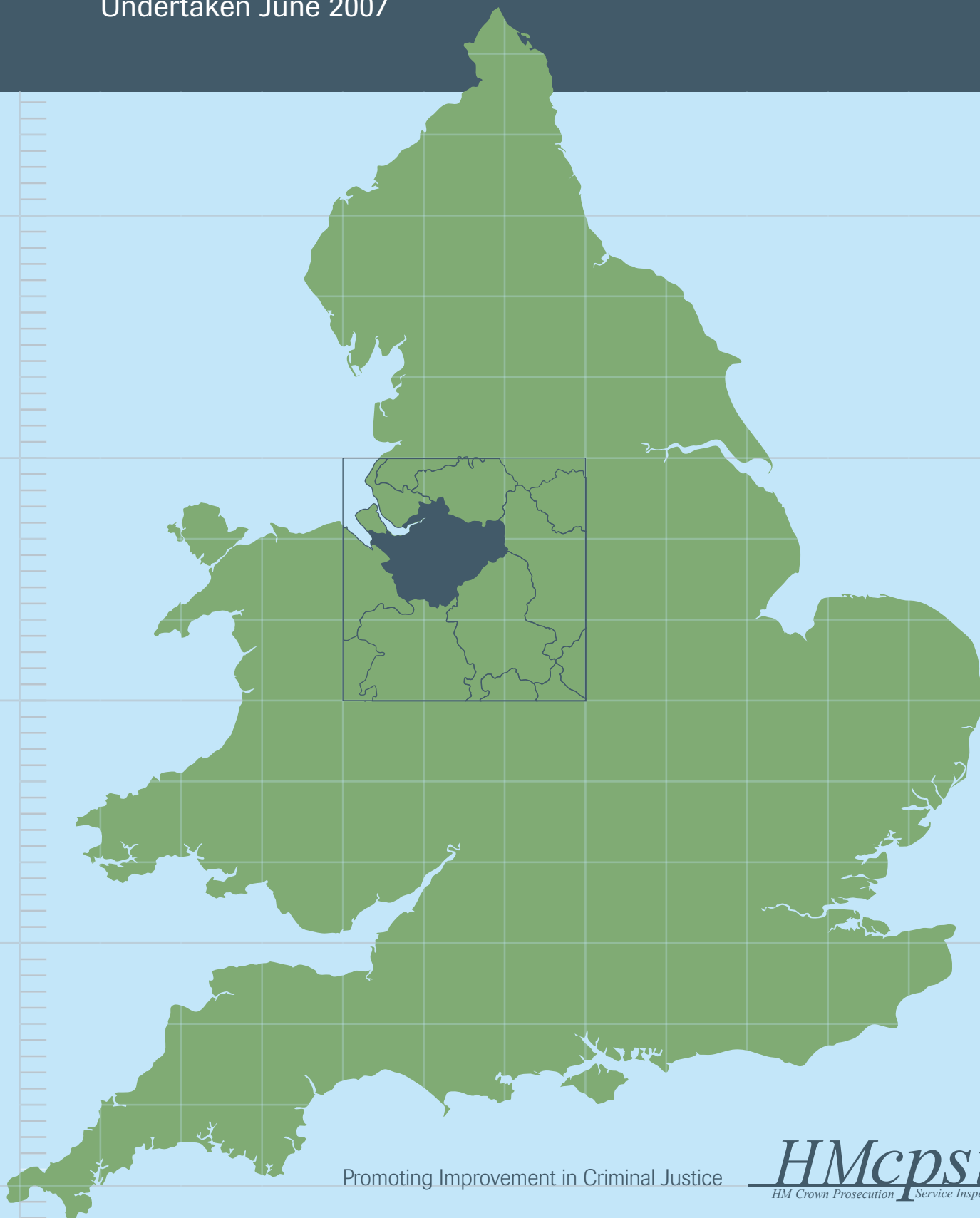


CPS Cheshire

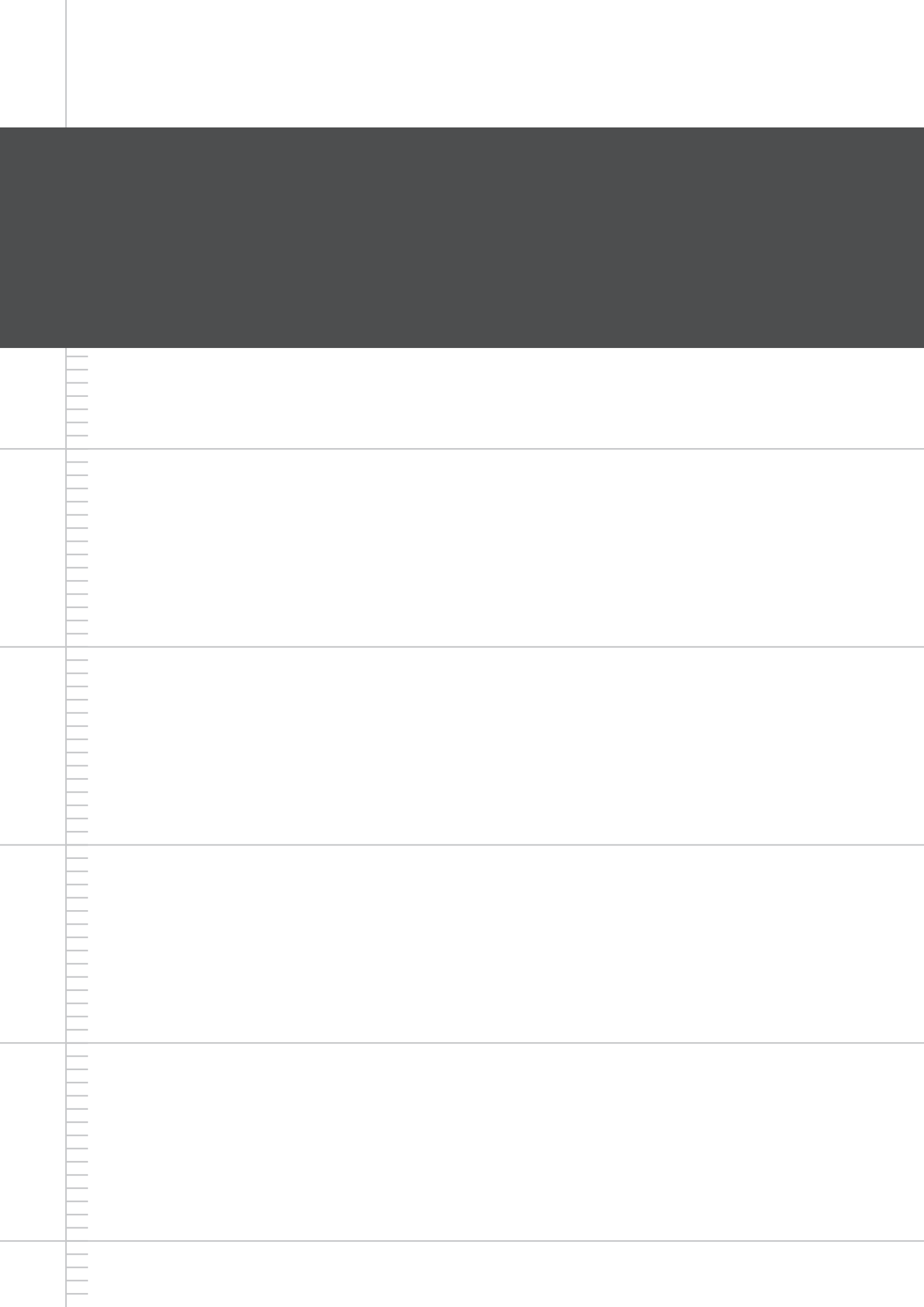
Overall Performance Assessment

Undertaken June 2007



Promoting Improvement in Criminal Justice

*HMcp*si**
HM Crown Prosecution Service Inspectorate



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ABBREVIATIONS

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

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

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A INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS

This report is the outcome of Her Majesty's Crown Prosecution Service Inspectorate's (HMCPPI) overall assessment of the performance of the Crown Prosecution Service (CPS) in Cheshire 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 HMCPPI based on absolute and comparative assessments of performance. These came from national data; CPS self-assessment; HMCPPI'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 Cheshire serves the area covered by Cheshire Constabulary. It has three offices, at Chester, Warrington and Crewe. The Area Headquarters (Secretariat) is based at the Chester office.

Area business is divided on geographical lines at all three offices. Chester (Western) and Warrington (Northern) handle cases dealt with in the magistrates' courts and Crown Court. Crewe (Eastern) handles cases dealt with in the magistrates' courts, and its Crown Court cases are handled in Chester.

During the year 2006-07 the Area had an average of 95.33 full time equivalent staff in post, and a budget of £4,466,122. This represents a 9.2% decrease in staff, and an 6.3% increase in budget since 2004-05, the period covered by the Area's last OPA.

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

Pre-charge work¹

2004-05		2006-07	
Written advice	2,492	Decisions resulting in a charge	6,563
Pre-charge advice (where available)	3,434	Decisions not resulting in a charge ²	4,128

Magistrates' courts proceedings (including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Magistrates' courts prosecutions	16,943	17,948	5.9%
Other proceedings	30	13	56.7%
Total magistrates' courts proceedings	16,973	17,961	+ 5.8%

Crown Court proceedings

(including cases previously subject to a pre-charge decision)			
Cases sent or committed to the Crown Court for determination	1,190	1,546	29.9%
Committals for sentence ³	275	365	32.7%
Appeals from the magistrates' courts ³	265	313	18.1%
Total Crown Court proceedings	1,730	2,224	+ 28.6%

In 2006-07, for the period up to February 2007, 55.4% of offences brought to justice (OBTJ) 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 has recently re-structured so that its three combined units (North East and West) geographically reflect the basic command unit (BCU) boundaries of Cheshire Constabulary. The roles of its two District Crown Prosecutors (DCP), Level E, have also been remodelled so that their responsibilities are now thematically rather than geographically defined. This is to create flexibility and to allow one DCP to concentrate on developing an Higher Court Advocates (HCA) cadre in accordance with the Area's advocacy strategy. The four Assistant District Crown Prosecutors (ADCP) now have greater responsibility for managing performance and effectiveness of the teams they lead. Whilst the staff levels have reduced since the last OPA, the caseload has increased in volume and complexity. Statutory charging was implemented in February 2006 and Simple, Speedy, Summary Justice (CJSSS) is due to be rolled-out in Crewe in August 2007 and to the rest of the Area by December 2007. Conditional Cautioning is in place throughout the Area.

Summary

The Area is well led by a motivated senior management team (SMT) which observes and promotes corporacy at all levels. There is a good degree of transparency, and managers act to ensure that channels of communication with staff and external stake-holders are opened and maintained. Mutual respect, as well as equality and diversity are well championed internally and in the community, although more could be done to engage directly with certain groups who are at particular risk of exclusion and discrimination. However, the Area is taking steps to ensure that its staffing matches the make up the local community and senior managers have forged links with groups representing certain minority ethnic communities. The Area is conscious of the need to raise its media profile further, and the updated communications strategy focuses on this by setting out a plan to create a joint approach to media and community engagement with Criminal Justice System (CJS) partners and other CPS Areas.

The Area works well in a multi-agency context and provides leadership where appropriate, especially in the fields of domestic violence and magistrates' courts listing where substantial successes have been achieved. It is well represented at the Cheshire Criminal Justice Board (and subgroups), as well as on victim representation, child protection, and racial equality groups.

A "prosecution team" approach to joint working with Cheshire Constabulary is developing well at all levels, especially in relation to pre-charge advice arrangements which are working well, and joint performance management. However, systems need to be synchronised further so that delay can be eradicated, and the expected benefits of CJSSS realised. Her Majesty's Courts Service is leading the CJSSS joint-implementation project for the Area and appropriate plans appear to be in place to reduce the listing back-log and provide appropriate support at court. However, this is based on the presumption that pleas will be entered at the first appearance and that cases will not be adjourned for pre-trial review (PTR). Given the relatively slow progress of cases through the magistrates' courts at present, this will amount to something of a culture shock for all parties and the Area needs to ensure that its own case progression systems are tuned accordingly.

There are concerns in relation to the Area's ability to progress cases in the magistrates' courts before a trial date is fixed. The high proportion of ineffective first hearings and PTRs continues to contribute to the cracked and ineffective trial rates, which are partially attributable to witness fatigue according to the helpful analysis conducted by the Witness Care Unit (WCU) manager. The Area needs to ascertain

why witness' dates to avoid are not always available at first hearing, and why disclosure documentation is rarely served in advance of the PTR; in order to upgrade its case preparation system and ensure that summary trials are effective six to eight weeks after plea is entered. This will necessarily include efficient communication systems to ensure that the initial file, disclosure documentation, and further evidence is promptly provided by the police and reviewed by a lawyer within days of charge. Timeliness of review also needs to be addressed to reduce the proportion of cases that are discontinued on or after the third hearing.

The quality of legal decision-making in the charging station, and in pre-trial review appears to be relatively sound, and this includes decisions to discontinue cases after charge. However, the file endorsement and case management system (CMS) recording of reviews is often lacking. This hampers analysis of the review decision itself, and the identification of any negative trends. Formal and documented adverse outcome analysis is rarely done in the magistrates' courts. Although the Area conducts Casework Quality Assurance (CQA) in accordance with national guidance on frequency, its effectiveness is questionable given the lack of any significant commentary and the lack of true file ownership. The same broad issue applies to Crown Court review although documentary review and adverse outcome analysis is provided more frequently. The analysis and trending of legal decisions is significant in the context of successful outcome rates which are lower than they were at the time of the last OPA, in both the magistrates' and Crown Courts, although they remain better than national averages.

Case progression is more effective in the Crown Court where timeliness is better than national performance, and pre-trial hearings are usually effective. Accordingly, the ineffective trial rate is reducing, and the proportion of trials that crack for reasons attributable to the prosecution has remained steady since the last OPA, despite an increase in caseload.

The Area handles sensitive and high profile cases well and the unsuccessful outcomes rate is lower than national performance. Case flagging on CMS is satisfactory and arrangements are made for specialists to add value to casework and advocacy, especially in domestic violence cases where the conviction rate has risen to 75% at Chester specialist domestic violence court (SDVC).

Disclosure and custody time limits (CTL) are handled very well and effective systems and training are in place. The Area also contributes well to No Witness No Justice (NWNJ) with effective consideration of witness issues in the charging station, effective WCUs, and monitoring systems. However, Direct Communication with Victims (DCV) compliance is problematic and needs to be addressed.

Performance is generally good in relation to Public Service Agreement targets. The criminal justice area (CJA) exceeded its target for bringing offences to justice and performance against the target of 71 days from arrest to disposal for persistent young offenders (PYO) has improved. While public confidence in the CJS is 41.4% against 44.2% nationally, the Area is shown as performing much better in the WAVES survey, and this is at least partially attributable to the work done in the WCUs.

The Area has successfully implemented some change. However, arrangements for change management need to be formalised and tightened so that proposed actions relate more directly to objectives. This will allow more accurate monitoring and greater certainty of success.

Resources are well managed. The Area has negotiated actively with the courts to maximise designated caseworkers (DCW) efficiency and the advocacy strategy includes the development of an HCA cadre to increase savings and improve outcomes. The Area conducted the recent internal restructure effectively so that the Area is now co-terminous with police BCU boundaries.

Direction of travel

The Area's overall performance has declined slightly since the last OPA, despite performance figures that appear good in the first instance. This is because the long term trends are largely negative, and the Area has been slow to implement performance management structures and systems to analyse and halt the downturn. Case progression systems are not as effective as they might be and there are timeliness issues which affect our assessment of the Area's ability to progress cases efficiently at court.

Arrangements for delivering change need to be more formalised and the Area needs to check that its approach to performance analysis is sufficiently robust so that any downward direction of travel is halted. Nevertheless, the Area has made progress in relation to statutory charging and this forms a sound base for future improvement.

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

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

D DEFINING ASPECTS

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

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

- The Area introduced statutory charging in February 2006. Three charging sites are operated within the Area and timely face-to-face pre-charge advice is provided at all of them between 9am and 5pm. Duty Prosecutors (DPs) are rostered to cover the sites by half day sessions to ensure lunchtime coverage.
- Effective police gatekeepers ensure that only appropriate files are forwarded to the DP, and that the Area appointment system is effective. The Area monitors the throughput handled by each charging centre, and deals effectively with any fluctuations.
- BCU crime managers provide early notification of operations and complex cases to the Assistant District Crown Prosecutors (ADCP) who then allocate an appropriately experienced prosecutor to deal with the case. The Area also runs an effective complex case surgery twice weekly in the Northern District. The development of a strong prosecution team ethos encourages the police to seek early advice from the DP in relation to pre-charge matters, in appropriate cases. This allows maximum value to be added in the early stages of an investigation where appropriate.
- The Area has no formal written agreement with Cheshire Constabulary as to what constitutes a complex case. This causes uncertainty as to when early notification should be provided.
- The Area promotes consistency of decision-making and file ownership following initial pre-charge advice, by promptly advising the police gatekeepers of the DP timetable. This enables them to ensure that further advice is given by the same DP.
- Cases are occasionally inappropriately charged by the police without obtaining a pre-charge decision (PCD) in accordance with Director's guidance. These cases are identified by prosecutors or DCWs at the first hearing when the error is rectified or the case is discontinued. All such cases are discussed at monthly Prosecution Team Performance Management (PTPM) meetings and feedback is then provided to the Custody Sergeant. However, the Area does not keep a record of them (or their outcomes) and this needs to be addressed.
- Inappropriate requests for advice (when cases do not pass the threshold test) are limited by effective gate-keeping, and they are generally reported to the supervising officer when they occur. ADCPs and District Crown Prosecutors (DCP) also monitor inappropriate requests on an ad hoc basis when attending at the Charging sites to act as DPs

- The Area has an effective procedure to allow police to appeal against the decision of a DP. Initially, a Police Inspector will appeal to the relevant ADCP. In cases where there continues to be a dispute the Area has an escalated appeals procedure. The number of appeals and their success rate is not currently monitored for quality assurance purposes.
- The Area has an effective system for monitoring ongoing cases on a weekly basis. Cheshire Constabulary has recently updated their custody system resulting in a number of duplicate URNs which has affected the data, but the Area has managed this problem well and the numbers of ongoing cases remain satisfactory.
- Advices and decisions are properly recorded and accurately counted, with full use of the CMS being made. Reality checks indicate that in all cases the defendant's ethnicity and gender is properly recorded.
- Liaison with CPS Direct (CPSD) is effective. The local CPSD liaison manager occasionally attends the local multi-agency Criminal Justice Performance Improvement Meeting to provide an update on CPSD performance. The Area monitors CPSD cases by reviewing monthly reports provided by CPSD, and by informal dip-sampling of MG3s by the DCP.
- The Conditional Cautioning scheme was implemented as a pilot scheme in Warrington and Halton (North) in September 2006 and it was rolled-out across the Area in February 2007. By the end of April 2007, Cheshire had issued 53 Conditional Cautions. The scheme is effective and is monitored by the DCP who takes the Area lead and who deals with all breaches of Conditional Cautions.

1B The Area ensures that pre-charge advice and decisions are in accordance with the Director's guidance, the Code, charging standards and policy guidelines

- The Area ensures that all lawyers providing charging advice and decisions have a full understanding of the operation of the Area scheme. All DPs have undertaken both sections of the Proactive Prosecutor Programme (PPP) training. The Area Charging Lead and the Chief Crown Prosecutor (CCP) are both national PPP Trainers.
- Three out of four ADCPs have attended the Proactive Prosecutors Management (PPM) Training. The CCP circulates all policy bulletins to prosecutors and ensures all other charging information is cascaded to staff through the Area charging lead. All charging issues raised by the Area Lead are discussed at Area Management Team (AMT) meetings.
- Reality checks indicated that there is consideration of witness reliability and other appropriate issues including ancillary orders at PCD stage. Domestic violence issues are properly considered, and consideration is given to the early use of witness summonses and witness warrants.
- The Area assesses the quality and timeliness of pre-charge advice, including cases where no further action (NFA) is recommended. Appropriate action is taken where learning points are identified. Monitoring is by way of the CQA system and through dip-sampling of files. ADCPs are responsible for allocating files and the PCD advice documents (MG3s) are checked at this point for quality of advice. This includes an assessment as to whether the correct file type has been requested. Police feedback is that the level of file-build is appropriate. ADCPs also carry out checks on adverse outcomes in PCD cases to examine the reasons and the standard of initial advice.

- Conditional Caution breach files are monitored by the DCP responsible for the Area roll-out of Conditional Cautioning, and an assessment is made as to whether the initial decision to caution was appropriate. Feedback is provided to lawyers following this process.

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%	14.6%	14.15%	11.0%	13.1%	8.9%	9.1%
Guilty plea rate	52.0%	69.2%	68%	71.2%	68.0%	66.5%	67.5%	71.7%
Attrition rate	31.0%	22.0%	22.5%	19.6%	23.0%	22.2%	20%	19.9%

- Area systems for monitoring the volume, timeliness and outcome of PCD cases are comprehensive and sound. Full PTPM statistics are kept and the DCP responsible for charging produces a monthly in-depth summary of PTPM, Area Benefits Realisation and PCD Unsuccessful Outcomes which is circulated to the AMT, ADCPs and the police. District PTPM and Joint Performance Management meetings are held monthly and discussion takes place based around the summary. The figures in the summary are used to improve performance and compliance with the scheme as well as being used to ensure that resource commitment matches overall demand.
- The Area implementation of statutory charging has been a success, and two independent post implementation reviews (PIRs) have been positive about the operation of the scheme within the Area, although some minor problems were identified. The most recent PIR (October 2006) flagged two key issues. First, that following a threshold test, the follow-up full code test was not always timely in light of the action dates given, and our reality checks confirmed that this is still the case. Secondly, lawyers often included an action plan in the narrative of the MG3, and reality checks confirm that this still happens.
- Area performance shows mainly good (and some excellent) results in five out six of the aspects measured, despite an increase in Area caseload. However, concern remains in relation to magistrates' court discontinuances in PCD cases, which is rated as poor at 14.15%, although better than the national average.
- There is clear evidence of effective joint-working with the police at all levels on pre-charge decision cases, and police compliance with the agreed scheme is monitored. Regular liaison meetings with senior officers are used to resolve any difficulties and tackle issues using evidence from individual cases.

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

2A Successful outcomes are increasing

Case outcomes in the magistrates' courts	National performance 2006-07	Area performance 2006-07
Discontinuance and bindovers	10.8%	9.9%
No case to answer	0.2%	0.1%
Dismissed after trial	1.9%	1.9%
Discharged committals	0.2%	0%
Warrants	2.6%	1.4%
Overall conviction rate	84.3%	86.7%

- The rate of successful outcomes in 2006-07 is 86.7%, which is 2.4% better than the national figure. For the Area, this represents a 0.3% improvement on the previous year. However, performance is still behind the 87.3% successful outcome rate noted in the last OPA (2004-05), and this dip is in the context of improving national performance over the same period.
- In relation to unsuccessful outcomes, performance has been variable since the last OPA. The dismissal (No Case to Answer) rate in 2006-07 remains at 0.1% against an improving national rate of 0.2%. Only two cases were discharged at committal in 2006-07 (because they were not ready) and this amounts to 0.15% of all the cases adjourned for committal during the same period. Again, this is very similar to performance in 2004-05, and it is still better than the improving national rate, although this is in the context of the high adjournment rate detailed in Aspect 4. However, the proportion of dismissals after trial has climbed from 1.4% to 1.9%, and is now no better than the national average, which has deteriorated itself from 1.5% since 2004-05.
- The overall discontinuance rate has also deteriorated slightly from 9.4% in 2004-05 to 9.9% in 2006-07, against national performance which has improved over the same period. This is in contrast to the decreasing proportion of discontinuances that benefited from pre-charge decisions (PCD). These are always authorised by a Assistant District Crown Prosecutor, albeit after the event in some cases, and performance has improved from 14.5% in 2005-06 to 14.2% in 2006-07.
- Unsuccessful outcomes are dip sampled informally but no record is kept of the findings. The Area conducts CQA analysis of magistrates' court casework at an appropriate frequency and level, although its effectiveness is limited by the lack of commentary so issues are not necessarily amplified appropriately. Whilst there is no evidence to suggest that there are quality issues in relation to legal review decisions, the lack of written file endorsements also hinders effective analysis. The quarterly adverse outcomes summary includes reference to some

magistrates' courts unsuccessful outcomes, but the lack of formal recorded adverse outcome analysis (except in relation to no case to answers) hampers the Area's ability to learn lessons.

- The Area achieved 115.5% of its OBJ target in 2006-07, with 55.4% convictions, despite its declining performance in relation to discontinuance. It has also met the PYO target with the average time between arrest and disposal having reduced from 87 days in the first quarter of 2006-07, to 69 days for the 12 months ending December 2006. This is due to the conclusion of a major trial involving two PYOs and a greater focus on the PYO target at Local Criminal Justice Board (LCJB) level, but the Area deserves credit for the progress that has been made.

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%	42.2%
Cracked trial rate	37.3%	41.7%
Ineffective trial rate	18.9%	16.2%
Vacated trial rate	22.5%	18.8%

- Each of the three CPS teams conducts the magistrates' court cases for its local court(s). New cases are allocated to a reviewing lawyer by the Assistant District Crown Prosecutor. However, some files lack a formal endorsement of timely review against the Code for Crown Prosecutors, and this may be a contributing to the late discontinuance and increased cracked trials rates referred to below. Also, there is no formal monitoring of the quality of police files at this stage or later.
- Files generally show evidence of appropriate and timely actions in the lead up to trial, including completed case progression forms which are sent to the court 14 days before trial. Every morning a "duty lawyer" in each team reviews the cases listed for trial seven days hence and takes any outstanding legal decisions when necessary.
- The case-progression system works well once a trial date has been fixed, despite the lack of formal case progression officers (CPOs). The proportion of effective trials has improved from 41.5% in 2005-06 to 42.2% in 2006-07 (43.8% nationally), while the proportion of ineffective trials has also improved from 18.7% to 16.1% during the same period (18.9% nationally). The Area target of 18% for ineffective trials has been amended to 16% for 2007-08 which is a reflection of recent good performance. The proportion of vacated trials has also improved from 20.6% in 2005-06 to 18.8% 2006-07. This upturn is accentuated by the deterioration of the national rate to 22.5%.
- However, the proportion of cracked trials has deteriorated from 39.8% in 2005-06 to 41.7% in 2006-07, against 37.3% nationally. The problem may be linked to the rising rate of discontinuance overall, and discontinuance on the day of trial in particular, given that 68.9% of discontinued cases end after three or more hearings, against a national figure of 59.2%. The Area has one of the highest proportions of cracked trials due to discontinuance following a Code test review, as

opposed to witness problems. Whilst the rate of cracked and ineffective trials is considered at LCJB level, the Area needs to do further detailed analysis with its partners, particularly in relation to trials that crack due to late discontinuance.

- The Area is moving towards implementation of CJSSS at Crewe (East) in August 2007 and roll out across the Area by December. There remains work to be done to ensure that cases are progressed effectively at each court hearing, and we comment on this in Aspect 4. Whilst planning for CJSSS appears to be on track at Cheshire Criminal Justice Board (CCJB) level, more work will be needed to ensure that the Area is ready for the challenges it presents in terms of the number of hearings and readiness on the part of the prosecution team. This has been a known problem for some time but any remedial action is not yet effective.
- Reality checks found most cases to be properly flagged on CMS although some finalisation errors were noted. According to central data, 60.4% of reviews are recorded on CMS, which is an improvement on the 36% recorded at the last OPA. However, reality checks showed that full file reviews, adverse outcome reports and DCV communications are rarely prepared on CMS.

3 ENSURING SUCCESSFUL OUTCOMES IN THE CROWN COURTS	OPA 2005	OPA 2007	Direction of Travel
	Good	Good	Stable

3A Successful outcomes are increasing

Case outcomes in the Crown Court	National performance 2006-07	Area performance 2006-07
Judge ordered acquittals	13.1%	9.0%
Judge directed acquittals	1.4%	1.8%
Acquittals after trial	6.5%	7.7%
Warrants	1.3%	1.3%
Overall conviction rate	77.7%	80.9%

- The proportion of successful outcomes (at 80.9%) was better than national performance in 2006/07 although this represents a decline since 2004/05 when 84.0% performance was recorded.
- Judge ordered acquittals (JOA) have increased from 6.3% to 9%, and jury acquittals have increased from 6.2% to 7.7% of caseload. The proportion of judge directed acquittals (JDAs) has improved marginally since the last OPA but is still greater than the national average. Of the three, only the proportion of JOAs is better than the national rate. The Area has found no apparent explanation for the deteriorating jury acquittal and JOA rates, although it is satisfied that the quality of pre-charge advice is not the cause. No detailed analysis has been done, except in relation to trials that crack for witness issues. The Area should therefore consider more detailed analysis of trends with its partner agencies to halt the downturn in performance.
- As in the magistrates' court, discontinuances that benefited from PCD are always authorised by an Assistant District Crown Prosecutor (ADCP), albeit after the event in some cases.
- The Area prepares full reports on adverse outcomes in the Crown Court and these tend to be suitably robust in identifying the underlying reasons. Specific issues and trends are raised at the quarterly performance meetings and with individual lawyers where appropriate.
- Helpful summaries of the adverse outcome analyses are circulated to managers and staff, and the CCP has emailed all Area staff on the subject in the past. Criminal justice partners are kept informed of inter-agency issues at LCJB sub-group level.
- In relation to the Proceeds of Crime Act (POCA), the Area underperformed in 2006-07. It achieved 32 confiscation orders against a target of 44. The combined value of the orders was £755,241 against a target of £744,077. Despite meeting the value target, the Area needs to consider ways of increasing the number of orders made and this will inevitably include the raising of awareness with charging lawyers and police colleagues.

- The Area business plan (ABP) 2006-07 contains reference to the enforcement of confiscation orders and the Area is currently considering a joint approach to the issue with Merseyside at both Area and LCJB levels.

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

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	51.7%
Cracked trial rate	39.5%	35.6%
Ineffective trial rate	12.4%	12.7%

- The Area monitors the quality and timeliness of continuing review of Crown Court files by dip sampling and CQA analysis, which is conducted at an appropriate level and frequency. The CQA forms showed full compliance but the robustness of the assessment is hard to gauge because there is no commentary. Individual lawyers and case workers are spoken to by ADCPs about specific issues, but no formal record is kept unless an issue recurs. The Area should consider keeping a record of such action to allow trending to take place.
- Reality checks confirm the Area's finding that review takes place in accordance with the Code for Crown prosecutors, although file endorsement (including direct reference to the Code tests) is sometimes missing. Some file reviews were also missing on CMS, and there was some evidence of "cut-and-paste" from the charging advice. The Area needs to consider its systems for ensuring that formal records of review are generated and kept.
- Effective case progression systems are in place internally, and with CJS partners. These include the use of case specific action plans which are reviewed by case-workers, reviewing lawyers and the ADCP. Case progression meetings are held to discuss broad issues. Case progression forms are submitted 14 days before trial, and these are completed thoroughly. Notes between caseworkers and the reviewing lawyer are usually evident on the file, and it is clear that they operate well together to ensure that appropriate and timely actions are carried out. The average Crown Court case takes 2.27 hearings to final disposal against 2.69 nationally, which tends to indicate sound case progression systems, despite the fact that the Area is performing less well in relation to overall timeliness of case disposal.
- The Area monitors the progress of youth cases jointly with specialist police officers at unit level. Although PYO timeliness has improved recently, the timeliness of youth cases generally remains relatively stable.
- An increase in the proportion of cracked trials from 30.9% to 35.6% since the last OPA has been the main reason behind a fall in the rate of effective trials from 55.7% in 2004-05, to 51.7% in 2006-07. However, the proportion of trials which cracked due to the prosecution has remained steady at about 9%, despite a substantial increase in the number of trials listed in the year to March 2007. The proportion of ineffective trials has also reduced from 13.3% at the time of the

last OPA to 12.7% in 2006-07, and this is now approaching the national average of 12.4%. Again, the proportion of trials which were ineffective due to the prosecution has remained steady at about 4.7% despite the increase in caseload.

- The WCU manager provides a very useful analysis of the effect of witness issues on cracked and ineffective cases, which has been substantial in the last quarter of 2006-07. Also, Area performance is considered in relation to cracked and ineffective trials more generally at LCJB sub-group level, and divisional issues are fed down to the joint performance management meetings which are held locally.
- 82% of Crown Court reviews were recorded on CMS against the 90% target; this represents a substantial improvement in performance since the last OPA when only 36% were recorded. The Area recently conducted its own dip sample of Crown Court cases on CMS and found them to be generally compliant. However, reality checks showed some files to have unresolved escalated tasks.

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

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

- Reality checks show that advance information is generally served promptly at first hearing in the magistrates' court. When the charge is likely to be disputed, the case is often adjourned. If a not guilty plea is entered at the next hearing, the case is usually further adjourned for pre-trial review in order to fix a trial date. The delay inherent in this system is accentuated when pre-trial reviews are sometimes ineffective, because the prosecution has failed to serve documentation in time, or because witnesses dates-to-avoid are not available.
- The latest data (for December 2006) shows that only 51% of magistrates' court cases meet timeliness requirements from charge to trial, against 67% nationally. The position is only slightly better in the youth court where performance is also behind the national level. Overall, the average number of adjournments in magistrates' court cases is worse than national performance, despite the impact of "blitz courts" in November 2006. Also, the low rate of discharged committals (Aspect 2A) should be read in the context that the average number of adjournments per committal is also worse than national performance. The Area monitors the adjournment rate and is aware of the trends. Nonetheless, these are all clear indicators that cases do not always progress at each hearing, although the Area is in line with national performance for timeliness when a guilty plea is entered.
- The Area does not issue its advocates with instructions relating to proactivity in progressing cases, although the need to be at court in good time is stressed from time to time. All in-house advocates have attended the Proactive Prosecutor Programme (PPP) which promotes a robust approach in general. However, there is no formal monitoring programme of in-house advocates and agents.
- Reality checks confirm that cases proceed more promptly in the Crown Court where plea and case management hearings are normally effective. The average number of adjournments in Crown Court cases is better than national performance. The timeliness of briefs to counsel is monitored and the Area is achieving 74.0% of the timeliness target against 78.7% nationally.
- The Area has played a leading role in addressing listing issues, particularly in the magistrates' court. Following lengthy and successful negotiation this has resulted in the move to three remand courts rather than six, and the shift to double (rather than triple) listing which has been adopted between the Area and the courts. The strong focus on domestic violence trials has also reduced delay at the specialist courts in Chester and Halton.
- No wasted costs orders have been made against the Area in 2006-07 or to date in 2007-08.

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 crime⁴) effectively

- The proportion of unsuccessful outcomes in sensitive cases was 31.2% in 2006-07. This was better than the Area target and national performance, and an improvement on the previous year. The most substantial contributor to this upturn in performance was the 5% reduction in domestic violence (DV) unsuccessful outcomes over the same period.
- Co-ordinators and specialists have been appointed in relation to all the more commonly identified sensitive cases. They are at an appropriate level within the organisation and they are able to provide feedback, mentoring and advice to staff dealing with sensitive cases. The domestic violence specialist has come to be seen by partner agencies as a highly respected leader in her field.
- All serious sensitive cases are prepared by a specialist, and all cases before the Specialist Domestic Violence Courts (SDVC) in Halton and Chester are conducted by DV specialist advocates who have been trained by the DV co-ordinator.
- The allocation of all sensitive cases is carefully considered by Assistant District Crown Prosecutors (ADCPs) to ensure that they are conducted by a lawyer of appropriate experience. There is also some joint monitoring of counsel with other Areas to ensure that suitable experienced advocates are briefed. Rape and serious sexual assault cases are allocated to specialists, while reviewing lawyers have access to specialists in all sensitive cases when appropriate. Reality checks confirm that the level of case preparation is satisfactory. They also reveal one example of excellent case preparation in a racially aggravated assault case which was tried in the magistrates' court.
- The rape and DV co-ordinators are involved in performance analysis; they conduct their own dip samples and checks on casework from time to time. They also provide input to the Area quarterly performance reports and meetings which deal specifically with sensitive and hate crime performance. This is analysed at Area and BCU level by senior managers. An inter-agency approach is taken to performance analysis, especially in relation to DV.
- The progress of individual cases is also closely monitored by senior managers. The Area referral system ensures that most sensitive and high profile cases are brought to the attention of a District Crown Prosecutor or CCP who tracks their progress formally and informally, giving advice and assistance where appropriate. Since November 2006, the CCP has chaired a quarterly meeting of co-ordinators and specialists to discuss performance and progress.

⁴ For the avoidance of doubt all references in this aspect to sensitive cases include all cases involving hate crime (disability hate crime, domestic violence, homophobic, racist and religious crime) child abuse/child witnesses, rape, fatal road traffic offences, Anti-Social Behaviour Orders (ASBOs)

- However, there is no evidence that sensitive case outcomes are individually analysed except insofar as they are reported on as adverse outcome reports in the Crown Court.
- The Area takes action to ensure that practice is consistent with policy and review recommendations. The rape co-ordinator has recently reviewed Area systems and upgraded them to progress the national recommendations in the report of the joint thematic review of the prosecution of allegations of rape (Without Consent). All other policy updates and HMCPSI thematic reports are forwarded to the relevant specialist for further action in the same manner.
- The domestic violence (DV) co-ordinator has done a great deal of work internally and with a number of external agencies to set up a highly successful specialist domestic violence court (SDVC) at Chester (West) and reinvigorate the SDVC in Halton (North). This has contributed significantly to the reduction in unsuccessful outcomes referred to above.
- As stated in the communications strategy, the Area has the capability to deal with high profile sensitive cases and the media interest that goes with it. It has successfully conducted a number of such cases recently. In one, which related to the prosecution of a national newspaper the CCP prosecuted in person.
- The Area insists that all sensitive cases are flagged by the DP at the pre-charge stage. Any failures are identified by the relevant ADCP who reviews the file at point of allocation. Senior managers are therefore confident that most cases are properly flagged. However, reality checks confirm that flagging is not always accurate. In a relatively small sample we saw cases where the DP had failed to post a sensitive flag at the pre-charge advice stage, and cases where a sensitive flag was missed entirely.
- In relation to hate crime, ADCPs must authorise a reduction in charge or basis of plea which removes or lessens the hate element. Reality checks confirm that this does not always happen, partly due to the flagging issue raised above. There is no evidence that the Area captures and analyses such outcomes.
- The Area is able to demonstrate that it takes child protection issues very seriously. It has negotiated protocols with partner agencies including Cheshire Social Services and the youth offending team for information sharing and a Unit Head (UH) attends meetings of Cheshire Safeguarding Children Board. Special arrangements have been made with the courts to ensure that in certain cases bail addresses are checked before the defendant is released. However, the Area needs to incorporate this aspect of business formally into its plans.

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

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

- Reality checks confirmed that prosecutors are complying with the provisions of the Criminal Procedure and Investigations Act (CPIA) 1996 (and its code of practice), the Attorney-General's Guidelines and the expert witness protocol in the majority of cases.
- There are some aspects where improvement is needed. Sensitive schedules of unused material are commonly missing from the file or if present on the file are unsigned, and prosecutors' completion of the Area's printed checklist on the outside of the disclosure folder, and the disclosure record sheets is variable. Some are completed fully, some poorly and a proportion have the disclosure record sheet missing.
- Prosecutors' performance in relation to disclosure is formally assessed through CQA, dip sampling and file audits. Performance is then considered by the Area management team (AMT) during the quarterly performance reviews and learning points are passed on where necessary. These steps have been taken in an attempt to improve disclosure performance since the last inspection.
- The Area is working with the Judiciary to ensure compliance with the Crown Court protocol. The Area monitors non-compliance, with lawyers or caseworkers reporting back any failures. To date, no failures to comply have been reported back to the AMT.
- All sensitive material schedules and any sensitive unused material are stored appropriately and securely when required. Highly sensitive material is retained by the police and supervised by the CCP or the appropriate District Crown Prosecutor (DCP).
- The Area has appointed two disclosure champions, one of whom takes the lead on all disclosure issues within the Area. They disseminate information to prosecutors and caseworkers. They also provide guidance and mentoring to colleagues when required. All new lawyers receive disclosure training at an appropriate point in their development. The Area also ensures that lawyers are supplied with Area updates on disclosure.
- All prosecutors and caseworkers have received training on the disclosure provisions of the Criminal Justice Act 2003 and the CPS and Association of Chief Police Officers (ACPO) disclosure manual at the time they were implemented. Further joint police and CPS advanced disclosure training (mainly involving documentation arising from covert operations) was provided to appropriate lawyers and senior police investigators. Area champions have a regular slot on the police CID and probationer training courses.
- The Area uses pink folders for keeping disclosure separate on the file. A disclosure checklist is pre-printed on the front of the pink folder to ensure that correct basic procedures are followed.

7 CUSTODY TIME LIMITS	OPA 2005	OPA 2007	Direction of Travel
	Excellent	Good	Decline

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

- The Area has had no CTL failures in the years 2005-2006 and 2006-2007. The Area is satisfied that all appropriate staff have been trained in both the local standard and the relevant law. A CTL champion is in post and ensures that all developments relating to law and procedure are passed on to staff.
- The local written Area CTL standard complies with national guidance, and in addition, it contains elements from the good practice guide. The standard is continually reviewed and is updated immediately when national changes take place. Changes are then circulated to staff and implementation of the change is monitored through the District's CTL quarterly audits, which are robust, with action points noted and followed up. The standard is available to all staff as desk instructions. Daily checks are carried out by use of both CMS and the CTL diaries and this is confirmed by reality checks.
- There is an up to date multi-agency protocol between the Area, Cheshire Constabulary, the Crown Court, and the magistrates' courts. This includes the agreement of the expiry date in court when a defendant is remanded in custody, the monitoring of case progress, and the exchange of information. The Area has ensured that an up-to-date copy of the protocol has been sent to each local set of counsel's chambers and reality checks confirm that briefs include accurate CTL expiry dates.
- Reality checks indicated that in one very complicated case expiry dates had been wrongly calculated. Area practice mostly complies with its standards but expiry dates are not always agreed in the magistrates' courts and endorsed on the file by lawyers.
- The Area has an effective system in place for dealing with review of CTLs and applications for extensions. A green form with the expiry date is placed on the file when the review date comes up in the CTL diary. This is used to highlight the need for review and it contains appropriate details for the lawyer to complete.

8 THE SERVICE TO VICTIMS AND WITNESSES	OPA 2005	OPA 2007	Direction of Travel
	Good	Good	Stable

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

- Clear systems are in place in relation to the DCV scheme, and the new obligations imposed by the Victims' Code. A Victim Information Bureau within each of the three WCUs is responsible for drafting the letters and forwarding them to lawyers. Area performance against the proxy target for letters falling within the scheme is satisfactory, and letters examined as part of reality checks are of a good quality.
- Area performance in relation to the timeliness of letters has been problematic. For 2005-06 only 48% of letters were sent within five working days (when a charge had been dropped or amended) against a target of 70%. Efforts have been made by the Area to improve performance, including monthly reports on individual lawyer performance and personal objectives in relation to DCV timeliness. In 2006-07, performance improved to 64% of letters being sent against the same 70% target and a national average of 73%. The new target for 2007-08 of 100% of letters within five working days is challenging for the Area.
- Processes are in place for monitoring the new obligations imposed by the Victims' Code. This includes PCD case files that result in no further action, and notification to vulnerable and intimidated victims within the one working day timescale. The Area is introducing quarterly assurance checks on the quality of letters by the Witness Service.
- Reality checks indicate that the needs of victims and witnesses are considered by DPs at the pre-charge stage, including the early identification of special measures. There was also positive feedback from the post implementation review of statutory charging in October 2006. The Area is reliant on the informal dip sampling of MG3s, and the CQA scheme; a formalised approach would be beneficial and ensure continued good practice.
- An initial needs assessment of victims and witnesses, and then a full needs assessment once a trial date is set, is completed by WCU officers. For both the magistrates' courts and Crown Court, witness care officers complete standard forms used to inform prosecutors of any victim and witness issues. The identification, application and granting of special measures is also monitored by the WCUs, along with the volume of Victim Personal Statements(VPS). Performance in relation to the latter is variable.
- The high rate of magistrates' court trials vacated due to lack of court time (25.2% against 6.1% nationally in 2006-07) has resulted in witnesses experiencing undue delay. In turn, this has impacted on the attrition rate, and it has increased the caseload of the WCU officers which further compromises witness care. The magistrates' courts have recently moved from "triple listing" to "double listing" with the stated aim of reducing to zero the number of cases vacated for want of court time. The Area expects that this will reduce delay and the negative impact this has on witnesses.

- Satisfactory processes are in place that contribute to victims and witnesses being updated and witness needs being considered. Whilst there can be delay in recording hearing outcomes on CMS which impacts upon the WCUs ability to communicate with victims and witnesses in a timely way, there are back up systems to counteract this. The use of witness summonses, particularly in domestic violence cases, and the subsequent continuation into a witness arrest warrant has been problematic in the Area.
- Reality checks indicate that witnesses were warned in a timely and accurate way, and that effective systems are in place.
- The Area is reliant on feedback to ascertain whether Prosecutors comply with the Prosecutor's Pledge at Court in relation to victims, and whether witnesses are treated in a courteous manner by CPS Cheshire's staff at court. Feedback is obtained from the Courts, Witness Service, other court attendees, and the Waves survey data. Waves survey data which indicates whether victims and witnesses are satisfied with their treatment at court, is positive. Feedback from other agencies is generally good, although the Area would benefit from introducing monitoring of its own advocates.

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

- The service to victims and witnesses in the Area is improving. WCUs are progressing towards meeting the minimum requirements of the scheme, and there is clear evidence of actions raised during the NWNJ sign off report in May 2006 being achieved or progressed. Systems are in place for the compliance with the victims' code of practice.
- Significant work is undertaken by the NWNJ performance group, which effectively feeds into the Victim and Witness subgroup at the Cheshire Criminal Justice Board to progress matters relating to victims and witnesses. This includes the progression of witness issues as a result of court listing matters. There is structured joint analysis of the NWNJ primary and secondary measures, and regular monthly reporting by each of the WCUs. The monthly recording includes a detailed breakdown of cases that cracked or were ineffective due to witness issues.
- In the magistrates' court, the proportion of trials which are ineffective due to witness issues has improved from the 3.1% Area baseline to 2.4% in 2006-07, against the national average of 3.2%. Conversely, performance has declined for cracked trials due to witness issues. In 2006-07 the proportion of these hearings stood at 6.4% against the national average of 5.4%, and the Area baseline of 4.4%. A large proportion of cracked trials due to witness issues in the magistrates' courts are domestic violence related cases. The Area has identified this and is seeking to address the issue by maximising the effectiveness of its two specialist domestic violence courts.
- In the Crown Court, the proportion of trials which are ineffective due to witness issues has declined slightly from the 2.3% Area baseline figure to 2.4% in 2006-07, and is now behind the national average of 2.3%. However, the rate of cracked trials due to witness issues has improved from the baseline of 2.3% to 1.9% in 2006-07, which is better than the national average of 2.2%. Witness attendance rates generally improved in 2006-07 and were consistently better than baseline performance at 79.5%.

9 DELIVERING CHANGE	OPA 2005	OPA 2007	Direction of Travel
	Good	Fair	Declined

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

- The Area has a clear sense of what it wants to achieve. The ABP for 2006-07 and 2007-08 drive the Area vision and values, and are aligned to the Director's vision. The ABPs reflect the relevant Public Service Agreement targets and CPS headquarters key performance indicators, and responsibilities for objectives are allocated to individuals. There is clear evidence of staff consultation and participation in the business plans, which has increased for the current year.
- In parts the plans are concise, particularly the 2006-07 plan, with the milestones at a high level. In the main, outcomes were quantitative and link into the key performance indicators. It was not always clear how the Area intended to deliver all objectives and targeted outcomes. For 2006-07, objectives were supported by underlying plans, and discussions also occurred at the Area Management Team (AMT) meeting. Overall, there was some reliance on informal and individual knowledge, which increases the risk to delivery.
- The 2007-08 ABP is more detailed and an improvement on the previous year's plan. A more formal and structured approach to business planning will enable focused and comprehensive consideration of all Area needs. The Area purposely adopted simpler business plans to promote understanding by all staff; for the future a summarised version may be more appropriate.
- Progress against the outcomes in the ABP is discussed at AMT, and monitored as part of the Area monthly performance reports. A full but informal review of 2006-07 plan took place at the mid year stage, as part of the manager's training day. The Area needs to ensure that full reviews of the ABP occur, which are formalised to ensure outcomes and changes agreed are captured and actioned.
- The Area made a conscious decision not to produce unit plans, and staff consequently work to the ABP. Individual staff objectives were closely linked to the achievement of Area objectives within forward job plans, although for some the correlation with the Area objectives could be improved upon.
- Planning with criminal justice partners has been successful. Joint work with police on embedding NWNJ and statutory charging has been effective, and conditional cautioning has been implemented. There is active involvement of senior managers with others in the criminal justice agencies to deliver improvements in service, and at LCJB level the majority of targets have been achieved.

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

- Change within the Area has been effectively implemented. There is clear evidence that nationally driven initiatives have been reviewed and improvements made. The Area is beginning to work with Merseyside, its future partner Area under the CPS Area restructure, and process changes have been implemented as a result.
- CJSSS is to be rolled out in a phased approach commencing in August 2007. Progress has been made at LCJB and Area level to ensure that the summary trial backlog has reduced to manageable levels, and that listing arrangements will allow effective operation and supervision of DCWs in CJSSS court rooms. Local arrangements with the courts and police have also been made to ensure that case papers can be served on the defence in time for an effective first hearing. The Area expects that CJSSS will be effective in Crewe, and that outstanding issues in Chester (west) and the North of the Area will be resolved in time for roll-out. However, the Area needs to embed systems to ensure that case progression timetables are complied with, especially in relation to the service of disclosure material and further evidence, without the benefit of pre-trial reviews. The Area faces significant challenges to delivery of this project.
- Some arrangements for managing change are in place. Each change initiative has an appointed project leader who is responsible for the change and reports to the AMT. Relevant project management training has been given to the leads. Systematic links are generally made to procedures, staff training and communication with staff. Training is not always initially effective in delivering sustained performance, and the CMS is an example of where further training was completed on an individual basis to ensure the delivery of Area initiatives.
- The Area would benefit from introducing a formalised change management structure to oversee the implementation of all projects, rather than dealing with them in a piecemeal approach. This structure would ensure that project risks and dependencies are identified and reviewed.
- The Area is currently developing a revised advocacy strategy and there is some understanding of what the Area needs to achieve, but this has yet to be formalised in a cohesive and comprehensive manner. This will be necessary in order to facilitate delivery of the initiative, and balance project interdependencies, in particular resource and listing issues.
- It was not clear how formalised risk management has been in the past. The Area is seeking to improve its approach to Area-wide risk by increased involvement of managers. There are 34 risks for 2007-08, which will require careful management and prioritisation to ensure that the correct risks are regularly reviewed, and that further countermeasures are imposed where necessary. The Area needs to make certain that effective risk management is in place.

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

- The Area training vision for 2006-07 was set out as a summary in the ABP, with general links into some of the objectives within the plan itself, and key mandatory training. Training needs were identified through performance appraisal and individual development plans, although there was no formalised Area Training Plan for 2006-07, and no centralised approach to the monitoring of courses undertaken by staff. The Area has recognised this shortcoming and a Learning and

Development plan for 2007-08 is being drafted, which is specifically linked to the Area's objectives and individual performance development needs. A training committee made up of staff across all grades has also been formed.

- The absence of a formalised plan and centralised training records means the extent to which relevant diversity issues are included in training is difficult to ascertain, although new staff undertook the E-Learning Equality and Diversity module. The Area does not monitor the equality of access to training across job roles, gender or ethnic origin.
- A more formalised approach to training should be adopted to ascertain whether the individual needs of staff are being addressed, and to ensure equality of access to training and that relevant diversity issues are included within planning.
- A programme of training was run in 2006-07, which included key mandatory legal requirements and improvement activities. All Area lawyers have received both parts of the proactive prosecutor training, and one to one CMS training has been used to drive up performance. There are also skills matrixes in place for staff of all grades, which are used for development purposes. Senior managers have provided national and regional training.
- Systems are not in place to measure the effectiveness of training. Whilst informal feedback may occur depending on the practice of line managers, a structured approach has not been adopted. No formal amalgamated analysis of the overall benefit of individual training courses is currently undertaken. The Area is aware that it needs to develop its evaluation processes. This will enable it to better assess the effectiveness and value for money of learning and development provided.

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

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

- In 2005-06, the Area operated within its non-ring fenced budget but slightly overspent in 2006-07 (100.05% of budget).
- The Area has taken steps to achieve value for money and is continuing to do so. It has sought to minimise costs and maximise savings, and this is demonstrated through its listing work with the courts, increased CMS usage, improved sickness absence, controlled use of agents and internal audits or reviews of performance. Managers are aware of their responsibility for achieving value for money.
- The Area budget is systematically controlled and monitored, with accurate knowledge of committed expenditure. Monthly budget reports are provided to the Area Management Team (AMT). The budget is controlled by the Area Secretariat with a limited devolved budget to the District Crown Prosecutor (DCP) heading the Units for specific agreed agent spend, for instance to cover staff absences due to training.
- The Area's prosecution spend outturn at 111% of the budget was high. However the prosecution costs budget is properly monitored as part of the Area's budget management. Arrangements are in place for the handling of very high cost cases, the timeliness of payment of graduated fees to counsel is good and performance was better than the national average for all quarters during 2006-07.
- Some additional funding was received by the Area from Cheshire Criminal Justice Board (CCJB), to facilitate trial blitzes which were undertaken in November 2006 and April 2007. This enabled trial backlogs to be reduced.

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

- The Area has a sound approach to planning resources. Regular reviews are undertaken examining staffing numbers and grades against caseload, and data is provided for consideration at AMT meetings.
- In 2005-06, the Area re-structured in line with the three police BCU, and more recently new responsibilities have been introduced for the DCPs. One is now responsible for line management of the four Assistant District Crown Prosecutors (ADCP), and the other will implement the Area HCA initiative.

- Negotiations have taken place with the magistrates' courts and the number of courts suitable for DCWs has increased. As a result a further two DCWs have been recruited. The full benefit of DCW usage has yet to be realised, and whilst Northwich has recently introduced a traffic court, matters listed there currently require both a lawyer and DCW to attend. The Area is seeking to address this.
- Clear expectations for lawyer deployment have been set, at seven sessions per full time lawyer per week at court or charging centres. Agent usage for 2006-07 at 12% compares favourably with the national average of 19.6%, and agent spend is comprehensively monitored. The Area is seeking to reduce the number of prosecutions conducted by ADCPs at court, whilst at the same time balancing this with the introduction of an HCA cadre, and the need to continue work to improve listing arrangements for DCWs.
- During 2006-07, the Area had 3.5 DCWs who covered 11.4% of magistrates' court sessions, comparing unfavourably with the national average of 14.7%. Area usage for April 2007 at 14.6% is an improvement, although below the target for 2007-08 of 17%.
- For the majority of 2006-07 there were 3.5 DCWs. At an expected court coverage for each of them at six sessions per week, this equates to 252 sessions per DCW. The Area covered 723 sessions which equates to 82% of available DCW time.
- CPS Cheshire achieved its HCA targets for 2006-07 at 294 sessions (against a target of 287), and counsel fees savings of £78,554 (against a target of £57,251). The Area has eight HCAs, seven of whom attend Crown court on a regular basis. Currently, the scope of work includes committals, sentences, appeals and Plea and Case Management Hearings (PCMHS). No trials were conducted by HCAs in 2006-07. Trials are now beginning to be allocated to some HCAs.
- In 2006-07, the Area undertook an analysis of the scope of Crown Court work which could be undertaken by HCAs, and as a result decided to introduce a dedicated team of HCAs to undertake a full range of work in the Crown Court. The Area has recently been unsuccessful in recruiting a Crown Advocate to help progress the initiative. Proposals are in place to progress this initiative, but have yet to be formalised. An administrator may be recruited to support the team, and this will further add to the cost of HCA funds that need to be reclaimed. The Area needs to ensure that it has sufficient staff contingency to enable a HCA cadre to be introduced, and that it continues to progress matters in relation to listing, in order to satisfactorily manage the interdependencies arising from the project.
- Sick absence for the period January to December 2006, at 5.6 days is an improvement on 7.6 days for the previous calendar year, and is better than the national average at 8.5 days. Managers have received training in managing absence and sickness absence is monitored.
- Flexible working arrangements are in harmony with the business need and all variations to hours are authorised by the Area Business Manager (ABM) which ensures operational requirements are balanced with the needs of individuals.

11 MANAGING PERFORMANCE TO IMPROVE	OPA 2005	OPA 2007	Direction of Travel
	Excellent	Fair	Declined

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

- During the OPA in 2005, the Area demonstrated a commitment to performance management which has continued. There is timely and regular consideration of performance by the Area Management Team (AMT), with performance monitoring over a wide range of key aspects. Monthly reports are produced which are circulated to all managers, and collated into quarterly performance reports.
- Information produced is relevant and pertinent, and available in an easily understood format. Reports are broken down to Area and individual unit level. The Area has four teams; all managed by an Assistant District Crown Prosecutor (ADCP). Performance information for two of the teams at Warrington and Halton (North) is combined, and the Area would benefit from introducing some performance analysis at the team level. Area specific rather than unit or team targets are in place.
- The Area has recently improved the format of its performance reports, and has introduced a dashboard approach and percentage monthly performance against target. This mirrors the performance regime implemented by Merseyside, with whom the Area will be restructuring and this will enable the joint Area Secretariat to assess performance on a consistent basis.
- In addition, budgetary and staffing information is also produced on a monthly basis. NWNJ performance information is also circulated and provided to the AMT. Overall, there is limited use of bench marking with other Areas within the reports.
- Performance information is available to staff and is also communicated in CCP bulletins, and there is some evidence of performance being discussed at management and team meetings although the degree varies, and meetings within teams are not always regular. The Area needs to ensure that unit and team meetings are conducted on a regular basis.
- The Area undertakes checks on the quality of data entry on the CMS and quarterly file audits for each unit, which including finalisation codes, the appropriate use of flagging, performance and recording of case history. This is broken down to an individual performance level, and used to tackle under performance.
- Area processes have encouraged performance improvement in some areas. For instance regular file and CTL audits. The Area is also progressing issues raised in the 2006 staff survey, and the Investors in People (IIP) assessment. Significant improvements have been made in the use of the CMS. Although managers have taken some action to correct and improve performance, although this has not always been timely and successful. The Area did not meet the timeliness DCV target. Whilst some initial work was undertaken it was not sufficient to improve performance. Further work has continued and performance benefits are now being seen.

- Area outcomes are mainly positive, with the Area achieving the majority of its targets for 2006-07. However, there are downward trends in some aspects of performance that need to be countered.
- In the past the CCP and ABM held quarterly performance meetings with the District Crown Prosecutors (DCPs) and Unit Business Managers, who accounted for unit performance in line with Area targets and the ABP. As a result of the new DCP responsibilities, one now manages all four teams, and attendance by the Assistant District Crown Prosecutors at the quarterly performance meetings would encourage greater accountability for performance and operational effectiveness. This currently is being considered by the Area, and would be consistent with the higher expectations for Area managers which are now in place.
- Performance appraisal is used to improve personal performance. Individual objectives in personal development plans (PDPs) link into the Area objectives, and are used to correct and improve performance. This is also supported by audits, CQA and other checks.

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

- CPS managers participate fully and actively in performance improvement groups. Cheshire Criminal Justice Board (CCJB) has just restructured to reinvigorate its performance. CPS managers are represented on the CCJB, and its sub groups. The CCP is the chair of the victims and witnesses sub-group. A PTPM and joint performance meetings (JPM), which are multi-agency and held on a monthly basis at Borough Command Unit level, feed into an overarching Criminal Justice Performance group (CJPIM), which then reports to the CCJB.
- Timely and accurate information is provided to CJS partners. A comprehensive PTPM analysis at an Area and borough command unit level is provided by one of the DCP heads prior to the PTPM meetings with the performance reports. NWNJ reports are also circulated from the WCUs, and other information is shared. Any operational performance issues are discussed on an ad-hoc basis in addition to the PTPM meetings.
- There is clear evidence of joint improvement strategies being implemented and the Area is committed to working jointly with its partners. Performance for both NWNJ and statutory charging has been progressed since being reviewed. The Area has also successfully introduced conditional cautioning and specialist domestic violence courts. The majority of the CCJB targets for 2006-07 were met, with the exception of targets relating to enforcement. CPS Cheshire has struggled in the timeliness of case progression in the magistrates' courts, despite the extensive work undertaken. The restructuring of the Courts Service has energised the courts, and other criminal justice agencies to address performance and prepare for CJSSS. This has included two trial blitzes to clear back logs and changes to listing practices. Some work remains to be done to ensure the Area as a whole will be able to effectively implement CJSSS.

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

- There is sustained operation of the CQA scheme and return rates are consistently good. However, the lack of commentaries on performance makes any assessment of its robustness difficult and performance arising from the CQA is not fed back to individual lawyers, or

considered by the AMT. The Area CQA scheme is supplemented by the Area's adverse outcome reporting, although this is more comprehensive in the Crown Court than the magistrates' courts. The Area needs to assure itself that CQA is robust and that trends are disseminated to all staff.

- The Area does not undertake systematic advocacy monitoring. An informal approach has been adopted under which feedback is obtained from other sources. In the main feedback has been largely positive. Formal monitoring of counsel is undertaken only for re-grading purposes. For 2007-08, the implementation of a HCA cadre, will lead to a formalised advocacy strategy and the intention to monitor all advocates at least once per year.

12 LEADERSHIP	OPA 2005	OPA 2007	Direction of Travel
	Good	Good	Stable

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

- The ABP sets out a clear vision, and values which encompass fairness, firmness, and the need to encourage confidence in the rule of law. The ABP has been circulated to all staff in full, and it has been discussed at Whitley Council and Area Sounding Board (ASB) meetings with feedback taken into account. The communications and community engagement strategies set out some of the underlying objectives and these are available to staff.
- The Area management team (AMT) takes a corporate approach to leadership. It has adopted collective responsibility in relation to decisions and this is adhered to. Assistant District Crown Prosecutors (ADCPs) are represented on the team by rota to ensure that there is a direct link to the units. A bi-annual managers' meeting has also been implemented where all Area managers can discuss issues of general concern. A list of behaviours intended to characterise the Area management has been produced and this is available to all staff to promote transparency and mutual respect, and there is a general willingness by managers to assess themselves critically and to learn from failures.
- Area managers supported by the staff work hard to provide leadership across the CJS, sitting on the LCJB and chairing some of its subgroups, as well as external committees and groups. The benefits of inter-agency working and leadership include a new approach to magistrates' court listing, as well as a good relationship with the judiciary.
- The CCP and ABM make themselves available to staff by occasional attendance at team meetings, and a firm "open door" policy. The Area has an effective Area Sounding Board (ASB) which meets regularly and feeds back to SMT. The CCP and ABM consider suggestions and comments fed back from Whitley Council meetings as well as the ASB.
- Internally, the Area relies on the "cascading" of information and guidance from the CCP to ADCPs who run manageably sized units. Unit meetings are held occasionally (although minutes are sometimes sparse) and this is the method of communication preferred by staff. However, there has been a move to turn meetings into "staff briefings" rather than dialogues to ensure that relevant information is passed on efficiently. This is counter-balanced by the Area "open door policy" and ASB which allow staff to feed back concerns and complaints when appropriate.

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

- The SMT is sensitive to the need to praise and reward staff who add value to the service provided, and there is substantial evidence that this happens where appropriate. The CCP occasionally attends the magistrates' court to watch new prosecution advocates and he personally mentors a law student from the College of Law in Chester.

- Equality and diversity is a standing item on Whitley Council and ASB meetings. The AMT also considers it along with issues relating to working conditions generally. Implementation of the Single Equality Scheme is a milestone in the 2007-08 ABP, and the Area has recently prepared a workforce representation strategy to achieve greater representation of the community. An action plan for achieving Investors in People re-accreditation has also been drafted which includes issues raised in the Staff Survey which was conducted in June 2006.
- The ABM is the Area lead on equality and diversity and she is relatively proactive in raising the issue when relevant in SMT meetings. She also sits on the relevant LCJB sub-group.
- There have been no complaints from staff relating to treatment by managers in 2006-07. Also, there have been no complaints of improper or unsatisfactory behaviour between staff.
- Although the Area's staff profile matches the local community's make-up in terms of black and minority ethnic (BME) groups, the current ABP includes an objective in relation to recruitment from BME communities. The Area is aware that it is under-represented in terms of disability and appropriate action is being taken to redress the balance.

13 SECURING COMMUNITY CONFIDENCE	OPA 2005	OPA 2007	Direction of Travel
	Fair	Fair	Stable

13A The Area is working pro-actively to secure the confidence of the community

- Senior managers have demonstrated a substantial personal commitment to securing community confidence. They are represented on the board of Cheshire, Halton and Warrington Racial Equality Council, on two strategic community safety partnerships, and on the board of trustees of Victim Support, as well as other organisations. Direct lines of communication have also been created to the gypsy and traveller community by a District Crown Prosecutor (DCP), and the CCP personally mentors post-graduate law students from BME backgrounds. However, as a group the Area management team rarely discusses community confidence issues in depth. Also, community engagement is rarely mentioned in the CCPs quarterly update, or in unit management meetings.
- The Area has made some progress since the last OPA in that the community engagement and communications strategies are now referred to in the updated ABP. The community engagement strategy document is compliant with CPS policy. It identifies some local community groups that are at greatest risk of exclusion and discrimination (as well as victim groups), and the basic methods of proposed engagement. It also includes a related action plan which is incorporated into the ABP. However, the proposed actions are not always directly linked to the objectives set out in the strategy. Therefore, the Area needs to keep the strategy under constant review to ensure that the identified community groups are genuinely engaged. The community engagement log confirms a high frequency of engagement activity, but again, most entries relate to strategic issues and consultation by senior managers with fellow CJS professionals rather than representatives of community groups.
- As part of the Area's focus on domestic violence issues, the Area champion has taken a leading role in developing the Cheshire Domestic Abuse partnership, and the local multi-agency risk assessment conference (MARAC).
- The Area has current demographic information and this is available to all staff.
- Community engagement and confidence has yet to become part of the core business of staff. Although senior managers and champions spend substantial time participating in external events, staff should be encouraged to actively engage independently. The Area has taken action by incorporating engagement activity in Personal Development Plans. The Area relies heavily on the community confidence related aspects of core work such as witness care, which is satisfactory insofar as it impacts on members of the community who have already engaged with the CJS, rather than seeking to embed community engagement into core business. However, whilst CPS Cheshire is rightly careful to direct its energies into activity that will yield the greatest benefit to service delivery, these actions should be supplemented by more direct engagement with local BME groups. Also, the Area should consider a strategy for engaging with the elderly population of Cheshire. This might have a significant impact on confidence in the CJS, and encourage more elderly victims of crime to come forward.

- The Area recognises the significance of identifying outcomes and this is reflected in the engagement log. The Area is also able to list a number of service improvements resulting from community engagement activity. However, activities are not always evaluated fully after the event and the perceived benefits are narrowly defined.
- British Crime Survey data shows that in December 2006 41.4% of the local population had confidence in the CJS against 44.2% nationally. This represents a reduction since June 2006 when the figure was 42.5%. By contrast, the Area's performance in relation to "meeting the needs of witnesses" has improved from 57% in 2004 to 65% in 2007.
- The Area's communication strategy deals with media relations and sets out an action plan for raising its profile with CJS partners. Some high profile cases have been covered positively in the media, and some of them have related to successful outcomes in sensitive cases.

ANNEX A: PERFORMANCE DATA

Aspect 1: Pre-Charge Decision-Making

	Magistrates' courts cases				Crown Court cases			
	National target March 2007	National performance 2006-07	Area performance		National target March 2007	National performance 2006-07	Area performance	
			2005-06	2006-07			2005-06	2006-07
Discontinuance rate	11.0%	15.7%	14.6%	14.15%	11.0%	13.1%	8.9%	9.1%
Guilty plea rate	52.0%	69.2%	68%	71.2%	68.0%	66.5%	67.5%	71.7%
Attrition rate	31.0%	22.0%	22.5%	19.6%	23.0%	22.2%	20%	19.9%

	National Performance 2006-07	Area Performance 2006-07
Charged PCD cases resulting in a conviction	78.0%	80.3%

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' court cases	84.3%	86.7%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	42.2%
Cracked trial rate	37.3%	41.7%
Ineffective trial rate	18.9%	16.2%
Vacated trial rate	22.5%	18.8%

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

National Target	National Performance 2006	Area Performance 2006
71 days	72 days	69 days

Offences Brought to Justice

	CJS Area Target 2006-07	CJS Area Performance 2006-07
Number of offences brought to justice	21,409	25,125

Percentage make up of Offences Brought to Justice	National 2006-07 ⁵	Criminal Justice Area 2006-07
Offences taken into consideration (TICs)	8.5%	10.2%
Penalty notices for Disorder (PNDs)	10.3%	8.4%
Formal warnings	5.8%	2.4%
Cautions	26.5%	23.6%
Convictions	48.8%	55.3%

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%	80.9%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	51.7%
Cracked trial rate	39.5%	35.6%
Ineffective trial rate	12.4%	12.7%

Proceeds of Crime Act orders	Area Target 2006-07	Area Performance 2006-07
Value	£744,077	£755,241
Number	44	32

Aspect 10: Managing Resources

	2005-06	2006-07
Non ring-fenced administration costs budget outturn	99.9%	100.05%

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%	11.4%
HCA savings against Area target	£6,808,930	138.4%	137.2%
Sickness absence (per employee per year)	7.5 days	8.5 days	5.6 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
40%	41%	42.3%

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

Police

Cheshire Constabulary

HM Courts Service

Cheshire HM Courts Service

Victim Support

Cheshire Victim Support

Community Groups

Cheshire Domestic Abuse Partnership (CDAP)

Cheshire, Halton & Warrington Racial Equality Council (CHAWREC)

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