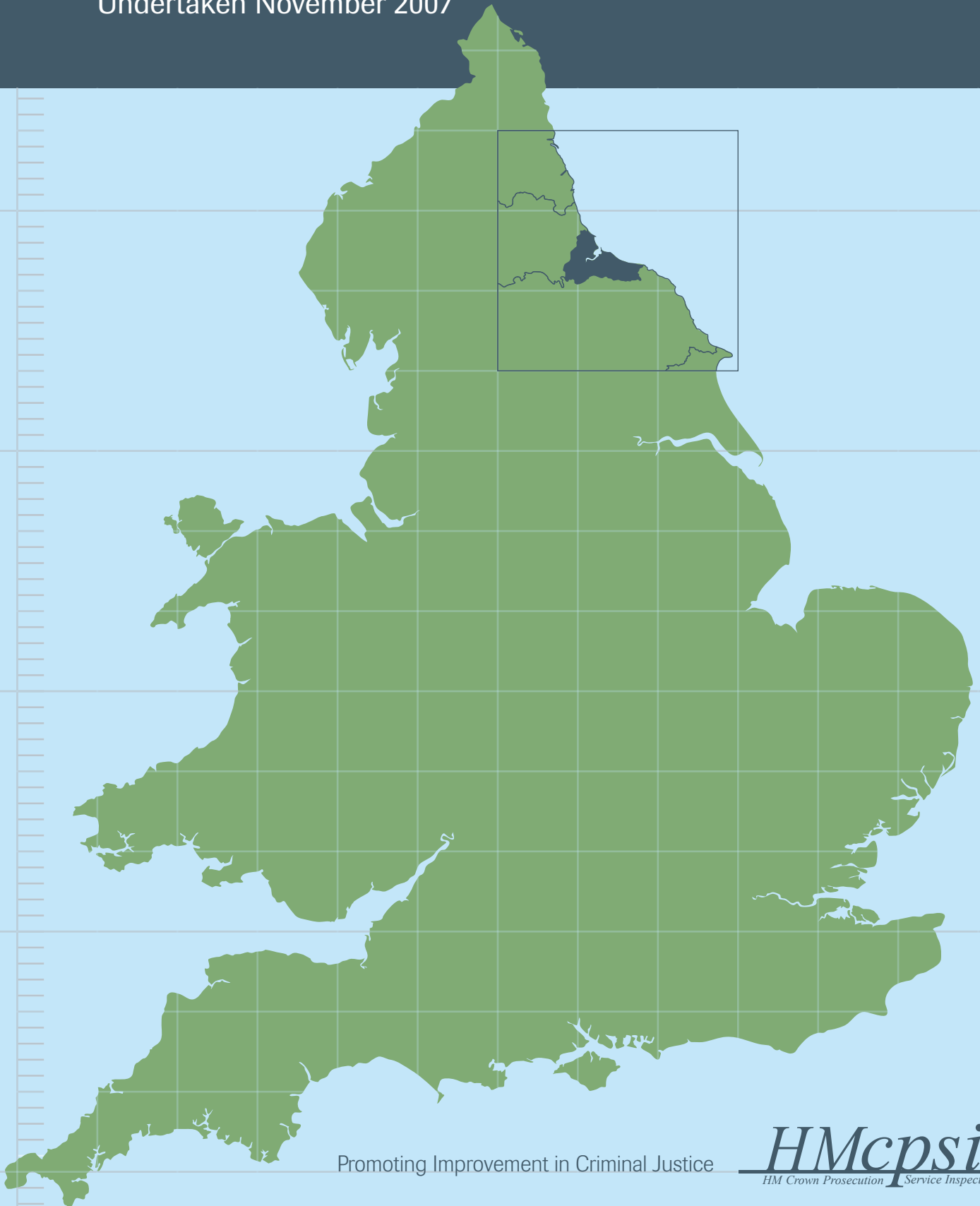


CPS Cleveland

# Overall Performance Assessment

Undertaken November 2007



Promoting Improvement in Criminal Justice

*HMcp*si**  
HM Crown Prosecution Service Inspectorate



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## ABBREVIATIONS

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

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

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

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

### **Assessments**

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

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

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

The table at page 6 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 Cleveland serves the area covered by the Cleveland Police. For the period covered by this report it had one office in Middlesbrough and one co-located at the police station in Hartlepool. During 2007 an administrative team and the designated caseworkers (DCWs) moved into the police's new centralised custody suite, also in Middlesbrough. The remainder of staff, including those previously located in Hartlepool and the Area Secretariat, moved into newly acquired premises in Middlesbrough.

Business is divided between three combined teams, all undertaking a mixture of charging, magistrates' courts and Crown Court work. They are supported by a team of caseworkers and one of administration staff. All units handle cases dealt with in the Teesside (Middlesbrough), Hartlepool and Guisborough Magistrates' Courts and Teesside Crown Court.

During the year 2006-07 the Area had an average of 102.1 full-time equivalent staff in post and a budget of £4,271,644. This represents a 2.6% decrease in staff, and an 18.8% increase in budget since 2004-05, the period covered by the previous overall performance assessment.

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

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

2004-05		2006-07	
Written advice	1,604	Decisions resulting in a charge	4,412
Pre-charge advice (where available)	5,418	Decisions not resulting in a charge <sup>2</sup>	2,319

Magistrates' courts proceedings	2004-05	2006-07	Percentage change
(including cases previously subject to a pre-charge decision)			
Magistrates' courts prosecutions	17,364	12,186	-29.8%
Other proceedings	36	1	-97.2%
<b>Total magistrates' courts proceedings</b>	<b>17,400</b>	<b>12,187</b>	<b>-30.0%</b>
<b>Crown Court proceedings</b>			
(including cases previously subject to a pre-charge decision)			
Cases sent or committed to the Crown Court for determination	1,405	1,494	+6.3%
Committals for sentence <sup>3</sup>	249	379	+52.2%
Appeals from the magistrates' courts <sup>3</sup>	206	220	+6.8%
<b>Total Crown Court proceedings</b>	<b>1,860</b>	<b>2,093</b>	<b>+12.5%</b>

In 2006-07, 49.5% of offences brought to justice were the result of convictions.

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

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

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

## **C SUMMARY OF JUDGEMENTS**

### **Contextual factors and background**

Since the last OPA the Area has benefited from a period of stability within the senior management team. However, during 2007 staff have moved into new accommodation and there was a change of Chief Crown Prosecutor (CCP) in October 2007.

### **Summary**

The quality of case preparation and decision-making is generally good, although performance in relation to case outcomes presents a mixed picture compared to the last OPA. Performance in the magistrates' courts has remained good and is improving, with an overall conviction rate above national performance, and there has been a significant fall in the discontinuance rate. The conviction rate in the Crown Court has fallen, although the second half of 2006-07 and the first quarter of 2007-08 show an improving trend. This performance is mirrored in the outcomes of cases that have received pre-charge advice. Statutory charging is well embedded and sound processes have been developed jointly with the police for the provision of pre-charge advice. However, overall performance has deteriorated since the last OPA and the Area is only meeting two of the six targets which are used to measure the success of statutory charging.

Performance on cracked and ineffective trials is mixed. Cases are more effectively progressed in the magistrates' courts, where the case progression officers in all agencies work well together, than in the Crown Court where plea and case management hearings are not routinely held and the main reason for cracked trials is lack of readiness by the prosecution and defendants entering late guilty pleas. For ineffective trials in both the magistrates' and Crown Court the main difficulty remains witness attendance, although the Area has demonstrated a high level of commitment to improving the service to victims and witnesses, particularly in sensitive cases and hate crime. The rate of unsuccessful outcomes in hate crime cases is reducing and better than national average. A multi-agency approach has been cultivated with the introduction of a Specialist Domestic Violence Court at Teesside Magistrates' Court and participation in the Middlesbrough Race Case Group.

Unsuccessful outcomes and the reasons for cracked and ineffective trials are monitored, and the quality of casework is assessed through the Casework Quality Assurance scheme (CQA). However, there is limited analysis of trends and the operation of CQA is not robust. This, coupled with infrequent team meetings, means that where lessons can be learned they are not always communicated to staff in order to drive up performance. Examples of this are in relation to the way the Area discharges its duties in handling unused material and custody time limits (CTLs), where performance has declined since the last OPA.

Disclosure training has been provided to prosecutors and caseworkers and the Area undertakes discrete monitoring exercises to evaluate the way prosecutors handle unused material. Comprehensive reports have been prepared which highlight issues that were confirmed by our 'reality' checks, namely the endorsement of schedules - particularly at the initial disclosure stage - and the use of the disclosure record sheet to provide a proper audit trail of the decision-making process. A similar process has been adopted to monitor CTLs. Although there have been no failures since the last inspection weaknesses in operation of the system have been identified in CTL reports, such as poor court endorsements, which were also confirmed by our reality checks. However, little action has been taken to tackle the issues raised in either the disclosure report or CTL report.



The Area has adopted clear value for money principles and management of resources is good. Non ringed-fenced spend and prosecution costs were within budget in 2006-07. There is a very high use of agents in the magistrates' courts and the target for DCW use was not met, although they are now exercising their full powers and deployment at court is increasing, with the use of agents reducing. The use of Higher Court Advocates (HCAs) is increasing, particularly in covering Crown Court trials, and the target for savings on counsel's fees was exceeded.

The management team have a clear vision for the Area and staff are involved in the annual planning process and in implementing change through participation in working groups. Although team meetings are irregular staff survey results indicate that staff feel that they are kept well informed. The Area is represented by a range of senior managers at number of inter-agency performance groups and has led a number of joint criminal justice projects such as implementation of the Victims' Code and conditional cautioning.

Performance in relation to the Public Service Agreements is variable. Performance against the timeliness target of 71 days from arrest to sentence for persistent young offenders has declined since the last OPA, although it remains within the national target. Cleveland criminal justice area has exceeded its joint target for offences brought to justice, with the CPS contributing 49.5% by way of convictions. The Area has made a significant commitment to improving its level of community engagement in order to improve public confidence and has met with a wide range of community groups, including those most at risk of exclusion. Nevertheless confidence in the criminal justice system in bringing offenders to justice, at 36.9%, remains below national performance of 40% (although the influence of the CPS on this is limited).

#### **Direction of travel**

The last OPA assessed CPS Cleveland as 'Good'. In this report three aspects have improved, four remained stable and six have declined. Performance in respect of most outcomes has remained good and this, coupled with the greater flexibility the Area has now that the majority of staff are in one location, means that it has the capacity to improve those aspects which have declined. In the light of our findings, the Area's overall performance is **GOOD**.

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

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

## D DEFINING ASPECTS

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

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

- The provision of face-to-face pre-charge advice has altered considerably since the last OPA in 2005. The Area conducted two reviews of charging in consultation with the police. The first, in March 2006, concluded that duty prosecutors were being under-utilised whilst the second, in January 2007, took account of the new centralised custody suite which opened in Middlesbrough and covers Stockton, Redcar and Middlesbrough districts. Consequently advice is no longer delivered from Redcar or Stockton Police Stations, which closed their charging facilities, and the Area now deploys three duty prosecutors daily at Middlesbrough and a further one on Monday and Wednesday mornings at Hartlepool Police Station. A new charging protocol was agreed and signed-off in September 2007.
- In November 2006, a joint criminal justice inspection noted that flexibility was lacking in the provision of advice at Hartlepool. The Area took steps to remedy this in September 2007 by re-integrating the lawyers from the satellite office in Hartlepool Police Station into the new CPS office in Middlesbrough. This appears to have provided positive benefits. Feedback from the police shows that a 'prosecution team approach' culture is now embedded at the charging centres and also in Prosecution Team Performance Management (PTPM) meetings.
- The Area operates an appointment system at the centralised custody suite which is controlled by the police Case Management Officer (CMO) and staggered so that lunchtime cover can be provided. If required, officers at Hartlepool are able to book a slot at Middlesbrough for charging advice. The first scheduled appointment is at 10am as two prosecutors are expected to spend the first hour reading the paperwork in cases due that day and a third is available during this time for custody referrals and other cases. The Area has found that preparation means discussions with officers are more focussed and less likely to over-run the 45 minutes allocated for each consultation. Officers who require longer may request a 'double' appointment. Appointments are managed to allow for one of the three lawyers in attendance to deal with custody cases, most of which are presented during the afternoon. No custody cases are dealt with at Hartlepool.
- All officers seeking pre-charge advice must obtain the authority of the CMO before arranging a CPS consultation. The CMOs are experienced police officers who have a good working knowledge of investigative procedure and all of them attended the most recent training on charging delivered by the Area's Complex Casework Lawyer (CCL). File vetting conducted by the CMOs has contributed to the very good charge to no further action (NFA) ratio.

- In 2006-07, the Area provided face-to-face charging in only 48.1% of consultations, which was below the national average figure of 63.5%. This figure has recently improved: between 1 April-31 August 2007, 70.0% of charging consultations were recorded as being face-to-face, which is now marginally below the national average of 71.8%.
- Cases which are too complex or voluminous to be considered at the charging centre are submitted in accordance with the local complex cases protocol agreed in September 2006. These are allocated administratively to a suitably experienced lawyer or appropriate specialist or champion. The protocol includes minimum standards for file quality and timeliness. Feedback from the police, confirmed by our reality check, indicated that delays can occur in receiving CPS advice in complex cases. The most serious sensitive cases are dealt with by the CCL who sees officers on a one-to-one basis, frequently at an early stage in the investigation, and is contactable out-of-hours when the need arises.
- There is an established procedure to allow an appeal by the police following a duty prosecutor's decision not to charge. Either the Charging Champion or a Unit Head will consider the appeal with the possibility of escalation to the CCP if required. Any issues arising are considered at the monthly PTPM meetings.
- Duty prosecutors are required to register their record of consultation (MG3s) directly on the case management system (CMS). During 2006-07, 87.3% consultations were recorded on CMS, compared to a national average of 85.1%. Our reality check showed that ethnicity and gender were being correctly recorded.
- The Area conducted a review of outstanding action plans in 2006 and reduced backlogs by e-mailing plans directly to the CMOs. Since January 2007, due to the volume of work at Middlesbrough, the CMOs have no longer had time to supervise action plans. The police have introduced an additional officer to monitor progress and ensure that bail to return times do not 'drift'. Reality checks confirmed that there are not a high proportion of inactive pre-charge cases on CMS. Timeliness of advice in 2006-07 was good with the Area taking an average of six days from first consultation to charging decision, as against a national average figure of 9.6 days.
- A comparatively high proportion of charging advice is provided by CPS Direct, which covers all out-of-hours charging. The Area considers this to be due to a combination of local factors: a higher than anticipated volume of work passing through the new custody centre; greater than envisaged demand for bail advice at weekends; new police shift patterns; and a change in arrest policy in one district causing an exaggerated out-of-hours demand. The Area needs to assure itself that the balance is correct.
- The Area has a named contact point for liaising with CPS Direct, although interaction between both of them is limited.
- Conditional cautioning was rolled-out across Cleveland in March 2007, but up until the end of that October, only 15 had been recorded. The Area is aware of the slow take-up and is reviewing its process in December, where after it aims to achieve a monthly rate reaching double figures.

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

- All Senior Crown Prosecutors, including HCAs, act as duty prosecutors. They have all attended the Proactive Prosecutor Programme training. The Charging Champion has also delivered local training to both lawyers and the CMOs.
- Charging decisions are monitored by the Unit Heads through CQA. Compliance with the quality standards was self-assessed at 97.9% for the first two quarters of 2007-08, compared to the national average of 95.1%. However, the Area's use of CQA as a monitoring tool is not always sustained and shortcomings are not always captured (see Aspect 11). Reality checks showed that charging advice was given to an acceptable standard in all cases examined, but that action plans were not always being properly completed. Ancillary orders such those under the Proceeds of Crime Act and special measures were occasionally missed at the pre-charge stage, although where they were noted down, this was to a high standard.
- In addition to CQA the Area considers the quality of charging advice as an aspect of cases recorded and reported upon as an unsuccessful outcome, although this is of limited value since it reviews only a selection, rather than all, unsuccessful outcomes. Where concerns arise over a pre-charge review these will be brought to the attention of a Unit Head. Feedback is provided by Unit Heads to individual lawyers on a one-to-one basis.
- There is a low percentage of consultations that result in no further action. Reasons for these outcomes are considered at PTPM meetings where the data is made available and particular attention paid to cases rejected on evidential grounds. Notwithstanding this, there is no discrete monitoring of NFA decisions and no in-depth assessment of such cases is undertaken.
- Conditional cautioning is monitored by the implementation team. Performance has been on the low side and the Area intends to re-invigorate the scheme's operation following the Director of Public Prosecutions' revised guidance, which was issued at the beginning of November 2007. Some training has already been delivered to the police.

**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%	16.4%	12.9%	11.0%	13.1%	13.8%	16.0%
Guilty plea rate	52.0%	69.2%	68.5%	73.4%	68.0%	66.5%	69.2%	66.3%
Attrition rate	31.0%	22.0%	22.5%	18.3%	23.0%	22.2%	22.5%	25.2%

- The Area has improved its performance in magistrates' courts cases since 2005-06, having reduced discontinuance and attrition rates and increased the guilty plea rate over the last year. In each of the three measures, it has recorded figures better than the national average. The converse is true in respect of Crown Court cases, where performance is worse since 2005-06 in respect of the same measures and below the national average for each indicator. The overall conviction rate for pre-charge decision cases for 2006-07 was 79.9%, below the Area target of 83.0%, but above the national average of 78.0%.
- Performance is considered at PTPM meetings. These are held monthly and constitute a re-structuring of the Area's Charging Champions meetings, which had previously proved successful in addressing charging issues. Attendance at PTPM meetings has been patchy, since representatives from all police districts have not always attended; although this is slowly improving. Performance information is supplied to the group a week prior to meetings taking place in the form of agreed PTPM data and unsuccessful outcomes reports generated by the CPS. Whilst individual cases are occasionally discussed, meetings generally concentrate upon identifying trends and are mostly strategically focused.
- The number of pre-charge cases with undefined outcomes, together with those which were administratively finalised, is higher than the national average at 12.9% and 12.4% respectively, compared to 10.1% and 6.4% nationally. This may impede an effective analysis of PTPM data and any emerging trends.
- PTPM performance is posted on the local CPS intranet monthly by the Performance Officer and also located on a notice board next to the staff rest room, but there is little evidence that it is discussed with staff either individually or at team meetings.

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

## 2A Successful outcomes are increasing

Case outcomes in the magistrates' courts	National performance 2006-07	Area performance 2006-07
Discontinuance and bindovers	10.8%	9.6%
No case to answer	0.2%	0.4%
Dismissed after trial	1.9%	1.7%
Discharged committals	0.2%	0.1%
Warrants	2.6%	1.3%
Overall conviction rate	84.3%	86.9%

- The overall conviction rate for magistrates' courts cases is better than the national average and has improved each year since 2004-05. The rates for most categories of unsuccessful outcomes, set out in the table above, are also better than national averages apart from the no case to answer rate which is worse than nationally.
- There has been a significant improvement in the discontinuance rate from 16.1% in 2004-05 to 9.6% and it is now better than the national figure. The Area has a policy that cases that have received pre-charge advice require the approval of a Unit Head before a decision to discontinue is made. Where the decision is made at court the prosecutor is required to telephone a Unit Head to obtain authority to drop the case. The reality check showed that discontinuance was timely in four out of eight cases and the police had been consulted in five out of six.
- There were ten discharged committals during 2006-07. Although this is a relatively small number, and as a percentage of committals heard and cases sent it is significantly lower than national average, it still represents an increase from 2004-05 and 2005-06 when there were one and two respectively. The CPS attribute this to a more proactive approach by the magistrates' courts to case management, but the Area should keep an oversight of discharged committals to ensure there is not a further deterioration in performance.
- Adverse outcome reports are completed by the prosecutor in court or the reviewing lawyer for all cases with an unsuccessful outcome. They are then submitted to the Performance Officer who transfers the data onto a spreadsheet. This is a useful tool insofar as it identifies 'threshold'/full Code for Crown Prosecutor test cases, the reviewing lawyer and reasons for the outcome, but there is no analysis of themes or trends and lessons to be learned are not easily identifiable. Unit Heads do not examine all unsuccessful outcome cases or adverse outcome forms and only do so where they identify a particular area of concern from the spreadsheet, which is also sent to the police for discussion at PTPM meetings.

- The target for offences brought to justice is shared with other criminal justice agencies and the ability of the CPS to influence it is limited because the target includes offences dealt with by non-prosecution disposals. The CPS contributes by keeping discontinuances and unsuccessful outcomes low. The target for 2006-07 was exceeded and 49.5% of offences brought to justice were the result of convictions, compared with national performance of 48.8%.
- Performance in respect of the timeliness of handling cases involving persistent young offenders (PYOs) is variable and for 2006-07 was 69 days. Whilst this is within the target of 71 days it represents a significant deterioration from 58 at the time of the last OPA. The Area accepts that the previous good performance may have led to a degree of complacency in dealing with PYO cases and, together with criminal justice partners, has re-invigorated its approach. The CPS PYO Champion now has the lead for these cases and the Area is responsible for updating the PYO tracker. Regular PYO meetings are taking place again and staff have been reminded of the importance of identifying and progressing relevant cases.
- The Area relies on word of mouth or use of e-mail to communicate general learning points as meetings with staff tend to be held on a grade-by-grade and ad hoc basis. Issues relating to individual members of staff are dealt with on a one-to-one basis.

**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%	45.2%
Cracked trial rate	37.3%	35.8%
Ineffective trial rate	18.9%	19.0%
Vacated trial rate	22.5%	30.6%

- The Area monitors the timeliness and quality of all police files through the joint performance management (JPM) regime. The reviewing lawyer or DCW is expected to complete the form and highlight any deficiencies in the file. Where cases do not meet the standard required the form is returned to the police Criminal Justice Unit (CJU) manager and discussed at the monthly joint CPS/CJU meetings. There has, however, been a relatively low return rate of JPM forms to the police and data generated from the forms by the police is not provided to the CPS.
- The Area monitors the timely review and preparation of casework through the CQA process and less formal examination of discontinued cases. Our reality check of CQA forms indicated that not all Unit Heads approach the task with a consistent level of robustness. Checks of five magistrates' courts cases confirmed that cases are generally properly reviewed and endorsed.



- All agencies have appointed dedicated case progression officers (CPOs), who are in daily contact with each other to ensure compliance with directions and trial readiness. The CPOs meet bi-monthly to discuss strategic case progression issues. The joint inspection of Cleveland criminal justice area carried out in June 2006 noted that the CPOs from each agency were working effectively and a strong performance culture had been embedded.
- There has been effective joint agency planning for the implementation of the Criminal Justice: Simple, Speedy, Summary (CJSSS) initiative which was rolled-out at the end of October 2007. It is still too early to assess progress.
- Youth courts are prosecuted by specialists in order to ensure that progress is made and decisions can be made in court, and DCWs are now beginning to prosecute youth sentencing courts. The Area uses a youth tracker system in addition to the PYO tracker to monitor the timeliness of youth cases. The rate of youth cases with timely initial guilty pleas in March 2007 was 86% compared to 88% nationally, and for timely trials was 95% compared with 89%.
- Performance in relation to cracked and ineffective trials is mixed. The effective trial rate has improved since the last OPA from 40.3% to 45.2% and is better than the national figure of 43.8%. The cracked trial rate, at 35.8%, is also better than the national figure and has similarly improved since the last OPA.
- However, there has been a fall in performance in the ineffective and vacated trial rates. Ineffective trials have increased from the time of the last OPA to 19.0%, the main reason being the absence of prosecution witnesses. Vacated trials have increased significantly from 19.2% to 30.6%, compared to 22.5% nationally. The last OPA highlighted witness absence figures and the vacated trial rates as aspects for improvement and in the light of current performance the Area now needs to focus attention on tackling these issues.
- Joint analysis of cracked and ineffective trials takes place through the multi-agency Effective Trials Group which meets monthly. Data and specific cases are considered including trends over time. An action plan is updated at each meeting and individual agencies are expected to report back with progress at subsequent ones. Lessons learned are usually communicated to staff via e-mail.
- The use of CMS to record magistrates' courts reviews is improving. In April 2006 29.0% of magistrates' courts cases had a review recorded on CMS, which by March 2007 had risen to 89.3%. However, the recording of hearing outcomes and finalisations has been erratic over the year and has averaged 59.0% and 55.3% respectively.

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

### 3A Successful outcomes are increasing

Case outcomes in the Crown Court	National performance 2006-07	Area performance 2006-07
Judge ordered acquittals	13.1%	16.1%
Judge directed acquittals	1.4%	1.3%
Acquittals after trial	6.5%	6.8%
Warrants	1.3%	1.0%
Overall conviction rate	77.7%	74.8%

- The overall conviction rate has fallen to 74.8% from the time of the last OPA when it was 80.5% and is now worse than the national average, although data for the first quarter of 2007-08 shows some improvement to 78.5%.
- The rate of judge ordered acquittals, at 16.1%, is worse than the national performance and has deteriorated since the last OPA. The rate of judge directed acquittals has also risen, although it remains better than national performance. The proportion of jury acquittals has remained stable but is slightly worse than nationally.
- Cases cannot be discontinued without the authority of a Unit Head. Where pleas are offered or it is intended to offer no evidence at court the caseworker will ensure that a Unit Head is contacted by telephone before any authorisation to drop a prosecution is given. Performance in relation to discontinuance is reviewed in conjunction with the police at PTPM meetings.
- Adverse outcome forms are completed for all unsuccessful outcomes and provided to the Performance Officer for inclusion in the monthly spreadsheet. The Unit Head with lead responsibility for Crown Court cases completes a monthly report on unsuccessful outcomes in the Crown Court which is reviewed at Senior Management Team (SMT). This does not follow an established format and consists of a short and general summary of some cases rather than detailed analysis. As a result of the drop in performance a detailed review of 120 unsuccessful outcome cases for a six month period was carried out and a further exercise is planned to draw a comparison with cases dealt with by the Special Casework Unit to see if there are lessons to be learned.

- The monetary target in 2006-07 for confiscation of assets under the Proceeds of Crime Act (POCA) was comfortably exceeded by obtaining 40 confiscation orders with a value of £1,103,315 against a target of 69 orders and value of £293,077. There is a POCA Champion who is also an HCA and therefore able to make the applications where appropriate. Targets and enforcement of confiscation orders are discussed at the bi-monthly multi-agency POCA User Group meetings attended by representatives from the magistrates' courts, Crown Court and police.
- As a result of the unsuccessful outcome analysis e-mails have been sent to staff to remind them of the need to apply their Proactive Prosecutor Programme training when advising at the point of charge or reviewing full files for committal or service of papers. Other learning points and some performance data is discussed at meetings with staff on a grade-by-grade basis when specific issues arise, or with individuals one-to-one feedback is appropriate

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

<b>Trial rates</b>	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
Effective trial rate	48.2%	32.5%
Cracked trial rate	39.5%	55.8%
Ineffective trial rate	12.4%	11.7%

- The quality of casework preparation is monitored by the Unit Head with responsibility for Crown Court cases, through the CQA process and review of unsuccessful outcomes. A reality check of files showed cases were well prepared and progressed.
- The Area has set itself targets for the preparation of Crown Court cases and monitors performance using a spreadsheet known as a process log. CPOs have not been appointed to deal with Crown Court work, but instead caseworkers act as CPOs in their own cases and are responsible for ensuring the timely progression of cases and compliance with directions. Weekly case progression meetings take place between the Crown Court, Witness Care Unit and the Business Manager, who is in daily contact with the Crown Court listing department and provides a single point of contact for case progression issues.
- All youth cases are allocated to specialist prosecutors. Cases involving PYOs are discussed at tracker meetings with the police and courts and the Crown Court will prioritise the listing of any cases involving a youth in custody.
- The effective trial rate is significantly worse than the national performance and is entirely due to the high rate of cracked trials; 55.8% compared to national performance of 39.5%. The Crown Court sitting at Teesside does not hold plea and case management hearings (PCMHS) in all cases, which is impacting on the cracked trial rate as the main reason for them is late guilty pleas being entered by the defence.

- The ineffective trial rate has improved significantly since the last OPA from 16.2% to 11.7%, although 43.6% of ineffective trials are due to the prosecution, which is worse than national performance. The main reasons are the absence of prosecution witnesses and lack of readiness by the prosecution.
- Cracked and ineffective trials were discussed at monthly inter-agency meetings but as a result of improved performance in the ineffective trial rate the meetings were suspended in early 2007 with a view to re-convening if the ineffective trial rate rose above 12%. This has removed the forum for discussion of the cracked and effective trial rates. The last OPA identified the cracked trial rate as an aspect for improvement and as performance has deteriorated since then it is important that the meetings are re-commenced to enable the Area to work with criminal justice partners to address this.
- Feedback to staff on performance in relation to cracked and ineffective trials as against targets is not regularly provided, although graphs on performance are posted on the office notice board.
- There was steady improvement throughout the year in the proportion of Crown Court reviews carried out on CMS, from a starting point of 33.3% in April 2006 to 92.3% in March 2007. Tasks are monitored and CMS used to support management functions.

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

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

- Advance information is available in all either way cases at the first hearing and the prosecution are usually ready to proceed. Reality checks indicated that where cases were adjourned it was invariably at the defence's request.
- Papers for magistrates' courts cases are ready for prosecution agents by lunchtime the day before the court hearing to ensure they can be prepared and presented effectively. In more complex or sensitive cases papers may be sent out up to a week ahead of the hearing. Sufficient time is allowed for the preparation of papers by in-house lawyers.
- The Area monitors the quality and timeliness of instructions to counsel through the CQA process. Our reality check of files and CQA forms confirmed that the standard of case analysis in the instructions is generally good, but not all address the issue of acceptability of pleas. During 2006-07 instructions to counsel were timely in 97.1% of cases, which compares well to national performance of 78.7%.
- Selection of prosecution advocates is based on their level of experience and sensitive cases in the Crown Court, such as rapes, are allocated to specialist lawyers and counsel. Cases are allocated to counsel and HCAs by the Business Manager, taking into account the recommendations of the reviewing lawyer or caseworker in the case. In accordance with national policy HCAs are used increasingly in the Crown Court, including covering trials. The Area maintains a spreadsheet of HCA work which enables it to be planned and briefs prepared in advance. There is a policy whereby any briefs that cannot be covered by HCAs are returned to counsel within ten days of the hearing, and cases where an HCA has covered a PCMH are kept in-house if the briefed HCA cannot cover the trial.
- The Area expects prosecutors to attend court half an hour before proceedings start for appropriate liaison with court staff, police, witnesses and defence solicitors. Attendance is monitored by the Unit Heads attending court themselves and the Area relies on feedback from legal advisers. Complaints over late attendance and unprofessional behaviour in court have been dealt with robustly. Advocacy monitoring in the magistrates' courts is carried out by Unit Heads on an ad hoc basis and monitoring of counsel and HCAs in the Crown Court by caseworkers, but formal records of court observations are not kept.
- The Area has taken steps internally and jointly to improve the progression of cases through the courts. The CPOs and Business Manager are proactive, liaising informally and meeting formally with their counterparts in the other agencies to progress cases for trial in the magistrates' and Crown Court. Our reality check of files showed that generally cases were well progressed in court, although there were some examples of drift. Monitoring of case progression in court is through the CQA process although our reality check of CQA forms did not reveal any cases where the Unit Head had identified this as an issue.

- Court listing arrangements are reviewed regularly and there is a protocol in place covering the transfer of work in the magistrates' courts, which is usually adhered to. Occasional lapses have been dealt with in a constructive manner. The Business Manager is in daily contact with the Crown Court to discuss listing arrangements.
- The Area measures the data on adjournments and time taken for cases to be concluded. During 2006-07 performance was adversely affected by changes to the national legal aid system and the local police practice of issuing more fixed penalty notices. This led to an increase in the number of adjournments per case and a reduction in early adult guilty pleas. However both the percentage of adult trials finalised within the target of 143 days and the timeliness for cases overall has improved recently and is better than national performance.
- There were no wasted costs in either the magistrates' courts or the Crown Court during 2006-07.

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

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

- Champions have been appointed as lead lawyers for all categories of sensitive cases. They are supported by an extended cadre of specialist lawyers for each discrete category of sensitivity. Champions are required to act as the focal point of information and to take the lead on delivering training, and also to consider performance data and identify any emerging trends. This is supported by objectives for individual champions being set in accordance with national guidance. CQA is the standard tool used to monitor sensitive cases by Unit Head managers.
- Cases submitted under the complex casework protocol are allocated to a specialist lawyer for advice. Duty prosecutors in the charging centres have access by telephone to the relevant champion who can assist where required. Where possible, sensitive cases are allocated to a designated champion or specialist lawyer but this is not always practicable, particularly in the more prolific categories, such as domestic violence and racially or religiously aggravated public order offences. Reality checks confirmed this to be the case. All prosecutors, however, are expected to deal competently with such cases on a daily basis.
- Rape cases are always allocated to a specialist or champion and the Unit Head with lead responsibility for Crown Court cases takes an active role in selecting appropriate counsel. The CCL takes an active role, often at an early investigative stage, in relation to cases of particular sensitivity such as homicide or police operations and is contactable out-of-hours where demand requires.
- The Area has actively sought to cultivate a strong media profile and has established effective communications with local press agencies, regularly submitting articles for publication in high profile cases of particular local interest. It is responsive to local crime hotspots which have included drugs operations and concerns expressed by specific sections of the community.
- The last OPA identified that flagging of sensitive cases on CMS was inconsistent and the Area has delivered training in the last two years to improve performance. Reality checks confirmed that racially and religiously aggravated cases were correctly identified on CMS, however the flagging of cases with identified victims was less consistent and occurred in only six out of ten cases.
- Performance in respect of sensitive cases is considered monthly and quarterly at the SMT and unit quarterly performance meetings, where hate crime is a set agenda item. These are both chaired by the CCP. Performance information is discussed and any actions arising are delegated to a named individual, usually the relevant champion, who is responsible for disseminating information to staff and implementing decisions. Progress is reported back to the SMT within a set time frame. Revisions to CPS policies and implementation of HMCPSI thematic reviews is

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

initiated through the SMT meetings and promulgated to staff by champions. In November 2006, the Area consolidated joint practices with the police for dealing with road deaths in a working practices agreement and has incorporated the objectives set out in the national rape action plan into a local action plan for 2007-08. Area champions for domestic violence and rape offences attend multi-agency meetings where performance is considered.

- Cases cannot be discontinued, dropped or charges reduced without the express authorization of a Unit Head. The proportion of hate crimes that result in unsuccessful outcomes in 2006-07 was better than the national average at 26.8% compared to 32.8%. Of the sensitive cases which did not result in a successful outcome in 2006-07 the majority were recorded as being due to victim difficulties in domestic violence cases. The CPS is party to a specialist domestic violence protocol drawn up in relation to the cases heard at Teesside Specialist Domestic Violence Court. A robust stance is taken in pursuing cases heard at that venue and reality checks showed that domestic violence cases were handled well. The Area is represented at the local domestic violence forum, which is a signatory to the protocol, although feedback from criminal justice partners has indicated that greater CPS strategic input would be beneficial in setting up the domestic violence scrutiny panel, due to commence in 2008.
- Our reality check showed that duty prosecutors considered and applied CPS policy in respect of sensitive cases at the charging stage and thereafter. In five out of ten racially and religiously aggravated offences cases examined a conviction resulted which took account of the aggravating circumstances. In two cases, pleas were accepted to non-racially aggravated offences due to circumstances on the day of trial. Domestic violence cases were prosecuted appropriately and, where right to do so, applications for witness summonses were made. Three homophobic crimes were dealt with in 2006-07 which resulted in guilty pleas. The Area has identified the lesbian, gay, bisexual and transgender community as a disadvantaged section particularly at risk of disengagement with the criminal justice system and has included an action plan in relation to homophobic crime in the 2007-08 Area Business Plan.
- The Area promulgates its strategy concerning children through the well-established Youth Offending Team, but has yet to establish direct links with the Local Safeguarding Children Board. The 2007-08 Area Business Plan, although detailed, does not contain any specific objectives concerning the safeguarding of children.



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

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

- Despite a considerable amount of work completed by the CCL, who is the Disclosure Champion, performance has declined since the last OPA when the Area was rated as 'Excellent'. At the beginning of the year, the CCL delivered disclosure training to all lawyers, caseworkers and DCWs and conducted a comprehensive review of disclosure practice completing two reports for senior management, one in March and a second in September. Reality checks indicated that the practicable steps for improvement recommended by the CCL have not been successfully implemented.
- Initial disclosure was not dealt with well, although performance was better in the Crown Court than in the magistrates' courts, with compliance of 60% and 20% respectively. Schedules, whilst signed and dated by the reviewing lawyer, often failed to indicate whether an item was discloseable or not. It was not clear whether the standard items submitted by the police had been examined by the reviewing lawyer or if the police disclosure officer's assessment had been relied upon to determine discloseability. This was exacerbated by the absence of a disclosure record sheet which had not been completed in any of the cases examined.
- The duty of continuing disclosure was properly complied with in 80% of the cases in our sample. Disclosure folders were used on the Crown Court files and were generally presented in good order. Disclosure folders were not present magistrates' courts cases, which did not separate this material from the remainder of the paperwork. Deficiencies in the magistrates' courts processes, however, have not lead to a significant proportion of those cases being ineffective.
- CQA is utilized to monitor compliance with the duty of disclosure, but it is not being applied with sufficient robustness to provide a realistic picture of performance. The Area's CQA assessment indicated 100% compliance with the disclosure duty, which was not confirmed by the CCL's in-depth review or by reality checks carried out as part of this assessment. Whilst the Area monitors unsuccessful outcomes and cracked and ineffective trials, this does not provide a comprehensive analysis of disclosure performance and there is no evidence that individuals are being actively managed in this regard.
- Caseworkers chase absent and late defence case statements and, ultimately, will request a case to be listed for 'mention' if it has not been received. When defence case statements are received, these are sent to the disclosure officer by the caseworker and the action noted on the CMS. Our reality check showed that disclosure officers did not always return the appropriate form (MG6E) recording their opinion as to whether any additional material should be disclosed and the defence were not written to in reply in all cases.

- Cases involving particular sensitivity are dealt with by the CCL who has established links with the specialist police units, including the Cleveland Intelligence Bureau. In other circumstances, sensitive material cases will be brought to the attention of the Unit Head with lead responsibility for the Crown Court. In most instances the material itself is kept by the police, but where it is supplied with the file, it is stored securely. In either case, the material is generally considered during meetings with the police. The sensitive material schedules are retained on the CPS Crown Court file within the disclosure folder. Our reality check showed that, in the two cases where sensitive material had not been dealt with correctly, this related to a failure to request a sensitive material schedule from the disclosure officer where none had been provided with the file. The Area has an agreed protocol for dealing with third party disclosure which works well. In both cases where the duty arose it was clear that all parties, including the defence, were aware of and followed the protocol. Where public interest immunity applications were required, these were recorded on CMS.
- The Area has ensured that counsel and HCAs are aware of and apply the Crown Court disclosure protocol and where instances of disclosure outside the Criminal Procedure and Investigations Act occur, these are monitored and reported on by the Unit Head. The Area has worked to reduce inappropriate disclosure orders made in the magistrates' courts by actively challenging them and their incidence has decreased since this policy was adopted.
- The last OPA noted that the CPS should have direct input into police training, or some joint training, on disclosure. The Disclosure Champion provided training in February 2007 and has continued to do so on an ad hoc basis, although it there is no agreement to provide this formally or undertake regular joint disclosure training.

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

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

- There is a written custody time limit system which was last updated in April 2007. It generally complies with CPS national guidance although it does not include all the essential guidelines, for example there is no requirement to double check the expiry dates; monitor either way offences for 56 days initially; specify which time limits apply; or to review Crown Court cases one month before expiry.
- The system requires the prosecutor in court to agree the expiry date with the court and endorse this on the file. The Area considers the subsequent logging of the expiry date on CMS by an administrator to comply with the requirement for double checking. Our reality checks confirmed that good use is being made of the system with dates correctly logged and actions recorded. However, there is a risk that where the prosecutor does not endorse the CTL on the file at court, the calculation and recording in the manual diary and on CMS will be then completed by one individual with no double check. Only one file in our sample was endorsed to show the prosecutor had confirmed the CTLs in court and in this case the calculation was incorrect, although it was subsequently corrected when entered into the office systems.
- There is a CTL Champion whose role entails the dissemination of case law; updating the CTL system; delivering training and conducting an annual review of the CTL system by dip sampling a number of cases across the Area. As a result, detailed and comprehensive reports have been produced highlighting areas of risk and making recommendations to improve performance. Some issues such as poor magistrates' courts endorsements have been raised in successive reports, but despite this little action has been taken to address areas of concern.
- Our reality check of six CTL files confirmed many of the findings in the champion's reports. All CTL and review dates were correctly calculated and noted in the manual diaries. The Crown Court files were handled better than those for the magistrates' courts, which were poorly endorsed and in two cases it was difficult to work out the date when the defendant had been remanded in custody. This was not assisted by the failure to endorse 'CTLs apply' as per the Area guidance. Two files did not have review dates.
- There have been no CTL failures in 2005-06, 2006-07 or in 2007-08 to date.
- The last OPA identified the need for local agreements to be developed with the Crown Court concerning the calculation and verification of expiry dates. This is yet to be achieved, although there have been no difficulties with the informal arrangements that exist for listing cases for CTL extensions.
- Although the system requires Unit Heads to undertake dip sampling and provide a monthly assurance to the CCP, this is not undertaken. The Area relies on the annual report by the CTL Champion and monitoring of CMS task lists by the Business Managers for assurance of the soundness of the system.

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

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

- There are effective systems in place to comply with the Victims' Code and the Direct Communication with Victims scheme (DCV). Staff are aware of the requirements and the CCP re-affirmed the importance and priority of both initiatives at a full staff meeting in March 2006. It is intended to repeat the awareness training for all staff in due course. The DCV commitment is discharged by the DCV Unit located in the CPS office in Middlesbrough, which has a single DCV co-ordinator who is managed by the Crown Court Witness Care Unit (WCU) manager. The WCUs are responsible for all other communications with victims, but serve to act as a prompt to the DCV Unit when a communication is required.
- CPS performance in respect of DCV is measured against a proxy target, a calculated estimation of the number of letters that ought to be sent out. This target is subject to revision across the year and Cleveland's has reduced from 125 letters per month in 2005-06 to 86 in 2006-07 and is presently at 78 per month. Performance varied since the last OPA with some months producing a low return (20.7% in December 05) whilst others were higher (91.9% in February 07). The Area identified the problem to be an absence of cover for the DCV co-ordinator and took steps to address this. Recent performance has much improved and an average of 138.4% of letters against the proxy target were returned between April-September 2007.
- Timeliness was less of an issue and performance was above the national average for 2006-07 with 85% of letters sent within five days, compared to 73%. CMS is used to manage the process and a quality check of DCV letters is conducted by the WCU manager by dip sampling. Reality checks showed that DCV letters were generally well drafted and included the correct information although, very occasionally, did not eliminate some unnecessary paragraphs which could cause confusion. DCV communications in respect of vulnerable or intimidated victims are notified to the WCU manager at the end of each day, who then informs the DCV co-ordinator.
- At the pre-charge decision (PCD) stage, it is the responsibility of the police officers seeking advice to produce an assessment of any special measures requirements on a specific form and discuss the matter with the duty prosecutor accordingly. The No Witness, No Justice (NWNJ) report highlighted in September 2006 that there was a need to improve the provision of special measures information at the PCD stage; assessment forms were not being completed effectively and a problem persisted with video recorded witness statements which were not accompanied by an assessment form. In response, the Area has delivered further training to both lawyers and police Custody Management Officers in the completion of assessment forms and emphasised the need for such matters to be raised with the charging lawyers. Our reality check showed that special measures requirements are being considered at the PCD stage in the majority of cases likely to require them and appropriate applications were being made, but that the early provision of detailed victim and witness information could be improved.

- Responsibility for informing victims and witnesses of the progress of their case and warning them to attend court is discharged by the WCUs. Feedback from criminal justice partners indicates that communication has generally improved and that a good working relationship has been developed with the Witness Service at court. Witness Care Officers (WCOs) utilise a log to record communications with and information from witnesses, as well as recording events on the Witness Management System, which links into CMS. Where additional witnesses are identified or a subsequent change of circumstance arises further special measures requirements are notified to the lawyer and caseworker by the WCU. Prior to trial, the WCO conducts a needs assessment for victims and witnesses.
- In the magistrates' courts, witnesses are warned by the WCO once a not guilty plea has been entered and the list of witnesses required to attend court (LWAC) for the trial is produced and sent to the WCU. Not all cases at the Crown Court are listed for a PCMH and the Area initially sends an LWAC to the WCU warning all witnesses in a particular case. A further LWAC is sent once the defence have made their witness requirements known. This procedure is administratively somewhat convoluted and places a high degree of reliance on timely defence communications to avoid unnecessarily warning witnesses for trial who need not attend. This situation was highlighted in the September 2006 NWNJ report action plan as a matter that requires addressing.
- There is no systematic monitoring of compliance with the Prosecutors' Pledge. The Area relies upon feedback from partner agencies, the judiciary and, in the Crown Court, caseworkers to inform managers where individual prosecutors do not discharge their duty to victims and witnesses to an acceptable standard. Caseworkers who attend the Crown Court are experienced and aware of their duties in respect of witness care. Feedback from criminal justice partners indicates that performance has generally improved in the Crown Court since the last OPA, but less so in the magistrates' courts.

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

- There are three WCUs with a combination of police and CPS staff, two dealing with magistrates' courts cases and the other with those in the Crown Court. Teesside Magistrates' Court WCU is located in the CPS office at Middlesbrough and managed by the police, Hartlepool Magistrates' Court WCU is at Hartlepool Police Station and also managed by the police, and Teesside Crown Court WCU is based at the court centre and managed by the CPS.
- The CPS has been the principal agency in driving forward victim and witness considerations through NWNJ. The 2006 NWNJ report acknowledges the commitment made by the CPS as it has provided five additional WCOs to ensure the required level of service is provided.
- The Area has worked hard to achieve the minimum requirements under the scheme and the sign over review in September 2006 concluded that eight of the 12 requirements had been fully achieved, three partially and only one not. An action plan was incorporated into the review and identified both strategic and practical aspects for improvement. The Area has progressed in some measure with the latter, most notably by improving communication with the WCUs and streamlining the information gathering process in the Crown Court unit, whose manager attends a number of multi-agency meetings.

- The WCUs each produce discrete performance reports which are also combined to produce an Area report. These are considered on a multi-agency level at the Local Criminal Justice Board (LCJB). Performance against the five primary measures in 2006-07 was mixed, being better than the national average in two, but worse in three. More recently however, the Area has improved witness attendance rates which reached 97% in the Crown Court and 82% for Teesside Magistrates' Court for September 2007. The Area is aware that performance needs to be improved at Hartlepool Magistrates' Court, where witness attendance was only 68% in the same month. This, along with issues relating to defence engagement with local justice, needs to be addressed by the LCJB and was highlighted in the NWNJ sign over report, but has yet to be resolved. Performance is communicated actively to WCU staff, but less so to other individuals who receive information and feedback through the local CPS intranet and bulletin board.

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

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

- The Area has a clear sense of purpose. Its aims and objectives are clearly set out in the Area business plan which is based on the national plan and linked to the CPS national targets as well as to local needs. Public Service Agreement targets are included in a summary of Area targets, but not in the main body of the plan. The plan identifies an accountable person, usually a member of the SMT, and a lead for each strategic issue and actions and milestones for delivery are included.
- The plan is reviewed at SMT meetings, initially on a monthly basis but more recently SMT has agreed to discuss it in-depth only quarterly. Reviews lead to agreed actions which remain on an action list, circulated at each meeting, until they are completed. New initiatives are also discussed and plans put in place, but the Area business plan itself is not amended during the year.
- Each unit, including the Area Secretariat, has its own business plan which sets out how that unit will contribute to delivery of the key objectives. These are discussed and progress monitored at unit quarterly performance review meetings.
- Individual Personal Development and Review plans (PDRs) do not fully reflect the Area's key objectives but tend to focus on specific targets or processes where improvement is required, such as timeliness of committal preparation or CMS data entry.
- The LCJB has produced a detailed delivery plan but the Area has limited involvement in the planning process. Delivery of this plan is monitored by the LCJB Performance Sub-group at which the CPS is represented by the Area Business Manager (ABM).

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

- The current Area structure, which had just been introduced at the time of the last OPA, is now embedded and meets the Area's needs. Operation of the new structure has been reviewed and further developments such as the move of staff from Hartlepool into Middlesbrough have been successfully implemented. Other changes which were well managed include the introduction of statutory charging and the implementation of NWNJ.
- The CPS took the lead on conditional cautioning which was introduced in March 2007 but has not yet become fully established and a strategy to raise awareness within the police is being put in place. The Area has taken part in planning the implementation of CJSSS, but as this only rolled-out in October 2007 it is too early to measure its success.

- There is no change manager and project managers for new initiatives are identified on the basis of skills and experience. These are usually, but not invariably, SMT members. Where appropriate, such as for the accommodation move in Middlesbrough, small working groups are established comprising members of staff with relevant knowledge and skills to deal with particular aspects of the project. There is limited use of formal project management techniques or documentation, but standard templates have been adopted for nationally-led initiatives and reports are submitted to SMT.
- Where necessary, such as with NWNJ and conditional cautioning, as part of the project plans are produced which cover the training needs of all agencies involved.
- Change programmes are reviewed on an on-going basis. For example, the Local Implementation Team set up for the introduction of CMS continues to meet to oversee the implementation of new software releases and to deal with other IT-related matters, and there are bi-monthly review meetings to resolve operational issues in the WCUs. Actions are taken in response to needs identified, such as training.
- CPS Headquarters assessed in the 2006-07 Area Performance Review that the Cleveland's analysis of risk was severely underdeveloped and counter-measures for risk were not properly identified and managed. The new risk register for 2007-08 attempts to address these issues and identifies four areas of risk with which the Area is most concerned. These focus on matters related to the accommodation move (now completed), unsuccessful outcomes, sick absence and CJSSS. Other potential risks, such as declining resources, have not been included. Risk is not regularly reviewed in a structured way and risk management is not fully incorporated into the change delivery process.

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

- The planning of training is not an integral part of the business planning process, although links are made in the programme to requirements emanating from the Area business plan and from needs identified in individual PDRs.
- The training programme consists of a list of classroom-based courses which include diversity issues, such as prosecuting racially and religiously aggravated cases, Islam awareness and human resource matters, as well as essential and relevant legal and skills training.
- The Area recognises that effective learning and development can be achieved in other ways, such as involvement in project groups and job shadowing. In addition to formal training courses staff are actively encouraged to broaden their experience by acting up to higher grades or by covering for absent staff, and are given support to do so.
- All lawyers, except those in a trainee grade, have attended the Proactive Prosecutor Programme training stages 1 and 2. Induction is provided for all new staff and includes a welcome pack containing basic introductory reading, and a week spent gaining experience of work in different sections of the office.



- Access to training, other than that which is compulsory, is by application to the line manager and ABM and is normally granted as long as the training is relevant and suitable. Courses are usually delivered at least twice on different days, so that staff with different working patterns may attend.
- There is no structured evaluation of training but progress is reviewed by a learning and development group comprising a cross-section of staff. The group has initiated additional training such as that provided for administrative staff acting up in caseworker roles. There is some evidence that training has been effective, for example in improving the use of CMS to record file reviews, charging decisions and an increased level of community engagement by different grades of staff. However despite training in unused material delivered to lawyers, the latest assessments of the operation of the disclosure regime have identified continuing weaknesses, and further training has yet to be provided.

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

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

- In 2005-06 the Area had a small overspend, but in 2006-07 operated within its administrative costs budget.
- The budget is tightly controlled and all expenditure must be approved by the ABM. There is no devolution to Unit Heads, but they are kept informed of the position by the ABM. Value for money is a key focus of budget management and savings resulting from the move to new accommodation have been sought. A staff capacity review exercise has been carried out to examine roles and responsibilities, with the aim of reducing duplication and improving efficiency of processes.
- Summary budget reports are included in the monthly performance pack and discussed at SMT meetings. Outturn is forecast using accurate data on actual salaries and anticipated commitments are factored in. Expenditure is cross-checked against monthly management reports from the accounting system to ensure accurate recording.
- There is a fees clerk who processes all counsel fee payments under the graduated fee scheme (GFS). Expenditure on prosecution costs is monitored and reported to SMT monthly and information is provided to the ABM about cases coming up which may impact on outturn. In March 2007, although 99% of payments under GFS were within four months of the last hearing date, only 62% were paid within one month. This was an improvement from the quarter to December 2006 when only 41% of payments were for cases finalised within the previous month. This was attributed to a number of late payments for cases from the Special Casework Unit and to chambers submitting their payment requests late. Action has been taken to correct this. The Area has no cases under the very high cost case scheme other than Court of Appeal matters.
- Savings on counsel fees resulting from HCA work in the Crown Court have been used to recruit additional lawyers and fund the use of agents, with the aim of freeing up in-house lawyers for case preparation to improve the quality of casework and enable them to meet their charging responsibilities.

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

- The current structure was created in 2005. A decision was taken in 2007 to move all staff from the co-located unit in Hartlepool into the main office in Middlesbrough, as its continued existence as a separate unit was no longer considered viable because of a falling caseload and reduced court sittings. Adjustments are made to staff numbers within units as required to ensure equitable distribution of work and spans of management control, and to respond to any short or medium term needs such as sick absence or maternity leave.

- The capacity review exercise conducted in autumn 2006 identified changes to individual roles and highlighted the additional capacity released by a falling caseload and reduced charging and court commitments. All managers focused on ways of adjusting jobs and rotas to make the most efficient use of time. This is a continuing process.
- Lawyers (including HCAs) and DCWs are expected to cover six half day sessions per week in court or charging centres. This is usually but not always achieved. In 2006-07 there were six DCWs, but because of maternity leave and long term sickness only five were available for much of the year. DCWs did not initially undertake the full range of courts available to them, such as early administrative hearings, and covered only 870 magistrates' courts sessions (16.5% of the total) against a target of 22%. Teesside Magistrates' Court listing practices are sufficiently flexible to allow more DCW coverage. In 2007-08 deployment has increased and in October 2007 23% of courts were covered by DCWs.
- The Area has very high agent usage. In 2006-07 30.1% of magistrates' courts sessions were covered by agents (national average 19.6%). This was a deliberate strategy in order to allow lawyers more time in the office for case preparation to help maintain standards of casework, but it has created an over-reliance on agents. The SMT recognise that this cannot continue as budgets become tighter and in the six months to September 2007, average agent usage had reduced to 21.2%.
- The Area has increased its HCAs year-on-year and now deploys ten. In addition there are two others who are qualified but do not undertake HCA work. One is on a career break and the other a Unit Head. Although there is no documented advocacy strategy the Area's approach is to use HCAs to improve casework quality, meet financial targets and develop staff.
- HCAs are assigned to the combined units and undertake charging work and some magistrates' courts advocacy as well as Crown Court advocacy. In 2006-07 £134,009 was saved on counsel fees, exceeding the target of £78,357. However the average saving per session was £225.99, below the national figure of £338.96. This reflects the blend of work to which the HCAs were assigned, covering committals for sentence, trials and applications where higher rights were required, but few PCMHs. To some extent this was unavoidable as they are not held for all cases at Teesside Crown Court. In 2006-07 HCAs prosecuted 126 trials as sole advocate and acted as junior in one.
- The average number of days sick absence per person in the 12 months to March 2007 was 9.5, against a target of seven (national average 8.5). 48.3% was due to long term absences which the Area regarded as unavoidable as they related to serious illness, operations and pregnancy-related sickness. Managers are proactive in undertaking return to work interviews and taking action where necessary, and training has been delivered to all staff to raise awareness of the need to reduce absence and of absence procedures.
- There is a high proportion of staff (approximately 40%) with flexible working patterns, including part-time and compressed hours. All applications are considered by the line manager and the ABM in the light of the business need and staff may be required to adjust their proposed working patterns accordingly. A spreadsheet record is maintained to ensure that all flexible arrangements are harmonised.

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

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

- A performance pack is produced monthly and circulated to SMT members. It contains data on key performance targets shown month-by-month. Some of the data is broken down to unit level but there is little commentary or analysis. A comparison with other CPS Areas is provided annually but not in the monthly pack.
- Discussion at SMT is limited to an overall perspective and to areas of concern but more in-depth discussion takes place at quarterly performance meetings between the CCP, ABM and unit managers. All key aspects of performance are covered, with action lists produced and followed up at subsequent meetings.
- Staff are made aware of the Area targets at the annual staff days, and information on performance is circulated via e-mail and through the intranet. Graphs showing performance are placed on one office notice board. Performance is discussed at some team meetings, more commonly at those attended by caseworkers and administrative staff, as meetings of lawyers are infrequent. When it is discussed improvement action or further monitoring is agreed.
- Data quality checks are undertaken by Unit Heads as part of their routine checking of unsuccessful outcomes and the Performance Officer carries out dip sampling of all results entered onto CMS to ensure accuracy. Aide memoires showing finalisation codes have been laminated and supplied to all relevant staff.
- Actions agreed at the quarterly unit performance meetings focus on areas where improvement is required, but they usually concentrate on additional monitoring and investigation rather than process change. A capacity review exercise in 2006 led to revised operational systems designed to reduce duplication and streamline processes. These continue to be reviewed at an operational level. A process log system has been introduced which identifies blockages and weaknesses in the system as well as highlighting individual performance.
- Senior managers take responsibility for performance improvement and all managers are engaged in the process through discussion at Area Management Team (all managers) meetings. However, individuals are not routinely held accountable for their own performance and this has led to a lack of robustness in making improvements, for example the names of individuals identified in the review of disclosure as not meeting their responsibilities were not passed to their managers so that action could be taken to improve performance.
- Performance appraisal is used inconsistently as a tool for improving performance. Objectives set for caseworkers around timeliness of counsel fees processing have led directly to improvement in performance, but in-year reviews are conducted no more than once a year and no action is taken if individuals fail to meet their objectives.

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

- The Area is represented on a number of inter-agency performance groups by a range of staff at a senior level. These include the LCJB Performance Sub-group which the ABM attends and has initiated action to improve performance, for example it sponsored a joint agreement and action plan to reduce the backlog of outstanding warrants. There are also cracked and ineffective trial groups although the Crown Court group meets only if performance dips below target level.
- The CPS continues to monitor police file quality and timeliness through JPM and the return rate of the monitoring forms. Similar data is also collected through an internal system and is shared with the police, but it is not clear whether this has any benefit to the Area or makes any impact on performance. PYO performance has been improved recently as a result of the tracker meetings being held by the relevant agencies.
- There are a number of forums where performance is discussed with the police and the Area is invited to attend and feed in to internal police groups discussing operational issues which affect performance. However, bilateral discussion with the courts is limited to the cracked and ineffective trial meetings and to six monthly court user group meetings which are too wide-ranging to be effective in addressing performance issues.

**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**

- The return rate for CQA forms was worse than the national average for three out of four quarters in 2006-07.
- Performance indicated by the CQA returns does not correspond to the analysis from other review exercises undertaken in the Area, for example on disclosure. On occasion aspects of performance have been marked as satisfactory even though comments on the assessment forms indicated failings in the handling of the case.
- CQA results, other than the return rate, are not included in the monthly performance pack and SMT does not consider the findings of the analysis. Serious concerns are taken up at the time with individuals if required but if failure to meet the standard is considered to be an isolated incident it is not discussed, unless similar issues arise again. Otherwise feedback, both positive and negative, is reserved for the annual appraisal report. If common issues emerge from the analysis guidance is circulated to lawyers by e-mail.
- Managers prefer to rely on other monitoring systems such as unsuccessful outcome reports to assess casework quality. However, key issues arising from any monitoring are not fed back to staff.
- A system of monitoring counsel who prosecute trials has recently been introduced. This is done by caseworkers who report back any concerns, which are then taken up with the counsel's clerk by the Unit Head with lead responsibility for Crown Court matters. HCAs are also included in this process. Neither counsel nor HCAs are monitored in any other type of hearing and they are not routinely observed by senior managers.

- There is no formal monitoring of agents prosecuting in the magistrates' courts, but they are required to refer all decisions to a Unit Head who can make an assessment of performance in conjunction with that referral. Feedback is received from other court users.
- Monitoring of in-house lawyers is carried out on an ad hoc basis by Unit Heads when they are at court for other matters. The majority are seen at least once a year and feedback is given via the appraisal system, but there is no structured assessment of performance and monitoring is not documented.

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

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

- The business plan in its introduction sets out the core values of the Area. Staff were invited, at the annual staff day, to create a mission statement which has been adopted. Neither the values or the mission statement appear in any other documents or on notice boards, but the Investors in People report published in October 2007 suggests that they are implicit in the way the Area conducts its business. Nevertheless, only 59% of those responding to the 2006 staff survey were aware of the Director of Public Prosecutions' 'Building a World Class Prosecution Service' document (national average 79%) and only 32% had the opportunity to discuss it (national average 59%).
- There are no formal terms of reference for the management groups that exist, but members of the SMT each have defined responsibility for a major area of work and for achievement of key strategic objectives. In addition, an Area Management Team comprising all managers meets quarterly and is used as a means of cascading information as well as consulting and involving managers in decision-making. The business plan is drafted by the CCP and ABM but discussed with the SMT and all staff before it is finalised.
- The SMT works well as a team and consistent messages are communicated within the group. Minutes of meetings suggest that they are constructive and positive. All members of the team keep their colleagues well informed about their activities through a monthly 'reporting back' agenda item. A quarterly newsletter the 'Cleveland Communicator' was produced until early 2007. It contained business-related news and social items and had an attractive and professional appearance and style. It was also used to send messages about the aims and objectives of the Area and to highlight good performance. This was replaced before the accommodation move by regular updates about the move and has not so far been re-introduced.
- Staff days are held annually, away from the office and attended by all staff, and are a key part of the planning cycle. Area practice is to involve staff in planning changes as much as possible, through working groups and by explaining the reasons behind decisions. This was particularly evident in relation to the office move in 2007. The CCP and ABM hold 'talk to us' sessions, where groups of staff are able to discuss any issues they want to raise.
- Senior managers do not as a matter of routine visit the other offices (Hartlepool until 2007 and now the police custody suite in Middlesbrough) but do make themselves available to staff when attending there for meetings.
- Team meetings are not routinely held, although they may be called on an ad hoc basis. In the 2006 staff survey 41% of staff said they had regular team meetings (national average 61%), whilst 44% against a national average of 56% said that they had effective team meetings. There is frequent communication by e-mail and by informal face-to-face discussion. 51% of staff said that the CPS did a good job of keeping them informed, against a national average of 42%.

- There is a constructive relationship with most criminal justice partners through the LCJB and other groups, and there is understanding of the CPS's needs on the part of other agencies, which has been fostered through formal and informal channels. For example interaction at an operational level with court case progression officers has improved their appreciation of prosecution requirements, and there has also been effective agreement with the courts about listing arrangements.
- The Area leads on a number of criminal justice system projects. The former CCP was the Senior Responsible Officer for the Victims' Code and Unit Heads lead on charging and conditional cautioning.
- Lessons have been learnt from success and failure. For example, the PYO tracker meetings were re-instated when performance dipped after they were discontinued and arrangements for duty prosecutor cover under statutory charging have been reviewed and changed in the light of experience.

**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 Area adopts a sliding scale of methods of acknowledging and rewarding good performance, from a verbal word of thanks, letters from the CCP and ABM, and small gifts, through to bonus payments. These are used according to the level of extra commitment or good performance identified. Whitley Council is informed that rewards have been given so that there is awareness among other staff.
- 75% of staff who responded to the 2006 staff survey said that they were treated with fairness and respect. The national average is 64%. Following the move to new accommodation a set of 'house rules' was introduced, which give guidelines on behaviour and conduct in the office.
- There have been no formal complaints made by staff about their treatment but one incident was satisfactorily dealt with by informal action.
- There is not a separate equality and diversity plan but the business plan identifies this as a strategic issue and contains a number of actions, mainly around improved recording of data. The ABM acts as the Equality and Diversity Champion, but is not formally designated as such.
- Staff reflect the make up of the local community in relation to black and minority ethnic groups and the workforce representation plan focuses on maintaining this position. It does not specifically address representation of disabled people.
- There have been no complaints from staff about prejudice or the formation of cliques. Seating arrangements in the new office mix lawyers and caseworkers together and police personnel working in the WCU are included in office activities and social occasions. When the Hartlepool office moved into Middlesbrough in 2007, staff were able to express their preference for the section they wished to work in and were integrated into the various teams within the office.
- The policy on IT misuse is that a first time offender is spoken to by the line manager and in the event of any further offence formal disciplinary action would be taken, but to this date this has not arisen. Guidance on the CPS national policy on IT has been issued to all staff.



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

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

- The Area has improved its approach to securing the confidence of the community considerably since the last assessment, and managers show a high level of commitment. The Business Plans for 2006-07 and 2007-08 contain community engagement objectives with appropriate actions and milestones, although the earlier plan contained less detail. The ABM is the named lead for community engagement. Unit plans contain objectives linked to the community engagement objectives in the Area plan.
- Community confidence has now become an integral part of core business although the Area is still in the early stages of developing its strategy and, in particular, determining where to focus attention. The Area Planning Day included a presentation on community engagement by the CPS national Equality and Diversity Officer and all staff were tasked with devising personal objectives to support the community engagement objectives in the business plan.
- The Area has arranged for representatives of community groups to deliver presentations to staff to encourage them to become involved in community engagement events. The community engagement log for 2006-07 shows a wide range of engagement by all grades of staff with diverse groups including those at risk of greater exclusion, for example with members of the Islamic community, the elderly, children's charities and Women's Groups.
- The ABM now chairs the Middlesbrough Race Case Group, a multi-agency group aimed at reducing racist incidents. Individual cases are discussed and the outcome of any actions taken as a result of the meeting are fed back to the complainant. As the results of the meetings have been positive, a similar group has now been set up to deal with homophobic incidents.
- The Area does not have complete, up-to-date demographics for Cleveland but has obtained a breakdown of black and minority ethnic demographics from the local council. The Area also has access to details of local community groups through its membership of the Middlesbrough Borough Council Community Cohesion group, through which it has established some invaluable contacts for engagement. When the CPS moved to their new accommodation an offer was made to donate unwanted furniture to a number of community groups which led to new contacts being established, for example with the Chinese community.
- Community engagement activity is recorded in a log. The Area classifies engagement events or activities as informative, participative and consultative and evaluates the benefits of its activities. A feedback form has been introduced which is used to focus future engagement and is now enabling the Area to make better links between community engagement and service delivery. Participation by staff in events was reported in the quarterly Area newsletter and a quarterly performance report is prepared and available to staff on the local intranet.

- The Area has been able to improve its service delivery as a result of community engagement activity. Following work with the Women's Advocates group a representative assisted the Rape Champion implement the rape action plan and deliver training to lawyers and caseworkers. This contact has provided a link between the reviewing lawyer and victim and resulted in the successful prosecution of several difficult rape cases.
- The CPS has developed a positive relationship with the media which has resulted in some favourable reports in the local and national press. A number of staff are media trained and have given newspaper and radio interviews. A joint media strategy has been developed with Cleveland Police following a high profile case concerning the first prosecution following the removal of the 'double' jeopardy rule.
- Despite the improved approach to community engagement and media relationships, the level of public confidence in the ability of the criminal justice system agencies in Cleveland to bring offenders to justice, as measured by the British Crime Survey, declined from 41.3% in June 2006 to 36.9% in December 2006 against a national figure of 42.3%.

## ANNEXES

### A PERFORMANCE DATA

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

	Magistrates' courts cases				Crown Court cases			
	National target March 2007	National performance 2006-07	Area performance		National target March 2007	National performance 2006-07	Area performance	
			2005-06	2006-07			2005-06	2006-07
Discontinuance rate	11.0%	15.7%	16.4%	12.9%	11.0%	13.1%	13.8%	16.0%
Guilty plea rate	52.0%	69.2%	68.5%	73.4%	68.0%	66.5%	69.2%	66.3%
Attrition rate	31.0%	22.0%	22.5%	18.3%	23.0%	22.2%	22.5%	25.2%

	National performance 2006-07	Area performance 2006-07
Charged pre-charge decision cases resulting in a conviction	78.0%	79.9%

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

	National performance 2006-07	Area performance 2006-07
Successful outcomes (convictions) as a percentage of completed magistrates' courts cases	84.3%	86.9%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	45.2%
Cracked trial rate	37.3%	35.8%
Ineffective trial rate	18.9%	19.0%
Vacated trial rate	22.5%	30.6%

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

<b>National target</b>	<b>National performance 2006</b>	<b>Area performance 2006</b>
71 days	72 days	69 days

*Offences Brought to Justice*

	<b>CJS area target 2006-07</b>	<b>CJS area performance 2006-07</b>
Number of offences brought to justice	16,558	20,535

<b>Percentage make up of Offences Brought to Justice</b>	<b>National 2006-07</b>	<b>Criminal justice area 2006-07</b>
Offences taken into consideration (TICs)	8.5%	4.25%
Penalty notices for disorder (PNDs)	10.3%	16.6%
Formal warnings	5.8%	1.6%
Cautions	26.5%	28.0%
Convictions	48.8%	49.5%

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

	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
Successful outcomes (convictions) as a percentage of completed Crown Court cases	77.7%	74.8%

<b>Trial rates</b>	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
Effective trial rate	48.2%	32.5%
Cracked trial rate	39.5%	55.8%
Ineffective trial rate	12.4%	11.7%

<b>Proceeds of Crime Act orders</b>	<b>Area target 2006-07</b>	<b>Area performance 2006-07</b>
Value	£293,077	£1,103,315
Number	69	40

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

	<b>2005-06</b>	<b>2006-07</b>
Non ring-fenced administration costs budget outturn	100.1%	99.8%

<b>Staff deployment</b>	<b>National target 2006-07</b>	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
DCW deployment (as % of magistrates' courts sessions)	17.2%	14.7%	16.5%
HCA savings against Area target	100%	138.4%	171.0%
Sickness absence (per employee per year)	7.5 days	8.5 days	9.5 days

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

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

<b>CJS area baseline 2002-03</b>	<b>2004-05 (last OPA)</b>	<b>Performance in 2006-07</b>
33.0%	40.0%	36.9%

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

### **Police**

Cleveland Police

### **HM Courts Service**

Teesside Combined Court Centre

Hartlepool Magistrates' Court

Langbaugh East Magistrates' Court

### **Victim Support**

Victim Support Teesside

### **Community Groups**

My Sister's Place

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