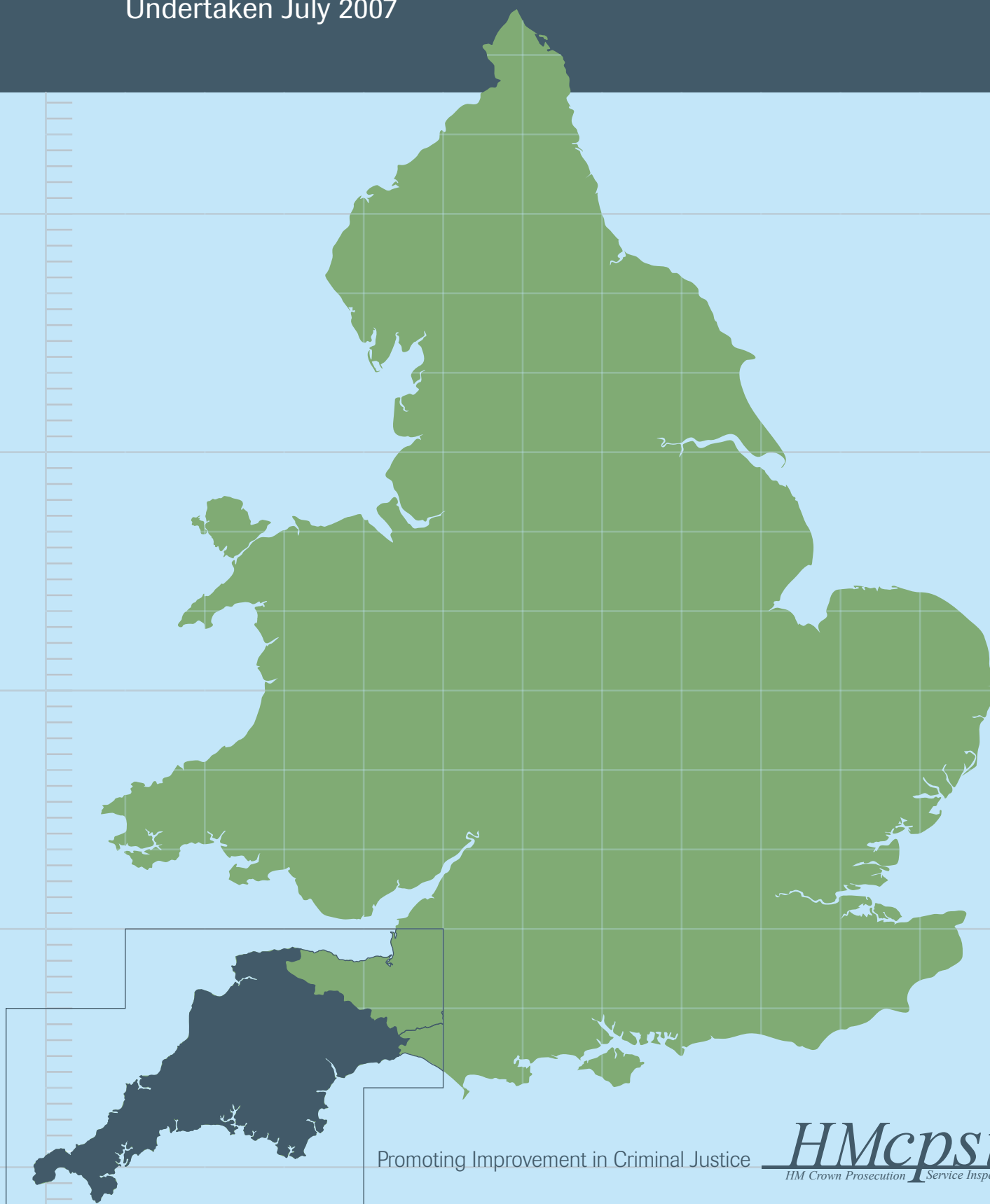


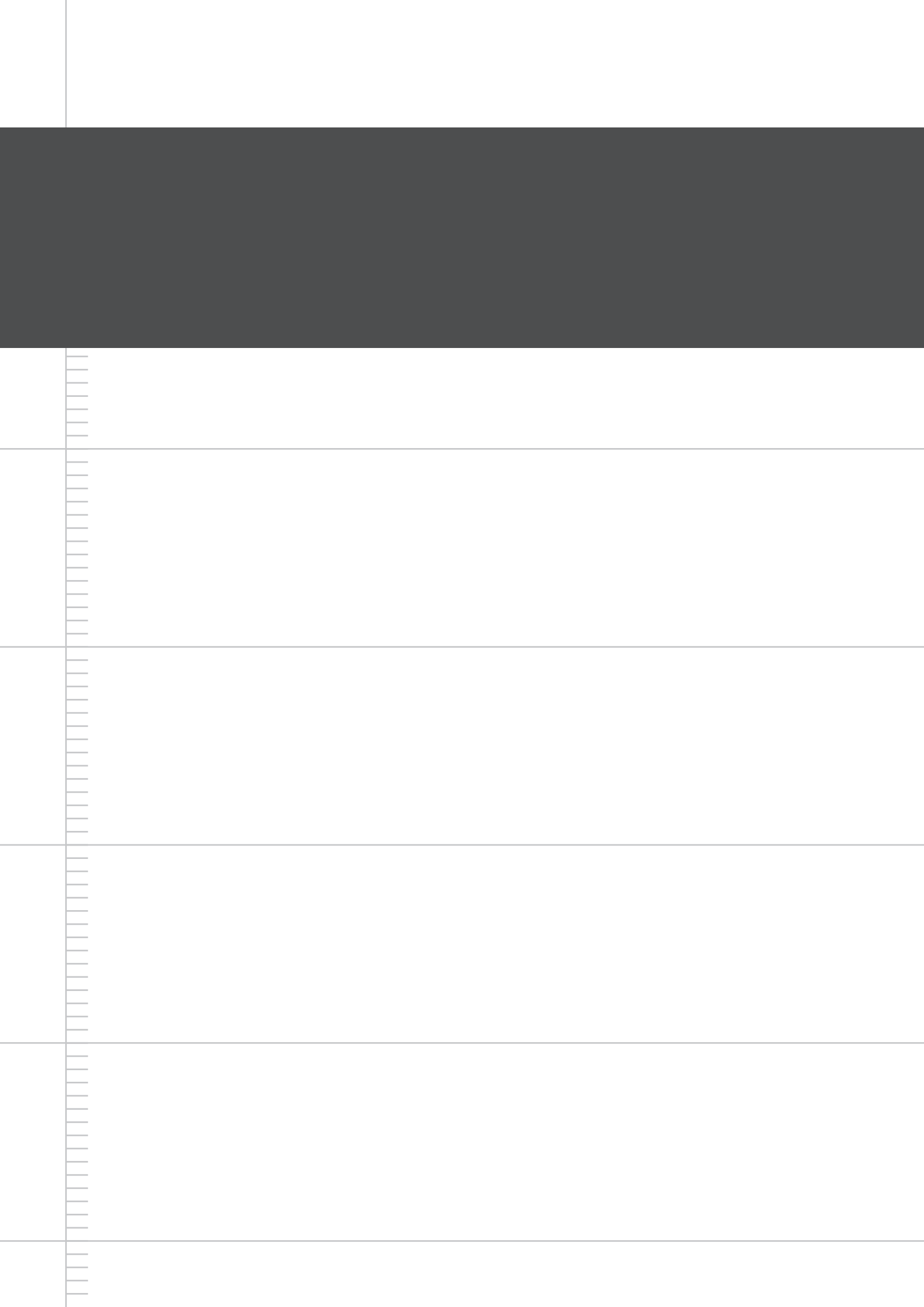
CPS Devon and Cornwall Overall Performance Assessment

Undertaken July 2007



Promoting Improvement in Criminal Justice

HMcpssi
HM Crown Prosecution Service Inspectorate



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ABBREVIATIONS

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

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

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A INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS

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

Assessments

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

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

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

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

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

Direction of travel grade

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

Improved reflects a significant improvement in the performance;

Stable denotes no significant change in performance;

Declined where there has been a significant decline in performance.

B AREA DESCRIPTION AND CASELOAD

CPS Devon and Cornwall serves the area covered by the Devon and Cornwall Constabulary. It has four offices, at Exeter (two offices), Plymouth and Truro. The Area Headquarters (Secretariat) is based at one of the Exeter offices.

Area business is divided on geographical lines with Divisions covering Cornwall, North and East Devon, South and West Devon, and Plymouth.

During the year 2006-07 the Area had an average of 118.5 full time equivalent staff in post, and a budget of £5,795,404. The Area also received an additional £250,000 rejuvenation fund. Staff numbers are unchanged, but there has been a 13.9% increase in budget since 2004-05, the period covered by the Area's last OPA.

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

Pre-charge work¹

2004-05		2006-07	
Written advice	1,740	Decisions resulting in a charge	4,684
Pre-charge advice (where available)	5,207	Decisions not resulting in a charge ²	4,066

Magistrates' courts proceedings (including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Magistrates' courts prosecutions	23,143	21,065	-9.0%
Other proceedings	0	0	Nil
Total magistrates' courts proceedings	23,143	21,065	- 9.0%

Crown Court proceedings

(including cases previously subject to a pre-charge decision)			
Cases sent or committed to the Crown Court for determination	1,673	1,511	-9.7%
Committals for sentence ³	455	359	-21.1%
Appeals from the magistrates' courts ³	289	273	-5.5%
Total Crown Court proceedings	2,417	2,143	-11.3%

In 2006-07, 42.7% of offences brought to justice were the result of convictions.

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

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

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

C SUMMARY OF JUDGEMENTS

Contextual factors and background

Since the last OPA, when the Area was assessed as Poor, there have been a number of changes at senior management level. Performance has improved significantly in key aspects of the core business, albeit the Area received additional funding to assist its change programme. The Area also re-structured late in 2006-07 by moving to four geographical divisions, each headed by a Divisional Crown Prosecutor, who is assisted by a Divisional Business Manager. The two Devon divisions are co-located with the police. This was a major exercise, particularly for the Devon divisions. The Area also extended its face-to-face pre-charge decision coverage to Newquay and Launceston in the latter part of 2006. The caseload has dropped since the last OPA, with magistrates' courts proceedings declining by 9% and Crown Court proceedings by 11.3%.

The Area was inspected in 2006, with the report being published in December 2006. We identified seven strengths within its performance, made ten recommendations and identified a further 19 aspects for improvement, and it addressed these within the context of its overall change programme.

Summary

Since the last OPA the Area has focussed on delivering successfully a significant change programme and establishing a comprehensive performance management regime. This, coupled with developing the leadership skills of senior staff has resulted in improvements in key aspects, particularly the delivery of pre-charge decision-making and the effective management of resources. The Area, in common with others, has benefited from an increase in budget since the last OPA, but was also assisted in 2006-07 by an additional rejuvenation fund, which undoubtedly assisted in helping to deliver change and improve performance.

The Area Business Plan is the foundation stone of business delivery and management of change. It sets out clearly the Area strategy, direction, milestones and governance. The 2006-07 plan has been reviewed and the 2007-08 plan builds upon the achievements made and includes a thorough evaluation of the previous plan. The plan is monitored at the Area Management Board and underpinned by three Committees that are empowered to deliver business improvements throughout the Area. This approach reflects strong leadership with a clear vision and direction. Equality and diversity issues are well integrated within Area plans. The Area has made significant progress to recognising and rewarding good performance by staff.

A performance culture is being embedded through involving managers and staff in process mapping, focus groups, and performance meetings. This is underpinned by a comprehensive performance framework and easily accessible performance data. There are clear lines of accountability for delivering targets and measures to evaluate performance seem robust. There is clear commitment to CJS initiatives and other inter-agency working where joint performance is analysed and information shared. Compliance with casework quality assurance (CQA) is of concern although the Area's approach to evaluating quality standards is robust.

This approach has helped the Area achieve four of the six expected benefits of the statutory charging scheme, although it needs to improve substantially the discontinuance rate in magistrates' courts pre-charge decision cases. Other aspects of magistrates' court casework also need to be improved, including the timely preparation of summary trials and committals. This was leading to ineffective

pre-trial reviews and committals being adjourned, although the late submission of the police file contributed to the level of adjournments. Area restructuring and the appointment of case progression managers should improve the summary trial preparation process,

The overall discontinuance rate for magistrates' court cases also needs to be reduced, although performance has improved year on year. However, the Area continues to achieve a better than national average successful outcome and ineffective trial rates, with performance improving year on year.

Devon and Cornwall exceeded its 2006-07 target for offences brought to justice, bringing 33,241 offences to justice against a target of 29,277. The proportion of convictions that support the target was 42.7% which was lower than the national average (49.6%).

In 2006 the average processing time for persistent young offenders (PYOs) was 74 days compared with 56 days in 2005, although performance was beginning to improve in 2007.

The proportion of successful outcomes in the Crown Court declined in 2006-07, compared with 2005-06 although they were above the national average in both years. Detailed unsuccessful outcome case reports are produced and analysed, although the lessons learnt need to be shared more widely. As in the magistrates' courts the ineffective trial rate is better than the national average and improving year on year. Some aspects of case progression need to be improved, including the timeliness of continuing disclosure, although overall the handling of the disclosure of unused material has improved since the last OPA. The Area is very rigorous in its assessment of the quality of this aspect of casework performance.

In 2006-07 the Area did not meet either its confiscation order or value targets under the Proceeds of the Crime Act (POCA). The CPS and the police have strengthened the procedures to identify appropriate confiscation cases.

Sensitive cases and hate crimes are generally well handled and there is effective oversight by the Area Serious and Complex Casework Committee. The combined magistrates' courts and Crown Court successful outcome rate in hate crimes has improved significantly in 2006-07 and is now better than the national average. Performance has improved in all categories, but particularly so in respect of cases involving allegations of domestic violence.

The Area had no custody time limit failures in 2006-07, but two in the first quarter of 2007-08 (although the cases started in 2006-07). Both failures were reported promptly to CPS headquarters and remedial action taken, including strengthening Area management checks.

The Area Effectiveness Inspection (AEI) in December 2006 raised various concerns in respect of the treatment of victims and witnesses. The Area has addressed these through its restructure, by strengthening links with the Witness Care Units, improving the monitoring and awareness of special measures, process mapping and good performance in respect of its ineffective and cracked trial rate due to witness issues. The No Witness No Justice project continues to be monitored and reviewed through the local criminal justice board's (LCJB) victim and witness sub-group. There is a clear commitment towards victim and witness needs within the Area and by its criminal justice partners.

Senior managers and other staff are committed to improving community confidence, particularly understanding the need for more public accountability as the CPS evolves within the criminal justice system. There have been some good examples of community engagement, although the Area's focus in

2006-07 on improving its core business and delivering the restructure has resulted in there being less overall focus on community engagement than at the time of the last OPA. The Area needs to effectively evaluate its activities and target resources proactively. In common with most Areas, examples of where community engagement has instructed service delivery need to be strengthened.

Direction of travel

Since the last OPA the Area's performance has improved considerably, although there remains work to be done in the progressing of some aspects of magistrates' court casework. Securing further improvement in some parts of the Area's work may be challenging, particularly increasing the overall level of designated caseworker (DCW) court coverage and Higher Court Advocate (HCA) usage. Overall the Area has improved in six aspects, declined in three and remained stable in four, reflecting the focus in 2006-07 on delivering change in crucial elements of the Area's work.

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

OVERALL ASSESSMENT	GOOD
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Critical aspects	Assessment level		
	OPA 2005	OPA 2007	Direction of travel
Pre-charge decision-making	Poor	Good	Improved
Ensuring successful outcomes in the magistrates' courts	Fair	Fair	Stable
Ensuring successful outcomes in the Crown Court	Good	Good	Stable
The service to victims and witnesses	Good	Good	Stable
Leadership	Fair	Good	Improved
Overall critical assessment level		Good	
Progressing cases at court	Good	Fair	Declined
Sensitive cases and hate crime	Good	Good	Stable
Disclosure	Fair	Good	Improved
Custody time limits	Good	Fair	Declined
Delivering change	Poor	Good	Improved
Managing resources	Poor	Fair	Improved
Managing performance to improve	Fair	Fair	Improved⁴
Securing community confidence	Good	Fair	Declined
OVERALL ASSESSMENT	Poor	GOOD	

4 Although remaining within the Fair rating, this aspect has improved.

D DEFINING ASPECTS

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

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

- The Area provides face-to-face pre-charge decisions (PCD) from 9 a.m. to 5 p.m. five days a week at Camborne, Exeter, Plymouth, and Torquay, three days a week at Newquay and two days a week at Launceston, (although the split between Newquay and Launceston may vary). Cases arising at the Barnstaple charging centre are dealt with from the Exeter charging centre. There are appropriate arrangements for papers to be faxed to charging centres and telephone advice provided when necessary. In complex or serious cases there is an agreement that the police will make arrangements for a pre-charge consultation to take place at a CPS office, as opposed to a charging centre. In these cases the file is submitted in advance of the appointment to allow the prosecutor to consider the evidence beforehand.
- Officers are encouraged to seek advice early on in a case, and our file checks indicated that this was happening. The Area has made considerable efforts since our AEI to increase the provision of face-to-face advice, and has introduced an effective appointments system. Our file checks and examination of CQA forms confirmed that face-to-face advice was being given in almost all relevant cases. In one case where a written file was submitted inappropriately to the office, this was drawn to the attention of the police. Our findings are not reflected by nationally produced CPS data which indicates that the percentage of cases subject to face-to-face advice is less than that found nationally. However, this figure may be adversely affected by a large number of cases in 2006-07 (23%) where the last method of giving a decision was not defined.
- PCDs were not being sought on all relevant files including those involving PYOs, although the position improved in the second half of 2006-07. Detailed monthly non-compliance logs are kept by Divisional Crown Prosecutors (DCPs) which indicate that non-compliance in cases involving allegations of domestic violence is worse than for other types of crime. The logs also include cases where there is non-compliance with action plans. The findings from these logs are shared with the police.
- Inappropriate requests for a PCD are brought to the attention of the police gatekeepers. In 2006-07, the PCD was for no further action (NFA) in 39.6% of cases compared with 31.9% nationally. The Area recognises that at some charging centres there is a need to strengthen the gatekeeping arrangements.
- There is a disputes resolution protocol for cases where there is a disagreement between the police and the charging lawyer. One case was formally escalated to the Chief Crown Prosecutor in 2006-07.

- Compliance with pre-charge decisions is monitored and the number of entries on the inactive case lists, which are supplied regularly to police managers, had improved since our AEI, although performance is still variable across the Area. The police provide reports on why there has been non-compliance. Previous difficulties with duplicate unique reference numbers have now been resolved. The average period from first decision to charge is 6.5 days compared with 9.6 days nationally.
- In 2006-07, 95.3% of PCDs were recorded on CMS, and in some months this rose to 100%. Overall performance is improving. Almost all cases have a correct unique reference number, with only 0.9% failing to comply compared with 4.8% nationally. The rate of undefined outcomes is worse than nationally at 18.6% compared with 10.1%. The recording of the gender of suspects on CMS is good, but our AEI and file check indicated that in some cases the ethnicity is not identified.
- There are regular meetings with the CPS Direct Area Manager, who also spoke at the police gatekeeper conference. During the Area restructuring some CPS Direct (CPSD) MG3s were not entered correctly into CMS, but this issue has now been resolved.
- Conditional cautioning has been operating in Plymouth since June 2007, with roll out across the Area by the end of 2007-08. It is too early to evaluate the effectiveness of the scheme.

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 commissioned a file review in November 2006, which was carried out by the national statutory charging team. This review found that the quality of PCDs and action plans was good, and our file sample checks supported this finding. The checks indicated compliance with local and national policy.
- Our file checks and the Area file review indicate that appropriate issues are considered at the PCD stage, including whether application can be made to restrain and confiscate assets.
- DCPs review MG3s on a daily basis to ensure the quality of decision-making and other aspects of the scheme. This also enables them to assess on a regular basis whether prosecutors are consistently providing good quality PCDs. Our AEI and file checks found that the quality of decision-making was good, although in two discontinued cases subject to our checks the issues should have been addressed at the PCD stage. DCPs compile schedules of discontinued PCD cases, which indicate when there has been a review failure.
- In November 2006 the Area, in conjunction with the police, undertook a formal review of NFA cases, which indicated that some could have been strengthened by better investigation at an earlier stage. The daily checks of MG3s also cover NFA cases. Overall, performance has improved in 2006-07. Conditional cautioning decisions will be included in the DCP MG3 checks.

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%	18.1%	16.7%	11.0%	13.1%	12.7%	10.5%
Guilty plea rate	52.0%	69.2%	66.8%	73.0%	68.0%	66.5%	64.9%	67.1%
Attrition rate	31.0%	22.0%	22.9%	19.9%	23.0%	22.2%	20.0%	19.1%

- Overall, four of the six expected benefits are being met, although the discontinuance rate in magistrates' court cases needs to improve significantly. However, performance has improved in respect of all the expected benefits in 2006-07 compared with 2005-06, and was better than the national average in five of the six expected benefits.
- The Area produces detailed performance information, overall and by Division, on all the aspects of the PCD scheme. The reasons for failed cases are assessed by DCPs, and the logs setting out the evaluation of the failure are circulated to prosecutors.
- Each Division has regular prosecution team performance management (PTPM) meetings at which all aspects of the PCD scheme are discussed, including the failings in individual cases, although the Cornwall meetings could be better documented. There are regular reports to the Area PTPM meeting (which took over responsibility from the Strategic Charging Committee in January 2007). Overall performance is improving although the discontinuance rate in the magistrates' courts remains problematic.
- The Area has undertaken a number of joint reviews and analysis with the police as a result of which action plans have been drawn up and implemented. Aspects of the operation of the scheme are discussed at team meetings, including high-level performance.

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

2A Successful outcomes are increasing

Case outcomes in the magistrates' courts	National performance 2006-07	Area performance 2006-07
Discontinuance and bindovers	10.8%	11.5%
No case to answer	0.2%	0.1%
Dismissed after trial	1.9%	1.3%
Discharged committals	0.2%	0.0%
Warrants	2.6%	1.1%
Overall conviction rate	84.3%	86.0%

- The proportion of successful outcomes has increased from 83.3% in 2005-06 to 86.0% in 2006-07. In both years, performance was better than the national average.
- The level of discharged committals, cases dismissed on a submission of no case to answer (NCTAs) and acquittals after trial are better than the national average. The Area has very few discharged committals although the number increased from five in 2005-06 to eight in 2006-07. There are systems in place to monitor these cases, and the Area is working with the police to improve the timeliness and quality of the police file submission. NCTAs and acquittals after trial are analysed by Divisional Crown Prosecutors (DCPs) on a monthly basis, and learning points identified.
- The discontinuance rate for all cases is improving, although still worse than the national average. The rate improved from 13.6% in 2005-06 to 11.5% in 2006-07, compared with 10.8% nationally. DCPs analyse cases that are discontinued, and provide a report on those that have been subject to a PCD.
- Unsuccessful outcomes are analysed thoroughly by DCPs and cases are discussed at PTPM meetings. Performance is improving, with the discontinuance, NCTA and acquittal after trial rates all better in 2006-07 compared with 2005-6.
- Devon and Cornwall exceeded its 2006-07 target for offences brought to justice (OBTJ), bringing 33,241 offences to justice against a target of 29,277. The OBTJ target is a shared one with criminal justice partners. The CPS contribution comes through managing cases to keep unsuccessful outcomes low, and the Area was successful in this respect. The proportion of convictions that support the OBTJ target was 42.7% which was lower than the national average (49.6%).

- In the quarter to March 2007 performance against the timeliness target of 71 days from arrest to sentence for PYOs was 74 days overall and reflects a significant improvement in performance compared with the last six months of 2006-07. In 2006 the average processing time was 74 days compared with 56 days in 2005. Performance had been declining considerably since the Area's last OPA, although significant effort has been made recently to address the decline through the local criminal justice board (LCJB) PYO sub-group and the Area has reinforced the need for the police to quickly bring cases for a PCD following arrest. Two of the four Divisions had PYOs on their inactive case lists, and checks needed to be carried out to clarify the status of those cases.
- Staff are kept up to date with magistrates' courts casework issues through regular e-mails, and team meetings, although the dissemination of lessons learnt could be more structured.

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

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	52.5%
Cracked trial rate	37.3%	30.7%
Ineffective trial rate	18.9%	16.8%
Vacated trial rate	22.5%	23.2%

- Failures to comply with action plans are included in compliance logs and discussed with the police. There is however a lack of clarity about the use of the form TQ1 to monitor file quality and timeliness, with no structured analysis.
- Our AEI confirmed that there were appropriate arrangements for the initial review of cases but raised significant concerns about some aspects of continuing review. The ability of prosecutors to prepare cases in a timely and appropriate manner for summary trial was a particular issue. Our file checks indicate that performance has improved, assisted by the introduction of case progression managers (CPMs), although the timeliness of preparation is not yet fully acceptable, and needs to improve substantially.
- Arrangements for case progression are getting better since the appointment of the CPMs although still not yet fully effective. There are now effective arrangements for case progression meetings with criminal justice partners. The rate of return of trial readiness checks to HM Court Service (HMCS) is improving although performance remains variable and the Area is not meeting consistently its own target of 85% compliance. Our file checks also indicated that in some cases there are still multiple pre-trial reviews, including where the prosecution is not ready, which does not contribute to reducing the number of case hearings.

- The effective, ineffective and cracked trial rates are all better than the national averages and the ineffective trial rate improved significantly in 2006-07. The percentages of ineffective and cracked trials attributable to the prosecution are lower than the national average.
- The Criminal Justice: Simple, Speedy, Summary (CJSSS) initiative was rolled out at Barnstaple Magistrates' Court in July 2007. The very early indications are that improvements have arisen with almost all cases being progressed on the first date of hearing. CJSSS will be rolled out in the rest of the Area by the end of 2007. As part of the preparation for roll-out, the Area is reviewing its existing summary trial files to ensure that they can still proceed.
- The timeliness of youth cases is improving and consistently meets or betters the national average, although the Area has too few youth cases committed to the Crown Court to assess timeliness in this category. The PCD inactive case lists contain a number of youth offenders and the Area needs to ensure these are prioritised.
- DCPs undertake an analysis of all cracked and ineffective trials and these are discussed with their counterparts in HMCS. The level of performance data available has improved since our AEI, with detailed information provided by Division, which is quality assured by the CPMs. The minutes of team meetings do not indicate that these analyses are shared in a structured way with staff.
- The percentage of cases with a magistrates' court review on CMS is improving although still low (54%) and our check of full file reviews which were still outstanding on CMS confirmed this performance. The percentage of cases which are finalised within one day of the hearing, or where the hearing outcome is recorded within a day needs to be improved, although the geography of the Area makes this difficult. The Area CMS implementation team discusses relevant issues.

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

3A Successful outcomes are increasing

Case outcomes in the Crown Court	National performance 2006-07	Area performance 2006-07
Judge ordered acquittals	13.1%	11.9%
Judge directed acquittals	1.4%	1.4%
Acquittals after trial	6.5%	6.0%
Warrants	1.3%	1.4%
Overall conviction rate	77.7%	79.5%

- The proportion of successful outcomes in the Crown Court declined in 2006-07, although they were above the national average.
- In our AEI we identified the late preparation of committal papers as a contributory factor to the Judge Ordered Acquittal rate, but considered that the one Judge Directed Acquittal we examined in the AEI was properly brought.
- Divisional Crown Prosecutor (DCP) approval is required before no evidence is offered. The Area's analysis of adverse cases indicates that there are few JOAs where the Area could have done more to prevent them. In one Division, where the unsuccessful outcome rate was higher than the Area average, the DCP undertook a specific review of Crown Court PCD cases to ensure that robust decisions were being made at the initial stage.
- Our AEI found that in every relevant case there was a report, most of which were detailed, setting out the reasons for the unsuccessful outcome. Each report had been signed off by the DCP and there was a thorough analysis in one unit, which has now been extended to all the Divisions. Our OPA checks confirmed that the quality of adverse case reports remain high. The findings are shared with the police and discussed at PTPM meetings.
- In 2006-07 the Area obtained 20 confiscation orders under the Proceeds of Crime Act (POCA) against a target of 26. The value target for 2006-07 of £1,531,178 was not met with the Area only obtaining confiscation orders of £711,463. Our AEI noted that there was a need to improve performance and that prosecutors needed to be more alert at the pre-charge decision stage about whether a case fell into this category. Since then the Area has delivered POCA training to its own staff and the police, and every PCD case has to have a form MG17 identifying whether there are assets which potentially can be seized. The Area POCA champion liaises with the court in respect of enforcement issues.

- Lessons learnt from unsuccessful outcomes are shared with prosecutors through dissemination of the logs compiled by the DCPs, and sometimes discussed individually.

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

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	65.5%
Cracked trial rate	39.5%	26.2%
Ineffective trial rate	12.4%	8.4%

- Our AEI found that the timeliness of committal preparation needs to be improved, with some being reviewed and prepared at the last minute. In some cases this was due to the late receipt of the police file, but in others it was due to delay by the Area. Since then, the Area has embarked on a specific initiative, driven at a strategic level within the CPS and the police, to improve the police file quality and timeliness.
- There are effective arrangements for case progression in the Crown Court. Our AEI found that the prosecution was ready for the plea and case management hearing (PCMH) in 87% of cases, and compliance with directions was timely in 90.7% of cases. Our file checks confirmed that this level of performance has been maintained. The general readiness for the PCMH contributes to the Area's good ineffective trial rate.
- The Area has few youth cases in the Crown Court. These cases are subject to expedited timescales compared with adult defendants.
- The effective, ineffective and cracked trial rates are all better than the national averages, with performance being particularly good in Cornwall. However the percentage of cracked and ineffective trials due to the prosecution is worse than the national average, although late pleas of guilty by the defence to the original charge account for over 60% of the cracked trials.
- DCPs undertake a thorough analysis of all cracked and ineffective trials, which is discussed with their counterparts in HM Court Service, and the proportion of cases within these categories is reducing. The data is also discussed at the local criminal justice board Victim and Witnesses sub-group, but lessons learnt could be disseminated in a more structured way to CPS staff.
- CMS is used to prepare the committal package in almost all cases. The use of the system to record the full file review improved substantially in 2006-07 from 23.2% in April 2006 to 85.6% in March 2007, just missing the Area target of 90%. Our AEI and OPA file checks indicated that key issues were considered fully in most cases.

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

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

- Cases generally proceed at the first hearing, but in 2006-07 performance needed to be improved significantly in respect of cases adjourned for committal and summary trial. The lack of timely preparation of committals and summary trials meant that cases did not progress at each court appearance. Most committals were not ready by the date set down, although in some cases the late supply of the police file contributed to the delay. Some pre-trial reviews (PTR) in the magistrates' courts were ineffective because the prosecution had not carried out the necessary actions. This was still an issue in early 2007-08.
- Cases progress satisfactorily in the Crown Court, with the necessary actions carried out before and after the plea and case management hearing (PCMH) in most cases.
- The quality of the case analysis in the instructions to counsel has improved since our AEI. Our file checks indicated that the instructions were adequate in most cases and the acceptability of pleas was addressed in each of the relevant files.
- The Area has appropriate systems for ensuring files are delivered to agents at least the day before the hearing. In-house lawyers are usually able to prepare their magistrates' court lists in the office the day before. Since the AEI the Area has strengthened file ownership, and the prosecutor who makes the pre-charge decision is expected to have conduct of any subsequent magistrates' courts trial.
- At the time of our AEI, Higher Court Advocates (HCAs) were preparing cases in their own time because they did not have sufficient time to do so when they were in the office. The position improved towards the end of 2006-07, with the introduction of 'ring-fenced' HCAs who have no personal caseload and monthly session targets which allow them sufficient time to prepare.
- The attendance of prosecutors in the magistrates' courts and Crown Court is timely, allowing sufficient time to discuss any issues with the court and the defence and to speak with witnesses.
- Our AEI found that agents could not readily contact a CPS prosecutor which was leading to unnecessary adjournments, but there are now appropriate systems in place, the detail of which is included in agent's instructions. The revised Area system for preparing for PTRs should also ensure that the prosecutor conducting the PTR has sufficient knowledge to progress the case.
- The Area has worked effectively with HM Court Service to amend the court listing matrix to ensure that enough Designated Caseworker court sessions will be in the matrix to assist effective deployment. This has been particularly successful at Plymouth. Divisional Crown Prosecutor agreement is needed if the court wishes to keep a courtroom open when its business collapses in advance of the hearing date, for example if a trial is vacated. Whilst general business is transferred between courtrooms, it is rare for contested matters to be moved.

- Overall there are fewer adjournments per case in the magistrates' courts than nationally, although more in cases adjourned for committal. There are fewer Crown Court adjournments per case than found nationally. The overall timeliness of cases has improved throughout 2006-07 and is better than the national average.
- The number of wasted costs orders is reducing year on year. There were four orders in 2006-07, all of which were in the magistrates' courts, totalling £335.

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

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

- The Area satisfies itself that sensitive cases are being appropriately reviewed, handled and endorsed through a variety of mechanisms, including scrutiny by the Serious and Complex Casework Committee, the CQA scheme and the daily check by Divisional Crown Prosecutors (DCPs) of the MG3s. Additionally, in racially aggravated cases, the Area Special Casework Manager via the relevant DCP has to be consulted if it is proposed to drop the charge or remove the racially aggravated element. DCP approval is needed before discontinuing a case involving an allegation of domestic violence where the complainant has decided to withdraw support from the prosecution.
- Area and divisional champions have been appointed for all categories of sensitive and specialist cases. They are consulted where appropriate and involved in performance analysis, particularly in respect of hate crimes. There is a list of lawyers designated to deal with sensitive and specialist cases, but the process for their designation as specialists is unclear. Lawyers are allocated sensitive cases based upon their experience and ability. Relevant training has been delivered to all specialists, and designated rape specialists have observed the conduct of cases in the Crown Court. Area champions have also received additional training to ensure they have the appropriate level of expertise.
- The Area Serious and Complex Casework Committee meets monthly to discuss cases of local concern, including those with a high profile. All serious cases are discussed and monitored, with lessons to learn and legal guidance disseminated to staff. The committee also sits as the case management panel for Very High Cost Cases. The Area is proactive in dealing with cases with significant media interest, and works closely with the police to ensure that there is a consistent approach.
- Sensitive cases are identified and flagged on CMS. Cases are flagged at the pre-charge decision stage and checked again in the office, both at registration and at any subsequent review. Our AEI and our reality checks for this OPA confirmed that there was a high level of compliance.
- The Area business plan contains detailed action plans aimed at securing improvements in the handling of domestic violence cases and hate crimes. The plan contains actions designed to improve the handling of rape cases based on the HMCPSI and Her Majesty's Inspectorate of Constabulary joint thematic review of the handling of rape cases and a multi-agency rape strategy is being developed
- The Area undertakes an analysis of hate crime cases and there is a monthly review of all sensitive cases. Our AEI indicated that the relevant logs were being completed correctly.

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

- The Area has effective systems for collecting and analysing performance information at Divisional level in respect of all sensitive case outcomes, which is produced on a monthly basis. Hate crime performance data is shared with local interest groups and at local criminal justice board level, and the Area's commitment to improving performance has been recognised by local interest groups. An Area-wide race hate scrutiny panel is being developed through the local criminal justice board, although its implementation has been subject to delay.
- The combined magistrates' courts and Crown Court successful outcome rate in hate crimes has improved significantly from 56.8% in 2005-06 to 68% in 2006-07 and is now better than the national average.
- In cases involving allegations of domestic violence the combined successful outcome rate improved from 55.4% to 67%, and again is now better than the national average. Local data indicates that the improvement rate is greater at the Special Domestic Violence Magistrates' Court at Exeter.
- In cases involving allegations of racial aggravation or religious motivation the combined successful outcome rate has risen from 70.6% to 74.6%, although still below the national average. Successful outcomes in homophobic crimes have improved from 58.3% to 73.9% (although based on small numbers), which is close to the national average.
- The Area Champion does not attend the Local Safeguarding Children Boards, but receives updates from the Boards. The Cornwall DCP attends some of the Board meetings. The needs of children as victims, witnesses and defendants are incorporated into Area plans and their local protocols with partner agencies regarding the handling of cases involving child witnesses.

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

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

- Compliance with the duty of disclosure is getting better. Performance at the time of our AEI had improved in all categories except that relating to the disclosure of sensitive material, where prosecutors needed to show that they had considered the schedules. The Area's CQA returns indicate that performance is less than satisfactory, with an overall compliance rate of 65.5% compared with 91.8% nationally. However, the Area gives a different weight to non-compliance with some assessment criteria compared with other Areas and HMCPSI, for example failing to complete correctly the disclosure record sheet. This table illustrates the performance trends based on our assessment criteria:

	Area performance in inspection May 2004	Overall findings for all CPS Areas 2002 – 05 programme	Area performance in last OPA (July 2005)*	Area performance in last inspection September 2006	Area performance in this OPA
Initial (or primary) disclosure dealt with properly in magistrates' courts cases	33.3%	71.6%	60.0%	61.2%	60% (3 out of 5 cases)
Continuing (or secondary) disclosure dealt with properly in magistrates' courts cases	No assessment	No assessment	No assessment	33.3% (1 out of 3 cases)	No assessment
Initial (or primary) disclosure dealt with properly in Crown Court cases	62.5%	79.9%	70%	83.3%	80% (4 out of 5 cases)
Continuing (or secondary) disclosure dealt with properly in Crown Court cases	77.3%	59.4%	71.4%	84.2%	80% (4 out of 5 cases)
Disclosure of sensitive material dealt with properly in magistrates' courts cases	No assessment	60%	No assessment	100% (4 out of 4 cases)	No assessment
Disclosure of sensitive material dealt with properly in Crown Court cases	60%	77.8%	No assessment	54.5%	100% (2 out of 2 cases)

* Based on a small file sample.

- Our reality checks, although based on a small sample, confirmed the overall improvement in the Area's handling of the disclosure of unused material, whilst indicating scope for further improvement.
- In some cases additional disclosure is made late in the day by trial counsel, which does not comply with the Criminal Procedure and Investigations Act (CPIA) tests or accord with the Lord Chief Justice's protocol for the control and management of unused material in the Crown Court. There was also a need to ensure that continuing disclosure issues were addressed promptly, following receipt of the defence statement. Whilst continuing disclosure was dealt with correctly in the cases in our file sample, our attention was drawn to a case where the failure to deal with continuing disclosure in a timely manner led to a wasted costs order. The Area is engaged in discussions with the local judiciary and Bar to ensure that the approach taken by the prosecution is clear and consistent.
- Divisional Crown Prosecutors assess whether disclosure is being dealt with correctly through the CQA scheme. Issues identified include a failure to return incomplete schedules to the police for correction and not endorsing the schedules correctly, which accord with the findings from our file checks. Disclosure material is not always kept separately from the main file and disclosure record sheets are not always completed fully, although there were some sheets in our file check which were particularly detailed. Since the Area implemented a robust assessment process, performance has improved, which was confirmed by our checks.
- The Area has appropriate systems for the secure storage of sensitive material and both cases in our file check which had sensitive material were handled properly.
- The Area has an effective disclosure champion who has delivered advanced disclosure training to the police, and there has been joint training in relation to the handling of operational logs and video recorded evidence. There has been limited CPS input into more general police disclosure training. The Area's learning and development plan includes the provision of refresher training on disclosure and the champion has delivered training to staff on the provisions of the Criminal Justice Act 2003.
- Since the last inspection, the Area has delivered all its planned training and the Complex and Serious Casework committee has issued guidance to prosecutors. Overall performance has improved, although less so in respect of compliance with the duty of initial disclosure in magistrates' courts cases.

7 CUSTODY TIME LIMITS	OPA 2005	OPA 2007	Direction of travel
	Good	Fair	Declined

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

- The Area has a written custody time limit (CTL) system which was implemented three years ago. This complies with CPS national guidance although there are slight differences in interpretation between the units.
- The Area had no CTL failures in 2005-06 or 2006-07, but two in 2007-08 to date. The circumstances of these failures (one of which was very complex) indicate that a number of procedures were not complied with, including agreeing the expiry dates with the court, and carrying out the necessary management checks. In both cases the defendant was released, although in one this was not as a direct consequence of the breach of the CTL. Both failures were reported promptly to CPS headquarters and guidance issued to staff to prevent a re-occurrence.
- Our file checks showed that the CTL expiry dates were calculated correctly in all but one of the cases examined, although this was done by the prosecutor at court in only two cases. In one case the CTL expiry date was not on the front of the file, and it was not apparent that the defendant was in custody, although this was recorded correctly on CMS. In another summary case both the 56 and 70 day expiry dates had been endorsed. Review dates were calculated correctly in all but one case, where a 21 day review date had been endorsed, as opposed to the 28 day date. Applications to extend CTLs were made correctly on each of the relevant files, and each had a detailed chronology of events.
- The Area champion has delivered refresher and bespoke training to relevant staff, and this was accelerated following the CTL failures.
- Divisional CTL coordinators make efforts to involve the courts in reconciling CTL dates, and send lists, or letters on each case, to notify them of expiry dates. Our file checks confirmed this practice. There is liaison with some court staff in updating records but feedback is not always received on the information provided. A protocol has been drafted, although this is still at the amendment stage, with HM Court Service whereby prosecutors will now formally agree CTL expiry dates in court in respect of magistrates' courts cases.
- Each office has a CTL coordinator who checks entries made on CMS by administrators and enters the information into a diary or log. Our file examination confirmed that these checks are carried out. Monthly compliance checks are made by the Divisional Business Managers who dip sample six cases a month and report to the Divisional Crown Prosecutor on an exception basis.
- CMS task lists are not utilised fully to monitor the effectiveness of the system, with more reliance put on manual diary checks. However CMS is used as a back-up to identify when an expiry date is imminent.

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

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

- The Direct Communication with Victims (DCV) scheme, which requires a letter to be sent to a victim when a charge is discontinued or substantially reduced, is embedded throughout the Area. In 2006-07, 77% of letters were sent within the five day target compared to 73% nationally. The proxy target has been successively reduced from 140 letters to 99 letters. The Area had consistently met its proxy target for the first three quarters of 2006-07, although there appeared to be a significant dip in performance in the last quarter which the Area attributes to data problems during restructuring. Our checks indicated that letters were sent in all appropriate cases, although these were not always timely. The quality of the letters was appropriate to the circumstances of the case.
- In the last quarter of 2006-07 Area managers assessed that only 43% of files met the victim and witness CQA standard. The Area considers that its CQA processes are very robust which accounts for this assessment.
- All prosecutors have been trained on the Victim's Code, and compliance is monitored through the CQA process. The Area Management Board has agreed to introduce national good practice that has been identified at regional DCV workshops, including a three stage escalation process for non-compliance with the Victim's Code, the final stage resulting in Chief Crown Prosecutor intervention
- The AEI indicated that the early identification of victim and witness needs should be improved. The Area has now increased the monitoring of MG3's by Divisional Crown Prosecutors to include a review of whether victim and witness needs have been appropriately addressed and special measures applied for at an early stage where necessary. Prosecutors are now more aware of the need to make an informed decision about which special measures are appropriate, and this was reflected in our file checks. Our reality check revealed that special measure applications are generally well drafted. One file raised cause for concern over the timeliness of the application, and the accuracy of the information provided to the court, although other cases were appropriately handled.
- The AEI indicated that there were timeliness and quality issues concerning information about the availability of witnesses. The Area has conducted a process mapping exercise to address these issues. There are now effective systems in place to ensure that witnesses are warned in a timely and appropriate manner.
- All prosecutors have been supplied with a copy of the Prosecutor's Pledge and have completed the Proactive Prosecutors Programme. In addition, agents and Counsel acting on behalf of the CPS are provided with an information pack that highlights CPS expectations in respect of their treatment of victims and witnesses. The Area consults, through formal and informal meetings,

with senior court clerks, the Witness Service and Victim Support to get feedback on the treatment of witnesses in court. All complaints are filtered through the Chief Crown Prosecutor. However complaints from victims and witnesses concerning their treatment at court by the prosecutors are rare.

- At the request of the local criminal justice board (LCJB) victim and witness sub-group, the Witness Service conducted a review of the Victim's Code and Prosecutor's Pledge which found no failings in processes or performance.

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

- The Area has three witness care units (WCUs), which the LCJB has self-assessed as meeting minimum requirements. The Devon WCU has recently restructured to offer cross-unit support. Strengthened arrangements with HM Court Service ensure that WCUs receive case hearing results immediately in cases involving vulnerable or intimidated witnesses.
- Cracked and ineffective trials are reviewed by the LCJB victim and witness sub-group, and through the Area's performance framework and PTPM meetings. The ineffective trial rate in the magistrates' court, attributable to the absence of prosecution witnesses is 2.5% which is better than the national average at 3.2%. In the Crown Court the ineffective trial rate due to witness issues, is comparable to the national average. The cracked trial rates in the magistrate's court and Crown Court due to witness issues are both better than the national average. Witness waiting times in the magistrates' court is better than the national average but worse than the national average in the Crown Court.
- The Area implemented a No Witness No Justice (NWNJ) action plan following a sign over review by the national NWNJ team in June 2006. At that time the Area were meeting nine of the minimum requirements. Progress on NWNJ and the Victim's Code are discussed and monitored at the LCJB victim and witnesses sub-group where all agencies are represented. Secondary measures such as witness attendance rates and special measures are also evaluated.
- Performance and updates on victim and witness issues are published on the Area's intranet homepage and on divisional notice boards.

9 DELIVERING CHANGE	OPA 2005	OPA 2007	Direction of travel
	Poor	Good	Improved

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

- The last OPA raised significant concerns about the ability of the Area to deliver change. Since that time there has been a change in senior management and direction coupled with a significant change management strategy known as Project Phoenix. The project set out clearly and in great detail what the Area needed to do and how it would achieve its aims.
- The Area Business Plan (ABP) 2006-07 is now key to driving the change programme. It sets out a clear vision for the Area, including 11 strategic objectives that broadly reflect the OPA framework criteria. These strategic objectives are underpinned by operational objectives and activities which are complemented by milestones and lines of accountability. The Area held a strategic planning day that included the collective input from staff of all grades, partner agencies, and departmental trade union members to inform the ABP process.
- Whilst the Area's budget is devolved to divisional level, there are no linked divisional plans. However, all the divisions work corporately through the Area Management Board (AMB) which monitors the Area's progress against the ABP. Performance Development Plan objectives for individuals are aligned to business objectives.
- Most of the progress detailed in the 2006-07 ABP was delivered within timescale. In early 2007 the change programme and plan was evaluated to ensure the 2007-08 ABP would be fit for purpose. The 2007-08 plan reflects this evaluation and is more streamlined in its content. The objectives and direction of the current plan were also informed by a strategic planning event held in February 2007 which included partner agencies.
- Joint planning with criminal justice partners is successfully embedded and includes all major initiatives such as No Witness No Justice (NWNJ), Conditional Cautioning, Criminal Justice: Simple Speedy Summary (CJSSS) as well as locally agreed change projects. The CPS is represented on all local criminal justice board sub groups and chairs some. In addition the Area participates in a range of other inter-agency groups.

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

- The Area has successfully implemented a change in its internal structure, moving away from functional units to four geographical divisions that handle casework from 'cradle to grave'. This has increased accountabilities, communication and unity of purpose throughout the Area.
- There are systematic links made between the various internal and external projects, as well as Area objectives which are captured in the ABP. In addition, the training needed to deliver these is considered.

- Projects such as statutory charging and NWNJ have been 'signed off' by the appropriate HQ post-implementation teams. The conditional cautioning initiative went live in June 2007 and there are regular implementation meetings with partners to ensure its successful delivery. There is a comprehensive advocacy strategy that aims to deliver challenging outcomes in 2007-08. A coherent approach to change is being applied to the implementation of CJSSS. Area senior managers are members of the steering group. CJSSS went live at Barnstaple Magistrates' Court in July 2007. Early results indicate that the expected benefits are being achieved.
- There are sound processes within the Area for the management of risk. The Area risk register is an integral part of the ABP and is reviewed through the Divisional, and AMB structure.

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

- The Area aligned the planning for the delivery of training in 2006-07 to the objectives of Project Phoenix and the ABP ensuring that staff had the relevant skills and training. The linking of these training needs with the business plan has been converted into a comprehensive Learning and Development database that includes costs for delivering these training needs.
- The analysis of training needs has been conducted through the Resources, People and Performance Committee, supported by the Area Change Manager. There is a comprehensive training plan that includes mandatory training issues and induction. Although the training plan is timetabled, managers have shown flexibility in its application in that training for staff concerning custody time limits (CTLs) was brought forward after the discovery of a CTL failure.
- Ensuring that diversity issues and equality of access to training is included and considered in the training plan is the responsibility of the Resources, People and Performance Committee. In addition individuals are asked to identify their own particular training needs during the appraisal process and these are considered along with the business need.
- Training is scheduled to ensure that all staff can access the necessary courses.
- Despite what appears to be a comprehensive and systematic approach to training, the staff survey (conducted in March 2006) indicated very poor results in relation to learning and development. A staff survey action plan that sets out matters to be rectified has been compiled. The Area will undertake a revised (internal) staff survey to assess its progress. Senior managers should then be able to assure themselves that all aspects have been appropriately addressed.
- A post-implementation review of the restructure is now complete and has included an evaluation of future training needs.

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

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

- In 2005-06 the Area overspent its non ring-fenced administration budget by 3.8%, but improved significantly in 2006-07 to achieve a 99.7% spend. Prosecution costs also improved, reducing from a 9.7% overspend in 2005-06 to a 0.8% overspend in 2006-07.
- Since moving to its new structure of four Divisions, Divisional Crown Prosecutors (DCPs) and Divisional Business Managers (DBMs) have been given a devolved budget responsibility. An Area Resource Manager (ARM) has been appointed with responsibility for financial and human resource management across the Area. Each Division is required to produce a financial report to the Area Operations Office where spend against target is validated. A combined financial analysis is prepared for each Area Management Board (AMB) meeting and Divisions are held to account for their financial position. Small contingency funds are held on each Division and Area to cope with unpredicted circumstances such as absences or increased volumes of work. The ARM also meets monthly with DBMs to discuss resource issues and to check and challenge the accuracy of their planning and commitments.
- The change in accounting mechanisms since the last OPA and AEI has been accompanied, latterly, with training of key staff in strategic resource deployment, CPS accounting systems and expenditure reconciliation.
- Prosecution costs are monitored regularly through the ARM/DBM meeting. DBMs are required to identify Very High Cost Cases to the ARM. The DBMs use a graduated fees scheme (GFS) calculator to provide more accuracy to anticipated prosecution costs. This enables them to plan ahead with more certainty of the final cost outcome. By adopting best practice from elsewhere the Area have been able to improve the timeliness of GFS payments and are now better than the national average for fees being settled within a one month period and a four month period of the last hearing date.
- The Area has provided staff with a value for money guide. The Area demonstrates value for money primarily through the more effective use and deployment of staff, for example the HCA strategy and administrative costs, although individual examples are apparent such as the use of video conferencing to reduce travelling time and expense.
- The Area received additional funding of £250,000 in 2006-07 to underpin and address resource constraints the Area faced as a result of the 2005-06 financial outturn. £170,000 of this was utilised as 'rejuvenation funding' and funded a number of key posts to help deliver change and implement effective systems and processes. It is clear from the results that the Area has achieved that this funding has been used effectively.

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

- The Area restructure involved a movement from functional units to vertically integrated units in four geographical Divisions that aim to deliver 'cradle to grave' case ownership. There is evidence that this structure has provided better and clearer management lines with more appropriate spans of control. Budgets have been allocated to the Divisions based primarily on caseload and case weight. Within this structure, staff numbers and workloads are kept under review by the ARM and DBMs with oversight from the AMB. The Resource, People and Performance Committee also has an oversight function, to ensure the correct distribution of work, skills and staff between the four Divisions.
- Whilst performance varies across the divisions, overall the Area has not achieved its target for designated caseworker (DCW) sessions (as a percentage of total sessions). Although DCW usage increased from 4.3% in 2005-06 to 7.5% in 2006-07 it fell significantly short of the 15.6% target and was the second worst performer nationally. The Area accepts that it has performed poorly in this respect and has made significant progress with HM Courts Service that have resulted in increased DCW deployment recently. The Area has set itself a challenging overall target of 17% for DCW usage for 2007-08, although the Area has recently achieved this target for one month. Careful and continuing monitoring and enhancing of the court matrix should assist effective deployment. Agent usage for 2006-07 continued to be high at 30.6% compared to 19.6% nationally and was one of the poorest performing nationally.
- The Area exceeded its Higher Court Advocate (HCA) target for 2006-07 with counsel fee savings totalling £180,196 against a target of £144,895, but was below the national average for savings. The Area has been set a challenging target for 2007-08 to increase fee saving to £444,500. There is a comprehensive analysis that underpins the new HCA Strategy which elicits the most effective methods of HCA usage. To support this analysis a system to allocate and monitor HCA earnings on a weekly basis has been put in place. The Area is currently recruiting two Crown Advocates, which should assist in meeting the target.
- There are clear expectations set for lawyers and designated caseworkers (DCWs). Currently lawyers and DCWs are expected to conduct seven half-day sessions per week either in court or, in the case of lawyers, delivering pre-charge decisions. Rotas are monitored by DCPs and DBMs. The ARM has also developed and improved the Area resource against commitment spreadsheet that is used to identify more accurately how much lawyer/DCW/HCA resource is available against known or estimated commitments. Additionally the Area Advocacy Committee takes a strategic lead in analysing HCA savings and linking this to DCW deployment and recruitment.
- In 2006-07 the Area's HCAs undertook 604 sessions, including trials involving 55 defendants. The Area has a mix of ring-fenced and non ring-fenced HCAs. Workloads are monitored through the DCP/DBM meeting and the Advocacy Committee.
- The Area is struggling to meet its sickness reduction target. The average sickness absence for 2006-07 was 11.1 days (to December 2006). Performance has worsened since the AEI and the OPA in 2005. The Area considers that long-term sickness has contributed significantly to this figure. Training on attendance management has been given to all managers and the Area has used health care referrals where appropriate. Whilst the Area has conducted analysis of sickness trends, the underlying causes for such a high level of sickness remain elusive.
- The Area operates the flexible working scheme in accordance with national guidelines, taking account of Area business needs.

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

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

- Since restructuring, the Area has developed a comprehensive performance framework that covers all performance aspects within the OPA framework. The strategic oversight of performance is managed by Area Operations where a performance manager oversees and validates data from Divisions and other sources. This information is put on the Area's intranet homepage and is easily accessible to all staff. The framework is clearly laid out in diagrammatic form and includes a wide range of aspects from which staff can obtain relevant information on an Area, Divisional or national basis.
- The performance framework includes a comprehensive range of meetings at which a wide range of performance measures are discussed. These meetings range from the operational practitioner meeting up through Divisional and Committee meetings to the Area Management Board Meeting (AMB). The AMB considers Divisional performance and Divisional managers are held to account for their performance.
- Through this framework of meetings and setting of targets and activities, it is clear that managers at all levels are involved in the ownership and delivery of standards and targets. There has also been a programme of process mapping key Area activities, that included partner agencies where appropriate, which gave a clear understanding of how each operational system should be applied.
- The performance framework allocates responsibilities for operational effectiveness. There was evidence through the meeting framework that senior and middle management were taking action to improve and prioritise activity in order to meet targets.
- The Area Business Plan contains a large number of activities for continuous improvement and these are appropriately linked to individual performance appraisals so that staff are clear about what is expected, and to improve performance of the Area overall. Training of individuals is also a key aspect of the personal development review process.

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

- CPS managers work extensively with CJS partners, and in particular the police, to improve performance. All senior managers and some other staff participate actively in the work of the LCJB and other inter-agency groups.
- The Area Performance Manager (APM), jointly with the police, is setting up a working group to improve the understanding of PTPM meeting statistics and provide guidance for Divisional PTPM meetings and other PTPM users. The APM is also the contact point for receiving and sharing

data with other agencies. The Area is committed to a more open approach to sharing data and performance information with partner agencies so that weaknesses in the criminal justice process can be improved in a joined up manner.

- Inter-agency working has led to jointly owned strategies aimed at driving up performance and bringing more efficient working between CJS partners. The Area formed a PYO group to look at the dip in performance. This group developed a revised protocol, governance structure and information sharing protocol, and provided guidance to practitioners. PYO performance is now starting to improve.

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

- Compliance with the CQA system has declined during 2006-07 from an average of 79% to 64.5%, making the Area one of the worst performers nationally. Although the Area considers that data compliance was an issue during restructuring, CQA return compliance was poor over the last two quarters of 2006-07. This would indicate poor compliance, poor risk management or poor data management. Performance continued to remain significantly below the national average for the first quarter of 2007-08.
- This has been accompanied by an Area assessment of a decline in quality standards particularly in case preparation, disclosure and victim and witness issues. The Area has adopted a very robust quality assurance standard, which has led to these results. Our reality check on a number of CQA forms confirmed this approach. The Area is seeking authority from HQ to include more checks within the CQA form itself to improve performance.
- The CQA forms indicate clearly that issues are brought to the attention of the relevant prosecutor, and they are discussed at management meetings.
- The Area completed its planned advocacy monitoring for 2006-07 and plans to undertake more in 2007-08. The Area also relies on case file monitoring and outcomes to quality assure advocacy in case progression.
- The systematic approach to performance management through the use of the performance framework is impressive and bodes well for improving performance. The poor quality standards identified in some aspects of the CQA self assessment are likely to be due to the robust approach taken by the Area. However the rate of return of CQA forms has been poor over the last two quarters of 2006-07, which limits the overall assessment that can be given for this aspect.

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

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

- The Area Business Plan (ABP) sets out the objectives for the year, incorporating the Director's vision and values. A summarised copy is given to all staff members. Awareness by staff of the Director's vision in the CPS becoming a world class prosecution service is very high. The Area's vision is underpinned by a comprehensive programme of activities that is regulated through a matrix of performance meetings and committees and linked to individual objectives.
- The meeting structure is comprehensive and filters up to a strategic Area Management Board (AMB) meeting where Divisional managers are held responsible for implementing the ABP and management decisions. The restructure and change programme has delivered more ownership and responsibility to all managers and other staff. The involvement of all staff in process mapping and focus groups has reinforced the vision and values of the Area.
- Divisional managers have received an intensive two day leadership course, delivered externally, designed to develop skills and take forward the leadership role to others. The feedback from the course was very well received.
- The AMB is supported by three strategically focussed committees designed to deliver change in a consistent and constructive manner, which also support the four divisions. The change in management roles and structures has led to a more corporate approach and diminished 'silo' working practices.
- Managers hold a regular dialogue with staff through team meetings. The staff survey (taken in March 2006) revealed that 53% of staff believed they had regular team meetings, compared to 59% nationally, and 55% believed that these meetings were effective, which was equal to the national average. Since the staff survey, the Area has fully restructured into combined units and there are indications that communication, teamwork and leadership has improved as a result.
- Senior managers have considerable responsibility for leading or participating in a wide variety of criminal justice initiatives and other inter-agency groups. There is a comprehensive meeting structure between these groups. Relationships with most partners are positive and constructive at both the strategic and operational level.
- Good examples were found of the Area's positive approach in its willingness to learn from and share its successes with other Areas.

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

- The Area held a rewards and recognition event in February 2007. The CCP made an award for outstanding achievement, but other awards such as colleague of the year and innovator of the year were peer nominated. Senior managers underpin this approach with face-to-face recognition. However, the 2006 staff survey indicated that only 8% of staff (compared to 14% in the 2004 survey) believed that there was effective recognition, compared to 14% nationally. Area managers consider that this event and future planned events, as well as an enhanced ethos of recognition through effective leadership, will increase the percentage of staff who feel valued.
- There have been no complaints made by staff concerning treatment by managers. Managers of all grades deal robustly and quickly with inappropriate behaviour. In respect of promoting dignity at work, the Area scored higher than the national average in the staff survey (66% compared to 63% nationally). Being able to speak up and the belief that the CPS is working towards equality and diversity also scored above the national average in the staff survey. In respect of understanding how to resolve matters of bullying, harassment or discrimination either through formal or informal means, the awareness of staff was reported to be much higher than the national average.
- No complaints have been made concerning prejudice in the workplace or a lack of inclusivity.
- Other results from the staff survey are not so positive, and include job satisfaction, learning and development, performance management and communication. The Area consider they have 'moved on' from the poor results in the staff survey and many of the issues identified have been included within activities for improvement as part of the change programme. The planned internal staff survey to assess progress in addressing the perceived weaknesses in these aspects should enable senior managers to assure themselves that all aspects of these have now been appropriately addressed.
- The People Equality and Diversity Committee, established in the 2006-07 period, developed key principles and strategies to promote dignity and standards of behaviour expected of staff. This work has now been subsumed into the 2007-08 committee governance structure that intends to build upon this work. The Area uses this committee structure to ensure equality and diversity issues are included in policies and strategies. The Area Operations Manager is the equalities champion for the Area.
- The proportion of staff from the black and minority ethnic community is much higher than that represented in the local workforce.

13 SECURING COMMUNITY CONFIDENCE	OPA 2005	OPA 2007	Direction of travel
	Good	Fair	Declined

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

- There is a strong commitment by senior managers and other staff to engage with and secure the confidence of their local communities. Restructuring has strengthened this commitment, with Divisional Crown Prosecutors (DCPs) responsible for engagement within their Divisions. The Area works constructively with the LCJB and much of the community engagement activity, often with other agencies, is coordinated through that forum.
- In 2006-07, the Area utilised part of its rejuvenation funding to appoint an Area Communications Manager who developed a Community Engagement Action Plan as part of the 2006-07 communication strategy. This forms part of the business plan and actions are designed to bring about an improvement in community confidence. An electronic community engagement log and diary is kept centrally to enable staff to record activity.
- It is evident that community engagement and confidence is becoming part of core business particularly since the restructure into divisions, with more ownership of issues falling to DCPs and Divisional Business Managers.
- The Area has been able to update its demographic data that has informed community engagement activity. Staff at all grades have been involved in a wide range of community engagement activity. Good examples were cited.
- The Area has identified Kurdish and Eastern European communities within the Area that may become subject to risk of exclusion or discrimination. In partnership with police the Area is engaging with these groups in order to gain their confidence and understanding of the criminal justice system.
- The quarterly performance assessment by CPS HQ, concerning community confidence, rated the Area as 'Amber-Red' for quarters one, two and three, but with an improvement to "Amber-Green" for quarter four. Despite this improvement the Area needs to ensure that proper mechanisms exist to evaluate the effectiveness of community engagement activity. The loss of funding for the Communication Manager will make this task more difficult although the remit of this role will be passed to the Area Resource Manager.
- The Area is slowly recognising the need to develop community engagement as a means to changing service delivery, particularly as the changing prominence of the CPS demands more public accountability. A good example was cited of how engaging with community concerns over knife crime led to a robust prosecution ethic. However, overall, engaging with the community to foster service delivery improvement needs to be strengthened.

- The criminal justice area's performance in bringing offenders to justice remained static from its 44% baseline taken in 2002-03, to year end March 2007, and has not met its target of 49%. The LCJB is planning more focussed survey activity in 2007-08.
- The Area has continued to develop its relationship with the media and is being more proactive in its coverage of the Area's work. The new structure has allowed the DCPs and some lawyers to engage with the media more directly than before. The structure has also enabled media sources to be given a single point of contact. There is also good liaison with the police press office. The Area is awaiting guidance from the new Group Secretariat concerning the future of press liaison from a broader perspective.

ANNEXES

A PERFORMANCE DATA

Aspect 1: Pre-charge decision-making

	Magistrates' courts cases				Crown Court cases			
	National target March 2007	National performance 2006-07	Area performance		National target March 2007	National performance 2006-07	Area performance	
			2005-06	2006-07			2005-06	2006-07
Discontinuance rate	11.0%	15.7%	13.6%	16.7%	11.0%	13.1%	11.3%	10.5%
Guilty plea rate	52.0%	69.2%	66.8%	73.0%	68.0%	66.5%	65.0%	67.1%
Attrition rate	31.0%	22.0%	22.9%	19.9%	23.0%	22.2%	20.0%	19.1%

	National performance 2006-07	Area performance 2006-07
Charged pre-charge decision cases resulting in a conviction	78.0%	80.2%

Aspect 2: Ensuring successful outcomes in the magistrates' courts

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

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	52.5%
Cracked trial rate	37.3%	30.8%
Ineffective trial rate	18.9%	16.8%
Vacated trial rate	22.5%	23.2%

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

National target	National performance 2006	Area performance 2006
71 days	72 days	74 days

Offences Brought to Justice

	CJS area target 2006-07	CJS area performance 2006-07
Number of offences brought to justice	29,227	32,911 (to Feb 07)

Percentage make up of Offences Brought to Justice	National 2006-07	Criminal justice area 2006-07
Offences taken into consideration (TICs)	8.9%	8.9%
Penalty notices for disorder (PNDs)	9.6%	13.5%
Formal warnings	6.5%	4.6%
Cautions	26.0%	30.4%
Convictions	42.5%	49.0%

Aspect 3: Ensuring successful outcomes in the Crown Court

	National performance 2006-07	Area performance 2006-07
Successful outcomes (convictions) as a percentage of completed Crown Court cases	77.7%	78.3%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	65.5%
Cracked trial rate	39.5%	26.2%
Ineffective trial rate	12.4%	8.4%

Proceeds of Crime Act orders	Area target 2006-07	Area performance 2006-07
Value	£1,531,178	£711,643
Number	26	20

Aspect 10: Managing resources

	2005-06	2006-07
Non ring-fenced administration costs budget outturn	103.8%	99.7%

Staff deployment	National target 2006-07	National performance 2006-07	Area performance 2006-07
DCW deployment (as % of magistrates' courts sessions)	17.2%	14.7%	7.5%
HCA savings against Area target	100%	138.4%	124.4%
Sickness absence (per employee per year)	7.5 days	8.5 days	11.1 days

Aspect 13: Securing community confidence

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

CJS area baseline 2002-03	2004-05 (last OPA)	Performance in 2006-07
43%	49%	43% (December 2006)

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

We relied upon our consultations with representatives and organisations during the Area Effectiveness Inspection.

If you ask us, we can provide a synopsis or complete version of this booklet in Braille, large print or in languages other than English.

For information or for more copies of this booklet, please contact our Publications Team on 020 7210 1197, or go to our website: www.hmcpai.gov.uk

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