

CPS Cumbria

Overall Performance Assessment

December 2005

Promoting Improvement in Criminal Justice

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A. INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS

This report is the outcome of Her Majesty's Crown Prosecution Service Inspectorate's (HMCP*SI*) overall assessment of the performance of the Crown Prosecution Service (CPS) in Cumbria and represents a baseline against which improvement will be monitored.

Assessments and judgments have been made by HMCP*SI* based on absolute and comparative assessments of performance. These came from national data; CPS self-assessment; HMCP*SI* assessments; and by assessment under the criteria and indicators of good performance set out in the Overall Performance Assessment (OPA) Framework, which is available to all Areas.

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

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

The table at page 6 shows the Area performance in each category.

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

B. AREA DESCRIPTION AND CASELOAD

CPS Cumbria serves the area covered by the Cumbria Constabulary. It has 5 offices, at Carlisle, Workington, Kendal (2 offices), and Barrow in Furness. The Area Headquarters (Secretariat) is based at the Carlisle office.

At the time of the Overall Performance Assessment the Area was reorganising into three divisions, aligned to the divisional structures of the police and magistrates' courts, each division handling cases from the pre-charge decision stage to disposal in either the magistrates' courts or Crown Court.

During the year 2004-05, the Area had an average of 64.3 full-time equivalent staff.

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

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	5,900	29.6	20.9
Advice	956	4.8	5.1
Summary offences	8,558	43.0	46.8
Either way and indictable only	4,456	22.4	26.7
Other proceedings	31	0.2	0.4
TOTAL	19,901	100%	100%

C. SUMMARY OF JUDGMENTS

The Area inspection of CPS Cumbria, published in December 2004 found that some substantial issues concerning the management and governance of the Area needed to be addressed, including the management of performance and financial and human resources, and that a corporate ethos needed to be established within the management team. By contrast, the quality of review and legal decision-making appeared good.

Senior managers themselves recognised they needed to review structures to enable them to deliver successfully. A review of structures and file handling processes was carried out by CPS headquarters, and reported shortly after the inspection.

The Area accepted the recommendations of both the inspection and review and, with the help of an external consultant, has embarked on a substantial change programme.

While senior managers have embraced the need for change well, the Area suffered a number of setbacks in the early part of 2005. In January, severe flooding in Carlisle resulted in the loss of the police criminal justice unit, which was temporarily re-housed in CPS offices, as well as temporary closure of the magistrates' courts, thus disrupting the prosecution process. The Area has also suffered illness and change within its senior team and at the time of the Overall Performance Assessment (OPA) had an Acting Chief Crown Prosecutor.

As part of its change programme, the Area has examined its organisational structure, processes, including shared processes with criminal justice partners, its governance arrangements and aspects of human resource management.

At the time of the OPA most change still had to be implemented. The Area was in the process of moving from two units (one covering the north of the county and one the south) to three divisions to align its administration with that of the police and magistrates' courts. Other internal structures were being finalised. Changes in personnel had meant that new governance arrangements were not yet fully established.

Cumbria criminal justice area achieved its target for 2004-05 for offences brought to justice (OBTJ) increasing these by 15.3% against the baseline in 2001-02. The target for OBTJ is a shared one set by reference to the criminal justice area. The CPS's contribution comes through managing cases to keep discontinuance and unsuccessful outcomes low. CPS Cumbria has kept the proportion of discontinuances and unsuccessful outcomes in the magistrates' courts lower than national averages. In the Crown Court, however, the proportion of unsuccessful outcomes is higher than national performance, with performance slipping between 2003-04 and 2004-05, and conviction rates are slightly lower than those nationally. Ineffective trial performance is also better than national performance for magistrates' courts cases, but not as good as national performance in Crown Court cases. Persistent young offenders are normally dealt with within the target of 71 days from arrest to sentence.

A number of aspects of work remain to be addressed. Although it has operated a shadow charging scheme since 2003, the Area has still to determine how best to deliver statutory pre-charge decision making by December 2005, in the light of its resources. The disclosure of unused material is handled well, but the Area needs to communicate directly with a higher proportion of victims where cases have been discontinued or the charge reduced. Arrangements for effective financial and performance management need to be put in place quickly.

Thus while we recognise, and have been able to give the Area credit for its obvious wish to improve and its approach to change, and while we expect improvement in the future, the effectiveness of its change activity is yet to be seen.

In the light of these findings, the Area's overall performance assessment is **POOR**.

CRITICAL ASPECTS	Level 1 - POOR
Pre-charge decision-making	1 - Poor
Ensuring successful outcomes	2 - Fair
Leadership	2 - Fair
The service to victims and witnesses	2 - Fair
Resource management	1 - Poor
OTHER DEFINING ASPECTS	
Managing magistrates' courts cases	3 - Good
Managing Crown Court cases	2 - Fair
Handling sensitive cases and hate crimes	2 - Fair
Custody time limits	2 - Fair
Disclosure	3 - Good
Presenting and progressing cases at court	2 - Fair
Delivering change	2 - Fair
Managing performance to improve	1 - Poor
Securing community confidence	2 - Fair

OVERALL ASSESSMENT	1 - POOR
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D. DEFINING ASPECTS

1. PRE-CHARGE DECISION-MAKING

1 - POOR

CPS Cumbria has implemented shadow charging arrangements across the Area commencing in October 2003. The historical staffing profile of CPS Cumbria and associated budgetary considerations together have meant that delivery of shadow charging has seriously strained the Area - both managers and staff alike. The Area has lost the opportunity to mitigate some of those pressures by a lack of pro-active planning and management of the scheme. The protocol has been generously interpreted so that pre-charge is routinely given in cases outside the scheme. There have been mixed results in realising its anticipated benefits. In the magistrates' courts the guilty plea and attrition rate were both significantly better than the national average and the national targets. In the Crown Court, the guilty plea rate and the attrition rate both compared unfavourably with the national average and targets. Discontinuance in the Crown Court was better than the national performance but still outside the targets. Planning for statutory charging needs to address these and other issues such as improving the use of the case management system (CMS). At the time of our visit, there had been a meeting with the Regional Implementation Team which had identified a number of key steps but an implementation plan had not been drawn up; the Area had not made an assessment of the likely impact of a statutory charging on its workload.

1A: The Area ensures that procedures for pre-charge decision-making operate effectively at Area charging centres

- Timely pre-charge advice is provided from four locations covering the five charging centres in Cumbria (Penrith being serviced from Kendal). There is also a modest requirement for advice from officers at 19 non-designated police stations scattered across Cumbria which is sought and given through a combination of telephone and fax. Statutory charging is scheduled to replace these shadow charging arrangements with effect from December 2005.
- CPS Cumbria has a high proportion of very experienced lawyers to provide advice. Rotas for pre-charge advice are prepared on a weekly basis in conjunction with court rostering; the Area expectation is that relevant lawyers will spend at least two days per week in court and one day per week on charging. There are occasions when face to face advice cannot be given at all charging centres and police officers are advised to contact another charging centre by telephone or fax.

- The historical staffing profile of CPS Cumbria and associated budgetary considerations together have meant that delivery of shadow charging has seriously strained the Area - both managers and staff alike.
- Pre-charge advice is given in relation to all cases covered by the protocol adopted by CPS and Cumbria Constabulary in 2003; in reality, many cases not covered by the protocol also benefit from pre-charge advice.
- There is appropriate recording of individual decisions and the Area was able to adduce statistics covering the volume of work at charging centres broken down by outcomes. Centrally produced data relating to benefits realisation was reported to the Planning and Performance Group of the Cumbria Criminal Justice Board.

Aspects for improvement

- The CPS/Police protocol agreed in 2003 has received generous interpretation. The early approach of the Area was to encourage police/liaison to the extent that “there is no such thing as inappropriate requests for advice”. Historically, there have been no structured arrangements for dealing with inappropriate requests. The Area estimates that some 70% of its caseload is the subject of pre-charge advice. Planning for statutory implementation has brought recognition that there are necessary limitations and that the Area must on occasion say “no”. This will require some re-education of both police and lawyers.
- There has been only limited action to ensure the Area is fully prepared for statutory charging, and although implementation is due in December; final plans remained uncertain at the time of our visit (August 2005). A review undertaken by CPS headquarters in June 2005 indicated that work should be done to assess workload at each charging site and whether current arrangements for coverage by duty prosecutors were sufficient. The effect on workload of migration to the statutory scheme had not been assessed at the time of our visit, and thoughts about changes to current arrangements, involving for example, video conferencing as an alternative to face to face advice, were not fully formulated, or such that they could be put in place, or their effectiveness assessed, prior to the start date for statutory charging.
- The training of the police officers was being arranged for September onwards. The Area needs to establish liaison arrangements with CPS Direct which will be responsible for out of hours cover once the statutory scheme has been implemented.

- Although the Area has systems for monitoring the volume and outcome of pre-charge advice cases, there is limited evidence of this information being used to inform planning for statutory charging or to improve performance. Although pre-charge advice cases are recorded on CMS this is usually a manual exercise by administrative staff because technical constraints precluded direct input of MG3s from charging centres. These difficulties should be overcome when lines are upgraded.

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

- CPS Cumbria benefits from a high proportion of experienced lawyers. Prior to the introduction of the shadow charging scheme, training was delivered to all charging lawyers and to key police personnel. The Area has appointed specialists in relation to many topics and has a network of trainers. Cost considerations associated with Cumbria's geography mean that the Area opts for local training wherever possible. Lawyers providing advice therefore have sufficient expertise and experience.
- The Directors guidance is not due to come into effect in the Area until 1 November 2005.

Aspects for improvement

- There are no structured arrangements for assessing performance in relation to the quality, appropriateness and timeliness of pre-charge advice, including cases when no further action is recommended. The Area purports to rely on the capture of pre-charge advice cases within the formal casework quality assurance scheme but that was not fully operational in the Area. A review of cases which had been subject to a pre-charge decision were examined in September by CPS headquarters. On the whole, the quality of review and evidential analysis was deemed to be good, but concerns were expressed about the numbers of unsuccessful outcomes and cases where charges had been altered, the inadequacy of some action plans for the police, the quality of endorsements and other aspects which will need to operate effectively when the scheme becomes statutory.
- Although the shadow charging protocol (section 12) contained arrangements for the escalation of cases where advice was disputed, there is no other mechanism for monitoring the quality of advices in cases which result in no further action.

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

- Area performance in relation to the key measures of benefit realisation was mixed. In the magistrates' courts the guilty plea rate (74%) and attrition rate (18.1%) were both significantly better in the last quarter of 2004-05 than national performance. In the Crown Court, the guilty plea rate (61%) and the attrition rate (26.3%) both compared unfavourably with the national average. The discontinuance rate in the Crown Court (12.6%), was better than the national performance.
- Periodic staff meetings are used to provide information about changes in the scheme and key issues arising to its operation. The benefits would be greater if such meetings were more frequent. The volume of business to be discussed is such that there is usually limited focus on charging. However, there was clear evidence of the use of such meetings to disseminate key messages on issues such as the use of CMS, the importance of MG3s and the need to take a realistic approach to the submission of inappropriate cases for advice.

Aspects for improvement

- There was little evidence of data and performance information being analysed in order to identify trends and to improve performance.
- The discontinuance rate for pre-charge advice cases in the magistrates' courts is poor at 14.1%, when measured against the national target, even though it was better than the overall national performance (16.3%).

2. MANAGING MAGISTRATES' COURTS CASES
3 - GOOD

The Area maintained good performance in relation to its ineffective trial rate which is better than the local target and national performance. Performance in relation to youth cases is also better than the national target and performance. Case progression is approached in different ways in the north and south of the Area with a more consistent method to be adopted in the near future. Ineffective and cracked trial rates are considered jointly with other criminal justice agencies at Cumbria Criminal Justice Board (CCJB) meetings and there is limited consideration within the Area of the prosecution contribution to the rates. The Area made very limited effective use of the case management system (CMS) in 2004-05 for review purposes, but there has been recent improvement.

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

- Figures for 2004-05 indicated that, in around 74% of all the Area's magistrates' court cases, a guilty plea is entered at first hearing. The Area uses this data, provided by CPS headquarters, as a proxy indicator of cases that are ready to proceed at first hearing. A national survey carried out in March 2005 showed that the Area was among the best in meeting the time targets expected in cases with initial guilty pleas, trials and committals.
- Under the shadow charging scheme, CPS lawyers give advice on a significant proportion of cases before charge and therefore review cases early.
- Youth champions within the Area monitor the progress of youth offender cases and meet with other agencies to discuss the progress of youth cases. The target for the time taken to deal with persistent young offenders is being met and is better than national performance. A drop in performance in the second quarter of 2004-05 was followed by steady improvement bringing performance to below the national target of 71 days. In the three months to February 2005 youth cases were dealt with in an average of 63 days which is better than national performance which is 67 days.
- The Area had no wasted cost orders in the magistrates' court during the last financial year.

Aspects for improvement

- Efforts to provide prompt review and preparation of cases in the magistrates' courts are hampered by the quality and timeliness of upgraded files provided by the police. CPS is working closely with the police to monitor the situation and to secure improvements.

- While casework quality assurance monitoring has provided the Area in the past with some assurance as to the standard of file endorsements, the casework quality assurance scheme has not been implemented or sustained throughout the Area.
- Arrangements for working with criminal justice partners in respect of case progression are inconsistent. One part of the Area has followed a pre-trial check approach with the police and magistrates' courts, whereas the other part of the Area holds quarterly meetings to discuss the results of trials to try to identify where improvements in performance could be made. Certificates of readiness have recently been introduced in the magistrates' court but it too early as yet to see whether this has brought about any improvement in performance.

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

- The Area performance at 16.4% in respect of ineffective trials during 2004-05 was better than the Area target of 18% and the national target of 24.5%. The proportion of ineffective trials due to the prosecution was 6% compared to a national figure of 6.8%. The ineffective trial rate has remained below the 18% target since April 2005, although performance has been variable.
- Case progression officers (CPOs) have a role in ensuring the effectiveness of trials.

Aspects for improvement

- The cracked trial rate, at 41%, was higher than national average of 37.1%. However, the percentage (14%) of cracked trials attributable to the prosecution, is lower than the national average of 15.3%. The Area is represented on the CCJB Planning and Performance Group which is considering how to improve this aspect of performance.
- The Area relies on performance information provided by the Cumbria Criminal Justice Board which sets out the data for cracked and ineffective trials. This data is examined by the CPOs who ensure that reasons have been correctly recorded. Most of the analysis of the data is carried out at the CCJB Performance and Planning sub-group.

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

- The Area receives CMS usage reports from CPS Headquarters which the Area CMS implementation team considers. The Area's Operational Management team is working to bring about improvements in usage through targeted training and setting personal objectives for staff.

Aspects for improvement

- The level of effective logins (90.7%) contrasts favourably with the national average (80.8%). However, Area usage of CMS to record full file reviews, at 7.6%, was one of the lowest of all CPS Areas. The Area CMS implementation team has met to discuss usage of the system by staff. Efforts to improve CMS usage have led to individual training which has been delivered in one of the Area's offices. CMS usage has risen to 70% as a result. Work is also being carried out to review the Area's prosecution processes, which is also intended to increase use of CMS.
- The Area acknowledges the need for managers to make greater use of CMS, particularly to ensure that all tasks on CMS are carried out in a timely manner. Managers have received training and refresher training to enable them to utilise CMS information to monitor and track workloads and deal with problems that arise.
- Area Managers need to establish the extent and nature of MIS reports which can be developed to assist in addressing the issues faced by the Area and establish the templates for those reports.

3. MANAGING CROWN COURT CASES

2 - FAIR

Crown Court cases are routinely reviewed and prepared promptly, with follow-up work undertaken where necessary. Most cases are ready to proceed at each court hearing. The Area achieved its 2004-05 target for ineffective trials with an outcome of 16.7% (target 18%) although this was marginally worse than the national outcome (15.8%). Within that figure, 7.5% of ineffective trials were attributable to the prosecution (national figure: 6.6%). The basic cracked and ineffective trial data is considered by the Strategic Management Team but needs to be used more effectively to improve performance. The Area has re-established its Local Implementation Team in order to establish a recovery plan. Considerable work has been done with criminal justice partners but this has not resulted in clarity about the arrangements for case progression. Since February 2005, the Area has reverted to a position where by caseworkers act as their own case progression officer for cases in the Crown Court.

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

- The HM CPSI report published in December 2004 found good quality decision making in relation to Crown Court cases. The service of committal papers was found to be usually timely and performance in meeting the tighter timescales applicable to indictable only cases was also generally satisfactory. It remains that Crown Court cases are routinely reviewed and prepared promptly, with follow-up work undertaken where necessary. Most cases are ready to proceed at each court hearing.
- The proportion of briefs to counsel which were timely was 92.3% in 2004-05, broadly comparable with the 95.8% achieved in 2003-04. The HM CPSI report in December 2004 found 91.7% of briefs being satisfactory or better. The Area acknowledges that this statistic does mask a variation in standard between individuals across the Area. The casework quality assurance system has identified some excellent examples which the Area proposes to use as a benchmark for training to improve overall performance. Best practice is to be incorporated into case management system template to prompt lawyer to provide counsel with a with a concise and clear summary of the salient points in the case. Although the frequency of team/office meetings in Cumbria is variable, the minutes do show casework issues are discussed with a view to improving performance.
- Considerable work has been done with criminal justice partners but this has not resulted in clarity about the arrangements for case progression. The Area ties in appropriately to case progression arrangements at Preston Crown Court which is outside the Area.

- The Area achieved its 2004-05 target for ineffective trials with an outcome of 16.7% (target: 18%) although this was marginally worse than the national outcome (15.8%). Within that figure, 7.5% of ineffective trials were attributable to the prosecution (national figure: 6.6%).
- The number of persistent youth offender cases in the Crown Court is relatively small. Youth specialists work with criminal justice partners to ensure timeliness targets continue to be met at all levels.
- The Area did not meet its target for the number of Proceeds of Crime confiscation orders last year. 17 orders (against a target of 39) were made with a total value of £64,018.
- There were no wasted costs or orders in the Crown Court.

Aspects for improvement

- The initial arrangements for case progression in relation to Crown Court work envisaged this as a responsibility of the Unit Business Manager. However, the then Chief Crown Prosecutor in February 2005 concluded that the case progression officer (CPO) role could no longer be combined with that of line manager. The Area therefore decided that for the purpose of the Criminal Procedure Rules 2005, Cumbria would not have a distinct CPO for Crown Court cases but the role should be carried out in different cases by different staff. In effect, this meant that caseworkers would act as CPO for their own files. The Area Business Plan 2005-06 contains a commitment to review case progression systems across the Area. The first phase of this review had been completed at the time of our visit and further work was being done to achieve a common approach with other agencies. It is important that the Area should take the opportunity to establish robust and reliable case progression arrangements.
- The Area needs to establish more structured arrangements for the allocation of work to counsel.

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

- The ineffective trial rate for CPS Cumbria for 2004-05 was 16.7% against a local target of 18%. It therefore bettered its local target, and performance in 2003-04 (19.4%) although its performance did not match the national performance (15.8%).

- Since the latter part of 2004, CPS Cumbria has developed a performance pack the content of which still has to be finalised. It is anticipated that it will normally include data relating to cracked and ineffective trials. The data for 2004-05 shows volatility in relation to cracked and ineffective trials with overall progress from March 2004 to December 2004, but an upward movement to March 2005. This volatility could reflect the relatively small Crown Court caseload. The Area expects the overall improvement to continue.

Aspects for improvement

- Although the basic cracked and ineffective trial data is placed before the Strategic Management Team, there is little evidence that it is analysed to ascertain trends or underline causes so that this information can be used to improve performance.
- The Performance Officer for the Cumbria Criminal Justice Board produces a quarterly report which is discussed at the Planning Performance Group and the results reported to the CCJB itself. There is comprehensive statistical analysis but little evidence of arrangements for scrutiny of individual cases or actions taken to prevent recurrence.
- There is evidence that staff are aware of the importance of reducing cracked and ineffective trials and take that into account in their day to day work. However, the Area concedes that information is not disseminated in a uniform or consistent way. The Area plans to address this through the role of the proposed Performance and Resource Manager. At present, individuals tackle the issue in their own way.

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

- Area usage of CMS to develop indictments was 81.9%, similar to the national average, and the trend is one of improvement.
- There is some evidence from minutes of team meetings that managers have recently been pro-active in delivering the message that the Area must exploit CMS as an integral part of achieving continuous improvement.

Aspects for improvement

- There is a need to create a culture whereby the use of CMS is the norm for the handling of all administrative and casework functions, particularly those carried out by lawyers.
- Although shadow charging has been in place from 2003 onwards, the Area still lacks the quality of IT links to enable MG3s to be completed online and then transferred to the CMS file. This needs to be addressed prior to implementation of statutory charging in December 2005.
- Although Unit Managers review task loads and lawyers have received specific additional desk side training to help them manage their own tasks more effectively, structured systems need to be developed to ensure that this is carried out uniformly across the Area.

4. ENSURING SUCCESSFUL OUTCOMES

2 - FAIR

The percentage of unsuccessful outcomes is overall better than both the national average and the national target. However, this masks a strong performance in the magistrates' courts whilst performance in the Crown Court was marginally worse than the national average. There is a need to reduce the number of cases subject to pre-charge decision that are subsequently discontinued. Consideration of case outcomes needs to be supported by greater analysis of the underlying trends and causes with stronger arrangements for ensuring that lessons are learnt and disseminated. This applies both internally and in relation to work with criminal justice partners. Adverse case reports are completed for all unsuccessful Crown Court outcomes.

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

- The Area has met its target in relation to the combined magistrates' courts and Crown Court unsuccessful outcomes with its overall performance being significantly better than the national average (14.9% against a national average of 19.6% and a 21% national target, and within its local target of 15%). Performance is particularly strong in the magistrates' courts where the unsuccessful outcome rate was 14.2% against a national average of 19.2%. This represented an improvement of 0.2% over 2003-04. In the Crown Court, the percentage of unsuccessful outcomes was 24.9% against a national average of 24.2%. This reflected deterioration from the outcome of 17% in 2003-04.
- The percentages of discontinuances (including bindovers) for all magistrates' courts cases, discharged committals, judge ordered acquittals in the Crown Court (including bindovers) and findings of no case to answer were below (i.e. better) than the national average. But judge directed acquittals in the Crown Court and jury acquittals rates were above (worse). Details are set out in the table opposite:

OUTCOME	AREA FIGURE	NATIONAL AVERAGE
Magistrates' courts		
Discontinuance & bindovers	11.2%	12.5%
No case to answer	0.2%	0.3%
Dismissed after trial	1.2%	1.5%
Discharged committals	0.2%	0.3%
Overall conviction rate	85.8%	80.8%
Crown Court		
Judge ordered acquittals	12.4%	14.2%
Judge directed acquittals	2.5%	2.0%
Acquittals after trial	8.2%	6.3%
Overall conviction rate	75.1%	75.8%

- For discontinuances in the magistrates' court, discharged committals, judge ordered and judge directed committals, and jury acquittals, performance in 2004-05 had declined when compared with that of 2003-04.
- The performance for the Cumbria criminal justice area in relation to the Offences Brought to Justice (OBTJ) target improved considerably during 2004-05 because of a backlog of data now entered on the crime recording system. 11,603 offences were brought to justice against the target of 11,165 - an increase above the base line of 15.3%. The OBTJ target is a shared one, set by reference to the criminal justice area. The ability of the CPS to influence this particular target is limited because it includes offences dealt with by non-prosecution disposals. The CPS's contribution comes through managing cases to keep discontinuance levels and unsuccessful outcomes low.
- The CCP has assumed personal responsibility for consideration of all Crown Court adverse outcomes and prepares reports which are provided to the police. The HMCPSI report published in December 2004 found that the use of adverse outcome forms was not universal and the format variable. A standard form was to be introduced. However, there remains scope for more structured arrangements internally to ensure that learning points are disseminated effectively to all lawyers and acted upon.

Aspects for improvement

- The discontinuance rate for pre-charge advice cases in the magistrates' courts for 2004-05 was 14.1% compared with the overall discontinuance rate of 11.2%. Responsibility for scrutiny of discontinued cases rests with the unit heads but there was little evidence to suggest promulgation of lessons learned from analysis of discontinued cases. This is important if there is to be effective realisation of the benefits available from pre-charge advice.
- Although data relating to the realisation of the benefits anticipated from pre-charge advice together with other performance data is available to the Strategic Management Team and (where appropriate) the Performance and Planning Group of the Cumbria Criminal Justice Board, this is mainly generated nationally or outside CPS Cumbria. This consideration needs to be supplemented by more detailed analysis of outcomes and trends, supported by locally generated CPS performance data. For example, the Area should be taking steps to analyse the reasons underpinning the upward trend in unsuccessful outcomes in the Crown Court.
- Analysis of unsuccessful outcomes with criminal justice partners needs to go beyond consideration of data and extend to action to identify trends and causes. CPS managers have identified police file quality as a key factor in relation to overall performance and have undertaken substantial exercises (in February and August) to provide the police with increased data and feedback. There was no evidence of arrangements for assessing the impact of this in terms of improved performance over and above some impressionistic evidence. The Area is now planning with the police to establish joint performance arrangements on the basis of the Prosecution Team Performance Management arrangements being developed nationally. It is important both generally and in the context of the statutory implementation of pre-charge decisions that this should become firmly established at the earliest opportunity. At the time of our visit, it was in the early planning stage.

5. HANDLING SENSITIVE CASES AND HATE CRIMES
2 - FAIR

Arrangements for the handling of sensitive cases and hate crime rest with the Area champions who do not themselves conduct all such cases but are effective in disseminating information about developments and other guidance in relation to their speciality. They are consulted by lawyers handling sensitive cases as appropriate. These arrangements work effectively. However, arrangement for identifying such cases and flagging them up on the case management system (CMS) for monitoring purposes could be more robust similarly, the Area needs more structured and consistent quality assurance arrangements for these important categories of cases.

5A: The Area identifies and manages sensitive cases effectively

- Arrangements in the Area for identifying sensitive cases and flagging them up on CMS capture most cases but could be more robust. Our file sample showed that not all racially aggravated offences are picked up for monitoring or inclusion in the monthly report (see below). This is a further manifestation of the Areas weakness in its use of CMS.
- The developing monthly performance pack prepared for the Strategic Management Team contains details of all racially aggravated cases received and finalised during that period. It also receives details of adverse outcomes in the Crown Court and this can help to place a focus on other sensitive cases where difficulties have led to such an outcome.
- Arrangements for the handling of other categories of sensitive cases rest with the Area champions. Because of the overall high level of experience of prosecutors in Cumbria, the champions/specialists do not themselves conduct all sensitive cases but are effective in disseminating information about developments and other guidance in relation to their speciality. They are consulted by lawyers handling sensitive cases as appropriate. These arrangements work effectively.
- The Area was undergoing restructuring at the time of our visit and proposed to create the position of Performance and Resources Manager. The responsibilities would include the preparation of an enhanced performance pack for the Strategic Management Team covering all forms of sensitive cases; the Performance and Resources Manager would work in conjunction with Area champions and specialists to collate the relevant information.

- Area champions and specialists take into account CPS policies and HMCP*SI* thematic reviews when promulgating advice and guidance; the training programme ensures that Area practices keep up to date with national initiatives.

Aspects for improvement

- Although the Strategic Management Team receives monthly reports relating to racially aggravated crime, these are largely factual in nature and do not undertake any analysis of issues arising from the handling of cases. The Area feels that the number of such cases is probably insufficient for any trends to emerge.
- Weaknesses in the operation of the casework quality assurance scheme mean that the Area has only limited scope to assure itself that sensitive cases are being appropriately reviewed, handled and endorsed. This is mitigated to some extent by the role played by champions and specialists.

6. CUSTODY TIME LIMITS**2 - FAIR**

The Area has recently drafted a comprehensive written custody time limit (CTL) system which contains several elements of good practice. However, this system has yet to be formally implemented. There were no CTL failures in the last financial year. Staff training has led to greater consistency in the application of CTL monitoring which was evident on those files examined.

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

- There were no CTL failures during 2004-05.
- The Area CTL champion keeps staff up to date with changes to law and procedures and the new draft system is up to date.

Aspects for improvement

- Though the Area has a very comprehensive written system awaiting formal implementation, this was not in place in the last financial year.
- Some training took place last year using the national CTL training package. However this training has not been delivered to all relevant staff and of the 12 nominated CTL monitors, only seven were involved in the recent training. More training is planned this year once the new system has been formally implemented.
- The Area has not reached any local agreements with the courts regarding the agreement of expiry dates in court or the courts' involvement in monitoring expiry dates. There was evidence from the files that some lawyers were calculating the expiry date in court, though this was by no means a widespread practice.
- There is little or no evidence that senior managers are involved in the effective functioning of the Area CTL system. Procedures have been built into the new system to provide regular assurances to senior managers.
- Despite the fact that the new Area system has not been implemented as yet, examination of a number of files showed that staff across the Area have adopted a far more consistent approach to monitoring CTLs, than was evident during the inspection in 2004. However there appeared to be less consistency on the Crown Court files. Several files had examples of poor court endorsements; some custody time limit dates were calculated from the wrong court dates, and on one file wrong dates had arisen from confusion over the status of the charge. Further training may be needed.

7. DISCLOSURE

3 - GOOD

The Area has maintained the good performance in relation to prosecution disclosure which was found by HMCPsi and reported in its 2004 inspection report. It remained the case that some schedule endorsements reflected an equivocal approach. The Area has two disclosure champions and there are also two trainers. There is strong evidence that disclosure issues are fully covered within the training programme. In order to improve the quality of police files generally (including the quality of schedules), the Area has undertaken major feedback exercises in February and August 2005. The Area has extended invitations to the police in relation to training but take up has not been extensive. Area systems for securing sensitive material are effective.

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

- The HMCPsi inspection of CPS Cumbria carried out in 2004 showed a good performance in relation to prosecution disclosure. In magistrates’ courts cases, there was appropriate handling of primary disclosure in 90% of cases compared with 71.6% found in the cycle of inspections overall; the number of cases involving secondary disclosure in the magistrates’ court was statistically insignificant. In the Crown Court, primary disclosure was handled appropriately in 75% of cases (79.9% in the cycle of inspections overall) and secondary disclosure was handled appropriately in 77.8% (59.4%). The overall compliance rate was 80.9% compared with 70.3%.
- There were no cases in the Crown Court in 2004-05 which were ineffective because the prosecution had failed to deal appropriately with disclosure.
- The report made no recommendations and commented that unused material were generally handled correctly, although there were some inappropriate scheduled endorsements and failure to complete disclosure logs in the file sample.
- We examined 20 files whilst on site. The position was broadly similar. In each case, the appropriate issues had been addressed and there was proper endorsement. On occasions, the annotation on the disclosure log could have been more helpful. Some endorsements reflected an equivocal approach. For example, in one or two cases, material was described as not likely to undermine the prosecution or assist the defence but the schedule was endorsed “disclose if the defence give written reasons”.
- There are appropriate arrangements for sensitive material schedules and any sensitive material unused to be stored securely away from the file. The Area has an agreed system with the police for the delivery of sensitive unused material which is then logged and stored in a separate safe in each office.

- The Area has two disclosure champions and there are also two trainers. There is strong evidence that disclosure issues are fully covered within the Area's training programme. This has covered handling disclosure in accordance with the CPS/Association of Chief Police Officers disclosure manual and the changes to the disclosure regime contained in the Criminal Justice Act 2003. The Area Business Plan had identified the need for "mopping up" those lawyers who had not benefited from the first round of such training.
- The Area has in place arrangements for two individuals to attend CPS national Advance Disclosure Training in September with a view to cascading the training across the Area.
- Our sample included a number of contested cases in the magistrates' courts. Primary (now initial) disclosure had been appropriately handled. As at the time of our inspection, few summary cases generated a defence case statement so as to trigger secondary disclosure.
- The Area has recognised the importance of disclosure training being undertaken with the police, including training to improve the quality of schedules. The Area has extended invitations to the police for police officers to attend their courses. Take up has been limited to police trainers and the Area has reservations about the level of police commitment and the effectiveness of this arrangement.
- In order to improve the quality of police files generally (including the quality of schedules), the Area undertook the major exercise to provide feedback information in February and a repeat exercise was being undertaken at the time of our visit (August). Some improvement in the quality of police files has been evident. The quality of the schedules in the sample we saw was generally acceptable.

Aspects for improvement

- The operation of arrangements for formal assessment of prosecutors' performance in relation to disclosure need to be strengthened. The Area seeks to rely on the casework quality assurance scheme but there has been only limited compliance with that scheme in the past. There are no other arrangements for structured monitoring although managers do have the opportunity to see handling of disclosure issues when considering files for other purposes.

8. THE SERVICE TO VICTIMS AND WITNESSES

2 - FAIR

The Area compliance with the Direct Communications with Victims (DCV) scheme was poor during 2004-05. The Area established a Witness Care Unit (WCU) in Kendal which will provide a service to witnesses across the Area by the end of the year. Significant problems have been encountered, particularly in regard to staffing levels which has meant that the service provided by the WCU is limited to only one court within the Area at present. There is limited use of ineffective and cracked trial data within the Area to identify trends in witness attendance problems though this data is examined at Cumbria Criminal Justice Board (CCJB) meetings. There is no formal system in place to monitor the level of service provided to victims and witnesses at court by Area lawyers, agents and staff.

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

- The service provided by the WCU has been well received and there has been positive feedback from witnesses. It is too early to judge whether all the expected benefits of the WCU are being realised.
- Witness warning procedures are effective with pre-trial checks being carried out at least a week prior to the trial. Practices differ in each office, with one of the two case progression officers confirming the attendance of witnesses with the police in cases which have been listed a second time for trial. The absence of prosecution witnesses was the cause of ineffective trials in the Area in 4.2% of cases compared to a national average of 4.48%.
- The Area has a good relationship with Victim Support and the Witness Service through meetings at local level and at Area level through the Cumbria Criminal Justice Board.

Aspects for improvement

- The Area achieved its deadline to establish a Witness Care Unit by the end of March 2005 despite significant difficulties. There are several obstacles to the roll out of the remainder of the delivery plan including staffing difficulties and problems with IT.
- CPS headquarters estimate that the Area sent letters to victims, where a case had been discontinued or the charges reduced, in only a third of instances in which a letter would have been appropriate. In the figures provided by one office in the Area, timeliness was a problem with an average of only 51% of letters being sent within the timescales required. This aspect of performance has not been considered on a regular basis by Area management teams.

- Special measures training has been provided to all lawyers and caseworkers and the Area has a Special Measures Champion who keeps staff up to date with any changes. However, the Area has no formal system for monitoring that appropriate applications are made or whether they are timely. Some applications are made out of time.
- The Area does not have a formal system to ensure that all prosecution advocates and CPS staff undertake their responsibilities in respect of victims and witnesses at court. The Area has experienced lawyers and caseworkers and senior managers are happy that they would be made aware of any problems in this respect by other agencies using the courts.
- Area analysis of cracked and ineffective trials takes place jointly with other agencies through CCJB meetings. The ineffective trial rate has remained low. The relatively high cracked trial rate (41%) has not as yet been addressed, though the contribution to this figure of the absence of prosecution witnesses is 2.5% against a national average of 4.92%.

9. PRESENTING AND PROGRESSING CASES AT COURT 2 - FAIR

The Area is contributing to efforts with criminal justice partners to improve case progression but is not leading the initiative. Court rotas are approved by lawyer managers to ensure courts are covered by staff with the right level of expertise and experience. The Area's use of agents substantially reduced during 2004-05 with most courts being covered by in-house staff. There has been no monitoring of in-house staff at court or of agents in the magistrates' courts. Exception reporting is practiced for counsels performance in the Crown Court. The Area does not provide training on new initiatives to agents. There is a system in place to ensure that complaints about the handling of cases in court are thoroughly investigated by senior Area managers.

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

- Papers are provided to agents in the magistrates' courts in good time. The Area prepares a brief to send to counsel agents who are prosecuting trials in the magistrates' court. Papers are normally ready for in-house prosecutors in time to allow for effective preparation for court but the timely availability of magistrates' court lists may have an adverse affect on this ability. Timely delivery of briefs to counsel in Crown Court cases was 92.3% which was higher than the national average of 85%.
- Court rotas ensure that prosecutors with the right level of experience and expertise are allocated to appropriate courts.
- The Area has a formal agreement with the magistrates' court regarding listing of cases and the transfer of cases between court rooms.

Aspects for improvement

- The Area does not undertake any monitoring of in-house prosecutors and relies on feedback from other agencies at court for information about staff performance.
- Training is provided for in-house advocates only. Although there is an agents' instruction pack it is in need of substantial revision.
- The standard of court endorsements is monitored informally through lawyer managers prosecuting at court which allows them to identify any problems on the files and address these with individuals or at lawyer meetings.

- The Area has two representatives on the Effective Trial Management sub-group of the Cumbria Criminal Justice Board which is chaired by representatives of the Courts Service. A certificate of readiness form was introduced into the magistrates' courts in June 2005. There is no evidence as yet that this has led to a reduction in effective, cracked or vacated trials.
- There is no monitoring of agents in the magistrates' courts and no regular monitoring of counsel in the Crown Court.

10. DELIVERING CHANGE

2 - FAIR

Senior managers have embraced the need for change well, not only in terms of the structure of the Area, but also in relation to working practices, relationships with criminal justice partners, and culturally. At the time of this assessment the first phase of the change programme was almost complete, but proposed new approaches had not yet been completely implemented. Considerable work has been undertaken, but it is as yet too early to assess its effectiveness. The inspectorate would hope to be able to report on considerable improvement in the future. Arrangements for managing the introduction of pre-charge decision making on a statutory basis need to be revisited.

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

- During 2004-05 the Area determined that it needed to review its structures, office locations and working practices to enable it to meet national expectations for a modern prosecution service which works effectively with criminal justice partners.
- The Area has accepted the results of a review carried out by CPS headquarters and the findings of the inspection carried out in 2004, and has embarked on a major programme of change.
- In doing so it has developed a clearer sense of purpose supported by a comprehensive plan which captures all its major priorities, as well as national CPS and local objectives and targets.
- There is evidence of increasing planning with CJS partners. In particular a jointly funded project is underway to standardise and improve joint and interfacing processes across the county.

Aspects for improvement

- While the business plan has been reviewed, a change in senior management personnel has meant that Strategic and Operational Management team meetings have been interrupted. Senior managers will need to ensure that the planned pattern of management team meetings is implemented as soon as possible, and that review of progress against the plan is assessed regularly.
- Because of substantial delays in carrying out performance appraisals in 2004-05, objectives in the business plan do not form part of individual job plans.

10B: A coherent and co-ordinated change management strategy exists

- The Area developed a change management strategy with the help of an external consultant. Managers received training in project management and managing risks. Pertinent risks have been identified as part of the business plan and reviewed, although continuing review has also been affected by the irregularity of management team meetings
- There is evidence that the Area has had some success in managing change. Some difficult internal governance issues have been addressed, the Area is focusing more on performance and has incorporated responsibilities and accountabilities of managers in revised job descriptions. Communication with staff is improving. Change activity has resulted in greater impetus and willingness to address issues concerning working practices and differing practices between offices, and working arrangements with criminal justice partners.
- After some slippage, progress is continuing with extending the work of the witness care unit to serve the whole county.

Aspects for improvement

- A change management team has been established, although following changes in management personnel and internal structures, membership and governance arrangements for managing change need to be re-examined. In particular, revised arrangements for managing the introduction of pre-charge decision making on a statutory basis, need to be put place. The introduction of statutory charging should be centrally managed on a project management basis to ensure its timely implementation.
- At the time of this Overall Performance Assessment much planned change still had to implemented or sustained. It is too early therefore to assess fully the effectiveness of the change management arrangements.

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

- Key training for legal and administrative staff has taken place to meet business needs, including training in handling custody time limit cases and confiscation orders, and training to improve use of the case management system. Relevant legal training has taken place for lawyers to update them with changes in the law. Training has also been delivered by CPS lawyers to criminal justice partners on rape and sexual offences, and high-tec crime to assist the proper handling of such cases.

- The Area ensures that all staff are able to attend training by carrying out as much training as possible in Cumbria itself, and altering working arrangements if necessary.

Aspects for improvement

- The Area had no training plan in place for 2004-05, and no training plan is in place for 2005-06, although the Area has reacted to the business needs, as set out above. The absence of forward job plans for staff means that personal development needs are unlikely to be addressed.
- The Area recognises the need to place more emphasis on developing a training strategy, which it believes it will be able to achieve once new staffing structures are in place.

11. MANAGING RESOURCES
1 - POOR

The Area is taking steps to deploy staff more efficiently and improve value for money. An excess of senior lawyers and the fact that the Area operates from a number of small offices means it is unlikely able to achieve many economies of scale; the Area overspent its budget for 2003-04, and for 2004-05. Arrangements for financial management need to be improved, and work needs to be done to ensure the correct staffing levels in the newly created divisions

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

- The Area has for a number of years had difficulty in operating within budget, and has therefore developed some value for money approaches in particular in relation to travel arrangements for senior staff, and for training. Managers are very aware of the need to ensure that staffing levels and practices ensure value for money and steps are being taken to deploy staff more efficiently (see below).
- Budget reports are considered regularly by the Strategic Management Team (SMT), and steps are being taken, but are not yet fully implemented, to make the Operational Management Team responsible for some aspects of financial monitoring and value for money.

Aspects for improvement

- In 2004-05 the Area's expenditure against its non-ring fenced budget was 104.9% which for the purposes of this assessment is rated as poor, and also represented a deterioration in performance in comparison to 2003-04. The Area, for historical reasons, carries an excess of senior lawyers, which in part has affected its ability to stay within budget. As part of the Area's change programme, the Area made an approach to CPS headquarters, and received a very modest increase in budget to reflect its staffing situation and allow for restructuring. Following some staff absences and changes in personnel, the Area now has a greater opportunity to stay within its budget in 2005-06.
- The 2004 inspection recommended comprehensive improvement in arrangements for financial management. The Area's business plan for 2005-06 records this as an objective, but at the time of this assessment the capability within the Area's secretariat had not changed. Systems were not yet in place for recording committed expenditure.

- Prosecution budget spend in 2004-05 was 129% of budget, which for the purposes of this assessment is rated as poor. Prosecution costs are not regularly reported to or monitored at SMT level.
- The timeliness of the payment of graduated fees to counsel was slow during 2004-05, and the timeliness of payments remained below the national average during for the early part of 2005-06. Work to improve systems for dealing with graduated fees has been undertaken in part, but not all, of the county. Staff are to receive further training in dealing with High Cost Cases.

11B: The Area has ensured that all staff are deployed efficiently

- Senior managers are taking steps to try to ensure staff are deployed more efficiently. The Area is in the process of being restructured, to allow more highly graded staff to perform duties of the right level, and processes are being reviewed not only to improve the efficiency of systems, but also to increase efficiency in staff deployment.
- In 2004-05 20.3% of magistrates' court sessions were prosecuted by non CPS prosecutors (that is, solicitor or counsel agents), less than the national average. The Area has recognised that the use of agents does not represent value for money, and at the end of the first quarter of 2005-06 resolved no longer to use solicitor agents. Counsel agents continue to be used for trials. Parameters need to be set for all agent usage.
- The Area's Higher Court Advocates (HCAs), undertaking work in the Crown Court, achieved a saving of £262 per session in the final quarter of 2004-05, representing good performance when compared with other Areas. For 2005-06 the Area believes it is unlikely to meet its target for the number of HCA sessions because of staff illness.
- The Area is beginning to tackle some of the Inspectorate's long standing concerns about staff deployment, in particular the balance of responsibilities between lawyers and caseworkers. Expectations about the proportion of lawyer time to be spent in court and in charging centres is beginning to be more uniform across the county.

Aspects for improvement

- The Area's three designated caseworkers (DCWs) undertook 415 sessions in 2004-05 representing 10.3% of magistrates' court sessions, better than the national average. However, in certain courts both DCWs and lawyers attend, which does not represent a good use of resources, and was commented on adversely in the last inspection report. This issue has been outstanding for some time. Work is in hand with the magistrates' court to change listing practices that would enable staff to be deployed more efficiently, but this aspect has been slow to be tackled.

- As a result of the review of structures and processes the Area has done some short, medium, and long term analysis of staff costs. In 2004-05 the Area was uncertain of the staffing levels it should be seeking to achieve. While progress has been made on structures, staffing levels still need to be addressed. Final decisions will depend on a number of aspects that still need to be clarified including processes, arrangements for the operation of pre-charge decision making, and staff appointments.
- The Area suffered from high sickness levels in 2004-05, with an average of 10.2 days per member of staff, against an average national figure of 8.7 days, which for the purpose of this assessment is rated as poor. While the Strategic Management Team now receives regular reports on sickness levels, targets have yet to be set.
- A flexible working policy has been drafted as part of the change programme, in order to ensure practice meet the needs of the business, but has yet to be finalised.

12. MANAGING PERFORMANCE TO IMPROVE

1 - POOR

The Area has yet to develop a comprehensive performance management regime; in this it lags behind most CPS areas. Use of the CPS Management Information System (MIS) still needs to be developed. While new governance and structural arrangements mean that managers will be held accountable for performance, at the time of the Overall Performance Assessment, this change has not yet been fully implemented. Performance management with CJS partners is improving. The national casework quality assurance scheme for monitoring the quality of legal decision making and case handling has not been implemented or sustained throughout the Area.

12A: Managers are held accountable for performance

- Inspection in 2004 found that insufficient attention was paid to performance management and monitoring, and that a performance management regime needed to be established. The Area has recognised the importance of proactive performance management but is at the early stages in developing its performance management regime and performance reporting.
- Managers have taken steps to improve handling of Crown Court cases in part of the county, processes for handling graduated fees, and staff's usage of the Compass case management systems.
- Operational systems have been analysed with a view to bringing about standardisation, and efficiency and performance improvements across the Area, although changes have yet to be implemented. Review and analysis of operational systems has enabled staff to become involved in improvement activity.

Aspects for improvement

- Arrangements have yet to be put fully in place to ensure managers are held accountable for performance. Senior managers have yet to determine the range of performance information which is to be considered by the management teams, and the relative performance of units and teams has yet to be considered over a comprehensive range of aspects.
- Responsibilities for operational effectiveness and quality assurance have been defined in recently drawn up job descriptions of staff at relevant levels, but at the time of this assessment staff had only recently, or had yet to, take up their posts.

- Considerable delays in carrying out and completing the performance appraisal reports of staff for the past two reporting years have meant that, overall, the appraisal system has not been used to improve personal performance.

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

- Senior managers participate in joint criminal justice activity through membership of the Cumbria Criminal Justice Board (CCJB), and its sub-groups, and have taken particular steps recently to work with criminal justice partners to improve performance in certain areas of work. In particular, managers are adopting a systematic approach to working closely with the police to improve the quality and timeliness of police files and with the magistrates' courts to analyse and improve the effectiveness of prosecutor and legal adviser time in court.
- The Area shares some performance data with criminal justice partners, in particular providing details to the police of its monitoring of racial incidents and the outcomes of domestic violence prosecutions, to enable comparison of statistics and analysis of outcomes.
- The Area has achieved its target for 2004-05 for offences brought to justice (OBTJ). The target for OBTJ is a shared one set by reference to the criminal justice area.

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

- Staff were retrained in 2004 to try to improve the accuracy of the recording of information used to produce performance indicators, and the importance of accurate recording was made clear to staff as part of the Area's change programme. The user friendliness of performance information is being improved, and staff can now access performance information electronically. Some aspects of performance are also included in the staff bulletin.
- The Area obtains relevant performance information via the CCJB performance officer, and compares its performance with other Areas using performance information disseminated by CPS Headquarters.

Aspects for improvement

- Insufficient use is made of the CPS Management Information System, to enable managers to analyse and have a clear understanding of Area performance. Changes are being made to staff responsibilities to enable this shortcoming to be addressed.

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

Aspects for improvement

- The implementation of the national Casework Quality Assurance system has not been sustained throughout the Area. Some quality assurance assessments have taken place, but these relate to the work of a relatively limited number of lawyers. Recent assurance activity did not include a sufficient proportion of Crown Court casework. Where quality assurance has been undertaken there has been feedback to staff.
- There has been no consideration of outcomes of quality assurance monitoring during 2004-05 or the early part of 2005-06 by the Strategic Management Team, and the operation of the system has not been sufficiently extensive to enable the Area to draw lessons from the results.
- Job descriptions for the new Divisional Crown Prosecutor posts set out responsibilities for the quality assurance of casework and performance.

13. LEADERSHIP
2 - FAIR

Senior managers have taken action to improve the corporacy of the senior team and the cohesion of the Area, and governance arrangements are improving. The vision for the Area has been shared with staff, with whom there is now better communication. At the time of the assessment a newly formed Strategic Management Team was in place and the composition of the Operational Management Team was being finalised.

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

- Following the review and inspection in 2004, and as part of the change programme, senior managers held a planning event with staff in order to set out the vision and values for the Area, and establish its future priorities. There is evidence that the event was both well presented and received.
- As part of the change programme, governance arrangements have been addressed and new management structures established to ensure that managers become more obviously accountable for Area performance and for implementing management decisions. At the time of this assessment, because of changes in the senior team and the move to a three divisional structure, the new governance arrangements were not yet fully in place, and some arrangements may need to be revised.
- At the time of the last inspection in 2004 the Area's managers did not act corporately. The change programme took action to address this with outside help. The Area is now working towards the development of consistent working practices across the Area, and senior managers have acted corporately in presenting future structural options to staff.
- Senior managers are presenting an increasingly open and constructive approach in dealing with criminal justice colleagues with work of mutual benefit being undertaken.

Aspects for improvement

- Although considerable work has been undertaken to increase corporacy, the composition of the senior team has now altered, and a number of planned changes still need to be implemented. At the time of this assessment, their effectiveness is still unknown.
- Best practice for meetings has been established to ensure good communication across the Area and within teams. Because of staff changes and absence this best practice has yet to be implemented throughout the Area.

13B: Senior managers act as role models for the ethics, values and aims of the Area and the CPS, and demonstrate a commitment to equality and diversity policies

- In 2004-05, some senior managers engaged in outward looking activity which supported the aims of the CPS, and did much to raise the profile of the CPS and criminal justice system in Cumbria.
- Managers are increasingly showing themselves willing to learn from past experiences and have embraced fully the need for internal change, which they themselves recognised and which was reinforced by external review.
- Good performance by staff has been rewarded, and a formal reward and recognition policy is being drawn up. Senior managers have challenged poor behaviour where it has arisen. At the time of this assessment, the Area planned to re-launch the CPS Dignity at Work policy as part of the new approach within its divisional structure.

Aspects for improvement

- Managers follow CPS equality and diversity policies. Equality and diversity is not formally integrated into the business plan.

14. SECURING COMMUNITY CONFIDENCE
2 - FAIR

In 2004-05 some senior managers worked pro-actively to raise the profile of the CPS and criminal justice system and focused activity on those who were most at risk and vulnerable in a rural Area. The Area has yet to establish its community confidence as part of the core business of the Area.

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

- The last inspection recorded Area's commitment to the public confidence agenda as a strength, in particular that of the former CCP. Senior managers worked with the County Council, along with other criminal justice agencies to identify those locally at greatest risk of exclusion or discrimination, and to establish the best way to consult communities on what they consider to be the key issues.
- In 2004-05 activity focused on vulnerable and high risk groups. Particularly successful and well-received was a hate crime conference, organised with criminal justice system partners, which examined the reality of hate crime from victims' perspectives, hearing from victims of racist attacks, homophobic crime and from the traveller community.
- The Area also participates fully in a multi-agency domestic violence project, committed to improving the approach to cases involving domestic violence.
- Public confidence in the effectiveness of criminal justice agencies in bringing offenders to justice is high in Cumbria, and has risen to 51% against a baseline of 48% in 2003.

Aspects for improvement

- Activity to improve public confidence has largely been restricted to individual senior managers, although staff from local offices have attended careers conventions and the County Show, in an attempt to raise awareness about the work of the criminal justice system and the role of the CPS. Securing community confidence has yet to become part of the core business of the Area. Involvement with crime and reduction partnerships largely takes place through the Cumbria Criminal Justice Board.
- Although there is a named senior officer with particular responsibility for community confidence activity, the Area should ensure that, following changes to structure and staff responsibilities, greater attention is given to this aspect of work.

- The Area has yet to develop a community engagement strategy, or keep formal records of its engagement activity, and as yet cannot demonstrate service changes or improvements that have arisen from engagement activity. The Area business plan for 2005-06 has an objective to address these issues. Senior managers will need to ensure that the focus is maintained in 2005-06.

ANNEX A

PERFORMANCE DATA

ASPECT 1: PRE-CHARGE DECISION-MAKING

MAGISTRATES' COURTS CASES								
Discontinuance rate			Guilty plea rate			Attrition rate		
National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05
11%	16.3%	14.1%	52%	68.8%	74%	31%	22.7%	18.1%
CROWN COURT CASES								
Discontinuance rate			Guilty plea rate			Attrition rate		
National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05
11%	14.6%	12.6%	68%	66%	61%	23%	23.8%	23.8%

ASPECT 2: MANAGING MAGISTRATES' COURTS CASES

INEFFECTIVE TRIAL RATE			OVERALL PERSISTENT YOUNG OFFENDERS PERFORMANCE (ARREST TO SENTENCE)		
National Target	National Performance 2004-05	Area Performance 2004-05	National Target	National Performance (3-month rolling average Feb 05)	Area Performance (3-month rolling average Feb 05)
24.5%	24.8%	16.4%	71 days	67 days	63 days

**TIME INTERVALS/TARGETS FOR CRIMINAL PROCEEDINGS IN MAGISTRATES' COURTS
 CHARGED CASES ONLY (MARCH 2005)**

	Initial Guilty Plea Target 59 days		Trials Target 143 days		Committals Target 176 days	
	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)
National	83%	6,152	66%	2,698	89%	992
Area	94%	50	88%	24	100%	18

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

	Initial Guilty Plea Target 59 days		Trials Target 176 days		Committals Target 101 days	
	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)
National	87%	5,185	87%	3,309	91%	190
Area	92%	64	100%	76	0%	1

ASPECT 3: MANAGING CROWN COURT CASES

INEFFECTIVE TRIAL RATE

National Target	National Performance 2004-05	Area Performance 2004-05
18.5%	15.8%	16.7%

ASPECT 4: ENSURING SUCCESSFUL OUTCOMES

UNSUCCESSFUL OUTCOMES (AS A PERCENTAGE OF COMPLETED MAGISTRATES' COURTS AND CROWN COURT CASES)		
National Target	National Performance 2004-05	Area Performance 2004-05
21%	19.6%	14.9%

OFFENCES BROUGHT TO JUSTICE		
	CJS Area Target 2004-05	CJS Area Performance 2004-05
Against 2001-02 baseline	+11.5%	+15.3%
Number	11,165	11,603

ASPECT 7: DISCLOSURE

DISCLOSURE HANDLED PROPERLY IN MAGISTRATES' COURTS AND CROWN COURT CASES PERFORMANCE IN THE LAST INSPECTION CYCLE		
	National Performance	Area Performance
Primary test in magistrates' courts	71.6%	90%
Primary test in Crown Court	79.9%	75%
Secondary test in Crown Court	59.4%	77.8%
Overall average	70.3%	80.9%

ASPECT 11: MANAGING RESOURCES

NON RING-FENCED ADMINISTRATION COSTS BUDGET OUTTURN PERFORMANCE (END OF YEAR RANGES)	
2003-04	2004-05
103.6%	104.9%

DCW DEPLOYMENT (AS % OF MAGISTRATES' COURTS SESSIONS)			HCA SAVINGS (PER SESSION)		SICKNESS ABSENCE (PER EMPLOYEE PER YEAR)		
National Target 2005-06	National Performance 2004-05	Area Performance	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target	National Performance 2004	Area Performance 2004
11.6%	8.3%	10.3%	£224	£262	8 days	8.7 days	10.2 days

ASPECT 14: SECURING COMMUNITY CONFIDENCE

PUBLIC CONFIDENCE IN EFFECTIVENESS OF CRIMINAL JUSTICE AGENCIES IN BRINGING OFFENDERS TO JUSTICE (BRITISH CRIME SURVEY)	
CJS Area Baseline 2002-03	Most Recent CJS Area Figures In 2004-05
48%	51%



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