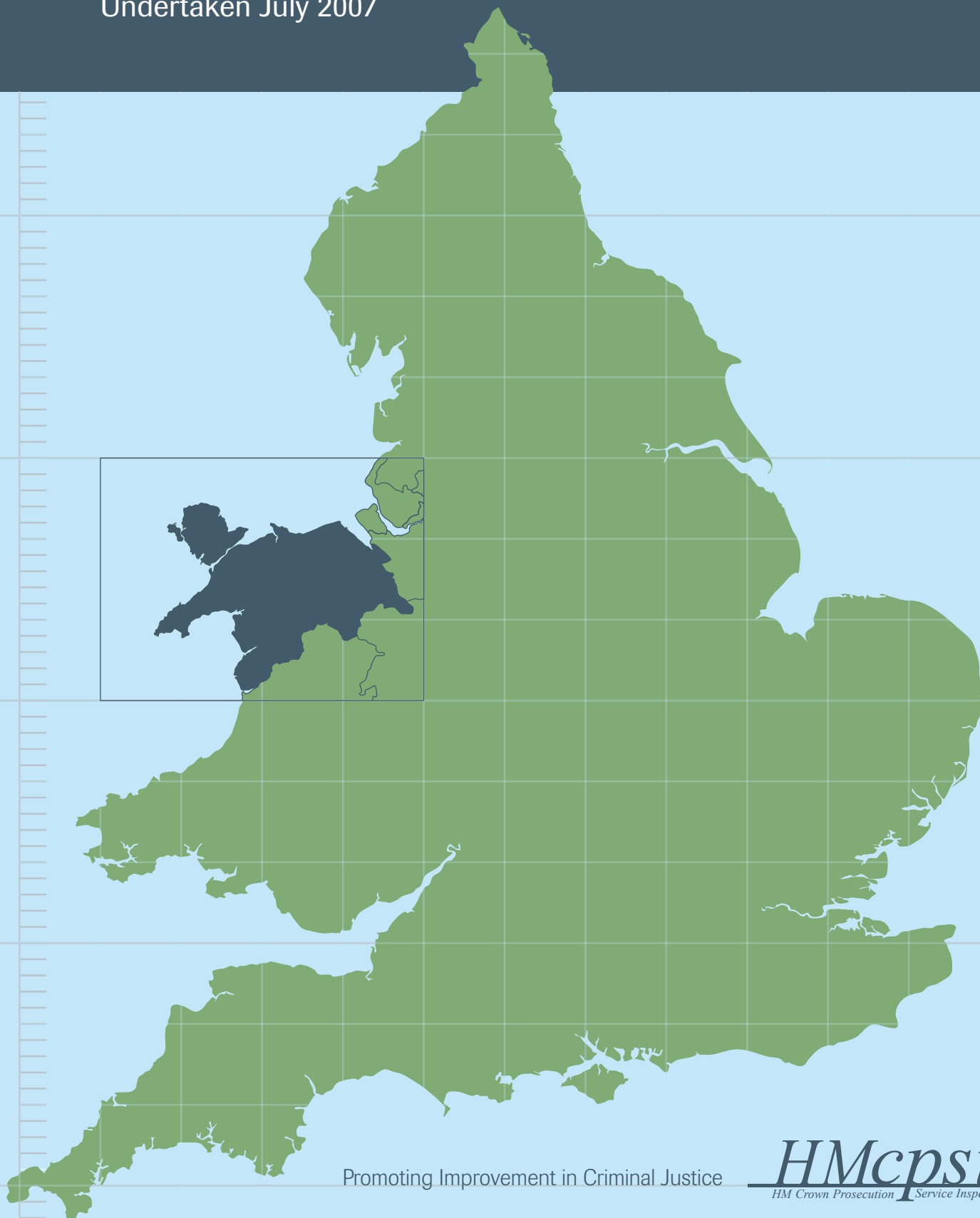


CPS North Wales

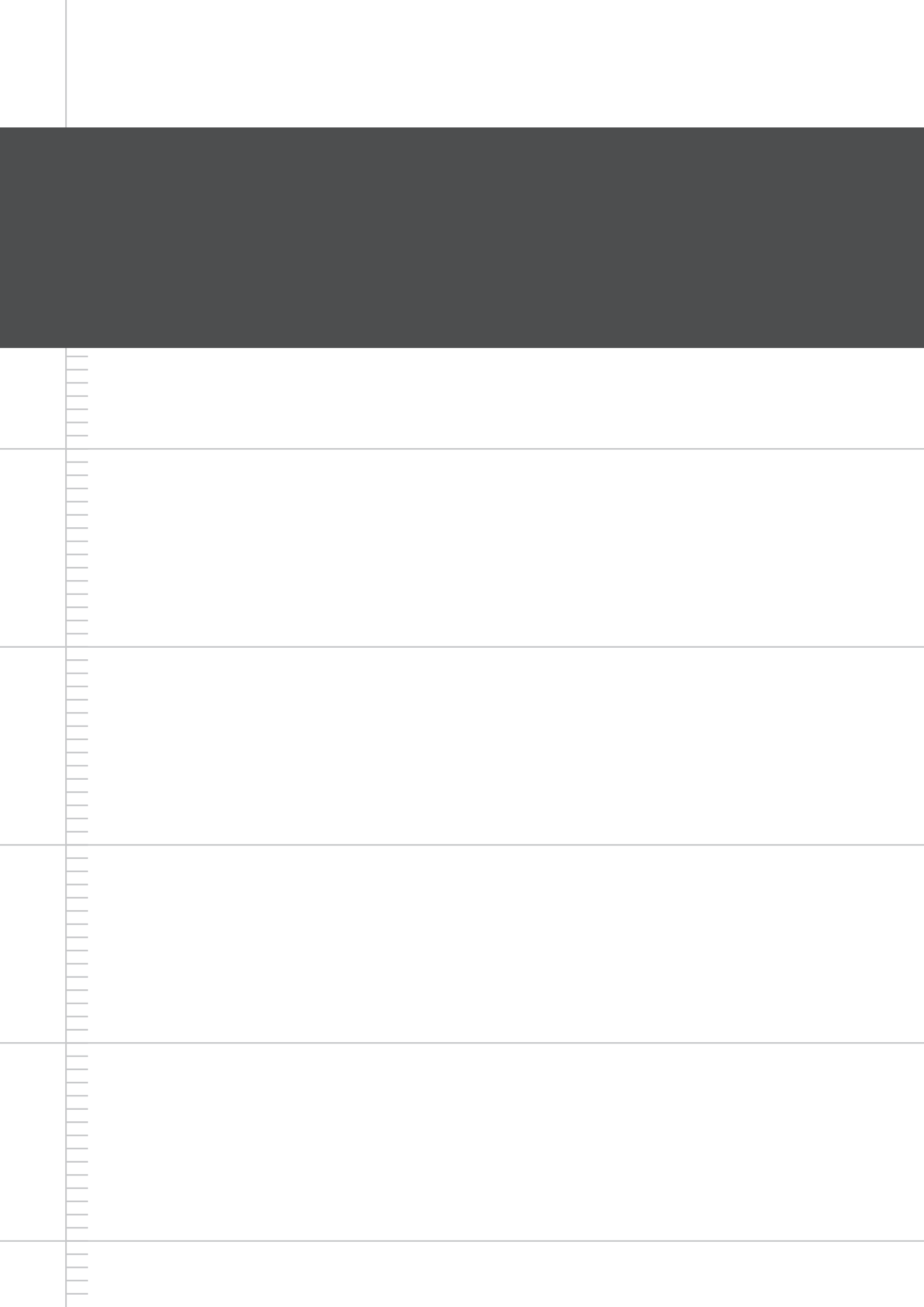
Overall Performance Assessment

Undertaken July 2007



Promoting Improvement in Criminal Justice

HMcp*si*
HM Crown Prosecution Service Inspectorate



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ABBREVIATIONS

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

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

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A INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS

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

Assessments

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

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

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

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

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

Direction of travel grade

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

Improved reflects a significant improvement in the performance;

Stable denotes no significant change in performance;

Declined where there has been a significant decline in performance.

B AREA DESCRIPTION AND CASELOAD

CPS North Wales serves the area covered by the North Wales Police. It has two offices, at Wrexham and Colwyn Bay. The Area Headquarters (Secretariat) is based at the Wrexham office.

Area business is divided on geographical lines between the Eastern, Central and Western Units. Each unit is combined and conducts magistrates' courts and Crown Court work according to the 'cradle to grave' ethos.

During the year 2006-07 the Area had an average of 69.9 full-time equivalent staff in post, and a budget of £3,374,029. This represents a 2% increase in staff, and a 11.8% increase in budget since 2004-05, the period covered by the previous overall performance assessment.

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

Pre-charge work¹

2004-05		2006-07	
Written advice	7,496	Decisions resulting in a charge	4,353
Pre-charge advice (where available)	1,549	Decisions not resulting in a charge ²	4,412

Magistrates' courts proceedings (including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Magistrates' courts prosecutions	15,862	14,961	- 5.7%
Other proceedings	57	6	- 89.4%
Total magistrates' courts proceedings	15,919	14,967	- 6.0%

Crown Court proceedings

(including cases previously subject to a pre-charge decision)			
Cases sent or committed to the Crown Court for determination	706	906	+28.3%
Committals for sentence ³	211	309	+46.5
Appeals from the magistrates' courts ³	177	158	-10.7%
Total Crown Court proceedings	1,094	1,373	+25.5%

In March 2007 47.2% of offences brought to justice were the result of convictions.

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

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

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

C SUMMARY OF JUDGEMENTS

Contextual factors and background

At the time of the last OPA Area business was divided on functional lines. The two Trials Units handled cases dealt with in the Crown Court along with contested trials in the magistrates' courts. The Criminal Justice Unit (which was divided between the Wrexham and Colwyn Bay offices) handled the remaining cases dealt with in the magistrates' courts.

In April 2006, North Wales restructured into three combined units, each one covering magistrates' and Crown Court work on geographical lines in Eastern (Wrexham), Central and Western (both Colwyn Bay) North Wales. Since then, the Area has experienced relative stability. The nature of the caseload remains relatively unchanged in that there are few grave crimes, although it has noticed an increase in serious and multiple defendant public order offences. This has led to an increase in the proportion of either way cases which are too serious for summary jurisdiction. The rate of police diversion is also high and these two factors have operated to reduce the magistrates' courts caseload slightly, while the Crown Court caseload has increased. Certain other geographical anomalies have arisen, such as the relatively high proportion of persistent young offender (PYO) cases in the Western Unit.

Summary

The Area has the benefit of a dynamic management team which identifies and deals with challenges effectively. There is a developed sense of corporacy which impacts positively on staff morale and relationships with partners are in the main good, but can be reactive. There is also a clear sense of direction and this has allowed the Area to manage internal change relatively well. The restructure to combined units went smoothly and the benefits of a cradle to grave service should begin to be realised soon. The custody time limit system has been fully overhauled following the failure in April 2006.

As an example of successful joint project management, the Area is able to demonstrate that the arrangements for statutory charging are now in place and that the quality of charging decisions is sound. Duty prosecutors are able to add value to investigations by early involvement in serious and complex cases and they are beginning to identify post-charge issues at the pre-charge stage. This has assisted in meeting five out of six benefits realisation targets in 2006-07, with magistrates' courts discontinuance behind target but ahead of national performance.

However, there has been a struggle to deal with joint resourcing problems in relation to the No Witness No Justice (NWNJ) scheme. Successful negotiation by senior managers has led to a partial resolution of Witness Care Unit staffing issues, but the Area has been unable to meet all NWNJ standards and resource constraints continue to restrict the possibility of meeting them all in the near future. Issues highlighted by HMCPSI's audit remain in relation to case management system (CMS) flagging, compliance with numerical targets and the quality of Direct Communication with Victims letters. However, the Area is working hard to improve performance in these aspects.

Also, it is noteworthy that the Criminal Justice: Simple, Speedy, Summary implementation has been subject to slippage and this may indicate that joint planning is not as effective as internal change management.

The Area Management Team (AMT) recognises the importance of a strong performance regime and it can demonstrate that managers are held accountable for performance. The casework quality assurance scheme is robustly applied and the Area regularly dip samples MG3s (the form used to record pre-charge advice and decisions) and sensitive cases so that trends can be identified by champions and specialists. The data pack used by the Area Management Board is also sound, but there is a lack of trending and benchmarking against the headline performance of equivalent Areas. CMS monitoring is also inconsistent between units. Nonetheless, successful outcomes are generally improving and they continue to fall within the excellent range of performance in relation to statutory charging, magistrates' courts, Crown Court and sensitive cases.

Joint performance analysis is less effective. Whilst joint work on the charging scheme (including use of Prosecution Team Performance Management data) is sound, more discussion is required with criminal justice system (CJS) partners on matters such as NWNJ and Victims' Code performance.

The CPS is playing its part to maintain joint performance within the acceptable range with regard to offences brought to justice and joint targets have been met in relation to asset seizure. However, PYO timeliness performance declined markedly throughout 2006-07 and is well behind target. The Local Criminal Justice Board has worked hard to identify the relevant issues and the CPS is playing a central role in the development of systems to improve joint performance.

The Area has an experienced team of skilled lawyers who make sound legal decisions in relation to volume crime. Sensitive cases are properly allocated and conducted, while CPS policy is properly applied. Decisions to discontinue cases are appropriate and timely, with correct consultation taking place more often than not. As a result, few cases are dismissed as no case to answer.

Unsuccessful outcomes are analysed robustly by Unit Heads, and trends are considered at monthly unit performance meetings with the Chief Crown Prosecutor (CCP) and Area Business Manager (ABM). Aspects for improvement and examples of good practice are disseminated at effective team meetings and via the North Wales Weekly newsletter. Feedback is given to individual lawyers when necessary.

There are effective casework systems which are mostly successful in ensuring that the correct actions are taken at the right time. This is borne out in the creditable ineffective trial rates. However, the Area cannot rely on the timely receipt of the police full file following a not guilty plea, even when it is chased by CPS caseworkers. Some joint work has been done to improve timeliness and a new process has been put in place to reduce the proportion of committals that are discharged because the prosecution is not ready. However, our 'reality checks' confirm that the problem persists and it clearly impacts negatively on the cracked and vacated trial rates, which are a cause for joint concern.

Cases are well presented in court and advocates promote effective case progression. The Area performs relatively well in relation to timeliness from charge to disposal, although more could be done to obtain witness availability in time for first appearances in the magistrates' courts and plea and case management hearings in the Crown Court.

Disclosure is well managed in Crown Court cases and the Area generally complies with its disclosure duties across the board. However, the handling of unused material is not fully compliant with the latest guidance in magistrates' courts cases and there has been little joint training.

Resources are well managed, with the non ring-fenced spend for 2006-07 coming within the excellent range of performance. There was a substantial overspend on prosecution costs but the Area performs well in relation to staff deployment and usage, and manages staff sickness well.

Senior managers promote a healthy dialogue with staff which, in turn, fosters a high level of corporacy. There is clear evidence that 'Dignity at Work' is promoted and that the Area complies with the Single Equality Scheme. This is consistent with the sound work done in improving community engagement and identifying the need to link such work to core business improvements. Good individual contributions by staff are recognised and this also impacts on morale. Consequently North Wales performed creditably in the 2006 staff survey, showing improvement since 2004 in many key aspects.

Direction of travel

Performance has improved substantially since the last OPA. There has been improvement in a number of key aspects and the Area is well placed to build on this. The strong leadership (assessed as 'Excellent') and good scores in casework aspects give it a good foundation to improve those aspects which are still rated as 'Fair'.

In the light of our findings, North Wales's overall performance is **GOOD**.

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

D DEFINING ASPECTS

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

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

- Prosecutors provide pre-charge advice and decisions from 9am to 5pm Monday to Friday at St Asaph (Central Unit) and Caernarfon (Western Unit); Monday, Tuesday, Wednesday and Friday at Wrexham (Eastern Unit) and Monday, Wednesday and Friday at Mold (Eastern Unit). Each unit closes for lunch for one hour dependant on the appointments allocated and agreed in advance with the custody sergeant. An electronic appointments system is in place which is managed by the police in the Eastern and Central Units and by CPS in the Western Unit. Appointments are scheduled for 45 minutes in the Central and Western Units and for 30 minutes in the Eastern Unit; with some slots retained to accommodate urgent custody cases.
- Whilst the good majority of initial advice is face-to-face (74.7%), there are also video link facilities to enable officers from Holyhead and Dolgellau to contact the Caernarfon charging centre for advice and decisions. Both the police and the CPS are satisfied that an adequate provision of advice and decisions is available, and this is continually reviewed at the Prosecution Team Performance Management (PTPM) meetings.
- Systems are in place to ensure that officers are seeking early advice; each unit has a police 'gatekeeper' to ensure that only appropriate cases are referred to prosecutors for a decision. Inappropriate requests are rare, but where disagreement occurs this is resolved by the Detective Chief Inspector and the Unit Head. All prosecutors have been issued with a briefing note for conflict resolution, which is applied in the event of such disagreement. All requests, issues and any appeals are recorded on a log and where any issues arise the log is used to inform discussion at PTPM meetings.
- Specialist cases are identified by the gatekeeper and referred to the Unit Head when appropriate, so that they can be allocated to a specialist lawyer. The police family protection unit refers child abuse cases direct to the appropriate lawyer for charging advice when bail is granted. Complex cases are allocated an additional charging slot so they can be given the appropriate consideration by the prosecutor. Should any specialist case require urgent attention it can be taken to the duty prosecutor who has access to a number of contacts to obtain specialist advice, enabling the case to be progressed without delay.
- Supervision of compliance with pre-charge advice and decisions, and the management of bail, are undertaken by the police. Additionally, the CPS monitors the prosecutors' advice and decisions and both agencies take their findings to the PTPM meetings to share and discuss. Monitoring of CMS on outstanding cases is undertaken; however there remain some outstanding cases in the Central and Eastern Unit logs which require attention. The Area needs to consider whether it should implement some of the Western processes of CMS checking in the Central and Eastern Units.

- All the charging centres have access to CMS to enable the duty prosecutor to record pre-charge decisions (PCD) and advice on the appropriate form (MG3) at the time advice is given. In 2006-07 the Area only recorded 67.3% of PCD consultations on CMS, however it is showing an improving trend and in March 2007 99.2% were recorded. Reality checks carried out confirmed that in 70% of pre-charge cases the MG3 was properly recorded and in 100% of cases ethnicity and gender had been properly recorded when provided by the suspect.
- The Area has an identified liaison point in CPS Direct (CPSD), who has been in place since statutory charging was introduced. She was included in the team who undertook the post-implementation review of statutory charging and retains close contact with the Unit Heads, providing them with relevant performance data. Performance in relation to the recording of MG3s produced by CPSD was 87% in 2006-07 against a national average of 72%.
- Conditional cautioning is in place across North Wales. It was introduced in the Central Unit in December 2006, Western Unit in April 2007 and Eastern Unit in May 2007. Training has been provided to duty prosecutors, custody sergeants and other police officers and conditional cautioning has been included in the monthly file monitoring process. There were 23 conditional cautions recorded for 2006-07.

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

- The Area ensures that all lawyers are aware of, and comply with, local and national policy. All lawyers, the CCP and ABM have received the Proactive Prosecutor Programme training and all lawyers are subject to an ongoing programme of training at national and local level from Area specialists. Policy circulars are disseminated through champions and are published in the North Wales Weekly newsletter. Unit Heads dip sample compliance as part of their monthly checks which effectively identifies any failings.
- Prosecutors consider the confiscation and restraint of assets and other ancillary orders in all relevant cases. Unit Heads monitor this as part of the monthly checks and advocacy monitoring; appropriate feedback is given to prosecutors. Training has been provided to all prosecutors on advance disclosure and Proceeds of Crime Act (including presentations from the Head of North Wales Police's Financial Investigation Unit). The reality checks revealed that in most cases relevant victim and witness issues were considered.
- Good monitoring systems are in place; the Unit Heads undertake a monthly dip sample of a range of files, according to a prescribed list, and use the case quality assurance forms to feed back examples of both good performance and areas for improvement. Unit Heads provide additional feedback as arising out of adverse outcome analysis and PTPM information.
- A number of no further action (NFA) files are dip sampled and PTPM reports analysed to identify the volume and reasons for NFA, which are discussed at PTPM meetings. The Area is aware that its NFA rate is high for 2006-07, at 35.3% against the national average of 31.9%, and raised its concerns at the Local Criminal Justice Board (LCJB) and PTPM meetings. Agreement was reached that the police would appoint gatekeepers to improve performance. Their introduction is having a positive impact on the quality of files and it is believed the NFA rate is now showing improvement. Cases where the police decide to take no further action prior to pre-charge decision are not analysed and there are no systems in place to analyse cases which never reach the CPS.

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

	Magistrates' courts cases				Crown Court cases			
	National target March 2007	National performance 2006-07	Area performance		National target March 2007	National performance 2006-07	Area performance	
			2005-06	2006-07			2005-06	2006-07
Discontinuance rate	11.0%	15.7%	13.1%	13.7%	11.0%	13.1%	18.2%	9.3%
Guilty plea rate	52.0%	69.2%	72.2%	73.5%	68.0%	66.5%	63.4%	74.8%
Attrition rate	31.0%	22.0%	18.8%	18.8%	23.0%	22.2%	29.4%	17.9%

- Almost all of the benefits of PCD are being realised. All targets in 2006-07 were exceeded with the exception of the discontinuance rate in the magistrates' courts, which fell short of the national target of 11%, at 13.7%; but was better than the national performance of 15.7%.
- The proportion of PCD cases that resulted in a conviction in 2006-07 was 81.4%; better than the average national performance of 78.0%.
- The CPS, together with the police, is making good use of relevant reports to understand the outcomes in PCD cases; performance is considered at unit level and benchmarking takes place against similar CPS Areas and some national data. Good use is also made of all the PTPM information and in one unit there is good analysis of CMS.
- In respect of joint analysis of the operation of the charging scheme, there are good systems in place, with both the police and CPS taking an active role to ensure the system is effective. There are structures in place to ensure that actions are undertaken and are communicated to staff promptly.

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

2A Successful outcomes are increasing

Case outcomes in the magistrates' courts	National performance 2006-07	Area performance 2006-07
Discontinuance and bindovers	10.8%	10.1%
No case to answer	0.2%	0.1%
Dismissed after trial	1.9%	1.8%
Discharged committals	0.2%	0.1%
Warrants	2.6%	0.8%
Overall conviction rate	84.3%	87.2%

- In 2006-07, the proportion of magistrates' courts successful outcomes was 87.2%, against 84.3% nationally. It represents a one percent improvement on the rate of successful outcomes since 2004-05, in the context of a six percent reduction in the magistrates' courts caseload over the same period.
- The table above shows that the Area performed better than national average in relation to discontinuance, no case to answer, and dismissal after trial in 2006-07. This level of performance represents an improvement in relation to each of these outcomes since 2004-05. The same is true of discharged committals which accounted for 0.1% of total magistrates' courts cases in 2006-07, and 1.7% of cases adjourned for committal (against 2.5% nationally).
- In most cases the police are consulted about proposed discontinuance. The reduction in the rate of discontinuances since the last OPA implies that the decision to discontinue is taken properly, and this is confirmed by our reality checks. Although individual lawyers retain responsibility for all decisions to discontinue, prior authorisation from a specialist or Unit Head is required before a sensitive or hate crime case can be discontinued, or an alternative plea (or a limited basis of plea) which reduces or removes the hate element can be accepted.
- The Area seeks to reduce the rate of unsuccessful outcomes where possible. To this end units produce a monthly list of all unsuccessful outcomes, including dismissal after trial. The cases are analysed at unit level and reported on by the Unit Head at the monthly performance meetings with the CCP and ABM. Systems are then adjusted to resolve problems. For example, the process of committal preparation has recently been redesigned to reduce the proportion of discharged committals.

- Trends and issues identified at the monthly performance meetings are shared with other Unit Heads, and externally with police managers at the monthly divisional PTPM meetings. This allows partners to improve systems by co-ordinated actions. Joint working groups are also set up to deal with specific issues, such as the committal preparation system. The CCP is also chair of the investigation and trial sub-group of the LCJB, which helps ensure that other agencies are kept informed about broader performance issues. More narrowly focused joint work such as that undertaken in relation to the forthcoming Specialist Domestic Abuse Courts has also had a positive impact on outcomes.
- Conclusions drawn from the monthly performance meetings are fed back to staff at the unit meetings, which are held as soon as practicable afterwards, and ideally on the same day. The unit performance report and Area 'dashboard' are also presented at unit meetings. Informal updates on headline performance are provided by an effective poster campaign and concise items in the North Wales Weekly newsletter. More detailed performance issues are addressed at separate local team meetings for prosecutors and administrative staff.
- The latest figures for offences brought to justice show that the criminal justice area was 11.4% ahead of target in the year to December 2006. Convictions accounted for 47.4% of the total, which is behind the 49% national average. However, performance should be viewed in the light of the falling magistrates' courts caseload and the fact that 23.4% of cases (potential convictions) were diverted to fixed penalty notices, against only 9.6% nationally.
- The criminal justice area's PYO performance has declined from 59 days in the rolling quarter to June 2006, to 84 days in the rolling quarter to March 2007. This compares unfavourably to the national target of 71 days. In May 2007, the LCJB sponsored a joint agency conference to analyse the issues relating to declining performance and it has now set up a sub-group to deal with them. The CPS and police have met to discuss the issue at the highest level locally, and the Area youth lead is maintaining close liaison with police counterparts to improve flagging of cases and reduce the time from arrest to charge. There is a greater emphasis on information sharing between the partner agencies and the Area now expects performance to improve markedly in the short term.

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

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	48.7%
Cracked trial rate	37.3%	37.3%
Ineffective trial rate	18.9%	14.0%
Vacated trial rate	22.5%	30.6%

- All contested magistrates' courts cases are allocated by the unit business manager under the supervision of the Unit Head. The system succeeds in ensuring that cases are conducted by specialists when appropriate, and by the lawyer who gave the charging advice where possible. CMS is monitored to ensure an even spread of responsibility.

- The accountability provided by case 'ownership' allows the Area to operate an enhanced casework quality assurance (CQA) scheme which means that Unit Heads provide robust written feedback on detailed issues such as the quality of file endorsement against the written Area standard. This analysis supplements the standard CQA questions which relate to the quality and timeliness of review and case preparation.
- Our reality checks show that pre-trial reviews are generally timely and adequate when the full file is received in time. There were issues in relation to pre-committal review which have now been resolved by the new, more flexible, committal preparation system.
- The Area does not have designated case progression officers. The case progression function is performed by unit business managers, case workers and sometimes lawyers. Unit Heads and the witness care team manager attend the bi-monthly divisional case progression meetings which focus on overall magistrates' courts performance rather than individual ongoing cases.
- The quality of police files is checked by designated caseworkers (DCWs). Deficient files are presented to the Unit Head, who then takes the matter up with police managers at the next PTPM meeting. This has led to an improvement in the quality of files.
- However, reality checks show that timeliness is an issue in relation to receipt of full files from the police by the stated deadline, which hampers timely review and case preparation. The Area has identified this as the major weakness in the case progression system and it has repeatedly raised the issue with partners at all levels. However, a full resolution has yet to be found and the vacated trial rate remains very high as a result. The impact on the attrition rate has not been assessed by the Area.
- The Area has identified the late provision of files as the main risk attaching to the roll-out of Criminal Justice: Simple, Speedy, Summary (CJSSS). It has prompted the LCJB to delay implementation of the first CJSSS court room from August to September 2007, which is a failure to comply with the prescribed timescale. However, full roll-out should be achieved by November 2007, which is compliant with the timescale.
- Youth cases are conducted by specialists, and most pre-charge advice is given by them. The Area youth co-ordinator monitors the frequency and quality of joint agency working to improve the expedition of youth cases. In one unit the specialist meets his police equivalent fortnightly to review all ongoing youth cases. Case strategies are jointly developed to ensure that as much investigation as possible is done before arrest. The youth court user meetings are used to track cases. However, PYO performance has dipped recently.
- In 2006-07, 48.6% of magistrates' courts trials were effective. Whilst this represented a slight decline from the 2005-06 rate of 50.2%, it was still better than the national average (43.9%) and only 12 Areas performed better. In relation to ineffective trials, North Wales's rate was 14% against the 18.9% national average in 2006-07, and only three Areas performed better. However, this too represented a slight decline from the 12.7% rate achieved in 2005-06. The cracked trial rate remained stable over the same period, rising from 37.1% to 37.3% which was identical to the national average.

- The vacated trial rate stood at 30.5% in 2006-07, against 22.5% nationally. Only four Areas performed worse. This is explained by the strategy of managing the ineffective trial rate by applying to vacate in good time when receipt of the full file is substantially delayed. Witnesses are saved unnecessary attendance, and the Area feels that they are more likely to attend the trial as a result.
- Each unit prepares a cracked and ineffective trial report for presentation to the CCP and ABM at the monthly performance reviews. The reports are robust and clearly identify the causes. The CCP relays broad issues to the investigation and trial sub-group of the LCJB and Unit Heads raise detailed issues and individual cases at monthly PTPM meetings with police managers. The data is also discussed at the bi-monthly case progression meetings.
- Unit Heads provide feedback on case progression issues to prosecutors and administrative staff at unit and team meetings. The newsletter also raises relevant issues.
- The Area has worked hard to improve CMS usage. In March 2007, magistrates' courts finalisation within one day stood at 62%, and hearing outcomes recorded within one day was 61.6%. Only seven Areas performed better in both tasks. The proportion of magistrates' courts reviews was 81.8% which compares quite favourably with national performance.

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

3A Successful outcomes are increasing

Case outcomes in the Crown Court	National performance 2006-07	Area performance 2006-07
Judge ordered acquittals	13.1%	9.1%
Judge directed acquittals	1.4%	0.9%
Acquittals after trial	6.5%	6.6%
Warrants	1.3%	0.6%
Overall conviction rate	77.7%	82.9%

- In 2006-07, the proportion of successful outcomes in the Crown Court (82.9%) came within the excellent range of performance and was substantially better than national performance. However, it represented a slight decline from the 83.3% which was the rate at the time of the last OPA in 2004-05. This is in the context of a 28.3% rise in cases committed or sent to the Crown Court over the same period.
- The table above shows that whilst the Area performed slightly worse than the national average in relation to jury acquittals in 2006-07, it performed substantially better than the national average in relation to judge ordered acquittals (JOAs) and judge directed acquittals (JDAs). However, the unsuccessful outcome rate has declined slightly since the last OPA, mainly due to JOAs.
- Robust and detailed adverse outcome reports are prepared by Unit Heads in relation to all JOAs and JDAs. These are submitted to the CCP and ABM for consideration during the monthly performance meetings. The Area has looked into the deteriorating JOA rate and it is satisfied that the problem is not caused by any systemic failing. In particular, it is satisfied that the problem is not related to the statutory charging scheme.
- Lawyers take responsibility for decisions to discontinue (subject to the need for specialist advice in hate crimes) but counsel is instructed to obtain the Unit Head's approval for late discontinuance in court. The police are canvassed about proposed discontinuances in most cases and the monthly adverse outcome reports indicate that decisions to discontinue are generally correct.
- Issues identified in performance meetings are raised in PTPM meetings with police crime managers and action is taken where appropriate. Joint analysis has been done recently in relation to file delivery, disclosure, bad character evidence, and the role of the independent domestic violence adviser. The CCP also raises issues at the investigation and trial sub-group. Performance in relation to specific problems is improving as a result, and the rate of unsuccessful outcomes has improved since 2005-06 (although there is a slight overall decline from the 2004-05 performance).

- Despite a slow start to the year, the Area comfortably exceeded its local target for asset seizure in 2006-07. Fifteen confiscation orders were secured with a total value of £2.76 million, against the target of 12 orders with a value of £274,000. The Area is already well ahead of trajectory against the 2007-08 targets. This level of performance is attributable to the commitment of the Area champion, the adoption of good practice from other Areas, and active engagement with partner agencies. North Wales has a strategy for dealing with enforcement work in-house, although local confiscation orders tend to be settled in cash before there is a need to bring enforcement proceedings.
- Performance issues are fed back to prosecutors and administrative staff at unit and team meetings and performance information is kept on the shared drive for general access. The adverse outcome reports are also discussed at monthly unit meetings. The newsletter provides informal updates on good practice.

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

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	51.4%
Cracked trial rate	39.5%	40.2%
Ineffective trial rate	12.4%	8.4%

- Since the restructure to three combined units in April 2006 most cases are allocated to a nominated lawyer who will be the file owner, this is in line with the cradle to grave file ownership ethos in the Area. The allocation system ensures that sensitive cases are conducted by specialists and that most cases are run by the lawyer who gave the charging advice. In the Western and Central Units there are enough Higher Court Advocates (HCAs) to ensure that all suitable cases are allocated to them from the start. However, in the Eastern Unit there are insufficient HCAs to provide a full cradle to grave service.
- The quality and timeliness of review, file endorsement and trial preparation is monitored effectively by Unit Heads according to the enhanced CQA system. Reality checks confirm that Crown Court reviews generally meet the required standard.
- However, the Area has identified timeliness issues in relation to case preparation which are confirmed by our reality checks. The recent overhaul of the committal preparation system is partially intended to free up caseworker time so that post-committal case preparation can be conducted more promptly, and timeliness is expected to improve as a result. The CCP chairs the joint working group which will evaluate the success of the new system.
- The local Crown Court's administration has recently restructured and the new listing team based at Mold is still in its infancy. New case progression processes are currently being developed and, in the absence of formal case progression roles, the Unit Heads and ABM are effective in liaising with CJS partners to manage cases through the system in an effective and appropriate manner.

- The bi-monthly case progression meetings tend to focus on magistrates' courts work, but Crown Court issues are considered at the investigation and trial sub-group which is chaired by the CCP and attended by the list officer. Broader case progression issues are considered at the six monthly Crown Court user group meetings which are an effective forum for joint working.
- Few Crown Court cases involve youths. All youth cases are allocated to specialists who ensure that they are progressed promptly. Unit managers liaise with the listing department to ensure that priority is given.
- The proportion of Crown Court trials that are effective declined marginally from 51.8% in 2005-06 to 51.4% in 2006-07, which was still better than the 48.2% national average. This was in the context of an 11.4% increase in the total size of the Crown Court caseload over the same period.
- Against the backdrop of a newly restructured listing system, the Area has done well to improve the proportion of ineffective trials from 10.4% in 2005-06, to 8.4% in 2006-07, against 12.4% nationally. However, the proportion of cracked Crown Court trials deteriorated from 37.8% to 40.2% over the same period. This is a cause for concern and the Area is unable to identify any one reason for this, even though analysis has been undertaken.
- Cracked and ineffective trial data is provided by the court and considered by the ABM and CCP at the monthly performance reviews, along with the unit performance reports which include detailed analysis of individual cracked and ineffective trials provided by Unit Heads. The Area monitors closely its performance in relation to cracked and ineffective trials which are attributable to the prosecution. All of this information is fed through to the investigation and trial sub-group for further consideration, but there is no evidence of any formal trending being undertaken in the Area.
- Staff are kept informed of developments in relation to joint agency case progression issues at monthly unit and team meetings.
- Our reality checks confirm that core activities are carried out on CMS and no finalisation issues were identified in relation to Crown Court work. Performance for 2006-07 was 68.5%, however it is improving and in March 2007 91.8% of Crown Court reviews were recorded on CMS, against the 90% target.

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

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

- Reality checks show that advance information is always supplied to the defence at the first hearing and pleas are usually entered without delay. However, contested cases are always adjourned a number of weeks for witness availability to be confirmed, even in domestic violence allegations, if the defendant is on bail. Pre-trial reviews (PTRs) are invariably listed when the trial is fixed, although they are not always effective because notices relating to disclosure, defendant's bad character, hearsay, and agreed evidence are rarely served in advance of the PTR. Therefore, most contested summary trials for recordable offences require at least four hearings, although each hearing tends to progress the case and timeliness performance is acceptable.
- Witnesses dates to avoid are not always available at the plea and case management hearing in the Crown Court, but details can usually be obtained on the day, which removes the need to adjourn formally. In turn, this helps overall timeliness in relation to Crown Court trials which is currently much better than the national average.
- Briefs to counsel are timely in 73% of cases against 78.7% nationally. Performance is hampered by the occasional need to brief counsel when the HCA who appeared at the PCMH is unavailable to conduct the trial. Reality checks show that the quality of briefs to counsel is variable. In some there is no case analysis, and instructions on the acceptability of alternative pleas is rarely given.
- Prosecutors, including DCWs, are systematically monitored. DCWs have access to qualified lawyers at all times and at least two sessions per week are available for out of court preparation.
- In the Crown Court, counsel is monitored by HCAs and performance feedback is exchanged with other Areas. The Area is careful to select the most appropriate barrister in all cases, and lawyers are specifically responsible for doing so in sensitive, serious, and complex cases. In accordance with the cradle to grave ethos, HCAs conduct appropriate cases from charging through to trial and they are monitored at least annually by Unit Heads.
- All advocates are formally monitored to ensure prompt arrival at court and professional conduct, although the robustness of the monitoring of quality is questionable as all forms seen mark all lawyers with the same score. They perform well in these respects, and often assist the court in driving cases forward. However, defence applications to adjourn in the magistrates' courts are not always resisted robustly.
- There are no formal listing protocols with the court except those relating to use of the Welsh language. However, the Area works very closely with the courts, and informal arrangements are sufficient to maximise efficiency for all parties. Urgent documentation is forwarded to the court by fax.

- The Area does not measure the number of adjournments, but it does analyse timeliness data. Performance compares well to the national targets in relation to both adjournments and timeliness, in both the Crown Court and magistrates' courts.
- There was a single wasted costs order in 2006-07. This occurred in the magistrates' court and arose from the conducting lawyer's failure to review the file properly in light of a defence skeleton (outline) argument.

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

5A The Area identifies and manages sensitive cases (including hate crime⁴) effectively

- The case allocation system ensures that almost all sensitive cases are handled by specialists. Where this is not possible, the conducting lawyer has access to advice from a specialist. Pre-charge decisions relating to sensitive cases are sometimes made by non-specialist duty prosecutors, but only after consultation with a specialist or Unit Head. Reality checks show that sensitive cases are generally reviewed and endorsed properly, and that they are progressed without undue delay.
- A list of 'experts' is kept and is accessible to all staff. It demonstrates that each unit has a specialist in each of the main sensitive aspects, overseen by an Area co-ordinator or champion. The Area is satisfied that all duty prosecutors, lawyers, and caseworkers can always access specialist advice at short notice during business hours.
- Care is taken to ensure that the most appropriate advocates are instructed in all cases. Reviewing lawyers are personally responsible for ensuring that this happens in sensitive cases. They draw widely on the experience of caseworkers, as well as colleagues in Cheshire and the other Welsh Areas, to do this. The local advocacy monitoring protocol ensures that all CPS instructed advocates in the magistrates' and Crown Court are monitored.
- The Area can demonstrate that all specialists have received appropriate training and that opportunities for ongoing training and mentoring are formally identified. In addition, all prosecutors are aware of the need to obtain a specialist's view on all hate crime cases, especially at the pre-charge stage. The Area has an experienced and skilled team of lawyers which means that non-specialists generally have a residual knowledge relating to most specialist aspects of casework and advocacy.
- There are regular dip samples to monitor the quality of flagging of cases, which is found to be satisfactory. The issue is raised regularly at administrative team meetings and lawyers are regularly reminded of the need to check files for flagging issues. Our reality checks showed that all 18 sensitive case selected were identified as such. This included ten files relating to racially or religiously aggravated assault cases, which were properly flagged to identify them. However, the victim status was correctly flagged in only eight of these ten cases.
- The Area has dealt with a number of high profile cases recently, including a fatal child abuse which attracted national headlines. The case was conducted well by a unit lawyer under the close supervision of the CCP, who dealt with the media interest. The CCP presents many of the high profile cases in the Crown Court and magistrates' courts, and he formally supervises all fatal road traffic cases. The Area has made substantial progress in gaining the confidence of the lesbian, gay, bisexual and transgender community by effectively prosecuting a number of homophobic crimes recently.

⁴ For the avoidance of doubt all references in this aspect to sensitive cases includes all those involving hate crime (disability hate crime, domestic violence, homophobic, racist and religious crime) child abuse/child witnesses, rape, fatal road traffic offences and anti-social behaviour orders (ASBOs).

- Area Management Team (AMT) minutes show that senior managers are quick to pick up on new CPS policy and HMCPSI thematic reviews, and consider the local impact at senior management level. Processes are then reviewed by co-ordinators and champions and improvements are swiftly communicated to staff so that benefits can be realised. Inspection reports are also publicised.
- All racially and religiously aggravated cases conducted in 2006 were analysed by Unit Heads. The Area identified that guilty pleas to non-imprisonable alternative charges were sometimes accepted too readily. Joint work and internal training has now been done to ensure that charges carrying imprisonment are laid and maintained where appropriate. The Area is currently analysing all homophobic cases for the same reason.
- Unit Heads prepare monthly written reports on CQA findings and adverse outcomes. In addition the rape, domestic violence and hate crime co-ordinators prepare quarterly reports to the CCP outlining areas of concern and good practice that have been identified by their own dip sampling and outcome analysis. Issues and learning points are fed back to prosecutors, police and the courts. The rate of successful outcomes has improved overall from 70.9% in 2005-06 to 72% in 2006-07, against 67.2% nationally, and remains better than the 68% national target. This is mainly due to the improvement of successful outcomes in domestic violence cases from 68.7% to 72.1% over the same period.
- There is engagement in various joint agency activities to promote the safeguarding of children, and the CPS is represented on the local Area Child Protection Committee. However, the issue of child protection is not specifically written into Area plans yet.

6 DISCLOSURE	OPA 2005	OPA 2007	Direction of travel
	Good	Good	Stable

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

- Our reality checks show that the Area complies with its duties of initial and continuing disclosure in most cases. In all relevant cases, sensitive and third party material was also dealt with correctly. Public interest immunity (PII) logs are complete and accurate, and the Area can demonstrate that PII applications are made appropriately.
- The Area has promoted an ongoing dialogue with the Crown Court in relation to the disclosure protocol. This takes place at court user meetings where the judiciary has indicated that the CPS complies with its duties in relation to the protocol.
- Unused material is kept separately in a blue wallet on Crown Court files, along with schedules and relevant correspondence. However, on magistrates' courts files, the schedules and unused material are kept at the back of the trial file, with the two held together by a treasury tag, so unused material is not always readily distinguishable and additions to it require removing the whole trial file from the tag first, then replacing it. Therefore, the Area is not fully compliant with the Disclosure Manual in this respect. However, it does have effective systems for handling sensitive material securely.
- The Disclosure Champion is a senior lawyer experienced in sensitive and complex casework. He is well known to all staff involved in case preparation and is able to provide advice and assistance at short notice. He conducted the Disclosure Manual training in November 2006 and refresher training on handling sensitive material more recently. Whilst he receives copies of unsuccessful outcome reports which include reference to disclosure issues, he does not conduct his own formal reality checks on systems or files.
- Our reality checks showed that, where it was relevant, the schedules of unused material were sent back to the police disclosure officer to be completed more fully. The Area seeks to provide guidance to disclosure officers at the pre-charge stage on a case-by-case basis, although adverse outcome reports show that disclosure issues are not always dealt with fully in the charging station.
- Since the last OPA, the Area has instituted contest instruction forms on magistrates' courts files. They contain a useful check-list of unused material and a disclosure record sheet (DRS). However, our reality checks showed that the DRS was fully completed in three out of five cases. In one of the five Crown Court cases the DRS was blank and in the other it was partially completed. Enhanced CQA has been introduced since the last OPA and this tends to identify some shortcomings. Further work may be appropriate to improve performance and this might include undertaking further training with the police.

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

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

- There is a formal written custody time limit (CTL) system which is contained within three documents. The Area standard provides the framework and was last updated in March 2007 by the champion. An appendix relating to CMS checks was adopted in May 2007. The Area standard on file endorsement contains reference to the endorsement of relevant dates. The overall system is largely compliant with the latest national guidance although there are some gaps; and it includes some elements of good practice.
- The senior management team reviews any proposed changes to the system before adopting them. The changes are then widely publicised to ensure that all staff are fully aware of the updates. Unit Heads prepare a detailed written report on CTL performance for discussion with the CCP and ABM at the monthly performance meetings.
- Our reality checks show that the CTL system is correctly applied in the main. Unit managers carry out CMS task list checks as required, in addition to the paper diary and file checks. Expiry and review dates are generally correctly calculated and endorsed. Our examination of files in the reality checks identified one case where the expiry date had initially been wrongly calculated, however, management checks had identified this error and corrected it in good time.
- The CTL Champion is a Unit Head and is therefore able to exercise responsibility at the strategic as well as operational levels. He sees the monthly unit reports and identifies any trends. He maintains the CTL system and updates it when necessary to ensure compliance, and has done this effectively since the last OPA.
- However, there has been one CTL failure since the last OPA which occurred in April 2006 and arose from an unclear file endorsement. A full investigation was conducted and the CCP identified lessons to be learnt with the champion. A list of actions was prepared and Unit Heads are required to monitor compliance with it. The list was then incorporated into the new Area standard to prevent a recurrence.
- There is a service level agreement with the courts for the agreement of expiry dates which is generally applied. However, our reality checks showed that in three out of six relevant cases the CPS file was not endorsed to confirm that the expiry date was agreed in open court.

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

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

- The Area monitors compliance with the Direct Communication with Victims (DCV) initiative which requires a letter to be sent when the charge is dropped or substantially altered. In 2006-07, the Area achieved 75% of its proxy target for the number of letters it should be sending. In the same period 78.4% of letters were sent within five days. This was better than the national performance of 73%, although a recent DCV HMCPST audit showed only a 50% compliance rate. Two staff in the Victim Information Bureau are responsible for drafting victim's letters, which are then checked and signed by a lawyer. Initially this helped improve performance, however it dropped in the third quarter of 2006-07 as one of the letter writers was absent for an extended period. Appropriate contingencies have now been put in place should this situation recur.
- A lack of appropriate flagging in the first instance is one of the main reasons why victims are not always kept updated. The DCV audit found that only 14 of 30 (46.7%) cases had been flagged on CMS as having an identified victim. This was also an issue in the reality checks undertaken for this assessment, albeit performance was better, where 72% of cases (13 of 18) had been flagged on CMS.
- Prosecutors in the majority of cases do consider the needs of victims and witnesses in pre-charge and other cases. However, applications for special measures were not always timely. The Area underlines its commitment to victim and witness requirements through team meetings, and it is responding positively to the DCV audit by reviewing its processes.
- Communication between the Witness Care Unit (WCU) and CPS units is not always timely. The WCU needs the CPS file to keep victims and witnesses updated on case progression. Although it may be able to obtain the file often within 24 hours, it is rare that a victim or witness is updated on progress within 24 hours. The WCU misses cases which have not been identified on the witness management system (WMS) due to the flagging issue referred to earlier. The unit receives some information from courts by email which enables it to contact some victims and witnesses immediately by telephone. Additionally, the Area confirms that for domestic violence cases the instruction is that the lawyer will physically take the file to the witness care staff, who will telephone the victim and witnesses immediately should it be clear that a full letter will not be despatched within 24 hours.
- Witness warnings and cancellations are generally timely and in most cases letters are sent for attendance at court. WMS is monitored on a weekly basis by the Witness Care Manager to ensure warnings and cancellations are not missed. Police officer witnesses are notified via the email system.
- The Area does offer to all its victims and witnesses the opportunity to select Welsh as their first language. Where this option is taken up it is implemented for the length of the case, which means all correspondence, statements etc will be published in Welsh.

- Advocacy monitoring is in place. Unit Heads ensure that prosecutors comply with the Prosecutors' Pledge in respect of engaging with victims and witnesses when at court and that they are treated in a courteous manner. Additionally, Unit Heads check endorsements on the dip sample of files for notes on discussion with victims and witnesses as well as caseworker notes.

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

- The WCU is split between the two CPS sites based at Colwyn Bay and Wrexham and is made up of both police and CPS staff, with a CPS manager. The unit is not fully complying with the requirements of the Victims' Code and the minimum requirements of the No Witness No Justice initiative. The majority of the primary and secondary measures of NWNJ are also not being met. The Area has had some difficulties with staffing and in January 2007 North Wales Police indicated they would have to reduce their staffing in the unit due to financial constraints on their budget. Initially the police wanted to reduce their commitment from 11 staff to four, but after much discussion it was agreed they would continue to fund seven posts. Due to the reduced staffing levels the CPS and police have agreed which standards they will aim to meet within the resource constraints, although there is an acceptance that this will fall short of minimum requirements.
- A quarterly assessment of the WCU and CPS compliance with the Victims' Code is produced by the Witness Care Manager. The Area uses WMS to assess its performance against the minimum requirements of the NWNJ scheme and to check its compliance against the Victims' Code. The assessment is used internally at Area meetings and with partner agencies to assess overall performance.
- The number of cracked trials due to witness issues in the magistrates' courts and due to guilty pleas in the Crown Court for 2006-07 are both worse than the baseline. The number of ineffective trials due to witness issues in the magistrates' courts is better than the NWNJ baseline and national performance and is improving.
- Joint analysis of performance data is usually undertaken, particularly with the police. However, the Area has expressed concern that when issues arise with regard to resources decisions are often made without the benefit of joint discussion and irrespective of any previously agreed joint commitment. It feels there should be a dedicated budget for the WCU which would eradicate this issue.
- Where issues and lessons learned are identified through joint analysis these are communicated back to staff either individually, where appropriate, on the monthly assurance checks or en masse through the Area learning logs, the weekly newsletter or team meetings.

9 DELIVERING CHANGE	OPA 2005	OPA 2007	Direction of travel
	Fair	Good	Improved

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

- The Area has a clear sense of what it wants to achieve and how to achieve it. The Area Business Plan (ABP) for 2007-08, as with the 2006-07 plan, was developed in consultation with staff at a facilitated workshop. The plan covers the 15 national CPS key priorities and Public Service Agreement targets and there are relevant key milestones which link in with projects, training and performance. Unit Heads have been allocated strategic responsibility for objectives. Timescales have been set for implementation, but these are displayed in a quarterly format and do not indicate whether quarter dates relate to implementation or finalisation.
- The Area formally reviews its position against the plan and risk log on a quarterly basis at the AMT, however if any actions are due, these can be considered at any of the monthly AMT meetings. A template is used to record what action has been taken prior to the meeting; this is then used to inform discussion and is updated with any completed milestones, benefits realisation, and reasons for slippage where appropriate.
- Objectives from the ABP feed into the unit plans and both are used to dictate individual objectives for staff job plans using the CPS Invest (staff appraisal) system. Objectives from unit plans are reviewed as part of the unit's performance meeting each month and individual objectives as part of the staff appraisal review. Progress on objectives is recorded as part of the monitoring process.
- Although there is some evidence of joint planning being directed by the LCJB, there are some areas of change which have lacked the multi-agency consultation which was required. The Area needs to deal proactively at the earliest opportunity at a strategic level with partners, so that relevant options can be considered and adopted. One such issue was the staffing of the Witness Care Unit. Although the initial project was successfully delivered, in the long term due to budget constraints one agency had to reduce its resource commitment to the unit. Even though some discussion has since taken place, this matter has still not been resolved satisfactorily, leaving the unit short staffed and unable to provide the full service to victims and witnesses.
- All managers have a lead role or are the CPS representative on either an LCJB sub-group or other inter-agency group. Examples include the lead on the investigation and trial management sub-group and PTPM groups. Although the LCJB project manager is allocated to most projects, a number of CPS senior managers have led some cross-agency initiatives, for example, CJSSS, the Specialist Domestic Violence Court and the police IT system interface with CMS projects.

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

- In April 2006, the Area substantially restructured following the withdrawal of the police from co-located sites. This followed detailed consultation which included circulation of a discussion paper to every member of staff for feedback. Proposals are then formally reviewed with AMT members and the Whitley Council to establish which option should be taken forward. The CPS moved to three combined units, co-terminous with the police Basic Command Units and court divisions. The move has not had any adverse effect on the Area's outcomes and staff morale has remained good. The staff survey 2006 indicates that generally staff feel change is managed well in the Area and 77% feel they have adequate channels to contribute their views on change.
- CJSSS was scheduled for implementation into the Central area in the second quarter of 2007-08, however this has now been delayed until September 2007, although the full roll-out is scheduled to finish earlier than the December 2007 deadline. Following the introduction of police gatekeepers at the three sites, the CPS is waiting to ensure that the role is embedded before embarking on the introduction of CJSSS. The police computer interface with CMS was also subject to a three week delay, as all agencies felt the timescales outlined by the Government's Office of Criminal Justice Reform were too ambitious and not achievable. The Area needs to be mindful that any delays in a project will mean any anticipated benefits will also be delayed and that in some cases (including NWNJ), they are still not being realised.
- Other projects have been successfully implemented, such as conditional cautioning, the Specialist Domestic Violence Court and other local initiatives such as the facility to update MG3s electronically on CMS within the charging centres.
- A change management structure is in place, with the most projects being managed through the LCJB. Each project is assigned a Senior Reporting Officer (SRO) who is accountable for delivery. CPS Unit Heads are all project management trained and are on occasions the SRO. All projects are included in the ABP and training requirements are identified. Any training needs are also included in the training and development plans.
- As part of its change review process the Area records lessons learned throughout the projects. However, there is little evidence to show that lessons learned are put into practice.
- There is a risk log which captures both project and 'business as usual' risks. All risks are reviewed and updated on a formal quarterly basis at AMT meetings and, on occasion, monthly where it is deemed necessary.

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

- The Area has planned its training needs for the year which are recorded in the learning and development log. This is a comprehensive document which is linked to the ABP objectives and ongoing projects; and as part of the review process is updated on a monthly basis.

- The log also includes relevant induction and diversity training as well as some management and developmental. The Management Development Programme is available for managers in North Wales and Merseyside, so that staff can take advantage of their nearest site. Consideration on a case-by-case basis is also given to supporting staff who wish to take part in outside training such as university attendance.
- Equality of access to training is achieved by arranging events to take account of working patterns. Local training is held at both sites on different days to facilitate inclusion of all staff, whilst any external training is held at venues central to both sites. Some has been undertaken in part day modules which have allowed staff working reduced hours to attend. Additionally, where staff have missed mandatory training, arrangements have been made for them to undertake it at another Area.
- The effectiveness and value of training is assessed by using established monitoring systems to look for improvements, for example using CQA to assess whether specific targeted training has resulted in personal improvement. There are comprehensive records for each member of staff outlining what training they have undertaken, which managers can refer to when checking the quality of outputs, however there is no evidence of a formal system for the evaluation of training.

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

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

- North Wales has operated within its non ring-fenced running costs budget for the last two financial years at 99.7% in 2005-06, and 99.9% in 2006-07. Its financial controls are good and there is a detailed accounting system in place to inform planning at the AMT meetings, and to enable the monitoring of actual spend against profiled budget across the financial year.
- Consideration has been given to devolving budgets to Unit Head level, but economies of scale make this problematic. Notwithstanding this, the Area has run a number of budget sessions to raise staff awareness of how it is resourced and the role they play in ensuring that the budget is managed appropriately and that systems and processes for predicting and recording spend are timely and accurate.
- The Area is actively seeking to ensure it achieves value for money. Travelling costs have been minimised by ensuring that facilities such as training rooms are available at both sites. Saturday call-out has been reduced where possible and there are arrangements in place for sharing caseworkers with CPS Dyfed Powys, to reduce costs in both Areas.
- Prosecution costs for 2006-07 were significantly overspent by 9.5%, albeit this is an improvement on the OPA in 2005, where the Area was 21.3% overspent. Exception reporting had previously been used for graduated fee scheme (GFS) payments, which did not lend itself to supporting evidence of spend when approaching Headquarters for long term additional funding. The Area feels its prosecution budget is insufficient and has introduced a tracker system which should enable more accurate matching of its spend against Fees Information Sheets and provide better evidence of its resource requirements.
- Performance in respect of payment of fees under GFS is better than nationally, with 60% of fees being paid within one month and 91% in four months for 2006-07, against the national data of 50% and 88% respectively.
- During 2006-07 the Area received additional funding of £7,500 which was used to increase staff coverage in the Witness Care Unit (see Aspect 8), and £10,000 to dedicate two additional staff members to quality assure information received from the police system interface to CMS project, which will see improvements in performance and should reduce duplicate keying of information. A further £5,750 was provided to pay for agent costs to cover the lawyer training for the conditional cautioning project.

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

- The CPS and North Wales Police agreed to a restructure at the time of the last OPA, which meant moving away from co-location to being sited separately. The Area has now moved to two geographical areas with three combined units. This appears to suit the business and has not had any adverse impact on the outcomes.
- Regular planning of staff structures is discussed at the AMT, although it is not a set agenda item. The activity based costing model is used by the AMT as a starting point, together with each unit's commitment to charging (PTPM data) and other workload information to establish its optimum staffing profile. Managers can also put forward their case for a claim on monies, which is then discussed and funds are allocated appropriately.
- The Area is operating at 88.3% in-house coverage of magistrates' courts, which is significantly above the national average of 80.4%. Agent usage of 11.7% compares favourably with the national average of 19.6%. Lawyers are rostered for eight half day sessions of court or charging duty, with one full day allocated to office work. In reality, lawyers tend to have two days they can use for office work because court sessions often finish earlier than planned.
- Designated caseworker usage for 2006-07 was, at 24.5%, in the upper quartile of performance against the national average of 14.7%. The Area expects DCW deployment to be eight half day sessions in court per week. The five DCWs covered 1,365 sessions in 2006-07.
- There are ten Higher Court Advocates although only seven are fully deployed in this role. The Area has plans as part of its advocacy strategy to train a further HCA in 2007-08, although it appears that there would be insufficient higher courts work to allow for efficient deployment. HCAs appeared in 23 trials in the six months to April 2007 and undertook 178 court sessions in 2006-07. The Area HCA target for 2006-07 was exceeded, with overall savings of £63,402 (175% of target) and savings per session of £356 against the national average of £339.
- There was an average 7.2 days sickness absence per person in 2006-07, 48.8% due to long term illness, both figures are better than national performance and target. Sickness absence workshops have been held for managers. Back to work interviews are conducted and some basic trending and analysis is undertaken to try to identify reasons for absence. The capability to manage sickness is improving.
- Although business needs are the priority, the Area has agreed some flexible and school term-time only working and has a number of part-time staff; almost a quarter of its staff work reduced hours. There are policies in place for leave in school holidays to ensure sufficient cover for courts and charging centres.

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

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

- In a number of ways the Area has recognised the importance of a strong performance management regime and can demonstrate that managers are held fully accountable for performance, which is discussed at the monthly meetings. Appropriate actions with response dates are agreed and allocated to Unit Heads. Actions are recorded as a running log and updated each month. There is no record of discussions that have taken place in the meeting to justify the actions and the running log does not bring together actions of a similar theme or identify recurring issues. This lack of clarity around the action log produces the risk of duplication of effort.
- There is no longer a performance officer due to the constraints of available budget. However the Personal Assistant to the CCP and ABM provides a useful monthly snapshot of performance to all AMT members. This includes information on individual units, with monthly and annual performance against other CPS Areas using a 'traffic light' system. The information is clear and informative but lacks any detailed analysis or trending, particularly against national performance.
- Managers are held accountable for the performance of their unit both through the quarterly reviews and individually with the CCP and ABM for their unit. The Unit Heads prepare details of the performance for their unit, including such items as adverse case reports, which does have the advantage of making managers very aware of how they are performing. Managers ensure quality assurance of data and make good use of PTPM information to check charging coverage, consultations and NFA rates, which are then discussed at the PTPM meetings with the police. Managers also undertake dip sampling of files, including CTL and NFA, and feed back performance in terms of areas of improvements and good performance both at team meetings and individually through appraisal. Unit managers take responsibility for, and continuously seek improvements in, performance and share good practice between the units. There is also good evidence of lawyers being given appropriate objectives as part of their performance review.
- Unit Heads confirm that dip sampling of CMS takes place. However reality checks indicate that the reviews of CMS are inconsistent across the Area. In the Western Unit, ongoing case reports and task lists are clearly quality assured, however the same system is not evident in the Eastern and Central Units, where there are a number of outstanding matters on CMS which require action. Processes on CMS monitoring need to be reviewed and best practice adopted across the Area.

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

- Managers are involved in multi-agency meetings at which performance is reviewed, particularly PTPM and court user group meetings. Performance information is made available for them by the CPS, police and the courts. Positive action has resulted from this performance review with the appointment of police gatekeepers at each unit in an attempt to address the high NFA rate.
- The LCJB Performance Manager provides a presentation on joint matters, which is then delivered to the Board. Discussion is undertaken on joint performance issues, but this is limited. Although in some subjects (NFA rates for example) discussion is productive, in others such as NWNJ there is almost an acceptance of the poor performance with no clear steer to make improvements. There are indications that the CPS has had to be reactive rather than proactive in approach when making joint decisions at a strategic level, although it can make legitimate claim to some good results.

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

- The Area has sustained operation of the CQA system and Unit Heads use this together with prescribed monthly dip sampling of all types of files and MG3 forms to monitor lawyers. The Unit Heads as part of their performance meetings have to report on CQA analysis for their unit. Lessons learned are shared with the other units and published through the weekly newsletter. Common error logs are also produced, which are circulated to all staff. There is good evidence of feedback recorded on CQA forms of both good performance and areas for improvement, which are then discussed with individual lawyers. Reality checks confirm that the CQA recording is accurate.
- Advocacy performance in courts is systematically monitored. A check of one lawyer per month is undertaken by each Unit Head. An advocacy monitoring sheet is completed giving constructive feedback on performance. It was found that although the actual comments were constructive, all lawyers had been marked at level "C" (fully meets requirements). Some assessments ought to have been marked higher or lower in respect of the comments made, and the Area needs to ensure that the marking system is also constructive.

12 LEADERSHIP	OPA 2005	OPA 2007	Direction of travel
	Fair	Excellent	Improved

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

- The Area's vision and values is a clear ethical statement which is consistent with the CPS national vision and values. It is displayed prominently in both offices and appears at the head of the business plan. Performance standards for managers are designed to support the vision and these are widely disseminated so that staff know how they can expect to be treated. According to the "your voice" staff survey in 2006, 71% of staff in North Wales were positively proud to work for the CPS, against 60% nationally.
- The units are managed by Assistant District Crown Prosecutors (Unit Heads), all of whom are members of the Area Management Board. As such, they work effectively to implement AMT decisions and strategies within their units and in the wider context of the CJS.
- The CCP chairs the LCJB investigation and trial sub-group and sets an example of inter-agency leadership, although this can sometimes be reactive. The Area has also fostered sound bi-lateral relationships with the courts and police at the senior level. This has assisted the development of joint projects such as Crown Court case progression, statutory charging, and the police IT system interface with CMS. This approach to inter-agency working is mirrored at the operational level where CPS managers have successfully taken the lead on joint issues such as asset seizure and domestic violence strategy.
- The Area Management Team shows a high level of mutual confidence, and a developed sense of joint responsibility. The unit and team meeting minutes allow the CCP and ABM to confirm that this level of corporacy is maintained at unit level. Unit Heads are personally responsible for meeting specific Area-wide objectives, and performance is reviewed quarterly by the CCP. Other unit managers are also assessed against the Area performance standards referred to above.
- The CCP and ABM operate an 'open door' policy and staff from all levels of the organisation take the opportunity to raise issues. They are based in the Wrexham office, but spend one day per week at the Colwyn Bay office to ensure that they are accessible to all staff. The Area is aware that managers need to be available to staff during periods of change, and the latest staff survey results confirm that transparency has improved since 2004. In 2006, 55% of staff felt that their manager explained the reasons behind any change, against 40% nationally.
- The Area ensures that staff are kept informed by holding separate team meetings within the units on the same day as the monthly AMT, or as soon as practicable afterwards. This ensures that feedback is accurate and timely. According to the 2006 staff survey, 73% of staff confirmed that they had regular team meetings against 61% nationally; and 67% felt the meetings to be effective, against the 56% national average. The North Wales Weekly newsletter also provides a less formal channel of communication.

- The CCP and ABM have replaced the annual 'roadshows' with more focused communication days. These are opened by the CCP who then withdraws to allow open discussion. The issues raised are then fed back to the AMT, and an Area action plan is prepared, supported by unit action plans. All of these events are listed in the staff engagement log.
- The Area is very keen to review performance and improve its systems. During the course of 2006-07, it improved CMS usage drastically by the provision of flexible training and individual objectives. The CTL system has also been successfully reviewed and changed.

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

- The Area performance standard requires that all managers give positive feedback to staff when appropriate. To this end, the CCP writes personally to staff when appropriate, and the bonus payment scheme is used to recognise excellent individual contributions. The newsletter also records achievement. In the staff survey, 40% of North Wales's staff felt valued by the CPS against 23% in 2004, and 28% nationally.
- The concept of Dignity at Work is inherent in the Area vision and values, as well as the performance standard. There have been no complaints made by staff about their treatment by managers since the last OPA, and the Area has worked hard to address issues that have been raised. The proportion of staff who feel they are treated with fairness and respect has increased substantially from 44% in 2004, to 69% in 2006, when the national figure was 64%. The Area now uses the communication day to obtain guidance on how to improve this still further. The subject is discussed at AMT, and an action plan has been prepared in conjunction with the Equality and Diversity Officer for Wales.
- The CCP is the champion for equality issues and this ensures that they are mainstreamed. As a result, equality and diversity have been incorporated into Area plans with assistance from CPS Headquarters, so that they are broadly consistent with the Single Equality Scheme. No complaints have been made under the equality and diversity complaints procedure.
- The workforce is largely reflective of the community in terms of black and minority ethnic (BME) representation, and there is a workforce representation plan to ensure that gender equality and other representation targets are met in due course. All hate crime cases are analysed by the Hate Crime Champion, and the Area has laid the foundations for a hate crime scrutiny panel. Community engagement is considered monthly at the performance reviews.
- The senior management team has shown itself willing to act over improper behaviour, both internally and with external agencies.

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

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

- Senior managers are committed to engaging with, and securing the confidence of, the local community as a whole. The Area has a community strategy and has made significant improvement on its community and staff engagement activity.
- Team objectives are evident in the business, unit, homophobic crime and workforce representation plans, and all members of the Area Communities Action Team and Unit Heads have been given individual objectives. Use has been made of a focus group involving staff from all grades to assist in drafting the plans for 2007-08.
- Community engagement is discussed at the AMT, Whitely Council and team meetings. The Communities Action Team meets quarterly to discuss and review the community engagement strategy. It is made up of a range of staff from different grades who have expressed particular willingness to participate in community engagement activity. All members of the team have attended a facilitated workshop on community engagement run by the regional Equality and Diversity Unit performance and policy advisor.
- A wide range of activity is in place, particularly on information provision, and to a lesser extent consultation and participation. A record of engagement is kept together with a press log and they clearly demonstrate a considerable amount of activity for a small Area. The evaluation of activity was previously limited, but a template has now been introduced to capture evaluation comments which is starting to prove effective. Up-to-date information on the Area's demographics are maintained along with an established list of contacts of more accessible groups such as BME, refugee and women's groups.
- Many managers are representatives on multi-agency forums; one example is a Unit Head working on the Domestic Abuse Review Group, which was tasked with ensuring the police complied with the their national standard on investigation of domestic abuse. It is notable that a lot of work has been undertaken on hate crime and the Area can demonstrate a significant increase in the level of hate crime reporting and prosecution.
- High profile cases in North Wales are not common. However the CCP and other senior managers, on many occasions, have promoted CPS and multi-agency work through national and local television and press. There is a Communications Manager who is the direct contact for most media requirements and a protocol has been agreed between the CPS and police for joint media coverage.
- The Area has for several years published its Annual Report on the internet in both Welsh and English and now offers for victims and witnesses their language of choice between English and Welsh. This means where someone chooses Welsh, the Area are legally committed to offering the full service in that language. It is also in contact with Headquarters on the possibility of publishing current standard letters in Welsh as well as English, so that the Welsh Areas can utilise them.
- Public confidence in the ability of the criminal justice system in bringing offenders to justice in North Wales is showing a decline, although levels remain higher than nationally (43.7% against 42.3%).

ANNEX A: PERFORMANCE DATA

Aspect 1: Pre-charge decision-making

	Magistrates' courts cases				Crown Court cases			
	National target March 2007	National performance 2006-07	Area performance		National target March 2007	National performance 2006-07	Area performance	
			2005-06	2006-07			2005-06	2006-07
Discontinuance rate	11.0%	15.7%	13.1%	13.7%	11.0%	13.1%	18.2%	9.3%
Guilty plea rate	52.0%	69.2%	72.2%	73.5%	68.0%	66.5%	63.4%	74.8%
Attrition rate	31.0%	22.0%	18.8%	18.8%	23.0%	22.2%	29.4%	17.9%

	National performance 2006-07	Area performance 2006-07
Charged pre-charge decision cases resulting in a conviction	78.0%	81.4%

Aspect 2: Ensuring successful outcomes in the magistrates' courts

	National performance 2006-07	Area performance 2006-07
Successful outcomes (convictions) as a percentage of completed magistrates' courts cases	84.3%	87.2%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	48.7%
Cracked trial rate	37.3%	37.3%
Ineffective trial rate	18.9%	14.0%
Vacated trial rate	22.5%	30.6%

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

National target	National performance 2006	Area performance 2006
71 days	72 days	73 days

Offences Brought to Justice

	CJS area target 2006-07	CJS area performance 2006-07
Number of offences brought to justice	15,497	17,575
Percentage make up of Offences Brought to Justice	National 2006-07 ⁵	Criminal justice area 2006-07
Offences taken into consideration (TICs)	8.5%	7.9%
Penalty notices for disorder (PNDs)	10.3%	25.4%
Formal warnings	5.8%	5.2%
Cautions	26.5%	14.3%
Convictions	48.8%	47.2%

Aspect 3: Ensuring successful outcomes in the Crown Court

	National performance 2006-07	Area performance 2006-07
Successful outcomes (convictions) as a percentage of completed Crown Court cases	77.7%	82.9%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	51.4%
Cracked trial rate	39.5%	40.2%
Ineffective trial rate	12.4%	8.4%

5 Final figures awaited.

Proceeds of Crime Act orders	Area target 2006-07	Area performance 2006-07
Value	£273,905	£2,756,125
Number	12	15

Aspect 10: Managing resources

	2005-06	2006-07
Non ring-fenced administration costs budget outturn	99.73%	99.92%

Staff deployment	National target 2006-07	National performance 2006-07	Area performance 2006-07
DCW deployment (as % of magistrates' courts sessions)	17.2%	14.7%	24.5%
HCA savings against Area target	100%	138.4%	175.8%
Sickness absence (per employee per year)	7.5 days	8.5 days	7.2 days

Aspect 13: Securing community confidence

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

CJS area baseline 2002-03	2004-05 (last OPA)	Performance in 2006-07
47%	47%	45.5%

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

Police

North Wales Police

HM Courts Service

HM Courts Service North Wales

Victim Support

Victim Support North Wales

Community Groups

Stonewall Cymru

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