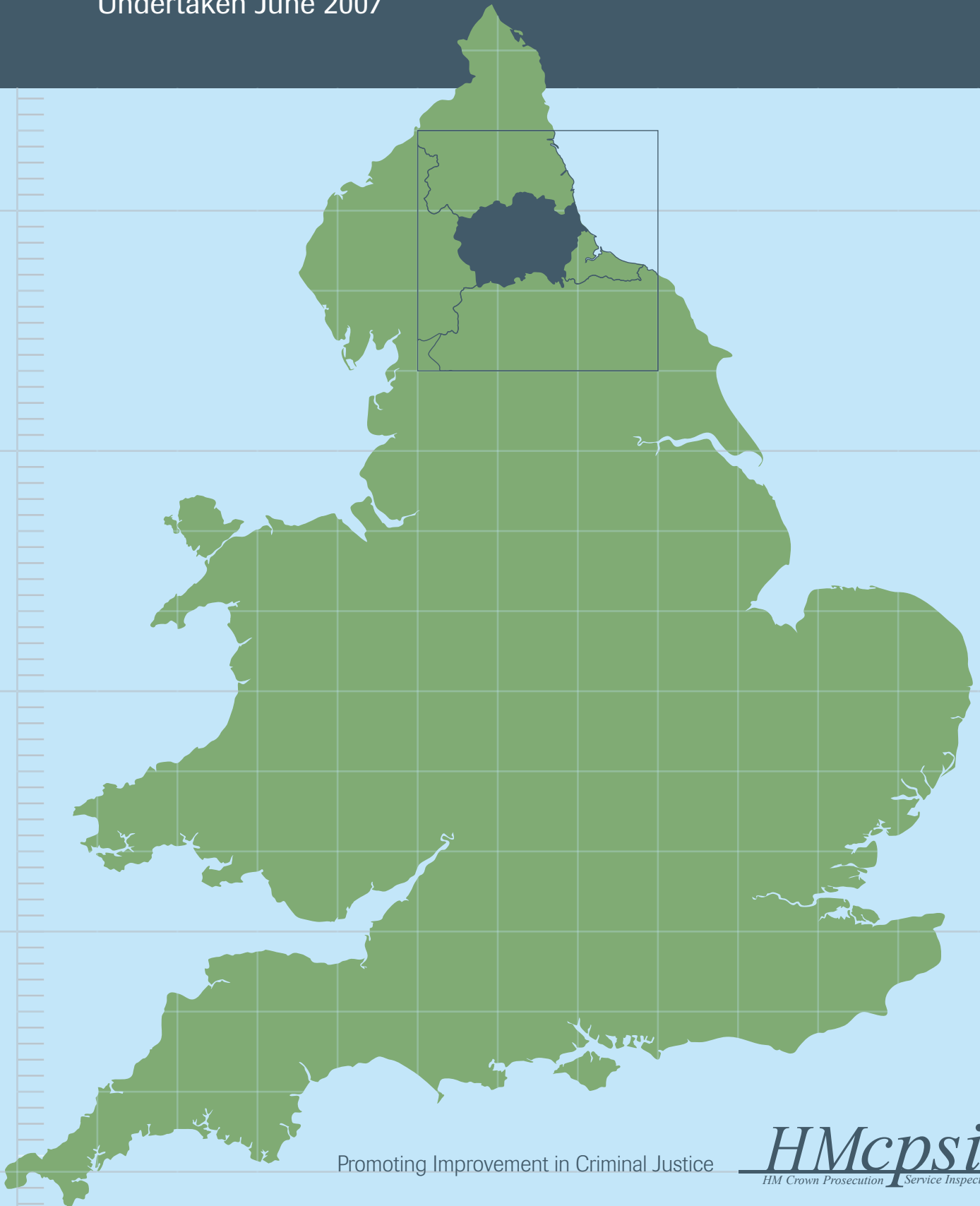


CPS Durham

# Overall Performance Assessment

Undertaken June 2007



Promoting Improvement in Criminal Justice

*HMcp*si**  
HM Crown Prosecution Service Inspectorate



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## LIST OF 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 Durham and represents a further assessment against which improvement from the previous baseline assessment in 2004-05 can be measured.

### **Assessments**

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

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

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

The table at page 7 shows the Area performance in each category, as well as the 'direction of travel' since the previous OPA.

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

### **Direction of travel grade**

This is a reflection of the Area's change in performance between the current assessment period and the previous OPA, that is between 2004-05 and 2006-07. The potential grades are:

**Improved** reflects a significant improvement in the performance;

**Stable** denotes no significant change in performance;

**Declined** where there has been a significant decline in performance.

## B AREA DESCRIPTION AND CASELOAD

CPS Durham serves the area covered by the Durham Constabulary. It has two offices, at Durham and Newton Aycliffe. The Area Headquarters (Secretariat) is based at the Durham office.

Area business is divided on geographical lines with a combined unit in the North of the county based in Durham and a combined co-located unit in the South at Newton Aycliffe.

During the year 2006-07 the Area had an average of 68.6 full time equivalent staff in post, and a budget of £3,263,184. This represents a 13% decrease in staff, and an 8.3% increase in budget since 2004-05.

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	76	Decisions resulting in a charge	4,492
Pre-charge advice (where available)	4,201	Decisions not resulting in a charge <sup>2</sup>	3,105

Magistrates' courts proceedings	2004-05	2006-07	Percentage change
(including cases previously subject to a pre-charge decision)			
Magistrates' courts prosecutions	11,135	10,497	-5.7%
Other proceedings	5	6	+20%
<b>Total Magistrates' courts proceedings</b>	<b>11,140</b>	<b>10,503</b>	<b>- 5.7%</b>

### Crown Court proceedings

(including cases previously subject to a pre-charge decision)			
Cases sent or committed to the Crown Court for determination	903	1,277	+41.4%
Committals for sentence <sup>3</sup>	155	219	+41.3%
Appeals from the magistrates' courts <sup>3</sup>	145	132	-9.0%
<b>Total Crown Court proceedings</b>	<b>1,203</b>	<b>1,628</b>	<b>+35.3%</b>

In 2006-07, 59.2% 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**

### **Context**

The Area has undergone a period of stability since the last overall performance assessment; the Chief Crown Prosecutor (CCP) who has been in post since May 2004 has had the time to embed vision, values and culture. In contrast there has been some disruption in relation to the post of Area Business Manager (ABM). During 2006-07 the experienced ABM left the Area on promotion, the post was filled on a temporary basis with a loan from an adjoining Area; the post is currently held by an experienced Unit Business Manager on temporary promotion. The Area needs to ensure that the uncertainty this may cause in conjunction with the departure of the CCP in July 2007 does not distract it from addressing new initiatives and delivering improvement.

### **Summary**

There is a corporate approach to leadership in the Area and to effective communication with staff. The Area also has a clear sense of what it wants to achieve and how to achieve it.

There is good joint planning with other criminal justice agencies . The Community Engagement Pilot has been particularly successful. The Area was one of the three sites chosen for the pilot; this incorporated the already well established Sensitive Case Courts as a strand of work. The pilot acted as a springboard to improve performance; all objectives were achieved and additional outputs and benefits realised. The Area is building on the success of the pilot with further work to take performance to a higher level. The Area has also recently introduced conditional cautioning and rolled out Criminal Justice; Simple Speedy Summary (CJSSS). Although it is too early to assess progress through detailed analysis, there are indications that as a result of CJSSS there has been an increased number of guilty pleas at first hearing. However, the Area needs to ensure that it does not lose sight of ongoing requirements for established initiatives once implementation has been achieved, for example there has been a downturn in performance since the last assessment in relation to pre-charge decision-making and the service to victims and witnesses. The Area needs to consider ways to improve performance against a backdrop of an ever increasing number of priorities.

Satisfactory arrangements are in place for the provision of pre-charge advice and decisions to the police and there is some joint analysis of the operation of the Area charging scheme. Almost all the benefits of the scheme have been realised, but discontinuance levels, particularly in the magistrates' courts cases require work. Performance information lacks analysis of trends, thus limiting the Area's understanding of their position against the national picture. Increased use of the prosecution team performance management (PTPM) information would enable the Area to improve analysis of performance and inform discussion with the police.

There is a strong commitment from senior management to meeting the needs of victims and witnesses, and appropriate procedures have been put in place to ensure that requirements are complied with, but they are not always followed rigorously. The Witness Care Unit (WCU) does not yet meet the minimum requirements.

The quality and timeliness of review is generally good and has been maintained since the last performance assessment; an effective casework quality assurance (CQA) mechanism is in place. The Area is striving to achieve greater file ownership of contested cases to increase accountability and an increased 'cradle to grave' approach for more of the work undertaken by the Higher Court Advocates (HCAs). The conviction



rates in the magistrates' courts (86% compared to the national of 84.3%) and the Crown Court (82.1% compared to the national of 77.7%) are better than the national averages. The Area also performs well against the national averages in nearly all the adverse case categories. There are appropriate structures and processes to monitor and analyse unsuccessful outcomes; lessons are learned and disseminated.

The handling of sensitive cases and hate crime has also produced some very good results. The structures, mechanisms and expertise are all in place to ensure effective management of this aspect of casework and the Area has achieved a better proportion of successful outcomes than the average nationally. The well established Sensitive Case Courts, dedicated to dealing with cases of domestic violence and hate crime (racial, religious and homophobic), have embedded a multi-agency approach.

The ongoing challenge for the Area is the quality and timeliness of police files; this has impacted on the timeliness of casework throughout the system and resulted in a higher rate of adjournments in the Area magistrates' courts than the national average. Joint performance monitoring is still used to assess police files although the Area is revisiting the system in order to obtain more meaningful data. The commitment of the Area and the police to CJSSS may be the most effective way of addressing the issue.

Case progression officers are in place across the Area, and caseworkers undertake case progression in the Crown Court on their own allocated casework. There is thorough analysis of ineffective trials by the Area and jointly with partners at various levels. The ineffective magistrates' courts trial rate at 17.5% compared well to the national average of 18.8% and was better than the local and national targets. However, the ineffective trial rate in the Crown Court was significantly worse than the national average (17.2% compared to 14.2%) and did not achieve the local or national target.

Good performance in complying with the prosecution's duties of disclosure has been maintained. The Area has taken steps to address systems and guidance in relation to custody time limits, to address the weaknesses highlighted during the last assessment. However, despite considerable efforts, the Area has had a failure in each of the last two years and needs to improve.

Performance in relation to persistent young offenders (PYOs) has been problematic. The agencies tackled the issue through the LCJB; the improvement in performance by the end of the year demonstrates the effectiveness of joint working. Public confidence in the criminal justice system in bringing offenders to justice in Darlington and County Durham has increased, as measured by the British Crime Survey, from 38.5% in June 2006 to 40.2% in December 2006 against a declining national trend.

The management of resources is generally good. Efficient use is being made of HCAs to make savings and to improve casework quality, but there is scope for much greater use of DCWs. Value for money continues to underpin most decision-making in the Area and that taken jointly with criminal justice partners.

### **Direction of travel**

The last overall performance assessment conducted in 2005 assessed CPS Durham as 'Good'. During this assessment of performance during 2006-07, overall the Area has maintained its level of performance and shown significant improvement in relation to community engagement and the handling of sensitive cases and hate crime. Despite the custody time limit failure during 2006-07 there has been an improvement in the management of this aspect of casework. However, there has been a decline in performance in relation to pre-charge decision-making and the service to victims and witnesses. Overall, the Area has structures in place which enable it to deliver new initiatives independently and in partnership with others, and to bring about improvements in relation to existing

work. However, as with other small Areas, resources are often stretched. Bringing new projects online and re-prioritising initiatives can impact on outcomes elsewhere; the Area needs to make sure this adverse impact is minimised.

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	Fair	<b>Good</b>	<b>Stable</b>
Ensuring successful outcomes in the Crown Court	Fair	<b>Good</b>	<b>Improved</b>
The service to victims and witnesses	Good	<b>Fair</b>	<b>Declined</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	Good	<b>Excellent</b>	<b>Improved</b>
Disclosure	Good	<b>Good</b>	<b>Stable</b>
Custody time limits	Fair	<b>Fair</b>	<b>Stable</b>
Delivering change	Good	<b>Good</b>	<b>Stable</b>
Managing resources	Good	<b>Good</b>	<b>Stable</b>
Managing performance to improve	Fair	<b>Fair</b>	<b>Stable</b>
Securing community confidence	Fair	<b>Good</b>	<b>Improved</b>
<b>OVERALL ASSESSMENT</b>	Good	<b>GOOD</b>	

## 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

- Prosecutors provide pre-charge advice and decisions from 9am to 5pm Monday to Friday at Durham, Bishop Auckland and Darlington, Monday and Friday at Consett and Tuesday, Wednesday and Thursday at Peterlee. An electronic appointments system is in place which is managed by the police custody officers. Appointments are scheduled for 45 minutes. Complex and specialist cases are allocated two appointment slots, and are dealt with by prosecutors with appropriate skills. The custody officers re-schedule appointments to accommodate urgent matters, such as cases involving PYOs.
- While most initial advice is face to face, there are also fax and telephone facilities to enable officers at Chester-le-Street and Newton Aycliffe to contact the charging centres for advice and decisions. Both the police and the Area are satisfied that an adequate provision is available.
- Systems are in place to ensure that officers are seeking early advice and police gate-keeping arrangements ensure that only appropriate cases are referred to prosecutors for a decision. Inappropriate requests from the police and disagreements between the police and charging lawyer are infrequent, but where such disparity does occur, this is resolved by escalation to the police Chief Inspector and CPS Unit Head.
- The supervision of police compliance with pre-charge advice and decisions, and the management of bail are undertaken by the police. Monitoring by the Area has been limited. The report, available on the CPS case management system (CMS) is not used to monitor cases. At the time of this assessment it showed a backlog of outstanding cases, on some of which action may have been taken, but which had not yet been recorded and reconciled on the system. Appropriate systems need to be in place to monitor outstanding ongoing cases, including better use of the available management information and prosecution team performance management (PTPM) reports.
- All the charging centres have access to CMS to enable the duty prosecutor (DP) to record pre-charge consultations and MG3s (the formal advice document) properly, including the recording of ethnicity and gender of suspects. In 2006-07 almost 100% of pre-charge consultations were recorded on CMS. In 96.5% of these cases the MG3 was promptly recorded. Reality checks confirmed this good performance. Ethnicity was recorded in 60% of cases; (in the other 40% ethnicity details had not been supplied).

- Appropriate arrangements are in place between the Area and CPS Direct (CPSD). The Area Business Manager and the Performance Officer provide activity reports and CMS management information to the Unit Heads who monitor police use of CPSD. Any issues of concern are raised by the Unit Heads with their police counterparts. Performance in relation to the recording of MG3s produced by CPSD needs to be improved; only 37% were recorded in 2006-07. The Area is aware of the issue and is currently looking at ways to resolve the matter.
- At the time of this assessment conditional cautioning had only been introduced in the north of the county in April and in the south in May 2007; it is too early to assess how effectively this was operating.

**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**

- The Area ensures that lawyers are aware of, and comply with, local and national policy. All prosecutors have received appropriate training, including pro-active prosecutor training, and the Area has encouraged subscription to CrimeLine. Policy circulars are disseminated through Area champions and Unit Heads dip sample compliance as part of the quality assurance checks. The Implementation Review Team visited the Area in February 2007 and reported that legal assessments and decision-making were of a good standard and that files contained good evidence of policy consideration for pre-charge decision-making. The reality checks confirmed these findings and that all appropriate issues are considered at the pre-charge stage.
- Prosecutors consider the confiscation and restraint of assets and other ancillary orders in all relevant cases. The Unit Heads monitor this as part of quality assurance; appropriate feedback is given to prosecutors. The Implementation Review Team found good evidence that victim issues and case progression had been considered at the pre-charge decision-making stage; however, in some cases, special measures and issues encompassed by No Witness No Justice (NWNJ) had not been considered. The reality checks revealed, in all cases examined, that all relevant victim and witness issues were considered.
- Monitoring systems are in place; the Unit Heads undertake a number of checks which include the examination of the quality of decision-making. Good feedback including examples of both good performance and areas for improvement is provided. Unit Heads also receive data from the Performance Officer on adverse outcomes, along with very limited PTPM information.
- Quality assurance of cases where no further action (NFA) is advised is limited and only considered when reviewing individual NFA files. There is no analysis of the PTPM reports which indicate the volume and reasons for no further action. There was only limited discussion of NFA rates with the police. Cases resulting in NFA are not regularly entered on the system therefore meaningful data is only available on a quarterly or annual basis. The NFA rate stands at 37.7% for 2006-07 against the national average of 31.9%. Further detailed analysis needs to be undertaken and discussed with the police to identify the true reasons for the current rates.

### 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%	12.0%	14.7%	11.0%	13.1%	14.6%	13.3%
Guilty plea rate	52.0%	69.2%	74.9%	73.8%	68.0%	66.5%	70.8%	75.1%
Attrition rate	31.0%	22.0%	17.9%	20.0%	23.0%	22.2%	22.9%	18.9%

- During 2006-07 the Area did not meet the national discontinuance rate target and performance was worse than the national average in the magistrates' courts. Performance in the Crown Court was better than the national target, but marginally worse than average national performance. The Area trends for discontinuance were erratic and showed a decline against an improving national trend. Guilty plea rates are better than national performance level and the trend remains stable. However, although attrition rates meet the national target and performance is better than nationally, the Area is showing a steady decline against an improving national trend.
- The percentage of pre-charge decision cases that resulted in a conviction in 2006-07 was 80.3%; this was similar to the average national performance of 80.0%.
- The Area, in conjunction with the police, is making use of some relevant reports to understand outcomes in pre-charge decision cases; however, only unit performance is examined and there is no benchmarking against similar CPS Areas or national data, and no consideration of previous performance to identify underlying trends. The Area needs to make better use of available performance information, particularly PTPM reports.
- Joint analysis of the operation of the Area charging scheme is undertaken. The Area has the necessary structures to take actions and communicate these to staff. Joint action is also taken with the police to improve the scheme, for example, the introduction of a jointly funded new bail diary and appointment system.

<b>2 ENSURING SUCCESSFUL OUTCOMES IN THE MAGISTRATES' COURTS</b>	OPA 2005	OPA 2007	Direction of travel
	Fair	<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%	10.0%
No case to answer	0.2%	0.3%
Dismissed after trial	1.9%	1.7%
Discharged committals	0.2%	0.1%
Warrants	2.6%	1.9%
Overall conviction rate	84.3%	86.0%

- The conviction rate in the magistrates' courts is better than the national average, although it is slightly down on performance for the previous year. The guilty plea rate has risen to 77% which is significantly better than the national average of 64.7%. The discontinuance, discharged committal and acquittal rates are also better than the national averages; however, performance in relation to the proportion of cases that result in the no case to answer is slightly worse.
- All unsuccessful outcomes are monitored and analysed by the Unit Heads; the reasons are identified, lessons are learned and disseminated. Discharged committals formed only 0.8% of committals heard. Unsuccessful outcomes are a standard agenda item at the monthly LCJB case management meetings attended by all criminal justice partners; this provides an opportunity for discussion.
- In cases where discontinuance is proposed the case will be referred to the pre-charge or reviewing lawyer. In their absence there is discussion with a Unit Head or senior lawyer and on occasions reference to the Chief Crown Prosecutor. In the north of the county all discontinued cases are monitored by the Unit Head with additional feedback from the police on the appropriateness of the decision to discontinue and whether there has been proper consultation. In the co-located unit in the south the police criminal justice unit (CJU) Inspector monitors all discontinued cases and the Unit Head undertakes dip sampling. The reality checks undertaken on CMS showed that nine out of ten discontinued cases were timely and there was evidence of consultation with the police in five of the ten cases.
- There are mechanisms in place to ensure that lessons learned are disseminated to staff. Quarterly legal forum newsletters which detail legal issues, news and developments including casework reviews, feedback and lessons on individual cases are shared across the units. In addition,

feedback is provided at formal team meetings, through informal ad hoc discussions and to individual lawyers on a case by case basis.

- Performance in relation to PYOs was erratic for the first three quarters of 2006-07; there were many months where performance was significantly worse than target. The Chief Constable, as Chair of the LCJB, attended two accountability meetings with the Attorney General towards the end of 2006 to examine how performance was being addressed. Through the LCJB an action plan was drawn up and responsibilities allocated, a joint agency PYO premium service protocol was agreed. As a result performance has improved; the figure for the year ending December 2006 was 69 days and a target of 55 days has been set for 2007-08.
- The target for offences brought to justice (OBTJ) is a shared one set by reference to the criminal justice agencies. The ability of the CPS to influence it is limited because the target includes offences dealt with by non-prosecution disposals. The CPS's contribution comes through managing cases to keep discontinuance and unsuccessful outcomes low, good decision-making and case management; the Area has been pro-active in relation to all of these factors. The OBTJ target for 2006-07 was exceeded. The figures for November 2006 show that the 59.1% of offences brought to justice were the result of convictions, better than national performance.

## **2B 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	43.8%	39.4%
Cracked trial rate	37.3%	43.1%
Ineffective trial rate	18.9%	17.5%
Vacated trial rate	22.5%	32.3%

- During the last overall performance assessment the quality and timeliness of initial review was generally good; this level of performance has been maintained and was apparent during the reality checks conducted on the files.
- The last assessment identified that there was a need to improve the quality of police files through joint working; this has not been achieved. The Area uses the joint performance management (JPM) exception reporting system for monitoring the timeliness and quality of police files. The system is currently under review to produce more meaningful data. There is additional monitoring outside the JPM regime enabling the Unit Heads and police CJU inspectors to hold informal discussions about issues identified. The Area case progression officers also play an active role; they monitor due dates and outstanding actions. The Area needs to continue working with the police to improve the quality and timeliness of police files and ensure the data provided through the joint performance monitoring regime is meaningful and accurate.



- The main challenge for the Area is timeliness. The Area is committed to high in-house magistrates' court coverage and HCA usage which limits resources available to undertake summary trial and committal preparation. This is exacerbated by the late receipt of police files, which is frequently after the first listing for pre-trial review or committal. Following a meeting with the Office of Criminal Justice Reform (OCJR) an action plan was drafted to identify action by all agencies to improve performance; there are specific recommendations in relation to action necessary by the Area.
- CJSSS was initially rolled out in the north of the county in March and April 2007; roll out in the South took place in May and early June 2007. There are indications that there has been an increased number of guilty pleas at first hearing, although it is too early to assess progress fully. It is hoped that CJSSS will improve timeliness. The police are committed to furnishing new files ten days prior to the first hearing; reviewing lawyers and designated caseworkers have been reminded to ensure that any identified issues are actioned through the CJUs immediately.
- Reality checks confirmed effective and timely preparation of cases and readiness for pre-trial review, once the file had been received from the police. There are two case progression officers (CPOs) in each unit who play an active role in monitoring and ensuring cases progress. Formal monthly case progression meetings are held between the Area, the courts and police, where forthcoming trials are discussed. The CPOs have been liaising informally with their counterparts in the other agencies, instead of formally completing the certificates of readiness which are monitored by the courts; this is now being addressed.
- The action detailed above in relation to PYOs has impacted positively on the handling of all youth cases. Youth specialists are in place and there is an Area youth co-ordinator who disseminates information to staff on a regular basis and represents the Area at monthly meetings on youth related issues.
- Vacated trials make up 32.3% of all trials against 22.5% nationally. The effective trial rate is worse than the national level (39.4% against 43.8%) because of the high cracked trial rate (43.1% against 37.3%), although a smaller proportion of cracked trials are the fault of the prosecution than nationally. The ineffective trial rate, at 17.5%, was better than national and local targets. The rate of cases that were ineffective due to the prosecution was higher than the national average (8.4% compared to 6.8%) although there is evidence that some cases are wrongly attributed to the prosecution.
- There is regular and formal analysis of all cracked and ineffective trials by the Unit Heads. There are also mechanisms in place to ensure effective inter-agency discussion and that action is taken to address performance issues to improve effectiveness of cases listed for trial. Further work is needed to address cracked trials.

- CMS is used routinely to record key events in cases. The rate for recording of reviews on CMS was better than the national average, although the timeliness of recording hearing outcomes and finalisations was significantly worse. This was attributed to a shortage of administrative staff and the re-prioritising of tasks as a result. Reality checks showed that other than adverse case reports, which are not completed electronically, there were no outstanding and escalated tasks; however, unit task lists revealed that the Area needs to undertake a cleansing exercise to clear completed tasks that remained outstanding on CMS.
- Unit Business Managers, the Performance Officer and some of the Area leads use CMS reports to monitor different aspects of performance and casework. There has been training during 2006 on the use of CMS management reports and training for all staff on the latest update to the system.

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

### 3A Successful outcomes are increasing

Case outcomes in the Crown Court	National performance 2006-07	Area performance 2006-07
Judge ordered acquittals (Discontinuance)	13.1%	12.5%
Judge directed acquittals	1.4%	0.7%
Acquittals after trial	6.5%	4.1%
Warrants	1.3%	0.7%
Overall conviction rate	77.7%	75.9%

- The conviction rate in the Crown Court is better than the national average as is performance in all categories of unsuccessful outcomes
- Adverse outcomes are identified by the Area Performance Officer, reviewed by the Unit Heads and reported at the monthly Senior Management Team (SMT) meetings. All unsuccessful outcomes are also monitored by the Unit Heads.
- There are mechanisms in place to ensure that lessons from adverse cases are learned. As with magistrates' court cases, Crown Court casework key issues are made known to staff through the quarterly legal forum newsletters. In addition, feedback is provided at formal team meetings, through informal ad hoc discussions and to individual lawyers on a case by case basis. They are also discussed and analysed with partner agencies at a variety of forums: with the police criminal justice unit (CJU) managers at the PTPM meetings; at monthly case progression officer meetings at Durham Crown Court; and at LCJB meetings attended by senior managers.
- The Area achieved its Proceeds of Crime Act (POCA) target for 2006-07 in relation to the number of confiscation orders obtained, 29 against a target of 19, but did not achieve the monetary target, £263,144 against a target of £800,000. During 2006 the Area began to attach significant priority to the management of POCA cases due to the opportunity it provides to increase Area funding.
- POCA work has been linked to HCA work as the most effective way of handling casework involving confiscation issues. The POCA/HCA lead has drafted a strategy to ensure that the optimum number of cases is identified, money confiscated, and orders sought and enforced and produces a monthly update. Service level agreements are in place at an Area and a North East regional level. As part of the Area strategy, cases are retrieved from counsel after sentencing for HCAs to conduct the confiscation hearing. This strategy has significantly raised the profile amongst Area staff. Training has been provided for all staff. The value of confiscation orders

obtained in April and May 2007 shows an improvement on 2006-07 and amounted to approximately £479,000 against a year end target of £855,000.

### **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%	26.9%
Cracked trial rate	39.5%	55.9%
Ineffective trial rate	12.4%	17.2%

- Reality checks of files showed that the quality of review is thorough and lawyers are proactive; value is added to Crown Court casework. The Area is striving to achieve greater case ownership in all contested cases and a 'cradle to grave' approach for more of the work undertaken by the HCAs. Timeliness of briefs to counsel is better than the national average, 79.6% compared to 78.3%. However, the service of committal papers is not always timely, the reality check showed that committals do not always proceed at first listing because the full file has not been received from the police which increases pressure on the lawyers, who tend to prepare committals, to ensure the case is ready for the next substantive hearing.
- The Area uses a comprehensive committal preparation package. Reality checks showed that the packages were completed to a high standard and the files tended to be well organised.
- A protocol has been agreed with the police major crime team to ensure proper case management of serious and complex crime. In the Crown Court, caseworkers act as case progression officers throughout the life of a case, actions and follow up are logged in personal diaries. Caseworkers have been effective in ensuring cases progress but have not always formally completed the certificate of readiness; this is now being addressed.
- Although there are very few youth and PYO cases that are dealt with in the Crown Court, timeliness has not been good and has impacted adversely on the PYO target. A target of 150 days has now been set for PYO cases in the Crown Court, the result of LCJB action to address poor PYO performance.
- The effective trial rate (26.9% compared to the national of 48.2%) and cracked trial rate (55.9% compared to the national of 39.5%) are both significantly worse than the national averages. In addition, the ineffective trial rate (17.2%) was worse than the Area target (15.5%) and significantly worse than the national average and the national target (12.4% and 14.2% respectively). The rate of cases that are ineffective due to the prosecution is also worse than the national average (8.7% compared to 6.7%).
- Approximately 80% of Area work is handled by the Crown Court at Durham. The remainder is dealt with at Teesside Crown Court and also, on occasions, Newcastle Crown Court in the adjoining Areas. The Crown Court at Teesside does not hold plea and case management

hearings (PCMH) which has impacted on the cracked trial rate and the ability of HCAs to undertake effective guilty plea cases at the court centre. The ineffective trial rate at Teesside has dropped to 8%, as a result joint meetings have been suspended with a trigger point of 12% to reinstate them; this removes the forum for discussion of the cracked and effective trial rates.

- The HCA lead has conducted an analysis of ineffective trials and the findings were reported to the CCP and the Crown Court. Inaccuracies on the forms were identified and data amended accordingly. Cracked and ineffective data forms part of the data pack and the monthly discussions on performance at the SMT. There is also analysis and discussion at the joint CPO meetings within the Area. Cracked and ineffective trials due to witness issues are discussed at the LCJB witness sub-group.
- The rate for CMS use for Crown Court reviews was 87.5% which did not reach the Area or national target of 90%.

<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**

- The Area has taken steps internally and jointly to improve the progression of cases through the courts. There is a multi-agency bail protocol in place to ensure attendance at court with specific responsibilities listed for each agency. Advance information is made available to the defence five days prior to the first listing and copies furnished to the court, and lawyers are ensuring that all key statements are available for the first hearing prior to giving authority to charge.
- The Area has also tried to ensure the quality of endorsements enables follow up of actions. Reviews have been conducted in the two units and Unit Heads monitor endorsements providing feedback to individuals and feedback of trends at team meetings. Reality checks indicated that actions for follow up are usually endorsed on the files. The case progression officers in each unit are proactive, liaising informally and meeting formally with their counterparts in the other agencies to progress cases for trial in the Crown Court and the magistrates' courts.
- The last overall performance assessment in 2005 identified that instructions to counsel needed more detail in relation to the offence and appropriateness of pleas. The reality check indicated that there has been some improvement and there were some examples of comprehensive instructions to counsel. In all cases MG3s are included and referred to in the brief to counsel and provide a detailed analysis of the issues in the case. There is monitoring of instructions to counsel and case preparation through the quality assurance system, caseworkers are also monitored through an adapted version of the assurance system. HCAs use a template to prepare their case openings which can be passed to another advocate if the case is returned within the Area; the HCAs monitor each other for compliance.
- Selection of prosecution advocates for all courts is undertaken with full consideration of their experience, expertise and qualifications. In specialist cases in the Crown Court the reasons for the selection of counsel are recorded. In accordance with national policy, HCAs are used increasingly in the Crown Court and the Area strategy provides for greater use in Crown Court trials. Suitably trained prosecutors cover the Sensitive Case Courts and as many youth courts as possible. There is high in-house magistrates' courts coverage which promotes increased accountability for case progression and presentation. The Area uses only a limited number of very experienced agents in the magistrates' courts; some of the agents have been invited to the Area training days. New initiatives and policy directives are discussed at the regular meetings with chambers, and the comprehensive reference pack for agents and counsel is still in place.

- Papers are provided to counsel, agents and in-house prosecutors in advance to ensure cases can be prepared and presented effectively. Sufficient time is provided for HCA preparation in the rota, and the magistrates' court rota is completed well in advance to ensure appropriate court coverage and allow prosecutors to prepare cases for trial.
- The Area expects prosecutors to attend court half an hour before proceedings start to enable discussion of cases with other agencies where appropriate and liaison with witnesses, the service level agreement in relation to PYOs states there will be attendance at court by 9.30am. All prosecutors were monitored at least once during 2006-07. Feedback is also provided by other agencies to the Unit Heads. Feedback from other agencies during the assessment was positive and there have been no recent complaints.
- The Area has a good relationship with the magistrates' courts. The Unit Heads and Clerk to the Justices are currently meeting to draft a protocol in relation to court listing. Listing at Durham Crown Court (where there are only two court rooms) is primarily arranged on a day to day basis with the clerk to chambers; there is liaison between chambers and the newly appointed HCA clerk which has improved the listing of cases conducted by HCAs. On occasions, trials are transferred to Newcastle or Teesside Crown Court to avoid an ineffective hearing; arrangements are now in place to consult the Area on the appropriateness of individual cases for transfer which enables consideration of specific witness needs.
- The LCJB case management group meets monthly to discuss all aspects of case progression. Data on the timeliness and the outcome of cases is produced by the magistrates' courts. Data for December 2006 showed that the agencies in the Area performed less well than nationally across all categories of adult and youth cases, namely guilty pleas, trials and committals. The rate of cases discontinued on the third or subsequent hearing was also worse than the national average (61.6% compared to 59.2%).
- The average number of adjournments in magistrates' courts cases was 2.02 compared to the national average of 1.71 and in committal cases 2.95 compared to the national average of 2.59. In contrast the average number of Crown Court adjournments was better than the national average, (2.56 compared to 2.69).
- The magistrates' courts will stand down cases where additional information is sought, and can realistically be obtained during the court session, to avoid unnecessary adjournments and to ensure case progression in all possible cases. There is great optimism that the arrival of CJSSS will have a positive impact in reducing the number of adjournments, and action has been taken to ensure the defence are engaged. The LCJB has set targets for timeliness of cases for 2007-08.
- There were no wasted costs orders in the Crown Court or magistrates' courts during 2006-07.

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

#### **5A The Area identifies and manages sensitive cases (including hate crime<sup>4</sup>) effectively**

- In January 2005 the first Sensitive Case Courts (SCC) were established in the Area dedicated to dealing with cases of domestic violence and those involving hate crimes (racial, religious and homophobic). The Area became designated for the Specialist Domestic Violence Courts (SDVC) in 2006 but retained the SCC to handle all cases of hate crime. The Area was also chosen as one of three sites for the Community Engagement Pilot which ran from November 2005 to June 2006. The SCC and SDVC were incorporated into the pilot as a strand of work. The courts have led to an improved service to victims, greater awareness across the Area, increased reporting of incidents and improved successful outcome rates.
- The Area has appointed effective champions and specialists who are consulted where appropriate in sensitive cases. Each specialist topic has been allocated a lead for the north and the south of the county. Certain areas of casework requiring an Area champion or coordinator have a lead prosecutor from one unit and a deputy from the other unit, so that each team has access to expertise across a range of topics. The Area champions have a written brief detailing their role and expectations in terms of monitoring and reporting mechanisms
- The review and handling of sensitive cases, including at the pre-charge stage, are formally assessed through the Area quality assurance scheme and adverse case monitoring. Specialists are also involved in performance analysis. All cases involving hate crime were monitored by the Area and discussed with the police as part of the SCC strand of the Community Engagement Pilot; this includes cases where there is a reduction of charge or removal of the hate crime element.
- An integral component of the pilot was the implementation of improvements. Domestic violence cases are monitored throughout the year and the Area champion shares findings with their police counterpart and where necessary will discuss specific cases with the magistrates' courts. Similarly the Area specialist for race or religious crime analysed all cases for 2006-07, producing a report for lessons learned to be disseminated. Rape cases and cases involving a fatality are analysed by the Area specialists and reviewed by the Chief Crown Prosecutor. Lead prosecutors also undertake some performance analysis in relation to homophobic crime, child abuse, youths, ASBOs and many other aspects of casework or Area initiatives. Unit Heads receive regular updates from the champions and leads within their teams and report back on performance where analysis is undertaken.
- During the last two years training has been provided on sexual offences, ASBOs and domestic violence. There are opportunities for refresher training delivered by the Area champions at Area training days which are held at least eight times a year. Further training in relation to all hate crimes is planned. There has been considerable awareness training across all the criminal justice

<sup>4</sup> For the avoidance of doubt all references in this aspect to sensitive cases include all cases involving hate crime (disability hate crime, domestic violence, homophobic, racist and religious crime) child abuse/child witnesses, rape, fatal road traffic offences, anti-social behaviour orders (ASBOs)



agencies through the SCC project and the Area has provided training for 170 Magistrates who sit in the SCC.

- There has been increased involvement of HCAs presenting cases in place of junior counsel in cases likely to be of high profile or media interest, for example three murder cases and an ongoing prison mutiny. The Area has been working effectively with other agencies to improve the handling of hate crime cases of local concern and the agencies are examining the development of a hate crime scrutiny panel. There has also been increased working with community groups as part of the Community Engagement Pilot. In addition, lessons learned from a high profile murder case have resulted in a joint protocol with the police in relation to the effective handling of major incidents.
- The Area usually flags sensitive cases. The reality checks revealed seven of the eight relevant cases had been appropriately flagged and all eight cases had been listed in the SCC. There is considerable emphasis on lawyers identifying sensitive cases at the pre-charge decision stage, and if overlooked, ensuring that appropriate cases are managed through the SCC, and that appropriate policies are applied to the way the case is handled. Cases which are wrongly listed are reported back to the LCJB. Staff have been reminded of the importance of flagging cases for monitoring purposes. Unit Heads and the case progression officers also undertake checks on case flagging.
- Area champions are responsible for disseminating information on CPS policy changes in their field of expertise and circulating issues arising from HMCPSI thematic work, for example in relation to POCA work and rape cases. Casework issues from CPS Headquarters are forwarded to a specific lawyer who undertakes a sift and attaches a guidance note prior to circulation across the Area.
- The Area has exceeded the national target (36%) in relation to combined hate crimes unsuccessful outcomes: its performance of 27.1% is better than the national average (32.8%) and places it eighth nationally. As a result of the SCC and the pilot, there was an increase in reporting of hate crime during 2006-07. Hate crime now accounts for 8.2% of Area caseload against 6.4% nationally. This may account for the Area not achieving the very demanding local target of 23% which was set as a result of outstanding performance during 2005-06 of 23.4%. Performance in relation to hate crime is discussed at the SMT performance meetings and also at LCJB as part of the joint initiative in relation to the SCC.
- The Area has champions for child abuse cases and youth offenders but does not have a specific lead in relation to the CPS Children and Young Persons Charter to link the various strands together. Although the Area is not represented at the Local Safeguarding Children Board (LSCB) the LCJB is exploring developing clearer links between the Boards. In addition, children's services is one of the 11 components of the SDVC. Multi-agency meetings have been held in relation to achieving this element. Joint work by other agencies has been undertaken in relation to multi-agency risk assessment conferences (MARAC) and multi-agency public protection assessments (MAPPAs) which feeds into the sensitive cases delivery group, where there is representation by the Area. Lawyers receive feedback on lessons learned from multi-agency meetings on specific child protection cases. Area specialists have also been involved in the planning and procedures of the new Sexual Assault Referral Centre (SARC).

<b>6 DISCLOSURE</b>	OPA 2005	OPA 2007	Direction of travel
	Good	<b>Good</b>	<b>Stable</b>

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

- CPS Durham was a good performing Area during the last overall performance assessment in 2005. The Area has taken action to ensure the level of performance has been maintained.
- Reality checks indicated that the schedules contained clear descriptions, were properly endorsed and signed by lawyers and contained additional commentary where necessary. In Crown Court files unused schedules and material are kept in a separate folder within the file whereas in the magistrates' court files the unused material papers are kept together but within the main body of the file. In all cases there was correct handling of unused material. The disclosure record sheet was present in each case, attached to the front of the disclosure bundle; however, the sheets were not used to record and date all actions undertaken.
- The Area monitors compliance through the Area formal quality assurance system undertaken by the Unit Heads, and additional dip sampling by the Unit Heads or HCAs when assessing other aspects of casework. The Area champions have also undertaken an analysis of cases from which lessons can be learned and disseminated internally and with the police.
- The Area uses template forms for the PCMHs in the Crown Court. There is a specific form to assist the advocate in case preparation, this is used in the south of the county and completed by the police to assist with the provision of information to the court. The new court PCMH form details information in relation to statutory disclosure, the service of defence statements, whether any application under Section 8 (CPIA) is necessary and third party material. The increased use of HCAs allows the Area to ensure that unnecessary or inappropriate requests for material, which is not disclosable, are refused and to discourage blanket disclosure. The Area also takes steps to reinforce this message with counsel.
- Sensitive material schedules are kept within the disclosure folder in the case file; the police are aware that descriptions endorsed on the schedule should not compromise sensitivity. The sensitive material is usually examined by the reviewing lawyer at the relevant police station or in the CPS office with the disclosure officer maintaining custody of the item. On occasions where the material has to be retained by the Area it is kept securely.
- There are also two long standing protocols relating to third party material in relation to child abuse cases and multi-agency public protection.
- The Area has two effective disclosure champions, one based in each office, enabling them to be used as a lawyer and caseworker resource on disclosure issues. They disseminate information and provide guidance and mentoring. Area champions have also provided extensive training internally and to the police.
- Following the last assessment all lawyers and caseworkers received training (during 2005-06) to ensure principles and compliance with the disclosure regime were embedded. The Area has also been involved with joint training with the police and participated in police internal training courses.

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

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

- The Area has a comprehensive written custody time limits (CTL) system incorporating most of the national guidance and several elements of the recommended good practice. The system has undergone a review resulting in the revised guidance since the last overall performance assessment in 2005. A CTL action plan emphasises the roles of staff who are involved in CTLs and there is an aide memoire for all staff.
- The Area has a CTL champion and has also appointed supervisors to oversee ongoing CTLs in casework and undertake a weekly check of CTL logs. Following the last assessment in 2005 the CTL champion provided refresher training to all staff to address weaknesses contained in the report.
- The protocol with the magistrates' courts has been re-circulated to all lawyers to emphasise the need for them to be aware of their role and to ensure compliance, and raised again with the magistrates' courts. A multi-agency protocol in relation to managing bail, which has been agreed by all the criminal justice agencies in the Area, also highlights the necessity of the legal advisor and lawyer agreeing CTLs in court and all subsequent hearings, in addition to appropriate marking of the files.
- There is no similar protocol with the Crown Court, the responsibility lies with the Area to calculate and monitor CTLs. However, there is evidence of discussion of CTLs at meetings between the Area and the local Bar and of the need for counsel to raise a change of venue if a case cannot be listed prior to expiry of the CTL.
- The champion undertakes a monthly check of the CTL report on CMS, monitors cases of concern, and carries out a quarterly sample check to assess the effectiveness of the protocol with the courts and the quality of file endorsements. Unit Heads have undertaken spot checks, disseminated lessons learned, and reviews of performance have been undertaken. Despite extensive monitoring and management checks, the Area had one CTL failure during 2005-06 (March 2006) and a further failure during 2006-07 (November 2006).
- Following the latest failure in November 2006 the lessons learned were circulated to staff and sent to the Clerk to the Justices. There has been continued emphasis on the need for clear endorsements and file tidiness. Guidance was sent to staff again to underscore manager's expectations of the way CTLs should be handled.
- Reality checks indicated there was some poor practice in relation to endorsements, and some confusion about the system. In two cases expiry dates were wrongly calculated. This supports findings in the reviews undertaken by the Area about the need to agree the CTL with the legal advisor, the quality of endorsements and accuracy of calculations of expiry dates. The Area has tried to address issues through training and has expended considerable amount of management time on this aspect of casework and may now need to consider a greater reliance on the performance management regime to address weakness in performance.

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

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

- The Area has a victims and witnesses protocol, completed in conjunction with its criminal justice partners; this sets out all key responsibilities under the Victims Code, the Prosecutor's Pledge and No Witness No Justice (NWNJ). There are detailed operational procedures for all staff to ensure that CPS obligations are met.
- An audit conducted by HMCPSI in 2006 of Direct Communication with Victims (DCV) performance in Durham found a number of areas for improvement in the way the scheme is operated. In 2006-07 57% of letters sent to victims under the DCV scheme were sent within five days of a decision to discontinue or to change a charge. In August 2006, performance dropped to 39% and by the end of the year timeliness had improved to 72%, close to the national average of 73%.
- Despite having systems in place to capture cases requiring a DCV letter, some files are not identified. In April 2006 only 32% of letters were sent against the proxy target of 56 letters. The target is varied according to caseload changes and in Quarter 4 of 2006-07 it was reduced to 55 letters per month; only 58% of these letters were sent.
- The Area had a Victim Information Bureau (VIB) co-ordinator to manage the DCV system, but in November 2006 a decision was taken by the Senior Management Team (SMT) to re-deploy the individual as a case progression officer in response to changing business priorities. Following this decision, the responsibility for initiating a DCV letter and preparing the draft transferred to the lawyer making the decision. Detailed instructions were issued on the procedures to be followed, but compliance has been patchy; the individual responsibility of lawyers for communicating their decisions to victims needs to be reinforced.
- Paper files are stamped to indicate an identified victim; however, this is not being flagged on CMS unless the victim is vulnerable or intimidated. This means that CMS cannot be used to provide data on performance or to track cases which need to have priority treatment; flagging should take place on CMS as well as the paper file.
- Lawyers are instructed to assess and record victim and witness needs at the pre-charge stage and they should decline to make a charging decision if the required information is not provided by the police; reality checks showed that this occurred in most cases.
- A system has been devised to ensure that vulnerable victims are notified within 24 hours of a decision not to charge following advice, or to drop a case; this requires the lawyer to send a pro-forma to the WCU. The procedure has not been routinely followed and reminders have periodically been issued to staff; the Area needs to ensure the practice is adhered to.

- An inter-agency protocol has been agreed for special measures and the reality checks indicated that they are being properly applied for, but the Area does not undertake any monitoring of timeliness or volumes.
- 98.9% of witness expense claims were paid within 10 days of receipt.
- Witness warning is carried out by the WCU. The practice is to warn all potential witnesses well in advance and subsequently de-warn those who are not required; this ensures that witnesses are warned in good time and are not adversely affected by late receipt of full files from the police. This may occasionally result in witnesses travelling unnecessarily if cases are discontinued or trials vacated at the last minute.
- A copy of the Prosecutor's Pledge has been issued to all lawyers. Compliance is assessed by Unit Heads visiting court and through feedback from other court users. Whenever counsel fail to follow the CPS requirement in respect of the way they deal with witnesses this is reported back to Unit Heads to inform future allocation of briefs.
- The most recent witness and victim experience survey (WAVES) data shows that 86% of victims and witnesses were satisfied with their overall contact with the criminal justice system. 80% were satisfied with the way they were kept informed of progress and 92% were satisfied with the way they were treated by criminal justice agency staff. There is anecdotal evidence from external stakeholders that witnesses are not always told the result of their cases as quickly as they would like.

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

- The Area has two WCUs; one in Bishop Auckland, staffed mainly by police officers, and the other in Durham comprising staff from the CPS. The Area states that resource constraints prevent the units from meeting the minimum requirements of NWNJ and they have made a conscious decision to concentrate on compliance with the Victims Code by communicating at key stages of the case, but not necessarily keeping victims and witnesses abreast of every adjournment.
- The resource issue and the failure to meet the minimum requirements have led to a series of meetings, reports and action plans designed to effect improvements. Whilst this clearly demonstrates the commitment of both agencies to achieving their targets, improvement has not yet materialised. A recent decision by the police to civilianise the WCU posts and to provide an extra four staff to each unit is expected to have a significant impact.
- Rates for cracked and ineffective trials as a result of witness difficulties have not improved. In the magistrates' courts 4.6 % of trials were ineffective and 9.4% cracked due to witness issues (against a baseline of 3.8% and 4% respectively). In the Crown Court 3.5% of trials were ineffective and 2.1% cracked because of witness issues, showing an upward trend from previous year's figures.

- Roll-out of the witness case management system (WMS) was delayed because of technical difficulties with the interface to the NSPIS police case management system, which was chosen as the IT system for the units rather than CMS. This has meant that there is very limited data available for analysis of performance of the units; there is no data on the secondary measures other than witness attendance rates, and the information provided to MORI to enable them to identify a suitable sample of victims and witnesses for the WAVES survey has been limited.
- Joint analysis is undertaken of the data that is available on the primary measures, and reports are provided to the LCJB. Bids have been submitted, although largely unsuccessful, for additional resources to improve the service offered. A joint follow-up review has been undertaken, which has made a series of recommendations for change, but these had not been implemented by the end of 2006-07.

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

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

- The Area has a clear sense of what it wants to achieve and how to achieve it. Key members of staff were involved in a planning day to develop the Area Business Plan (ABP), the plan was circulated to staff for comment and adjusted before publication. The ABP links with the CPS and the public service agreement (PSA) targets; each objective is allocated a strategic lead. Subsequently, the two units develop their own plans from which objectives are fed into the individual forward job plans.
- Objectives, outcomes and timescales are detailed on the ABP and an associated risk register has been developed. These are reviewed by the Senior Management Team (SMT) at their monthly meetings. Progress is also discussed at the Whitley Council meetings.
- Good joint planning with other criminal justice agencies in the Area is evident and is directed through the Local Criminal Justice Board (LCJB). All managers have a lead role at the LCJB or at other inter-agency groups, for example chairing the LCJB victim and witness sub-group and court user group meetings, representation at the LCJB case management and business management groups. Senior managers have also led on some cross-agency projects, for example, community engagement and victims and witnesses.

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

- CJSSS and Conditional Cautioning have been implemented recently by the Area, although it is too early to assess whether these have been successful. In addition, the Area was one of three sites chosen for the community engagement pilot (see aspect 13) which ran from November 2005 to June 2006. The pilot was a success, all objectives were achieved and additional outputs and benefits were realised.
- A change management structure is in place. The majority of projects and initiatives are directed by the LCJB and are included in either the LCJB plan or the ABP and risk registers. Appropriate risks and countermeasures are identified and reviewed at senior management team (SMT) meetings. However, there is limited evidence of systematic post-implementation review and benefits analysis.
- Project managers are identified through proper consideration of their skill sets and development requirements; they are provided with a project brief which clearly details the aims, objectives, contact points and measures of the project, although timescales are not always identified.
- Project managers inform the Performance Officer, who maintains the Learning and Development Log, of training requirements and report to the LCJB on progress of the project.

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

- The Area has planned its training for the year to meet the needs of the business; this is reflected in the learning and development log. Significant training is provided for personal development and 80% of staff have a personal development plan. The Area has a number of ways of identifying training needs and the plan is added to on a regular basis throughout the year. Induction training is also included with specific training on diversity for new starters; this was provided to new staff during 2006-07. There is some evidence of evaluation although this is not analysed systematically to assess whether the benefits of training have been realised and to inform future provision.
- There is a planned training day each month, to coincide with magistrates' courts training days; these are used specifically for themed training, the introduction of new initiatives and mandatory training. Training days are held on different days of the week to ensure part-time and flexible working staff have access to them.
- The Area ensures equality of training and circulates training courses and seminars to all staff. There are examples of staff attendance on sessions for which they are not necessarily the champions; this ensures the Area has a number of staff with knowledge in a particular subject.



<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 came within its budget target for non ring-fenced administration costs. In 2006-07 performance on administrative costs was again good, at 98.8% of budget
- The administration costs budget is largely controlled by the Area Business Manager (ABM) and monitored by staff within the Area Secretariat. Tight control is exercised, with a clear message being given to all managers through the SMT about the need for value for money to be maintained, for example, on travel and subsistence claims and other general administrative expenses. The SMT takes corporate responsibility for budget management. Monitoring tends to rely on comparing expenditure information against budget and there is little structured forecasting of commitments, although anticipated staff changes such as retirement and maternity leave, as well as pending pay awards are taken into account when decisions are taken to recruit or re-deploy staff. The budget for lawyer agents is administered and monitored by the Area Secretariat; agent usage has been kept at a low level (11.1% of court sessions in 2006-07 against a national average of 19.6%).
- The SMT receives oral reports from the ABM on the budget at its monthly meetings and discusses issues raised; however, resources are not included in the monthly performance pack.
- For accounting purposes budgets are assigned to unit level cost centres, although in practice the budget is managed on an Area basis. This enables the Area to be flexible in terms of staff deployment and to respond effectively to short term fluctuations in workload or staffing levels in either unit. The Area believes that it affords them an element of economy of scale and greater control of limited funds, which they would not have if budgets were fully devolved.
- In 2005-06 prosecution costs were within budget, but in 2006-07 they were overspent at 119.2% of budget. Prosecution costs are closely monitored in the same way as the administrative costs budget by comparison of expenditure against budget throughout the year. Unit Business Managers (UBM) manage counsel fee payments and commitments are monitored using logs of outstanding counsel fee payments which are passed to the Secretariat. The UBMs keep tight control on payments within the graduated fee scheme. Requests to instruct two counsel in any case must be referred to the Chief Crown Prosecutor and in future an HCA will act as the junior in such cases where possible.
- The Area attributes the overspend on prosecution costs in 2006-07 to an unusually high number of murder cases (eight in the year) and to late notification of some of the fees for cases managed by the special casework lawyer shared with CPS Cleveland. Budgetary provision had not been made for these payments and the Area was not aware of them in time to make a bid to Headquarters for funding at the mid-year review. It is possible that some of these fees relate to cases which should properly have fallen into the High Cost Case category and for which separate funding could have been claimed from Headquarters if applications had been made at the appropriate time. Partly as a result of this, a decision has since been taken that all special casework will in future be retained within the Area pending the introduction of the Complex Casework Unit.

- Payment of fees under the graduated fee scheme is timely, with 71% of fees paid in March having a hearing date in February or March (against the national average of 50%) and 89% having a hearing date within the previous four months (against the national average of 88%).

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

- There is no formal periodic review of staffing structures or allocation of resources between the units. However, adjustments are made as and when required to meet business needs, for example, if there are short-term staff absences through sickness or vacancies, or, if there are temporary workload fluctuations. The Operational Management Team (OMT), which meets monthly and comprises all the non-lawyer managers, agrees short-term adjustments required in respect of administrative staff. Such adjustments may involve the movement of staff, or if more efficient, a re-distribution of work. Changes are also made to meet strategic business needs and to support new initiatives, for example a decision was taken during the year to re-deploy the DCV co-ordinator to a case progression post; these decisions are normally taken by the SMT.
- There are strict limits on the number of lawyer agents that the Unit Heads may use in the magistrates' courts and in-house lawyers may cover up to eight court sessions per week, leaving little time for case preparation. Agent usage was kept at 11.1% for the year. DCWs are deployed at all court centres, but the target for coverage has not been achieved because of absences limiting the DCW resource available (13.1% against a target of 17.5%). Only about 70% of the available DCW time has been deployed on DCW work. As a result, some DCW courts have been covered by lawyers, which is not an efficient use of their time. The Area should consider recruiting another DCW as there are sufficient court sittings on the court listing template to enable the DCW coverage target to be achieved with ease. In addition, coverage could be exceeded if there was further flexibility on the part of the courts in relation to the listing of committals in other courts; the Area should try to negotiate this.
- The Area has eight HCAs who are all deployed. The average number of sessions covered was 32, ranging from 19 to 50 per person. The targets were exceeded, saving £109,462 in counsel fees, (245.5% of the target), averaging £436 per session. All appeals and committals for sentence are now dealt with in-house and the range of work undertaken by HCAs includes PCMHs, where they are listed, and six trials towards the end of the year. Two HCAs have acted as junior in three murder cases and there is a clear approach to develop this element of the strategy. Whilst the main thrust of the strategy is to generate financial savings, there is also a clear commitment to achieving other benefits from HCA work including improved casework quality. The 'cradle to grave' case ownership principle is adopted where possible to support this.
- The savings generated by HCA usage in the Crown Court have been used to fund additional staff including two lawyers.
- There was an average of 9.1 days sick absence per person in 2006-07, which was worse than the area target of 7 days and the national average of 8.5 days. 60.5% of this was attributable to long term absence of three members of staff; two of these have now returned to work and the other is the subject of management action.
- Managers are sympathetic to requests for flexible working to enable staff to achieve an acceptable work/life balance but business needs remain a priority. There are some good examples of flexibility, including condensed hours and term-time only working.

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

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

- At the performance meeting, following the monthly SMT meeting, the performance officer delivers an updated performance pack. Minutes and actions are published from the meeting. These drive managers to take necessary action to improve local performance, including analysis of operational systems, although actions are not subsequently checked.
- Performance information covers a wide range of aspects at a local level detailing both north and south units in an easy to understand format. However performance is not benchmarked against other CPS Areas or national performance. Analysis of the data is also lacking, which has meant that whilst the Area is performing well in some aspects, it has failed to identify some trends which are now showing a decline against improving national trends. Furthermore, the Area may not be directing action in the appropriate areas which require improvement and help to inform future planning.
- Good performance and areas for improvement are acknowledged and discussed at team meetings and during staff appraisals. The appraisal system is used effectively to manage poor performance. Newsletters, which include performance issues, are published in the north and the south with the occasional supplementary newsletter from the Chief Crown Prosecutor.
- Managers at all levels take corrective action to improve performance. The Unit Business Managers attend the operational managers team (OMT) meetings where changes to office systems are reviewed and improvements implemented.
- Assurance of quality of data entry is variable, for example finalisation codes are assured and staff are regularly reminded of responsibilities in this regard; however, escalated task lists and cleansing of CMS is not undertaken.
- Responsibility is embedded for certain aspects of performance at a local level, but more use could be made of PTPM management information to complement the extensive dip sampling that takes place. The PTPM information would allow some additional monitoring of the individual lawyers together with use of data on outstanding cases on the CMS, no further action (NFA) rates and action plan rates.

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

- There is joint performance management with criminal justice partners. Area managers participate fully in the LCJB Business Management Group which specifically manages performance for the LCJB on a joint basis. Performance is also a standard agenda item on more local meetings with the police and the courts.

- The LCJB Performance Officer works closely with the Area performance officer to provide comprehensive data for the relevant performance groups. Data is shared locally between the CPS and police, and the Unit Heads liaise both formally at the PTPM meetings, and informally with the police to discuss Area performance. Although the police make use of the PTPM information, the Area does not. There is still some reliance on the joint performance monitoring (JPM) system, although the Area is doubtful of the merit of this system and the current form, and its use is being reviewed.
- There is effective joint working and good use of joint strategies; each agency identifies either a lead or representative for joint initiatives. The Area also has structures and mechanisms which facilitate consideration of joint projects. A number of blockages and backlogs in the system have been discussed and resolved through joint working, for example amending the process and adding to the duties of the police case progression officers to address delays in responding to requests for information. There have been joint approaches to POCA casework, higher courts advocacy, witness care, CJSSS and the pre-charge bail and appointments system. All joint project work is monitored and reported on through the LCJB.

**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 Area has sustained operation of the CQA scheme and the unit managers undertake systematic dip sampling of files to monitor individual lawyer performance. CQA information is considered at SMT. Feedback is provided on the CQA forms or case commentaries; these acknowledge good performance and identify areas for improvement. Some CQA analysis is also undertaken on NFA files and fed into the local meetings with the police.
- The Business Manager also undertakes similar CQA monitoring on the caseworkers, and similarly, information is fed back to individuals.
- The CQA system is reliable and accurate; CQA returns for the Area in 2006-07 were 89% against the national performance of 84%.
- Advocacy monitoring has been undertaken for all prosecutors at least once during the appraisal year and counsel are monitored on an exception basis by caseworkers and reported to the Unit Business Managers. HCAs conduct monitoring of their peers.

<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 Senior Management Team (SMT) emphasises the importance of effective communication with staff. The team has a policy of motivating people by involving them constructively in taking forward new initiatives, identifying and capitalising on their strengths and empowering them by encouraging them to take ownership of projects. Those members of staff who may be less positive than others are engaged, where possible, through being given specific responsibilities which use their individual skills, such as becoming champions for certain areas of work.
- The Area has adopted the national CPS vision and values statement and this is included in the introduction to the Area Business Plan (ABP). Nevertheless, a team health evaluation exercise carried out in the autumn of 2006, which included a questionnaire to staff, found that “Some staff need a better understanding of the Area’s business vision, aims and objectives”. The same exercise also included a self-assessment by the SMT. It showed that all members of the team were “clear about what individual strengths each team member brings” and 80% thought that “the team has a vision and success criteria which are challenging, meaningful and exciting to the team”.
- 80% of the staff have seen the Director of Public Prosecutions’ DVD “Building a World Class Prosecuting Service” and have had the opportunity to discuss it. Team meetings are held in both units and some are formally minuted, whilst others are held informally on an ad hoc basis. Legal information and operational instructions are circulated to staff regularly and each unit produces its own bulletins or newsletters, which are copied to the other unit for information. In the 2006 staff survey 51% of staff said that management does a good job of keeping them informed; this is higher than the national average of 42%.
- The CCP and the Area Business Manager (ABM) have commenced a series of meetings with staff to discuss the budget and other topics but more could be done to increase visibility.
- Consultation with staff is built in to the business planning process. The Whitley Council is used as a mechanism for consultation and trade union representatives are expected to provide feedback to their members.
- Working relationships with other agencies appear good, both at the operational and at a strategic level. Senior managers lead on some cross-agency projects, including community engagement and victims and witnesses and other managers represent the CPS on a wide variety of criminal justice groups.
- The SMT have shown a willingness to learn from experience and to respond to feedback. For example they initiated the team health evaluation exercise, which included an internal staff survey and responded with an action plan which took many of the comments on board.

**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**

- There is a culture of recognising good performance. The CCP regularly acknowledges achievements of individuals in writing; these include work on community engagement, special projects, exam successes as well as casework. Managers accepted feedback from staff that a private thank you is preferred to a public announcement and letters are written to individual home addresses, which is appreciated by staff as it makes the recognition more personal.
- There is an equality and diversity champion in each unit, although not at senior management level. The ABM assumes overall Area responsibility for equality and diversity, although this is not stated formally.
- In the staff survey for 2006 60% of staff said that they are treated with fairness and respect, which is slightly below the national average of 64%, but a considerable improvement on the figure recorded in 2004, which was 39%.
- Team meetings are used to raise awareness of dignity at work policies. The improvement plan arising from the team health evaluation exercise included an action for managers to tackle inappropriate behaviour more vigorously and this has happened in at least one instance.
- There was one complaint made under the equality and diversity complaints procedure in 2006, which was not upheld. There have been some instances of inappropriate e-mails being sent by staff via the CPS IT system, which have been picked up by departmental IT security monitoring. The members of staff concerned have been dealt with in accordance with the department's disciplinary procedure and the departmental guidance on use of the internet and e-mail has been re-issued to all staff.
- Equality and diversity is a standing agenda item for monthly SMT meetings but there is little strategic discussion on it. Whilst equality and diversity principles are implicit in the activity of the Area there is no explicit reference to the stance of the management team in either the ABP or other project plans, nor are specific actions set out in the plan.
- Action plans have been developed to address issues arising from the staff survey and the team health evaluation exercise and in preparation for an Investors in People (IiP) re-assessment. However, these plans have not been kept under regular review by the SMT and the actions have not been comprehensively taken forward; this needs to be addressed by the SMT.
- Less than 1% of the population of the county is from black and minority ethnic (BME) groups and amongst the staff in the Area 4.65% are from BME backgrounds. The Area aims in its workforce representation plan to maintain this level. Targets have also been set for the percentage of women (65% by 1 April 2008) and people with a disability (15% by 1 April 2008).

<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 community engagement activity considerably since the last assessment. The commitment of senior managers is clear and demonstrated through involvement in the Community Engagement Pilot aimed at improving the service to victims and witnesses through better identification of their needs and the needs of the community. Securing community confidence is seen as part of core business and evidence exists of wider engagement activity with the community. A Community Engagement Strategy and an action plan were in place for 2006-07; the former included a review of the previous year's work. All staff had a community engagement objective.
- The Area Business Plan for 2006-07 contained clear objectives: to deliver improved CPS standing and decision-making, confidence and partnership working. Other objectives within the plan had actions which linked to improving community confidence. The plan for 2007-08 has more specific objectives in relation to discrete aspects of community engagement, for example, the establishment of an Area Group Community Involvement Panel and work of the Business Ambassadors raising awareness and liaising with educational establishments. The panel should provide a further mechanism to learn lessons to improve the prosecution of cases and ensure policy is implemented consistently.
- The Chief Crown Prosecutor (CCP), Unit Heads and members of the Operational Management Team have attended events and engaged in liaison with community representatives. Work has been undertaken by the Business Ambassadors and Area champions have met with representatives from non-criminal justice statutory agencies and community groups to give presentations in relation to their area of specialism. In addition, considerable joint consultation between the criminal justice agencies, community groups and the voluntary sector was undertaken as part of the Community Engagement Pilot. The Area gained national recognition for the DVD about domestic violence "Through the eyes of a child".
- Activity across the Area is captured in a log. However, the Area was aware that not all community engagement and staff engagement activity was being recorded and sent reminders to staff to ensure that activity and outcomes could be analysed. There has been some improvement.
- The Area has access to information on the demographics of its population from the regional Government Office report, although this has not captured more recent changes to the demographics in terms of eastern European nationals. The Area is discussing with Hull University (who undertook some mapping of demographics for West Yorkshire) more comprehensive mapping which would link with the establishment of the Community Involvement Panel for the Area Group (Durham, Cleveland and Northumbria).
- The Area recognised in 2006-07 that work needed to be undertaken with some of the excluded groups namely, the elderly, homeless, and asylum seekers. Considerable work has been

undertaken with many minority groups that were relevant to the Sensitive Case Courts (SCCs) and the handling of hate crimes (domestic violence, racial and religious, and homophobic cases) but the Area needs to develop this further and ensure engagement with the full remit of communities. Although the Area works independently it acknowledges that it is difficult to achieve all it aspires to do with limited resources and no allocated budget. The Area is therefore working in partnership with all the agencies through the Local Criminal Justice Board (LCJB) sub-groups and is also seeking opportunities take advantage of established work for example in relation to lesbian, gay, bisexual and transgender (LGBT), black and minority ethnic (BME), youth and disabled issues.

- Service improvements have been implemented on the back of engagement activity and particularly the community engagement pilot. All the objectives set for the pilot were achieved including: building a picture of community needs and victim and witness needs; increasing awareness and support leading to a greater willingness to come forward; increasing awareness of the Sensitive Case Courts; increasing awareness of CPS policies; and implementing and tracking improvements. In addition, a bank of interpreters was identified and statistics for the three types of hate crime were available by geographical breakdown. The benefits identified included increased reporting of hate crime, and increased joint working between the public sector, the criminal justice system, the police and the community sector, in particular Darlington County Race Equality Council, Gay Advice Darlington Durham and Victim Support.
- Public confidence in the ability of the criminal justice system within Darlington and County Durham to bring offenders to justice has increased from 38.5% in June 2006 to 40.2% by December 2006, as measured by the British Crime Survey (BSC); this is below the national average but improvement is against a declining trend nationally. The CCP is the patron of the LCJB Communication Group responsible for BCS confidence.
- The Area has established a positive relationship with the media enabling favourable reporting in the local press in relation to case outcomes and local initiatives. Radio interviews were undertaken during Inside Justice Week in relation to the Sensitive Case Courts and Proceeds of Crime Act (POCA) casework. The Area does not have a Communications Officer but has been provided assistance from Headquarters when requested. The development of lawyers in relation to media engagement is actively encouraged although most lawyers remain reticent.



## ANNEX A: PERFORMANCE DATA

### Aspect 1: Pre-Charge Decision-Making

	Magistrates' courts cases				Crown Court cases			
	National target March 2007	National performance 2006-07	Area performance 2005-06    2006-07		National target March 2007	National performance 2006-07	Area performance 2005-06    2006-07	
Discontinuance rate	11.0%	15.7%	12.0%	14.7%	11.0%	13.1%	14.6%	13.3%
Guilty plea rate	52.0%	69.2%	74.9%	73.8%	68.0%	66.5%	70.8%	75.1%
Attrition rate	31.0%	22.0%	17.9%	20.0%	23.0%	22.2%	22.9%	18.9%

	National performance 2006-07	Area performance 2006-07
Charged pre-charge decision cases resulting in a conviction	78.0%	80.3%

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

	National performance 2006-07	Area performance 2006-07
Successful outcomes (convictions) as a percentage of completed magistrates' courts' cases	84.3%	86.0%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	39.4%
Cracked trial rate	37.3%	43.1%
Ineffective trial rate	18.9%	17.5%
Vacated trial rate	22.5%	32.3%

**Overall persistent young offenders (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	12,574	15,693

<b>Percentage make up of Offences Brought to Justice</b>	<b>National 2006-07<sup>5</sup></b>	<b>Criminal justice area 2006-07</b>
Offences taken into consideration (TICs)	8.5%	6.1%
Penalty notices for disorder (PNDs)	10.3%	6.6%
Formal warnings	5.8%	1.8%
Cautions	26.5%	26.5%
Convictions	48.8%	59.2%

**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%	82.1%

<b>Trial rates</b>	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
Effective trial rate	48.2%	26.9%
Cracked trial rate	39.5%	55.9%
Ineffective trial rate	12.4%	17.2%

5 final figures awaited

<b>Proceeds of Crime Act orders</b>	<b>Area target 2006-07</b>	<b>Area performance 2006-07</b>
Value	£800,000	£263,144
Number	17	29

### **Aspect 10: Managing Resources**

	<b>2005-06</b>	<b>2006-07</b>
Non ring-fenced administration costs budget outturn	99.5%	98.8%

<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%	13.1%
HCA savings against Area target	100%	138.4%	245.5%
Sickness absence (per employee per year)	7.5 days	8.5 days	9.1 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>
41%	44%	40.2%

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

### **Police**

Durham Constabulary

### **Victim Support**

Victim Support County Durham

### **Community Groups**

Darlington and County Durham Race Equality Council

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