CPS Hertfordshire
Overall Performance Assessment
Undertaken November 2005

March 2006
Promoting Improvement in Criminal Justice
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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 Hertfordshire and represents a baseline against which improvement will be monitored.

Assessments and judgments have been made by HMCPSI based on absolute and comparative assessments of performance. These came from national data; CPS self-assessment; HMCPSI assessments; and by assessment under 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 in relation to the other defining aspects, in order to arrive at the OPA.

The table at page 7 shows the Area performance in each category.

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 tailored programme of inspection activity.
B. AREA DESCRIPTION AND CASELOAD

CPS Hertfordshire serves the area covered by the Hertfordshire Constabulary. It has three offices, at St Albans, Hertford and Watford. The Area Headquarters (Secretariat) is based at the St Albans office.

Area business is divided on functional lines between magistrates’ courts and Crown Court work. The Central, East and West Criminal Justice Units (CJUs) handle cases dealt with in the magistrates’ courts. The Crown Court Unit (CCU) handles cases dealt with in the Crown Court.

During the year 2004-05, the average Area number of staff in post was 89.9 full time equivalents.

Details of the Area’s caseload in the year to March 2005 are as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Area numbers</th>
<th>Area % of total caseload</th>
<th>National % of total caseload</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-charge advice to police</td>
<td>4,253</td>
<td>17.6</td>
<td>20.9</td>
</tr>
<tr>
<td>Advice</td>
<td>588</td>
<td>2.4</td>
<td>5.1</td>
</tr>
<tr>
<td>Summary offences</td>
<td>11,843</td>
<td>49.1</td>
<td>46.8</td>
</tr>
<tr>
<td>Either way and indictable only</td>
<td>7,414</td>
<td>30.7</td>
<td>26.7</td>
</tr>
<tr>
<td>Other proceedings</td>
<td>28</td>
<td>0.1</td>
<td>0.4</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>24,126</strong></td>
<td><strong>100%</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>
C. SUMMARY OF JUDGMENTS

A full inspection of CPS Hertfordshire was conducted in September and October 2004 (report published in March 2005). It was found that the Area had made progress since the previous inspection and a number of strengths and positive aspects of performance were apparent, although some of the recommendations had not been achieved. Casework outcomes were satisfactory and the Area was implementing the shadow charging scheme, the Effective Trial Management Programme (ETMP) and No Witness No Justice (NWNJ). It was also one of two national pilots for the enhancement of the role of Higher Courts Advocates (HCA). Areas for improvement resulting in recommendations were: the handling of unused material; Direct Communication with Victims (DCV); engaging criminal justice partners more effectively (in particular with regard to summary trial delay); communications with staff; performance management and engaging the local community.

Generally, performance improvements have been achieved, despite the constant requirement to implement change, although progress has been limited with regard to handling unused material and DCV.

A clear vision and values for the Area have been established by the Area Management Team (AMT) and corporacy and communication has been developed throughout the Area. Senior managers continue to play an active role in implementing important joint initiatives with CJS partners, although there is still scope for further constructive engagement. Senior managers act as role models for the Area's values and aims and the Area follows CPS equality and diversity policies, although, in the absence of an equality and diversity plan, specific development actions and accountabilities are not clear.

Much change was successfully implemented in 2004-05 and there is a good level of learning and development to support the change agenda. Change management planning processes are evolving although there is scope for refinement and improvement.

Resource planning and accounting procedures are sound and value for money is pursued. The prosecution budget is actively managed with systematic control and monitoring. The use of agents is also closely monitored. HCA deployment and consequent savings have increased significantly as a result of the national pilot and the Area also makes effective use of its designated caseworkers (DCW). There is a low level of sickness absence compared to the national average. The Area had a significant underspend in 2004-05.

The unsatisfactory timeliness of preparation of cases destined for the Crown Court is a serious issue for the Area in that 176 were discharged by the magistrates in 2004–05, which is equivalent to 12% of all cases committed and is more than three times the national average. The combined rate of unsuccessful outcomes in the magistrates' courts and Crown Court is virtually identical to the national average and the shared local criminal justice system (CJS) target for increasing offences brought to justice (OBTJ) has been achieved. It is anticipated that performance will improve further as the local police focus moves from securing sanction detections towards achieving successful outcomes under
the new regime for Prosecution Team Performance Management (PTPM). Overall
discontinuance rates are reducing, although the proportion of pre-charge decision (PCD)
cases resulting in discontinuance is greater than the national average. Adverse outcome
reporting, which lacked depth at the time of the last inspection, has improved enabling
performance issues to be addressed.

Advocates have become more robust in seeking to make progress wherever possible,
although prosecutors reviewing and preparing cases still need to be more pro-active at
times by seeking necessary additional evidence or information. Performance in finalising
cases involving persistent young offenders (PYO) expeditiously has been generally within
target, although there have been occasional fluctuations primarily due to the low numbers
of cases. The negative impact on cracked and ineffective trial rates of significant trial
backlogs in the magistrates' courts is recognised by the CJS agencies and is being
addressed. The quality of instructions to counsel is good, although their delivery is not
always timely. Case progression is improving as a result of better co-operation between
the agencies. Performance in avoiding cracked and ineffective trials in the Crown Court is
better and targets have been achieved. Use of the case management system (CMS) is
increasing in every aspect.

Sensitive and hate crime cases are advised upon or handled by specialist prosecutors.
The Area received positive feedback from a national audit about its performance in
handling cases involving domestic violence and it provides detailed guidance to assist
prosecutors dealing with cases arising from road traffic fatalities. The attrition rate in hate
crime cases (41.3%) is, however, relatively high.

The Area does not have a customised written Area custody time limit (CTL) system
setting out the individual responsibilities of staff and a reality check showed there are
some training issues. However, there were no CTL failures in 2004-05.

The Area has taken positive steps to address the unsatisfactory level of performance in
handling unused material at the time of the last inspection, but a reality check file
examination revealed that there remains room for improvement.

Witness Care Units (WCU) are now in place, delivering a high quality service to victims
and witnesses. A framework document has been agreed between the CJS agencies for
implementation of ETMP. However, the Area continues to have difficulty complying with
the DCV scheme.

The Area is taking action to improve its management of performance, although there
remains scope for further improvement and refinement. Commitment to joint performance
management with criminal justice partners is good. Operational systems have been
reviewed with improvements made as a result. However, systems for assuring the quality
of casework were insufficiently robust in 2004-05, although compliance has since
improved.
Migration to the statutory charging scheme was deferred slightly to mid-November 2005. Positive action has been taken to improve the quality of pre-charge decisions and the accuracy of recording. However, expected benefits from charging (in terms of encouraging guilty pleas and reducing attrition) are not yet being realised. Some of the reasons for this have been identified and are being addressed in collaboration with other CJS agencies.

There has been some monitoring of the quality of advocacy generally, although it has been informal and ad-hoc rather than systematic. Systems are in place to ensure advocates are able to prepare adequately. The Area is still operating the CPS HCA pilot scheme and is increasing the share of work undertaken by in-house prosecutors in the Crown Court achieving some 40% of non-contentious work to the end of 2004-05.

There is in principle a commitment to community engagement, although the Area found it difficult to meet all planned milestones in 2004-05, in light of other demands and priorities. It has yet to embed fully this aspect of its work as part of its core business. Good work has been done to develop the Area's media profile.

In the light of our findings that the Area has achieved good or fair performance across almost all aspects, we have assessed the Area's overall performance as FAIR.
## Critical Aspects

<table>
<thead>
<tr>
<th>CRITICAL ASPECTS</th>
<th>Level 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-charge decision-making</td>
<td>2 - Fair</td>
</tr>
<tr>
<td>Ensuring successful outcomes</td>
<td>2 - Fair</td>
</tr>
<tr>
<td>Leadership</td>
<td>3 - Good</td>
</tr>
<tr>
<td>The service to victims and witnesses</td>
<td>3 - Good</td>
</tr>
<tr>
<td>Managing resources</td>
<td>3 - Good</td>
</tr>
</tbody>
</table>

## Other Defining Aspects

<table>
<thead>
<tr>
<th>OTHER DEFINING ASPECTS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Managing magistrates’ courts cases</td>
<td>1 - Poor</td>
</tr>
<tr>
<td>Managing Crown Court cases</td>
<td>2 - Fair</td>
</tr>
<tr>
<td>Handling sensitive cases and hate crimes</td>
<td>3 - Good</td>
</tr>
<tr>
<td>Custody time limits</td>
<td>2 - Fair</td>
</tr>
<tr>
<td>Disclosure</td>
<td>1 - Poor</td>
</tr>
<tr>
<td>Presenting and progressing cases at court</td>
<td>3 - Good</td>
</tr>
<tr>
<td>Delivering change</td>
<td>2 - Fair</td>
</tr>
<tr>
<td>Managing performance to improve</td>
<td>2 - Fair</td>
</tr>
<tr>
<td>Securing community confidence</td>
<td>2 - Fair</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OVERALL ASSESSMENT</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2 - FAIR</td>
</tr>
</tbody>
</table>
1A: The Area ensures that procedures for pre-charge decision-making operate effectively at Area charging centres

- The Area has been operating shadow charging at three sites with statutory charging implementation in November 2005. On occasions it has been necessary for the charging offices in the East and West to close if there has been unexpected absence. The Area has addressed this by recruiting and training new lawyers and establishing better contingency arrangements.

- Area recording and counting systems are generally accurate and the use of the case management system (CMS) for the recording of advice and decisions is embedded. Positive action has been taken to encourage accuracy and enforce the proper use of MG3 forms by the police, with the CPS declining to advise otherwise.

1B: The Area ensures that all charges advised on are in accordance with the Director’s guidance, the Code, charging standards and policy guidelines, and are accurately documented and recorded

- Area lawyers are generally of sufficient experience and expertise to deal with PCD cases and there is widespread understanding of the local and national scheme and all relevant guidance. On the rare occasions that less experienced lawyers have been required to cover for absent colleagues appropriate arrangements have been made for consultation and referral in difficult or sensitive cases.

- The Area has monitoring systems in place to assure the quality and timeliness of advice and decisions provided. Unit Heads monitor the quality of advice as part of the Casework Quality Assurance scheme (CQA) and there have been improvements in the level of detail recorded. A full training programme for lawyers has been implemented in preparation for statutory charging.
• Sensitive cases are referred to Area specialists before no further action (NFA) is advised. Generally, however, there has not been any monitoring of pre-charge NFA decisions (Unit Heads only consider their quality if the police disagree and appeal). Under statutory charging, CMS will be used to track NFA cases and there will be regular file examination by Unit Heads to assess the quality of decision-making.

1C:  **The Area is able to demonstrate the benefits of its involvement in pre-charge decision-making**

• Migration to the statutory scheme is being implemented in accordance with the schedule with most of the deadlines being met within the relevant period. The Area was committed to rolling out statutory charging on 10 October 2005 but that was deferred to 14 November in order to allow the police more time to meet the assessors’ final assurance requirements.

• There was a joint internal review of shadow charging with the police in November 2004 and its recommendations led to improvements. Information is exchanged between the CPS and police at regular meetings of the charging project steering group and local charging implementation groups. Unit Heads and the Area performance officer provide face-to-face updates and written information about charging for staff.

• The Area regularly analyses performance against the charging benefits measurement criteria and is well aware of its failure to meet key targets. It has identified some contributory factors and commissioned specific training for staff to improve the quality of the CPS contribution. Lengthy delays in Hertfordshire before trials are heard has increased the level of witness attrition, which, in turn, has encouraged more defendants to plead not guilty. The Area is seeking to address this through improving communication as part of the No Witness No Justice (NWNJ) initiative and by collaborating with CJS partners in joint initiatives to reduce trial waiting times.

• Inappropriate requests for advice have been referred back to the police, as have cases in which the information provided initially is insufficient. Police gatekeeping has been only partial under shadow charging but it is expected to extend to all sites when statutory charging is implemented.

• The Area has established a good relationship with CPS Direct as a precursor to the implementation of statutory charging. Two of its lawyers seconded to CPS Direct have returned to give valuable presentations to the Area’s lawyers on assuring the quality of advice and the proper recording of decision-making. The CPS has also taken action to address police concerns by ensuring that CPS Direct advice will be informed by important local knowledge in appropriate cases.
Aspects for improvement

- In PCD cases, expected benefits are not being realised. In the magistrates’ courts, the discontinuance rate (21.1%) is well above the national rate (16.3%), the guilty plea rate is only 56.1% (compared to 68.8% nationally) and the attrition rate is also not as good as the national comparator (36.1% against 31%). In the Crown Court, the discontinuance rate (18.7%) is also above the national rate (14.6%), the guilty plea rate is 60.9% (compared to 66.7%) and the attrition rate is 32.8% against 23.8%. More recent figures are indicating signs of improvement.
Magistrates’ courts cases are prepared promptly and most are ready to proceed. Prosecutors are becoming more challenging of defence adjournment requests and lessons are being learned from cases that are adjourned because the prosecution are not ready. Improvements have been achieved in the timeliness of police file delivery. Lawyers are being encouraged to be more pro-active but a reality check suggests that there remains room for improvement. The unsatisfactory timeliness of preparation of cases destined for the Crown Court is illustrated by the fact that 176 were discharged by the magistrates in 2004-05 (a figure equivalent to 12% of all cases committed for trial). Persistent young offenders (PYO) performance has been generally within target and timeliness of case progression generally, with the notable exception of adult trials, is satisfactory. The ineffective trial rate is better than the national average but the vacated trial rate is high. The cracked trial rate is not as good as the national average. The negative impact of significant trial backlogs is recognised and being jointly addressed. Case management system (CMS) use is widely encouraged and increasing.

2A: The Area ensures that cases progress at each court appearance

- Magistrates’ courts cases are routinely reviewed and prepared promptly, with follow-up work undertaken where necessary, and most cases are ready to proceed at each court hearing. Prosecutors have been encouraged to take earlier decisions and be more robust in challenging defence applications for unnecessary adjournments. Unit Heads examine cases in which progress should have been made but was not, so that the CPS and police can learn any lessons from them.

- A strong line has been taken where the police have failed to deliver a file in time for the first hearing resulting in an improved service. Area managers are also encouraging lawyers to be more pro-active at an earlier stage in requesting further information from the police to improve the prospects of conviction.

- Timeliness data indicates that the criminal justice system (CJS) Area has exceeded the national average for timeliness of adult committals (91% against 89%) and youth committals (100% against 91%). It has also equalled the national average for timeliness of adult guilty pleas (83%) and youth trials (87%). Timeliness of youth guilty pleas is only slightly below the national rate (86% against 87%). However, timeliness in reaching adult trials is well below national levels (at 45% compared to 66%).

- There is some liaison with criminal justice partners, with case progression meetings and performance is improving as a result. Trial management is more robust since the implementation of the Effective Trial Management Programme (ETMP). Checks seven weeks before the hearing date identify
outstanding issues, which are then addressed by the reviewing lawyer so that trial readiness can be certified. There is then a further readiness check four weeks before trial. Case progression meetings are held fortnightly with the court and police. The CJS area is embarking upon an intensive and much needed initiative to clear trial backlogs.

- The timeliness of youth cases is improving. The PYO target is now being met, is better than the national performance and is improving (the most recent outcome was 53 days against the national target of 71 days). Performance has been generally good and below national levels, although there have been fluctuations primarily due to the low numbers of cases. The average finalisation period was 82 days in the three-month rolling average to February 2005 (the three-month rolling average between August and October 2004 was 74 days and 79 days between October and December 2004).

- The Area did not have any wasted costs orders made against it during 2004-05.

Aspects for improvement

- The quality of case preparation should be better, particularly in light of the increased time available for summary trial preparation in Hertfordshire. The Area had 176 discharged committals in 2004-05, which represented just under 1% of its completed cases in the magistrates’ courts and was significantly higher than the national average (0.3%). It is the equivalent of 12% of all cases committed for trial, illustrating the serious nature of the problem. A reality check file examination of 20 cases (10 magistrates’ courts trials and 10 Crown Court trials) produced mixed results about prosecutors adding value by seeking to improve the case initially submitted by the police. Whereas in some cases important issues (for example, the commitment of the complainant) were identified and addressed at an early stage, in other cases avenues for improvement (for example, seeking corroborative medical evidence) were either not appreciated or pursued.

2B: The Area contributes effectively to reducing cracked and ineffective trials

- The ineffective trial rate (24.2%) is better than the national average (24.8%) and the Area has met its target (25%). There is some analysis of cracked and ineffective trials and appropriate action is generally taken where the prosecution has been at fault. The proportion of ineffective trials for which the prosecution was at fault (5.8%) is also better than the national average (6.8%). However, the lower-than-average rate of ineffective trials may be masked to some extent by an above-average rate of trials that are vacated (i.e. taken out of the list - which usually has the benefit of avoiding witness attendance and means that the court time can be used for other cases). That occurred in 27.2% of all magistrates’ courts trials in the Area compared to 16.3% nationally. Combining the ineffective and vacated trial rates gives a Hertfordshire total of 51.4% against 41.1% nationally.
There is formal analysis of all cracked and ineffective trials and appropriate action is taken where the prosecution has been at fault. Feedback from the courts is analysed and Unit Heads examine individual cases. The principal prosecution reason identified has been witness failure.

Work has been undertaken with criminal justice partners, action has been taken and communicated, and performance is improving as a result. A clear listing framework has been agreed and the CJS Area is seeking to address a significant backlog in summary trials. The need to list several trials in a single court session increases the likelihood that they will be ineffective and the inevitable delay (caused by the caseload and adjournment rate) encourages defendants to defer their guilty pleas in the hope that witnesses will lose heart causing the prosecution to fail.

Aspects for improvement

- The cracked trial rate is not as good as the national average (38.9% compared to 37.1%).

2C: The Area demonstrates that CMS contributes to the effective management of cases

- CMS is routinely used to record key events in cases and attempts are being made to monitor outstanding tasks and chase them up where appropriate. Usage is monitored and appropriate action has been taken to improve it. The Area management team (AMT) oversee the development of CMS to ensure that unit managers are accountable. An IT needs analysis is carried out for all new recruits and increasing CMS usage is included in lawyer Forward Job Plans. Super users have provided valuable advice and practical guidance.

- The Area is conscious that there is scope for greater usage of the Management Information System (MIS) and has adopted its own templates in certain instances. The Area Business Manager (ABM) and Area Performance Officer are actively seeking opportunities to increase their MIS proficiency.

- The Area’s rates for usage of CMS for full file reviews and for effective log-ins have improved, although they were below the national averages in 2004-05; for full file reviews this was 21.8% compared to a national rate of 27.1% and for effective log-ins 76.1% against 80.8%.
3. MANAGING CROWN COURT CASES

Crown Court cases are usually ready to proceed and prosecutors and caseworkers are generally pro-active, although the guilty plea and conviction rates are not as good as they are nationally. The overall quality of instructions to counsel is good, although they are not always delivered promptly. The Effective Trial Management Programme (ETMP) is improving the progression of cases. The Area did not meet its Proceeds of Crime Act (POCA) target in 2004-05 but performance is now improving. The ineffective trial rate is within target and the Area’s performance in avoiding cracked trials is relatively good. Learning points from cracked and ineffective trials are recognised and addressed. The proportion of indictments prepared on the case management system (CMS) was slightly better than the national average.

3A: The Area ensures that cases progress at each court appearance

- Crown Court cases are routinely reviewed and prepared promptly, with follow-up work undertaken where necessary. Most cases are ready to proceed at each court hearing. Prosecutors and caseworkers are generally pro-active in seeking to improve cases after committal. However, the guilty plea rate in the Crown Court (69.3% compared to 73.1%) and the conviction rate (71.8% compared to 75.8%) are not as good as the national averages.

- Most instructions to counsel include an analysis of the issues and acceptability of pleas, although they are not always delivered promptly. Instructions are monitored under the Casework Quality Assurance scheme (CQA), and Higher Courts Advocates (HCAs) and counsel provide valuable feedback. Training designed to improve the quality of case analysis in instructions has been delivered for relevant staff. A reality check file examination of 10 Crown Court files confirmed that the overall quality is good. However, timeliness of delivery of instructions to counsel is significantly below the national rate (60.5% compared to 85%).

- There is some liaison with criminal justice partners, case progression meetings take place, and performance is starting to improve as a result. The ETMP is being rolled out across the Area and the responsibilities of Case Progression Officers (CPO) are clearly established. The CPOs attend court to note all orders and directions that are made so that they can immediately notify the lawyers and caseworkers responsible for preparing the particular cases. Joint case progression procedures have been reviewed and regular liaison with the CPO from the Crown Court is beginning to bear fruit.
• The Area is monitoring POCA cases but did not meet its target for confiscation orders in 2004-05 (only nine orders were obtained realising a sum of £399,179). However, performance is improving. The police Financial Investigation Unit (FIU) is now working more effectively and additional CPS training has increased awareness. The Area was ahead of target in the first quarter of 2005-06 (11 orders and recovery of £234,000 - against a target of £177,000).

• The position as regards persistent young offenders (PYO) is covered in Aspect 2. Performance has been generally within target.

3B: The Area contributes effectively to reducing cracked and ineffective trials

• The ineffective trial rate is reducing and the Area met its own and the national target (18% and 18.4% respectively). It was 17.2% in 2004-05, which was not quite as good as the national performance (15.8%). The cracked trial rate (33% against 39.2%) and proportion of cracked trials caused by the prosecution (12% against 15.3%) are both better than their national comparators. The proportion of ineffective trials caused by the prosecution is the same as the national rate (6.6%).

• There is formal analysis of cracked and ineffective trials and appropriate action is taken where the prosecution has been at fault. The case progression team produces a monthly statistical analysis. Learning points are discussed internally and at Local Criminal Justice Board (LCJB) delivery group meetings. The No Witness No Justice (NWNJ) initiative is having a positive impact and is beginning to reduce the proportion of cracked and ineffective trials caused by problems with prosecution witnesses. The Area is particularly vigilant in attempting to ensure that pleas rejected on a previous occasion are not accepted on the day of trial unless there has been a material change in circumstances.

3C: The Area demonstrates that CMS contributes to the effective management of cases

• CMS is routinely used to record key events in cases, and attempts are being made to monitor outstanding tasks and chase them up where appropriate. The Area Management Team (AMT) oversees CMS usage and individual performance against targets is monitored. Appropriate action is improving usage levels (for example, including appropriate developmental objectives in staff performance appraisal and conducting ad hoc checks). The proportion of indictments prepared on CMS was slightly better than the national average in 2004-05 (81.6% compared to 81.5%).

• The position as regards use of the information available on the Management Information System (MIS) is covered in Aspect 2.
The combined rate of unsuccessful outcomes in the magistrates’ courts and Crown Court (as a percentage of completed cases) was almost equal to the national average. Overall discontinuance rates are reducing and there has been a significant fall in unsuccessful outcomes in the Crown Court in the first quarter of 2005-06. Adverse outcome reporting has improved enabling performance issues to be addressed and improved case progression is reducing the likelihood of witness failure. The Criminal Justice System Area has performed well in significantly surpassing its target for increasing Offences Brought to Justice (OBTJ).

4A: The Area is working to increase the number of successful outcomes and reduce the level of attrition after proceedings have commenced

- For the full year to March 2005, results compared with national averages show:

<table>
<thead>
<tr>
<th>OUTCOME</th>
<th>AREA FIGURE</th>
<th>NATIONAL AVERAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Magistrates’ courts</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Discontinuance &amp; bindovers</td>
<td>13%</td>
<td>12.5%</td>
</tr>
<tr>
<td>No case to answer</td>
<td>0.5%</td>
<td>0.4%</td>
</tr>
<tr>
<td>Dismissed after trial</td>
<td>2.3%</td>
<td>1.8%</td>
</tr>
<tr>
<td>Discharged committals</td>
<td>1%</td>
<td>0.3%</td>
</tr>
<tr>
<td>Overall conviction rate</td>
<td>80.9%</td>
<td>80.8%</td>
</tr>
<tr>
<td><strong>Crown Court</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Judge ordered acquittals</td>
<td>14.9%</td>
<td>14.2%</td>
</tr>
<tr>
<td>Judge directed acquittals</td>
<td>1.9%</td>
<td>2.0%</td>
</tr>
<tr>
<td>Acquittals after trial</td>
<td>11.8%</td>
<td>6.3%</td>
</tr>
<tr>
<td>Overall conviction rate</td>
<td>71.8%</td>
<td>75.8%</td>
</tr>
</tbody>
</table>
The majority of these show performance that is not as good as seen nationally. The combined rate of unsuccessful outcomes in the magistrates' courts and Crown Court (as a percentage of completed cases) was, however, almost equal to the national rate (19.7% compared to 19.6%).

There is formal assessment of the quality of review and case handling, with appropriate action being taken, although systems for ensuring the quality of casework are not always sufficiently robust. Discontinuance rates have reduced since 2003-04, partly as a result of the identification of misrecording that was inflating the figure, and were only slightly above national levels in 2004-05. There has been a further fall in quarter one of 2005-06 to 11.5%.

The unsuccessful outcome rate in the magistrates' courts increased slightly in the first quarter of 2005-06, to 19.2% from 19.1% in 2004-05. However, in the Crown Court there was a significant fall in the first quarter of 2005-06, to 24% from 28.2% in 2004-05.

Reporting on and analysing the reasons for adverse outcomes has improved. Forms are completed in most appropriate cases, and clearly set out the reasons for acquittal. Issues, such as the quality of statement taking and the performance of some agents, have been identified and addressed. Improved case progression procedures under the Effective Trial Management Programme (ETMP) have assisted the Area to better anticipate witness issues likely to cause adverse outcomes.

The target for Offences Brought to Justice (OBTJ) is a shared one by reference to criminal justice area. The ability of the CPS to influence this particular target is limited because it includes offences dealt with by non-prosecution disposals. The CPS contribution comes through managing cases to keep discontinuance and unsuccessful outcomes low. The Area and national OBTJ targets have been exceeded and performance is improving. The CJS Area has achieved an increase of 37.8% (18,759) on the 2001-02 baseline against an Area target of 21.9%.

Aspects for improvement

The Area had 176 discharged committals in 2004-05, which represented just under 1% of its completed cases in the magistrates' courts and was significantly higher than the national average (0.3%).
Specialist prosecutors generally handle sensitive cases. They are flagged up on the case management system (CMS) and their handling is monitored using the Casework Quality Assurance scheme (CQA). The Area received positive feedback from the National Domestic Violence Audit and has introduced detailed guidance to assist in dealing sensitively with cases arising from road traffic fatalities. The Area undertakes a case-by-case analysis of decisions to reduce the seriousness of sensitive and hate crime offences but does not, as yet, compare the conviction rate with that achieved generally. The attrition rate in hate crime cases (41.3%) is relatively high.

5A: The Area identifies and manages sensitive cases effectively

- Sensitive cases (all cases involving domestic violence, homophobic, racist and religious crime, child abuse/child witness cases, rape, fatal road traffic offences, issues of local concern, street crime, Anti-Social Behaviour Orders and high profile/media interest cases) are generally handled by prosecutors with the appropriate specialist skills and knowledge. Non-specialists are able to readily consult more experienced colleagues where necessary.

- The Area has appointed Champions and specialists for sensitive cases who participate in multi-agency fora. Sensitive cases are flagged up on CMS and their review and handling is assessed using the CQA scheme. Appropriate individual feedback is provided where necessary.

- The Area received positive feedback from the recent National Domestic Violence Audit in relation to its efforts in training staff, addressing domestic violence issues through the Local Criminal Justice Board (LCJB), working with voluntary agencies to support victims through the legal process and engaging with the community in order to ensure that policies and procedures are effective. All homicides, road traffic fatalities and other cases of particular sensitivity or that are likely to attract significant media attention are seen by the Chief Crown Prosecutor (CCP).

- Training has also been provided in respect of sexual offences and racially and religiously aggravated crime, and the Area is aware of the need to take CPS policies and HMCPSI thematic reviews into account. A detailed road traffic fatalities procedure has been established incorporating the recommendations and suggestions from the HMCPSI thematic review.
• The Area undertakes an analysis of sensitive and hate crime cases in which a reduction or change of charge, or an agreed basis of plea, reduces or removes the ‘hate element’ from the offence. This is on a case-by-case basis and there is not as yet any comparison of the conviction rate in such cases with that achieved generally to assess the effectiveness of the additional attention and resources afforded.

Aspects for improvement

• The attrition rate in hate crime cases (41.3%) is significantly greater than the attrition rate generally. The Area is addressing a major contributory factor, i.e. a local police policy of charging both parties in domestic violence incidents. This has resulted in more cases having to be withdrawn against either or both.
The Area does not have a customised written Area custody time limit (CTL) system setting out the individual responsibilities of staff. Discussions with the courts have failed to secure agreement regarding the joint monitoring of CTLs. There were no CTL failures in 2004-05. Extensive CTL training has been carried out by the Area using the national CPS training package. A reality check on a number of files showed there are some training issues to be addressed.

6A: Area custody time limit systems comply with current CPS guidance and case law

- There have been no CTL failures during 2004-05.
- During 2004, Area staff received half a day instruction in national CTL guidance and relevant law. The national CPS training brief formed the basis of the training with all staff, including police staff in the Criminal Justice Units (CJU).
- Staff are informed about changes in national policy or new case law as and when they occur.
- Senior managers are informed of any problems relating to CTLs and are involved in ensuring that the Area system is functioning effectively.
- An examination of the tasks relating to CTLs on the case management system (CMS) showed that tasks were being well managed and there were very few, if any, outstanding.

Aspects for improvement

- The Area does not have a customised written CTL system but has issued national guidance to staff. This does not set out the individual responsibilities of staff as is required by national guidance. Given the staffing in the CJUs, which includes police staff, step by step instructions setting out the system operating in the Area would ensure consistent practice.
- The Area has initiated discussions with the courts but has not yet been successful in establishing protocols regarding the agreement of CTL expiry dates in court or the court’s involvement in monitoring expiry dates.
Examination of a sample of CTL files indicates generally good practice in the Area’s Crown Court cases in particular. Of the nine files in which CTLs applied, all were correctly calculated. However some training issues were apparent in the magistrates’ court cases seen. Of a random sample of five magistrates’ court cases identified on the case tracking system as CTL cases, four were being monitored when the defendants were not in custody on those particular files. The mistake was either due to court endorsements that were not clear as to the custody position or a lack of understanding by staff as to the circumstances in which CTLs apply.
Whilst the Area has taken positive steps to address the unsatisfactory level of performance at the time of the last inspection there now needs to a more focused approach to ensure that compliance returns to national levels. Additional training has been delivered and file management has improved. However, file examination has revealed that progress has been relatively modest and there remains room for improvement in terms of ensuring that unused material schedules are properly endorsed and that a satisfactory audit trail of disclosure actions is maintained.

7A: The Area takes steps to ensure that there is compliance with the prosecution’s duties of disclosure

- Additional training has been provided since the last inspection and there is now better segregation of disclosure documents (schedules, material and correspondence). Disclosure record sheets are also attached prominently to disclosure folders in Crown Court cases to encourage better recording. Action has been taken to ensure that any previous convictions of prosecution witnesses are available to prosecutors for consideration.

- Prosecutors’ performance in relation to disclosure is assessed under the Casework Quality Assurance scheme (CQA) and Unit Heads have provided some developmental feedback to individuals. Although systems for ensuring the quality of casework are not always sufficiently robust, this monitoring has revealed some outstanding areas for improvement, principally relating to the proper and accurate recording of disclosure actions.

- The Area disclosure Champion has provided initial training on the disclosure provisions of the Criminal Justice Act 2003 to most prosecutors and will deliver the advanced training in the first quarter of 2006. The Area also ensured that all prosecutors received a copy of important national guidance appearing in CPS News.

- Sensitive material is stored securely. Sensitive unused material and schedules are removed from files on receipt and stored in a secure location.

- Some work has been undertaken with the police to improve joint performance. The Area disclosure Champion has been involved in disclosure training for crime investigators and other police staff have benefited from attending CPS disclosure training.
Aspects for improvement

- Performance at the time of the last inspection (September and October 2004) was unsatisfactory, with compliance rates below those recorded by the Inspectorate for the CPS nationally. Primary disclosure was handled properly in 62.5% of magistrates' courts cases compared to 71.6% nationally and in 50% of Crown Court cases compared to 79.9%. Secondary disclosure in the Crown Court was handled properly in 37.5% of cases compared to 59.4% nationally. Overall, there was full compliance with the disclosure regime in only 50% of cases compared to a national performance of 70.3%.

- Although some work has been undertaken to improve performance since the last inspection, and some progress has been made, a more systematic approach is required. There has not yet been a focused examination of disclosure handling despite the unsatisfactory findings and recommendation from the last inspection. It is planned that the Crown Court Unit (CCU) Head will examine a cross section of files to determine the impact of recent training.

- A reality check file examination of 20 magistrates’ courts and Crown Court trials indicates that there remains significant room for improvement. Whilst there were some good examples of properly endorsed schedules with a full chronology of actions taken on the disclosure record sheet, there were also several cases in which schedules had not been endorsed correctly and where the disclosure record sheet had not been endorsed at all or was only partially completed. Other examples of less satisfactory performance included: endorsing the first page of the schedule but overlooking the second page; endorsing that the prosecutor’s assessment was provisional and then not carrying out a further assessment. Some schedules were merely initialled by the prosecutor rather than signed and the prosecutor’s name was not printed. There was a copy of an unendorsed MG6C in one committal bundle and no evidence of secondary disclosure in a Crown Court trial. Some endorsements were ambiguous and there were also file management issues.
The Area has been successful in implementing the No Witness No Justice (NWNJ) initiative, having all its Witness Care Units (WCU) in place by June 2005, in accordance with its delivery plan. The WCUs are delivering a high standard of service to victims and witnesses with two units having been recently confirmed as meeting minimum requirements. A framework document has been agreed between the criminal justice agencies, which will implement the Effective Trial Management Programme (ETMP) and Case Progression Officers are in place in the Area. The Area continues to have difficulty complying with the Direct Communication with Victims (DCV) scheme.

8A: The needs of victims and witnesses are fully considered and there is timely and appropriate liaison, information and support throughout the prosecution process.

- The Area programme for the introduction of Witness Care Units is on target with the project achieving expected milestones. All four WCUs are in place and, though it is too early to see as yet, some of the expected benefits of the units are being realised. Due to the length of time it takes to list trials (up to six months) the Area have not achieved fully the benefits in terms of witness attendance at court. There has been, however, positive feedback from witnesses who have received support from the WCUs.

- Witness warning procedures are generally effective and pre-trial checks are usually carried out. The Area supplies witness details to the Witness Service well in advance of the trial and systems are in place to notify them of any changes. The number of ineffective trials due to problems with prosecution witnesses is lower than the national average in the magistrates’ courts but higher in cases at Crown Court. In relation to cracked trials due to the absence of prosecution witnesses, in both the magistrates’ and Crown courts, the Area’s performance is slightly worse than the national average.

- There is clear analysis of cracked and ineffective trial data by both the Area and the Local Criminal Justice Board (LCJB) with reasons for any rise in the figures being sought at multi-agency meetings. Efforts are being made to secure a reduction in the number of cases where this occurs as a result of witness issues.

- The Area has improved the level of service to witnesses at court as part of its higher courts advocacy project. Counsel have been encouraged, through meetings with chambers, to engage with witnesses on the day of the trial. Some units in the Area have requested feedback from the Witness Service regarding the standard of witness care provided by prosecution advocates. In-house prosecutors are aware of their duties in relation to witnesses at
court and report to managers problems with lack of time allowed for them to meet their obligations.

- There is regular liaison with the Witness Service at an operational level. Representatives are invited to LCJB meetings and are part of the victim and witness sub-group of the LCJB. The Witness Service has also played a part in training WCU staff.

- Special Measures are considered as part of the witness needs assessment carried out by the WCU, though has often been dealt with at an earlier stage.

**Aspects for improvement**

- The Area’s compliance with the DCV scheme is problematic. Letters are not sent in all cases in which it would be appropriate and performance in relation to timeliness is variable. The Area achieved only 48% performance against a proxy target, meaning letters were not sent to victims in over half of those cases in which it would have been expected. The Area is making efforts to improve its performance through staff training and a variety of monitoring methods. This has resulted in an increase in the volume of letters sent from January to September 2005 compared to the same period in 2004. One Criminal Justice Unit (CJU) has seen an increase of 72% with an increase of 41.7% overall. However, monthly performance in terms of volume and timeliness continues to be variable.
The Area is supporting the initiative to improve case progression in court. Courts are covered by advocates with appropriate experience, qualifications and specialist training. Systems are in place to ensure prosecutors have sufficient time to prepare courts. There was no formal and systematic monitoring of advocates during 2004-05.

9A: The Area ensures that prosecution advocates and staff attend court promptly, are professional, well prepared and contribute to effective case progression

- The Area is among those agencies leading the initiative to improve case progression in court. It has representatives on the local implementation team, which has introduced a framework document on the operation of the Effective Trial Management Programme (ETMP).

- Agents and counsel are given full instruction packs and are advised of new initiatives and policy directives at meetings the Area attends with counsels’ chambers.

- In-house prosecutors are provided with court files in sufficient time to enable them to prepare properly for court. Agents prosecuting in the magistrates’ courts are sent trial files at least the day before or further in advance for trials expected to last two days or more. A local agreement regarding listing at the magistrates’ courts sets out the requirement that court lists should be sent to the CPS 48 hours in advance. The Area confirmed that this is operating well in practice.

- Court rotas are either drafted by the Unit Heads or approved by them to ensure courts are covered by advocates with suitable experience, expertise and qualifications. Specialist courts are covered by either in-house specialists or agents who have suitable expertise and training. The Area regularly uses specific agents who have attended CPS training.

- Complaints about the conduct of prosecutors in court are referred to the Unit Heads who undertake an investigation and take action as appropriate. The Area does not use agents who do not perform to the required standard. Their performance is monitored and they are only engaged again once the Area is satisfied that it has improved.

- A review of files by the Area’s special casework lawyer and the Unit Heads monitoring of files under the Casework Quality Assurance scheme (CQA) have led to efforts to improve the quality of court endorsements by advocates and caseworkers through individual discussions and through reports at team meetings.
• A listing framework document agreed with the magistrates’ courts in April 2005 allows prosecutors sufficient time to read files transferred to their court at short notice and also that prosecutors have a say in whether a case is suitable to be transferred.

• As a result of the Higher Court Advocacy pathfinder pilot, a relatively high proportion of non-contentious Crown Court cases (and some trials) are covered by in-house advocates. This has advantages in that they generally have additional knowledge of cases and the ability to take timely decisions at court so cases can progress.

Aspects for improvement

• Advocacy monitoring of in-house staff is undertaken by senior managers as part of the performance appraisal process. There has been no systematic, formal monitoring of advocates however. Senior managers attend court on a regular basis and may carry out informal monitoring, with any development issues being discussed shortly afterwards with individuals. Feedback is also received from other court users.

• Counsel appearing in the Crown Court are monitored by caseworkers and by in-house lawyers though not on a regular basis. Performance issues are raised at quarterly meetings with chambers.

• Performance in relation to delivery of briefs to counsel was below the national average of 85%, with the Area achieving only 60.5%. 
The Area has a clear sense of what it wants to achieve. There is evidence that much planned change has been successfully implemented in 2004-05 and broadly in accordance with plans. Change management planning processes are evolving although there is scope for refinement and improvement. There is a good level of learning and development to support the change agenda although evaluation processes have yet to be developed.

10A: The Area has a clear sense of purpose supported by relevant plans

- The Area has a clear sense of what it wants to achieve. The Area’s Business Plans (ABP) for 2004-05 and 2005-06 reflect CPS corporate priorities and targets and priorities of the Local Criminal Justice Board (LCJB). Key milestones and outcomes are set for each of the priority areas.

- Overall progress against key plans is updated on an exception basis at monthly Area Management Team (AMT) meetings while progress against milestones set out in the ABP is reviewed quarterly by the Area Business Manager (ABM) in consultation with managers.

- There is evidence of some successful planning with criminal justice partners. In particular the roll-out of Witness Care Units has been a success and persistent young offenders performance is generally better than target, although there have been some delays in implementing the statutory charging scheme and Proceeds of Crime Act performance in 2004-05 was poor.

Aspects for improvement

- In 2004-05, the ABP was underpinned by unit plans. These were of different formats and did not align clearly with the ABP. With a view to improving corporacy and building Area cohesion, the Area in 2005-06 decided against unit plans and agreed instead that all staff would work to the ABP. This decision relied on individual Forward Job Plans being closely linked to the achievement of Area objectives.

- A review of Forward Job Plans conducted by the Area has revealed that this is not working as well as it might and training is being arranged to support managers in setting appropriate objectives. In the absence of unit plans, the Area recognises there is also scope for greater sharing of Forward Job Plans between managers and is planning to do this. This should help ensure greater clarity and understanding between managers of each other’s roles.
10B: A coherent and co-ordinated change management strategy exists

- The Area’s change programme is an amalgam of nationally and locally driven projects some of which are joint plans with criminal justice partners. The ABM oversees the change management programme managing inter-dependencies between projects in close liaison with the Chief Crown Prosecutor (CCP) and Unit Heads. Local implementation teams are in place for relevant projects.

- There is evidence that much change was successfully implemented during the year and that change has been reviewed. For example, implementation of the Area’s Higher Court Advocacy Plan has led to significant increases in Higher Court Advocates (HCA) usage and more recently increased savings per session. Progress is regularly reviewed. Efforts to improve the case management system usage are beginning to impact on performance with indictment performance improving in 2004-05 and full file review performance showing encouraging signs of improvement in the first quarter of 2005-06.

- Risk management processes are developing well. The Area identifies pertinent risks and counter-measures in its ABP and these are reviewed quarterly, with some evidence of changes made as a result. Individual Risk Registers are incorporated in other key project plans.

10C: The Area ensures staff have the skills, knowledge and competences to meet the business need

- A programme of learning and development courses were run in 2004-05 which covered key mandatory legal training requirements and supported key development projects. As national trainers, the CCP and another member of staff, delivered both Area and substantial CPS wide advocacy training.

- HMCPSI’s inspection in 2004 found general satisfaction with access to and support for training and identified the Area’s strong commitment to support staff who wish to obtain external qualifications as a strength. As part of this, good efforts are made to promote development opportunities for administrative staff, for example, three Level A and B staff are being sponsored under the Law Scholarship Scheme.

Aspects for improvement

- The Area is unable to assure itself that all new staff receive a timely induction and the Staff Survey conducted in 2004 identified some issues around the quality of induction training. The Area is taking steps to address both the delay and quality issues.

- The Area is aware that it needs to develop its evaluation processes to enable it to better assess the effectiveness and value for money of learning and development provided.
There is clear evidence that the Area has taken steps to achieve value for money and resource planning procedures are sound with systematic control and monitoring of the budget. There is active management of the prosecution budget and the use of agents is regularly monitored. The Area’s usage of Higher Court Advocates (HCA) and consequent savings have increased significantly and it makes effective use of its designated caseworkers (DCW). There is a low level of sickness absence. The Area had a significant under-spend in 2004-05.

11A: The Area seeks to achieve value for money, and operates within budget

- There is a good focus on increasing value for money in the Area’s Business Plans (ABP) for 2004-05 and 2005-06. Central to the Area’s strategy in this respect is its participation in the national HCA pathfinder pilot. Although this pilot has yet to be formally evaluated, the financial benefits are now becoming apparent and the Area is confident that it is well on course for HCA work to become income generating. Improved DCW usage is a further element of the Area’s value for money strategy.

- HMCPSI’s inspection in 2004 found that the Area has sound systems for projecting and controlling expenditure. The Area Business Manager (ABM) is responsible for management of budgets and reports regularly to the Chief Crown Prosecutor and Area Management Team (AMT). Managers are aware of their contribution to achieving value for money primarily through ensuring effective staff deployment and use of agents.

- The prosecution costs budget is regularly monitored and case management plans are in place for all high cost cases. The prosecution costs spend outturn in 2004-05 was 112%. An Access database has been in use for several years to monitor timeliness and payment of prosecution costs in the Crown Court and more recently in 2004, the Area enforced a rule with counsel whereby invoices must be submitted within 3 months. As a result, graduated fees scheme payment performance has greatly improved and current performance levels indicate no fee backlog and timely payment.

Aspects for improvement

- The Area had a significant non ring fenced expenditure under-spend of 4.1% in 2004-05. There had been a relatively small overspend (0.8%) in 2003-04 and the Area was anxious to avoid this happening again. Until very late in the year, it had been anticipating a modest under-spend in the region of £28k. The Area gave a number of reasons for this. However, it is confident that its budget for 2005-06 is on track.
11B: The Area has ensured that all staff are deployed efficiently

- The staffing budget is properly planned and monitored. An annual staff resources plan is prepared for each unit based on the number of courts to be resourced and these are reviewed mid year or more frequently if necessary.

- Hertfordshire has demonstrated a positive approach to flexible working patterns without losing sight of business needs. This aids recruitment and contributes to a relatively stable workforce in a high wage environment.

- Performance in relation to sickness absence levels is excellent. Sickness absence in 2003 was 4.9 days, much better than the national average of 9.2 days, and in 2004 was 5.5 days, again better than the national average of 8.7 days. Managers have received training in managing absence and sickness absence is monitored and managed in accordance with CPS policies.

- The Area has five DCWs who covered 12.1% of all magistrates’ courts sessions in 2004-05, considerably better than the national average of 8.3%. In Central and West, DCWs make full and regular use of their extended powers but there are more limited opportunities in the East.

- The Area is one of two HCA pilot sites. HCA usage increased significantly during 2004-05, from 57 sessions in the first quarter to 172 in the last, representing some 40% of non-contentious work. While overall savings per quarter more than doubled between the first and last quarters, the savings per session fell to £174 in the last quarter. The overall savings per session figure for the year was £172, well below the national average of £224. However, performance in the first quarter of 2005-06 has been excellent with a total of 203 sessions and savings per session of £430.

**Aspects for improvement**

- There are clear expectations set for lawyer deployment and the use of agents is monitored regularly. Average agents use in 2004-05 was 31.1%, higher that the national average of 26.9%. Key contributing factors were a high level of secondments to CPS Direct and maternity leave cover.
Hertfordshire is taking action to improve its performance management, although there is scope for further improvement and refinement, particularly in relation to the quality of performance data provided to managers. A good level of commitment to joint performance management with criminal justice partners is apparent. There is good evidence of analysis of operational systems and improvements made as a result. Internal systems for ensuring the quality of casework are insufficiently robust with poor Casework Quality Assurance (CQA) compliance in 2004-05. However, compliance has since improved.

12A: Managers are held accountable for performance

- Performance is a standing item at Area Management Team (AMT) meetings held monthly. Specific areas of performance are targeted for discussion at each meeting and a full review across all key performance indicators is conducted when quarterly reports from Headquarters are available. Managers are provided with a monthly data pack which is supplemented with consolidated data provided quarterly and the charging dashboard. The degree to which performance is considered within team meetings varies.

- There is some evidence that managers at all levels have taken action to correct and improve performance and staff at all levels are involved in improvement activity. For example concerted efforts have been made to provide additional local support to lawyers to encourage greater use of the case management system (CMS). The AMT also commissions internal reviews as a basis for improvement planning. In 2004 a casework quality review was conducted and more recently a review of CQA compliance.

- There is good evidence of operational systems analysis and action taken as a result. In early 2005, a study day of businesses processes was held at one Criminal Justice Unit (CJU) attended by both CPS and police managers. This led to improvements, for example one CJU improved its file tracking systems as a result. More recently the Area Business Manager (ABM) and business managers have started to meet as a group on a regular basis. This has facilitated sharing of good practice and operational improvements. There may be value in establishing a similar forum on the legal side.

- Performance appraisal is used to improve personal performance although the Area is conscious that the alignment between personal objectives and the ABP needs strengthening.
Aspects for improvement

- Monthly and quarterly data packs provided to managers focus on case volumes and breakdowns across the units, with limited use of percentages to facilitate comparison and no narrative. Many key performance areas are not covered although the quarterly reviews produced by CPS Headquarters are distributed to managers when these are available. The Area is aware that there is scope for improving its performance reports, possibly based on the style of the quarterly reports produced by Headquarters and is currently taking action to do this.

- Individual senior managers are held accountable for unit performance through the AMT and quarterly meetings with the Chief Crown Prosecutor and ABM, although these are not always sufficiently regular. HMCPSI’s inspection in 2004 found the reports prepared by Unit Heads in preparation for these lacked depth and cohesion. The Area has since improved its approach by implementing a more standardised approach although it acknowledges that there is scope for further refinement and development work is progressing.

12B: The Area is committed to managing performance jointly with CJS partners

- Senior managers chair, or participate in, each of the local criminal justice delivery groups which focus on developing unit level performance. Other performance working groups are established as required to address cross county concerns. A joint agency listings workshop was held to review the courts' listing policy and address concerns.

- Work with partners to meet Hertfordshire Criminal Justice Board’s (HCJB) headline targets is largely effective. For example, Witness Care Units have been rolled out successfully and post implementation reviews have praised the Area for model working arrangements between the police and CPS. However, work on some aspects needs to be strengthened. For example, there is scope for further work with courts to reduce delays to trials. This aspect is being tackled in 2005-06.

12C: Performance information is accurate, timely, concise and user-friendly

- The Area has two Management Information System (MIS) licence holders of which one is the Regional Champion and there has been some use of MIS reports to inform unit and Area performance.

- Good efforts are made to assure the quality of data entry. For example, having identified an issue around incorrect coding of finalisations, lawyers now enter the code on the file cover. Guidance is issued to staff as and when problems are identified.
Relevant performance information is obtained from criminal justice partners and consolidated data from the HCJB Performance Officer. Performance comparison with other Areas is mainly undertaken at a senior management level.

There is some dissemination of performance information to staff at team meetings. Presentations on performance are made to staff at Area and unit training days.

Aspects for improvement

- The Area is conscious that there is scope for greater usage of MIS to support effective performance management.

- A concise performance information bulletin for staff produced on a regular basis would facilitate dissemination of performance information to staff at team meetings and ensure staff are kept updated on a regular basis.

12D: Internal systems for ensuring the quality of casework are robust and founded on reliable and accurate analysis

Aspects for improvement

- Use by the Area of CQA for monitoring casework performance has been referred to in Aspects 1, 3, 5, 7 and 9 above, however, its effectiveness is questionable since there was a low level of compliance with the scheme in 2004-05. The number of forms returned a month as a percentage of prosecutors in post during quarters one to three was 39.2% and in quarter four was 35.8%. An internal review conducted during quarter four revealed that two units did not submit any forms during the period. The Area is taking steps to improve compliance which increased to 64.9% in the first quarter of 2005-06.

- HMCPSI’s inspection in 2004 found that CQA feedback to individual lawyers varied between units and the Area acknowledges there is a need to disseminate learning from casework outcomes in a more systematic way.
The Area Management Team (AMT) has established a clear vision and values for the Area and efforts have been made to further develop corporacy and communication across the county. Senior managers play an active role in delivering joint initiatives with partners, although there is still scope for further constructive engagement. There is evidence that senior managers act as role models for the values and aims of the Area and the Area follows CPS equality and diversity policies.

13A: The management team communicates the vision, values and direction of the Area well

- The AMT has established a clear vision and values for the Area which underpin planned activity and developments. These are communicated to staff at Area and unit training days. Senior managers understand their responsibilities for implementing management decisions.

- HMCSPI’s inspection in 2004 found the AMT to be a cohesive group that provides strong leadership. In response to Inspectors’ concern that some staff were less aware of the wider Area perspective, AMT has actively sought to further develop corporacy by dispensing with unit plans and working to a single Area Business Plan (ABP). It takes opportunities provided by training events and meetings to restate the Area vision and values.

- Efforts have also been made to improve general communication across the Area, for example the Chief Crown Prosecutor and Area Business Manager have increased contact with staff through more regular unit visits. The average communication score in the 2004 staff survey at 44% was above the national average of 43%.

- Senior managers play an active role in the delivery of joint initiatives with criminal justice partners. The successful roll-out of Witness Care Units as part of the No Witness No Justice initiative, chaired by the CPS, was praised in post implementation reviews as a model of effective relationships between CPS and police. On a number of occasions the CPS has led joint agency bids for funding.

Aspects for improvement

- The Area’s dialogue with staff is supported by team meetings which take place in all units. However, meetings are not always regular and do not always involve all staff. Given this, the publication of a brief staff newsletter on a regular basis would assist in underpinning communications.
• Whilst there is some evidence of effective joint development work with partners, there is scope for further constructive engagement in the interests of overall Area performance.

13B: **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**

• All senior managers, to varying degrees, are involved in outward looking activity, particularly since the Area has instigated more pro-active press relations. There is evidence that senior managers demonstrate a willingness to learn from reviewing successes and failures and try new approaches.

• Senior managers act as role models by, for example, taking a firm line in response to inappropriate internet usage by staff. There is evidence that good performance by staff is identified and acknowledged.

• The average dignity at work score in the 2004 Staff Survey at 53% was worse than the national average of 55%. During the year, senior managers took informal and formal action to address breaches of the dignity at work policy and are confident that the issues causing concern have been resolved.

• The Equality and Training Officer is responsible for equality and diversity issues. The Area has made a conscious decision not to have a separate diversity plan but instead integrates these issues within its ABP. The Area follows CPS equality and diversity policies. The percentage of black and minority ethnic staff (BME) employed at 1 April 2004 was 8.2%, above the BME proportion of the local working population (6.5%). BME staff are also well represented across grades.

**Aspects for improvement**

• Specific development actions and accountabilities set out for equality and diversity actions in the ABP for 2004-05 are not all as clear as they might be. The Area is waiting for further guidance from Headquarters on actions required at a local level to support the CPS Race Equality Scheme.
14. **SECURING COMMUNITY CONFIDENCE**

There is a commitment to community engagement in the Area Business Plan (ABP) and some evidence of commitment to this agenda by senior managers. During 2004-05, a number of managers and staff participated in some constructive activities although the Area found it difficult to meet all planned milestones, given other business demands. It has yet to embed fully this aspect of its work as part of the core business. The Area is in the process of developing a community engagement strategy, which should help it better prioritise and target activities in the future and review resourcing requirements. Good work has been done to develop the Area’s media profile.

**14A: The Area is working pro-actively to secure the confidence of the community**

- Community engagement was one of five key priorities included in the ABP for 2004-05, supported by a series of milestones and broad anticipated outcomes. During the year, the vast majority of community engagement focused on participation in local domestic violence fora and open days. Due to resource constraints, the Area placed great reliance on joint community engagement through the Hertfordshire Criminal Justice Board (HCJB), for example consultation events held for victims and witnesses and Crime & Disorder Reduction Partnerships.

- The Area maintains a community engagement log which managers are encouraged to complete monthly. A number of managers and staff were involved in activities during the year primarily as part of HCJB consultation events. The overview of the Area’s community engagement programme lies with the Area Business Manager (ABM) although some aspects are shared, for example another manager represents the Area on the HCJB Confidence Group.

- The Area has up to date information on the demographics of the county and has updated its community contacts directory since 2004-05 to incorporate a greater focus on Islamic community groups within the Area, although it has yet to make full use of this. After the events of 7 July 2005 the HCJB, at the instigation of the CPS, wrote to various faith groups across the county about its policy on race and religiously aggravated crime.

- Feedback from a HCJB victims and witnesses consultation event led to the CPS taking the lead in a successful bid for central funding to support an ambitious cultural change programme for Witness Care Unit staff. Funds were secured in early 2005 and the programme is ongoing.
• An aspect for improvement identified in the last inspection was pro-active engagement and liaison with the local media. The Area has since worked hard to raise its media profile. Its Crown Court Business Manager undertakes the role of Press Liaison Officer and a report on cases of potential media interest, which has been well received, is issued to the press every fortnight.

• The British Crime Survey 2004-05 shows that although public confidence in the effectiveness of bringing offenders to justice fell from 49% in 2003-04 to 45% in 2004-05, it is still above the national average (43% in 2004-05). However, the differential is declining.

Aspects for improvement

• There is no dedicated community engagement resource or budget which serves to limit the range of activities the Area can engage in. The Area plans to reconsider resourcing issues in the light of potential higher court advocacy savings next year.

• The Area found it difficult to meet all its planned milestones for community engagement activity in 2004-05 due largely to other competing demands. One objective still outstanding is the development of a community engagement strategy. However, this is currently being drafted and is expected to be finalised later this year. This should assist the Area to better plan and prioritise activities and further integrate community engagement within its core business.

• There was limited direct engagement with black and minority ethnic communities during the year. As a step towards this, the Area has become a member of Watford Race Equality Council, which has yet to plan its forward meeting schedule.
### MAGISTRATES’ COURTS CASES

<table>
<thead>
<tr>
<th></th>
<th>Discontinuance rate</th>
<th>Guilty plea rate</th>
<th>Attrition rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Target</td>
<td>11%</td>
<td>52%</td>
<td>31%</td>
</tr>
<tr>
<td>Area Performance</td>
<td>16.3%</td>
<td>68.8%</td>
<td>22.7%</td>
</tr>
<tr>
<td>Quarter 4 2004-05</td>
<td>21.1%</td>
<td>56.1%</td>
<td>36.1%</td>
</tr>
</tbody>
</table>

### CROWN COURT CASES

<table>
<thead>
<tr>
<th></th>
<th>Discontinuance rate</th>
<th>Guilty plea rate</th>
<th>Attrition rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Target</td>
<td>11%</td>
<td>68%</td>
<td>23%</td>
</tr>
<tr>
<td>Area Performance</td>
<td>14.6%</td>
<td>66.7%</td>
<td>23.8%</td>
</tr>
<tr>
<td>Quarter 4 2004-05</td>
<td>18.7%</td>
<td>60.9%</td>
<td>32.8%</td>
</tr>
</tbody>
</table>

### ASPECT 2: MANAGING MAGISTRATES’ COURTS CASES

#### INEFFECTIVE TRIAL RATE

<table>
<thead>
<tr>
<th></th>
<th>National Target</th>
<th>National Performance 2004-05</th>
<th>Area Performance 2004-05</th>
</tr>
</thead>
<tbody>
<tr>
<td>24.5%</td>
<td>24.8%</td>
<td>24.2%</td>
<td></td>
</tr>
</tbody>
</table>

#### OVERALL PERSISTENT YOUNG OFFENDERS PERFORMANCE (ARREST TO SENTENCE)

<table>
<thead>
<tr>
<th></th>
<th>National Performance (3-month rolling average Feb 05)</th>
<th>Area Performance (3-month rolling average Feb 05)</th>
</tr>
</thead>
<tbody>
<tr>
<td>71 days</td>
<td>67 days</td>
<td>82 days</td>
</tr>
</tbody>
</table>
### TIME INTERVALS/TARGETS FOR CRIMINAL PROCEEDINGS IN MAGISTRATES’ COURTS
**CHARGED CASES ONLY (MARCH 2005)**

<table>
<thead>
<tr>
<th></th>
<th>Initial Guilty Plea</th>
<th>Trials</th>
<th>Committals</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Target 59 days</td>
<td>Target 143 days</td>
<td>Target 176 days</td>
</tr>
<tr>
<td>Cases within target (%)</td>
<td>83%</td>
<td>66%</td>
<td>89%</td>
</tr>
<tr>
<td>Sample size (no of defendants)</td>
<td>6,152</td>
<td>2,698</td>
<td>992</td>
</tr>
<tr>
<td>Area</td>
<td>83%</td>
<td>45%</td>
<td>91%</td>
</tr>
<tr>
<td>Sample size (no of defendants)</td>
<td>107</td>
<td>66</td>
<td>11</td>
</tr>
</tbody>
</table>

### TIME INTERVALS/TARGETS FOR CRIMINAL PROCEEDINGS IN YOUTH COURTS
**CHARGED AND SUMMONSED CASES (MARCH 2005)**

<table>
<thead>
<tr>
<th></th>
<th>Initial Guilty Plea</th>
<th>Trials</th>
<th>Committals</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Target 59 days</td>
<td>Target 176 days</td>
<td>Target 101 days</td>
</tr>
<tr>
<td>Cases within target (%)</td>
<td>87%</td>
<td>87%</td>
<td>91%</td>
</tr>
<tr>
<td>Sample size (no of defendants)</td>
<td>5,185</td>
<td>3,309</td>
<td>190</td>
</tr>
<tr>
<td>Area</td>
<td>86%</td>
<td>87%</td>
<td>100%</td>
</tr>
<tr>
<td>Sample size (no of defendants)</td>
<td>93</td>
<td>86</td>
<td>4</td>
</tr>
</tbody>
</table>
### Promoting Improvement in Criminal Justice Performance Data

#### Overall Performance Assessment of CPS Hertfordshire

**ASPECT 3: MANAGING CROWN COURT CASES**

<table>
<thead>
<tr>
<th>National Target</th>
<th>National Performance 2004-05</th>
<th>Area Performance 2004-05</th>
</tr>
</thead>
<tbody>
<tr>
<td>INEFFECTIVE TRIAL RATE</td>
<td>18.4%</td>
<td>15.8%</td>
</tr>
</tbody>
</table>

**ASPECT 4: ENSURING SUCCESSFUL OUTCOMES**

<table>
<thead>
<tr>
<th>National Target</th>
<th>National Performance 2004-05</th>
<th>Area Performance 2004-05</th>
</tr>
</thead>
<tbody>
<tr>
<td>UNSUCCESSFUL OUTCOMES (AS A PERCENTAGE OF COMPLETED MAGISTRATES’ COURTS AND CROWN COURT CASES)</td>
<td>21%</td>
<td>19.6%</td>
</tr>
</tbody>
</table>

**OFFENDERS BROUGHT TO JUSTICE**

<table>
<thead>
<tr>
<th>National Performance 2004-05</th>
<th>CJS Area Performance 2004-05</th>
</tr>
</thead>
<tbody>
<tr>
<td>Against 2001-02 baseline</td>
<td>21.9%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>National Performance 2004-05</th>
<th>Area Performance 2004-05</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number</td>
<td>16,595</td>
</tr>
</tbody>
</table>

**ASPECT 7: DISCLOSURE**

<table>
<thead>
<tr>
<th>National Performance</th>
<th>Area Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>DISCLOSUREHandled properly in magistrates’ and crown court cases</td>
<td></td>
</tr>
<tr>
<td>PERFORMANCE IN THE LAST INSPECTION CYCLE</td>
<td></td>
</tr>
<tr>
<td>Primary test in magistrates’ courts</td>
<td>71.6%</td>
</tr>
<tr>
<td>Primary test in Crown Court</td>
<td>79.9%</td>
</tr>
<tr>
<td>Secondary test in Crown Court</td>
<td>59.4%</td>
</tr>
<tr>
<td>Overall average</td>
<td>70.3%</td>
</tr>
</tbody>
</table>
**ASPECT 11: MANAGING RESOURCES**

<table>
<thead>
<tr>
<th>NON RING-FENCED ADMINISTRATION COSTS BUDGET OUTTURN PERFORMANCE</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(END OF YEAR RANGES)</td>
<td>2003-04</td>
<td>2004-05</td>
</tr>
<tr>
<td>100.8%</td>
<td></td>
<td>95.9%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DCW DEPLOYMENT (AS % OF MAGISTRATES’ COURTS SESSIONS)</th>
<th>HCA SAVINGS (PER SESSION)</th>
<th>SICKNESS ABSENCE (PER EMPLOYEE PER YEAR)</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.6%</td>
<td>8.3%</td>
<td>12.1%</td>
</tr>
</tbody>
</table>

**ASPECT 14: SECURING COMMUNITY CONFIDENCE**

<table>
<thead>
<tr>
<th>PUBLIC CONFIDENCE IN EFFECTIVENESS OF CRIMINAL JUSTICE AGENCIES IN BRINGING OFFENDERS TO JUSTICE (BRITISH CRIME SURVEY)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CJS Area Baseline 2002-03</td>
</tr>
<tr>
<td>42%</td>
</tr>
</tbody>
</table>
NOTES
NOTES
CPS Avon & Somerset

Overall Performance Assessment

Undertaken October 2005

March 2006

Promoting Improvement in Criminal Justice

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Email: Office@hmcpsi.gov.uk