



HM Crown Prosecution
Service Inspectorate

CPS Gwent and CPS South Wales

Follow-up inspection

**Review of the performance of the former Areas of
CPS Gwent and CPS South Wales**

March 2012



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Chief Inspector's foreword

HMCPSP is committed to promoting improvement, and this principle is embedded in all our work. I am particularly aware that follow-up inspection has a key role in helping the CPS focus on our recommendations, and I am pleased that CPS Cymru-Wales has responded to this approach.

The former CPS areas of Gwent and South Wales were subsumed within the new CPS Cymru-Wales Area in April 2011 as part of the national restructure. This has resulted in alterations to the Area's management team and structures. I am pleased to note that even throughout this period of significant change, the Area has been able to, and continued to, focus on the issues identified in both previous inspection reports. I am aware that the senior management teams in Gwent and South Wales used our inspection reports as a starting point to effect changes and improve performance. The Gwent Area improvement plan was prepared quickly enough to enable it to be published within our original inspection report demonstrating how seriously the Area considered our findings; they seized this opportunity to develop an effective action plan.

In 2010 both the former Areas were rated as poor. Major changes were needed to address serious performance and cultural issues. The Chief Crown Prosecutor has acted as a catalyst and set a clear vision for both former Areas and more latterly to all CPS Cymru-Wales. Through clear leadership and the setting of clear expectations focusing on the CPS Core Quality Standards¹, there is evidence that both former Areas have made substantial progress. These factors combined with a strong performance

management regime have been key in driving the improvements seen in both Gwent and South Wales.

All staff are to be congratulated on the progress to date but efforts must continue to address all aspects of performance, particularly those where only limited progress has thus far been achieved. This report highlights those areas where sustained action is required for the new Cymru-Wales Area to continue to improve.



Michael Fuller QPM
HM Chief Inspector of the
Crown Prosecution Service

¹ The CPS has set itself Core Quality Standards which set out the quality of service that the public are entitled to expect. The standards reflect legal and professional obligations.

1 Follow-up inspection context

1.1 This report details the findings of Her Majesty's Crown Prosecution Service Inspectorate from a follow-up review visit to CPS Cymru-Wales from 31st October-10th November 2011.

1.2 During 2009-2010 two inspections took place within the Wales Group; Gwent in late 2009 with a report published in February 2010 and South Wales in April 2010 with the report published in November 2010. Both Areas were rated as poor and some significant concerns and risks were identified. Both reports outlined recommendations, aspects for improvement and compliance issues intended to assist the Areas to identify where efforts needed to be focused to drive improvement.

1.3 The aim of the follow-up review is to provide an objective view on progress made against recommendations, the direction of travel and current performance. An assessment of the capacity and capability of the Area to address recommendations in light of the significant structural changes has been made.

1.4 Since publication of the Gwent report HMCPSI has undertaken a number of monitoring visits to assess interim progress made by Gwent.

1.5 We have rated the Area's response to each recommendation using the following measures and the results appear in the table below:

- **Achieved** – the Area has accomplished what was required.
- **Substantial progress** – the Area has made real headway in taking forward its planned actions in relation to the recommendation.
- **Limited progress** – the Area has done something to address the recommendation.

- **Not progressed** – the Area cannot demonstrate any progress.
- **No longer applicable** – where there has been a change in circumstance such as Area restructuring or the implementation of a national initiative.

1.6 Since both previous inspections there have been significant changes nationally for the CPS. The forty two CPS Areas have reduced to thirteen Areas. The four former Areas of South Wales, Gwent, Dyfed Powys and North Wales each headed by a Chief Crown Prosecutor (CCP), have now combined to form CPS Cymru-Wales headed by one CCP.

1.7 Due to the changes in the structure of Wales this follow-up inspection has allowed HMCPSI to assess progress in both former Areas at the same time. There were a number of cross-cutting and corporate issues which the previous inspections highlighted which were common themes in both of the former Areas and they have been examined at the new Area level.

1.8 Our assessment of casework performance and case progression was undertaken at unit level. Any recommendations targeted at specific issues relevant to either of the former Areas were also assessed at the unit level.

1.9 For clarity the follow-up inspection has assessed progress against the recommendations as they were set out in the individual inspection reports; progress against the recommendations form separate chapters for South Wales and Gwent.

1.10 A detailed account of the methodology used to gather evidence and data can be found at Annex F.

2 Overview

The Development of CPS Cymru-Wales

2.1 In 2009–2010 HMCPsi undertook two inspections in Wales in quick succession. Both Areas were rated as poor. In both Area reports we identified shortcomings in the standard of casework, performance outcomes and the service being delivered as well as concerns about the relationships with criminal justice partners. At the time of the inspections there were also significant weaknesses in the leadership and management of both Areas.

2.2 The two former CPS Areas have now been amalgamated to form the wider Cymru-Wales CPS Area. The CPS acted quickly to address the concerns raised in the Gwent inspection about the risks associated with the lack of leadership. They appointed a new Chief Crown Prosecutor (CCP) for Gwent, who then also became acting CCP for South Wales, and this has enabled the former Areas to have a more consistent, visible and effective approach to leadership. This CCP was subsequently appointed as the Cymru-Wales Area CCP in March 2011.

2.3 The restructure of the Cymru-Wales Area involves a new geographical split of the Area with Swansea moving into the North and West region for management purposes. This change may address some longstanding cultural issues and although there are sound practical reasons behind this decision, there are nevertheless risks attached. Remote management by a Deputy Chief Crown Prosecutor (DCCP) based in the north of the Area presents one such risk which the Area has considered and has plans to address. As the restructure was not finalised at the time of the inspection, it is too early to comment on whether new structural arrangements will be fully effective in helping address the

weaknesses highlighted in 2010 reports. Firm lines of accountability, the implementation of a performance regime and culture that holds staff and managers to account should be effective in tackling some of the cultural issues that were identified in the 2010 inspections.

Leadership

2.4 Many of the serious failings that were identified during the 2010 inspections of Gwent and South Wales were as a direct result of an absence of effective leadership. Both previous inspection reports highlighted concerns about a lack of clear direction, inconsistent and ineffective leadership, poor strategic vision and ineffective engagement and communication with staff. Since the inspection reports there has been a sea change and the new CCP for Cymru-Wales tackled this as a matter of priority.

2.5 As well as restructuring the Area to ensure that there are clear lines of accountability and an understanding of personal responsibility at all management levels, the CCP (and others on the senior management team) has invested a significant effort in communicating key messages to all staff in a clear, consistent way. The theme across the whole Area is one of improving quality, delivering a good service and improving outcomes for users. Since 2010 there have been some significant improvements in outcomes in the former CPS Gwent Area, and there are some signs that performance in the former South Wales Area is starting to show slight improvement. Taken with a significant improvement in staff morale and the recent staff survey results which highlight improvement in scores relating to leadership, management and communication there is little doubt that the Area is moving in the right direction.

Managing performance

2.6 The 2010 inspection reports indicated that there was a limited performance management regime and that a culture of personal performance management was not embedded in Gwent or South Wales. Staff at all levels were unclear about management expectations and standards and there was evidence that feedback on performance was inconsistent.

2.7 The follow-up inspection found that over the past 18 months standards and expectations of staff have been developed, communicated and clarified. There are expectations of managers that performance issues will be dealt with, that good performance will be praised and that feedback will be given to improve poor performance. The revised Area structure has been accompanied with clear accountabilities at every level and the CCP has produced a 'Governance and Performance Framework' which sets out clearly all expectations, the performance regime and the links between performance management and quality. This framework will form the basis of a consistent regime of performance management across Cymru-Wales.

2.8 Casework examination findings show that there has been some improvement in both former Areas. Staff focus groups confirmed that there was a much clearer understanding of performance expectations and that feedback and praise was much more common. The Area recognises that there is still some way to go and that the opportunity presented by the changes to its structure has the potential to add further clarity and accountability at management levels. Indications from the follow-up inspection confirm that the Area is proceeding in the right direction and that there has been a significant change in culture over the past 18 months. If

the Area can build on and harness this change there is no reason why the improvement in quality cannot be maintained and extended.

Resource management

2.9 The previous inspection reports highlighted that due to some mismanaged resource strategies, mainly the implementation of the Crown Advocacy strategy, CPS Gwent accrued a large budget overspend. Historically CPS South Wales has also struggled with managing its budget, with the largest pressure coming from staff costs. Combining the Area presents Cymru-Wales with an opportunity to review the budget position in an holistic manner.

2.10 Nationally the caseload has fallen in both magistrates' and Crown Court work. Crown Court cases numbers have increased in Gwent but not in South Wales however, where there are currently a high number of serious cases which utilise a disproportionate amount of resources. In addition, both former areas are bucking the national trend over the rolling 12 months to September 2011, with an increase in their magistrates' courts caseload. The model used by the CPS to allocate resources is based on caseload receipts. The model is mainly retrospective and therefore significant caseload changes can have an adverse effect particularly where it is difficult to change the staff profile and Area budgets swiftly. The share of the Cymru-Wales CPS budget has been reduced by 14% between 2010-11 and 2011-12, which equates to £2.3m. In real terms due to the significant overspend in 2010-11 Cymru-Wales are facing a reduction in budget of £2.6m.

2.11 In order to meet the challenge of reducing running costs the Area has developed a CPS Cymru-Wales Efficiency Plan. This plan

includes a number of significant strategies and has been developed to give the management board a blueprint from which it is to set out its plan to reduce the overall costs and to try to bring spending within the comprehensive spending review settlement for 2015. The efficiency plan includes initiatives of voluntary exit schemes and the voluntary regrading of staff. It also accounts for savings that will be generated from significant change programmes, such as the benefits expected from moving to digital working. The plan sets out a strategy for a more proactive and systematic approach in looking at the balance of staff across teams, levels of productivity and how best workloads can be matched to staff locations to maximise efficiencies and address business needs.

2.12 We recognise that the Area has started to attempt to address the difficult issue of resource planning and that there are some real challenges in light of the further budget reductions that the Area has faced in 2011-12 and up to 2015. Due to some immediate action the Area has already produced overall savings of 8% between 2010-11 and 2011-12. But reducing the churn of cases and improving case progression systems will allow for a more accurate assessment of resource needs to be made. This work needs to be undertaken as a priority as accurately forecasting correct resource needs is being clouded by a lack of a clear resource model at the operational level.

Partnership working

2.13 Partnership working with other criminal justice stakeholders was identified as an aspect that needed improving and strengthening in both 2010 inspection reports. Over the past eighteen months the landscape has changed.

The Comprehensive Spending Review has affected all agencies that work closely with the CPS. In particular the police and HMCTS are working more closely than ever with the CPS, in their joint endeavours to bring more efficiency into the Criminal Justice System.

2.14 The All Wales Collaborative Initiative between the CPS and the Association of Chief Police Officers (ACPO Cymru) captures key objectives with the aim of achieving consistent progress across Cymru-Wales in relation to: digital working, streamlining administration, the operation of charging arrangements and witness care. This initiative and the desire generated by the need to be more efficient has had a positive effect and led to joint initiatives, and strategic relationships have improved significantly. This improvement is driven in part by the need to find savings and value for money, combined with a change in CPS leadership style which has been more open and less defensive. Previous reports alluded to a blame culture existing or emerging between agencies, particularly at operational level and whilst some frictions still exist, there is a substantially improved picture.

Performance outcomes

2.15 Performance in Gwent had steadily improved across all key measures since the inspection, with performance for the full year 2010-11 being better than the national average for all key measures. However, the rolling year to date for Gwent performance shows that there has been a slight decline across three of the key measures. Since 2010-11 the rolling year to date performance in South Wales shows improvement in the magistrates' courts and a decline in the Crown Court. Achieving consistently improving outcomes for users remains a challenge for the new Area to meet.

CPS Gwent and South Wales Performance outcomes									
	National			South Wales			Gwent		
	2009-10	2010-11	Rolling year to September 2011	2009-10	2010-11	Rolling year to September 2011	2009-10	2010-11	Rolling year to September 2011
Magistrates' court discontinuance	9.0%	9.6%	9.6%	10.3%	10.6%	10.1%	8.5%	7.5%	8.1%
Magistrates' court unsuccessful outcomes	13.2%	13.5%	13.3%	14.7%	14.1%	13.4%	12.2%	11.9%	11.9%
Judge ordered acquittals	11.7%	12.8%	12.2%	10.9%	11.6%	12.8%	12.1%	12.5%	12.7%
Crown Court unsuccessful outcomes	19.4%	20.4%	19.9%	18.2%	18.7%	20.2%	20.0%	20.1%	20.4%

Casework performance

2.16 The files examined revealed a substantial improvement with 93.3% of decisions at charge being Code Test compliant. Attention needs to now be directed to addressing case strategy for trial to improve on the quality of those decisions. Additionally, there have been notable improvements in outcomes relating to violence against women in Gwent, and across both Areas in the handling of custody time limits, disclosure and discharged committals.

2.17 The Area needs to reduce the churn of cases and improve the timeliness and standard of casework to reduce the high cracked trial rate and continue to drive up the management of expectations and standards. The senior management team have begun to instil a performance culture across the Area with the aim of driving up the competence of unit and team managers, and to ensure that those responsible for managing the new Area structure are able to deliver improved performance and better outcomes.

Direction of travel

2.18 Overall, there is a much improved picture in both the former Gwent and South Wales Areas and there are positive indicators that this trend should continue. The focus and work put in by management in Gwent which has realised benefits in terms of outcomes, needs to be maintained and applied to the whole new Cymru-Wales Area. The new Governance and Performance Framework provides a basis for managers to deliver this. There are better relationships with criminal justice partners and the changes to the structure of the Area have now been implemented. There now needs to be a concerted effort on translating the good work into better performance to enable the Area to achieve sustained and consistently good outcomes in casework.

3 South Wales – Progress against recommendations

Action taken to address the recommendations – South Wales report

3.1 After the 2010 inspection the former CPS South Wales Area developed an action plan to address the majority of the recommendations. There has been a focus in the former Area on addressing the priority recommendations and progress has been made against all recommendations. Although there has been an assessment of limited progress against three of the priority recommendations, the plans in place give some assurance that whilst progress has been slow and may not as yet have been fully translated into improved outcomes and consistent casework standards, the Area is well placed to continue to deliver improvements. A full table of progress against recommendations and compliance points is at Annex A.

Priority recommendation 1

Limited progress

The Area needs to:

- ensure, in introducing the modernised charging arrangements, that all case reviews at the pre-charge decision-making stage are in accordance with the Code;
- ensure that greater consistency is achieved in the quality of its charging advice; and
- ensure that robust arrangements are put in place to monitor the quality of work being undertaken.

3.2 Modernising charging arrangements have now been embedded throughout the new Cymru-Wales Area. After the 2010 inspection the Area set up and now operates an Area wide Daytime Direct charging unit. This unit serves the whole of Cymru-Wales and a Service

Level Agreement with the police governs the operation of the scheme. South Wales police welcomed the changes to the operational delivery of telephone² charging and are satisfied with access to duty prosecutors, the service provided and the timeliness of responses.

3.3 Changes to the systems and processes and the creation of a centralised charging team have not as yet resulted in improvements to outcomes in cases where the CPS has made the charging decision for cases in the South Wales Area. Discontinuance in the magistrates' court has increased by 2.5%³ since the last inspection.

3.4 93.3% of the cases charged by Wales-Cymru Daytime Direct in our file examination were code test compliant with 35% of the MG3s⁴ considered, rated as good by inspectors. A wide range of performance⁵ in terms of the quality of decision-making and recording of charging decisions on MG3s was found. One third of cases (33.3%) were assessed as poor because the advice and guidance given was not proactive and failed to set out a clear strategy to produce a successful outcome at trial.

3.5 A lawyer manager is responsible for managing Cymru-Wales charging. There was evidence that there was some monitoring of charging decisions and this is complemented by regular exchanges of feedback between other

² Arrangements for face-to-face charging are mentioned in the Serious Casework section below.

³ Magistrates' court cases where the decision to charge was made by the CPS discontinuance rate in 2009-10 was 15.4% and the current rolling year to the 30.9.11 is 17.9%.

⁴ The form used to record the written advice from the lawyer to the investigating officer, which is also used by the prosecutor at court and other CPS staff dealing with the case.

⁵ Full details of performance outcomes are included in Annex C.

lawyer managers and the charging manager. In order to achieve consistency in charging decisions the Area should ensure that all charging lawyers are deployed to the charging unit for a fixed period in order to build their skills and allow for more consistent performance management.

3.6 The file examination highlighted that there were still some weaknesses with the standard of charging decisions. These weaknesses indicate that the performance management arrangements put in place by the Area were not yet embedded or were not being enforced sufficiently to ensure the quality and consistency of advice across the Area as recommended in the 2010 CPS South Wales report.

Priority recommendation 2

Limited progress

OBM processes should be streamlined and consistent across the Area. The Area must ensure that prosecutors complete summary trial reviews expeditiously.

3.7 The former South Wales Area has experienced difficulties in maintaining adequate resource levels in its case progression units in Cardiff, Swansea and Merthyr Tydfil. The Area accepts that the processes and structure and management of the teams in the case progression units remain inconsistent and that more work is needed. This work has commenced and is being led by the Business Change and Development Managers (BCDMs) who are responsible for implementing streamlined and consistent systems and processes across Cymru-Wales. The inspection found that due to local arrangements some units perform better than others, and this is something that the Area is keen to identify to enable best practice to be shared.

3.8 In Cardiff, and to a lesser degree Swansea, there is a high caseload in each case progression unit. Whilst there had been some limited review of unit processes since the 2010 inspection, the issue still appeared to be one of needing effective resource management. There was limited resilience in any team due to abstractions of lawyers to cover other priority duties. Additionally, fully resourced administrative capacity to maintain efficient progression of casework according to CPS Optimum Business Model (OBM) principles was also under significant pressure. Visual observations of these units revealed significant backlogs of summary trial work and correspondence.

3.9 The situation has been exacerbated by the delays in listing cases in the magistrates' courts for summary trials, which means that cases then remain in the case progression unit for between four and six months, adding to resource demands and process inefficiency. In Cardiff two systems are currently in operation as files are now being received both digitally and on paper. This, together with the establishment of revised police file building processes and the running of a 'trial blitz'⁶, has resulted in a significant increase in workload for the case progression unit. The lawyer reviews of upgraded files are prioritised according to the date of the trial so opportunities to eliminate cases that might result in either an agreed guilty plea or discontinuance are frequently missed. This adds to the caseload and builds in process inefficiency.

3.10 Our file examination rated case progression and case management as fair or good in 66.7% of magistrates' court cases. However, of the 33.3% rated poor, more

⁶ A large number of cases listed over a short agreed period of time with the Court to reduce backlogs of trials.

proactive case progression would certainly have produced process and resource efficiencies. Of the files examined only 16.7% of cases complied with magistrates' court directions in a timely way. Many first hearings of anticipated not guilty pleas are not proactively handled, resulting in many trials entering the system without the real issues being identified. Ultimately cases frequently crack on the day of trial with no more evidence than that which was available at the first hearing.

3.11 The abstraction of lawyers from the case progression units for other duties has continued to hamper the regular achievement of early and robust case reviews although in Cardiff a recent innovation has been the introduction of lawyer early review (before the first hearing date) in cases charged by the police. It is hoped that this will ensure that weak cases are filtered out of the system at the earliest opportunity. This is a sensible approach and should allow resources to be focussed where most needed.

Priority recommendation 3

Limited progress

The Area needs to:

- ensure sufficient resources are allocated to progress its most serious casework effectively;
- achieve greater consistency in the standard of its review work in Crown Court cases; and
- ensure that prosecutors have sufficient time to complete Crown Court reviews effectively.

3.12 The provision of face-to-face advice and charging decisions in serious, sensitive and complex cases by Area prosecutors is well resourced and organised collaboratively with local

police managers. In Cardiff, a Rape and Serious Sexual Offences (RASSO) Unit has been established to deploy rape specialist prosecutors to deal with this work but as yet the unit does not extend to the remainder of the former South Wales area. Analysis of available data over the reasons behind unsuccessful outcomes⁷, which may link into the quality of CPS decision-making and reviews, revealed that these cases mostly pre-date the creation of the RASSO unit. It shows the proportion of unsuccessful outcomes in rape cases in South Wales has yet to show the hoped for improvement from the establishment of the specialist unit.

3.13 A new role for paralegal officers and assistants is being implemented in the Crown Court and Trial Units in South Wales. The extent to which paralegal officers are deployed to carry out preparatory work on committals is limited at present with cases being allocated to a reviewing lawyer. The lawyers are carrying a large individual caseload and appear to be struggling to undertake all review work promptly and to the required standard. In our file examination, reviews were satisfactory in half the cases and ad hoc reviews were completed in a third of relevant matters. In Crown Court cases performance has deteriorated since the 2010 inspection; however CPS South Wales performance remains at or just above the CPS national average. The Area also needs to ensure that any improvement and performance management system captures Crown Court decisions made by Crown Advocates. Crown Court outcomes are impacted by decisions to discontinue cases at court. We examined four

⁷ We considered in particular the cases that failed due to an essential legal element being missing (7 cases) and where a conflict of evidence arose (7 cases). Of these 14 cases only one had commenced after the RASSO unit was set up.

cases where Crown Advocates had dealt with the case, in one of these there was a decision made which was a Code Test failure.

3.14 The three offices within the former Area operate different systems and processes. The largest volume of work is in Cardiff and consideration needs to be given to allocating resources to reflect the caseloads across the whole Area. The move to electronic working may help in this regard but that will require consistent processes across the Area. This is of particular relevance in view of the new geographical split and resulting management arrangements⁸. The Paralegal review needs to be fully implemented, which should assist with case preparation.

3.15 The overall assessment of file review quality is rated as fair; file examination showed that there needs to be improvement in the recording of full file and ad hoc reviews. The content and quality of the reviews seen were of an appropriate standard in 51.6% of cases. On-site observations indicated that there was a variation as to whether lawyers had sufficient time to complete reviews. This variation was from office to office and directly correlated to resources and the distribution of the caseload in Crown Court case progression units.

3.16 There is a gateway system in operation in the Trial Units rather than an OBM system for case preparation. As Crown Court outcomes show little improvement a clear strategy is needed from managers to implement a consistent and agreed form of OBM supported by the paralegal review principles throughout the Area in order to

realise the benefits that a collaborative approach to volume Crown Court work should deliver.

3.17 Managers employ a range of quality control and individual performance checks including CQSM and examination of adverse case reports. The latter are discussed at prosecution team performance management (PTPM) meetings with police partners however, it is not clear whether trends are identified and lessons learned. Adverse case reports could be more robust in identifying issues and close monitoring of ongoing serious casework by managers needs to be undertaken.

Priority recommendation 4

Substantial progress

The Area needs to take active steps to reduce the discharged committals rate so that performance is in line with, or better than, the national average.

3.18 The Area recognised that the high number of discharged committals was a problem and undertook to review its processes. More stringent checks have been put in place and the changes to case progression unit processes relating to this specific problem have resulted in a significant improvement in relation to the number of committals that have been discharged across all three offices.

Discharged committals as a percentage of the total number of cases committed for trial:

2009–10		2010–11		Rolling year to September 2011	
National	Area	National	Area	National	Area
0.3%	0.7%	0.2%	0.5%	0.2%	0.3%

⁸ The move of Swansea into the North and West district out of the former Area of South Wales will need to be considered.

Priority recommendation 5

Substantial progress

The Area needs to:

- *ensure that legal decision-making for disclosure is sound, properly reasoned and recorded; and*
- *use the disclosure reports prepared by the Area disclosure champion to manage individual performance.*

3.19 The Area, through its Disclosure Champion and other lawyer managers, has made a concerted effort to address the performance and process issues relating to the handling of disclosure identified by the 2010 report. Credit is deserved for the obvious improvements in the quality of decision making and the recording of compliance with statutory duties in dealing with disclosure. Analysis of finalised cases across the former CPS South Wales Area found that initial disclosure was properly dealt with in 80.6% of cases (previously 53.4%) and continuing disclosure in 70.6% of cases (previously 38.7%). The handling of sensitive material and the proper use of the disclosure record sheet have also improved substantially.

3.20 As well as specific training for lawyers, the Disclosure Champion has arranged and delivered joint training programmes for police officers at both basic and advanced levels. To increase the focus on disclosure, all lawyers have personal job objectives relating to disclosure as part of the PDR⁹ process. To consolidate this training, lawyers had to give an undertaking that they had read in full the

disclosure manual in line with their professional obligations. Quarterly reviews of disclosure performance have been conducted across the Area resulting in feedback to local lawyer managers, individual lawyers and to the All Wales Legal Performance Group. Some external partners reported that instances still occurred where relevant material was served late and our file examination indicated that timeliness was still an issue with initial disclosure being served on time in 51.6% and continuing disclosure in 71.4% of cases seen. Timeliness was adversely impacted by case progression issues highlighted earlier (see priority recommendation 2 and 3).

3.21 The Area has made considerable efforts to develop and secure an All Wales Third Party Material Protocol which would improve disclosure performance in serious cases. Each of the former CPS Areas has several individual local authorities and only some have been willing to sign up to the protocol. Efforts should continue to try to achieve an All Wales protocol, but if agreement cannot be reached it may be appropriate for the Area to accept individual protocols to help improve the service of third party material.

Priority recommendation 6

Substantial progress

The Area needs to engage more effectively with staff across the Area so that it:

- *delivers key messages and priorities clearly and transparently; and*
- *adopts an ethos of inclusivity so that all staff feel they have the opportunity to contribute towards change*

3.22 The CCP and ABM hold focus group meetings with staff and regularly visit the offices to ensure key messages are understood by staff and to listen to their concerns. The restructure of management tiers has helped to streamline communication. There was clear evidence from the focus groups we held, that staff believe there is a more inclusive approach being taken by management, with improved levels of communication and feedback. As a result they feel able to express views on proposed changes.

3.23 The findings of the on-site focus groups are confirmed by the recent 2011 Staff Survey results which indicated a more positive perception of the Area by staff particularly concerning management, leadership and clarity of expectation. Whilst the change in direction concerning inclusivity and communication is a real improvement, some staff still voiced concerns as to whether this improvement and the commitment to inclusivity will be sustained. The CCP has used visits and workshops with staff to try to allay these fears, but it is recognised that this is a long-standing cultural issue and, based on past experience, will take time to be managed.

Priority recommendation 7

Achieved

The Area needs to:

- communicate clear expectations about the standards expected of its lawyers and ensure that there are robust processes in place to tackle individual performance; and*
- develop a culture where the giving and receiving of feedback, and responding to it, is part of everyday business.*

3.24 Stronger leadership shown by the CCP, recent management reorganisation, clearer expectations and standards for all staff and better communications, have all led to a much improved landscape that substantially addresses the concerns expressed in our last inspection.

3.25 Meetings are more structured and regular, accompanied by more frequent daily briefings and floor meetings. This is complemented by a newly developed and innovative communications system called 'COLIN'¹⁰. The system captures informal and formal news including announcements, news and features, CPS Gateways and legal resources in a user-friendly way. The system is supplemented by a bi-weekly reminder email to all staff of recent additions to the site. Individuals are then responsible for keeping themselves abreast of Area-wide developments. Staff were very positive about this approach to communication and found the COLIN site informative and were impressed by the content and the fact the initiative had been maintained.

3.26 The introduction of Core Quality Standards Monitoring (CQSM) has assisted in setting standards expected of lawyers. Positive and negative feedback was given and was welcomed by staff. There was evidence that poor performance was being tackled and that a management culture of quality is being driven from the 'top'.

¹⁰ Cymru on-line information network (COLIN).

4 Gwent – Progress against recommendations

Action taken to address the recommendations – Gwent report

4.1 After the last inspection, CPS Gwent drew up an early response which was included in the inspection report, and the Area used this as the basis of an action plan. Progress against this plan has been substantial and the follow-up inspection identifies that there is only one recommendation that has not been progressed with the remainder showing varying degrees of improvement. Care must be taken that the early impetus to effect changes for the better is sustained and the promising start continues. A full table of progress against recommendations and aspects for improvement is at Annex B.

Priority recommendation 1

Substantial progress

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

4.2 Gwent, along with the other areas of Cymru-Wales, was part of the modernising charging programme which was rolled out in 2010. This has led to progress in the efficiency of the processes for delivering charging advice to the police. Over the 12 months leading up to our inspection almost 70% of cases that were submitted to the CPS by the police were charged against a figure of 50% when we last inspected Gwent¹¹. This indicates closer scrutiny of both the work coming into the charging system and of the product going out.

4.3 Joint monthly prosecution team performance meetings (PTPM) with the police remain the central forum for the joint review of charging related performance data. Our observations indicate that there is now a much greater sense of a prosecution team ethos demonstrated by those who attend. It was apparent from our inspection that the meetings straddle both operational delivery and higher level strategic issues. Whilst the meetings appear in the main to be effective, a clear delineation of whether the meetings are to tackle operational matters or strategic issues would be of benefit in driving greater improvements.

4.4 The modernising charging programme has also impacted positively on the provision of face-to-face advice which continues to be handled by lawyers based in the Gwent office. The overall management and efficiency of this process are now much improved and the timeliness in which advice is provided has improved.

Priority recommendation 2

Substantial progress

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

4.5 Over the course of 2010 and 2011 CPS Gwent conducted a number of training initiatives which targeted the charging responsibilities and decision-making of prosecutors. From our analysis of casework it is apparent that this training has led to

¹¹ Rolling 12 month charge to NFA rate taken from PTPM2 data September 2011.

improvements in the quality of charging decisions with proper application of the full *Code* test in all decisions examined that were made by Daytime Direct or Area lawyers (in cases originating from the former CPS Gwent area). There was a mixed picture when we considered the quality of the MG3s with ten rated as good or fair and the remainder being poor¹².

4.6 Since our report in 2010 there has been a significant and positive shift in the approach to performance management. Local managers monitor the quality of decision-making and advice through the Core Quality Standards Monitoring process and other exception monitoring such as monthly adverse outcome logs. There is clear evidence that when issues are identified, these are fed back to individuals with a view to driving up improvement and quality.

4.7 The improvements in decision-making are reflected in the charging benefits results which have steadily improved and which now compare favourably to the national picture¹³.

Priority recommendation 3

Limited progress

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

4.8 One of the key positives changes in Gwent is the improved relationship between the CPS and the police and this has undoubtedly led to greater cooperation and a willingness to work

together to find solutions to problems. After the 2010 inspection the then Chief Constable requested a police focused report from HMCPSI to highlight some of the issues that had been outlined in the report. A significant amount of joint work and process reengineering took place to address some of these issues. There is evidence that this work improved outcomes and enables the development of more efficient systems and processes.

4.9 More recently, due to pressures on resources, the commitment to criminal justice work by Gwent police appears to have lost some momentum. There was some evidence that this change was beginning to impact on some of the positive improvements that had taken place. File and process examination indicated that there are significant delays in the delivery of initial papers for first hearings at court, affecting the receipt of full trial files. This issue is recognised by both the CPS and the police as being a major risk, especially as it is contributing to the late review of cases and to late compliance with court orders. At the time of our visit a financial bid had been submitted by the police to obtain additional typing resources for their administration team to address one of the main blockages in the system.

4.10 The improvement in the working relationship and the desire to improve systems and processes is demonstrated by the move of the police criminal justice administrative teams into the same building as the CPS magistrates' courts and Crown Court teams. This reorganisation had only occurred shortly before our visit and it is envisaged that co-location will further contribute to the flow of information.

¹² Full details of our analysis of the file sample are included in Annex D.

¹³ Full details of performance outcomes are included in Annex C.

Priority recommendation 4

Limited progress

The operation of Optimum Business Model (in the magistrates' court) is examined to ensure the necessary tasks and preparation for trial, take place in good time.

4.11 Whilst the nationally recommended OBM systems and processes are largely in place and sufficiently embedded in Gwent, the team has continued to struggle to consistently prepare cases for contested magistrates' courts hearings in a timely manner. This has led to cases receiving a full file review very close to the trial date. Our systems examination found that trials were being prepared as close as two days before the trial and that Court orders were regularly not being complied with. In part this problem has been caused by the delays in the delivery of full trial files but also by lawyer resources being abstracted from the unit and a lack of continuity in the role of OBM lawyer. The local management team is attempting to deal with these issues by deploying lawyers to the OBM role for longer periods of up to five days and by the introduction of a new annual leave policy which restricts the number of lawyers who can take leave at any particular time.

4.12 Whilst there are delays at the full file review stage, the Magistrates' Court Unit are now carrying out initial reviews much earlier in the case. The review is intended primarily as an evidential review, but the lawyer will (where possible) complete initial disclosure and any relevant legal applications. In a number of the cases that we examined we noted that legal applications and disclosure had been served at the first hearing.

Priority recommendation 5

Limited progress

Case progression meetings with the court are reinstated.

4.13 The OBM processes that have been implemented in the former CPS Gwent Area include elements of liaison with external agencies in respect of case progression issues and trial readiness. Whilst there are no face-to-face case progression meetings, the relationship between the courts, police Witness Care Unit (WCU) and CPS allows for case issues to be progressed effectively by telephone and email. Telephone conference meetings are held on a weekly basis by the Crown Court Unit. We fully recognise that the reinstatement of formal case progression meetings is not a matter that lies solely within the discretion of the CPS, and the availability of HMCTS resources makes it difficult for meetings to be held.

Priority recommendation 6

Limited progress

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

4.14 Gwent has reorganised its internal structure in order to address the lack of focus on Crown Court work that was noted in the 2010 inspection report. The Crown Court team is staffed with a combination of lawyers, paralegal officers and administrative staff and crucially the lawyers are ring-fenced for Crown Court

preparation and face-to-face charging duties and will only occasionally assist with magistrates' courts advocacy.

4.15 Our file examination found that whilst case files were very well ordered, with all key elements of a prosecution file clearly identifiable and accessible, there remains a large degree of inconsistency regarding the quality of the reviews. A significant proportion of the files that we examined contained full file reviews that did not meet the required standard and were often little more than a 'cut and paste' of the original charging advice, whether or not additional information and evidence had subsequently been provided by the police. In two of the eight cases that we examined, the decision at full file review did not meet the evidential test, and one of these code test failures was the result of an incorrect review at charging stage being imported, without any further consideration of the evidence. There were also a number of cases (four out of seven) where no ad hoc review was documented when such a review would have been appropriate.

4.16 Despite our findings in respect of the quality of reviews it was encouraging to note that overall conviction rates in the Crown Court have improved¹⁴ and there is now an embedded process of analysis of adverse outcomes in the Crown Court which is supported by a high level of compliance in respect of completion of adverse outcome reports by lawyers and advocates. Our findings would suggest that there is a need for the quality assurance regime to focus more on the quality of documented reviews.

Priority recommendation 7

Achieved

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

4.17 A combination of the Area restructure and the national exercise allowing Crown Advocates to revert to Senior Crown Prosecutor grade has resulted in Gwent reducing their cadre of Crown Advocates, and forming a permanent team of advocates largely based at Cardiff Crown Court. This approach has not only created a specialist team whose central aim is the delivery of advocacy but has also allowed Gwent to direct specific lawyer resources at the review and preparation of Crown Court casework.

Priority recommendation 8

Substantial progress

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

4.18 The modernisation of charging has had an impact on the approach to decision making in serious and sensitive cases with a proportion of cases, often the most serious or high profile, receiving face-to-face advice from Gwent-based lawyers, and the remainder receiving advice from either Daytime Direct or CPS Direct.

4.19 In our file examination we agreed with the charging decision in all eight of the serious or sensitive cases that we reviewed, finding five of the advices to be good, two fair and only one

¹⁴ Full details of performance outcomes are included in Annex C.

poor. We also examined some case files that demonstrated proactive case management and effective handling.

4.20 The appropriateness of the former Area's decision-making is reflected by the fact that there has been an improvement in the proportion of rape cases that result in a successful outcome, and the former Area's performance is now slightly better than the national average¹⁵. In domestic violence cases the improvement in performance is even more apparent with the rate of successful outcomes having improved from 3% worse than the national average in 2008 to almost 5% better than the national average.¹⁶

4.21 As with the finding in respect of general Crown Court cases, full file or ad hoc reviews also tend not to be adequately documented in serious and sensitive casework.

Priority recommendation 9

Achieved

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

4.22 In early 2011 a protocol was drawn up by the CPS and Gwent police leading to the establishment of face-to-face legal surgeries conducted at Risca police station. The purpose of the surgery is to provide early investigative advice to officers involved in the investigation of rape allegations as opposed to charging advice when the full code test is to be applied. Initially

these surgeries took place weekly but now are only scheduled by prior appointment.

Priority recommendation 10

Substantial progress

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

4.23 Disclosure has been the subject of a high degree of focus both within Gwent and at the wider Cymru-Wales level with training for lawyers, increased monitoring by local managers and the Area disclosure champion, and personal objectives being set for all lawyers.

4.24 Our file examination supports the finding that this level of input has resulted in improvements. There was an impressively consistent approach towards the handling of disclosure in the cases that we examined. The positive aspects included a uniform approach by lawyers to the completion of the unused material schedules and to the completion of disclosure record sheets. The file examination highlighted some issues in relation to timeliness in cases with continuing disclosure; in four of the eight relevant cases disclosure was judged as not being dealt with in a timely way.

4.25 The All Cymru-Wales Area is working to establish a protocol for the handling of third party material. Whilst good progress has been made there are still a number of local authorities that are unwilling to sign-up to a protocol.

¹⁵ Comparison of rape unsuccessful outcomes from 2008-2009 against the 12 months to 30/9/11.

¹⁶ Comparison of DV unsuccessful outcomes from 2008-2009 against the 12 months to 30/9/11.

Priority recommendation 11

Limited progress

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

4.26 Overall victims and witnesses in Gwent have benefited from the general improvement in the handling of cases that this follow-up inspection has identified. The more efficient delivery of charging decisions and the resulting improvement in respect of outcomes mean that victims of crime are better served. However, there are still elements of the process that require further attention including the assessment of the needs of witnesses at the charging stage and correctly identifying the most appropriate way of assisting them to deliver their evidence at court. In six out of fourteen relevant cases in our file sample this did not receive sufficient consideration.

Priority recommendation 12

No progress

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

4.27 Despite there being some evidence of management action and quality assurance in respect of non-compliance with the national DCV policy, it is clear from the files that we examined that the processes for the production of DCV letters are not robust. In approximately half of the thirty cases that required letters, they had not been written despite charges either being dropped or significantly altered. Our findings are supported by the CPS' own assessment of validation measures on DCV.¹⁷

4.28 In those cases where a letter had been written the quality remained variable with half of the letters assessed as good but the remainder either fair or in one instance, poor.

Priority recommendation 13

Substantial progress

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

4.29 Since the 2010 inspection the senior management team has worked to develop and articulate standards and expectations for all staff within the area. Immediately after the inspection the CCP developed a vision and action plan which would form the basis of the key to quality in Gwent. Staff training, area events and clear accountabilities and responsibilities at all levels were set out and communicated. During the follow-up inspection our observations and analysis of casework shows that there is now a clear understanding of what is expected, what quality means and that personal responsibility for delivering a good job is becoming embedded, although there is still some room for improvement. Embedding this culture of change has been supported by a performance management regime, complemented by CQSM and adverse case reporting, where staff and managers are held to account by a regular regime of performance meetings.

Priority recommendation 14

Limited progress

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

17 CPS databank-CQS 8: Percentage of DCV letters sent 2011 Quarters 1 and 2.

4.30 At a strategic level, relationships and engagement with partners has improved significantly and a clear joint commitment exists to improving the service criminal justice agencies provide to the public. Since the 2010 inspection there has been a commitment to ensure that PTPM meetings address poor performance. However, there is still a lack of clarity about purpose of these meetings as to whether they are to drive strategic issues or should focus on operational matters.

4.31 The very recent co-location of the police case building unit alongside the CPS case progression units is a clear indication of the desire to work together to improve outcomes for users. It is anticipated that co-location of the police case building unit with the CPS will address some of the concerns regarding poor case progression.

4.32 The demise of the local criminal justice board had led to somewhat of a strategic gap in the direction of local criminal justice agencies in improving joined up justice across the area. The partners have recognised this and continued its partnerships through regular effectiveness and efficiency meetings to address weaknesses and improve performance generally. The CPS continues to work with police partners and at the strategic level meets with the Assistant Chief Constable at the Strategic Performance Group where strategic and operational matters affecting the two agencies are discussed and addressed.

Priority recommendation 15

Substantial progress

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

4.33 The CPS reorganisation of 42 Areas into 13 larger Areas has meant that the former Gwent Area has been subsumed into the Cymru-Wales Area and consequently management and organisational structures have changed radically since the 2010 inspection. Nevertheless many of our concerns outlined in the 2010 inspection have been addressed including: the operation of combined units – there are now separate magistrates' court and Crown Court sections; crown advocacy has been rationalised and brought into one unit (in Cardiff); and daytime charging is now in effect.

Priority recommendation 16

Achieved

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

4.34 The newly appointed CCP developed a vision for CPS Gwent which was based on improved outcomes, delivering a quality service, increasing performance standards and delivering a service with pride. Additionally, the area vision included a commitment to work with partners to improve relationships and to deliver an effective and efficient criminal justice service. This vision was set out for all staff and accompanied the 2010 inspection report. Our follow-up activity has found that this vision has been a catalyst for change and linked with the drive and determination of the senior team it has become embedded across the area. Partners and stakeholders outlined the significant improvements and were keen to praise the change they had seen.

Priority recommendation 17

Substantial progress

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

4.35 Better leadership and consistent management expectations and standards have addressed many of the poor performance issues. This has impacted positively on key performance outcomes. The introduction of core quality standards which have been adapted and tailored for Wales have further supported and enhanced standard and quality issues. The CCP is clear about the standards he expects of staff and these expectations are understood by managers. There is a better understanding among staff of how they are performing and lawyers are receiving regular feedback through CQSM.

4.36 The revised standards have been accompanied by better streamlined performance information for managers. Most of the analysis and rationale for good or poor performance is devolved to managers for discussion at senior management meetings and the legal performance group meetings. Team meetings are managed effectively to challenge and improve performance, as well as to communicate change and set out expectations and standards. Communication in general has improved which allows management and staff to be kept abreast of what is going on and key messages and changes.

4.37 The Autumn 2011 staff survey results reveal a mixed and often contradictory view of staff perceptions concerning leadership and management. Whilst staff are clear about what is expected of them and they feel positive that

they receive regular feedback and recognition from their line manager which helps to improve their performance¹⁸, staff are negative concerning line management being open to ideas, understanding how contribution is made to objectives and feeling it is safe to challenge the way things are done¹⁹.

Aspect for improvement 1

Substantial progress

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

4.38 Our inspection found evidence of a more consistent approach to the delivery of both positive and negative feedback to staff and an embedded system of adverse outcome analysis. These aspects of performance improvement, combined with a more robust quality assurance process under CQSM are all driven by the clearer expectations that have been set by the senior team.

¹⁸ These results improved considerably from the last survey and were significantly better than the national average. (receive feedback 11% better than CPS and feedback to improve 20% better than CPS).

¹⁹ These results declined considerably from the last survey and were significantly worse than the national average. (contribution to objects 6% worse than CPS and safe to challenge 11% worse than CPS).

Annexes

A South Wales – progress against primary and secondary recommendations and compliance issues

SOUTH WALES	
Priority Recommendations	Position as at November 2011
1 The Area needs to: <ul style="list-style-type: none"> ensure, in introducing the modernised charging arrangements, that all case reviews at the pre-charge decision-making stage are in accordance with the Code; ensure that greater consistency is achieved in the quality of its charging advice; and ensure that robust arrangements are put in place to monitor the quality of work being undertaken. 	Limited Progress
2 OBM processes should be streamlined and consistent across the Area. The Area must ensure that prosecutors complete summary trial reviews expeditiously.	Limited Progress
3 The Area needs to: <ul style="list-style-type: none"> ensure sufficient resources are allocated to progress its most serious casework effectively; achieve greater consistency in the standard of its review work in Crown Court cases; and ensure that prosecutors have sufficient time to complete Crown Court reviews effectively. 	Limited Progress
4 The Area needs to take active steps to reduce the discharged committals rate so that performance is in line with, or better than, the national average.	Substantial Progress
5 The Area needs to: <ul style="list-style-type: none"> ensure that legal decision-making for disclosure is sound, properly reasoned and recorded; and use the disclosure reports prepared by the Area disclosure champion to manage individual performance. 	Substantial Progress
6 The Area needs to engage more effectively with staff across the Area so that it: <ul style="list-style-type: none"> delivers key messages and priorities clearly and transparently; and adopts an ethos of inclusivity so that all staff feel they have the opportunity to contribute towards change; 	Substantial Progress
7 The Area needs to: <ul style="list-style-type: none"> communicate clear expectations about the standards expected of its lawyers and ensure that there are robust processes in place to tackle individual performance; and develop a culture where the giving and receiving of feedback, and responding to it, is part of everyday business. 	Achieved

Secondary Recommendations

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| <p>1 <i>The Area needs to ensure that case progression meetings throughout the Area work in partnership to increase the proportion of trials that are effective, and reduce those which are vacated or crack, so that performance is in line with, or better than, the national average.</i></p> | Limited Progress |
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Meetings have been effective in some parts of the Area but they have been replaced by telephone liaison with the court service in most magistrates' court centres. The proportion of effective Crown Court trials has remained constant and is better than national average but has fallen slightly in magistrates' court trials and is below national average.

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| <p>2 <i>The Area needs to address how it instructs and deploys its Crown advocates and their relationship with Area colleagues.</i></p> | Achieved |
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The new Area structure has combined Gwent and the majority of the South Wales²⁰ crown advocates together. This combined unit is managed by one unit head. Almost all the Crown Advocates are now based at the Cardiff office. The Area recognised that having the Crown Advocates on a different floor and away from the Crown Court Trials Unit lawyers hindered feedback and effective case development. Since the 2010 inspection the Crown Advocate Unit has been co-located alongside the Crown Court Trials Unit. This has led to better relationships between lawyers and Crown Advocates and a better understanding of case handling.

To address some of the deployment issues, and as part of the national review of the advocacy strategy, seven crown advocates across the former area have reverted to the senior crown prosecutor grade resulting in savings in terms of salary costs.

In line with other CPS Areas, the Area set a challenging target of achieving savings of £1,058,000 during the year but is currently projected to have a shortfall of £109,000. The target reflected salary costs but achieving the target has been hampered by long-term sickness within the unit. A range of trials and plea and case management hearings are conducted by Crown Advocates including rape, other serious sexual offences and serious assault. It is clear that whilst there is room for improved savings, the concerns that led to this recommendation have been substantially addressed.

²⁰ The Swansea crown advocate is managed from Carmarthen and will be under the remit of the DCCP for the North and West.

<p>3 <i>The Area needs to:</i></p> <ul style="list-style-type: none"> • <i>achieve greater consistency in decision-making for all serious and sensitive cases; and</i> • <i>put in place effective processes to monitor and manage individual performance.</i> <p>The quality of decision-making was generally sound but the recording of full file and ad hoc reviews still needs improvement. Better recording of decisions would assist managers to monitor individual lawyers' performance which lacks consistency and robustness.</p>	<p>Limited Progress</p>
<p>4 <i>In partnership with South Wales police, the Area should develop and implement a joint disclosure training programme to improve the timeliness and quality of police schedules and CPS legal decision-making.</i></p> <p>With police colleagues, the Area Disclosure Champion has devised and delivered joint disclosure training across the area to prosecutors and police officers. It is clear from file examination that this has contributed to improved police schedules and decision-making by prosecutors.</p>	<p>Achieved</p>
<p>5 <i>The Area needs to ensure custody time limits (CTL) cases are monitored robustly and that regular CTL audits are completed. Performance needs to improve so that it is in line with, or better than, the national average.</i></p> <p>All files examined during our visit were endorsed with the CTL expiry date and all except one correctly annotated. The case which was incorrectly annotated was corrected after the second hearing. Inspectors were satisfied that the area had a coherent and efficient monitoring system, and that custody cases were given priority in all preparation work. CTL audits are also completed weekly in line with guidance and this provides a further level of assurance. No failures have been reported to or recorded by CPS HQ during 2010-11 or so far during 2011-12.</p> <p>The quality of applications to extend custody time limits was good and those seen as part of the file examination were made in good time. There were no expressions of dissatisfaction from other criminal justice partners with the appropriateness, quality or timing of extension applications.</p>	<p>Achieved</p>

- 6 *The Area should ensure with the police that WCU performance is monitored, managed and assessed in accordance with No Witness No Justice (NWNJ) primary and secondary measures. Improvement programmes need to be assessed in compliance with NWNJ indicators.* **Limited Progress**

In our file examination we considered the Area's handling of victims and witnesses. When providing charging decisions there were notable differences in how regularly prosecutors considered special measures and victim and witness issues adequately as shown below.

Percentage of pre-charge decision cases where victim and witness issues were considered sufficiently				
Pre-charge decision made by:	Group Daytime Direct	South Wales Written and face-to-face	Gwent	CPSD
File examination	56%	50%	100%	75%

There is a lack of consistency in delivering charging decisions that address at the outset the needs of victims and witnesses. However, the correct special measures are usually being identified for each victim and witness and the applications made are of a reasonable quality. Timeliness in making the applications is more of a problem with only 38.9% of the applications made within prescribed time limits. This reflects delays seen within the OBM in the Cardiff office. Victim Personal Statements were only found in 15% of our file sample and there was little evidence of them being requested by prosecutors. There has been a slight decline in witness attendance rates which fluctuate slightly on a monthly basis but are averaging almost 2% below the national average over the 12 months to 30/9/11.

One problem caused by delays in the case progression process, is the swift resolution to witness queries raised by the WCU. Correspondence is not always reviewed by a lawyer promptly which results in late applications being made for witness summonses. This then leaves little time for service of the summons to be effected by the police and hinders possible applications for witness warrants in appropriate cases. Compliance with direct communication with victims had only happened in 27.3% of cases seen which is poor. This was notably prevalent in Crown Court cases where the indictment was amended substantially or cases were discontinued at court.

There is a good relationship between the WCU and CPS and the WCU manager in Cardiff attends the case progression meetings with the court and CPS. In Swansea and Cardiff (including Merthyr Tydfil) the WCUs contain police and CPS staff and they are co-located in the CPS offices. This has led to better channels of communication and flow of information and they have been working digitally since January 2011.

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| 7 | <i>Meetings should be streamlined and duplication removed to ensure that the impetus to bring about improvement does not become diluted.</i> | Substantial Progress |
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Meetings are more structured and regular, accompanied by more frequent daily briefings and floor meetings. This is complemented by a newly developed and innovative communications system called 'COLIN'²¹. The CCP and ABM continue to hold focus meetings and regular visits to offices to ensure key messages are understood by staff and to listen to their concerns.

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| 8 | <i>Project management must be robust, with realistic risk assessments made, achievable milestones identified and progress monitored and communicated.</i> | No longer applicable |
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The Area restructure has largely removed project management and change controls from the former CPS South Wales Area and is now being centrally driven. There remain inconsistent practices throughout the former CPS South Wales Area and the new larger Area. The challenge now is to provide a consistency of approach, quality and practice across the whole Area.

The main change initiative for the Area, and nationally, is the Transforming Through Technology (T3) programme which involves a move to digital working aimed at eliminating resource-intensive processes such as photocopying, locating files, and manual form filling. Wales has been trialling various components of the new digital process and is more advanced than most Areas in its implementation, with all Area Witness Care Units already working digitally. Whilst T3 is a joint criminal justice system objective, led by the CPS, more work needs to be done convincing some partners of the value of the project. Internally, there is regular briefing about T3 progress through COLIN updates. It is anticipated that the implementation of digital working will also enable the Area to more effectively use its resources by reallocating work across the Area rather than moving staff across such a large geographical area. This will address some of the real and perceived imbalances of workload found in South Wales.

The new Area is still maturing and key posts have only recently been filled. Whilst there has been a lot of anxiety over the restructure and job security, the Area's leaders have handled concerns in an open and communicative manner, inviting managers and staff to comment on proposed options for the future. These views were taken into account in the final restructure option which is in the process of being implemented.

²¹ Cymru on-line information network (COLIN).

Compliance Issues

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| 1 | <i>Area managers must ensure that prosecutors complete tasks appropriately on CMS.</i> | Substantial Progress |
| <p>Whilst some lawyers are competent and regular users of CMS to record decision-making and other communications, there are still a number who are failing to add reviews to the system which inhibits effective monitoring of performance.</p> | | |
| 2 | <i>The Area needs to expedite adoption of the Third Party Protocol for disclosure.</i> | Substantial Progress |
| <p>The Area disclosure champion has made substantial progress towards the achievement of Cymru-Wales protocol but some individual local authorities remain unwilling to sign up to it.</p> | | |
| 3 | <i>The Area must ensure that special measures applications are properly drafted, supported by relevant information and made expeditiously, within the set timescales.</i> | Limited Progress |
| <p>Applications are of good quality but a significant proportion of them, almost 40%, are served late. Improved identification of victim and witness issues by prosecutors at charging would help to reduce the proportion of late applications.</p> | | |
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B Gwent – progress against priority recommendations

GWENT	
Priority recommendations	Rating as at November 2011
1 The Area works with police partners to ensure pre-charge advice and decisions are delivered correctly and efficiently, on the right cases, in accordance with the Director's Guidance. Arrangements for effective joint monitoring need to be put in place.	Substantial Progress
2 Prosecutors are retrained in their charging responsibilities, and actively managed, to ensure that decision-making improves, and that they are proactive in their case analysis and in the advice they give to the police.	Substantial Progress
3 Arrangements for the flow of information between the police and CPS are addressed by the Area as a matter of urgency, through open and constructive dialogue.	Limited Progress
4 The operation of Optimum Business Model (in the magistrates' court) is examined to ensure the necessary tasks and preparation for trial, take place in good time.	Limited Progress
5 Case progression meetings with the court are reinstated.	Limited Progress
6 The Area ensures it raises the priority of Crown Court casework and sets clear expectations and standards for lawyers to drive up the quality of decision-making and case handling. Standards should be underpinned by a sound quality assurance regime.	Limited Progress
7 The Area revisits its approach to the implementation of the advocacy strategy to ensure quality advocacy, undertaken by advocates with the right skills, and supported by sound casework.	Achieved
8 The Area takes steps to improve the quality of decision-making in all serious and sensitive cases, ensuring policies are adhered to.	Substantial Progress
9 The Area considers the establishment of advice surgeries for rape and sexual offences.	Achieved
10 Further training is provided for lawyers in dealing with third party and public interest immunity disclosure issues, and steps should be taken to agree a protocol for the disclosure of third party material with the police and social services.	Substantial Progress
11 The Area works with partners to improve processes that support victims and witnesses.	Limited Progress

12	The Area ensures that the quality of direct communication with victims (DCV) letters improves and that there are effective quality assurance processes in place.	No progress
13	The Area articulates clearly the professional standards required and develops a robust performance management regime to ensure work is undertaken professionally and to a high standard.	Substantial Progress
14	The Area works with partners and uses joint performance meetings as a means to driving up standards and improving the service it offers to the public.	Limited Progress
15	The Area reviews its current management and organisational structures, to ensure that it is best placed to deliver the outcomes expected.	Substantial Progress
16	The Area establishes a clear vision for CPS Gwent, which is effectively communicated to staff and partners.	Achieved
17	The Area develops a clear set of standards for behaviours which should be implemented consistently.	Substantial Progress
Aspect for improvement		
1	The Area needs to ensure that there is a regular feedback of learning points to individual lawyers from adverse case reports and any casework quality assurance system.	Substantial Progress

C Data

South Wales						
Magistrates' court and Crown Court outcomes of cases with a pre-charge decision						
	2009-2010		2010-2011		Rolling 12 months to 30/09/11	
	National	South Wales	National	South Wales	National	South Wales
Magistrates' court cases						
Discontinuance rate	14.5%	15.4%	16.0%	17.8%	16.1%	17.4%
Guilty Plea rate	72.3%	71.5%	71.6%	71.3%	71.5%	72.1%
Attrition rate	21.0%	22.0%	21.8%	22.9%	21.8%	22.1%
Crown Court cases						
Discontinuance rate	11.7%	11.4%	12.7%	11.6%	12.3%	13.1%
Guilty Plea rate	73.1%	76.5%	72.3%	76.5%	72.2%	74.9%
Attrition rate	19.5%	19.0%	20.5%	19.1%	20.1%	20.4%
Magistrates' court and Crown Court case effectiveness						
	2009-2010		2010-2011		Rolling 12 months to 30/09/11	
	National	South Wales	National	South Wales	National	South Wales
Magistrates' court cases						
Overall conviction rate	86.8%	85.3%	86.5%	85.9%	86.7%	86.6%
Overall discontinuance rate	9.0%	10.3%	9.6%	10.6%	9.6%	10.1%
Ineffective trial rate	18.6%	13.2%	17.5%	10.2%	17.7%*	10.6%*
Cracked trial rate	37.7%	46.3%	39.1%	52.3%	39.1%*	50.2%*
Crown court cases						
Overall conviction rate	80.6%	81.8%	79.6%	81.3%	80.1%	79.8%
Ineffective trial rate	13.0%	10.3%	13.5%	10.5%	14.3%*	11.4%*
Cracked trial rate	42.2%	42.9%	42.1%	40.1%	40.8%*	41.7%*
Judge ordered acquittals (discontinuance rate)	11.7%	10.9%	12.8%	11.6%	12.2%	12.8%
Judge directed acquittals	1.0%	0.6%	0.9%	0.8%	0.9%	0.8%
Acquittals after trial	5.7%	5.9%	5.8%	5.9%	5.9%	6.1%
* Data is rolling 12 month average to August 2011						

Gwent						
Magistrates' court and Crown Court outcomes of cases with a pre-charge decision						
	2009-2010		2010-2011		Rolling 12 months to 30/09/11	
	National	Gwent	National	Gwent	National	Gwent
Magistrates' court cases						
Discontinuance rate	14.5%	15.7%	16.0%	14.0%	16.1%	13.2%
Guilty Plea rate	72.3%	69.8%	71.6%	70.2%	71.5%	72.6%
Attrition rate	21.0%	23.2%	21.8%	22.0%	21.8%	20.0%
Crown Court cases						
Discontinuance rate	11.7%	12.2%	12.7%	12.2%	12.3%	12.5%
Guilty Plea rate	73.1%	72.2%	72.3%	72.3%	72.2%	71.4%
Attrition rate	19.5%	20.8%	20.5%	20.1%	20.0%	20.5%
Magistrates' court and Crown Court case effectiveness						
	2009-2010		2010-2011		Rolling 12 months to 30/09/11	
	National	Gwent	National	Gwent	National	Gwent
Magistrates' court cases						
Overall conviction rate	86.8%	87.8%	86.5%	88.1%	86.7%	88.1%
Overall discontinuance rate	9.0%	8.5%	9.6%	7.5%	9.6%	8.1%
Ineffective trial rate	18.6%	23.6%	17.5%	21.5%	17.7%*	18.6%*
Cracked trial rate	37.7%	42.3%	39.1%	39.9%	39.1%*	42.1%*
Crown Court cases						
Overall conviction rate	80.6%	80.0%	79.6%	79.9%	80.1%	79.6%
Ineffective trial rate	13.0%	8.9%	13.5%	10.5%	14.3%*	N/K
Cracked trial rate	42.2%	37.8%	42.1%	37.7%	40.8%*	N/K
Judge ordered acquittals (discontinuance rate)	11.7%	12.1%	12.8%	12.5%	12.2%	12.7%
Judge directed acquittals	1.0%	1.1%	0.9%	0.9%	0.9%	0.6%
Acquittals after trial	5.7%	6.3%	5.8%	6.5%	5.9%	7.1%
* Data is rolling 12 month average to August 2011						

D File sample outcomes for charging decisions

Charging delivery method (number of cases)	All cases	South Wales Gwent	
Police charged	4	2	2
Group Daytime Direct	60	47	13
Area face to face or written advice	7	5	2
CPSD	13	7	6
Total number of cases	84	61	23

Quality of MG3s	Excellent	Good	Fair	Poor
All cases	2.5%	36.3%	28.8%	32.5%
Group Daytime Direct	3.3%	35.0%	28.3%	33.3%
Area face to face or written advice	–	42.9%	14.3%	42.9%
CPSD	–	38.5%	38.5%	23.0%

File examination findings	Group Daytime Direct	South Wales Gwent (written & face-to-face)		CPSD	All Cases
The charging decision (or initial review in cases where police charged) was compliant with the Code	93.3%	80.0%	100.0%	84.6%	90.5%
The Inspector would have made the same decision on the Code	81.4%	40.0%	100.0%	76.9%	78.8%
The most appropriate charges were advised	77.8%	100.0%	100.0%	90.9%	81.7%
The action plan met the required standard	56.4%	60.0%	100.0%	81.8%	63.2%
The charging advice adequately covered special measures and other victim/witness issues	56.0%	50.0%	100.0%	75.0%	60.3%
Ancillary orders and applications (other than special measures) were properly considered	51.9%	80.0%	50.0%	71.4%	54.8%
The advice set out proper instructions to the prosecutor at court	58.9%	60.0%	100.0%	84.6%	64.5%

E File sample outcomes

File sample

A total of 44 finalised cases were examined, 31 from CPS South Wales and 13 from CPS Gwent. The sample consisted of trials completed in both magistrates' and Crown Courts during September and October 2011.

Outcome (number of cases)	South Wales		Gwent		Total
	Magistrates' Crown		Magistrates' Crown		
Cardiff DCP Unit	7	7	–	–	14
Merthyr Tydfil DCP Unit	2	5	–	–	7
West Glamorgan DCP Unit*	3	7	–	–	10
Gwent DCP Unit	–	–	5	8	13
Total number of cases	12	19	5	8	44

*From October 2011, West Glamorgan DCP Unit has been managed by the DCCP for North and West Wales instead of South (and East) Wales

Case category (number of cases)	All cases	South Wales Gwent	
Offences against the person (assault)	43	33	10
Sexual offences	7	5	2
Theft and Fraud	12	7	5
Public Order	8	7	1
Drugs	6	4	2
Road Traffic	3	1	2
Criminal Damage	2	2	–
Other	3	2	1
Total number of cases	84	61	23

Area Decision making and File Review Quality

Quality of review decisions	All cases	South Wales Gwent	
The charging decisions (or initial review in cases where police charged) were compliant with the code	90.5%	90.2%	91.3%
The decisions at any post charge review were compliant with the code	88.4%	93.3%	76.9%
There was a Full File Review completed	84.1%	77.4%	100.0%
Where necessary there was an ad hoc review	43.3%	38.1%	55.6%
All reviews met the required standard	47.7%	51.6%	38.5%
The decision to discontinue was compliant with the code	81.8%	71.4%	100.0%
The most appropriate charges were selected for trial	86.8%	85.2%	90.9%
The indictment was drafted correctly	70.4%	73.7%	62.5%

Area Case Progression

File examination findings	All cases	South Wales	Gwent
There was timely compliance with directions in magistrates' courts cases	29.4%	16.7%	60.0%
There was timely compliance with pre-PCMH directions in the Crown Court	77.8%	68.4%	100.0%
There was timely compliance directions with directions given in the Crown Court at PCMH and up to trial	57.7%	55.6%	62.5%
Discontinuance was timely	27.3%	28.6%	25.0%
There was a clear audit of out of court activity	79.5%	71.0%	100.0%
A Custody Time Limit was calculated correctly	92.3%	87.5%	100.0%
There was compliance with initial disclosure duties	86.4%	80.6%	100.0%
Initial disclosure was timely	61.4%	51.6%	84.6%
Non-compliance was a failure to disclose undermining or assisting material	14.3% (1 case)	14.3% (1 case)	–
There was compliance with continuing disclosure duties	80.0%	70.6%	100.0%
Continuing disclosure was timely	63.6%	71.4%	50.0%
Non-compliance was a failure to disclose undermining or assisting material	20.0% (1 case)	20.0% (1 case)	–
Sensitive dealt with properly	85.7%	87.5%	84.6%
Disclosure Record Sheet met the standard	86.4%	83.9%	92.3%

Case progression	Excellent	Good	Fair	Poor
All cases	2.3%	15.9%	56.8%	25.0%
South Wales	–	12.9%	58.1%	29.0%
Gwent	7.7%	23.1%	53.8%	15.4%

Use of CMS	Excellent	Good	Fair	Poor
All cases	–	59.1%	36.4%	4.5%
South Wales	–	45.2%	48.4%	6.5%
Gwent	–	92.3%	7.7%	–

File examination findings	All cases	South Wales	Gwent
Advocates progressed the case at court	69.8%	70.0%	69.2%

Instructions to advocates	Excellent	Good	Fair	Poor
All cases	–	55.2%	34.5%	10.3%
South Wales	–	47.6%	38.1%	14.3%
Gwent	–	75.0%	25.0%	–

Court endorsements	Excellent	Good	Fair	Poor
All cases	–	50.0%	34.1%	15.9%
South Wales	–	38.7%	38.7%	22.6%
Gwent	–	76.9%	23.1%	–

Victim and Witness Issues

File examination findings	All cases	South Wales	Gwent
The charging advice adequately covered special measures and other victim/witness issues	60.3%	60.4%	60.0%
The right type of special measure was sought	100.0%	100.0%	100.0%
The application for special measures was timely	64.3%	38.9%	100.0%
Bail or custody were sought appropriately to protect the victim and public	96.9%	100.0%	88.9%
There was a Victim Personal Statement (Victim Impact Statement) in appropriate cases	17.2%	15.0%	22.2%
There was compliance with the Direct Communication with Victims initiative where required	26.7%	27.3%	25.0%

F Methodology

1. Before visiting the Area we requested management information and performance data that would provide evidence of the progress that the former CPS Areas of South Wales and Gwent made. Included in this documentation were the action plans prepared by both Areas to address the recommendations and compliance issues detailed in the reports, where improvement was required.
2. A number of the recommendations and compliance issues surrounded the quality of legal decision-making and casework preparation. Inspectors examined 50 pre-charge decisions on the case management system, a significant number being examined in advance of our visit. In addition a further 44 recently finalised cases, 18 magistrates' court files and 27 Crown Court files were used to inform this follow-up as well as some live files from the Trials Unit (TU) and the Magistrates' Court Unit (MCU), which were examined whilst on site.
3. Detailed process checks were carried out in all of the magistrates' court and Crown Court case progression units at each site visited. These checks included assessments of the effectiveness of each key stage in the trial preparation process.
4. Interviews were conducted internally across the four districts of Cardiff, Swansea, Merthyr Tydfil and Gwent with:
 - the Chief Crown Prosecutor (CCP);
 - the Deputy CCP for North and West who was formerly the CCP for CPS North Wales and CPS Staffordshire;
 - the Area Business Manager (ABM);
 - both Business Change and Delivery Managers (BCDMs);
 - the level D Criminal Justice Unit (CJU) and TU unit heads for the four districts;
 - the Daytime Direct charging manager;
 - the advocacy unit manager;
 - operational managers that cover case progression, paralegals and administrators;
 - staff across the districts in focus groups and at desk side.
5. External interviews were also undertaken with:
 - senior police managers in operational and strategic roles;
 - the Recorder of Cardiff;
 - the Resident Judges for Merthyr Tydfil and Swansea;
 - district judges;
 - Crown Court and magistrates' court managers;
 - clerks to the justices;
 - Witness Service managers.

G Glossary

Adverse case

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

Associate prosecutor (AP)

A CPS employee who is trained to present straightforward cases on pleas of guilty or to prove them where the defendant does not attend the magistrates' courts. This role has been extended and will include trials of non-imprisonable offences.

Case management system (CMS)

IT system for case tracking and management used by the CPS.

Code for Crown Prosecutors (the Code)

The public document that sets out the framework for prosecution decision-making. Crown prosecutors have the Director of Public Prosecutions' power to determine cases delegated, but must exercise them in accordance with the Code and its two stage test – evidential and public interest. Cases should only proceed if, firstly there is sufficient evidence to provide a realistic prospect of conviction and, secondly if the prosecution is required in the public interest (see also *threshold test*).

Committal

Procedure whereby a defendant in an *either way* case is moved from the magistrates' courts to the Crown Court for trial, usually upon service of the prosecution evidence on the defence, but occasionally after consideration of the evidence by the magistrates.

Complex Casework Unit (CCU)

A unit set up spanning a group of CPS areas which handles the most serious cases, such as organised crime, people or drug trafficking, and complex frauds.

CPS Core Quality Standards (CQS)

Standards which set out the quality of service that the public are entitled to expect. The standards reflect legal and professional obligations

Core Quality Standards monitoring (CQSM)

A system of internal monitoring against the standards, whereby each Area undertakes an examination of a sample of completed cases to assess compliance against Standard

CPS Direct (CPSD)

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

Cracked trial

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

Criminal Justice: Simple, Speedy, Summary (CJSSS)

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

Crown advocate (CA)

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

Custody time limits (CTLs)

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

Director's Guidance on the Streamlined Process (DGSP)

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

Discontinuance

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

Evidential stage

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

Ineffective trial

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

Judge directed acquittal (JDA)

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

Judge ordered acquittal (JOA)

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

No case to answer (NCTA)

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

No Witness No Justice (NWNJ)

A project to improve witness care: to give them support and the information that they need from the inception of an incident through to the conclusion of a criminal prosecution. It is a partnership of the CPS and the Association of Chief Police Officers (ACPO) and also involves Victim Support and the Witness Service. Jointly staffed witness care units were introduced into all areas by December 2005.

Optimum business model (OBM)

A CPS initiative for handling its casework. The model sets out a framework of structures, roles and processes, and aims to standardise these across different units and areas to improve efficiency and effectiveness.

Paralegal officer

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

Prosecution team performance management (PTPM)

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

Proceeds of Crime Act 2002 (POCA)

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

Public interest stage

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

Review, initial, continuing, summary trial etc

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

Section 51 Crime and Disorder Act 1998

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

Sensitive material

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

Summary offences

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

Threshold test

The *Code for Crown Prosecutors* provides that where it is not appropriate to release a defendant on bail after charge, but the evidence to apply the full *Code* test is not yet available, the threshold test should be applied.

Transforming Through Technology (T3)

A national CPS programme introducing electronic working and aiming to provide, through the use of enhanced technology, a more efficient service. The CPS proposes to change its business processes by moving to full digital working by April 2013.

It involves electronic files being put together by the police and being sent digitally to the CPS. Cases will then be prepared electronically and prosecuted from laptop or tablets in court.

Witness care units (WCUs)

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

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

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HM Crown Prosecution Service Inspectorate

London Office:

One Kemble Street

London WC2B 4TS

Tel. 020 7210 1197

Fax. 020 7210 1186

York Office:

United House, Piccadilly

York, North Yorkshire, YO1 9PQ

Tel. 01904 54 5490

Fax. 01904 54 5492

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Information Policy Team, The National Archives, Kew, London TW9 4DU, or
e-mail: psi@nationalarchives.gsi.gov.uk

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