, on the right cases, in accordance with the Director's Guidance. Arrangements for effective joint monitoring need to be put in place.

Prosecutors are retrained in their charging responsibilities and actively managed to ensure that decision-making improves and that they are proactive in their case analysis and in the advice they give to the police.

4	DECISION-MAKING, PREPARATION AND PROGRESSION IN MAGISTRATES' COURTS' CASES	OPA 2007	AI 2009	Direction of travel
		Fair	Poor	Declined

- 4.1 The issues discussed in the previous chapter around poor file quality, timeliness and inconsistent decision-making continue to affect cases as they progress through to the magistrates' court hearing. The lack of partnership working and the existence of a blame culture is also a key factor in failing to maximise successful outcomes.

Outcomes in the magistrates' courts

- 4.2 In the year 2008-09 the overall conviction rate stood at 86.7% against a national average of 87.3%. The first quarter of 2009-10 showed a slight improvement with non-charge cases on a par with the national average. However charged cases continue to be a concern with a conviction rate of 73.1% compared to the national figure of 79.9%.
- 4.3 Additionally there is a high proportion of discontinued cases in the magistrates' courts with a rate of 10.1% in the year 2008-09 compared with the national average of 8.7%. Performance is particularly weak in respect of charged cases where the discontinuance rate was 17.5%, significantly worse than the national average of 13.8% (for a full table of outcomes in the magistrates' courts see annex A).

Quality of case decisions and continuing review

- 4.4 The quality of decision-making remains variable. In magistrates' courts' cases, at the pre-charge stage the threshold test was applied correctly in three out of four and the full Code test in 45 out of 49 (91.8%). Although charging decisions were of better quality in magistrates' courts' cases than Crown Court casework, improvement is needed.
- 4.5 The decision at summary trial review accorded with the Code in all 33 relevant cases although in a further file the decision was not recorded. Ninety seven percent of cases proceeded to trial or guilty plea on the correct level of charge. Full file reviews were endorsed in only 34 out of 43 relevant cases (79.1%) and those that had a review were not always completed on CMS.

Case preparation and progression

- 4.6 The area is subject to the Director's Guidance on the Streamlined Process⁴ which is designed to ensure a staged and proportionate approach to the preparation of cases which must be referred to a prosecutor for a charging decision. The scheme is not yet operating satisfactorily and its implementation had not at the time of the inspection been formally approved by the police/CPS national team. The area will need to engage with partner agencies to ensure that timescales between the date of charge and first hearing are sufficient to allow a minimal file to be built which is still sufficient to allow an effective review to take place. The area must ensure that files no longer arrive at the first hearing with papers missing, which has resulted in cases being dismissed for want of prosecution. Since the inspection the streamlined process has been signed off as effective. Inspectors will review the arrangements during the course of a follow-up inspection.

⁴ Guidance applicable to cases chargeable by the police, without reference to a crown prosecutor and for a staged and proportionate approach in the preparation of the cases which must be referred to a prosecutor for a charging decision.

- 4.7 As a result of implementation of the optimum business model (OBM), case preparation is now undertaken using a 'pod' system to which lawyers are specifically allocated on a daily basis. The model is designed to ensure that files are properly prepared for court by the lawyer on duty, that reviews are completed, directions complied with and correspondence answered efficiently and in good time. The area has established a procedure which is fundamentally sound provided the unit is properly staffed and files are received from the police within appropriate timescales and quality. However the system is less effective than it should be for a number of reasons.
- 4.8 First trial files are received late; area figures suggest that this happens, on average, in 68% of cases. Many files are also incomplete with only 27% deemed to be trial ready, although the police dispute these figures. We took a random sample of ten files and found 50% were received late and only 30% were trial ready. Requests for additional evidence are subsequently dealt with in a piecemeal way by the prosecution. Although police and CPS case progression officers are in the same building there is little face to face contact and so the value of co-location is lost.
- 4.9 In the absence of a timely, complete file, lawyer responsibilities are focused on complying with directions of the court and, if resources allow, undertaking file reviews. Due to piecemeal receipt of information full reviews are often carried out at the last minute or without key documents. Because of these deficiencies late discontinuance is common with unnecessary and duplicate work having been undertaken.
- 4.10 Despite there being dedicated lawyers to prepare cases there was timely completion of directions between first hearing and trial in only half of the relevant 32 cases and applications were made and served in accordance with statutory time limits in just nine of the relevant 19. Similar weaknesses were evident and reported on at the time of the last inspection. File examination showed that in only 30.6% of cases there was good, proactive case management, in 59.2% it was rated as fair and in 10.2% inspectors considered it to be poor. Case preparation was timely in only 65.4% of cases (34 out of 52).
- 4.11 Many files arrive via summons; a number have bypassed the pre-charge process and therefore not been subject to early examination by a prosecutor. In the event of a not guilty plea being entered these files are not reviewed until a trial file has been prepared by the police and submitted to the CPS. If the defendant has elected trial for an either way offence on a summons file there is no review until the full committal file has been supplied. These cases are not dealt with in the pod but allocated to other lawyers, if available. We discuss the absence of lawyer resource and its impact on Crown Court case preparation in chapter 5. If the case is subsequently discontinued it will not be timely, unnecessary work will have been undertaken by the police and expectations of victims and witnesses raised.
- 4.12 In many cases witness details are not available on the file or have not been properly recorded at the first hearing, resulting in trials being fixed on a given date without full witness availability being known. This can delay the case progressing and cause subsequent difficulties for victims and witnesses.

- 4.13 Correspondence was dealt with satisfactorily in most cases but timeliness was poor in four (9.5%) and there was a failure in seven (15.2%) to endorse communications on the file. Victim impact statements were not obtained in nine out of the ten relevant cases; this task is completed by the police but the CPS should ensure this document is available to the court.
- 4.14 Many files are inadequately endorsed with decisions and actions taken which makes it difficult for the next lawyer picking up the case to follow what has happened and how the case has progressed. The absence of a full audit trail raises significant concerns about the risk to the integrity of the OBM process. Although this is a national issue it is of particular concern in Gwent. Poor record keeping was raised as a concern in the report of 2007 and we have seen no sign of improvement.
- 4.15 Paragraph 3.10 sets out the delays in the period from arrest to charge. Thereafter the case is dealt with more expeditiously - in the file sample the average time from arrest to first hearing was 65 days and arrest to trial 122 days. However the need to press cases through to a speedy conclusion is often at the expense of proper case preparation and victim and witness care.
- 4.16 The number of hearings per case is impressively low provided that this does not jeopardise fairness to the parties. On average there are only two hearings per guilty plea and for contested cases this rises to 3.3 hearings, well below the national average of 4.2. However there is a concern that on occasions the CPS fails to apply for adjournments in cases where it would be appropriate to do so because it believes an application will be refused. We saw cases where the courts were unsympathetic to applications to adjourn cases even where the prosecution was seeking to avoid the unnecessary attendance of civilian witnesses. Not only does this contribute to the high number of discontinued cases it also raises questions as to whether, in all cases, a victim receives justice. In our view the average hearing figures should not automatically be taken as representing good performance. Case progression meetings, which include the courts, are no longer held as they were not seen to add value.

Adverse cases

- 4.17 We examined 17 cases that had been discontinued and disagreed with the decision to discontinue in accordance with the Code test in two. However in four cases there was no material change in the evidential strength or public interest since the pre-charge decision reflecting shortcomings in the quality of charging decisions, referred to in paragraph 3.11. Where a case is discontinued the decision is rarely that of the lawyer who made the original decision to charge, nor is the matter referred back to them and referral back occurred in only two of the 14 relevant cases in the file sample. In three cases the decision to discontinue was not timely and in a similar number the outcome could have been avoided by better case preparation.
- 4.18 The police were consulted on the decision to discontinue in ten out of 15 relevant cases but where this was done there was usually insufficient time to allow them to provide an effective response. There was an adverse outcome report of the required standard on only two of the 17 cases examined. Overall insufficient regard is given to learning lessons from failed casework. Feedback to both the original charging lawyer and the police EROs should be a priority to ensure that lessons are learned and the quality of casework can be improved.

Effective, ineffective and cracked trials

- 4.19 The target to reduce ineffective trials is shared with partner agencies. The ineffective trial rate for 2008-09, at 23.5%, was considerably worse than national average at 18.6%, although in the file sample performance was significantly better with only five cases out of the relevant 41 (12.2%) having an ineffective trial.
- 4.20 Gwent has a very high cracked trial rate, at 40.9%, caused by late guilty pleas and the agencies have failed to work together to identify causes and address deficiencies. Late guilty pleas impact adversely the amount of work needed to complete cases where admissions were likely. A culture of taking cases to the day of trial may have developed due to the poor file preparation and the likelihood of a case being discontinued as a result. Our assessment from the file sample indicated that advance information is frequently inadequate and we also observed that there is sometimes insufficient time for defence solicitors to take necessary instructions. There may also be issues of waiting to see if witnesses are properly warned and actually attend.
- 4.21 During our observations we noted that defendants were not always advised by the courts of the credit available for an early guilty plea. In the file examination six defendants pleaded guilty on the day of trial to the original charges and in all these pleas had not been offered at an earlier stage.

Use of the case management system – Compass CMS

- 4.22 The file examination uncovered a significant failure to record outcomes accurately. This was due in part to inadequate and unclear file endorsements by the court advocate. Almost 16% of cases were wrongly finalised; this needs to be addressed. In contrast the use of CMS was assessed as good in 23 cases (44.2%) and fair in the remaining 29 (55.8%).

RECOMMENDATION

Arrangements for the flow of information between the police and CPS are addressed by the area as a matter of urgency, through open and constructive dialogue.

Operation of the optimum business model is examined to ensure the necessary tasks and preparation for trial take place in good time.

Case progression meetings with the court are reinstated.

5	DECISION-MAKING, PREPARATION AND PROGRESSION IN CROWN COURT CASES	OPA 2007	AI 2009	Direction of travel
		Good	Poor	Declined

- 5.1 Since the 2007 OPA the area has restructured into two combined units which deal with both magistrates' courts and Crown Court work. This, in conjunction with the local operation of the CPS advocacy strategy, under which a much larger proportion of Crown Court cases are prosecuted by in-house crown advocates rather than counsel, has removed the focus on Crown Court casework, resulting in a significant decline in the quality of preparation in these cases and an increase in the proportion which have an unsuccessful outcome. There has also been fundamental change in the relationships with partners.

The quality of case decisions and continuing review

- 5.2 Overall, performance in relation to the application of the Code throughout the life of a Crown Court case is not strong at any stage and more robust decision-making is required from the outset and during continuing review. Some cases require far better consideration of the tactics necessary to present them in court effectively and a realistic appraisal of the action necessary to address weaknesses in the evidence. File examination revealed a lack of continuity of lawyer in the most serious of cases including two involving a fatality.
- 5.3 It was apparent from a number of files that there was considerable delay between arrest and the decision to charge. In the file sample of Crown Court cases the average time from arrest to charging decision was 105 days, this was not always the fault of the CPS who were frequently not aware of the case. Lawyers need to record adequately the reasons for the delay; the issue of abuse of process due to delay was frequently raised by the defence and on occasions the mere threat of raising such an argument was sufficient to lead to a discontinuance. There is also significant lapse of time before a case is concluded. Within the sample the average time taken from arrest to first hearing was 133 days and from arrest to trial 340 days. Delay inevitably puts the prosecution on the back foot and often results in an unsuccessful outcome. Delay also has an adverse impact on victims and witnesses, some of whom become detached from the criminal justice process.
- 5.4 Overall performance in terms of the quality of decision-making in Crown Court cases is worse than many other areas inspected. The quality of pre-charge decision-making is weak in Crown Court cases, the full Code test correctly applied in only 30 out of 34 cases (88.2%). As cases progressed the decision at either the committal stage or service of the prosecution case accorded with the Code in 33 out of 37 (89.2%). Full file reviews were endorsed in 35 out of 38 relevant cases (92.1%) which was better than in magistrates' courts' files (79.1%).
- 5.5 Even where the decision to prosecute is correct the charges chosen are not always the most appropriate. In a number of Crown Court cases examined there was a failure to appreciate that other charges would be more advantageous tactically in the handling of the case. The charges selected at committal were correct in 29 out of 34 relevant cases (85.3%) and the cases proceeded to Crown Court trial on the most appropriate charges in only 31 out of 37 relevant ones (83.8%). There were two cases where pleas were accepted and the basis of acceptance was appropriate and realistic in both.

- 5.6 The area has only recently established a protocol for the referral of cases to the Wales Group complex casework unit (CCU). A draft was circulated by the head of the CCU to the CCPs in the group for consultation with the police during 2008; this draft remained unsigned in Gwent until the time of the inspection in September 2009. Cases within the agreed national remit for CCUs are captured and referred directly by the specialist police units; however, cases where referral is discretionary, and where the CCP acts as the 'gateway' to the unit have not always been referred either to the CCU or to the specialist casework divisions at CPS Headquarters.
- 5.7 We saw examples where the Health and Safety Executive was involved in the prosecution and the case had remained within the area and not been discussed with the CCU at all. There were also instances where referral had occurred too late for the CCU to take the case on although earlier notification would have been possible. A special casework lawyer from Gwent is based in the unit which should assist the relationship. The recently signed protocol needs to be the springboard to ensure all appropriate cases are referred to CCU in a timely manner and that the gateway is now effective.

Outcomes in the Crown Court

- 5.8 In 2008-09 the overall conviction rate in the Crown Court was 76.2% which was worse than the national average and a decline since the OPA. The rate of cases discontinued, at 15.8%, was particularly poor. Performance has remained fairly static into 2009-10 with a conviction rate of 76.9% during the first quarter.
- 5.9 The performance of CPS Gwent is significantly worse than the other three areas in the Wales Group. The area is exacerbating this weak performance with wrong finalisations - we found an example of a case which was wrongly finalised as a discharged committal and remained so despite being subject to a management check.

Adverse cases: judge ordered acquittals and judge directed acquittals

- 5.10 It was apparent from the files examined that some cases were properly discontinued but in circumstances where they should never have been charged at the outset. Equally cases were wrongly discontinued where there had been no material change. We disagreed with the decision to discontinue in accordance with the full Code test in three out of ten cases.
- 5.11 We examined ten cases where there had been a judge ordered acquittal. Out of eight relevant cases, there were only three where there was a material change in the evidential strength or public interest since the pre-charge decision. In five (62.5%) the decision to discontinue was not timely and in two (25%) the adverse outcome could have been avoided by better case preparation. In a third case it was not possible to tell due to the absence of adequate endorsements on the file.
- 5.12 We examined three cases where there had been a judge directed acquittal; in two the outcome was reasonably foreseeable at the start of the trial. In two the outcome could have been avoided by better case preparation and in the remaining one by earlier discontinuance.
- 5.13 Adverse outcome reports are not routinely undertaken and where they are the quality is particularly poor. Of 13 relevant cases, in eight there was no report with the case papers or on CMS and the five reports that were compiled did not meet the required standard. There is no evidence of learning points being identified and disseminated and very little evidence that issues identified post-charge by the prosecution advocate, or at any point throughout the life of the case, are

shared or used to drive improvement. Many of the issues where lessons can be learned are not identified. Further, there is a failure to hold post-court reviews on serious cases even where lessons to be learned have been identified by the trial judge.

Case preparation and progression

- 5.14 Crown Court casework has suffered as a result of the restructure to combined units and it is clear it has not been a priority. Although there are some sound administrative systems and processes in place to progress these cases, the efficiency and effectiveness is severely hampered by late and poor quality police files. The quality of files in terms of trial readiness fluctuated between 20% and 33% between April and August 2009 and timeliness varied from 12% to 31%. However the subsequent preparation of cases is ultimately hampered by the absence of lawyers to review files and prepare the committal packages once a file is received. At times the Crown Court team is stripped of lawyers who are engaged on magistrates' courts' preparation which takes priority, or presenting cases in the Crown Court. This was a known risk whereby case preparation was sacrificed in the local delivery of the advocacy strategy.
- 5.15 The inability of the area to review and prepare cases expeditiously has led to an increase in the number discharged at committal. The rate of 2.0% was worse than the national average of 1.8% during 2008-09 and has declined even further during the first quarter of 2009-10 to 3.4%, compared to the national rate of 1.9%. This level of performance is exaggerated by incorrect finalisation of files and poor practice. One case was discharged and reinstated twice, even though a full file had not been received at the time of the first reinstatement. During an exercise to baseline performance for the application of the OBM in Crown Court preparation it was identified that late police files, late review and late service of papers were issues that needed addressing. This continues to be the position.
- 5.16 There is a lack of proactivity on cases and they are allowed to 'drift' despite directions being made by the court and case progression functions undertaken. In the file sample there was timely preparation in only 43.6% of cases (17 out of 39). The level of proactive management was found to be good in 25.6% of cases, fair in 56.4% and poor in 20.5%.
- 5.17 The judiciary is not confident that any action will be achieved without a direction ordering its completion. Of the directions ordered half are not completed on time and a significant number are never completed. Defects arising from earlier decision-making are aggravated by poor case preparation, which means invariably they are not addressed or remedied. All actions were taken to progress the case at the plea and case management hearing (PCMH) in 79.5% of cases (31 out of 39) although compliance was only timely in 56.8%. All necessary applications were made in accordance with statutory time limits in 55.2% of cases (16 of the 29 relevant cases). Performance deteriorates after the PCMH leading up to trial where there was timely compliance with directions in only 45.7% (16 out of 35 relevant cases).
- 5.18 There was continuity of prosecutor in 72.2% of cases (26 out of 36 relevant ones). Duplication of work arising from the lack of continuity during case preparation and continuing review is apparent even in the most serious of cases.

- 5.19 Instructions to the advocate usually include a case analysis and views on the acceptability of pleas which is better than many areas. However these could be vastly improved if a better understanding of the case at the outset was captured in the analysis and transferred to the brief.
- 5.20 The general quality of indictments in the file sample was satisfactory with 91.7% correct (33 out of 36 cases). However during court observation spelling mistakes and typographical errors were identified by the advocate at the PCMH and some only became apparent whilst the defendant was arraigned. In the past the quality of indictments was a concern and consequently was monitored by the area; this practice has now stopped.
- 5.21 CPS crown advocates conduct nearly all cases at PCMH. The local operation of the advocacy strategy has meant the level of work undertaken by the crown advocates is often unrealistic. At times they are allocated up to nine cases listed for a PCMH without allowing for adequate preparation time. This strategy has obvious risks in terms of the quality of service delivery and views of criminal justice partners and users. After PCMH cases pass to an advocate in the area to conduct the trial although much of the grade four work⁵, but not all, passes to counsel.
- 5.22 Since the inspection the new CCP has pulled back the use of crown advocates significantly to address the backlogs and considerable inadequacies apparent in Crown Court case preparation.
- 5.23 Case management panels are held in serious and complex cases, however these are not effective and there is limited opportunity to allow input from the allocated caseworker. During 2008 a batch of panel meetings were held on one day to suit the convenience of senior management and the most pressing issue was the ability to allocate in-house advocacy resource to cases.

Effective, ineffective and cracked trials

- 5.24 There is a shared target with criminal justice partners to reduce the level of ineffective trials which can adversely affect victims and witnesses if they have attended court, delay the conclusion of individual cases and waste available court time.
- 5.25 The ineffective trial rate of 9.6% compares favourably with the national rate of 11.3% and this is supported by the file sample, where there were only two ineffective trials out of 33 cases, in one of these the prosecution was not at fault. However the level of cracked trials is a cause for concern. From the figures available during 2008-09 in August 2008 11 out of 16 trials (68.8%) cracked and in December 2008 this happened in eight out of 18 (44.4%). In the file sample two of the five cracked trials resulted in an adverse outcome where the case was discontinued at trial and there had been no change in circumstance. The local operation of the advocacy strategy may have been the driver for this.

Asset recovery (proceeds of crime)

- 5.26 Duty prosecutors should consider asset recovery with the police at the charging stage. It is for the police to investigate the defendant's financial position, thereafter the CPS prepares and handles applications for confiscation of the proceeds of crime. Generally the CPS has limited ability to influence enforcement and the ultimate recovery of assets. In Gwent the CPS seems to be content for the police to take the lead in all aspects of proceeds of crime (POCA) handling and has not been a proactive partner in achieving the targets set. At pre-charge 15 of 35 cases in the file sample did not address ancillary issues, including POCA considerations. Although a crib

⁵ This grade is reserved for advocates of exceptional long term experience and ability, and usually not less than ten years' call.

sheet has been provided and reminders given at team meetings, charging lawyers are missing opportunities. This is compounded by the absence of MG17s⁶ on the files indicating a lack of awareness by frontline police as well. A new lawyer with lead responsibility for POCA has recently been appointed which should reinvigorate this area of casework.

- 5.27 Outcomes against targets for 2008-09 were good and reached the overall target. There were 55 confiscation orders made against a target of 50, to the value of £1.61m against a target of £1.05m and three restraint orders against a target of nine. Enforcement collection also exceeded target by £271,530. Performance for the first quarter of 2009-10 is on or ahead of trajectory for all four measures.

Use of the case management system – Compass CMS

- 5.28 Entries on CMS did not always reflect the endorsements on the paper file and in three of 39 relevant Crown Court files the finalisation details were wrongly recorded. In the file sample CMS usage in Crown Court cases was assessed as good or excellent in 30.8% of cases, fair in 61.5% and poor in 7.7%.

RECOMMENDATION

The area ensures it raises the priority of Crown Court casework and sets clear expectations and standards for lawyers to drive up the quality of decision-making and case handling. Standards should be underpinned by a sound quality assurance regime.

⁶ A form which should be completed by the police and passed to prosecutors indicating whether a suspect has assets which may be confiscated.

6 THE PROSECUTION OF CASES AT COURT	OPA 2007	AI 2009	Direction of travel
	Fair	Fair	Stable

The standard of advocacy

- 6.1 The CPS has set standards for its advocates, internal and external. These were updated in autumn 2008 and contain standards, guidance and prompts. It is paramount that prosecution advocates act and are seen to act in the public interest, independently of all other interests, fairly, fearlessly and in a manner that supports a transparent system that brings offenders to justice, respects the rights of the defendant and protects the innocent. We assess advocates against these standards bearing in mind that the court sessions will vary from trials to remand courts and bail applications to pleas of guilty.
- 6.2 We assessed 13 advocates in the magistrates' court and Crown Court and found the quality was variable. The majority of advocacy observed was at least competent in all respects (a table detailing area performance can be found at annex A).
- 6.3 In the magistrates' courts the area has some good associate prosecutors who are sensible and businesslike at court and highly thought of by magistrates and the staff of other criminal justice agencies. Crown prosecutors in the magistrates' courts are adequate but the advocacy of some tends towards the lacklustre. The performance of agents was variable but not at the extremes. There were no instances in the magistrates' courts where the experience of the prosecutor did not match the complexity of the case.
- 6.4 Over 80% of Crown Court hearings are undertaken by in-house crown advocates. Under the local operation of the advocacy strategy the lawyer in a case has to justify sending it out to counsel. Inspectors received some very positive feedback on the quality of the crown advocates. However it was clear from both feedback, inspectors' observations and the examination of cases, that their ability to present a case well is severely undermined by the poor quality of Crown Court case preparation and the number of cases allocated to individual crown advocates.
- 6.5 Inspectors also found examples of crown advocates being allocated serious cases, unsuitable for their grade and experience. This arose as a consequence of the rapid increase over a short period, in the seriousness of cases they were required to undertake. Of equal concern is the fact that some specialist and sensitive cases sent out to counsel are not always being prosecuted by counsel with requisite skill and experience. Arrangements in place at the time of the inspection for the deployment and allocation of work, both to in-house crown advocates and counsel, have impacted adversely on the reputation of the CPS and have serious implications for the delivery of justice and, ultimately, on public confidence.
- 6.6 The new CCP has taken action immediately to address the deficiencies and consequences of inappropriate application of the CPS's advocacy strategy.

- 6.7 There is limited evidence that the quality of advocacy has been monitored despite the commitment in the area business plan to undertake this exercise twice yearly. The small amount that has been undertaken was restricted to non-contested work in the magistrates' courts. However the area recently invited an external assessor from CPS Headquarters to look at a selection of staff in the magistrates' courts. Individual feedback was given to the advocates observed and more generic feedback was provided to area managers. Findings concur with those of inspectors.

Progressing cases at court

- 6.8 Prosecutors in the magistrates' courts prepare many of their cases at court once the files arrive by courier. There is generally time prior to court or whilst the bench has retired, although we comment on the facilities available below. Associate prosecutors undertaking Criminal Justice: Simple, Speedy Summary (CJSSS) courts usually have a day in the office to prepare.
- 6.9 Magistrates' courts' listing is in line with the requirements of CJSSS – the time period is very quick from first hearing to trial. Chapter 4 describes how case preparation is generally weak and hampered by the receipt of piecemeal and late information from the police and subsequent poor compliance with orders and late review by the CPS, both of which damage the efficient progress of cases at court.
- 6.10 A listing protocol is in place which is very favourable to the CPS enabling the area to ensure it gains maximum efficiency from associate prosecutors. The protocol is underpinned by some key principles which support prosecution advocacy, namely that the advocate has time to prepare for trial, is fully briefed and trials are prepared by the advocate who will present them. It also gives due regard to the needs of the advocate who has prepared the case when cases have to be transferred between courtrooms. We observed the protocol being adhered to in practice.
- 6.11 In Crown Court cases the time allowed for preparation, which has frequently been inadequate, impacts on the ability to progress cases satisfactorily when they get to court. Unacceptable risks are taken and the quality of presentation has suffered. There has been an absence of governance and supervision resulting in, amongst other things, a lack of clarity about the respective responsibility of the crown advocate and reviewing lawyer to take decisions at court. This needs resolving and a clear understanding established about the decisions crown advocates can make in court and those which need to be referred back to the reviewing lawyer or managers. HMCPSI reported in its thematic review on the quality of prosecution advocacy and presentation that clear arrangements assisted better case handling at court and helped ensure the right decisions were taken at the right time.
- 6.12 There is generally good caseworker support at court with cover for each of the three court rooms at Newport and a single caseworker assigned to cover courts in Cardiff.

Court endorsements

- 6.13 The quality of endorsements was variable. A significant number of Crown Court endorsements were poor, either because there was none on the file at all or they were very limited. Some Crown Court casework is covered by caseworkers from South Wales which may result in less attention being applied to cases from a different CPS area, but the inspection finding is surprising given that 80% of Crown Court casework is prosecuted by in-house crown advocates. As well as taking steps to improve the quality of endorsements the area needs to ensure there is a better understanding of expectations where cases are covered out of area. The quality of endorsements in magistrates' courts' cases was better.

- 6.14 Poor file endorsement inevitably leads to poor recording on CMS and incorrect finalisation of cases. We saw many examples where the entries on CMS did not accord with the paper file or it was unclear where the information on CMS had been obtained from. Unacceptable consequences flow if the wrong information is recorded. We observed one instance where, in a short space of time, a victim was contacted and told that the defendant had pleaded guilty only to be told shortly afterwards in a further letter, that the case had been discontinued due to a lack of evidence.
- 6.15 Adverse case reports are currently prepared by the caseworker who happens to be in court at the conclusion of a case even if they have not been involved in it up until that point. This practice has resulted in some reports not being done and others providing limited information or analysis about the reasons for failure.

Facilities at court

- 6.16 Facilities in the Crown Court at both Newport and Cardiff are unsatisfactory for the prosecution. Prosecutors have no access to CMS although there is a stand alone computer unit at Newport enabling limited work to be undertaken at court. The absence of a network link prevents caseworkers from properly utilising downtime at court and undertaking actions to prepare and progress cases, which can only be carried out when they return from court. The area needs to consider how this can be addressed in conjunction with CPS South Wales or the Wales Group. Crown advocates would also be assisted by a link at court.
- 6.17 Facilities are also lacking in the magistrates' courts. Again there are no network links to CMS. Much of the court preparation is undertaken at court after delivery of the files. A link at court would assist with case review and other aspects, particularly where paperwork is absent. It would overcome instances, found during file examination, where a defendant wished to plead guilty but the prosecutor only had the charge sheet from which to conduct the case. The inability to provide the court with adequate information about the case meant that an adjournment was refused and the charges dismissed. Access to CMS would have allowed the prosecutor to view the charging decision and understand what evidence had been considered at charge.
- 6.18 There is no dedicated room for prosecutors at any magistrates' court to undertake case preparation or private consultations. Files are delivered into the court room where the prosecutors will prepare them which also has implications for file security which needs to be reviewed. To access other equipment such as a phone, fax or photocopier prosecutors rely on the goodwill of court staff.

RECOMMENDATION

The area revisits its approach to the implementation of the advocacy strategy to ensure quality advocacy, undertaken by advocates with the right skills, and supported by sound casework.

7	SERIOUS VIOLENT AND SEXUAL OFFENCES AND HATE CRIME	OPA 2007	AI 2009	Direction of travel
		Good	Poor	Declined

- 7.1 Serious violence and sexual offences includes causing grievous bodily harm and wounding, offences using weapons, fatal road traffic offences, homicide, rape, child abuse and domestic violence. Hate crime includes racially aggravated and homophobic offences, elder abuse and disability aggravated offences. The CPS is committed to helping make communities safer under Public Service Agreement (PSA) 23 and to bringing offences to justice under PSA 24.
- 7.2 In line with Crown Court performance there has been a deterioration in the handling of serious and sensitive cases since the OPA in 2007.

Specialists and experts

- 7.3 The area has a violence against women co-ordinator who leads on rape, domestic violence and child abuse. The role and responsibilities of the area rape co-ordinator are clearly defined. There is also a hate crime co-ordinator who takes the lead on racist, religious, disability and other hate related crime; this role is less well defined.
- 7.4 Child abuse and rape cases are generally allocated to specialists with appropriate expertise. In the file sample six out of seven child abuse cases and six out of eight rape cases were reviewed by a specialist, but in only three of the eight was there continuity of lawyer. In most child abuse and rape cases lawyers displayed the appropriate levels of knowledge. In contrast, in hate crime cases and those involving a road traffic fatality specialists were allocated but did not always display appropriate expertise.
- 7.5 All area lawyers are trained in and receive cases involving allegations of domestic violence and hate crime and all such cases dealt with in the magistrates' courts are handled in the OBM unit. This results in the absence of case 'ownership' even in the most sensitive or complex cases.

The quality of advice and decisions

- 7.6 The variable quality of decision-making in Crown Court casework extends to all the areas of specialisms. Cases are not always handled appropriately at the pre-charge stage. We disagreed with the application of the evidential stage of the full Code test at the pre-charge stage in three out of the 29 serious or sensitive cases in the file sample (10.3%) and at service of the prosecution case in one. The threshold test was applied correctly in three out of four relevant cases. The quality of decision-making in these categories of case, where public concern and the effect of the offence on the individual will be greatest, is unsatisfactory.
- 7.7 Most complex and sensitive cases will bypass the charging centres and be submitted as written files because it is not feasible to review and advise on the case in a 45 minute appointment slot. Unlike many areas there are no specialist surgeries for rape or child abuse cases.

- 7.8 Although cases are allocated in a timely manner the limited number of lawyers to undertake the work results in significant delays before advice is given which can have serious implications for the interests of justice and public confidence. In one case the area took five months to provide written advice on an allegation of rape. In the meantime the defendant, who was given police bail, was alleged to have committed a further sexual assault on a different female in similar circumstances.

Violence against women

- 7.9 We had concerns about the quality of some decision-making in rape cases, where the decision appeared to be based on belief rather than evidence that could be presented in court. Even though the case was subsequently discontinued following review by a more experienced specialist, it raises the expectation of the victim unnecessarily and creates needless work for the police preparing a full file.
- 7.10 There was also lack of insight in some cases involving an allegation of domestic violence. In particular we found examples of putting the domestic violence policy ahead of the application of the Code test at the charging stage, or of charging on the threshold test when no further evidence will be forthcoming. Again expectations may be raised only to be dashed and time that can be ill afforded is wasted in preparing a file.
- 7.11 File examination also revealed minor breaches of CPS policy in rape, child abuse and domestic violence cases.
- 7.12 The quality of decision-making contributes to the level of unsuccessful outcomes in these types of cases. During 2008-09 performance was largely below the national average and deteriorated during the first quarter of 2009-10 and through to August 2009.

<i>Unsuccessful outcomes</i>	National target	National performance 2008-09	Area performance 2008-09	Area performance 1st quarter 2009-10
Violence against women	29%	28.1%	31.2%	36.4%
Rape	41%	42.3%	41.3%	47.4%
Domestic violence	28%	27.8%	31.0%	35.9%
Sexual offences	28%	24.9%	28.0%	24.7%

- 7.13 The area co-ordinator conducts a thorough analysis of rape cases feeding back to specialists where necessary. This analysis highlights weaknesses and is used to try to direct improvement activity.
- 7.14 A working group is in place, which includes the police, to improve the prosecution of rape cases. Checklists are available for those giving charging advice to assist in the decision-making in cases of domestic violence and rape and some positive joint work has been undertaken in relation to those involving allegations of domestic violence. However the level of successful outcomes reflects the fact that work has been undertaken piecemeal and work to improve the performance of individuals has not been effective.

Homicide and serious violence

- 7.15 We examined two cases involving homicide and had serious concerns about handling in both. In one case the threshold test was not applied correctly and the reasons for applying it were not recorded correctly and in both, case preparation was not timely, there was minimal compliance with directions and in neither was there a continuity of case ownership. The quality of proactivity of case management and file endorsements in both was also poor.
- 7.16 The handling of cases involving serious violence was better; we agreed with the decision-making in all eight cases and only in one disagreed with choice of charge for trial. However, again, case preparation was not timely in five and the proactivity of case management was poor in two.
- 7.17 The area holds case management panels in homicide cases but, as set out in paragraph 5.23, these are not effective.

Road traffic cases involving fatalities

- 7.18 Although road traffic cases involving fatalities are handled by specialists the expected quality of expertise is not always apparent. In one case in the file sample the quality of decision-making was poor. Although the decision to prosecute was correct the choice of charges from the outset undermined the prosecution case and was not remedied despite a clear opportunity to do so, resulting in the case being discontinued. In both of the two cases examined there were breaches of policy. In one there was no referral to the CCP and no letter to the family explaining the decision or offering a meeting. There was also no consistency of prosecutor and during the course of the trial counsel had difficulties obtaining instructions from the reviewing lawyer at key points. In the second case the decision on choice of charge was not notified to the family nor a meeting offered to explain the decision.

Hate crime

- 7.19 We examined five cases where the hate crime element was either racial or religious and again observed breaches of the relevant policy and guidance. In one case we disagreed with the decision to discontinue where the defendant was bound over at trial for a religiously motivated offence. There was no change in circumstances and no authority to discontinue was sought which was an inappropriate course to take. In another case a plea was accepted to the non-racially aggravated alternative at the PCMH. The reason for doing so was not endorsed and the absence of any record of the decision suggested that no authority was sought to approve this course of action.
- 7.20 The hate crime co-ordinator has completed a number of action plans and worked with partners to produce joint protocols, but there is very little evidence of effective monitoring or provision of advice to drive improvements in the way casework is handled.
- 7.21 There is an established hate crime scrutiny panel which is robust and highlights issues to improve casework although, as yet, there is very little evidence that their findings are being used to improve casework.

7.22 Performance for 2008-09 was marginally below the national average.

<i>Unsuccessful outcomes</i>	National target	National performance 2008-09	Area performance 2008-09	Area performance 1st quarter 2009-10
Hate crime: combined racist, religious, homophobic and disability	18%	18.0%	18.9%	19.0%

Safeguarding children and child abuse

7.23 The violence against women co-ordinator has responsibility for child abuse and issues relating to safeguarding children. Minutes are received from the five safeguarding children boards and the lead is available to provide input if requested to do so but as yet this has not been necessary. Once the area has addressed the concerns highlighted elsewhere in this report there is room for more effective collaboration.

7.24 From the file sample we are able to discern that the quality of decision-making in child abuse cases is generally sound. There is also a good third party protocol for linked criminal and care proceedings in the civil courts. However the quality of endorsements on files where there is video recorded evidence from children needs improvement. It was not always clear whether the video had been viewed at the stage of charging advice or full file review and, where it had been viewed, the assessment made by the prosecutor was not always recorded.

7.25 There is no specialist youth team and all lawyers handle these cases. The area tries to ensure agents are not used to prosecute in the youth courts.

Identification and management of sensitive cases

7.26 The area flags and identifies sensitive and hate crime cases on CMS but unusually is prone to adding irrelevant flags. There have been e-mail reminders to staff to ensure cases are identified correctly and some checks are undertaken by the lead co-ordinators in their area of specialism.

RECOMMENDATION

The area takes steps to improve the quality of decision-making in all serious and sensitive cases, ensuring policies are adhered to.

The area considers the establishment of advice surgeries for rape and sexual offences.

8 DISCLOSURE OF UNUSED MATERIAL	OPA 2007	AI 2009	Direction of travel
	Fair	Fair	Improved

Decision-making and compliance with the duties of disclosure

8.1 Since the last inspection in 2007 efforts have been made to continue the improvement noted at that time in the way Gwent deals with disclosure, when it was assessed as having improved to achieve a fair rating. Our file examination revealed that since then the area has continued to improve (the table detailing performance in the file examination is at annex A).

Initial and continuing disclosure

8.2 Initial disclosure means providing the defence with any material which has not previously been disclosed to them and which satisfies the disclosure test. The test is applied by the lawyer and relates to material which may undermine the prosecution case or may assist that of the defence. There is a continuing duty to disclose such material throughout the life of a case during the court proceedings. Failing to disclose something which should be disclosed can lead to injustice and failures to comply can have severe consequences for the prosecution.

8.3 Our file examination revealed that in the majority of cases in both the magistrates' courts and Crown Court initial disclosure was handled correctly (87.1% and 91.9% respectively). This performance is significantly better than the national figures represented in the findings of a thematic report on disclosure by HMCPSI published in 2008. Continuing disclosure gave a similar picture. It was handled correctly in 77.8% of magistrates' courts' files and 88.2% for the Crown Court. There was a small decline in performance in magistrates' courts' cases but this is not significant.

8.4 The improvement of the handling of disclosure is tempered by the lack of timeliness in dealing with it. In the magistrates' courts particularly examples were seen of initial disclosure being served very late, either just before or on the date of trial. The reason for this is twofold: it is in part due to receipt of incomplete files without accurate unused material schedules from the police; and due to delays by the CPS in undertaking a full review of the files to deal with disclosure. In the cases examined initial disclosure was complied with in a timely way in only two thirds (61.2%). Late disclosure can result in cases being adjourned on the day of trial which inconveniences witnesses who attend and wastes valuable court time and CPS resources. Timeliness of continuing disclosure is also unsatisfactory with only 45.5% of cases dealt with in a timely manner.

8.5 A practice of reliance on counsel and the crown advocates to deal with disclosure, in some instances specifically instructing them to do so, has developed. Whilst it is acceptable to liaise with counsel over disclosure issues, the duty of the CPS lawyer cannot be passed on to them. Although it is not area policy, managers are aware of this practice, which seems to have arisen through a lack of lawyer availability to review Crown Court cases. Instructions to the advocate however do have an insert specifically instructing them with regard to section 8 applications⁷ which is good practice.

⁷ Section 8 covers defence applications for disclosure of prosecution documents.

- 8.6 The number of trials that did not go ahead as a result of disclosure issues from August 2008–July 09 in the magistrates’ court was nine out of 372 cases (2.4%). This figure is capable of being reduced.

Sensitive and third party material

- 8.7 A schedule of sensitive material is submitted by the police in each case. The lawyer has to consider the schedule and the documents to decide if the material is sensitive or not. Sometimes material, which could be non-sensitive if edited, or which is simply irrelevant, is on the schedule. The prosecutor should arrange for the appropriate items to be edited and transferred to the non-sensitive schedule, or for non-relevant material to be endorsed as such on the schedules. Disclosure of sensitive material was dealt with properly in just over half of magistrates’ courts’ cases (58.3%) but was dealt with better in Crown Court cases (86.2%).
- 8.8 In several cases there appeared to be confusion over the handling of third party and public interest immunity (PII) disclosure issues. In the sample six files had third party disclosure issues, yet only three were dealt with correctly, two were not and in the remaining file there was no record. The two cases where it had not been dealt with properly related to social services records.
- 8.9 There were no cases requiring a PII application although in one unrecorded case it may have needed one. There are systems and appropriate facilities for storing such material and a log is kept by managers recording any PII applications for appropriate notification to Headquarters. However there appears to be a lack of knowledge and confidence amongst prosecutors in identifying and dealing with this kind of material. The area needs to raise awareness generally about the handling of third party and PII issues.

RECOMMENDATION

Further training is provided for lawyers in dealing with third party and public interest immunity disclosure issues, and steps should be taken to agree a protocol for the disclosure of third party material with the police and social services.

File housekeeping

- 8.10 Disclosure schedules and documents are kept together in new disclosure record sheet (DRS) folders with flowcharts for the disclosure process printed on them. These are a helpful aide memoir for staff and keep all the relevant material together in a tidy and easily accessible folder. In the file sample the disclosure letters were generally in the correspondence folder and the files presented as being fairly well organised.
- 8.11 Lawyers are still committing basic errors. Actions and decisions were only endorsed on the DRS in two thirds of files examined. This means that there is not a complete audit trail.

Performance improvement and action to improve

- 8.12 Since the inspection in 2007 training has been provided for lawyers by the disclosure champion. Lawyers have also undertaken distance learning, been issued with desk instructions and provided with the disclosure training disc. Training for CPS administrative staff has also been provided.

- 8.13 Gwent has trained probationary police officers and evidence review officers in handling unused material. The area champion has also provided a short guide to assist other police officers. These attempts to improve the quality of full files from the police are commendable but at present appear to have had little impact; our file examination showed that in almost a third of the cases inappropriate material was listed on the sensitive schedule. Lawyers then have to transfer this material on to the non-sensitive schedules which was not always done.
- 8.14 To measure the effectiveness and improvement in performance monthly dip sampling occurs and personal feedback is given on any issues arising. Team meetings provide a forum for regular reminders on disclosure matters but despite this basic errors are still occurring. The effectiveness of these measures therefore needs to be considered by managers to enable performance to reflect the required standard.

9 CUSTODY TIME LIMITS	OPA 2007	AI 2009	Direction of travel
	Poor	Poor	Improved

Area custody time limit systems

- 9.1 The area has adopted national policy and standards for custody time limits (CTLs) and in November 2008 circulated desk instructions to all staff detailing individual responsibilities. These include the requirement that CTL expiry and review dates are recorded on CMS and in paper diaries with regular checks on each. We found that expiry and review dates are accurately entered in the diary system and these are checked regularly. Where an application to extend is necessary the unit head is notified. Lawyers are tasked to prepare chronologies showing case progress to support any applications and where the remand status alters, administrators amend the diaries and mark the change on file.
- 9.2 Training for all staff has been compulsory. There is evidence that administrative staff and associate prosecutors are aware of and comply with their obligations.
- 9.3 The area has undertaken several comprehensive reviews of the CTL system each of which has identified failures to comply. These primarily involved not calculating the CTL in court, particularly in the magistrates' courts, not agreeing the expiry date in open court and inadequate or ambiguous endorsements. After the reviews action plans were produced and reminders issued. Unfortunately even with these action plans, subsequent reviews identified similar problems were still occurring.

Adherence to custody time limits

- 9.4 There were nine files in the main sample where the defendant was in custody and a further six cases were examined on-site. Generally the files showed that the prosecutor identified at the first remand that the case was subject to a CTL and that appropriate action needed to be taken to enter the case on the system. This instructional endorsement on the file was in the main clear and unambiguous and accordingly these files were recorded into the manual diary and on CMS correctly. Expiry and review dates were correctly recorded on the file jackets. Where the remand status of a defendant altered this was clearly marked on the file, in the diary and on CMS.
- 9.5 The file examination highlighted that endorsements of subsequent hearings by lawyers and agents remain a problem. Administrators routinely discover and amend failings due to poor endorsement on both Crown Court and magistrates' courts' files and unit heads are informed when this occurs. However it is imperative that specific and individual feedback is given to emphasise the seriousness of these failings.
- 9.6 File examination by inspectors revealed a number of shortcomings and two of those seen were of particular concern. In both cases the defendant was in custody on other offences but they illustrate failings in the handling of custody cases, the potential for risk to the public and the risk of defendants being unlawfully detained. The cases involved:
- an application to extend a period in custody being refused in the Crown Court because the CPS had failed to act with due expedition. This failure had not been reported to CPS Headquarters in accordance with CPS policy; and

- a magistrates' court file which was discontinued on public interest grounds two days before the CTL expired. The prison governor had not been notified until three days after the discontinuance. The area had failed to comply with CPS guidance to notify the governor immediately by telephone and thereafter in writing without delay.
- 9.7 Other shortcomings identified within the file sample included a failure to record a CTL on the file although it was clear that the defendant had been remanded in custody at the first hearing and endorsements which were unclear and ambiguous about the custody status of the defendant.
- 9.8 In one particularly unsatisfactory case the endorsements indicated that the defendant was remanded on technical bail because he was in custody on other offences,⁸ however endorsements in subsequent hearings indicated that the court, defence and prosecution disagreed about the defendant's custody status. This was never satisfactorily resolved. The file was not marked with a CTL nor entered into the systems despite the court's insistence that there was a remand in custody at the first hearing. Although there was no CTL failure in this case there was an absence of proactivity and concern by several advocates who had conduct of the case during the hearings until a guilty plea was recorded.
- 9.9 In only one case was there evidence that the date was calculated and announced in open court.
- 9.10 Efforts to engage the courts in joint monitoring have still not been successful. The draft protocol referred to in the 2007 OPA report has not been signed although the Crown Court monitors CTLs independently.

⁸ Technical bail is sometimes granted although there are grounds to remand a defendant in custody because he is either serving a custodial sentence or remanded in custody, either before the same or another court, for other matters. From August 2009 in any case where the prosecutor is satisfied that a case for withdrawing bail is made out he should not agree to technical bail and should object to it where necessary. This is to minimise the risk to the public if the defendant is released from his sentence or custodial remand before the conclusion of proceedings for which technical bail is granted.

10 THE SERVICE TO VICTIMS AND WITNESSES	OPA 2007	AI 2009	Direction of travel
	Fair	Fair	Declined

Meeting the needs of victims and witnesses

- 10.1 In the 2007 OPA performance was assessed as fair. Since then a post-charge victim and witness care review conducted by the national police/CPS Victim and Witness Care Delivery Unit (VWCDU) in July 2009 found that there has been an improvement in its processes but more could still be done. Our own file examination and inspection confirm these findings and looked at wider issues affecting the experiences of victims and witnesses in Gwent.
- 10.2 Duty prosecutors should assess the needs of victims and witnesses at the pre-charge decision (PCD) stage. Files examined and observations of charging sessions reveal consideration is frequently not being given, or certainly not recorded on the MG3, to the needs of victims and witnesses and ancillary issues. Our file examination found that ancillary issues were only addressed in two thirds of cases; this was also confirmed by the VWCDU review which found that Gwent considered victim and witness needs in just under half the MG3s examined.
- 10.3 Witness availability forms (MG11s) and witness assessment forms (MG2s) are often not fully completed or not regularly available at pre-charge consultations. Only 68.3% were fully completed in the VWCDU review sample which was confirmed by our file examination. This lack of proactivity about establishing witness needs is compounded by a limited use of good action plans by duty prosecutors.
- 10.4 There are substantial delays in charging advice being sought or given and thus the commencement of cases in court; this means in some instances that cases fail because they are not commenced within time limits. This results in a particularly unsatisfactory situation for victims and needs to be examined by the area with police partners. In circumstances where delays occur but cases proceed many fail, with witnesses not turning up because of the length of time the case has been going on. The rate of witness attendance at trials in 2008-09 was 85.2% compared to the national figure of 90.0%. The area needs to examine its own processes to ensure that they are making prompt and robust decisions backed up by effective case progression and management. As things stand victims are not always receiving a good service and justice is not being done.

Witness care units

- 10.5 The witness care unit (WCU) has both CPS and police staff who work as witness care officers (WCOs). It is managed by a police witness care manager and located at the Cwmbran office. There have been some practical difficulties concerning line management of staff; this is no different to many units nationally where terms and conditions differ depending on which service employs the WCO. However the fact that the unit is co-located within the main office has benefits of proximity to access information about cases if required.
- 10.6 Over the past 18 months many of the WCU systems and processes have been reviewed and changes implemented. Our file examination showed that victims were being regularly contacted and updated on progress. The witness management system is being used to create tasks lists and for recording information as well as capturing all contacts with victims and witnesses. Cases are flagged well for monitoring purposes.

- 10.7 Although the changes and improvements to the WCU processes and roles has led to a better service, relationships between the unit and CPS have at times been strained. Strict interpretation of their respective roles in the overall process has been a problem. Parties have appeared to become inflexible and refuse to undertake tasks which, although not strictly within their remit, would assist witnesses and promote a partnership approach to their care.
- 10.8 There was evidence of good interaction between the WCU and CPS in magistrates' courts' cases. In the main however this process was reliant on e-mail and memos to chase up outstanding queries. There were cases where the service to the victim could have been improved if there had been direct contact between WCU and CPS staff.
- 10.9 The flow of information from the CPS to the WCU in Crown Court cases is not good and needs improvement. Lists to help stagger witness attendance in big cases are rare. WCOs have to decide who to warn, or warn everyone and decide on which day their attendance is needed as the information is not forthcoming from the CPS. This creates confusion and inconvenience for witnesses if their warning for court has to be altered close to the trial, or they have to wait for long periods at court.
- 10.10 A full needs assessment is only being carried out by WCOs on witnesses who are called for trial. Those not being called only have a mini assessment so the area is not meeting this No Witness No Justice minimum requirement.
- 10.11 In an attempt to meet the required timescales for informing victims of the outcome of their case the WCU often has to rely on CMS. We were told that this was because CMS is updated more quickly than LIBRA (the court's system) and that the work around which was agreed with the Court Services has not been reliable. As the inspection has found that a significant proportion of finalisations on CMS are inaccurate it is likely that incorrect information has been disseminated to victims.
- 10.12 WCU performance is monitored by the witness care manager who dip samples a number of cases per WCO each month. Feedback is given to individuals and assists in identifying problems and tackling them to improve performance. Performance management information is published each month and also discussed in the WCU team meeting. Area performance is discussed at the prosecution team performance management (PTPM) meetings and local criminal justice board (LCJB) victim and witness sub-group.
- 10.13 Figures for cracked and ineffective trials due to witness issues show that Gwent had improved during 2007-08 but there was a slight decline in 2008-09.

Direct communication with victims

- 10.14 Compliance with direct communication with victims (DCV) has improved since the last inspection in terms of identification and timeliness, although timeliness still has room for improvement. Figures for the rolling quarter to May 2009 show that vulnerable and intimidated victim letters were sent within the timescale of one working day in 94.3% of cases. Letters for other victims were sent within the five working days target in 85.7% of cases. The area now regularly exceeds the proxy target of the number of letters that should be sent, however we have expressed our concerns about the validity of the proxy target in a recent audit report.

- 10.15 The quality and content of DCV letters can be at best described as variable and inconsistent. Some letters were very poor and not fit for purpose in terms of tone and content. Inappropriately adapted template letters and sloppy typographical errors were common. There were a number of letters contained in cases we examined which had been sent to families of deceased victims. These were particularly poor, were unclear and lacked the empathy which is required in such sensitive cases. A lack of adequate quality assurance checks compounds these problems. This needs rectifying to ensure improvement in content as well as timeliness. However we also saw some very good letters which contained the appropriate level of information and had been drafted with real care and attention.
- 10.16 There were a number of cases in our file examination where the area had failed to comply with guidance and offer meetings. In two fatal road traffic cases the families were not offered meetings in accordance with the enhanced service that they should receive.
- 10.17 Pre-trial witness interviews are used infrequently and only four were carried out during 2008-09. Victim personal statements (VPSs) are regularly not being obtained in every relevant case by the police and prosecutors are not proactive in pressing for these. The file examination highlighted that there was a VPS in only one out of ten relevant cases.
- 10.18 Of 13 relevant discontinued cases the victim was consulted in six (46.2%) although in two (15.4%) the lawyer failed to record if this had been done.

Special measures

- 10.19 Duty prosecutors should ensure that they are able to gain the necessary information at the charging stage to support any special measures applications at the outset of proceedings.
- 10.20 Our file examination highlighted that the need for special measures is not being identified at the earliest opportunity. This often results in applications being made, but out of time. This is directly related to a lack of proactivity of the consideration of victim and witness needs at charging and delay in subsequent preparation. From the file examination it appears that on occasions the court will refuse applications because they are late. However it appears the refusal is because of exasperation with the prosecution and sometimes the needs of the witness become a secondary consideration. If special measures have been granted or refused it is important that the witness is informed, which is not happening systematically. Better communication is needed to supply the outcome of applications to the WCU.

The care and treatment of victims and witnesses at court

- 10.21 The Witness Service was generally very positive about the treatment of victims and witnesses at court by CPS prosecutors. CPS compliance with the Victims' Code of Practice and the Prosecutors' Pledge is perceived by partner agencies as being good. However we were told that CPS agents, particularly at the Crown Court, are not as compliant or as willing as CPS staff to make an effort with victims and witnesses. We observed that witnesses were spoken to appropriately and treated well.
- 10.22 Whilst we did not observe any cases directly we were told on more than one occasion that it is common for cases to be listed for trial without witness availability and that cases are often transferred to other courts regardless of distance, sometimes after court familiarisation visits have been undertaken. Within the file examination there were a number of cases where witness

availability was not contained in the papers. These cases had been listed for trial at the first hearing and had subsequently been discontinued as witnesses had, unsurprisingly, not attended.

- 10.23 Adjournment requests are refused to the detriment of victims and witnesses no matter whose 'fault' the request for the adjournment may be. For example in one domestic violence case the prosecutor had no file at court, the request to adjourn was refused and the bench dismissed the case for want of prosecution. The case subsequently had to be reinstated causing further delay for the victim.

Conclusion

- 10.24 Despite there being some difficulties as detailed in the report, witnesses spoken to during this inspection were generally happy with the service they had been given by police, CPS and WCU. They felt supported throughout the process and any queries or questions they had were answered.
- 10.25 The national victim and witness satisfaction survey (WAVES) is used to monitor satisfaction. The LCJB has set a target of 79%. At present the area is in line to achieve this if performance follows the current trend but it is slightly below national average of 83%.
- 10.26 The Witness Service and Victim Support both feel that CPS Gwent is doing a reasonably good job. They have had little adverse feedback from victims and witnesses about the application of the Victims' Code of Practice, witness care or Prosecutors' Pledge issues.
- 10.27 No matter how much processes and systems supporting victims and witnesses have improved nor how well victims at court are treated, delays and the poor standard of casework and decision-making outlined throughout this report mean that many victims are not being afforded a good service by the CPS, and indeed by the criminal justice system as a whole. The CPS and police are not working well together as a prosecution team. The courts are quite rightly irritated by the failure of the prosecution team to have cases ready to proceed at the due time. Nevertheless the victims of crime in Gwent are the ones who really suffer. As a matter of urgency the area needs to engage and work with partners to improve the overall service it offers to victims.
- 10.28 The overall rating of this aspect based on the inspection framework has been assessed as fair. This is due to the process improvements that have taken place within the WCU and also improved compliance with the DCV scheme. However as outlined in other parts of the report the overall service offered to victims in Gwent, as a whole, by the criminal justice system needs to be substantially improved if it is to reach an adequate level.

RECOMMENDATION

The area works with partners to improve processes that support victims and witnesses.

The area ensures that the quality of direct communication with victims letters improves and that there are effective quality assurance processes in place.

11 MANAGING PERFORMANCE TO IMPROVE	OPA 2007	AI 2009	Direction of travel
	Fair	Poor	Declined

Accountability and data analysis

- 11.1 The area performance officer produces on a monthly basis two very extensive reports. The performance management report forms the basis for the internal review of performance and the prosecution team statutory charging performance report is used with police partners to discuss performance. Both reports contain a very wide range of performance statistics and use “red”, “amber” and “green” ratings to highlight actual performance against target. Whilst the reports are extensive there is very little evidence of analysis contained within them.
- 11.2 The internal performance report forms the basis for discussion with the performance management group. Unit heads and the Area Business Manager attend a meeting with the senior lawyer manager. However there appears to be no challenge to poor performance with month after month of red ratings not resulting in action to either find solutions or improve.
- 11.3 Most staff are aware of how the area is performing, notice boards are used to communicate performance and feedback is given at team meetings. However despite this there seems to be a real lack of understanding of what underlies the area’s performance results and outcomes. All too often staff felt that the problems were caused by others. There was an obvious lack of personal accountability or realism in what may be producing the results and there is very little awareness that improvement is needed. The new CCP has very quickly identified some of the key issues that are impacting area performance and has started to address some of the underlying causes.
- 11.4 To address the issues highlighted throughout the report it is crucial that the area implements a performance management regime that is based on clearly articulated standards. Some of this is in place for administrative processes and can be used as a firm foundation. However the results from our file examination highlight that there are serious problems with the quality of decision-making and case handling. The area needs to set a baseline of performance against which improvement can be measured. The absence of leadership and inconsistency in management expectations and standards has allowed some to drift and poor performers have not been challenged; this needs to change.
- 11.5 The Director of Public Prosecutions was, at the time of the inspection, developing standards which will govern the work of the CPS. In Gwent a robust approach is needed to ensure that the standards expected are understood and a performance management regime is in place which means that work is undertaken professionally and to a high standard.

RECOMMENDATION

The area articulates clearly the professional standards required and develops a robust performance management regime to ensure work is undertaken professionally and to a high standard.

Monitoring and quality assurance

- 11.6 Casework quality assurance (CQA) checks are carried out by unit heads. This is one method that should be used to assess the performance of lawyers. There was very little awareness at lawyer level of issues and aspects for improvement being picked up by the CQA assessments. Lawyers seemed unsure if they received feedback as a result of CQA analysis, but did state that sometimes managers spoke to them about mistakes they had made. It seemed that the preferred means of feedback was at team meetings. This lack of direct one to one feedback very often meant that the message was lost and diluted. Some issues raised in meetings about performance are recurring themes; this highlights that core messages are not being heard or are often ignored. Additionally the focus of team meetings is often magistrates' courts issues and some of the more important messages about Crown Court work are lost.
- 11.7 Lawyer managers also dip sample casework and produce adverse case reports. Our file examination included some of the same adverse cases that had been analysed for report purposes. Our assessment of learning points and issues to be addressed was much more extensive than those identified by the area and we had concerns about the unrealistic assessments are being made. The lack of realism that is applied in analysing outcomes and performance means that there is no real awareness amongst many of the area lawyers about their own performance or any shortcomings. This has a direct consequence on targets and is core to the area being able to drive up standards.

Aspect for improvement

The area needs to ensure that there is a regular feedback of learning points to individual lawyers from adverse case reports and any casework quality assurance system.

- 11.8 There is effective monitoring of some administrative processes for example dip samples of invoices, fee payments and other financial transactions. More recently the accuracy of finalisations has been dip sampled and checked.
- 11.9 Monthly quality assurance checks are also undertaken by the business managers of CMS for quality of data entry, timeliness and flagging.
- 11.10 The vast majority of area staff had a performance appraisal. Objectives within the appraisal system are generic at team level, but there were some personal objectives that were tailored to the individual. Objectives were often not measurable or did not contain timescales. It was difficult to see how the appraisal process was being used to drive up personal performance. Many of the managers had not thought about using personal objectives as a means to target improvement activity. As part of an effective performance management regime the appraisal process should be used to raise standards and address some of the weaknesses we have identified.

Joint performance management

- 11.11 The quality of delivery within the area has been undermined by the poor standard of police file building for a number of years. The last inspection report highlighted our concerns. The effective route to improving this should be a strong partnership between the police and CPS which is based on trust and respect. A key tool in making this happen is the PTPM structure.

- 11.12 As we have outlined elsewhere the culture of partnership within the area has not fully matured. PTPM meetings to address poor performance have failed. Although these meetings are supported by detailed performance reports they do not analyse or identify the key issues. Not only is the data contained in the report not agreed, there are tensions arising from the fact that there is no trust between partners. Minutes show that discussions centre on identifying the recurring problems and attributing blame rather than working in partnership to find solutions which could bring about improvement in performance.
- 11.13 A number of senior and middle managers have participated in the Gwent Criminal Justice Board. The focus of activity has been on the performance management sub-group and victim and witness issues. The current chair felt that there was a need to 'go back to basics' and configure the Board and its sub-groups in such a way that focussed on delivering the key outcomes together. The Board was still developing its revised structures during the inspection.
- 11.14 Although there is evidence across the area of staff at the operational level working together to deliver the day to day business, it is not as clear what action has been taken at a partnership level to jointly improve performance. At the Crown Court, user group meetings consider performance. This presents an opportunity, but the nature of the meetings makes it difficult to identify how these can improve performance. Case progression meetings for magistrates' courts cases were considered to be ineffective and no longer take place. Case progression officers communicate on a working level but there is no evidence that the area is examining how it can improve its performance by working with partners at a strategic level. Partners seem very much entrenched and there appears to be no real appetite for working together to improve effectiveness.

RECOMMENDATION

The area works with partners and uses joint performance meetings as a means to driving up standards and improving the service it offers to the public.

12 MANAGING RESOURCES	OPA 2007	AI 2009	Direction of travel
	Fair	Poor	Declined

Value for money and budget control

- 12.1 As outlined in chapter 6 there has been a major focus on the creation of a crown advocacy unit. This emphasis has had serious implications on a number of aspects of performance which we address elsewhere in the report. However the focus on building a cadre of crown advocates is also a root cause of a substantial overspend in area finances. During 2008 the Area Business Manager (ABM) outlined these concerns to the (now former) CCP and also presented a view on what the local strategy would mean in terms of the budget for 2009-10. In the end the budget for 2008-09 was overspent by over £138,000. However due to the allocations of monies from CPS Headquarters to cover the overspend, the final year figure is recorded for accounting purposes as an underspend of £1,042. This is a prime example of how a perverse system of performance management can produce a false illusion. Having been 'bailed out' Gwent moved from having a negative rating (red) to a positive one (green) when looked at in comparison with other CPS areas.
- 12.2 Much of the overspend can be attributed to the additional costs of recruiting crown advocates and back filling posts with fixed term staff. The focus on crown advocacy has continued into 2009-10 and against the budget of £3,351,708 Gwent is already (at August 2009) predicting an overspend of more than £200,000. To reduce the predicted overspend the area has terminated fixed term contracts including three temporary lawyers. Additionally one crown advocate was transferred within the CPS to South Wales in an attempt to reduce salary costs. There has been a ban on overtime and there is concentration on ensuring that best value for money is achieved across the whole range of the service provided.
- 12.3 With the resignation of the CCP at the time of the inspection, a new appointment has been made. The concerns previously raised by the ABM and our initial findings have resulted in the tempering of the local operation of the advocacy strategy. Whilst this may not result in direct salary savings it should help the area produce a better quality of service and free up resources to undertake other commitments.
- 12.4 The budget is not devolved to unit heads, it is controlled by the ABM and managed centrally through the Secretariat. Responsibilities have been clearly defined. The budgetary position is communicated both to managers and staff at team meetings. Due to the present prediction of a very high overspend all staffing decisions are controlled by the ABM.
- 12.5 Salary expenditure is reviewed monthly and profiled to take account of known changes, such as wage rises and increments. This allows the area to effectively track its salary budget and identify anomalies. A full paper trail is available for all invoices and clear budget delegations are set. Budget controls are supplemented by regular management dip checks.
- 12.6 There are sound systems in place to monitor prosecution costs. In 2008-09 there was a very small overspend of £13,360 (1.2%) against the prosecution costs budget. There are effective systems in place to chase up outstanding invoices from chambers and this is reflected in the timely payment of graduated fees. Gwent was the only CPS area to achieve 100% timeliness of

payment within one month in February 2009 and made 99% of payments within one month in March 2009. It achieved 100% compliance with payment within four months of the last hearing date for the whole final quarter of 2008-09 and compliance in the first quarter of 2009-10 remains at 100%. There are also sound systems in place for the monitoring and identification of very high cost cases.

Deployment of staff

- 12.7 The change to structures with the creation of combined units and introduction of the optimum business model (OBM) has not formally been assessed. The area's staffing strategy has been somewhat blighted by the focus on the creation of a crown advocacy unit at all costs. The area obligations to service charging and ensuring effective coverage for the OBM, as well as the need to cover magistrates' courts' hearings, has driven its deployment strategy. As outlined previously this has had the effect of shifting staff from Crown Court case preparation to focus on magistrates' courts' work at the expense of the former.
- 12.8 The current combined structure seems to exist in name only. There was a very apparent divide between magistrates' courts and Crown Court work when looking at systems and processes. During interviews staff identified themselves as being magistrates' court staff or Crown Court staff and there was a view that magistrates' courts' work always took priority at the expense of that for the Crown Court. The area needs to undertake a review of its structure. This must consider what priority it can afford to place on the crown advocacy unit and the balance of lawyers needed to cover its commitments, in an attempt to make savings. The reduction in caseload of over 20% in magistrates' courts cases and 7% in Crown Court cases must also be factored into any consideration of future staffing and business needs and of area structure.
- 12.9 Additionally the current management structure is not effective. The rationale behind the structure is in part historic. The move to combined units and creation of an advocacy unit with its own manager has produced a 'top heavy' structure where responsibilities are not clearly allocated. Any review must consider the management structure required to deliver the improvements identified throughout this report.
- 12.10 As part of trying to identify costs savings the area reviewed its administrative support arrangements. This had the dual purpose of assessing whether support systems were fit for purpose and if efficiencies or improvements could be made. A series of recommendations were assessed by the ABM and decisions taken to adopt those changes that were affordable. The review produced a clear set of processes and structures for administration and allows for responsibility and accountability to be allocated.
- 12.11 In-house court coverage in the magistrates' courts, at 83.7%, is lower than the national average (85.5%) and below Gwent's own target of 90%; however this has increased from 77.7% in 2007-08. Over the same period there has been an increase in the use of associate prosecutors from 17.0% to 19.6%, just missing the area target of 20%. The magistrates' courts' listing protocol is drafted in such a way to allow the area to maximise its associate prosecutor utilisation. Agent usage at 16.3% for 2008-09 is higher than the national average of 14.5%. The area indicated that because of the loss of a number of fixed term lawyers and the focus on covering Crown Court work, as well as the need to resource the OBM and charging centres, agents are needed to meet its commitments. It is essential that as part of the staffing review recommended above the area assesses whether it is gaining maximum benefit from the way its lawyers are currently deployed.

Inspectors observed charging sessions where there were no face to face appointments and courts sessions that were not stretching and had very few cases allocated. Lawyers need to be fully utilised to enable maximum efficiency and the area will need to think how it can capture management information to allow it to make effective decisions.

- 12.12 Sickness absence is monitored and included in the area performance management report. The average absence at the time of the OPA was 6.4 days (to December 2006). The average for the last rolling year to July 2009 was 5.7 days. Gwent operates sickness monitoring systems in line with CPS guidance and has used the occupational health facilities to tackle some of the long term sickness cases. There was evidence that short term sickness was being addressed effectively.

Flexible working

- 12.13 The area has a number of part-time staff who have terms and conditions which were agreed some time ago. These historic agreements present challenges for the area in covering its current obligations. The area has developed clear systems to deal with new requests for flexible working. Business needs take priority and requests that do not meet the business need have been rejected. The area expressed some concerns that current CPS employment practices are not always supportive of managers when attempting to harmonise business needs with flexible working. In common with other areas, CPS Gwent should review its historic part time arrangements with a view to re-negotiation to ensure that they fully accord with the current business need.

RECOMMENDATION

The area reviews its current management and organisational structures to ensure that it is best placed to deliver the outcomes expected.

13 LEADERSHIP, MANAGEMENT AND PARTNERSHIP WORKING	OPA 2007	AI 2009	Direction of travel
	Fair	Poor	Declined

Purpose and planning

- 13.1 The previous inspection in May 2007 identified that as a matter of urgency the Service needed to act with expediency and appoint a permanent CCP. An appointment was made in August 2007. During interviews it was apparent that staff saw this as a new beginning and believed they would have senior support with partners and a CCP who would set the tone, outline a vision and set clear objectives for the area to progress and improve.
- 13.2 This enthusiasm was short lived. The CCP took the view that given the history of the area and the status of other senior managers he should adopt a careful approach and allow them to continue to be responsible for the key aspects of management, including the quality of casework. The result of this approach was to deprive Gwent of the leadership necessary to deal with outstanding difficulties that had existed for some time, in particular the nature of the relationship with criminal justice partners, declining performance and inconsistent and sometimes poor case handling and working practices. Thereafter these issues were not tackled satisfactorily.
- 13.3 The ensuing lack of visibility and an absence of any clear support when dealing with partners was disappointing and demoralising. Whilst some on the management team tried hard to fill the void and worked as a team to ensure that the area delivered its business, the absence of leadership, support and empowerment from the very top had serious implications both internally and externally with partners.
- 13.4 The ABM led the development of a business plan which outlined objectives, milestones and accountabilities for delivery. This plan was also complemented by an action plan which used the last OPA as a tool to identify and manage aspects of performance that needed improvement. Area management reviewed the business plan and OPA action plan quarterly. An assessment was made of activity and performance to gauge where the area was in relation to its objectives and milestones. The area's analysis of progress against the action list and business plan was very often overly positive. Additionally a number of issues that awaited action by the CCP and some unit heads were never addressed. The proactivity of the ABM in trying to use the OPA and business plan to drive performance activity and improvement was admirable and under different circumstances should have been a catalyst to drive improvement.
- 13.5 The lack of leadership had ramifications for the ability of other senior and middle managers in the area. Middle managers were left in a position where they felt unsupported (some reported that they had not seen the CCP on a one to one basis more than a couple of times since the appointment), unable to make decisions as they were not empowered and, on some occasions, were left embarrassed and unwilling to take a similar risk in the future. This lack of support and visibility was obvious to all staff in the area and permeated the overall ethos.

- 13.6 The effect of the lack of direction from the top was compounded by the previous experience of the management team. The past history of the area is documented in previous inspection reports. In short it has suffered from a lack of substantive leadership since 2004. Many of those on the management team were in post during this period. It seems that there was some reticence on the part of selected members of the team to subject themselves to some of the problems that manifested themselves during this difficult period in the management of Gwent. This reluctance, combined with a lack of effectiveness amongst other senior and middle managers, resulted in there being no consistency of message on expectations about performance, standards of work and behaviours, or how to deal with some of the more difficult partnership issues. A number of managers in the area tried to fill the vacuum: the inspection team were told frequently that some had tried their best to keep things on track and worked tirelessly to try to make things better. Partners were keen to impress on inspectors that a lack of authority at some levels made progress difficult. There was a will to try but also a frustration that progress was not possible because of a lack of support and obvious vision.
- 13.7 As outlined in chapter 11 there is a serious need for the area to implement a performance management regime; the lack of direction has meant that establishing an effective and consistent quality assurance framework at lawyer level was impossible. A lack of consistency and robustness in feedback was very obvious to inspectors. Poor decision-making and case outcomes were being tackled in an ad hoc manner. Middle managers were often too busy 'fire fighting' to undertake effective management checks. Where action was taken to address issues it was quite often resented because there was no history of an effective performance management regime. Many of the lawyers have been in post for a long time and the absence of clearly articulated expectations, consistently given, have meant that professional standards have diminished and cases are not given the care and attention they deserve. Inconsistent messages and an absence of clear expectations has presented the opportunity for those not wishing to be managed to flourish.
- 13.8 The area needs to move to a position where it has an effective management team that can lead by example. It is critical that the Service centrally supports the area in strengthening the management team. The area needs to ensure that managers are aware of what is expected of them and that those in post have the requisite skills and support to bring about the change required.

Partnership working

- 13.9 The 2007 inspection report highlighted that there were tensions developing between partners and that a blame culture was emerging. During this inspection it was made very obvious to inspectors that the situation had not improved and that there was very little trust between partners or about the ability of the CPS to deliver. On more than one occasion inspectors were presented with evidence of audit trails to show where the blame lay. When we challenged this as not demonstrative of a trusting, effective relationship it was all too often justified as necessary for the agency to protect its position.
- 13.10 Not all the blame for problems can be laid on the CPS. But in many instances there appeared to be very little self awareness on the part of the CPS about the need to put its own house in order and on the part of the criminal justice agencies generally about the impact their actions had on criminal justice partners. This lack of awareness demonstrates a lack of maturity in partnership relations which makes finding solutions and driving improvement jointly very difficult. The area needs to work with partners in an open and honest manner, accept responsibility for its own failings and also challenge other agencies in a constructive manner.

- 13.11 A new CCP was appointed during the inspection. Criminal justice partners were keen to impress on inspectors that 'more progress has been made in the last two weeks than in the past five years' (since the new CCP had been in post).

Change management

- 13.12 The area has implemented some significant change - moving offices, altering its internal team structures and implementing OBM and the streamlined process. While each has been planned for and implemented the benefits of the changes have not been fully realised because underlying issues, in particular poor working arrangements with the police, have not been resolved. For example the streamlined process had yet to be signed off by the national implementation team and there is some way to go before it can be judged as effective. We understand that it was signed off in November 2009 and inspectors will consider its effectiveness as part of the follow-up inspection arrangements.
- 13.13 There was a lack of awareness across the area about some of the implications of change. Effective staff engagement is core to the successful delivery of change initiatives; staff need to understand what it means in terms of what they have to do and what they should be expecting. This engagement needs to be linked to a performance management culture which gives a clear indication of what should happen if expectations are not being delivered and what routes for escalation should be followed. The CMS EXISS computer interface and the streamlined process did not have this clarity.

Staff skills and training

- 13.14 Gwent works with other CPS areas in Wales to deliver training across the Principality. Training needs and priorities are set out in a group training plan. There are links to priorities and personal needs and development in line with objectives is also identified. Individual training needs are fully supported by managers. In line with previous reports there were concerns expressed about the lack of relevant training for managers and non-lawyers as well as the issue of access to training courses, which become full very quickly.
- 13.15 The area has also used the Prosecution College e-learning modules with good effect ensuring that mandatory training and those aspects which support current job roles are delivered.
- 13.16 Gwent must use any new performance management regime to identify areas of weakness and target training. The creation of a performance management culture will allow managers to identify problem aspects at both the general and the individual level.

Communication, ethics, behaviours and values

- 13.17 As highlighted previously there is a need for more consistent messages to be given to staff. The area first needs to formalise expectations for its managers. Once this has happened it must work to present a consistent, corporate message to all staff about standards and expectations. Throughout the inspection it was very apparent that staff in administrative grades clearly understood their roles and purpose and there were clear expectations against which they were being managed. This was not as obvious at the lawyer grades.
- 13.18 Regular full team meetings are held complemented by separate administrative team meetings.

- 13.19 The tensions in the area have resulted in the need for the ABM to remind staff about dignity at work and respect for others. There are examples of staff being openly critical of partners, sometimes in court, undermining confidence in the system. The blame culture is palpable and there was a great deal of evidence to support the perceptions of partners that tensions between the police and CPS are very real. The area needs to develop an internal communication strategy to manage frustrations and tensions. The regular full and administrative team meetings should allow key messages to be delivered.
- 13.20 There has been one formal grievance raised over the past year. This could have been avoided if there had been clear standards and expectations. Additionally we have a concern about the delay in dealing with the matter and the level of management support that was given as a result of the grievance.

RECOMMENDATION

The area establishes a clear vision for CPS Gwent which is effectively communicated to staff and partners.

The area develops a clear set of standards for behaviours which should be implemented consistently.

14 COMMUNITY CONFIDENCE	OPA 2007	AI 2009	Direction of travel
	Good	Fair	Declined⁹

Engagement with the community

- 14.1 The area has developed a community engagement action plan involving all staff who have a personal objective for engagement activity. Entries in the community engagement log demonstrate that the area has undertaken a considerable amount of work and raised the profile of the CPS locally. There has been a specific focus on raising the profile with minority ethnic groups by attending key events, as well as making sure that the CPS profile features heavily in publicity materials.
- 14.2 Staff attend community events that reflect their areas of specialism. The area lead for violence against women attends groups dealing with issues relating to rape and domestic violence; the lead for hate crime attends meetings with relevant groups dealing with disability issues; and the lead for anti-social behaviour attends the Crime and Disorder Reduction Partnership meetings. After attendance at events a report is completed and monthly feedback is given to the area management team. However there does not appear to be any effective assessment of the value of engagement and the impact, if any, on casework.
- 14.3 Gwent is a pilot area for the community prosecutor programme. Implementation is underway but is still in its early days and no formal assessment of the impact has taken place. Early feedback seems to show a heightened awareness of community concerns in a particular area of Gwent and an information pack with a plan of 'hotspots' for anti-social behaviour has been prepared for duty prosecutors to consider when charging offences from that specific location.
- 14.4 The relationship with the media appears to be adequate with several good news stories published in the local press about the work of the hate crime scrutiny panel and successful cases involving the restraint and confiscation of the proceeds of crime. The area is considering how to improve local awareness through the media and wishes to be much more proactive.
- 14.5 Community confidence in the criminal justice agencies in Gwent is worse than the national average. The latest available data for the year ending March 2008 showed that public confidence was 34.8% compared with 44.3% nationally. This is something that the Gwent Criminal Justice Board see as a priority. The Board is keen to improve confidence by delivering its business efficiently and effectively. This seems to be a sound approach and many of the concerns outlined in this report present opportunities for improvement, provided solutions are implemented.

⁹ The scores reflect the performance in relation to partnership working and community confidence; however, in this report it was appropriate to capture relationships with partners in the leadership chapter where there is considerable overlap.

ANNEX A: CPS GWENT FILE EXAMINATION DATA AND COMPARISONS TO NATIONAL PERFORMANCE

Chapter 3: Pre-charge advice and decisions

The quality of MG3s

	Excellent	Good	Fair	Poor	Total
Overall	1.2% (1)	34.1% (28)	43.9% (36)	20.7% (17)	100% (82)

Benefits realisation

	National target 2008-09	National performance 2008-09	Area performance 2008-09	Area performance to June 2009
<i>Magistrates' courts' cases</i>				
Discontinuance rate	13%	13.1%	17.6%	17.3%
Guilty plea rate	70%	74.4%	70.1%	70.5%
Attrition rate	23%	19.2%	24.6%	24.1%
<i>Crown Court cases</i>				
Discontinuance rate	11%	11.7%	16.3%	16.8%
Guilty plea rate	70%	72.9%	68.5%	68.9%
Attrition rate	23%	19.4%	24.4%	24.4%

Chapter 4: Decision-making, preparation and progression in magistrate's courts' cases

Magistrates' courts' case outcomes

	Area performance OPA 2007	National performance 2008-09	Area performance 2008-09	Area performance 12 months to June 2009
Discontinuance and bindovers	10.9%	8.7%	10.1%	9.9%
No case to answer	0.2%	0.2%	0.2%	0.2%
Dismissed after trial	1.4%	2.0%	2.0%	2.1%
Discharged committals	0.3%	0.2%	0.2%	0.2%
Warrants	2.2%	1.9%	0.9%	0.7%
Overall conviction rate	85.1%	87.3%	86.7%	87.0%

File examination

We examined 43 magistrates' courts' case files from the area and our findings are set out in the following table.

Magistrates' court and youth court casework	Area performance
Cases that proceeded to trial or guilty plea on the correct level of charge	97.2%
Discontinuance was timely	82.4%
Decisions to discontinue complying with the evidential stage of the Code test	86.7%
Decisions to discontinue complying with the public interest stage of the Code test	100%
Decisions to proceed to trial complying with the evidential test	97.1%
Decisions to proceed to trial complying with the public interest test	93.3%
Cases with summary trial review properly recorded	79.1%
Cases where all aspects of case preparation was timely	65.4%
Cases where there was timely completion of all directions between first hearing and trial	50.0%
Applications made and served within time limits	47.4%
Adverse outcomes that could have been avoided by better case preparation	15.8%

Cracked and ineffective trials

	Area performance OPA 2007	National performance 2008-09	Area performance 2008-09
Effective trial rate	41.1%	43.4%	35.6%
Cracked trial rate	35.1%	38.0%	40.9%
Ineffective trial rate	23.7%	18.6%	23.5%
Vacated trial rate	19.3%	21.5%	29.9%

Chapter 5: Decision-making, preparation and progression in Crown Court cases

Crown Court case outcomes

	Area performance OPA 2007	National performance 2008-09	Area performance 2008-09	Area performance 12 months to June 2009
Judge ordered acquittals (discontinuance)	12.7%	11.7%	15.8%	16.4%
Judge directed acquittals	0.9%	1.1%	1.2%	1.1%
Acquittals after trial	7.6%	6.3%	5.8%	5.4%
Warrants	0.7%	0.1%	1.0%	1.2%
Overall conviction rate	78.2%	80.8%	76.2%	76.0%

File examination

We examined 39 Crown Court case files from the area and our findings are set out in the following table.

Crown Court Casework	Area performance
Decisions to proceed at committal or service of papers in accordance with the evidential stage of the Code test	89.2%
Decisions to proceed at committal or service of papers in accordance with the public interest stage of the Code test	100%
Indictments that were appropriate and did not require amendment	89.2%
Cases where prosecutor took action to progress case at PCMH	79.5%
Cases where there was timely compliance with PCMH directions	56.8%
Applications made and served within time limits	55.2%
Timely completion of actions and compliance with directions between PCMH and trial date	45.7%
Actions carried out by the correct level of prosecutor	91.4%
Cases where there was no continuity of prosecutor	72.2%
Ineffective trials that could have been avoided by prosecution action	50% (1 out of 2 cases)
Adverse outcomes that could have been avoided by better case preparation	22.2% (2 out of 9 cases)

Cracked and ineffective trials

	Area performance OPA 2007	National performance 2008-09	Area performance 2008-09
Effective trial rate	58.3%	47.3%	49.6%
Cracked trial rate	31.5%	41.4%	40.8%
Ineffective trial rate	10.2%	11.3%	9.6%

Chapter 6: Prosecution of cases at court*Advocacy observations*

We observed advocates in different courts prosecuting contested and non-contested cases. Our findings are set out below.

Advocacy standards

	Level	Number	Number	Number	Number
		CPS advocates/ associate prosecutors in the magistrates' courts	Counsel/ solicitor agents in the magistrates' courts	Crown advocates and other CPS advocates in the Crown Court	Counsel in the Crown Court
Assessed as above normal requirements	1 2	- -	- -	- -	- 1
Against CPS national standards of advocacy	3+ 3 3-	1 2 2	1 1 1	- 2 -	- 2 -
And those assessed as less than competent	4 5	- -	- -	- -	- -

Assessment:

1 = Outstanding; 2 = Very good, above average in many respects; 3+ = Above average in many respects

3 = Competent in all respects; 3- = Below average in some respects, lacking in presence or lacklustre

4 = Less than competent in many respects; 5 = Very poor indeed, entirely unacceptable

Magistrates' courts' hearings per case

	Area 2008-09	Area 1st quarter 2009-10	National 2008-09	National 1st quarter 2009-10	National target
Average number of hearings per guilty plea	2.2	2.0	2.2	2.1	2.1
Average number of hearings per contest	3.8	3.3	4.4	4.2	4.0

File endorsements

	Excellent	Good	Fair	Poor
Magistrates' courts' file endorsements	-	51.9% (27)	44.2% (23)	3.8% (2)
Crown Court file endorsements	-	12.8% (5)	59.0% (23)	28.2% (11)
Magistrates' courts' CMS recording	-	44.2% (23)	55.8% (29)	-
Crown Court CMS recording	2.6% (1)	28.2% (11)	61.5% (24)	7.7% (3)

Chapter 7: Serious violent and sexual offences and hate crime*Sensitive case outcomes*

Unsuccessful outcomes	National target	National performance 2008-09	Area performance 2008-09	Area performance 1st quarter 2009-10
Violence against women	29%	28.1%	31.2%	36.4%
Rape	41%	42.3%	41.3%	47.4%
Domestic violence	28%	27.8%	31.0%	35.9%
Sexual offences	28%	24.9%	28.0%	24.7%
Hate crime: combined racist, religious, homophobic and disability	18%	18.0%	18.9%	19.0%

Chapter 8: Disclosure of unused material

In May 2008 HMCPSI published Disclosure: a thematic review of the duties of disclosure of unused material undertaken by the CPS. Below is a comparative of area performance and the findings of that review.

	Overall findings in thematic review 2008	Area performance in this inspection
Initial (or primary) disclosure dealt with properly in magistrates' courts' cases	55.0%	87.1%
Continuing (or secondary) disclosure dealt with properly in magistrates' courts' cases	81.8%	77.8%
Initial (or primary) disclosure dealt with properly in Crown Court cases	57.5%	91.9%
Continuing (or secondary) disclosure dealt with properly in Crown Court cases	69.7%	88.2%
Disclosure of sensitive material dealt with properly in magistrates' courts' cases	26.7%	58.3%
Disclosure of sensitive material dealt with properly in Crown Court cases	54.5%	86.2%

ANNEX B: AREA INSPECTION FRAMEWORK

Standards and criteria

1 Pre-charge advice and decisions

Standard: *Pre-charge advice and decisions are of high quality and contribute to improved casework outcomes, and are delivered efficiently and in a way that meets the circumstances of the case.*

Criteria 1A: The quality of decision-making contributes to improving casework outcomes.

Criteria 1B: Pre-charge decision-making processes are effective and efficient.

2 Decision-making, preparation and progression in magistrates' courts' cases

Standard: *Magistrates' courts' cases are reviewed, prepared and managed to high standards so that hearings are effective, and the proportion of successful outcomes increases.*

Criteria 2A: Decision-making is of a high quality and case handling is proactive to ensure that the prosecution maintains the initiative throughout the case.

Criteria 2B: Cases are prepared and progressed effectively.

3 Decision-making, preparation and progression in Crown Court cases

Standard: *Crown Court cases are continuously reviewed, prepared and managed to high standards, so that hearings are effective, and the proportion of successful outcomes increases.*

Criteria 3A: Decision-making is of a high quality and case handling is proactive to ensure that the prosecution maintains the initiative throughout the case.

Criteria 3B: Cases are prepared and progressed effectively.

4 The prosecution of cases at court

Standard: *Prosecution advocates are prepared and proactive in prosecuting cases fairly, thoroughly and firmly and ensure that cases progress at all hearings.*

Criteria 4A: Advocates are active at court in ensuring cases progress and hearings are effective and advocacy and case presentation are of a high standard.

5 Serious violent and sexual offences, and hate crimes

Standard: *The area makes high quality decisions and handles serious violent and sexual offences, and hate crimes effectively.*

Criteria 5A: The area ensures that serious violent and sexual offences and hate crime cases are dealt with to a high standard.

6 Disclosure of unused material

Standard: *The area complies with the prosecution's duties of disclosure of unused material and disclosure is handled scrupulously.*

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

7 Custody time limits

Standard: *In all cases, custody time limits are adhered to.*

Criteria 7A: The area ensures that all cases with a custody time limit are dealt with appropriately and time limits are adhered to.

8 The service to victims and witnesses

Standard: *The area considers victims' and witnesses' needs throughout the entirety of the prosecution process, and appropriate support is provided at the right time.*

Criteria 8A: The area ensures timely and effective consideration and progression of victim and witness needs and the service to victims and witnesses is improving.

9 Managing performance to improve

Standard: *The area systematically monitors, analyses and reports on performance, and uses performance information to promote continuous improvement and inform future decisions.*

Criteria 9A: Managers understand and are held accountable for performance.

Criteria 9B: There is an effective and proportionate approach to managing locally performance at individual, team and area level.

Criteria 9C: The area is committed to managing performance jointly with CJS partners.

10 Managing resources

Standard: *The area allocates and manages resources to deliver effective performance and provide value for money.*

Criteria 10A: The area seeks to achieve value for money, and operates within budget.

Criteria 10B: All area staff are deployed efficiently.

11 Leadership, management and partnership working

Standard: *Senior managers engage with and inspire CPS staff and CJS partners to achieve area and national objectives, and drive performance improvements and change.*

Criteria 11A: The management team has a clear understanding of what needs to be delivered to meet CPS and CJS priorities, underpinned by effective planning and change management.

Criteria 11B: The management team communicates the vision, values and direction of the area well.

Criteria 11C: Senior managers act as role models for the ethics, values and aims of the area and the CPS, and demonstrate a commitment to equality and diversity policies.

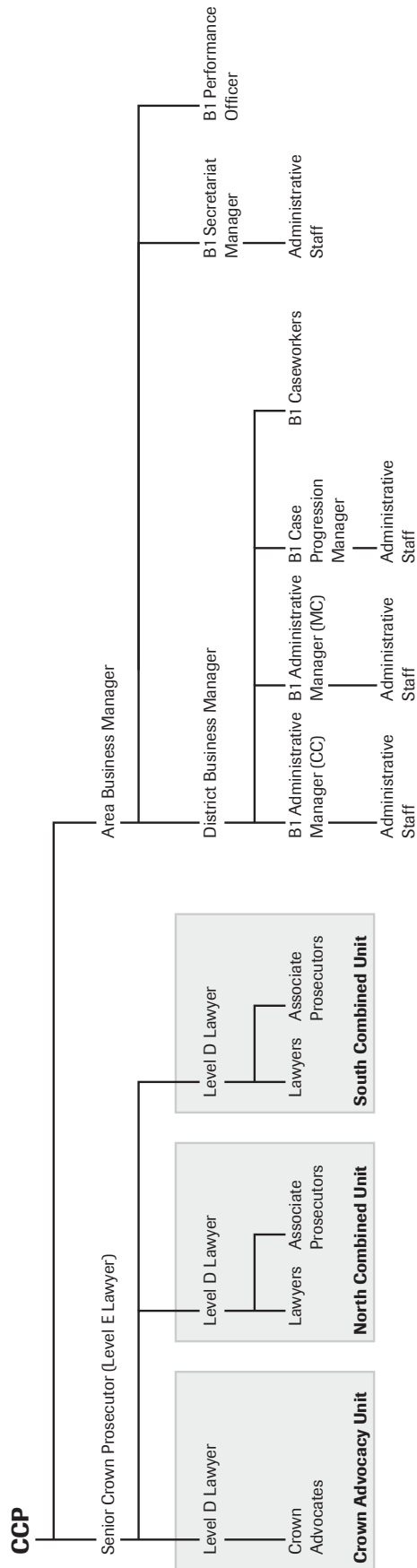
12 Community confidence

Standard: *The CPS is engaging positively and effectively with the agencies it works with and communities it serves.*

Criteria 12A: The area is committed to engaging with partners and jointly improving levels of service.

Criteria 12B: The area is working proactively to secure the confidence of the community.

ANNEX C: ORGANISATION CHART



ANNEX D: CASEWORK PERFORMANCE DATA

Caseloads and outcomes for 12 months ending 31 March 2009

	Gwent number	Percentage	National* number	Percentage
1 Magistrates' courts - types of case				
Pre-charge decision	6,163	37.1	532,464	33.9
Advice	0	0	198	0.0
Summary	6,272	37.7	602,195	38.3
Either way and indictable	4,177	25.1	432,340	27.5
Other proceedings	3	0.1	3,812	0.2
Total	16,615	100	1,571,009	100
2 Magistrates' courts - completed cases				
Discontinuances and bindovers	960	10.1	80,661	8.7
Warrants	88	0.9	15,060	1.6
Dismissed no case to answer	17	0.2	1,707	0.2
Acquittals after trial	188	2.0	18,682	2.0
Discharged	19	0.2	1,984	0.2
Total unsuccessful outcomes	1,272	13.3	118,094	12.7
Convictions	8,261	86.7	810,605	87.3
Total	9,533	100	928,699	100
Committed for trial in the Crown Court	916			
3 Magistrates' courts - case results				
Guilty pleas	6,965	82.3	636,887	76.7
Proofs in absence	1,042	12.3	140,328	16.9
Convictions after trial	254	3.0	33,390	4.0
Acquittals after trial	188	2.2	18,682	2.2
Acquittals: no case to answer	17	0.2	1,707	0.2
Total	8,466	100	830,994	100
4 Crown Court - types of case				
Indictable only	481	37.9	40,498	29.1
Either way: defence election	14	1.1	7,614	5.5
Either way: magistrates' direction	493	38.8	55,315	39.7
Summary: appeals; committals for sentence	281	22.2	35,922	25.8
Total	1,269	100	139,349	100
5 Crown Court - completed cases				
Judge ordered acquittals and bindovers	156	15.8	12,061	11.7
Warrants	10	1.0	1,121	1.1
Judge directed acquittals	12	1.2	989	1.0
Acquittals after trial	57	5.8	5,693	5.5
Total unsuccessful outcomes	235	23.8	19,864	19.2
Convictions	753	76.2	83,552	80.8
Total	988	100	103,416	100
6 Crown Court - case results				
Guilty pleas	685	83.3	75,661	83.8
Convictions after trial	68	8.3	7,891	8.7
Acquittals after trial	57	6.9	5,693	6.3
Judge directed acquittals	12	1.5	989	1.1
Total	822	100	90,234	100

* The 42 areas and CPS Direct.

ANNEX E: RESOURCES AND CASELOADS

Area caseload/staffing CPS Gwent

	April 2009	April 2007
Staff in post	74.95	79.8
Lawyers in post (excluding CCP)	28.8	31.2
Pre-charge decisions/advices per lawyer (excluding CCP)	214.0	207
Associate prosecutors in post	4	4
Magistrates' courts' cases per lawyer and associate prosecutor (excluding CCP)	318.6	402
Magistrates' courts' contested trials per lawyer (excluding CCP)	15.9	23.6
Committals for trial and sent cases per lawyer (excluding CCP)	31.8	31.7
Crown Court contested trials per lawyer (excluding CCP)	4.8	6.6
Level B1, B2, B3 caseworkers in post (excluding associate prosecutors)	12.6	12.6
Committals for trial and sent cases per level B caseworker	72.6	78.6
Crown Court contested trials per level B caseworker	10.9	16.4
Level A1 and A2 staff	29.15	32
Cases per level A staff member	344.7	645
Running costs (non-ring fenced)	£3,547,835	£3,519,796

NB: Caseload data represents an annual figure for each relevant member of staff. Crown Court cases are counted within the magistrates' courts' cases' total. Where the advice is that proceedings should be instituted that case will also be included as a summary/either way/indictable only case in the statistics relating to the magistrates' courts or the Crown Court as appropriate.

ANNEX F: TOTAL NUMBER OF FILES EXAMINED FOR CPS GWENT

	Number of files examined
Magistrates' courts' cases	52
<i>Subject to PCD</i>	43
Guilty pleas	11
Convictions after trial (including 3 youth cases)	5
Acquittals after trial (including 2 youth cases)	7
Discontinued cases	13
No case to answer	2
Discharged committals	5
<i>Non-PCD</i>	9
Convictions after trial	2
Guilty plea	3
Discontinuance	4
Crown Court cases	39
Guilty pleas	11
Judge ordered acquittals	9
Judge directed acquittals	4
Convictions after trial	8
Acquittals after trial	7
Total	91

ANNEX G: LOCAL REPRESENTATIVES OF CRIMINAL JUSTICE AGENCIES AND ORGANISATIONS WHO ASSISTED IN OUR INSPECTION

Crown Court

His Honour Judge Cooke QC, Honorary Recorder of Cardiff

His Honour Judge Morgan

Magistrates' courts

Mr A Davies, Area Director HM Courts Service

Mr E Harding, Clerk to the Justices

Ms L Hodges, Case Progression Officer

Mrs M Powell, Chair of Youth Court, Newport

Mr G Davies, Chair of Gwent Bench

Police

Mr M Giannasi, Chief Constable

Chief Superintendent R Wise

Detective Chief Inspector M Sutton

Mr D Williams, Criminal Justice Department

Mr G Powell, Evidence Review Officer

Counsel

Mr M Kelly

Mr M Mather-Lees

Witness Service

Ms M Davies, Area Manager Victim Support

Victims and witnesses at court

Local Crime and Disorder Reduction Partnerships

Mr D Nash, Community Safety Manager, Monmouthshire

Mr D Jeremiah, Community Safety Manager, Torfaen

Superintendent P Keen, Torfaen Neighbourhood Policing and Partnerships

Mr S Davison, Head of Public Protection and Environmental Services, Newport

Probation Service

Mrs J Coates, Chief Officer of Probation

Youth offending teams

Miss P Morgan

Members of Parliament

Mr D Davies MP

Ms R Butler AM

Mr M German OBE AM

Members of Parliament and Welsh Assembly Members with constituencies in Gwent were invited to contribute.

ANNEX H: HMCPSI PURPOSE AND VALUES

Purpose

HMCPSI's purpose is to enhance the quality of justice through independent inspection and assessment which improves the effectiveness of prosecution services and provides assurances to Ministers, government and the public. 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:

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

Taken together, these mean:

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

ANNEX I: GLOSSARY

Adverse case

A *NCTA*, *JOA*, *JDA* (see separate definitions) or one where magistrates decide there is insufficient evidence for an *either way* case to be committed to the Crown Court.

Agent

Solicitor or barrister not directly employed by the CPS who is instructed by them, usually on a sessional basis, to represent the prosecution in the magistrates' courts.

Area business manager (ABM)

Senior business manager responsible for finance, personnel, business planning and other operational matters.

Area strategic board (ASB)

The senior legal and non-legal managers of an area.

Aspect for improvement

A significant weakness relevant to an important aspect of performance (sometimes including the steps necessary to address this).

Associate prosecutor

A senior *caseworker* (level B2) who is trained to present straightforward cases on pleas of guilty or to prove them where the defendant does not attend the magistrates' court. This role has been extended and will include trials of non-imprisonable offences.

Bar/CPS service standards

Jointly agreed standards that lay down what is expected in terms of performance by the Bar and the CPS in the way they deal with each other.

Standard 1 (August 1994) requires the CPS brief to counsel to be delivered within 14 days of committal in standard fee cases and 21 days in cases involving trials of three days or more and pleas of guilty to serious offences.

Standard 2 (August 1994) provides that counsel, having read and considered the papers, will where necessary advise in writing on any matter requiring advice.

Standard 3 (October 1996) concerns returned briefs and is designed to reduce the numbers of returns and any adverse impact which may result because of a returned brief.

Standard 4 (October 1996) deals with the timely claim of fees by, and payment of fees to, counsel at the end of a case.

Casework quality assurance (CQA)

A system of management checks carried out in CPS areas to assess the quality of casework; each area should undertake at least one check per lawyer per month. The scheme is directed to ensure that different aspects of casework are assessed.

Caseworker

A member of CPS staff who deals with or manages day to day conduct of a prosecution case under the supervision of a crown prosecutor and, in the Crown Court, attends court to assist the advocate.

Charging scheme

The Criminal Justice Act 2003 took forward the recommendations of Lord Justice Auld in his Review of the Criminal Courts, so that the CPS will determine the decision to charge offenders in the more serious cases. 'Shadow' charging arrangements were put in place in areas and the statutory scheme had a phased roll out across priority areas and subsequently all 42, the last being in April 2006.

Charging standards

Standards agreed with the police that give guidance about how to select the appropriate charge to be pursued, determined by the facts of the case. Charging standards have been issued about:

- offences against the person;
- driving offences; and
- public order offences.

Chief crown prosecutor (CCP)

One of 42 chief officers heading the local CPS in each area, is a barrister or solicitor. Has a degree of autonomy but is accountable to the Director of Public Prosecutions for the performance of the area.

Code for Crown Prosecutors (the Code)

The public document that sets out the framework for prosecution decision-making. Crown prosecutors have the Director of Public Prosecutions' power to determine cases delegated, but must exercise them in accordance with the Code and its two stage test – evidential and public interest. 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 (see also *threshold test*).

Committal

Procedure whereby a defendant in an *either way* 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.

Compass CMS

IT system for case tracking and management used by the CPS. Compass is the new comprehensive system used in all areas.

Complex casework unit (CCU)

A group (a combination of CPS areas) unit which deals with specialist and complex cases; cases referred are usually defined by the nature of the crime and are mainly governed by a referral protocol.

Court session

There are two sessions each day in the magistrates' courts, morning and afternoon.

CPS Direct

A scheme to supplement the advice given in areas to the police and the decision-making as to charge under the *charging scheme*. Lawyers are available on a single national telephone number out of normal office hours so that advice can be obtained at any time. It is available to all areas.

Cracked trial

A case listed for a contested trial which does not proceed, either because the defendant changes their plea to guilty, pleads to an alternative charge, or the prosecution offer no evidence.

Criminal case management framework

Provides practitioners with a consistent guide to their own and their partners' roles and responsibilities, together with operational guidance on case management.

Criminal Justice: Simple, Speedy, Summary (CJSSS)

Initiative introducing more efficient ways of working by all parts of the CJS, together with the judiciary, so that cases brought to the magistrates' courts are dealt with more quickly. In particular it aims to reduce the number of hearings in a case and the time from charge to case completion.

Criminal justice unit (CJU)

Operational unit of the CPS that handles the preparation and presentation of magistrates' courts' prosecutions. The Glidewell 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.)

Crown advocate

A lawyer employed by the CPS who has a right of audience in the Crown Court.

Crown Court case preparation package

A word processing package that provides a template for standard instructions in a brief to counsel. There is a free text facility to allow CPS staff to advise counsel about particular aspects of an individual case. *Compass CMS* should now be used.

Custody time limits (CTLs)

The statutory time limit for keeping a defendant in custody awaiting trial. May be extended by the court in certain circumstances.

Direct communication with victims (DCV)

The CPS writes directly to a victim of crime if a case is dropped or the charges reduced in all seriousness. In some instances a meeting will be offered to explain this.

Director's Guidance on the Streamlined Process (DGSP)

Provisions agreed between the CPS and Association of Chief Police Officers (ACPO) concerning the streamlining of certain prosecution case files, whereby a restricted amount of information and evidence is initially included where there is an expectation that the defendant will plead guilty.

Disclosure, initial and continuing

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. Initial disclosure is given where an item may undermine the prosecution case or assist that of the defence. In the magistrates' courts the defence may serve a defence statement and this must be done in the Crown Court. The prosecution has a continuing duty of disclosure in the light of this and developments in the trial. (Duties of primary and secondary disclosure apply to cases investigated before 4 April 2005.)

Discontinuance

The dropping of a case by the CPS in the magistrates' courts, whether by written notice (under section 23 Prosecution of Offences Act 1985), withdrawal or offer of no evidence at court.

Effective trial management programme (ETMP)

This initiative, involving all criminal justice agencies working together, aims to reduce the number of ineffective trials by improving case preparation and progression from the point of charge through to the conclusion of a case.

Either way offences

Those triable in either the magistrates' courts or the Crown Court eg theft, assault occasioning actual bodily harm.

Evidential stage

The initial stage under the *Code* test – is there sufficient evidence to provide a realistic prospect of conviction?

Good practice

An aspect of performance upon which the Inspectorate not only comments favourably but considers that it reflects a manner of handling work developed by an area which, with appropriate adaptations to local needs, might warrant being commended as national practice.

Group operations centre (GOC)

A unit within the group (combination of a number of CPS areas) which is responsible for dealing with specific aspects of business on behalf of areas, for example performance management and monitoring, equality and diversity.

Indictable only offences

Offences triable only in the Crown Court eg murder, rape, robbery.

Ineffective trial

A case listed for a contested trial that is unable to proceed when it was scheduled to start, for a variety of possible reasons, and is adjourned to a later date.

Instructions to counsel

The papers which go to counsel setting out the history of a case and how it should be dealt with at court, together with case reports. These are sometimes referred to as the brief to counsel.

Joint performance monitoring (JPM)

A management system which collects information about aspects of activity undertaken by the police and the CPS, aimed at securing improvements in performance. Used more often generically to relate to wider aspects of performance involving two or more criminal justice agencies.

Judge directed acquittal (JDA)

Where the judge directs a jury to find a defendant not guilty after the trial has started.

Judge ordered acquittal (JOA)

Where the judge dismisses a case as a result of the prosecution offering no evidence before a jury is empanelled.

Level A, B, C, D, E staff

CPS grades below the senior civil service, from A (administrative staff) to E (senior lawyers or administrators).

Local criminal justice board

The chief officers of police, probation, the courts, and the CPS, a local prison governor and the youth offending team manager in each criminal justice area who are accountable to the National Criminal Justice Board for the delivery of *PSA* targets.

MG6C, MG6D etc

Forms completed by police relating to unused material. MG is the national Manual of Guidance used by the police and CPS.

Narrowing the justice gap (NJG)

A government criminal justice *PSA* target to increase the number of offences for which an offender is brought to justice; that is offences which result in a conviction, a caution or which are taken into consideration when an offender is sentenced for another matter, a fixed penalty notice, or a formal warning for possession of drugs. The difference between these offences and the overall number of recorded offences is known as the justice gap.

No case to answer (NCTA)

Where magistrates dismiss a case at the close of the prosecution evidence because they do not consider that the prosecution have made out a case for the defendant to answer.

No Witness No Justice (NWNJ)

A project to improve witness care: to give them support and the information that they need from the inception of an incident through to the

conclusion of a criminal prosecution. It is a partnership of the CPS and the Association of Chief Police Officers (ACPO) and also involves Victim Support and the Witness Service. Jointly staffed witness care units were introduced into all areas by December 2005.

Optimum business model (OBM)

System of processes implemented within the CPS to ensure that cases in the magistrates' courts receive systematic attention and progression.

Overall performance assessment (OPA)

An assessment carried out at area level by the Inspectorate which rates overall performance. Each aspect of performance is scored and an overall assessment made. These have been carried out in 2005 and 2007.

Performance against targets

Measures of performance against targets set nationally and locally in support of CPS objectives.

Performance indicators (PIs)

Internal statistics collected by the CPS that indicate how much and what type of work is undertaken and processed and the outcomes of that work. They also contain information about the quality of judgements in cases.

Persistent young offender (PYO)

A youth previously sentenced on at least three occasions in the last three years.

Pre-trial review

A hearing in the magistrates' court designed to define the issues for trial and deal with any other outstanding pre-trial issues.

Proceeds of Crime Act 2002 (POCA)

Contains forfeiture and confiscation provisions and money laundering offences, which facilitate the recovery of assets from criminals.

PROGRESS

An IT system used by the courts, CPS and defence to undertake case progression functions.

Prosecution team performance management (PTPM)

Joint analysis of performance by the CPS and police locally – used to consider the outcomes of charging and other joint processes.

Public interest stage

The second stage under the *Code* test – is it in the public interest to prosecute this defendant on this charge?

Public Service Agreement (PSA) targets

Targets set by the government for the criminal justice system relating to dealing with serious offences and raising public confidence in the system.

Recommendation

Normally directed towards an individual or body and sets out steps necessary to address a significant weakness relevant to an important aspect of performance (ie an *aspect for improvement*) that, in the view of the Inspectorate, should attract highest priority.

Returned briefs

A returned brief (see *instructions to counsel*) is one returned by a barrister to their instructing solicitor (the CPS) when they discover they are unable to undertake the work. This can occur very close to the date of the trial.

Review, initial, continuing, summary trial etc

The process whereby a crown prosecutor determines that a case received from the police satisfies and continues to satisfy the legal test for prosecution in the *Code*. One of the most important functions of the CPS.

Section 9 Criminal Justice Act 1967

A procedure for serving statements of witnesses so that the evidence can be read to the court, rather than the witness attend in person.

Section 51 Crime and Disorder Act 1998

A procedure for fast tracking *indictable only* cases to the Crown Court, which now deals with such cases from a very early stage – the defendant is sent to the Crown Court by the magistrates.

Sensitive material

Any relevant material in a police investigative file not forming part of the case against the defendant, the *disclosure* of which may not be in the public interest.

Specified proceedings

Minor offences which are dealt with by the police and the magistrates' courts and do not require review or prosecution by the CPS, unless a not guilty plea is entered (section 3 (2) (A) Prosecution of Offences Act 1985).

Strengths

Work undertaken properly to appropriate professional standards ie consistently good work.

Summary offences

Those triable only in the magistrates' courts eg most serious motoring offences, common assault etc.

Threshold test

The *Code for Crown Prosecutors* provides that where it is not appropriate to release a defendant on bail after charge, but the evidence to apply the full *Code* test is not yet available, the threshold test should be applied. There must be at least a reasonable suspicion that the suspect has committed an offence and it is in the public interest to charge the suspect, to meet the test. A number of factors, including the likelihood and nature of further evidence to be obtained, must be considered.

Trial unit (TU)

Operational unit of the CPS which prepares cases for the Crown Court.

Witness care units (WCUs)

Units responsible for managing the care of victims and prosecution witnesses from the point of charge to the conclusion of a case. Staffed by witness care officers and other support workers whose role it is to keep witnesses informed of progress during the course of their case. Units often have a combination of police and CPS staff (joint units).

ANNEX J: AREA RESPONSE TO HMCPSI'S REPORT ON CPS GWENT

1. CPS Gwent acknowledges the scale of the challenges arising from the report of the HMCPSI inspection of September 2009. We accept its recommendations and we will address the significant number of areas where performance must be improved. This will be achieved comprehensively as the Area re-examines every aspect of its business, with full support from CPS Headquarters and the CPS Wales Group.

Our Approach

2. Our approach to the future will take account of two key themes. Firstly, that we must deliver consistently against a set of core quality standards that lay down the quality of service that the public are entitled to expect from those who prosecute on their behalf. Secondly, in a period when challenges to public service finances are particularly acute, we must work more efficiently, maximising the use of our existing resources to produce the most effective outcomes.

Leadership

3. The report has highlighted an absence of effective leadership in recent years. The Director has appointed a new Chief Crown Prosecutor quickly and on a permanent basis. Together with the area management team, there will be a focus on providing direction for staff, delivering results, and developing the area's capacity to address current and future challenges. This response begins the process of setting out some clarity of expectations.

Our Vision

4. It is important that we set out what we want to achieve in our local context. Our vision is that

“Working with our colleagues in the police and other local criminal justice partners, we will become respected in our local community and across the wider criminal justice service in Gwent, recognised for our professionalism, commitment, and the excellence of the service we provide to our communities.”

Relations with Police and other Criminal Justice Partners

5. Our behaviour affects the ability of other agencies of the criminal justice system to fulfil their own responsibilities. The report highlights past difficulties. We will learn from these but we are already focusing on the future with support from our partners and our departmental headquarters.
6. A close and effective relationship with Gwent Police will be central to our future success, building on the Prosecution Team ethos, and recognising the importance of our organisations in producing an effective criminal justice service in Gwent. We have agreed a joint plan to address many of the key issues raised in the report. We shall also participate fully in the work of the Gwent Criminal Justice Board.

Area management

7. We need to increase our managerial capacity and capability if we are to deliver change successfully in CPS Gwent. With support from colleagues in CPS Wales Group and specialist HR support from the wider CPS, we will build the best team to improve performance. We have already made changes to our management team and will ensure that all our managers are the subject of focused ongoing professional development. There must be clarity of approach and expectations, with managers empowered to own their work with their teams - managing talent, attendance, promoting wellbeing, and addressing poor performance.

Our structure

8. At the moment we have two teams, divided notionally on a geographical casework basis. Given the new local police structure, this is largely irrelevant and the work done by the teams is cross functional and not specific to any part of Gwent. Our new team structure is based around a clearer separation of our principal casework functions with staff being allocated to Magistrates Court and Crown Court teams. This will allow for better management of casework, clearer lines of accountability, development of staff, and scope for improved processes. The new structure is effective from February 2010.

Decision making

9. In accordance with the principles of "Modernising Charging", we will ensure an on demand service for volume crime and the availability of specialist advice for serious casework and, in particular, for rape cases. Charging and advice will be delivered against agreed criteria for file content and within agreed timescales.
10. The report highlights the need for real improvement in the quality and consistency of decision making at all stages and for all types of our casework, but critically around charging decisions and file reviews. Although this can and will be addressed by an enhanced level of performance management, with increased quality assurance and individual appraisal, there is a need for a comprehensive reminder of the key issues. We will therefore hold a series of practical workshops for all our prosecutors, setting out the required approach for pro-active prosecution to ensure consistency and delivery against our core quality standards.
11. We will increase our level of specialism in the key areas of Violence against Women (in particular, Rape and Domestic Violence cases), major crime and road traffic fatalities. We will achieve this through enhanced protocols, new arrangements for strategic oversight, and structured training.

Process improvement

12. Our priority area will be our most serious casework in the Crown Court. These cases have a considerable effect on public confidence; they require considerable resources and a comprehensive set of skills. Alongside the team restructuring referred to above, a fundamental review has taken place in relation to the way we manage our Crown Court casework to ensure that all internal processes support the efficient use of our staff and deliver on the principles of quality, timeliness, and ownership. This includes the creation of an enhanced Case Progression Unit. The new processes will become fully effective in February 2010.
13. During the first quarter of 2010, there will be an end to end examination of Magistrates' Court processes in the context of the LCJB sponsored "LEAN review". The Chief Crown Prosecutor is the Senior Responsible Officer for this cross agency project which aims to achieve efficiency gains and deliver a better, more-joined up service through the elimination of unnecessary and duplicated work, more focused tasking, and more effective joint working with particular emphasis on case progression. Overall, this will again drive improvement in the quality, timeliness and ownership of cases.
14. Doing more with less is challenging when the demands on public service delivery are rising. We will position ourselves to take account of the new technology that will be available to us and the prospect of working increasingly in a digital environment, both internally and with our partners. Recognising the need for accuracy in record keeping, and to fully realise the present and future benefits from technology, we shall conduct a training audit in respect of IT skills and CMS usage by March 2010 and we shall re-skill as appropriate thereafter.

Our Staff

15. Although we accept the extent of the issues that have been identified within the report, our staff have significant experience, substantial commitment, and considerable potential. They are our key resource. They must be able to deliver the best outcomes in our casework, now and in the future. We will achieve that through the development of their skills, increased specialisation, a more flexible approach to deployment, and a consistent approach to performance management.
16. Managing staff performance is vital for us to deliver for the public in the face of change. It allows us to make links between what we need to achieve as an Area and the individual. It provides a framework to encourage individuals to develop their capabilities and drives improvements to meet the challenges facing us. Staff will have objectives that are focused on the issues identified in the report and in this response. They will be measurable and designed to ensure the delivery of the standards that are expected of us. The appraisal process for staff will be supported by an enhanced system for quality assurance and performance management of casework. This will be fully effective by April 2010.
17. There are significant benefits in using the experience of our own staff to prosecute our cases where they are suitably qualified to do so and our advocacy strategy will reflect that. Aspects of our advocacy were the subject of favourable comments in the report. We shall ensure that the expertise of all of our Crown Advocates is fully developed through discrete personal development and a structured programme of advocacy assessments so that they can be as fully utilised as possible, consistent with their skills and experience. We will increasingly reduce our reliance on external advocates in the Magistrates Court where we have a team of experienced and valued lawyers and a highly regarded cadre of associate prosecutors. The appropriate deployment of all our prosecutors will also further enhance our efficiency.
18. Our immediate training priorities, which will be addressed through a structured programme throughout 2010, are:-
 - Decision making
 - Victims and Witnesses
 - Domestic violence
 - Disclosure
 - Custody Time Limits
 - PoCA
19. We will demonstrate and support the values and behaviour expected of a public prosecution service. The manner in which prosecutors discharge their powers and duties directly affects the interests of other people, not only of individuals in the system – whether as victims, as witnesses or as defendants – but also our wider community. Standards of behaviour will be constantly and consistently promulgated in team briefings and in individual appraisal so that our office environment clearly reflects CPS policy for dignity at work.

Victims and Witnesses

20. Victims and Witnesses are at the heart of everything we do. Building on some of the positive findings in the report, we will focus on identification of victims needs at the earliest stage and throughout the life of the case, with a more consistent and pro-active approach to special measures and Victim Personal Statements, and an improvement in the quality of our written and personal contact.
21. The necessary change will be effected through joint training, process review, and enhanced quality assurance. We will examine ways of ensuring a clearer and fuller flow of information between CPS, the police and our joint Witness Care Unit. We shall examine any outstanding issues at the conclusion of the LEAN review which includes consideration of the relevant processes.

Performance Management

22. We acknowledge the clear message from the report that there has been an absence of effective performance management of individuals and casework. As a result, there have been failures to improve, learn generally, and to develop staff. We need to focus on visible improvement rather than data collection and analysis. We will learn from the outcomes of all our casework, recognising the benefit of feedback from our partners and the judiciary.
23. In the context of our work with the police as the Prosecution Team, we are committed to performance managing our casework at individual, unit, and at area level. We shall introduce a consistent approach to quality assurance through the introduction of recognisable measures at key milestones in the case – charging decision, file review (initial and trial) and adverse case outcomes. That information will be shared and lessons applied on an individual level. Performance information will be analysed to identify immediate areas of concern and systemic trends and will be reviewed in the context of team briefings and a revised PTPM structure, to ensure that issues are addressed effectively within agreed timescales.
24. To ensure that we have a clear and immediate focus on changing performance we have identified, together with police colleagues, key targets for improvement, with a special emphasis on cases involving Violence against Women.–
 - Charge to NFA ratio
 - Guilty Plea rates in both Magistrates and Crown Court
 - Discontinuance rate in CPS charged cases
 - Reduction in volume of cracked/ineffective trials

Community Engagement

25. Although CPS Gwent carries out a significant amount of community engagement work, as the report recognises, there is scope for further development. Overall, we aim to increase our contact with the community so that we are aware of issues of concern and our decision making is more fully informed. The excellent work of the Hate Crime Scrutiny Panel will be used in a more structured way to help us drive forward improvement in hate crime generally and is of potential assistance, in particular, in identifying opportunities for improvement in the area of domestic abuse crime. We shall also ensure that case specific feedback from our communities is fully considered so that any lessons may be learned and applied to future casework.

Gwent CPS Management Team
January 2010

If you ask us, we can provide a synopsis or complete version of this booklet in Braille, large print or in languages other than English.

For information or for more copies of this booklet, please contact our publications team on 020 7210 1197, or go to our website: www.hmcpai.gov.uk





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