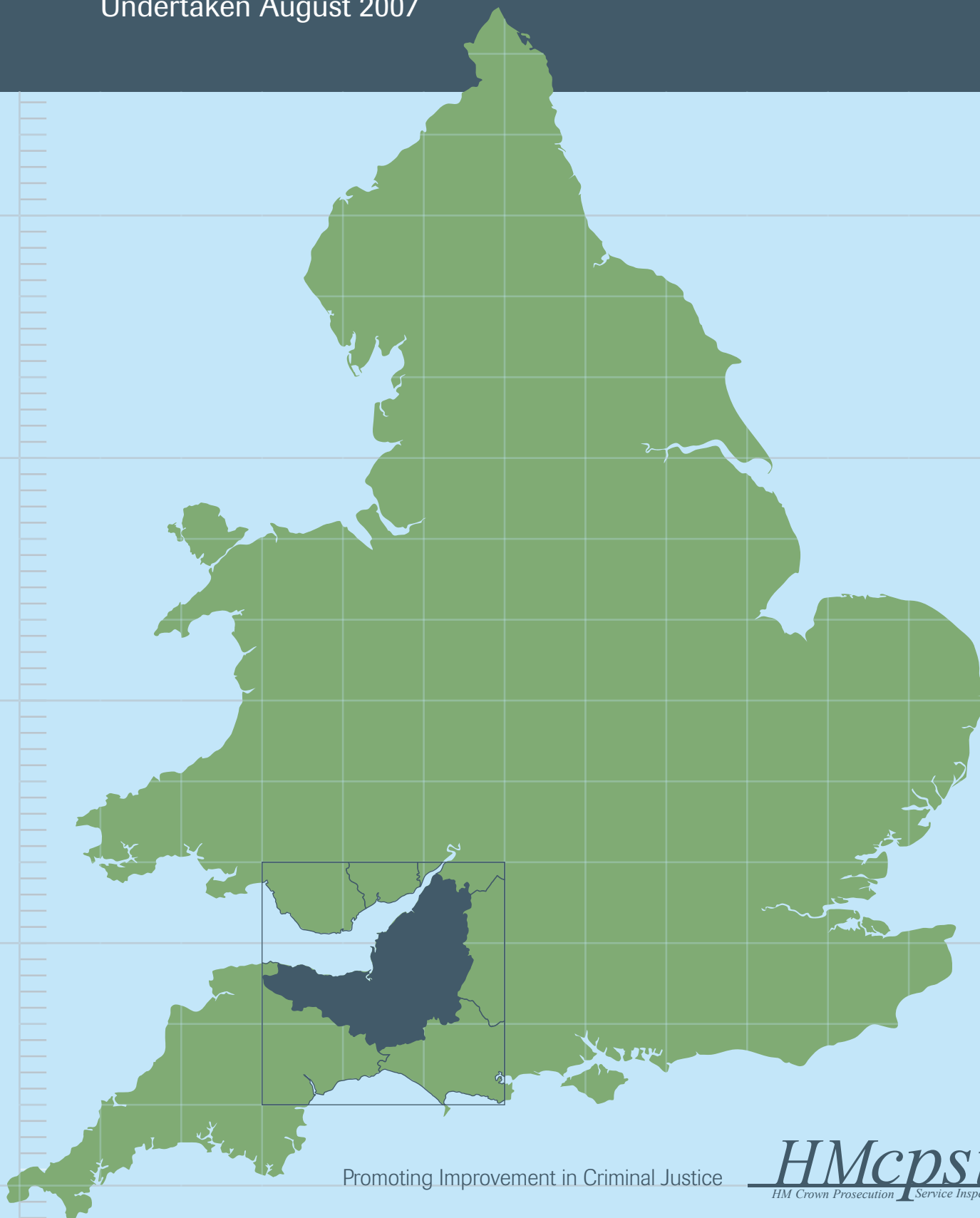


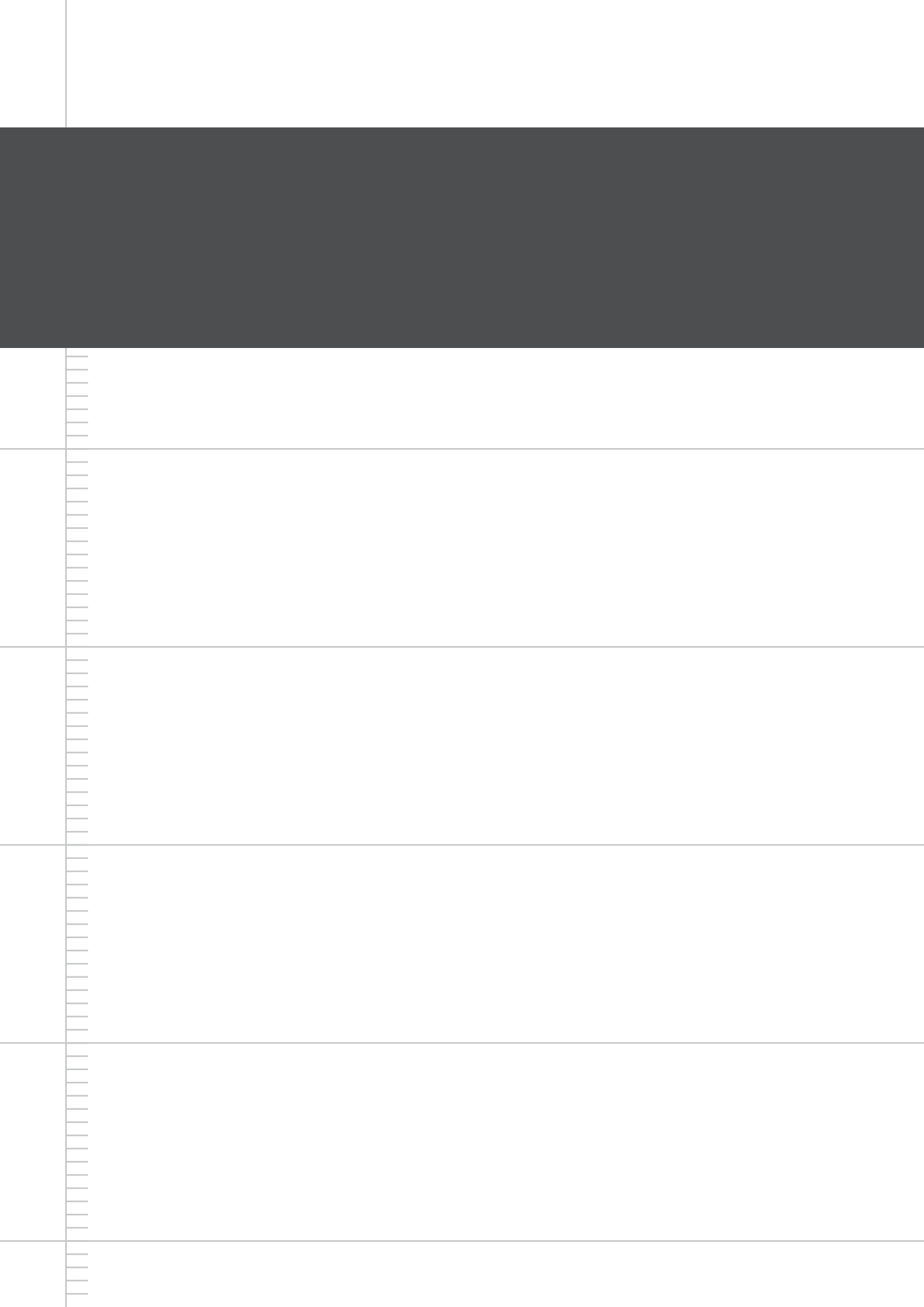
CPS Avon and Somerset Overall Performance Assessment

Undertaken August 2007



Promoting Improvement in Criminal Justice

HMcpssi
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 Avon and Somerset 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 Avon and Somerset serves the area covered by the Avon and Somerset Constabulary. It has two offices, in Bristol and Taunton. The Area Headquarters (Secretariat) is based in Bristol.

Business is divided on functional lines between magistrates' courts and Crown Court work. There are two units in the Bristol office: the Northern Criminal Justice Unit (CJU) and the Bristol Crown Court Trials Unit (CCTU). There is one unit in the Taunton office, the Southern Combined Unit, which has two sub units (the Southern CJU and the Taunton TU). The CJUs handle cases dealt with in the magistrates' courts and the TUs those in the Crown Court.

During the year 2006-07 the Area had an average of 153.8 full-time equivalent staff in post, and a budget of £7,283,475. This represents a 7.3% increase in staff, and an 18% increase in budget since 2004-05, the period covered by the previous overall performance assessment.

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

Pre-charge work¹

2004-05		2006-07	
Written advice	447	Decisions resulting in a charge	7,495
Pre-charge advice (where available)	11,064	Decisions not resulting in a charge ²	4,268

Magistrates' courts proceedings (including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Magistrates' courts prosecutions	31,146	27,766	-10.9%
Other proceedings	45	29	-35.6%
Total magistrates' courts proceedings	31,191	27,795	-10.9%

Crown Court proceedings

(including cases previously subject to a pre-charge decision)			
Cases sent or committed to the Crown Court for determination	2,014	1,801	-10.6%
Committals for sentence ³	586	559	-4.6%
Appeals from the magistrates' courts ³	429	397	-7.5%
Total Crown Court proceedings	3,029	2,757	-9.0%

In 2006-07, 43.9% 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

The Area had a newly appointed Chief Crown Prosecutor (CCP) at the time of the OPA, and had recently appointed a new Unit Head as a result of an existing one being designated as the Area's project manager.

Avon and Somerset is a combination of large urban and rural areas, and the CPS has offices in Bristol and Taunton. Caseload has reduced since the last OPA by 10.9% in the magistrates' courts and 9% in the Crown Court. Over the same period the Area has had an increase in its budget and has been able to increase staffing levels by 9%. This increase, to a significant extent, reflects the Area's commitment to recruitment of Higher Court Advocates (HCAs) and to staff adequately the Witness Care Units and Secretariat.

Summary

The Area has been at the fore front of implementing the CPS's advocacy strategy in developing and increasing the use of in-house HCAs in Crown Court trials. However, a greater emphasis on planning and engagement with the Bar and judiciary, followed by effective monitoring and review, was necessary. The Area has been keen to take an early part in other initiatives and we consider that the effort and commitment of managers and staff has not yet been reflected in outcomes and the Area has not achieved its full potential.

Casework presents a mixed picture of some good outcomes and performance, and other less successful results. Decision-making is reflected well in improved outcomes in hate crimes and sensitive cases and in the excellent pre-charge decision (PCD) guilty plea and attrition rates in the magistrates' courts. There are, however, some weaknesses in decision-making at the pre-charge advice and decision-making stage, with the result that there is a high rate of PCD cases being discontinued in both the magistrates' and Crown Court. Decision-making after charge is satisfactory, but although the overall successful outcomes rate in both the magistrates' courts and the Crown Court have increased since the last OPA, they remained below the national average in 2006-07. Contributing factors in the magistrates' courts are the high rate of warrants issued and higher rates of discontinuances and dismissals after trial, while in the Crown Court there is a very high rate of acquittals after trial.

Arrangements for the provision of face-to-face pre-charge advice are not fully satisfactory. Although face-to-face advice is fundamental to the charging scheme, a high number of cases are being handled through written submissions. The Area is not yet realising all of the anticipated benefits of the scheme and is proposing to deploy more resources and undertake early monitoring of advice.

The progress of cases in the courts is not as good as the national picture, with there being more adjournments per case. Overall timeliness in the magistrates' courts was lower than the national average, although timeliness is better in the Crown Court. The effective trial rates in both the magistrates' and the Crown Court in 2006-07 was better than nationally, although the ineffective trial rate in the Crown Court was poor. There was one wasted costs order in 2006-07.

Performance in relation to the duties of disclosure has declined in Crown Court cases and, despite training, prosecutors continue to refer to the disclosure tests as they were before the Criminal Procedure and Investigations Act 2003 amendments.

There is a well written custody time limit system which has been kept up-to-date. There were two failures in 2006-07 and one the previous year. Reality checks revealed a system error in one unit which would affect Saturday court appearances, caused by a recently introduced, unauthorised, change to a spreadsheet (this was rectified during our visit). There are no agreed protocols with the courts, but there is co-operation in agreeing expiry dates.

Sensitive cases are handled well, and the Area has designated champions and specialists responsible for them. The unsuccessful outcomes rate for hate crimes is reducing and in 2006-07 was good. Managers analyse outcomes through their discontinuance and adverse outcomes reports.

Compliance with the Direct Communication with Victims scheme has improved, although letters are not always sent promptly. The No Witness No Justice initiative is working well, and the Area has now been able to 'sign off' the action plan designed to assist it meet all the minimum requirements.

The Area as a whole has engaged with a wide range of community groups. Engagement with those at most risk, and their support groups, has been beneficial and the Area has been able to take advantage of more specialist training as a result. Demographic information is not up-to-date and more needs to be done to engage with minority ethnic groups resulting from contemporary migration trends.

Governance has been strengthening since the last OPA, with improved business planning and performance management arrangements. In-house advocacy in the Crown Court has been actively pursued, but this has not been managed well. Relationships with criminal justice colleagues are generally satisfactory, but there is some concern as to the degree to which partner concerns are heard. Senior managers have been active taking forward joint agency initiatives.

The 2006-07 Business Plan set out what the Area sought to achieve and how it would do it, and is linked to unit plans and most CPS and criminal justice objectives. The 2007-08 plan has linked unit plans and staff objectives and was communicated effectively to staff.

There are established arrangements with partners for the implementation of change and several projects have been completed. Some of these have been very successful, while others have not fully met expectations. The Area implemented the CPS advocacy strategy as a change project, with appropriate project plans, but did not assess correctly the risk that advocates may not be sufficiently skilled and monitoring plans were insufficient. There has been criticism from the judiciary which now needs addressing, but the absence of monitoring of in-house advocates in the Crown Court means that the Area is not in a position to meet criticisms of the standard of advocacy properly.

There has been better financial management since the last OPA and Area capability has been strengthened. Expectations have been set for the deployment of legal staff and progress has been made on its advocacy strategy for both the use of designated caseworkers and HCAs, and Crown Advocates, although overall in-house coverage of magistrates' courts sessions was behind target. There has been some development in seeking value for money issues and aspects are included in the business plan, although the Area marginally overspent its administrative cost budget for both 2005-06 and 2006-07.

Performance management arrangements have evolved and a 'balanced scorecard' approach has been introduced for the Area overall and for individual units. The casework quality assurance scheme has not been fully sustained, but it is reasonably robust and an equivalent system for caseworkers has been introduced.

Performance in relation to Public Service Agreements is variable. Avon and Somerset criminal justice area has exceeded its joint target for offences brought to justice, but the CPS contributed only 43.9% convictions (compared with a national average of 48.8%). Confidence in the criminal justice system in bringing offenders to justice was just above the national average: 42.5% compared to 42.3%. Performance against the timeliness target of 71 days from arrest to sentence for persistent young offenders has declined since the last OPA, with the 12 months to December 2006 being 72 days overall.

Direction of travel

The Area has made some progress since the last OPA, when it was assessed as “Fair”. Performance has improved in four aspects, remained stable in four, and declined in the remaining five. The problematic aspects mainly relate to weaknesses in some aspects of casework, which have resulted in overall successful outcomes not improving in line with national averages. Steps have already been taken to tackle some of the pre-charge decision processes, and this ought to assist the Area in improving its performance.

In the light of our findings, Avon and Somerset’s overall performance is **FAIR**.

OVERALL ASSESSMENT		FAIR	
Critical aspects	Assessment level		
	OPA 2005	OPA 2007	Direction of travel
Pre-charge decision-making	Good	Fair	Declined
Ensuring successful outcomes in the magistrates’ courts	Good	Fair	Declined
Ensuring successful outcomes in the Crown Court	Good	Fair	Declined
The service to victims and witnesses	Fair	Good	Improved
Leadership	Fair	Fair	Improved ⁴
Overall critical assessment level		FAIR	
Progressing cases at court	Good	Fair	Declined
Sensitive cases and hate crime	Good	Good	Stable
Disclosure	Good	Fair	Declined
Custody time limits	Poor	Poor	Stable
Delivering change	Fair	Fair	Stable
Managing resources	Poor	Good	Improved
Managing performance to improve	Fair	Fair	Stable
Securing community confidence	Good	Good	Improved ⁴
OVERALL ASSESSMENT	FAIR	FAIR	

⁴ Although the assessment for this aspect remains unchanged there has been significant improvement within the range of performance covered by the band.

D DEFINING ASPECTS

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

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

- PCD is provided at nine charging centres. Some are covered every day between 9am and 5pm; others on an agreed number of days, with telephone cover being provided for the remainder. An appointments system has not been used, although this is now being piloted in one of the charging centres. There have been concerns on the part of the police about the proportion of face-to-face coverage: 47.7% of consultations in 2006-07, which is a much lower proportion than the national average of 63.5%. Linked to this, the proportion of written advice is high: 28.2% compared to 19.6% nationally. This brings with it a problem in relation to timeliness of advice.
- When the Area assumed responsibility for charging decisions in July 2004, lawyers from all the units undertook the duty prosecutor role. However, those from the Bristol CCTU stopped being deployed as duty prosecutors in August 2005 in order to drive forward the CPS Crown Court advocacy strategy. This has led to most cases destined for the Crown Court being referred to Unit Heads for allocation to a prosecutor for written advice. The new CCP has decided to include Bristol CCTU lawyers in the rota and plans to discuss with the police where best the extra resources would be deployed.
- Lawyers have to complete a form each time they prosecute in court, setting out details of any cases which have been charged without being referred to a duty prosecutor in breach of the Director of Public Prosecution's Guidance on charging. Any such cases are notified to the police and an explanation requested. Prosecutors undertake a review of the case on an MG3 (the form used for pre-charge advice) and will discontinue a case immediately, without consultation with the police, if they do not agree that the charge is appropriate.
- The police have not deployed 'gatekeepers' at all command units, which has resulted in inappropriate requests for advice being made. A benchmark survey of police performance was undertaken in November 2006 and results analysed by command units. This showed that there were fewer inappropriate requests for advice where there was a police gatekeeper. The Area is working with the police to improve the position.
- There is an established procedure to allow the police to appeal against the decision of a duty prosecutor. Any disagreements are referred in the first instance to an inspector and team leader and can be escalated if necessary to a chief inspector and Unit Head. Any concerns the police have in relation to advice given by CPS Direct (CPSD) are dealt with at the time, in consultation with the on call CPSD manager.

- The Area has not been monitoring effectively police compliance with pre-charge advice. The service level agreement sets out the need for a charging review and action date but the police have been responsible for monitoring progress and managing bail periods. The Area has not been using the electronic case management system (CMS) to monitor the progress of cases, although there has been a recent exercise in the south to reduce the number of outstanding PCD cases. A 'reality' check showed that there are a significant number of pre-charge cases which had not been properly updated in the north, but that there was no such problem in the south. A similar exercise is planned in the north and there are plans for weekly checks across the Area on cases which have been inactive for over four weeks.
- 92.1% of PCD consultations were recorded on CMS against a target of 90%. The recording of the MG3 forms on CMS has improved significantly over 2006-07, from a level of 21.4% in April 2006 to 82.3% in March 2007. Prosecutors have an objective in their forward job plans to record PCD on CMS, and compliance is discussed at Area and unit meetings. Where necessary, training has been given to individuals who have not been recording decisions on CMS. Reality checks showed that MG3 forms are being created in consultations.
- The team leaders liaise with the CPSD liaison officer if there are any issues relating to CPSD decisions. The liaison officer is notified of any Area issues, such as planned police operations, and is invited to attend some Prosecution Team Performance Management (PTPM) meetings.
- Conditional cautioning was introduced in East Somerset in October 2006, following training both to the police and prosecutors. It was extended to West Somerset and Bristol in June 2007 and will start operating in the rest of the Area in November 2007. Numbers of cautions were low initially (there were none in six of the first eight months), but have started to increase since the scheme was extended to Bristol.

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

- Duty prosecutors have attended the Proactive Prosecutor Programme (PPP) and follow-up training and are due to complete the second stage during 2007-08. In addition, all managers have completed performance management training. Managers ensure that duty prosecutors are complying with local and national policy through their monitoring of MG3 forms. At the legal issues meetings in the south lessons to be learned are identified and points are highlighted for charging lawyers.
- There is a service level agreement with the police, which was signed in June 2006, and a charging standard which was implemented in May 2007. The charging standard sets out clearly the standards to be applied and reinforces the PPP training, including what issues should be considered at PCD and recorded on the MG3 (such as witness issues and restraint and confiscation of assets). There is a domestic violence/harassment checklist to assist the police and duty prosecutors in ensuring they all have the necessary information to make a decision.

- The Area is working hard to ensure the quality of decision-making at the PCD stage. In the south team leaders have been examining every MG3, together with the police form, as a way of monitoring the quality and timeliness of advice. This has not been undertaken routinely in the north, but a level D lawyer has been tasked with raising PCD performance: he will be examining all MG3s emanating from duty prosecutors in the north.
- The examination of all MG3s includes those where a duty prosecutor has advised no further action. All advices to administer a conditional caution are considered by a team leader or the prosecutor who conducted the training prior to a final decision being made, in order to ensure consistency. The Area needs to guard against this being an undue restraint.

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%	15.3%	16.2%	11.0%	13.1%	12.4%	13.0%
Guilty plea rate	52.0%	69.2%	69.2%	68.8%	68.0%	66.5%	66.0%	64.0%
Attrition rate	31.0%	22.0%	21.8%	22.2%	23.0%	22.2%	23.2%	25.3%

- The table above shows that the Area is not yet seeing all of the benefits of pre-charge decision-making being realised. It achieved two out of six national targets (and its local target in three).
- In the magistrates' courts, the guilty plea and attrition rates are excellent. The discontinuance rate is poor, at 16.2% compared to the national average of 15.7%. The rate for April 2007, however, showed an improvement at 13.8%. The Area's view is that the rate is influenced by the high number of domestic violence cases it prosecutes (which has increased following the introduction of Specialist Domestic Violence Courts across the county): 28.6% of the discontinuances were in allegations of domestic violence. Discontinued domestic violence cases as a percentage of completed domestic violence cases were 21.4%, which is better than the national average and suggests that decision-making in these cases at the PCD stage may be better than the national average.
- The guilty plea and attrition rates in the Crown Court are fair, with both being worse than the national average. The discontinuance rate is poor, at 13%, although it was slightly better than nationally. This was caused in part by a high rate in two months during the year; the figure for April 2007 shows a much improved performance at 4.3%.
- Overall, the number of PCD cases that resulted in conviction in 2006-07 was lower than the national average, at 77.2% compared with 78%. This has to be seen in the context of Avon and Somerset having a higher percentage of prosecutions following PCD than the national average, although the higher rate of discontinuances calls into question the quality of some decisions to charge.

- Managers report on and analyse all adverse and discontinued cases. In the south, a team leader analysed all MG3 forms for a three week period in November 2006, in order to see the effectiveness of cases going through the charging centres. Learning points and trends were discussed at PTPM meetings and with individuals.
- Discussions at PTPM meetings examine and compare performance across police Basic Command Units, with individual cases being flagged up in advance and discussed. Learning points are noted at the meetings and developed into 'messages of the month', which are displayed in custody areas and the charging centres. Examples of messages include the need for police supervision and issues around identification evidence.
- The national charging programme stocktake in February 2006 identified significant issues around the duty prosecutor arrangements, police supervision and bail management. At the Area's request there was a follow-up visit in June 2006, as a result of which an action plan was produced and a joint police and CPS charging issues group set up to take forward the key topics and monitor progress. The Area Business Plan for 2007-08 has set out the need to review arrangements. As part of this review, the new CCP has indicated a change in approach to the duty prosecutor arrangements.

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

2A Successful outcomes are increasing

Case outcomes in the magistrates' courts	National performance 2006-07	Area performance 2006-07
Discontinuance and bindovers	10.8%	11.2%
No case to answer	0.2%	0.2%
Dismissed after trial	1.9%	2.0%
Discharged committals	0.2%	0.1%
Warrants	2.6%	3.3%
Overall conviction rate	84.3%	83.1%

- The overall successful outcomes rate in the magistrates' courts was 83.1% compared to the higher national average of 84.3%. There has been an increase in the rate over the last three years, although it has always been below the national average.
- The rate of committals discharged because they were not ready is below the national average, but numbers have increased over the last three years (there were 30 in 2006-07). They are usually as a result of late delivery of papers from the police, and the merits of reinstatement are considered in each case. The Area checks cases the week before committal and chases any outstanding papers; earlier monitoring could assist in ensuring that papers are sent by the police more promptly.
- The no case to answer rate is the same as the national average and the numbers of cases has declined over the last year. The acquittal rate is just above the national average and is an improvement since 2004-05.
- The discontinuance rate in the magistrates' courts is higher than nationally, but has improved since 2005-06. Team leaders have to authorise all proposed discontinuances of cases which have been the subject of pre-charge advice, and there should also be liaison with the duty prosecutor who made the decision in order to ensure that lessons are learnt. Discontinuance proposals in other cases are generally discussed with the team leaders.
- Team leaders prepare reports in all discontinued cases and the Unit Heads examine all adverse cases. The reports are shared with the police and discussed and analysed at PTPM meetings. Any issues that are identified or lessons learnt, such as problems in relation to identification, are addressed through team meetings, feedback to individuals or via the message of the month displayed at charging centres.

- Avon and Somerset criminal justice area has met its target for offences brought to justice in 2006-07: 38,162 against a target of 33,176. The target is a shared one with criminal justice partners, with the CPS contribution coming through managing cases to keep unsuccessful outcomes low. The proportion of convictions was below the national average (43.9% compared to 48.8%) and unsuccessful outcomes and discontinuances have increased.
- Performance against the timeliness target of 71 days from arrest to sentence for persistent young offenders (PYOs) is poor, with the 12 months to December 2006 being 72 days overall. This is a decline since the last OPA, when the February 2005 rolling average was 58 days, which was much better than the then national average of 67. It improved slightly for the three month rolling averages to May and June 2007 to 71 days but increased to 73 for the period to July 2007. The Area has analysed the data and considers that the major problems is the time between arrest and charge increasing (from an average of seven days in 2004 to 17 in 2006).
- A PYO action plan has been agreed by a joint working inter-agency group set up under the Local Criminal Justice Board (LCJB), which looks at performance at its regular meetings. As a result of its analysis of reasons behind poor timeliness, the police have examined long running police bail cases. The continued failure to meet the timeliness target has led to an LCJB representative having to attend meetings with the Attorney General in June and September 2007.

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

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	56.4%
Cracked trial rate	37.3%	30.4%
Ineffective trial rate	18.9%	13.2%
Vacated trial rate	22.5%	16.9%

- The Area monitors the submission by the police of full files by completion of a joint performance management form, which highlights cases that are late and/or incomplete. This monitoring has shown that only 22.7% are submitted on time, with over half being very late, and that about a third of all files are incomplete. The police have recognised that this has an impact on other agencies, including the courts, and are working to improve their processes. A working group has also been set up out of PTPM to target the provision of adequate files at the PCD stage.
- Summary trial reviews are recorded on CMS. Monitoring of MG3s, analysis of discontinued and adverse cases and casework quality assurance (CQA) checks are used to monitor timely review and preparation of casework. Our reality checks showed that initial and summary trial reviews were timely and properly recorded.

- The Area has had a dedicated case progression officer (CPO) in the south at Taunton for some time and one has recently been appointed in the north in Bristol in anticipation of the Criminal Justice: Simple, Speedy, Summary initiative (CJSSS). There is a written case progression system and procedure and the CPOs' areas of responsibility are defined. In the Northern CJU, one lawyer has been designated as the duty lawyer: she looks at all files for trial the following week, checks that all is in order and chases up any witness problems. Our reality checks showed that additional material from the police was being logged and dealt with, but that correspondence from defence solicitors is not dealt with promptly or appropriately.
- There has been some delay in preparation for the introduction of CJSSS as the police are concerned about the additional work that it will bring. However, the agencies are now working together to deliver the initiative, although its roll-out has been delayed by the decision to link it with a pilot of the Director's Guidance Quick Process files (at the request of the police). It is now anticipated that roll-out will take place in Taunton in November 2007 and in Bristol in April 2008.
- In the Northern CJU, which handles the majority of the Area's youth cases, a team leader has the lead responsibility for all such cases in the unit. They attend weekly meetings with the police and monitor every youth case in the unit. The rate of these cases with timely initial guilty pleas in March 2007 was 90% compared to 88% nationally, and for timely trials was 81% compared with the national average of 89%.
- The effective trial rate in 2006-07 was significantly better than the national average. The ineffective trial rate was also better than nationally, although the percentage of ineffective trials that were attributable to the prosecution was higher than the national figure: 42.7% compared to 35.5%. In the main, witness absences are the cause of ineffective trials. The proportion of cracked trials is lower than the national average. The effective, ineffective and cracked trial rates all show an improving trend.
- The proportion of vacated trials is lower than the national average, but is rising: from 9.1% in 2005-06 to 16.9% in 2006-07. The majority of vacated trials are due to the prosecution discontinuing the case after a date has been set for trial (28.2%), or to prosecution witnesses not being able to attend the trial (20%).
- Meetings are held with the magistrates' courts to discuss individual cracked and ineffective trials. In some of the meetings, detailed reasons and actions taken are noted. In others, there is limited evidence of what action, if any, has been taken. Provision has been made in the Southern Combined Unit's Business Plan for 2007-08 for the examination of all cracked and ineffective cases, and the preparation of a report for the inter-agency meeting.
- Any lessons to be learnt from analysis of cracked and ineffective trials, or the inter-agency meetings, are discussed with individuals and/or at unit meetings.
- The Area has started to make better use of CMS to record key events. As at April 2006 only 20.3% of magistrates' courts cases had a review recorded on CMS, but this had risen to 72.8% by March 2007. Performance for recording finalisations and hearing outcomes promptly for 2006-07 was 63.1% and 67.6% respectively. Reality checks show that use is not being made of the task functions on CMS: there are a significant number of outstanding and escalated tasks for magistrates' courts cases.

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

3A Successful outcomes are increasing

Case outcomes in the Crown Court	National performance 2006-07	Area performance 2006-07
Judge ordered acquittals	13.1%	12.5%
Judge directed acquittals	1.4%	2.0%
Acquittals after trial	6.5%	9.1%
Warrants	1.3%	1.7%
Overall conviction rate	77.7%	74.7%

- The overall successful outcomes rate in the Crown Court has increased since the last OPA, but it is lower than the national average and only three other Areas had a lower rate. There has been an increase in the first quarter of 2007-08 to 77.5%, although this is still below the national average of 78.7%.
- The level of judge ordered acquittals is lower (better) than the national average, and has decreased since 2004-05 when it was 15.1%. The rate of judge directed acquittals is higher than the national average, but has improved since 2005-06 (when it was 2.5%).
- The rate of acquittals after trial has increased significantly since 2005-06 when it was 6.4%. The Unit Heads are satisfied that decision-making in most cases is appropriate, and they have analysed acquittals in order to establish what types of cases are unsuccessful. Their conclusion is that the main trend is witnesses not 'coming up to proof' in sexual offences and robbery cases, which to some extent is as a result of the success of the Witness Care Unit in ensuring that witnesses attend trial.
- As in the magistrates' courts, proposed discontinuance of cases which have been the subject of pre-charge advice have to be authorised by team leaders and there should also be liaison with the duty prosecutor. Discontinuance proposals in other cases are generally discussed with the team leaders.
- Team leaders prepare reports in all judge ordered acquittals and the Unit Heads examine all judge directed acquittals. Reports are shared with the police and discussed and analysed at PTPM meetings. Any issues that are identified, such as the need for police supervision, or lessons learnt are addressed through team meetings, feedback to individuals or via the message of the month displayed at charging centres.

- The Proceeds of Crime Act (POCA) target of 99 confiscation orders in 2006-07 was not met, with 72 orders achieved. The value target of £1,855,090 was not met either, with only £1,025,564 achieved during 2006-07. The LCJB inter-agency sub group has determined that key reasons for the targets not being met were police-related issues. Performance for the first quarter of 2007-08 shows an improvement, with a high percentage of targets being achieved.
- One of the Unit Heads in the north has been appointed as the strategic POCA Champion, and a champion has now also been appointed for the south. The strategic champion has drawn up an action plan to address the weakness in performance, and there are plans to run a POCA awareness day and to mainstream confiscation and restraint work. Individual cases are discussed at the inter-agency confiscation case management meetings, and the strategic champion is identifying cases where the CPS should be the lead enforcement agency.

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%	54.2%
Cracked trial rate	39.5%	29.0%
Ineffective trial rate	12.4%	16.8%

- In the Taunton TU cases are allocated to lawyers as soon as they have been sent or adjourned for committal to the Crown Court, so that it can be identified at an early stage whether there is any further work to be undertaken by the police. In the Bristol CCTU cases are allocated to lawyers when the committal or prosecution papers are received. As with magistrates' courts cases, there is an issue in relation to the quality and timeliness of submission by police of full files, which is monitored by completion of joint performance management forms and discussion at PTPM meetings. Our reality checks showed that cases were being prepared promptly on receipt of papers from the police and were ready for plea and case management hearings, but that correspondence from defence solicitors is not always dealt with in an appropriate and timely way.
- There are no dedicated posts of case progression officers but the TU casework managers liaise with the Crown Court CPOs to ensure that cases are ready for trial and that trial readiness certificates are completed. In the Bristol CCTU weekly case review panels are held, looking at each trial three weeks prior to the hearing date in order to improve performance in relation to cracked and ineffective trials. Initially, these were held face-to-face with the lawyer and caseworker, but have been held as paper exercises in 2007. The face-to-face panels were about to be reintroduced at the time of the OPA. In the Taunton TU weekly casework meetings with the police and the Witness Care Unit (WCU) are led by a CPS manager in order to assess whether fixed trials are ready and to address any problems. Staff from the WCU meet weekly with the Crown Court CPOs to ensure that the court has witnesses' inconvenient dates so that the can be taken into account when trial dates are being fixed.

- There are few youth cases dealt with in the Crown Court. Casework managers are responsible for identifying cases and monitoring their progress. The slowest cases are those where a youth is charged with an adult as the court does not give them the same level of priority.
- The effective and cracked trials rates in 2006-07 were better than the national average. The overall ineffective trials rate, however, was 16.8%, which is higher than the national average of 12.4%, although the proportion that was due to the prosecution was similar to the national average (38.7% compared with 37.9%). Ineffective trials are mainly caused because of witness difficulties.
- The team leaders attend meetings with Crown Court staff where cracked and ineffective cases are analysed and discussed. The balanced scorecard (which details Area and unit performance) records the numbers which are attributable to the prosecution. This assists in monitoring and is used as the basis for discussion with the police at PTPM meetings. Steps are being taken to ensure that the reliability and willingness of witnesses is considered at the pre-charge stage, in order to reduce the number of ineffective trials and, where appropriate, lessons to be learned are fed back to individuals.
- The Area has started to make better use of CMS to record key events. As at April 2006 only 36.1% of Crown Court cases had a review recorded on CMS, but this had risen to 93.1% by March 2007. Reality checks show that use is not always being made of the task functions on CMS: there are a significant number of outstanding and escalated tasks for Crown Court cases in the Bristol CCTU, but not in the Taunton TU.

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

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

- In the Northern CJU the aim is to have continuity of lawyer from the PCD stage to finalisation of the case at court, partly to ensure swift progress of cases through the court system, but also to reduce the preparation time by advocates for court. Continuity from PCD through to file preparation is achieved in approximately half of cases. The lawyer who is responsible for file preparation prosecutes half of his or her cases at trial. Designated caseworkers (DCWs) in Bristol Magistrates' Court are assigned specific days of the week in court so that they are familiar with their files.
- In the Taunton TU, cases are allocated to lawyers as soon as they are sent or committed to the Crown Court, which assists in early identification of any further work required on the part of the police. In the Bristol CCTU cases are not allocated until after the committal papers are received, which can result in delay when incomplete or late committal files are received from the police. The aim is for the lawyer who undertakes case preparation to retain responsibility for the case, including presenting it in court (subject to consideration about suitability).
- Casework meetings are held in both TUs to check whether cases are ready to proceed to trial and to identify and address any issues in advance of the trial hearing.
- Casework managers monitor court orders, but there are concerns on the part of other court users that orders made at plea and case management hearings are not always complied with promptly. Our reality checks appeared to support this.
- In the Crown Court, briefs were delivered to counsel within time scales in 91.3% of cases in 2006-07 compared to the national average of 78.7%. The Area monitors the quality of instructions to counsel by CQA checks in the Bristol CCTU and with checks by the caseworker manager in the Taunton TU. Our reality checks showed that instructions to counsel generally included a case summary and dealt adequately with the issues, including acceptability of pleas.
- Agents in the magistrates' courts are provided with an instructions pack, which was last updated in April 2005. The Area has established a two week training programme for agents, which was implemented just after the last OPA. Agents are not generally given specific instructions in relation to individual cases.
- Cases in the Crown Court are allocated to in-house advocates by team leaders, taking into account the complexity of the case and the experience of the advocate. There has been no routine monitoring of HCAs or Crown Advocates. Criticism had been raised in a newspaper article about the standard of CPS prosecutors in the Crown Court, and strong concerns were received by us from the judiciary. Concerns related to the handling of more serious contested cases, unwarranted concessions being made to the defence, cases being dropped or undercharged, and contested cases acquitted owing to a perceived lack of expertise. A meeting with the judiciary was being arranged at the time of this OPA, but in the absence of any monitoring the Area has limited knowledge of how its advocates are performing.

- The need for prompt attendance at the magistrates' courts is reinforced at unit and team meetings. Action is taken in relation to advocates in the Crown Court who do not attend promptly.
- There is an Area-wide magistrates' courts listing policy, which is revised by agreement when necessary. It sets out the expectations in relation to applications for adjournments, as well as the types of trials that can be listed in the same court room as one or more other cases. The policy acknowledges the need for advocates to have sufficient time to prepare their cases and it limits the type of trial that can be transferred between court rooms on the day.
- Speed of progress in the magistrates' courts is worse than the national average, with the number of adjournments being higher than nationally. The rate of timely initial guilty pleas for adults in March 2007 was below the national average, with 81% taking place within 59 days compared with 85%, but it was better for youths than the national average: 90% compared with 88%. Overall timeliness in the magistrates' courts in March 2007 was lower than the national average: for adults the rate was 77% compared with 81% nationally and for youths 87% against 88%.
- In the Crown Court, the number of adjournments per case is also higher than the national average. However, the average time for completion of indictable cases, which involve more serious allegations, is similar to the national figure and the timeliness from first listing to completion for all offences is better.
- There were no wasted costs orders in the magistrates' courts and one in the Crown Court in 2006-07.

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

5A The Area identifies and manages sensitive cases (including hate crime⁵) effectively

- The Area seeks to ensure that sensitive cases are being appropriately handled by its use of specialists, provision of relevant training and monitoring of cases. It has agreed a protocol with the police for the handling of fatal road traffic collisions, and has issued instructions to lawyers in relation to sensitive cases in the charging standard and in separate internal minutes. It has also recently created a special casework team to deal with major cases.
- The combined magistrates' courts and Crown Court hate crimes unsuccessful outcomes are reducing and for 2006-07 were good: 29.8% compared to the national average of 32.8%. Unsuccessful sensitive cases are considered in managers' examination of discontinued and adverse outcomes cases. Data on outcomes is considered both at internal and PTPM meetings. Specific work is undertaken in relation to different types of sensitive cases, such as those involving domestic violence, and it has been decided at PTPM to undertake a thematic review of all rape cases, including acquittals.
- There is a well established Specialist Domestic Violence Court at Bridgwater, with two more now operating in Yeovil and North Avon, and additional courts are being planned. Specialist training and instructions have been provided and the Area has seen an improvement in its unsuccessful outcomes rate from 34.9% in 2005-06 to 31.7% in 2006-07 and an increase in the average number of convictions for offences involving domestic violence in a month from 73.5% to 90.2%. The domestic violence co-ordinator has undertaken a review of these cases in the past and there was an Area-wide quality check undertaken in July 2007 by the police and the CPS.
- The Area has appointed champions and specialist for sensitive cases and hate crimes. Champions disseminate information and provide guidance and training. They also engage with specialist community groups and individuals.
- Rape cases are handled by TU lawyers, all 22 of whom are designated as specialists, which in our view dilutes the specialism as not all of them will handle a sufficient number of cases to develop their expertise. Concerns have been raised about the handling and presentation of some rape cases. This, together with the issue in relation to witnesses not coming up to proof in these cases (revealed in Area analysis of Crown Court acquittals), merit broad analysis by the Area rape co-ordinator who analyses individual cases and reports from prosecuting counsel.
- Fatal road traffic offences are referred by the police to one of four specialists. The Area has also designated specialists to deal with racist incidents and domestic violence cases.

⁵ 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).

- Domestic violence training has been provided to all lawyers and caseworkers and is being updated. There has also been training on homophobic incidents and a Special Casework Lawyer has been trained on animal rights cases.
- Major cases are discussed at the CCP's Advisory Group (CCPAG) and unit management meetings. Media forms are completed in rape cases and the CCP is kept informed of progress. The CCP explains the background of ongoing cases of media interest to the press at twice yearly confidential press briefings.
- The Area has taken steps to ensure that sensitive cases are flagged on CMS. The charging standard domestic violence check list includes a reminder about the need for flagging, and staff in the south have been reminded of the need to capture information on hate crimes. The lead for homophobic crime has undertaken some work on comparing police and CPS data, and has raised staff awareness. Our reality checks showed that cases are being appropriately flagged.
- The team leaders have a specific objective in their forward job plans to monitor compliance with CPS policies and good practice. This is done through examination of MG3 forms and discontinuance and adverse case reporting. The Area has completed an action plan to implement the recommendations of the HMCPSI report on the investigation and prosecution of rape cases, but it has not taken other recent HMCPSI thematic reviews into account.
- Area policy is that team leaders need to be consulted where there is a proposed reduction or change of charge in hate crime cases, or before the removal or reduction of the hate element in an aggravated offence. Hate crime outcomes are a standing item on the CCPAG agenda. The hate crimes co-ordinator has regular contact with the charitable body providing Support Against Racial Incidents, as well as scheduled quarterly meetings to discuss and progress issues which have arisen in particular cases.
- The Area has designated 15 lawyers as child abuse specialists. Two of the Unit Heads are members of the Local Safeguarding Children Boards, although they do not generally attend meetings. They receive the minutes and will attend a meeting if appropriate.

6 DISCLOSURE	OPA 2005	OPA 2007	Direction of travel
	Good	Fair	Declined

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

- Historically, prosecutors have been good in their compliance with the provisions of the Criminal Procedure and Investigations Act 1996 and the Attorney General's guidelines on disclosure. Our reality checks showed that there has been an improvement in performance in magistrates' courts cases, but a decline in those in the Crown Court. In the magistrates' courts initial disclosure was properly handled in all five cases, while in the Crown Court it was three out of five. Continuing disclosure was only handled properly in two out of five Crown Court cases.
- Performance in relation to sensitive unused material was poor, with it not being properly handled in the one relevant magistrates' courts case or one out of two relevant Crown Court cases.
- The Area monitors the handling of unused material through ad hoc review of cases while managers are preparing for court, and when reports are prepared on adverse cases. Managers also assess performance through the CQA scheme. In the last quarter of 2006-07 the CQA assessment was that 97.4% of files examined met the quality standard for disclosure, which is more generous than our reality checks would suggest is appropriate. CPS and police performance in relation to disclosure is discussed during the bi-monthly internal Area Casework Advisory Group meetings, and any issues are disseminated to staff.
- Unused material and schedules are kept in an envelope or separate folder at the back of the file with the disclosure record sheet stapled to it, although our reality check showed that it was only properly completed in five out of ten cases.
- Sensitive schedules and material that is too sensitive to keep on the CPS file are stored securely by the police, who are co-located with the CPS units.
- The Crown Court protocol on the handling of unused material has been circulated to all lawyers, and was discussed at Crown Court user group meetings when it was first introduced. Concerns about compliance with the protocol are raised with the Resident Judge and action taken where necessary.
- The Area has had a Disclosure Champion since the time of the last OPA. He has provided training to lawyers and caseworkers and is available to discuss disclosure issues which cannot be resolved locally.
- Training has been delivered to all prosecutors and caseworkers on the disclosure provisions of the Criminal Justice Act 2003 and the CPS/Association of Chief Police Officers (ACPO) Disclosure Manual. There are also plans to deliver advanced training later in the year. The need for this was identified in the last OPA, but has not resulted in improved performance in the Crown Court. Lawyers continue to refer to the old tests for disclosure, both in endorsing schedules and in instructions to counsel.

- The Area has been working with the police through PTPM meetings to assist in the improvement of the submission and handling of unused material by the police. Any problems are identified through the monitoring of full file submissions and the adverse and discontinued cases analysis. A team leader delivered some training to sergeants at one police station after it was identified that their quality of schedules was inadequate.

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

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

- There is a well written custody time limit (CTL) monitoring system, which complies with CPS Headquarters guidance and is based on the CTL essential actions guidance. There are clearly set out role-based instructions and the system is up-to-date. Although there is only one system aspects are implemented differently within units.
- A Unit Head has been appointed as the strategic CTL Champion. The role includes maintaining an oversight of the operation of the Area system, keeping it up-to-date, notifying staff of changes in CPS Headquarters requirements, training staff, and providing advice. Since the last OPA regular stock takes have been implemented, with lessons learnt being disseminated, all relevant staff have received training and a CTL supervisor has been appointed to cover the Bristol CCTU. Further training is scheduled: this will be split into modules for lawyers and administrative staff and will include case studies and worked examples.
- The Area has approximately 120 CTL cases at any one time and units use a spreadsheet log to detail cases and action dates. Level B caseworker managers check the logs each week for imminent action dates, while team leaders and Unit Heads make their own checks to ensure satisfactory working of the system. There are periodic audits or stock takes, and the results are reported to Unit Heads and the Area champion.
- Reports are prepared on any actual or apparent breaches and sent to the team leader and then the Unit Head. If a failure is confirmed, a report is produced for the CCP.
- There was one failure in 2005-06 and two in 2006-07; reports were prepared in each case and sent to CPS Headquarters. In two cases, the defendant was in custody on other matters (with different CTL expiry dates) at the time of the failure and the CTL was overlooked. In the third, the defendant had been in custody in the Crown Court and the CTL expiry date was overlooked when the case was remitted back to the magistrates' courts and the file was transferred between units. The reasons associated with CTL failures have been discussed with staff and some necessary changes have been made, including the introduction of a white board within teams to note cases subject to a CTL extension or being transferred between TUs and CJUs. There have been no failures in the year to date.
- Our check showed that all three Crown Court files examined were satisfactory save for minor variations in unit practices. We examined four magistrates' courts files, two of which were satisfactory. The third was incorrectly set up as a CTL file, and it and the fourth file had incorrect expiry and review dates: the Area had tracked the expiry date as being a day later than it should have been. As both of these were Saturday court appearances inspectors were concerned there may be a system error in the Northern CJU. Checks by the Area showed this to be the situation but limited to Saturday court appearances and the two files in the inspectors' sample were the only instances. The CMS entries for these files were correct. An unauthorised change had recently been introduced to the Area spreadsheet log. Functionality had been added that enabled automatic calculation of expiry and review dates, but this did not take account of Saturdays or bank holidays.

- Files are well organised and it was straightforward to find relevant information. Lawyer endorsements are generally satisfactory and efforts are made to indicate to administrative staff CTL actions required.
- There are no formal protocols with the courts although this has been raised by the Area. There is, however, co-operation through an exchange of information, either through CTL lists as provided by the Crown Court, or via the telephone in the magistrates' courts.
- Caseworker managers check the logs of CTLs each week for imminent action dates and verify them against CMS.

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

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

- The Area seeks to ensure compliance with the Direct Communication with Victims (DCV) scheme through training and monitoring. Processes for drafting and sending DCV letters were reviewed in 2006-07. In the Northern CJU they are drafted by DCWs under the supervision of a team leader, and in the Southern Combined Unit some are drafted by lawyers and others by the Witness Care Unit (WCU) manager. In the Bristol CCTU they are handled by the advocate in court. This change in processes resulted in an immediate improvement in performance.
- The proxy target for DCV letters in 2005-06 was to send 130 per month. This was increased in 2006-07 to 137 letters, reduced during the course of the year, but then increased in the last quarter to 139. Performance in relation to the proxy target is above the national average: the rolling quarter for January-March 2007 showed 76.8% compliance, compared with the national average of 73.5%. Our reality checks showed 70% compliance.
- CPS Headquarters data shows that the Area is sending DCV letters within five days in a lower proportion than the national average: 68% compared with 73%. However, this is a significant improvement on performance in 2005-06, when letters were timely in only 36% of cases.
- The Area and unit business plans spell out the requirement to assess victim and witness needs with the officer in the case at the PCD stage, and awareness was raised at briefings on the Area business plan. This is reinforced in the charging standard, which requires prosecutors to endorse details of their consideration on the MG3. Once a not guilty plea has been entered, the WCUs start undertaking a full needs assessment and pass cases where special measures are required to the reviewing prosecutor.
- The WCUs are responsible for warning witnesses and keeping them informed. Their staff contact victims and witnesses, concentrating on the principal witnesses, as soon as they receive a case and discuss with them their wishes in relation to the method of contact. A full needs assessment is undertaken if a witness is warned to attend trial. Managers undertake checks on the Witness Management System to ensure that there is timely warning of witnesses and also consider this when conducting their bi-monthly checks of one file per witness care officer.
- All prosecutors have received a laminated copy of the Prosecutors' Pledge and it was discussed at unit meetings when it was first introduced. Advocates have an objective to comply with the pledge in their forward job plans and monitoring of compliance is undertaken through advocacy monitoring, adverse case analysis and CQA checks.
- Feedback from court users was that CPS staff are generally very good at introducing themselves to witnesses and keeping them informed of progress, although some considered that there could be a tendency to rely on the Witness Service.

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

- The Area Business Manager (ABM) was the project manager for the planning, setting up and implementation of the No Witness No Justice scheme (NWNJ), under which there are two WCUs: one each in Bristol and Taunton, which have been fully functional since November 2005. They are considered to be a success and their work has been commended, including by the Government's Office for Criminal Justice Reform following a visit in March 2006. At the time of the project sign off in August 2006, four of the 14 minimum requirements were being fully met and the remainder partially met. The ABM has been responsible for managing and updating the action plan from then through a joint local implementation team. The action plan has now been signed off by the ABM, WCU manager and a police representative, on the basis that the WCUs are meeting the minimum requirements. Continuing compliance is monitored through spot checks and analysis of data at management meetings.
- NWNJ data is discussed at internal meetings and at the LCJB Victim and Witness Group meetings. In the rolling year to March 2007, in the magistrates' courts 3.1% of cases were ineffective due to witness issues against a baseline of 3.6%, which is a reducing trend. There is an increasing trend in the percentage of cases which were cracked due to witness issues: 3.7% against a baseline of 2.7%. In the Crown Court 2.9% of cases were ineffective due to witness issues against a baseline of 4.5%, while 1.2% were cracked against a baseline of 4.8%. (The baselining was undertaken on Area performance between November 2003-October 2004.) Witness and victim experience survey (WAVES) data is collated through the LCJB: it shows that witness satisfaction has been steadily increasing and currently stands at 73%.
- The operation of NWNJ is considered at the LCJB Victim and Witness Group, which had been chaired by the previous CCP. The WCUs are integrated with other agencies and have entered into protocols and agreements. Examples include a protocol for working with family liaison officers in cases involving a death and an agreement with the Witness Service. The WCUs are seen by the Area as part of the whole process of prosecution and their involvement in Area meetings raises staff awareness of the NWNJ scheme.

9 DELIVERING CHANGE	OPA 2005	OPA 2007	Direction of travel
	Fair	Fair	Stable

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

- The Area has an established business planning process which includes input from all levels of staff. The 2006-07 Business Plan set out what the Area wanted to achieve and how it would do it and there were thorough briefings to staff.
- The plan set out the responsibility for each activity and specified the Area targets and milestones, but some of the activities were expressed at a rather high level.
- The plan linked with CPS national and Public Service Agreement objectives, with the exception of the CQA scheme where no specific activities or objectives were included.
- The Area introduced unit business plans in 2006-07 and took the opportunity to clarify the roles and responsibilities of staff and managers. Staff have been involved in drawing up the unit plans, which are comprehensive and link to the Area business plan, and these are used to develop individual job plans and select personal objectives for staff. Briefing sessions were held with staff to raise awareness and understanding of CPS priorities.
- The Area business plan is monitored through the monthly CCPAG meetings, where there is extensive consideration of performance against plan targets and actions are agreed to address adverse issues. There are quarterly “two to one” meetings between the CCP, ABM and each Unit Head where progress against unit plans is reviewed.
- The Area business plan includes activities involving other criminal justice partners such as working with the police and courts and contributing to the work of the LCJB. The Area may benefit from circulating the business plan in draft to other agencies for comment.
- The CPS works closely with Avon and Somerset Constabulary and bi-monthly meetings are held between the senior managers from each agency. Existing and emerging joint initiatives are discussed and possible obstacles and concerns are identified for further consideration.

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

- The Area, in collaboration with criminal justice partners, has implemented or enhanced several joint initiatives since the last OPA and there is an established strategy for managing change centred on steering groups operating under the auspices of the LCJB. To strengthen its change management capability a former Unit Head has been appointed as the designated project manager for change initiatives.

- For each initiative work streams are set up reporting to an LCJB steering group and each agency appoints a lead officer. Project plans, risk registers and gap analyses and other documentation, as may be required by a supervising national team, is produced and necessary training is identified and scheduled. A variety of CPS staff will be involved and the CCPAG will give oversight to the CPS contribution and follow-up more on serious issues with the other agencies.
- The NWNJ initiative has been well set up and is regarded as successful. PCD seemed initially successful, but difficulties subsequently emerged which led to two visits by the national charging team in 2006. These were also the subject of comment in the joint inspection report on the Avon and Somerset criminal justice area published in March 2006. The operation of PCD continues to be reviewed and the new CCP is planning to improve the duty prosecutor arrangements.
- The Area has been fully engaged in working towards implementation of the CJSSS initiative, although there has been delay in its progress because of police concerns about the impact this would have on local policing, and continuing issues around the proportionality of file build and the unresolved issues in relation to PCD such as duty prosecutor availability and the number of advices given in writing. The police have seen the Director's Guidance Quick Process (DGQP) files, which reduce the burden placed on them in some instances, as being a linked project and the two are now being implemented in tandem, although the need for police training for DGQP is still causing delay. There has also been some tension concerning the degree to which the CPS appreciates police issues, for example the creation of an effective single administrative system which is a police priority, although this issue is now being proactively considered.
- Conditional cautioning has been implemented across part of the Area, with full implementation planned for November 2007. It was well planned, but use of conditional cautions was minimal for several months, although this has increased since the implementation of the scheme in Bristol.
- A main priority for the Area in 2006-07, in line with CPS Headquarters policy, has been CPS advocacy in the Crown Court. This work is a key part of the CPS vision to become a world class prosecution service presenting cases using its own staff, rather than being totally reliant on the independent Bar. To achieve these aims the Area employs Crown Advocates, who were recruited through extensive open competition, and HCAs, who are CPS lawyers with rights of audience enabling them to prosecute in the Crown Court. Both Crown Advocates and HCAs are subject to central training organised by CPS Headquarters. In March 2007 there were 5.2 full-time equivalent Crown Advocates and 28.7 HCAs.
- The original planning for this project was in the first quarter of 2005 and the initiative was recognised by the Area as a change programme, with suitable project plans drawn up. The possibility that CPS advocates would not be sufficiently skilled was recognised as a potential high impact risk, but the likelihood of it occurring was assessed as being low. Implementation plans did not set out formal monitoring of advocacy performance and outcomes. Liaison with the Bar and the judiciary concerning CPS advocacy in the Crown Court had only limited effectiveness and there have been concerns on the part of the judiciary which are now going to have to be addressed. Urgent action is required to restore confidence and this has been recognised by the new CCP.

- The CPS has been effective in its work in relation to Specialist Domestic Violence Courts. Initially one was established and the Area evaluated performance having agreed a number of measures and established baseline data. This was followed by identification of further SDVCs against set criteria. The Area led written submissions and oral presentations to criminal justice agency leads which resulted in accreditation of two further courts. Outcomes at all courts are positive.
- There is a risk register for the business plan and this is reviewed periodically; six risks have been identified which are all relevant. The business plan and risk register addresses advocacy, but only in regards to financial achievement.

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

- An annual training plan is produced to meet the needs of the business and it links to the Area business plan. Mandatory legal training has been provided and there is a good balance between training for legal and other staff. To improve access to training courses are held on different days and Avon and Somerset will work with other CPS Areas to increase course availability. All staff receive induction training which is delivered by the Secretariat and line managers.
- The Area is aware that many of its managers have progressed through the Service to a position of management with little formal training. To address needs it is setting up a management foundation skills course which is to be delivered by Somerset College of Arts and Technology; this will enable staff to gain a certificate in management studies. The course syllabus is still to be finalised but will use CPS Headquarters future plans as a source of project work for the five applicants.
- Staff are supported to gain vocational qualifications and several are studying for Legal Practice Certificates, Bar Vocational Courses and with the Institute of Legal Executives.
- The Area has some project management skills either through training with other employers or through CPS projects. With the appointment of a designated project manager it would be prudent for her to receive appropriate training. Training is generally effective and there are examples of improved performance as a result, for example, increased use of CMS. There is some evaluation of training which indicates that it is generally effective.

10 MANAGING RESOURCES	OPA 2005	OPA 2007	Direction of travel
	Poor	Good	Improved

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

- The non ring-fenced administrative costs budget was marginally overspent in both 2005-06 and 2006-07 with respective outturns of 100.5% and 100.4%.
- The Area has a commitment towards value for money and set some related objectives in the 2006-07 Area Business Plan, including better control of staff sickness and increasing DCW and HCA sessions; and these were achieved. HCA activity is expressed in monetary terms and the Area needs to assess the quality of delivery as well as costs and savings. Staff awareness generally has been raised on monetary issues by inclusion of financial measures in unit performance scorecards. When looking at longer term issues value for money is considered; a restructuring option was rejected because it involved the creation of small units resulting in too many managers to be cost effective, and when entering a period where high agent use would be inevitable the Area decide to offer a short term contract to local chambers and private lawyers.
- Since the last OPA a Finance and Performance Officer has been appointed. The budget is systematically controlled and there is some devolution to units in regards to spend on agents. Monthly accrual reports are produced to ensure the Area has a sound understanding of financial commitments ahead of actual spend data. There is regular reconciliation between financial transactions reported by the financial management system and Area records; any anomalies are investigated.
- A monthly budget report is prepared a week in advance of the CCPAG meeting in order that any issues may be discussed with the ABM prior to submission of the report.
- The prosecution costs budget was overspent (although there was some miscoding of cases as high cost cases) in both 2005-06 and 2006-07 with outturns of 109.2% and 101.0% respectively. The Area took action to improve the timeliness of payment under the graduated fee scheme (an arrangement for paying counsel who conduct cases for the CPS in the Crown Court) by employing an additional fees clerk in the north in September 2006. As a result of Area actions, there have been marked improvement in performance for both one month and four month payment periods and it is operating without a backlog.
- The Very High Cost Cases (VHCC) scheme is operated and all necessary training has been provided. Potential VHCCs are managed through an Area log which is created following information from units and verification at the Area Casework Advisory Group. At present there are no cases meeting the VHCC criteria.
- Additional funding was received for HCAs (£184,000), NWNJ (£255,000, which was spent on employing eight witness care staff and a manager for the WCUs), an anti-social behaviour order (ASBO) initiative (£68,000), POCA orders (£190,000) and conditional cautioning (£3,000). The POCA and conditional cautioning monies were spent on agents to enable lawyer training and to appoint a POCA specialist.

- There has been some improved performance resulting from these initiatives but not for all. The HCA value target was exceeded and the work on ASBOs and NWNJ has been successful, but the POCA target was missed and the numbers of conditional cautions are only just beginning to increase.

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

- The Area keeps work volumes under review and staff ratios are discussed at unit quarterly unit performance meetings between the Unit Head, CCP and ABM. There is also discussion on staffing at CCPAG. Where imbalances occur the Area take optimising measures by moving staff between units. The performance profiles of the units were reasonably similar.
- Usage targets have been set for staff. CJU lawyers are expected to cover four days per week in court or at charging centres, and TUs are charged with meeting the HCA earnings target. The Area undertook detailed analysis of what magistrates' courts sessions DCWs could achieve and entered into negotiations with the courts to make more sessions available. DCWs are expected to cover eight magistrates' courts sessions per week.
- In 2006-07 the coverage in the magistrates' courts by in-house staff was 76.9% of sessions, which is a reduction from 2005-06 when 80.3% was achieved. By comparison, the national average for the respective years was 80.4% and 77.2%. In-house coverage was affected by the loss of three DCWs unexpectedly and an increase in magistrates' courts sessions, albeit that the actual caseload has reduced.
- The 7.3 full-time equivalent DCWs (net of sickness) covered 1,507 magistrates' courts sessions in 2006-07, which was 15% of the total, increasing from 9.9% in 2005-06. In doing so the Area moved from below the national average (10.7%) to bettering it (14.7%). As such, the DCWs were operating at 61% of planned capacity.
- In 2006-07 the Area had an average of 5.2 full-time equivalent Crown Advocates and 28.7 HCAs, who undertook a total of 1,460 half day sessions in the Crown Court. The main activities by defendant hearing type were applications (29.4%), plea and direction hearings (22%), for sentence (15.5%) and contested trial work (7.5%) and there were 251 sole advocacy trials. Crown Advocates and HCAs have acted as junior counsel on murder cases and have conducted rape, robbery, death by dangerous driving and conspiracy cases. The average saving per session was £220 against a national average of £339 and, although better than the previous year, remained behind the national average. Total counsel fee savings in 2006-07 were £401,127 against a target of £204,127, representing an achievement of 196.5% against a national average of 138.4%. This is an improvement over 2005-06 when the Area achieved £209,482 savings against a target of £220,000, which represented 95.2% of target compared with a national average of 110.3%.
- In the 2006-07 Business Plan the Area set a sickness absence target of seven days per employee per year and set out several objectives, including monitoring unit performance monthly and training managers in sickness handling procedures. Active use is made of medical referrals so that management decisions are appropriately informed and, when warranted, performance improvement action initiated. The Area was successful in meeting the national target with an outturn of 6.6 days for the year to September 2006.
- The Area continues to manage flexible working arrangements by reviewing compressed hours and assessing new applications for different work patterns against business needs, and in some cases these have been refused. Where applications are granted they are subject to a trial period and a review date is set where appropriate.

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

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

- The Area has an impressive balanced scorecard which is divided into four aspects, namely people, process, finance, and victims and witnesses. For each aspect there are several measures, with the scorecard showing typically for each measure the Area target, monthly performance and monthly run rate, quarterly outturn and the equivalent performance for last year. Performance measures monitored include all Area attrition, PCD business benefits, ineffective trial rates, CMS usage, DCW and HCA coverage, hate crime performance, victim communications, sickness rates and receipts to finalisations. Scorecards are produced for the Area as a whole and for each unit.
- Area and unit scorecards are updated each month and performance is discussed monthly at CCPAG and unit management meetings.
- Managers account for performance at quarterly two to one meetings held between the CCP, ABM and the Unit Head. At these unit performance is reviewed and the unit business plan and associated actions are progressed; feedback from Headquarters meetings is also discussed.
- There is discussion of performance at unit meetings with staff but these tend to be about monthly variations rather than trends. Staff are encouraged to access the Area's computer shared drive to understand the unit's performance; performance charts are also displayed on Area notice boards.
- Avon and Somerset does not routinely benchmark with other Areas, although some activities have been compared in regard to PCD data and for the NWNJ initiative where comparisons were made with Coventry, Newport and Warwick WCUs.
- Where there are issues of concern the Area investigates further, for example there has been concern locally about the number of jury trial acquittals and whether the use of in-house advocates in the Crown Court was contributing to these. Here the Area concluded that performance by in-house advocates was slightly better than trials conducted by the independent Bar. This, however, may be misleading because there appears to be an anomalous situation when comparisons are made between current Area performance and that at the time of the last OPA (2005) and respective comparisons with national performance. Using year to March figures for 2005 and 2007, the comparisons show that for jury acquittals the national performance has moved adversely from 63 acquittals per 1,000 contested cases to 65 per 1,000, a 3.1% increase, whereas Area performance has moved from 73 to 89 acquittals per 1,000 contested cases - an increase of 22%.
- To assure the quality of data entry the Performance and Finance Officer circulates a monthly finalisations report to units for checking prior to the 'freeze' date and the Area is reintroducing dip checks of unit files, five for the Taunton TU and ten files for each of the other units.

- Managers take action to improve performance, including analysing MG3 forms and going through issues with lawyers, and reorganising the Southern CJU into smaller teams to address delays in case progression. Bristol CCTU uses trial review panels to examine trial files two weeks before the court date, and this has had a marked impact on ineffective trials with a reduction from 20% to 15%. However, compliance with directions in the Crown Court also needs attention, as does the communication of witness availability to enable listing of trials. During 2006-07 there have been some backlogs finalising proof in absence cases and payments to counsel under the graduated fee scheme, but the latter has now been cleared since the appointment of an additional fees clerk.
- Responsibilities for operational effectiveness, quality assurance and continuous improvement are defined in the forward job plans for senior and middle managers.
- The Area has introduced the CPS Invest scheme for managing staff performance and staff are encouraged to set their own developmental objectives. Forward job plans examined on-site are to a good standard with meaningful objectives. Progress on completing staff appraisals is reported on in two to one meetings and is generally satisfactory, although some reports remain outstanding from 2005-06. Where management problems are identified the Unit Head follows these up with level D managers.

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

- The CCP has led the LCJB since its inception. In addition to the main Board, there are a number of improvement, task, and steering groups. The CPS is represented on the majority of these and there is regular attendance. CPS managers lead on main groups related to victims and witnesses, Specialist Domestic Violence Courts and financial investigations. There are also other inter-agency meetings with the police and courts concerning PCD performance, listing patterns and cracked and ineffective trials.
- Monthly Management Information System data is provided to the police to assist with analysing PCD performance and hate crime statistics are provided to criminal justice agencies. Cracked and ineffective trial data is provided by the Courts Service.
- Joint working to improve performance is considered by partners to be effective and, in particular, the PTPM process is well established and improving in value. Joint work has been undertaken with the police to identify by charging centre those PCD cases which are bypassing police supervisors.

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

- CQA has not been fully sustained over the year although there is an improvement since the last OPA. The annual submission rate for 2006-07 was 72% against national average of 80%. The Area percentage includes an additional 78 completed forms which were assessed by one team leader but not submitted to Headquarters owing to an internal misunderstanding. Generally, Unit Heads do not think CQA is an effective system and prioritise other assessments such as evaluating MG3s. Overall, Avon and Somerset's standing against other Areas has improved, moving up from the bottom quartile to the lower middle quartile once the omitted forms are included.

- The Area introduced an administrative CQA process in December 2006, which looks at one case per caseworker per month. The scheme is used as a performance tool and has shown up issues such as correspondence handling, event diarising and updating of task lists.
- The Area results compared to national figures appear reasonably robust with the Area assessing themselves as worse than the national average for Code for Crown Prosecutors' decisions and case preparation, but better than nationally for disclosure and victim and witness issues. Inspector reality checks showed a mixed picture. The Area's CQA checks are reasonably robust showing commentary on weakness and mistakes, but these are not always reflected in individual criteria assessments which are sometimes ticked as satisfactory when a failure has been identified. Unit Heads also highlight good work and provide feedback.
- There is some discussion of CQA in management meetings but these tend to focus on submission rates rather than trends and there is no obvious discussion at team meetings. The Area does, however, have other fora for discussing legal issues and where there is general relevance to other cases the information is promulgated effectively through staff briefings.
- The Area decided that the advocacy focus for 2006-07 would be the monitoring of DCWs and junior lawyers in the CJUs because the majority of the other advocates had substantial experience and previous monitoring had not identified issues. Some hand written monitoring notes were provided to inspectors and clearly these contain useful insights but would benefit from being transcribed onto a standardised proforma to provide an easy-to-read summary for the lawyer.
- During the year the use of HCAs and Crown Advocates has increased, the latter being a new CPS prosecutor grade for staff with direct experience of prosecuting contested trials in the Crown Court. However, there has not been any systematic monitoring of HCAs or Crown Advocates which is unfortunate as there has been some recent strong criticism of their advocacy competencies from the judiciary.

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

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

- The Area has not published its own vision and values but has promulgated the CPS national vision and discussed it with staff at briefings sessions. Of the 55% of Area staff who responded to the 2006 staff survey, all confirmed their awareness of the CPS vision of building a world class prosecution service.
- Governance has been strengthened and Area groups have defined terms of reference but the title of the CCP's Advisory Board does not reflect its executive role. Improved business planning and performance management processes have been introduced by moving to unit plans for 2006-07, thereby enabling continuity of objectives from the Area business plan through to staff personal objectives. A balanced scorecard at Area and unit level has been implemented.
- Staff are briefed by the ABM on the Area and unit business plans and associated changes, such as the introduction of the balanced scorecard.
- Managers have determinedly implemented the CPS Advocacy strategy, but have now recognised that greater mentoring of staff and monitoring of performance was necessary.
- The Area was unsuccessful at its Investors in People (IiP) certification re-recognition application. Five of the 39 criteria were not met, mostly in 'softer' subjects such as vision and values and culture. Senior managers showed sound leadership in recognising that there were fundamental issues, demonstrated a willingness to learn and took decisive action. IiP and other related Area issues were addressed in a comprehensive action plan and re-recognition was achieved nine months later. The Area is also introducing formal management training for staff, working in conjunction with the local college.
- The ABM attends many of the unit management team meetings and there are quarterly two to one meetings between the CCP, ABM and Unit Heads. Corporacy is monitored at these meetings, for example by monitoring progress - unit by unit - against the IiP action plan, and progress status is shown by a 'traffic light' indicator. There has, however, been a perceived lack of sufficient contact with the Southern Combined Unit in Taunton, although the previous CCP visited at least once a quarter and the ABM visits weekly. The new CCP intends to visit at least monthly.
- There are regular unit and team meetings where managers interact with staff, and managers operate an open door policy; meeting minutes show lively discussion on pressing Area issues. The Communications Officer produces a regular team brief and this is used to stimulate discussion at meetings. The CCP and ABM also hold quarterly forums where staff are invited to raise issues about how the Area is performing and the direction in which it is moving.

- In the 2006 staff survey, 69% of staff felt they had regular team meetings compared with 59% for all CPS Areas; and 54% thought that these meetings were effective compared with 55% nationally.
- Generally, the CPS has constructive relationships with criminal justice colleagues and stakeholders. There are regular meetings with senior police managers to discuss and resolve issues. Partners are consulted about new initiatives and the Area seeks not to impose solutions. There is a need to ensure full engagement with partners in the planning stages, so that issues do not drift into the implementation stage without being resolved as this will impact adversely on performance.
- The CCP has chaired the LCJB from its inception until the position rotated in 2007. During 2006-07 Area senior managers have led a number of criminal justice system initiatives, such as NWNJ, the setting up of Specialist Domestic Violence Courts and on financial investigations, and joined in other initiatives such as work on ASBOs and PTPM.

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

- In the staff survey, just 11% of respondents felt there was an effective scheme for recognising good staff performance. To address this and other issues, the Area has introduced a well designed formal reward and recognition scheme, which supports important CPS values such as involvement. Staff can nominate colleagues for outstanding work, and these are assessed by a representative staff panel, with awards and certificates given at an Area event. The scheme is attracting interest from the CPS nationally. Meritorious work is also acknowledged by managers writing to staff thanking them for their contribution.
- New staff are made aware of Area expectations in relation to behaviour norms during their induction. In the 2006 staff survey, 70% of respondents considered they were treated with fairness and respect compared with the national average of 63%. There have been no substantiated complaints made by staff about their treatment by managers and no complaints regarding prejudice.
- The gender balance, ethnicity and disability status of staff is monitored. Ethnicity is similar to the population of Bristol at 8%, 60% of staff are female and 5.5% have a disability.
- The Area is integrating equality explicitly within planning and policy documents; and staff engagement is fully inclusive. A Single Equality Scheme action plan is scheduled for September 2007.
- The ABM is the Equality and Diversity Champion and is assisted in this work by an Employee and Community Awareness Group. The timing of meetings have been changed to enable more staff to attend.
- Senior managers challenge unsatisfactory or improper behaviour and, where warranted, disciplinary action is taken. Some staff have been warned concerning the inappropriate use of e-mail.

13 SECURING COMMUNITY CONFIDENCE	OPA 2005	OPA 2007	Direction of travel
	Good	Good	Stable

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

- The ABM has been designated as the Community Engagement Champion; she works with the Communications Officer, who is charged with much of the day-to-day liaison and co-ordination. A community engagement strategy has been produced.
- The Area business plan has relevant objectives to improve community confidence, including maintaining relationships with survivors of domestic violence and related support groups and establishing Hate Crime Scrutiny Panels. Responsibilities are allocated and, where relevant, measurable objectives set.
- In 2006-07 the Area as a whole has engaged with a wide range of community groups. Unit Heads have been active in communicating CPS priorities, for example, explaining the handling of rape cases and CPS policy on proceeds of crime, and there has been significant work in establishing Specialist Domestic Violence Courts and on anti-social behaviour.
- Community engagement is part of core business and the Area engagement log shows approximately 40 engagement activities during the year, with a cross-section of staff participating.
- The Area relies on the 2001 census for demographic information, but this is somewhat aged and efforts have been made to obtain more recent information from job centres and the Department for Work and Pensions, but without success. Census figures show that 8% of the population served by the Bristol Unitary Authority are from a black and minority ethnic (BME) backgrounds and in the more rural locations the figure is about 2.8%. The census shows sizable Indian, Pakistani and Chinese communities. The Area has engaged with the Somali community through an initial meeting and by publishing an article in the Somali Voice newspaper; a presentation was made to the Polish community in Yeovil and also to the Portuguese community in Chard. There is, however, a large well-established Polish community in Bristol (as evidenced by a Polish church and Consulate) and a Vietnamese community. The Area has recognised that they might benefit from CPS engagement, but has yet to take this forward.
- Progress has been made with some of those at greatest risk from exclusion and discrimination including work with groups representing the communities for lesbian, gay, bisexual and transgender people, those affected by anti-social behaviour, the deaf, and BME populations.
- Engagement with the Somerset Racial Equality Council and local groups has not been effective and needs to be addressed.
- The community engagement strategy makes provision for the use of a community engagement evaluation form, and the log gives a synopsis of event information, but more structured information would be beneficial rather than general overview points. The Area should also attempt to capture individual attendee views, although this can be difficult where English is not their first language.

- Community engagement has been beneficial to the Area and its provision of services, for instance it has opened up new sources of training and support resources. At an event with SARI (a charitable body providing Support Against Racist Incidents) it became apparent that staff in the Witness Care Unit would benefit from specialised training. Since then there has been ongoing liaison between the WCU and SARI and in one case SARI support was instrumental in ensuring attendance at court by a particular witness.
- Other specialist training has also been provided by EACH (Education Action Challenging Homophobia) and the Samaritans.
- The percentage of unsuccessful outcomes for hate crime cases has reduced from 34.7% in 2005-06 to 29.8% in 2006-07 and this is similarly reflected in domestic violence unsuccessful outcomes. Public confidence in the criminal justice agencies in bringing offenders to justice is above the national average but is declining. In June 2006 it was 46.4% compared with 44.2% nationally but reduced to 42.5% against 42.3% as at December 2006.
- There is a good relationship with the media and the CCP holds confidential bi-annual press briefings to explain the background to ongoing cases so that timely reports can be published when the cases are completed. There have been several articles on the work of the CPS and public interest stories including one where a 90 year old woman was subject to an assault by a relative and gave evidence via a satellite link, thus securing a conviction. There have also been radio and television broadcasts by CPS staff on priority issues and initiatives.

ANNEXES

A PERFORMANCE DATA

Aspect 1: Pre-charge decision-making

	Magistrates' courts cases				Crown Court cases			
	National target March 2007	National performance 2006-07	Area performance		National target March 2007	National performance 2006-07	Area performance	
			2005-06	2006-07			2005-06	2006-07
Discontinuance rate	11.0%	15.7%	15.3%	16.2%	11.0%	13.1%	12.4%	13.0%
Guilty plea rate	52.0%	69.2%	69.2%	68.8%	68.0%	66.5%	66.0%	64.0%
Attrition rate	31.0%	22.0%	21.8%	22.2%	23.0%	22.2%	23.2%	25.3%

	National performance 2006-07	Area performance 2006-07
Charged pre-charge decision cases resulting in a conviction	78.0%	77.2%

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%	83.1%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	56.4%
Cracked trial rate	37.3%	30.4%
Ineffective trial rate	18.9%	56.4%
Vacated trial rate	22.5%	16.9%

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

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

Offences Brought to Justice

	CJS area target 2006-07	CJS area performance 2006-07
Number of offences brought to justice	33,176	38,162

Percentage make up of Offences Brought to Justice	National 2006-07 ⁶	Criminal justice area 2006-07
Offences taken into consideration (TICs)	8.5%	10.8%
Penalty notices for disorder (PNDs)	10.3%	8.9%
Formal warnings	5.8%	9.4%
Cautions	26.5%	26.9%
Convictions	48.8%	43.9%

Aspect 3: Ensuring successful outcomes in the Crown Court

	National performance 2006-07	Area performance 2006-07
Successful outcomes (convictions) as a percentage of completed Crown Court cases	77.7%	74.7%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	54.2%
Cracked trial rate	39.5%	29.0%
Ineffective trial rate	12.4%	16.8%

6 Final figures awaited.

Proceeds of Crime Act orders	Area target 2006-07	Area performance 2006-07
Value	£1,855,090	£1,025,564
Number	99	72

Aspect 10: Managing resources

	2005-06	2006-07
Non ring-fenced administration costs budget outturn	100.5%	100.4%

Staff deployment	National target 2006-07	National performance 2006-07	Area performance 2006-07
DCW deployment (as % of magistrates' courts sessions)	17.2%	14.7%	15.0%
HCA savings against Area target	100%	138.4%	196.5%
Sickness absence (per employee per year)	7.5 days	8.5 days	6.6 days

Aspect 13: Securing community confidence

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

CJS area baseline 2002-03	2004-05 (last OPA)	Performance in 2006-07
42%	40%	42.5%

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

Police

Avon and Somerset Constabulary

HM Courts Service

Bristol Crown Court

Taunton Crown Court

Avon and Somerset magistrates' courts

Victim Support

Victim Support – Avonvale

Victim Support - Somerset

Community Groups

Somerset Racial Equality Council

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HM Crown Prosecution Service Inspectorate

London Office:

26 – 28 Old Queen Street

London SW1H 9HP

Tel. 020 7210 1197

Fax. 020 7210 1195

York Office:

United House, Piccadilly

York, North Yorkshire, YO1 9PQ

Tel. 01904 54 5490

Fax. 01904 54 5492

Website:

www.hmcpsi.gov.uk

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