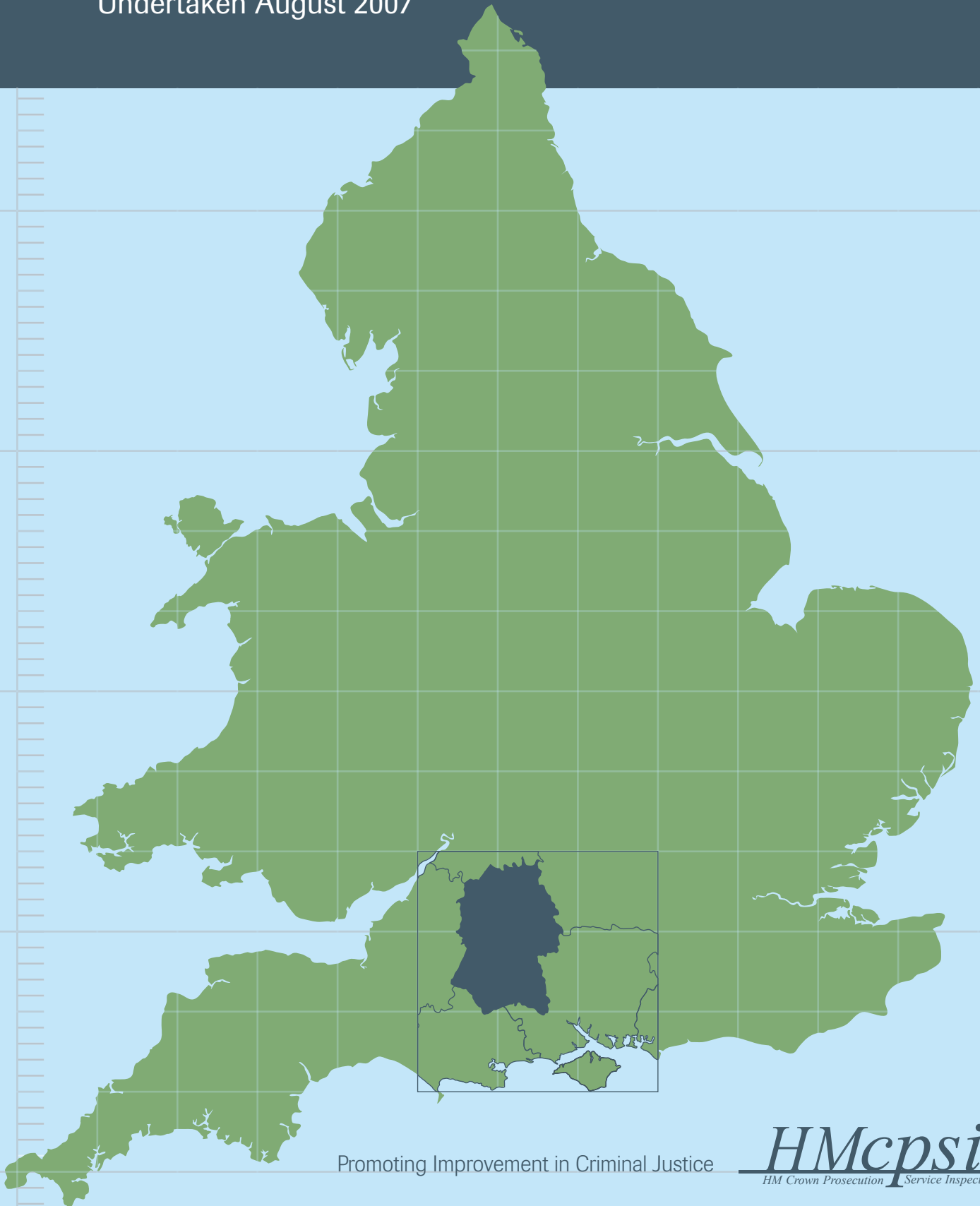


CPS Wiltshire

# Overall Performance Assessment

Undertaken August 2007



Promoting Improvement in Criminal Justice

*HMcp*si**  
HM Crown Prosecution Service Inspectorate



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## ABBREVIATIONS

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

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

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## **A INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS**

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

### **Assessments**

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

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

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

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

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

### **Direction of travel grade**

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

**Improved** reflects a significant improvement in the performance;

**Stable** denotes no significant change in performance;

**Declined** where there has been a significant decline in performance.

## B AREA DESCRIPTION AND CASELOAD

CPS Wiltshire serves the area covered by the Wiltshire Constabulary. It has one office, at Chippenham, and the Area Headquarters (Secretariat) is also based there.

Business is divided on geographical lines with two combined units each covering magistrates' courts and Crown Court work. One unit covers Swindon cases and the other cases from the rest of the county.

During the year 2006-07 the Area had an average of 53.3 full-time equivalent staff in post, and a budget of £2,417,966. This represents a 4.5% increase in staff, and a 20% increase in budget since 2004-05, the period covered by the previous overall performance assessment.

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

### Pre-charge work<sup>1</sup>

2004-05		2006-07	
Written advice	712	Decisions resulting in a charge	2,405
Pre-charge advice (where available)	2,103	Decisions not resulting in a charge <sup>2</sup>	1,695

Magistrates' courts proceedings (including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Magistrates' courts prosecutions	11,354	11,924	+5.0%
Other proceedings	324	14	-95.7%
<b>Total magistrates' courts proceedings</b>	<b>11,678</b>	<b>11,938</b>	<b>+2.2%</b>

Crown Court proceedings (including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Cases sent or committed to the Crown Court for determination	497	597	+20.1%
Committals for sentence <sup>3</sup>	125	176	+40.8%
Appeals from the magistrates' courts <sup>3</sup>	117	101	-13.7%
<b>Total Crown Court proceedings</b>	<b>739</b>	<b>874</b>	<b>+18.3%</b>

In 2006-07, 64.6% of offences brought to justice were the result of convictions.

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

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

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

## **C SUMMARY OF JUDGEMENTS**

### **Contextual factors and background**

Since the last OPA in 2005 the Area has restructured. This involved moving from two units, one of which covered magistrates' courts cases and the other Crown Court cases, to two combined units, one covering all cases in Swindon and the other all other cases in the county. Major drivers for the change were to improve case 'ownership' through 'cradle to grave' prosecution and the development of prosecutors' skills in support of national and local advocacy strategy. The restructure took place in April 2006, at the same time as statutory charging was implemented. Whilst the Area expected some dip in performance during this period, it has been slower to recover than anticipated and the full benefits of the restructure have yet to be realised.

There have also been some changes in the Area's small management team. During 2006-07 both Unit Heads were on temporary promotion to the posts. One has recently been made permanent and the other left the Area. A new permanent appointment was recently made.

At the same time, Wiltshire has experienced an increase in its caseload in magistrates' courts proceedings (+2.2%), although over half the caseload comprises motoring offences, and its Crown Court work increased by 18.3%. Wiltshire criminal justice area narrowly missed its offences brought to justice target in 2006-07 although the proportion of offences resulting in a conviction, to which the CPS contributes, was well above the national average.

### **Summary**

Statutory charging was implemented in March 2006 and is now well established across the Area with a 'prosecution team' ethos developing. The restructure has enabled greater case ownership and the quality of decision-making is generally good. In 2006-07, performance exceeded the national target in three of the six measures and there is scope for improvement in benefits realisation. The level of discontinuances in magistrates' courts cases is a particular concern requiring more focused attention, as is the high level of cases resulting in no further action, although the latter is showing signs of improvement. The Area is beginning to address the high level of inactive cases on the electronic case management system and the high proportion of undefined outcomes. Performance Team Performance Management meetings are becoming more effective, supported by better quality data and analysis.

The proportion of cases resulting in successful outcomes in the magistrates' courts is improving and in 2006-07 was better than the national average. The level of discontinuances has also improved, although this is still higher than the national average. However, there are concerns about the timeliness of case preparation and progression which need to be addressed. The level of ineffective trials continues to rise and is above the national average, as is the proportion of ineffective trials due to prosecution reasons. Persistent young offender performance declined significantly in 2006-07, although the most recent data indicates signs of recovery.

The Crown Court conviction rate has improved since our last OPA but is still worse than the national figure. Performance in respect of judge directed acquittals is better than nationally but the levels of judge ordered acquittals and acquittals after trial are worse. The Area is performing well in relation to the rate of effective and cracked trials, which are both better than the national figures, although the proportions of these due to prosecution reasons needs to be improved upon. The numerical target for Proceeds of Crime Act orders in 2006-07 was met, but not the one for value.



The Area works well with police to ensure that cases are generally ready to proceed at the first hearing. New case progression arrangements were introduced in 2006, but these did not prove effective and were revised. Whilst this has led to some improvement, arrangements are still not as effective as they need to be. Feedback from partners indicated particular issues around late preparation and lack of compliance with court directions.

Performance in hate crimes outcomes is generally improving, and in 2006-07 was better than the national average and an improvement on the previous year. The system of file allocation ensures that sensitive cases are handled by prosecutors with specialist skills and knowledge, supported by relevant champions and specialists. Our 'reality' checks indicated that the standard of decision-making in sensitive cases is generally high. There are appropriate systems in place to ensure the effective handling of cases of local concern and high profile/media interest cases.

The Area has taken steps to maintain compliance with the prosecution's duties of disclosure of unused material since our last OPA, but performance has declined. Our reality check indicated variable levels of compliance in the magistrates' courts and poor compliance in the Crown Court. There was some lack of timeliness in the service of disclosure documents. The Area has very recently provided training for all prosecutors and caseworkers in disclosure provisions.

Whilst there are desktop instructions to assist administrative staff in the custody time limit (CTL) process, the CTL guidance material for staff reference is somewhat dated and needs to set out the specific responsibilities of all staff involved. There was one CTL failure in 2005-06 and another in 2006-07. Following the latter, refresher training for all relevant staff was conducted.

The Witness Care Unit is progressing well. In September 2006, it was successfully 'signed over' to the Area and by June 2007 was meeting ten of the 14 requirements. However, Direct Communication with Victims performance has declined since our last OPA and is currently poor. At the same time, the proportion of cracked and ineffective trials due to witness issues in the magistrates' courts has risen.

In common with CPS Areas generally, Wiltshire has undergone a high degree of change in recent times. The Area has a clear sense of what it wants to achieve and business and change plans are generally well constructed and of a good standard, but dips in performance attributable to the restructuring were substantial. More focus is needed on managing the post-change period and delivering the full benefits of change programmes, in particular in relation to the restructure and statutory charging.

The non ring-fenced budget is generally very well controlled although the Area underspent in 2006-07. Management of the prosecution budget is developing and payment of counsel's fees is timely. Staff deployment is closely monitored. The Area considers that it is unable to afford the number of lawyers determined by the activity based costing model, and understands these figures to be an indication of resources required, but this decision undoubtedly puts pressure on its casework capacity. Senior managers demonstrate a strong commitment to the advocacy strategy which is coming to fruition.

The performance management framework is developing and there has been good work recently to develop the new management team's understanding of performance issues. Senior managers play an active role in a range of joint performance groups but there remain important aspects of work where improvement is needed, in particular in case progression and reducing the level of ineffective trials, and in improving charging benefits. Operation of the casework quality assurance scheme has not been sustained, although compliance improved towards the end of the year.

Senior managers have worked hard to set out and communicate a clear vision for the Area, but it is not clear if all staff are fully supportive of the changes this will involve in practice. Efforts have been made to improve communication and to respond constructively to issues raised in the staff survey. Relationships with most criminal justice partners are open and constructive and senior managers have been proactive in taking forward some key joint initiatives. However, more work needs to be done with the Courts Service to identify and address concerns about CPS performance in court and case progression arrangements. This should provide the basis for constructive joint work to improve case progression performance and to prepare for the implementation of the Criminal Justice: Simple, Speedy, Summary initiative later in 2007.

The Area's involvement in community engagement gained momentum during the year following a period of limited activity at the time of the restructure. The foundations are now in place to develop further engagement with the wider community. Although the level of public confidence in the criminal justice system (CJS) in bringing offenders to justice in Wiltshire fell in 2006, it remains consistently above the national average.

Case outcomes in the magistrates' courts and Crown Court in fact dipped in 2005-06 and performance in relation to magistrates' courts charging outcomes, dealing with persistent young offenders and ineffective trials in the magistrates' courts, have all dipped in 2006-07. Case progression in the magistrates' courts has been the subject of criticism, so whilst the essential aim of the Area restructure to improve performance is laudable, the inability to maintain performance through the change period and beyond has adversely impacted upon other agencies fulfilling their performance objectives.

### **Direction of travel**

Since the last OPA, performance has declined in eight aspects and remained stable in five. The overall direction of travel has been one of decline, with some indication of improvement towards the end of 2006-07.

In the light of our findings, Wiltshire's overall performance is **FAIR**.

The restructure into two combined units has potentially put the Area in a better position to deliver key national CPS priorities, but as it acknowledges, performance has been slower to recover from the restructuring period than anticipated. However, there are some positive indications such as continued improvement in the rate of magistrates' courts successful outcomes which provides some encouraging signs of the Area's capacity to improve.

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

## D DEFINING ASPECTS

<b>1</b>	<b>PRE-CHARGE DECISION-MAKING: MANAGEMENT AND REALISING THE BENEFITS</b>	OPA 2005	OPA 2007	Direction of travel
		Fair	<b>Fair</b>	<b>Stable</b>

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

- Having relaunched shadow charging in January 2005, the Area implemented statutory charging in March 2006. Pre-charge advice is provided at Swindon (five days a week), Melksham (three days) and Salisbury (two days). Due to longer travel times to Salisbury advice is provided from 9.30am to 4.30pm with cover from 9.00-9.30 and 4.30-5.00 provided by an allocated lawyer in the office or duty prosecutor at Swindon. Levels of cover are monitored and no changes have been considered necessary.
- In 2006-07, 58.9% of decisions were provided on a face-to-face basis and, although this is a lower rate than would be expected, a high level of cases where the mode of decision was undefined (18.4%) masks the true figure. Complex and the most serious cases are submitted to the CPS office in accordance with the Area Submissions Policy. The Area was unable to explain its relatively high rate of written advices (18.4%). It estimates that written advices account for less than 10% of overall decisions and that the difference may be due to recording errors which it will investigate.
- Early advice is sought in appropriate cases. Proactive Prosecutor Programme training has also encouraged advice being sought earlier on wider issues such as handling of unused material and media management. Dedicated duty prosecutor (DP) support is provided in the case of major incidents such as homicide and large scale police operations. Without a complex casework unit, such cases tend to be dealt with by Unit Heads and the Chief Crown Prosecutor (CCP).
- The post-implementation review in November 2006 confirmed that any non-compliant files are identified quickly by prosecutors and rectified prior to court hearing. A log of compliance breaches is maintained which shows the level of them to be reducing and now generally relatively few in number. These are pursued with the police to ensure work is undertaken to identify the reasons and feedback given to individual custody officers where appropriate.
- Police 'gatekeepers' are in place across the Area but their effectiveness varies. Although additional training has been provided by the CPS throughout the year, and the level of cases where no further action (NFA) is taken fell from 45.3% in 2005-06 to 33.2% in 2006-07, this is still worse than the national average of 32.6%.
- Disagreements between the police and charging lawyer tend to be resolved informally at local operational level. There is a formal escalation policy in place which is invoked in relatively few cases.
- The police are responsible for monitoring and review of action plans. We found a high level of inactive cases (272 in total) on the system dating back to mid-2006 including some where further action or evidence was required. The CPS has recently investigated a sample of these

and found in all cases charges had subsequently been made with a new unique reference number, which would result in double counting. The Area is now investigating this issue with the police. Custody cases are given appropriate priority and bail periods managed well.

- The proportion of MG3s (the form used to record pre-charge advice and decisions) recorded on the electronic case management system (CMS) improved to 89.2% in 2006-07, and there is a good level of recording of suspects' ethnicity and gender. However, there is very high level of undefined outcomes (18.4% compared with the national average of 10.1% in 2006-07) which the Area needs to address.
- There are appropriate arrangements in place to manage the interface between the Area and CPS Direct (CPSD). However, of the 981 MG3s produced by CPSD, only 9% were properly attributed to it on CMS, by far the worse performance nationally (national average 72%). This distorts the Area's statistics but has been corrected from June 2007. That said, the Area has ensured all CPSD advices are available on CMS to all users
- At the time of our OPA, conditional cautioning had only recently been implemented in Swindon division and timescales for full roll-out had yet to be agreed.

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

- DPs are drawn from the Area's pool of level C2 prosecutors and there are good arrangements in place to ensure lawyers are well prepared for the role. All DPs have attended the Proactive Prosecutor Programme training and follow-up and are each supplied with a charging pack which is regularly updated with local and national policy, casework bulletins and the current version of the Director of Public Prosecutions' Guidance. An important benefit of the restructure into combined units is the increased ability to ensure case ownership from pre-charge decision (PCD) stage to trial. However, this does not appear to have impacted on discontinuance rates which remain high.
- Both the final assurance check in March 2006 and the post-implementation review that November identified a high standard of decision-making and MG3s. Our reality check revealed that DPs' decisions were generally in compliance with national policy and guidance. In one case, however, there was no recognition of the status of a vulnerable victim and no consideration of special measures. In two other instances it was not apparent whether consideration had been given to appropriate alternative disposals. We found that prosecutors generally considered appropriate issues and ancillary orders at the PCD stage. Issues identified requiring further work were recorded in action plans, although those examined showed no agreed date for completion of the work.
- Aside from the national team reviews referred to above, pre-charge advice and decision-making has been monitored through periodic reviews of MG3s by senior managers. Since April 2007, Unit Heads have been responsible for conducting a review of advices delivered in the previous week. Standards are also monitored through failed cases reports and, towards the later part of the year, through the casework quality assurance (CQA) scheme.
- All NFA decisions by police and DPs are reviewed by a police senior case manager and data considered at Prosecution Team Performance Management (PTPM) meetings. Actions as a result of this included a dip sample of NFA decisions conducted in October 2006. This indicated good decision-making by DPs and highlighted the need for further action to improve gatekeeping.

- Conditional cautioning had only been implemented in Swindon division from June 2007 and at the time of our assessment it was too early to determine how well this was working.

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

	Magistrates' courts cases				Crown Court cases			
	National target March 2007	National performance 2006-07	Area performance		National target March 2007	National performance 2006-07	Area performance	
			2005-06	2006-07			2005-06	2006-07
Discontinuance rate	11.0%	15.7%	17.2%	18.4%	11.0%	13.1%	12.2%	11.5%
Guilty plea rate	52.0%	69.2%	73.5%	70.4%	68.0%	66.5%	65.9%	66.0%
Attrition rate	31.0%	22.0%	20.8%	23.2%	23.0%	22.2%	24.4%	20.9%

- In 2006-07, performance exceeded the national target in three of the six key measures. In magistrates' courts cases performance in relation to each of the three measures declined between 2005-06 and 2006-07. The discontinuance rate in 2006-07 was worse than both the national average and target whilst the guilty plea rate was better than both the national average and target. The attrition rate was worse than the national average, but better than the national target.
- In Crown Court cases, performance improved in each of the three measures between 2005-06 and 2006-07. The discontinuance rate in 2006-07 was better than the national average but worse than target, while the attrition rate was better than both the national average and target. The guilty plea was slightly worse than the national average and target.
- The conviction rate declined from 78.8% in 2005-06 to 77.1% in 2006-07, which was below the national average (78%) and target. Timeliness of PCD cases from first decision to charge decision and from charge decision to finalisation is worse than the national averages.
- The extent and quality of PTPM data and analysis improved in the latter part of the year, and at the time of our assessment was developing. Data includes cases resulting in NFA and discontinuance, attrition and sanction detection rates. Failed case reports capture reasons, although they are not currently collated to help identify trends and issues.
- PTPM meetings have been in place for some time but were not operating as effectively as they might until the latter half of the year. Progress is being made in addressing some of the operational shortcomings, in particular tackling the high NFA rate. A major issue for the Area is its high level of discontinuances of magistrates' courts cases. Although the level of discontinuances is monitored through PTPM, the Area has yet to fully investigate and analyse the reasons for discontinuances as a basis for taking corrective action.
- Joint analysis of the charging scheme is undertaken through PTPM with constructive working relationships apparent between the CPS and police. The action plan arising from the post-implementation review in November 2006 was progressed jointly and successfully signed off by the national team in February 2007.

<b>2 ENSURING SUCCESSFUL OUTCOMES IN THE MAGISTRATES' COURTS</b>	OPA 2005	OPA 2007	Direction of travel
	Fair	<b>Fair</b>	<b>Stable</b>

## 2A Successful outcomes are increasing

Case outcomes in the magistrates' courts	National performance 2006-07	Area performance 2006-07
Discontinuance and bindovers	10.8%	11.7%
No case to answer	0.2%	0.03%
Dismissed after trial	1.9%	1.5%
Discharged committals	0.2%	0.02%
Warrants	2.6%	1.6%
Overall conviction rate	84.3%	85.3%

- The proportion of cases which result in a successful outcome has increased since our last OPA from 82.4% to 85.1% in 2006-07, having dipped to 81.1% in 2005-06. This is better than the national average of 84.3%. The level of discontinued cases has also improved since the OPA from 14.0% to 11.7% in 2006-07, again having dipped in 2005-06 (to 16.1%). This is worse than the national average of 10.8%.
- The level of discharged committals has steadily fallen from 0.4% of caseload (46 cases) in 2004-05 to 0.02% (three cases) in 2006-07, which was better than the national average of 0.2%. The level of cases dismissed as no case to answer (NCTA) has also fallen, from 0.3% of caseload (31 cases) in 2004-05 to 0.03% (five cases) in 2006-07, which was better than the national average of 0.2%. The acquittal after trial rate fell between 2004-05 and 2005-06 but increased in 2006-07 to 1.5%, although this was still better than the national average of 1.9%. All cases resulting in discharged committals, NCTA or acquittals after trial are subject to failed case reports prepared by the trial advocate or reviewing lawyer. These are commented upon by the Unit Heads and CCP who identify any necessary action. However, these reports are not collated which would aid the identification of trends and communication of key issues to staff, as well as providing a basis for checking upon and reviewing the results of any improvement actions taken.
- All cases that have been the subject of PCD must be referred to the Unit Head before a decision is made to discontinue; nevertheless the rate (18.4%) remains high. Notice is also sent to the police of any proposed discontinuance and in the event of a disagreement with the police there is an escalation process to the Unit Head and ultimately the CCP, but this is rarely invoked. Unit Heads have carried out ad hoc reviews when increases in discontinuance rates were noted and have also reviewed the handling of domestic violence cases after noting the discontinuance rate in these was higher than in other types of case. There is scope for more systematic review of discontinued cases.

- The Area analyses all individual unsuccessful outcomes through failed case reports and individual feedback is given to the relevant lawyer as appropriate. The monthly performance pack contains details of the unsuccessful outcome rates. Discontinuance rates are reviewed at PTPM meetings. The Performance and Delivery Group of the Wiltshire Criminal Justice Board (WCJB) is responsible for joint analysis of unsuccessful outcomes in Wiltshire. The Area Business Manager (ABM) is vice chair of this group.
- Wiltshire criminal justice area narrowly missed its 2006-07 target of 11,607 offences brought to justice (OBTJ) achieving 11,421, having been on target until March 2007. There were concerns that not all cautions data had been included which had adversely affected the outturn (cautions accounted for 19.4% of the OBTJ compared with the national average of 26.0%). The target is a shared one with criminal justice partners. The CPS contribution comes through managing cases to keep unsuccessful outcomes low, and the Area was successful in this respect. The proportion of convictions that support the OBTJ target was 64.6% which was higher than the national average (49.0%).
- Performance in respect of timeliness of persistent young offender (PYO) cases has declined significantly. In 2006 the average time from arrest to sentence for PYOs was 78 days (national average 72 days), compared with 59 days in 2005. Performance in the year was variable ranging from 70 days in the second quarter to 92 in the final quarter. Joint performance management arrangements for PYOs were reinvigorated during the year and there are early indications of improvement this year with performance for April being 59 days, well ahead of the 71 day target. In March, of 17 completed cases, only seven came from an arrest. Senior managers have raised with the police the need to for them to use their powers of arrest for youth offenders and then to seek a prompt PCD rather than summoning youths, especially PYOs. There were no PYOs on the PCD inactive case list.
- Lessons learned about successful and unsuccessful outcomes are primarily given by way of individual feedback to staff as appropriate, with more general messages delivered at team meetings. Area champions also circulate guidance and flag local problems to ensure that all relevant staff adhere to best practice and are aware of likely difficult issues and how best to deal with them.

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

<b>Trial rates</b>	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
Effective trial rate	43.8%	42.8%
Cracked trial rate	37.3%	35.6%
Ineffective trial rate	18.9%	21.7%
Vacated trial rate	22.5%	21.0%



- The CPS has a good working relationship with the police and file quality is discussed at PTPM meetings. The Area case progression officer (CPO) maintains a spreadsheet recording the receipt of full files. This assists the Area in ensuring that files are received on time or are chased up. Prosecutors and caseworkers pursue missing items on a case-by-case basis. Particularly bad examples and any trends identified are pursued by Unit Heads at the PTPM meetings.
- Lawyers carry out an initial review of the case at the PCD stage on the MG3 form. Where there has been no PCD, the file is reviewed by the advocate before the first hearing. More recently, Unit Heads have been carrying out regular CQA reviews and providing feedback to lawyers where appropriate. In our reality check, all five files had been the subject of an initial review either at the PCD stage or, in two cases where no PCD had taken place, before the initial hearing.
- When a not guilty plea has been entered, the case is adjourned for nine weeks to a case progression hearing by which time it is expected that cases will have been prepared for trial and there will be up-to-date witness availability. However, timeliness of case preparation has been, and continues to remain, a concern.
- The Area introduced new case progression arrangements in 2006-07, whereby case progression responsibilities were split across two management roles. This did not prove effective and from December a single dedicated CPO has been deployed. This has resulted in some improvement, but case preparation is often late and as a result the CPO is not able to ensure all cases are prepared fully for the case management hearings. In four of the five files examined the CPS were ready for the case progression hearing. However, at the time of our visit four of the 16 cases listed for case progression hearings later in the week were not ready; in two full files were missing and in the other two disclosure had yet to be done. Case progression arrangements are not yet as effective as they need to be, particularly in managing compliance with court directions and preparing cases promptly and effectively. The view is that the CPS does not tend to progress cases until they have the pressure of a hearing approaching.
- We found that the quality of file endorsements is generally poor and on some occasions inaccurate or misleading. This can hinder the work of the CPO. A new template to record court hearings that will be attached to the file has been prepared by the Area to address these problems, but it is not yet used in all cases.
- The Area is planning, in conjunction with the Courts Service, to implement the Criminal Justice: Simple, Speedy, Summary (CJSSS) initiative in December 2007, at all magistrates' courts within Wiltshire. A draft of the proposed scheme has been recently approved by the Government's Office for Criminal Justice Reform. Significant improvements in case progression and more work in clearing trial backlogs are needed in preparation for this.
- The Area seeks to ensure that in youth courts only specialist lawyers are used. An administrative member of staff is the dedicated youth CPO. They monitor all cases using a spreadsheet to ensure prompt progression. All youth file covers are marked with the arrest date and the finalisation target date. Additionally in each youth court there is an aide memoire to lawyers reminding them of essential actions.

- The ineffective trial rate has increased in each of the last two years and, at 21.7% in 2006-07, was worse than the national average (18.9%). The effective trial rate has decreased and is also worse than the national average (42.8% compared to 43.8%). The cracked trial rate increased in the last year to 35.6%, but remains better than the national average (37.3%). The vacated trial rate at 21.0% also increased in the last year, but remains better than nationally (22.5%).
- Based on the cracked and ineffective trial forms completed in court, a report is prepared on each ineffective trial and these are reviewed and commented upon by Unit Heads and the CCP with any actions needed as a result identified. However, these reports are not collated which would aid the identification of trends and communication of key issues to staff, as well as providing a basis for checking upon and reviewing the results of any improvement actions taken. From July 2007 individual cracked trial reports have been prepared.
- The proportion of ineffective and cracked trials due to the prosecution in 2006-07 were both worse than the national average. The WCJB Victims and Witnesses Group, chaired by the ABM, set up a working group comprising court, police and defence representatives to identify trends and take corrective action. Key prosecution reasons for ineffective trials include absent witnesses and to address this CPS and court staff now seek to identify witness issues three weeks in advance of the trial and consideration is given to applying for witness summons at this stage. Any such applications are now done by secure email. Prosecutors and magistrates are now encouraged to seek to proceed with trials where the defendant fails to attend and the number of trials conducted in the absence of the defendant has increased. Having put these arrangements in place, the group disbanded. Performance continues to be monitored by the Performance and Delivery and Victims and Witnesses Groups.
- In respect of the dissemination of any lessons learnt from the analysis of outcomes, individual lawyers are given verbal feedback by Unit Heads where appropriate. Any key issues raised are disseminated by Unit Heads to their team and also in the staff bulletin, which started in August 2006.
- The percentage of cases with a magistrates' courts review on CMS improved in 2006-07 to 76.2% overall, although there is still scope for improvement. There is also a need to improve the timeliness of case finalisation and recording hearing outcomes on CMS. In 2006-07 only 13.3% of hearing outcomes and 10.3% of finalisations were recorded within a day of the hearing.

<b>3 ENSURING SUCCESSFUL OUTCOMES IN THE CROWN COURT</b>	OPA 2005	OPA 2007	Direction of travel
	Good	<b>Fair</b>	<b>Declined</b>

### 3A Successful outcomes are increasing

Case outcomes in the Crown Court	National performance 2006-07	Area performance 2006-07
Judge ordered acquittals	13.1%	13.9%
Judge directed acquittals	1.4%	1.0%
Acquittals after trial	6.5%	7.4%
Warrants	1.3%	1.0%
Overall conviction rate	77.7%	76.7%

- The proportion of cases which result in a successful outcome has increased since our last OPA from 75.3% to 76.7% in 2006-07, having dipped in 2005-06 to 74.9%. However, this remains below the national average.
- The rates of judge directed acquittals (JDAs) and judge ordered acquittals (JOAs) have fallen since the last OPA from 2.2% to 1.0% and from 15.5% to 13.9% respectively. Wiltshire is performing better than the national average for JDAs but worse than nationally for JOAs. The rate of acquittals after trial has risen since the last OPA and is worse than the national average.
- Cases that have received pre-charge advice require the approval of a Unit Head before they can be discontinued. This has been re-emphasised to lawyers and caseworkers during the last year. There is dialogue with the police before a case is discontinued to offer them an opportunity to provide any further evidence or information that might be available.
- The Area analyses all unsuccessful outcomes following a court hearing through failed case reports. The form is initially completed by either the caseworker or counsel setting out why the case was stopped or failed after evidence was heard. The form is completed by the reviewing lawyer and passed to the Unit Head with the file for review. All files are seen by the CCP. Feedback where appropriate is given to the reviewing lawyer. As a result of monitoring the reports issues have also been raised with the police including late delivery of evidence and the need for detailed information about witness reliability and credibility.
- The ABM is vice chair of WCJB's Performance and Delivery Group, which is responsible for joint analysis of unsuccessful outcomes in Wiltshire. In the last year it has focused on domestic violence and other hate crimes. However, as the greatest volume of these cases is dealt with in the magistrates' courts, no specific issues have been detected or raised in relation to unsuccessful outcomes in the Crown Court.

- Feedback on lessons learned from the analysis of unsuccessful outcomes is given to individual lawyers as appropriate and any more general issues are discussed at team meetings. Champions also circulate guidance and flag local problems to ensure that all relevant staff adhere to best practice and are aware of likely difficult issues.
- In 2006-07 the Proceeds of Crime Act (POCA) target of 21 confiscation orders was exceeded with 27 obtained, but the value target of £373,866 was not met, with only £131,956 obtained. There is an agreement that a member of the police's financial investigation unit will attend the CPS offices and review all police charged cases prior to their first court hearing to assist identification of all potential POCA cases that might not otherwise have been flagged.
- The Area has increased the hours of its POCA Champion who attends quarterly meetings with the police as well as the Regional Confiscation Unit to identify what action is needed to enforce outstanding orders and those in default. The CPS is also signed up to the WCJB Enforcement Protocol.

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

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	52.9%
Cracked trial rate	39.5%	38.0%
Ineffective trial rate	12.4%	9.1%

- Unit Heads allocate all committals and sent cases to the lawyer who made the charging decision, if within the unit. If the decision was made by a prosecutor outside the unit or CPSD, cases are allocated according to specialism or other expertise and workload. A member of the support staff is responsible for maintaining a spreadsheet in relation to all cases to be committed or having been sent to the Crown Court, which identifies the key target dates for the service of appropriate paperwork and key court hearings. This spreadsheet is copied to all lawyers and Unit Heads for monitoring and enforcement of tasks relevant to the progression of cases. Any cases of concern are escalated to the relevant Unit Head for action. Unit Heads are now examining files as part of CQA, although this was not being carried out in the first part of 2007-08. They have focused on 'live' rather than finished cases as the main method of assessing the operational effectiveness and quality of casework handling and decisions. In three out of five files we examined the CPS were ready to proceed at the plea and case management hearing.
- The timeliness of indictable only cases has declined since the last OPA and, at 64 days in 2006-07, was worse than the national average of 52 days. The CPS does not have a dedicated CPO for Crown Court business. Arrangements with the Crown Court's own CPO are that there is a dedicated single point of contact within the CPS for case progression matters who directs queries to either the allocated caseworker or lawyer. The allocated caseworker is responsible for certifying trial readiness in all Crown Court contested hearings. The officer who acts as the case progression contact point maintains a spreadsheet for the effective monitoring of this requirement and attends fortnightly case progression meetings with the Crown Court CPO and Witness Care

Unit Manager. The present system is not as effective as it could be, with some non-compliance with orders and late witness availability resulting in ineffective plea and case management hearings and trials. In our reality check the CPS did not take action to prevent avoidable delay in one case. Recent changes in the way cases are allocated have led to some improvements in compliance with disclosure and court orders. The CPS should review its own case progression arrangements and compliance performance in conjunction with the Courts Service.

- There are no specific arrangements for dealing with youth cases in the Crown Court, over and above the procedures for cases involving adult defendants. The youth CPO attends the PYO case progression meetings when all such cases, including those in the Crown Court, are dealt with.
- Although the ineffective trial rate at 9.1% in 2006-07 was worse than at the time of our last OPA (8.8%), it is an improvement on performance in 2005-06 when it was 12.1%, and is better than the national average of 12.4%. The effective trial rate was also better than the national average (52.9% compared with 48.2%), as was the cracked trial rate (38.0% against 39.5%). However, ineffective (excluding police witnesses) and cracked trial rates due to the prosecution are both worse than national averages (36.8% compared with 35.1% and 40.5% compared with 36.7% respectively).
- As for magistrates' courts, and based on the cracked and ineffective trial forms completed in court, a report is prepared on each ineffective trial and these are reviewed and commented upon by Unit Heads and the CCP with any actions needed as a result identified. Feedback is provided to individual lawyers where appropriate by Unit Heads. If more widespread issues are noted these will be raised at team meetings or published in the monthly newsletter. Trials performance is also monitored by WCJB's Performance and Delivery and Victims and Witnesses Groups.
- Use of CMS for full file reviews improved during the year to a high of 96.3% in March 2007. Overall performance for the year was 83.6%, just short of the Area and national targets of 90%. In our reality check, all five files had full file reviews undertaken and recorded on CMS.

<b>4</b>	<b>PROGRESSING CASES AT COURT</b>	OPA 2005	OPA 2007	Direction of travel
		Fair	<b>Fair</b>	<b>Stable</b>

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

- The Area works with the police to ensure cases are generally ready to proceed at the first hearing. Advance information is provided to defendants at the first court hearing and can be readily provided to the Probation Service. Since December 2006, the Area has had a dedicated CPO for magistrates' courts cases but not for the Crown Court.
- If a not guilty plea is entered cases are adjourned for nine weeks for a case management hearing at which the expectation is that a trial date will be fixed. The Witness Care Unit (WCU) email to the court witness availability prior to this hearing, in accordance with the agreed procedures. However, witness information is often not available at the hearing, causing delay. This is an issue the Area needs to resolve with partners.
- To improve preparation of cases for trial all files are reviewed three weeks prior to the trial by the CPO. Any that require corrective action are passed to the Unit Head who raises outstanding issues with the individual lawyer. Whilst feedback from partners indicates that there have been some signs of improvement in case preparation in the magistrates' courts, arrangements are still viewed as far from satisfactory.
- Continued backlogs of trials developed during the year in the magistrates' courts. The Area opposed extra court sessions, but in the end had to accept these. Double listing of trials is inevitable in the light of the cracked and ineffective trial rates and prosecutors need to be able to work within a reasonable system in order to prevent backlogs developing.
- In the Crown Court instructions to counsel were timely in only 52.8% of cases compared with 78.7% nationally. In our file sample there was generally inadequate or no analysis of the case and the issue of acceptable pleas was rarely addressed. In the magistrates' courts agents generally receive their case papers the night before a hearing.
- In the magistrates' courts, the CPS has a small pool of regularly used agents and is satisfied with their level of experience and expertise. In the youth courts, it aims to ensure cases are only presented by specialist trained lawyers. In the Crown Court, feedback on advocates comes from caseworkers and observations by Unit Heads and the CCP when attending for other matters. A formal advocacy monitoring scheme has been developed but has yet to be fully implemented.
- Prosecutors should be at court by 9.30am to enable discussions with court staff and defence solicitors before the court sittings commence. We received feedback from CJS partners that particular prosecutors are regularly not available at 9.30am but the Area assured us that it had only been made aware of one instance of this, which was swiftly dealt with by the Unit Head. Performance in this respect should be reviewed with the Courts Service.

- Advocates are instructed that it is not acceptable practice to adjourn cases for actions that can be taken in court. Unit Heads review, on a sample basis, cases returning from court to check they have been progressed fully. The timeliness of adult initial guilty plea cases varied during 2006-07, but in three of the quarters it was worse than the national average. The timeliness of youth early guilty plea cases also varied across the year being better than the national average in two quarters. The timeliness of indictable only cases at 64 days in 2006-07 was a decline on the previous year and below the national average (52 days). National figures are not available for adult and youth committals and trials due to the small number of cases in these categories.
- The Area has reached agreements with the Courts Service on the usage of designated caseworkers (DCWs) and has signed multi-agency agreements on the handling of cases involving PYOs or failure to appear warrants. The Area ensures that all advocates have access to telephony and IT facilities at court so urgent additional material can be provided to advocates.
- In 2005-06 there were no wasted costs orders made against the CPS, but in 2006-07 three orders were made totalling £1,550. The Area is appealing one of these orders and seeks to challenge in the courts any they believe are inappropriate.

<b>5 SENSITIVE CASES AND HATE CRIMES</b>	OPA 2005	OPA 2007	Direction of travel
	Good	<b>Good</b>	<b>Stable</b>

#### **5A The Area identifies and manages sensitive cases (including hate crime<sup>4</sup>) effectively**

- Hate crime outcomes are generally improving. In 2006-07, the combined magistrates' and Crown Court unsuccessful outcomes rate was 31.9%, better than the national average (32.8%), and an improvement on the previous year when it was 33.8% (national average 38%). The unsuccessful outcomes rate in domestic violence cases improved from 35.4% in 2005-06 to 31.4% in 2006-07, and in both years was significantly better than the national average. Over the same period unsuccessful outcomes for racially/religiously aggravated and homophobic cases worsened from 24.5% to 26.7% and 0% to 35.7% respectively, however, such cases are few in number.
- The standard of review and handling in sensitive cases is monitored through Unit Heads' reviews of all cases resulting in an unsuccessful outcome and CQA, although compliance with the latter was very low until the third quarter of 2006-07.
- Champions and specialists have been appointed for sensitive cases. Not all of them have terms of reference but these are being developed to ensure there is greater clarity about roles and responsibilities. Until recently, few of these roles included analysis of performance information. The Area now encourages specialists to analyse outcomes, identifying trends and lessons learnt. Champions and specialists are responsible for disseminating legal and policy updates in their areas of expertise to prosecutors and caseworkers and updating any action plans. Specialists are often consulted in appropriate sensitive cases.
- All prosecutors have received relevant domestic violence and Proactive Prosecutor Programme training. The system of file allocation ensures that sensitive cases are handled by prosecutors with specialist skills and knowledge and there is appropriate involvement at CCP level in serious sensitive casework such as fatal road traffic cases. Our reality checks indicated that the standard of decision-making in sensitive cases is generally high. Prosecutors' decision-making was generally in accordance with CPS policy and guidance, although there was limited evidence of specific references to consideration of CPS policy and guidance at the pre-charge advice stage or at subsequent review.
- High profile/media interest cases and those of local concern are referred to Unit Heads for allocation in the same way as serious and complex cases. They are then allocated according to specialism or other expertise and workload. For instance, one of the dedicated Higher Court Advocates (HCAs) dealt with a very high profile case although it concerned a relatively minor matter. The Area has reinvigorated its media identification processes to ensure that media interest cases are flagged on CMS and prosecutors complete a media interest form that is sent to the ABM, who is the Area's press officer. Media training has been delivered to Area Management Team (AMT) members and prosecutors handling Crown Court cases.

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



- Sensitive cases are generally flagged on CMS. The Area is currently targeting rape cases and, as part of this, is undertaking monthly monitoring to check flagging of them. Our reality check on CMS of cases involving racist incidents, domestic violence or with an identified victim, indicated that performance is generally satisfactory.
- The Area is aware of the need to take CPS policies and HMCPSI thematic reviews into account and there is some indication that policies and recommendations are implemented. However, they are not always the driving principles when devising Area practice.
- Unit Head authorisation is required for all hate crime cases in which a reduction or change of charge, or an agreed basis of plea, reduces or removes the 'hate' element of the offence. The review and handling of sensitive cases is formally assessed with the Area undertaking an analysis of all unsuccessful outcomes in hate crime cases to learn lessons and improve performance. Feedback to prosecutors tends to be mainly on an individual basis, with any issues of general relevance circulated more widely.
- The effective handling of child abuse cases is assured. Action concerning these cases is specifically included in the Area Business Plan, for example the 2006-07 plan anticipated work promoting the Children's Charter. Opportunities to improve casework involving children are identified, for example clarifying procedures about third party material relating to children which is in the hands of the local authority, and engaging with partners to increase the flow of information between statutory agencies to ensure that prosecutors' decision-making is fully informed and has regard for the needs of the child. The Area has established links with the Local Safeguarding Children Board and arrangements are in place for the CPS to receive relevant papers and attend when necessary.

<b>6 DISCLOSURE</b>	OPA 2005	OPA 2007	Direction of travel
	Good	<b>Fair</b>	<b>Declined</b>

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

- The Area has taken steps to maintain disclosure performance since the last inspection, however, it has declined. Our reality checks indicated variable levels of compliance with the prosecution's duties of disclosure in magistrates' courts cases. Initial disclosure was dealt with correctly in most cases examined, save that no sensitive unused material form was submitted or requested in three out of the five finalised trial file cases. Continuing disclosure was dealt with correctly in one relevant case. No disclosure record sheets were found on any of the completed magistrates' courts files examined, although it is understood that these had been removed as part of the finalisation process. They should be retained for future reference.
- Our examination of Crown Court files revealed poor compliance with the disclosure provisions. In one case, a prosecutor had specifically ruled out the need to obtain forensic evidence having not grasped its significance, which could have been capable of supporting the defence raised. In another instance, the initial disclosure letter had gone out several weeks late accompanied by the unendorsed and unsigned non-sensitive unused material schedule. The standard of recording decisions on non-sensitive unused material schedules was generally satisfactory. However in most finalised Crown Court cases examined there was no sensitive material schedule and none had been requested. In the majority of cases, the disclosure record sheets were completely blank and in others the entries were incomplete.
- Feedback from partners indicated a general lack of timeliness in the service of disclosure documents in the magistrates' courts, frequent applications to extend the time for service of disclosure in the Crown Court, and instances of poor or late compliance with the prosecution's disclosure obligations. In one reported instance, material which contradicted the account of a prosecution witness had not been served on the defence by the day of the trial. In another the prosecution failed to pursue an obvious line of enquiry which may have assisted the defence case.
- Information supplied by the Area indicated uncertainty about the defence having sight of sensitive unused material schedules and we noted the frequent use of incorrect terminology. There were references in correspondence, instructions to counsel and prosecutors' endorsements to "primary" and "secondary" disclosure, when the date the investigation commenced determined that it was "initial" and "continuing" disclosure that was to be considered.
- There is liaison with the Crown Court to ensure compliance with the protocol on handling unused material and guidance has been provided to prosecutors to resist unjustified requests for unused material.

- There is some evidence of prosecutors' performance in relation to disclosure handling being formally assessed. More recently Unit Heads monitor performance as part of CQA. The latest assessments at 97.3% suggest a high level of compliance, but we are concerned that these figures overstate performance. Disclosure issues may also be identified through the failed case and ineffective trial reports. Trends and issues emerging tend to be dealt with on an individual basis.
- Disclosure material is kept separate from the main file in folders within the magistrates' courts and Crown Court files. Area systems ensure that all unused sensitive material is stored securely, generally being retained by the police. Sensitive material schedules are generally retained in case files and prosecutors and caseworkers are aware of their confidentiality. A log of public interest immunity cases is not maintained.
- The Area has appointed a Disclosure Champion and there has been some dissemination of information to prosecutors and caseworkers. The champion has raised a local disclosure issue affecting many road traffic cases at a national level where definitive guidance was required and liaison is ongoing with the local authorities for the adoption of a third party protocol.
- The Area provided a short disclosure training module for all staff at the time of restructure and all prosecutors and caseworkers have received training on the disclosure provisions of the Criminal Justice Act 2003 and the CPS/police Disclosure Manual, although this was outstanding for the year 2006-07 and was delivered recently in May 2007. At this stage it is too soon to demonstrate improvement as a result of this training.
- The Area has been invited to provide training to police disclosure officers and some has been undertaken with police investigators to explain the principles of disclosure and practical ways to improve disclosure performance, but this is not systematic. Informal training is undertaken by prosecutors who are encouraged to provide feedback and guidance on schedules prepared by the police.
- Action taken to improve disclosure performance since the last OPA includes staff training and joint work to improve police disclosure performance, as set out above, including dissemination of key disclosure developments to senior managers.

<b>7 CUSTODY TIME LIMITS</b>	OPA 2005	OPA 2007	Direction of travel
	Fair	<b>Poor</b>	<b>Declined</b>

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

- There are basic written desktop instructions to assist administrative staff in the custody time limit (CTL) process, and these have recently been updated following last years change in the organisational structure of the Area. There is also a package of written CTL guidance material for staff reference, but this is somewhat dated and not in common usage. The package needs to set down the specific responsibilities of all staff involved in CTLs including those of prosecutors, caseworkers and senior managers as well as administrative staff. Staff receive CTL training as part of their induction.
- In our reality check of six CTL cases, each file was easily identifiable by the use of an orange sticker attached to the file jacket and dates had been calculated and entered on CMS and recorded in the CTL diary. However, in one file the status of the defendant could not readily be ascertained, because of a misleading file endorsement as to whether mode of trial had been determined. In either way cases both the 56 and 70 day expiry dates were routinely noted on the file and the desktop instructions do not clarify when the applicable CTL is to be identified and noted, although in practice the business manager does this. A weakness in the current system is that review dates are not recorded on the file or CTL diary as a back-up to CMS, but the business manager conducts weekly file checks on cases where a limit is due to expire in the forthcoming four weeks.
- There is a CTL Champion in place and since the time of our previous OPA the Area has delivered training to administrative staff and caseworkers (May 2007).
- There was one CTL failure in 2005-06 and another in 2006-07 (the failure occurred on 10 January 2007 although this was not identified until 30 April 2007, when the defendant was due to be released from custody on another matter). All staff are aware that any failures must immediately be notified to the Unit Heads and this happened in each case. In the most recent incidence, a Crown Court case, individual human error was compounded by not checking the back-up system against the file. A full report was drawn up including a detailed analysis of the issues and a series of recommendations. The Area confirmed that all 11 recommendations made have been implemented including refresher training for staff which was conducted in May 2007, as noted above, and weekly dip sampling of CTL files by the business manager.
- Expiry dates are not calculated by the prosecutor in the courtroom or agreed with the courts. At the time of the previous OPA, the Area was in the process of agreeing a service level agreement with the Courts Service, which has still to be signed. It has been agreed with the Crown Court sitting at Swindon and Salisbury that the weekly courts CTL printout will be supplied to the CPS and cross-referenced against CMS and the CTL diary. The Area is planning to seek the Courts Service's agreement to agreeing CTL dates during relevant hearings in the Crown Court.

- A weekly report is taken from CMS which details all CTLs due to expire during the next four weeks and expiry dates are cross-referenced with the office CTL diary. Relevant files are attached to the report and passed to the Unit Heads by the level B1 manager. The Unit Heads then review the list to ensure its accuracy and that any necessary action is taken, details of which are logged. Since the failure earlier this year, the level B2 manager or Unit Heads conduct a dip sample of one magistrates' courts and one Crown Court file weekly.
- CMS task lists are used to help monitor CTLs in conjunction with the diary and the weekly reconciliation of the two. Our reality check found two examples where conflicts between CMS and the diary were incorrectly resolved by accepting the diary as being correct.

<b>8 THE SERVICE TO VICTIMS AND WITNESSES</b>	OPA 2005	OPA 2007	Direction of travel
	Good	<b>Fair</b>	<b>Declined</b>

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

- At the time of the last OPA, Direct Communication with Victims (DCV) letters were only being sent in 62% of cases. Performance against the proxy target has deteriorated significantly since then and in 2006-07 letters were only sent in 34.6% of cases. This is despite the fact that the proxy target has reduced from 71 letters per month at the start of the year to 41 in March 2007. The low level of compliance has continued into 2007-08. The timeliness of DCV letters is above the national average though, with 77% sent within five days (national average 73%).
- A CPS Headquarters review of DCV in Wiltshire was published in November 2006 and highlighted a number of weaknesses which led them to assess that the Area was failing to meet its DCV obligations under the Code of Practice for Victims of Crime (Victims' Code). In January 2007, written instructions for recording DCV letters on CMS were issued to staff and typists were instructed that requests for discontinuance letters not accompanied by DCV letters were to be referred to the DCV co-ordinator for investigation. However, this has yet to be reflected in the performance figures.
- The Area has recently signed a WCJB protocol on the treatment of victims and witnesses in Wiltshire. As well as dealing with the No Witness No Justice (NWNJ) requirements, it also covers compliance with the Victims' Code.
- Following concerns raised by the Witness Care Unit Manager, Unit Heads provided training to both WCU and Witness Service staff to help them explain options to victims and witnesses and better manage their expectations. Partners have raised some concerns that special measures applications were not always made in a timely manner. One of the outcomes of a working group set up by WCJB to address ineffective trials was an agreement to a shorter form to make applications easier. Our file sample showed that in all cases where witness requirements were identified, they were appropriately addressed by referral to the WCU and, where appropriate, by applications for special measures.
- All cases involving vulnerable or intimidated victims or witnesses are flagged on CMS and the file jacket marked with a coloured sticker. These files are prioritised by the WCU. Arrangements have been made with the Courts Service to fax the outcomes of hearings to the WCU within one working day. Communication with victims and witnesses is made via their preferred method of contact, which is established during the initial needs assessment. Additionally, the contact details of the WCU are supplied with every letter to victims and witnesses. Where specialist support is required, arrangements are in place to refer the person to Victim Support or other local agencies.
- Good communication links exist between WCUs and other relevant parts of the CJS, including case progression officers, the police, Witness Service and courts. The Area has provided training to staff to raise awareness of the need for prompt and accurate witness warnings. Prosecutors have been instructed to deal with witness requirements as part of the directions at court. Witness warning procedures are generally effective and there is a timely supply of witness details to the WCU.

- All prosecutors have been supplied with a copy of the Prosecutors' Pledge and have undertaken Proactive Prosecutor Programme training. Prosecutors and other staff introduce themselves and provide information to witnesses at court. The ABM meets regularly with the Witness Service lead at local NWNJ meetings and is provided with feedback regarding CPS staff and counsel performance at court.
- The outcomes of the witness and victim experience survey (WAVES) are presented and monitored in the monthly WCJB Performance Bulletin. The Witness Service carry out a survey of a sample of witness at court. The feedback forms completed by the witnesses are provided to the ABM and analysed at monthly meetings with the WCU Manager, Courts Service and the police. Following the analysis of feedback, the WCJB has established a group to look at the listing arrangements for trials, including the staggering of witness attendance at court and a separate group to establish trends and take corrective action where appropriate in respect of ineffective trials.

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

- Since the sign over of the WCU to the CPS in September 2006 the Area, in conjunction with its partners, has been implementing the post-review action plan. The review indicated that at that stage eight of the 14 minimum requirements had been achieved. By the end of June 2007 ten of the 14 requirements were being met, a good achievement.
- The WCJB's Victims and Witnesses Group which meets monthly is responsible for implementing the NWNJ action plan and ensuring the Victims' Code is complied with. All statutory agencies and a number of voluntary sector partners are represented and the action plan is reviewed quarterly. The ABM chairs this group in which there is ongoing joint analysis of performance data, including primary and secondary measures and the WAVES results, levels of cracked and ineffective trials due to witness issues, and witness attendance rates.
- In 2006-07 the levels of cracked and ineffective trials in the magistrates' courts due to prosecution reasons were worse than the national averages. However, the proportion of ineffective trials due to witness issues was better (15.9% compared with 17.2%), whereas the proportion of cracked trials due to witness issues was worse (25.2% against 14.3%).
- In the Crown Court, the level of ineffective trials due to prosecution reasons was better than the national average, but the level of cracked trials due to the prosecution was worse. The proportions of cracked and ineffective trials due to witness issues are better than nationally (2.5% compared with 5.5% and 10.5% against 18.7% respectively).
- In 2006-07, a WCJB Ineffective Trials Group was set up to address the causes of ineffective trials. One of the outputs of this group, as described above, was to make the application process for special measures quicker and another was to put a system in place whereby witness issues are reviewed three weeks in advance of trials.

<b>9 DELIVERING CHANGE</b>	OPA 2005	OPA 2007	Direction of travel
	Good	<b>Fair</b>	<b>Declined</b>

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

- The Area has a clear sense of what it wants to achieve. In 2006-07, the key priorities were to implement its internal restructure moving from functional to combined units, take forward its advocacy strategy, implement statutory charging, and develop the service delivered by its Witness Care Unit in preparation for sign over.
- The Business Plans for 2006-07 and 2007-08 reflect national priorities for the Service and make appropriate linkages to Public Service Agreement and national CPS targets. Desired outcomes and targets are set for each priority aspect with lead accountabilities and milestones. Timescales for some actions could be clearer. The plan is reviewed regularly by the AMT with a comprehensive formal review at mid-year. In some aspects reviewed outstanding or future action needed could be more specific.
- With only two units it was decided some time ago to dispense with team plans but instead ensure individual aims and objectives are set out clearly in individual forward job plans, which incorporate team and individual objectives. This approach is working well. The results of the 2006 staff survey indicated that staff have a good understanding of what is required of them and how this contributes to the achievement of Area and national objectives, with all scores in this section of the survey being better than national averages.
- There is evidence of joint planning with CJS partners to meet long and medium term objectives, including in particular the migration to statutory charging and implementation of NWNJ and, more recently, conditional cautioning. There is scope for continued joint work with the Courts Service to reduce ineffective trials and prepare for CJSSS.

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

- Some nationally-driven change has been implemented successfully including NWNJ, with the WCU successfully signed over in September 2006, and statutory charging: the Area being one of the last to move to the statutory scheme. This was the subject of a positive post-implementation review in November 2006 although there are still important issues that need to be addressed, including further development of the effectiveness of gatekeeping and a high level of undefined outcomes and inactive cases, and the full benefits of this scheme have yet to be realised. Conditional cautioning was piloted in Swindon from March 2007. At the time of our assessment just two cautions had been administered and a timescale for full roll-out had yet to be agreed due to police restructuring. Preparation for CJSSS started in April 2007 and it is planned to introduce this across Wiltshire in December 2007. The Government's Office of Criminal Justice Reform has agreed to a later start to allow the Courts Service to ensure the LIBRA computer system is fully implemented prior to this.



- In terms of locally-driven change, there was a move from functional to two combined units in April 2007. The decision to do this at the same time as implementing statutory charging undoubtedly placed great pressures on the Area. Whilst senior managers are able to identify benefits from the restructure, in particular greater file ownership, the changes have yet to fully impact on casework performance and overall performance has been slower to recover from the period of change than anticipated. Concerted efforts have been made to implement the Area's advocacy strategy with performance showing signs of improvement in late 2006-07.
- National change projects have been reviewed by the respective national teams and the Area has ensured that action plans developed as a result of these have been implemented. In respect of locally-driven change the Area has informally reviewed its restructure and made some adjustments as a result of this, for example altering new case progression arrangements that were found not to be working effectively. However, it has yet to formally review this major change. Such a review may well prove helpful in identifying learning points and in reviewing capacity levels as a basis for improvement and refinements.
- There are arrangements in place for implementing changes. Strategic direction and overall management and review is the responsibility of the AMT, supported by a level D strategy group that is responsible for implementation. The Area has undergone a considerable reorganisation since our last OPA and, while initial change tends to be well planned, the implementation of the restructure was not achieved without a substantial dip in performance from which the Area has still to recover. More focus is needed on managing the post-change period and delivering the full benefits of change programmes.
- Appropriate links are made between key projects and priorities and staff training. For example there has been a good level of joint training in relation to statutory charging and conditional cautioning, much of which has been led by the CPS.
- The Area enlisted the assistance of CPS Headquarters in running a workshop to develop its risk management procedures and managers' understanding of the processes. Appropriate risks are identified within the risk register and individual project risk logs. These are reviewed regularly and action taken as necessary. There is some scope for risk review to be more comprehensive in identifying progress against all counter-measures identified.

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

- The training plan is compiled alongside the business plan to ensure it reflects business needs as well as individual development needs identified throughout the performance appraisal process. Plans for 2006-07 and 2007-08 are comprehensive and well constructed including detailed costings. There is a Training Committee in place which meets regularly and helps in the formation of the training plan and reviewing relevant needs and issues throughout the year
- New starters undertake the CPS's national Prosecution College Equality and Diversity Module. In order to demonstrate its commitment to equality and diversity, the Area recently arranged a disability awareness session for all staff which they found valuable.

- Induction training has been improved. With low numbers of new staff, arrangements have been made more recently for them to attend a general induction day in a neighbouring Area. As these are run quarterly this ensures that general induction for new staff is more timely than in the past.
- Key mandatory training has taken place. All prosecutors have attended the relevant Proactive Prosecutor Programme and domestic violence training modules. Most other planned training has taken place, although some has been delayed.
- In terms of equality of access to training, although the majority provided is for legal staff, efforts are made to provide some development opportunities for administrators. For example, two staff were sponsored to undertake the Certificate in Criminal Prosecution in 2006-07. Much training is provided in Area which makes access easier for staff and, where possible, courses are scheduled on different days to allow those with alternative working patterns to attend.
- Evaluation forms are completed following attendance on a training course but these are returned directly to the CPS Regional Business Centre and not evaluated at Area level. While there is some overall informal review of training at local level, arrangements for evaluating the benefits could be strengthened. The Area is in the process of developing a local evaluation system.

<b>10 MANAGING RESOURCES</b>	OPA 2005	OPA 2007	Direction of travel
	Good	<b>Fair</b>	<b>Declined</b>

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

- Following a small overspend in 2005-06 (100.3%) due to unplanned staff overtime in the run up to the migration to combined units, the Area worked hard to remain in budget in 2006-07. However, in the event it underspent (97.1%) due largely to the late notification of a lower pay award than expected and sickness absence. Although steps were taken to utilise the available funds these were not fully successful.
- Managers are clearly accountable for achieving value for money and the Area continues to promote and take action to secure this. This is seen primarily in the effective deployment of staff including, for example, taking account of home bases when allocating staff to units in the restructure and the deployment of caseworkers to cover two courtrooms wherever possible. Action has also taken to reduce costs, in particular for travel and subsistence in which the Area needed to take a firm approach.
- The budget continues to be systematically monitored and controlled. There are sound systems for forecasting and recording actual and committed expenditure and monitoring and reconciling these. Improvements in 2006-07 include better budget profiling. There is limited delegation of the budget, which is reasonable given the size of the Area, and which assists it in keeping a tight rein on expenditure.
- Arrangements for managing the prosecution budget are developing and the prosecution costs budget is now regularly monitored. The outturn for both 2005-06 and 2006-07 was a 10% underspend. In 2006-07 the budget was on target until December when a large trial listed late in the year was re-listed after the year end. The estimated costs of this case should have been returned to Headquarters, but the implications for the budget of the listing change were not picked up quickly enough to do this. Communications between caseworkers and finance have been strengthened as a result. Appropriate arrangements have been introduced to manage high cost cases, supported by training for relevant staff. There are effective systems for ensuring counsel fees are paid correctly and on time. The proportion of graduated fee scheme payments made within one month of case completion was consistently better than the national average in 2006-07. With the exception of one quarter, this was also the case for payments made within four months of case completion.
- Additional funding was allocated for a designated caseworker and level B1 manager/CPO. This has been used to advance the advocacy strategy and, following the appointment of the additional DCW, Wiltshire achieved a 'green' rating in relation to DCW use for the first time in January 2007. The funded manager/CPO position has enabled the Area to strengthen its case progression arrangements, although these are not yet optimal.

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

- In April 2006 there was restructure moving to combined units. As part of the planning for this there was carefully consideration of staff numbers and allocation across teams. Since then there have been a number of further reviews against the activity based costing model to ensure that staff are correctly distributed. The Area also evaluates any vacancies that arise, for example in December 2006 when a prosecutor left, it was decided to recruit another DCW rather than a prosecutor to maximise on opportunities provided by the 2007 court matrix.
- The Area considers that it is unable to afford the number of lawyers determined by the ABC model and this has been exacerbated by sickness absence. Managers understand ABC figures to be an indication of resources required, but this decision undoubtedly puts pressure on its casework capacity. According to the model, in June 2006 the Area should have had 22.2 level D/C staff but actual available resources were 17 and in March 2007, the ABC share was 21.9 compared with 16.6 available (four lawyers were on secondment to CPS Direct, one on a career break and another on maternity leave).
- Lawyers are expected on average to be in court or at charging centres at least three days per week and DCWs two and a half days. Since April 2007, the Area has moved from a weekly to a monthly rota and put systems in place to monitor actual deployment. Prosecutors record court finish times and this data is provided to AMT.
- Although the usage of DCWs increased in each quarter of 2006-07 from 7.1% in the first to 14.2% in the final, the proportion of magistrates' courts covered by them for the year as a whole was 9.9%, well below the national average (14.7%). Key factors contributing to the improving proportion were successful negotiation of more DCW courts with the Courts Service and the recruitment of a third DCW who became operational in December 2006. The court schedule for 2007-08 provides further opportunity for deployment and a fourth DCW has recently been recruited. The Area is confident that it is well placed to meet the new target for 2007-08 of 17%.
- Although in-house coverage of magistrates' courts increased in 2006-07 from 72.2% in the first quarter to 75.2% in the last the level of agents used is still high at 26%, compared with the national average (20%).
- Whilst the number of HCA sessions increased by 16% in 2006-07, this was insufficient to enable the Area to meet its target; £57,500 was saved against a target of £66,717. Key contributory factors were staff changes and sickness absence. However, a very high level of savings per session were achieved, which at £537 were well above the national average (£339). HCAs prosecuted in just ten trials and two refreshers in 2006-07. In view of the ambitious target for 2007-08 (£119,600), the Area has recently deployed two full time HCAs to cover trials at the same time as developing other HCAs to do so. It is also planning to cover cases in Salisbury Crown Court.
- Sickness levels are below the national average with overall absence in 2006 amounting to 5.2 days per person, much better than the national average of 8.5 days. The percentage of absence due to long term sickness is also better than the national average. The Area monitors the cost of sickness absence and works closely with its Human Resources (HR) Adviser to manage return to work effectively. It has been commended by CPS Headquarters HR for support given to staff returning to work after serious illness.
- A significant proportion of the workforce benefit from flexible working arrangements. Any requests to reduce hours or change working patterns are considered against business needs. At least one informal application was refused in 2006-07 on the basis that it did not fit with business needs.

<b>11 MANAGING PERFORMANCE TO IMPROVE</b>	OPA 2005	OPA 2007	Direction of travel
	Fair	<b>Fair</b>	<b>Stable</b>

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

- The AMT considers overall performance in key project areas as these are reviewed at its monthly meetings. A more detailed review of performance takes place in separate monthly AMT performance meetings and improvement actions arising from these are now detailed in an action log. Staff were provided with copies of targets for both 2006-07 and 2007-08, but until earlier this year performance information provided to staff tended to be more on an ad hoc basis. However, starting in the third quarter of 2006-07 staff have been provided with a quarterly performance review which is well presented and wide in its coverage. This supplements general performance information of note contained in monthly Area bulletins introduced in August 2006. There is still scope for more systematic review and discussion of performance, both overall and that specific to teams, at team meetings and the new quarterly performance review provides a sound basis for this.
- Since the last OPA, the Area has experimented with a number of different performance pack formats as it has sought to identify the most appropriate. The current monthly pack, developed in late 2006, adopts the format of other Areas in the new CPS regional group. This is comprehensive in coverage and breaks down performance for each unit. It is very well presented with a summary of key issues and a performance 'dashboard' at the front of the report before the detailed performance tables. The narrative to support the data contained is developing.
- In the last half of 2006-07 improved systems for checking the quality of Area data were put in place, including a series of reports run monthly on key outcomes to assist checking data quality. Some random checks of all finalisations are conducted and these would benefit from being put on a formal footing. Efforts are being made to improve the quality of data in other key aspects including reducing PCD undefined outcomes and the backlog of finalisations.
- Responsibilities for performance management are clear. Alongside development of the Area's performance management framework, there has been good work recently to develop the new management team's understanding of performance issues. A managers' development day in April 2007 focused on performance and included the involvement of Headquarters personnel. We found examples of managers at all levels taking action to improve performance and systems and some good examples of seeking and utilising good practice from other Areas. The Area is well aware that there is scope for performance improvement in many aspects of its business.
- Good efforts are made to ensure appraisal is used to improve personal performance including some examples of where poor performance has been tackled. Objective setting workshops were run for managers at the start of 2006-07 and 2007-08 at which team objectives were set. Specific objectives are set for staff reflecting business priorities.

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

- CPS managers play an active role in a range of joint performance groups with partners. These include groups falling within the umbrella of the WCJB, for example the Performance and Delivery Group and others such as PTPM meetings with the police.
- Relevant information is exchanged with partners. There was some concern expressed by those surveyed about the availability of witness information provided and the need for earlier requests for special measures, and also about the time taken to implement secure email to enable more timely exchange of information.
- A number of joint improvement strategies have been progressed and some of these have resulted in improvement. For example Proceeds of Crime Act performance has improved and, more recently, remedial work to address poor PYO performance is leading to improvements. However there remain important aspects of work where more improvement is needed, in particular in case progression and reducing the level of ineffective trials, and in improving charging benefits.

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

- Operation of CQA has not been sustained. Compliance fell to a low level in the third quarter of 2005-06 and did not recover until the third quarter of 2006-07. Quarterly compliance rates in 2006-07 were 13%, 19%, 59% and 98%. This was primarily due to operational pressures caused by the implementation of the statutory charging scheme and the move to combined units in March and April 2007 respectively.
- CQA forms examined indicated generally sound assessment and identification of learning points, although the high level of scores in respect of meeting the standard for disclosure were at variance with our own file review.
- Feedback from CQA reviews was primarily given at an individual level. There was limited evidence of any overall review and analysis of trends emerging at AMT level.
- The Area has developed an advocacy monitoring scheme which it has brought to the attention of the judiciary, although this has yet to be fully implemented.

<b>12 LEADERSHIP</b>	OPA 2005	OPA 2007	Direction of travel
	Good	<b>Fair</b>	<b>Declined</b>

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

- The AMT has set out a clear vision, values and direction for the Area in its business plan that reflect the CPS national strategy and priorities. This has been well communicated to staff and messages reinforced to them during the course of the year, with the results of the 2006 staff survey indicating that staff have a good understanding of what is required of them.
- However, whilst the survey also found a high level of awareness of the CPS strategy “building a world class prosecution service”, a smaller percentage of staff than nationally were positive about the changes it described. The Area considers that there was some disconnection between the national and local vision at the time (the survey coincided with the move to combined units) with staff unable to see how the national vision could be achieved locally. Managers believe that with recent strides made towards making the advocacy strategy a reality, this is changing. The Area now needs to assess to the extent to which staff are supportive of national strategy and the further changes this will involve in practice.
- Managers understand their responsibilities for implementing management decisions and delivering CPS and CJS strategies. Most managers are involved in business planning and review and forward job plan objectives are clear and set out where individuals take lead roles. Responsibilities were also discussed at the last two managers’ away days in October 2006 and April 2007. At the former, a managers’ code of practice was developed and agreed. This covers managers’ aims, beliefs and values, capabilities and behaviours, and copies are displayed on staff notice boards. In the light of recent changes in the senior management team there would be value in an independent review of progress against the standards. The Area has set out its governance arrangements in a document that has been presented to staff. This could now be usefully revised to incorporate all relevant groups, for instance the role of the strategic change management and performance groups.
- A considerable amount of senior management effort went into the implementation of statutory charging and the restructuring. There were changes in the small management team during 2006-07. Good efforts are made to ensure a corporate approach seen, for example in the implementation of the revised travel and subsistence and annual leave arrangements - which required a firm approach - and the steps taken to reduce the reliance on agents.
- Senior managers make good efforts to be available to staff, particularly during periods of change such as the restructure, although feedback indicates that there is scope for senior managers to be more visible and aware of issues facing staff. Following the staff survey, a number of suggestions in relation to improving communication have been taken forward.

- The 2006 survey indicated that fewer staff had regular team meetings than the national average (56% compared with 59%), although more considered meetings to be effective (62% against 55%). Unit Heads intend to hold more regular staff meetings. The Area's best practice guidelines for internal meetings are not always applied and there is scope for improving the notes of these and the highlighting of action points to ensure key issues can be communicated effectively to those unable to attend.
- Relationships with most criminal justice partners are generally open and constructive and the Area has been proactive in taking forward some key joint initiatives with them including in particular statutory charging, NWNJ and, more recently, conditional cautioning. However, more work needs to be done with the Courts Service to identify and address concerns about CPS performance in court and case progression arrangements. This should provide the basis for constructive joint work to improve case progression performance and prepare for the implementation of CJSSS later this year.
- A number of examples were found of where senior managers demonstrate a willingness to learn from reviewing success and failures. For instance in the constructive response to the staff survey findings and in action to improve communication.

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

- The proportion of staff who consider the CPS values its staff and that there are effective systems of recognising people who perform effectively fell in the 2006 survey (21% from 35% and 12% from 24% respectively) and concerted efforts are being made since to address this. The more recent Investors in People assessment identified that some managers are excellent role models in this respect, but more needs to be done to ensure constructive feedback is given by all managers.
- The proportion of staff who consider they are treated with fairness and respect increased from 67% to 71% in the 2006 survey, well above the national average of 63%. During the year, the Area reissued the CPS Dignity at Work booklet. The proportion of staff who considered it safe to speak up and challenge was also above the national average.
- Senior managers have taken action to address unsatisfactory behaviour, including an instance where the behaviour of two staff to each other was impacting adversely on team spirit and in a number of cases of inappropriate emails.
- Equality and diversity issues are incorporated within the business plan with a focus on improving public confidence and victim and witness satisfaction, as well as prosecution of hate crime. The Area has yet to set out specifically how it will support and promote the Service's Single Equality Scheme, launched in late 2006.
- The diversity of the workforce has improved since the last OPA, although female staff are still over represented and black and minority ethnic and disabled staff are under represented in comparison with the local working population. Improvement targets and an action plan are in place. However, with such a small numbers, the movement of one or two members of staff can have a major impact on the workforce representation statistics.
- The ABM is the Area's champion for equality actions. There have been no complaints made under the Equality and Diversity Complaints Procedure.



<b>13 SECURING COMMUNITY CONFIDENCE</b>	OPA 2005	OPA 2007	Direction of travel
	Good	<b>Fair</b>	<b>Declined</b>

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

- The Area's involvement in community engagement has gained momentum throughout the year. Around the time of the restructure there was limited engagement activity, however, more recent activity demonstrates that there is now greater commitment of senior managers to community engagement and improving community confidence.
- There is a community engagement strategy and a set of actions on this work in the business plan. Staff at all levels across the Area have been set community engagement objectives that link into the business plan and are reflected in personal development plans. Staff capacity is being built through shadowing colleagues and general training on community engagement. The ABM is the strategic lead on community confidence. Delivery of community engagement business is supported by a member of the Secretariat staff and the Performance Officer assists in internal and external communications. The Area is developing links with the WCJB Community Engagement Officer, working towards more co-ordinated inter-agency community engagement activity.
- Community engagement is viewed as part of core business. Staff engagement has taken place with a diverse range of groups, for example the Area has worked extensively with young people at local schools and colleges attending careers fairs, participating in the anti-bullying week campaign and providing work experience. Some specialists engage with partners and the wider community, for example, the Area lead for domestic violence has worked with partner agencies throughout the year to establish arrangements for specialist domestic violence courts and the lead for racially aggravated offences has provided information at the local Race Hate Forum. The homophobic crime lead strengthened links with the Gay Policing Initiative and the Anti-Social Behaviour Champion forged links with local councils and was responsible for drafting the WCJB protocol with other agencies. The foundations are now in place to further develop engagement with the wider community and the Area plans to widen its focus to include health, age and disability, and to build on links with black and minority ethnic; lesbian, gay, bisexual and transgender; and domestic violence groups.
- A community engagement log is maintained and regularly reviewed. The log is complemented by the electronic on-line Communications and Media Diary which is jointly owned by the WCJB, CPS and other criminal justice agencies. The weekly media coverage report circulated to staff includes features on community engagement. There is a directory of previous staff and community engagement activity that is available on the computer shared drive and is accessible by all staff.
- The Area has established a community contact database of voluntary and community groups and holds information on demographics, but this is in need of updating to reflect changes in the local demography, for example the number of asylum seekers who have been relocated in the Swindon area and the rising number of elderly people. Witness Care Unit directories provide details of specialist support groups across Wiltshire.

- There has been some engagement with groups at risk of greatest exclusion and discrimination for example, the ABM has continued to maintain links with HARBOUR, a Swindon group established for asylum seekers and refugees.
- There is some indication that the Area is making service changes as a result of consultation, for example, following liaison with the Swindon Women's refuge, adjustments were made to the arrangements for providing case updates to victims.
- In the third quarter of 2006-07 Wiltshire was rated 'amber/red' by the CPS Headquarters' community engagement assessment scheme (from 'red' in the first quarter). Recommendations made included increased participation, consultation and evaluation. Feedback is now routinely sought from participants and organisers of events. There has been some evaluation of community engagement events; however, the Area acknowledges that it needs to strengthen the arrangements to measure the success and effectiveness of the range of activity while further developing the agenda for engagement. Although the level of public confidence in the CJS in bringing offenders to justice has consistently been above the national average, it slipped to 44.8% in December 2006, compared with a national average of 42.3%.
- Details of community events the Area is involved in are circulated to the media through established contacts. Senior managers have received media training and have sought to enhance public awareness of the CPS's business by promoting good news stories. Following a cold case review, the Area was represented at a recent press briefing with the police. This was a new experience for the Area and highlighted lessons to be learned in joint media briefing sessions. The WCJB is to develop a joint media and communications protocol which will clarify and strengthen existing arrangements between partner agencies.

## ANNEX A: PERFORMANCE DATA

### Aspect 1: Pre-charge decision-making

	Magistrates' courts cases				Crown Court cases			
	National target March 2007	National performance 2006-07	Area performance 2005-06    2006-07		National target March 2007	National performance 2006-07	Area performance 2005-06    2006-07	
Discontinuance rate	11.0%	15.7%	17.2%	18.4%	11.0%	13.1%	12.2%	11.5%
Guilty plea rate	52.0%	69.2%	73.5%	70.4%	68.0%	66.5%	65.9%	66.0%
Attrition rate	31.0%	22.0%	20.8%	23.2%	23.0%	22.2%	24.4%	20.9%

	National performance 2006-07	Area performance 2006-07
Charged pre-charge decision cases resulting in a conviction	78.0%	77.1%

### Aspect 2: Ensuring successful outcomes in the magistrates' courts

	National performance 2006-07	Area performance 2006-07
Successful outcomes (convictions) as a percentage of completed magistrates' courts cases	84.3%	85.1%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	42.8%
Cracked trial rate	37.3%	35.6%
Ineffective trial rate	18.9%	21.7%
Vacated trial rate	22.5%	21.0%

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

<b>National target</b>	<b>National performance 2006</b>	<b>Area performance 2006</b>
71 days	72 days	79 days

*Offences Brought to Justice*

	<b>CJS area target 2006-07</b>	<b>CJS area performance 2006-07</b>
Number of offences brought to justice	11,607	11,421
<b>Percentage make up of Offences Brought to Justice</b>	<b>National 2006-07 <sup>5</sup></b>	<b>Criminal justice area 2006-07</b>
Offences taken into consideration (TICs)	8.5%	7.3%
Penalty notices for disorder (PNDs)	10.3%	6.5%
Formal warnings	5.8%	2.2%
Cautions	26.5%	19.4%
Convictions	48.8%	64.6%

**Aspect 3: Ensuring successful outcomes in the Crown Court**

	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
Successful outcomes (convictions) as a percentage of completed Crown Court cases	77.7%	76.7%

<b>Trial rates</b>	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
Effective trial rate	48.2%	52.9%
Cracked trial rate	39.5%	38.0%
Ineffective trial rate	12.4%	9.1%

5 Final figures awaited.

<b>Proceeds of Crime Act orders</b>	<b>Area target 2006-07</b>	<b>Area performance 2006-07</b>
Value	373,866	131,956
Number	21	27

### **Aspect 10: Managing resources**

	<b>2005-06</b>	<b>2006-07</b>
Non ring-fenced administration costs budget outturn	100.3%	97.1%

<b>Staff deployment</b>	<b>National target 2006-07</b>	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
DCW deployment (as % of magistrates' courts sessions)	17.2%	14.7%	9.9%
HCA savings against Area target	100%	138.4%	86.2%
Sickness absence (per employee per year)	7.5 days	8.5 days	5.2 days

### **Aspect 13: Securing community confidence**

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

<b>CJS area baseline 2002-03</b>	<b>2004-05 (last OPA)</b>	<b>Performance in 2006-07</b>
39%	46%	44.8%

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

### **Police**

Wiltshire Constabulary

### **HM Courts Service**

HM Courts Service Wiltshire

### **Community Groups**

West Wiltshire Interfaith Group

Swindon Race Equality Council

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