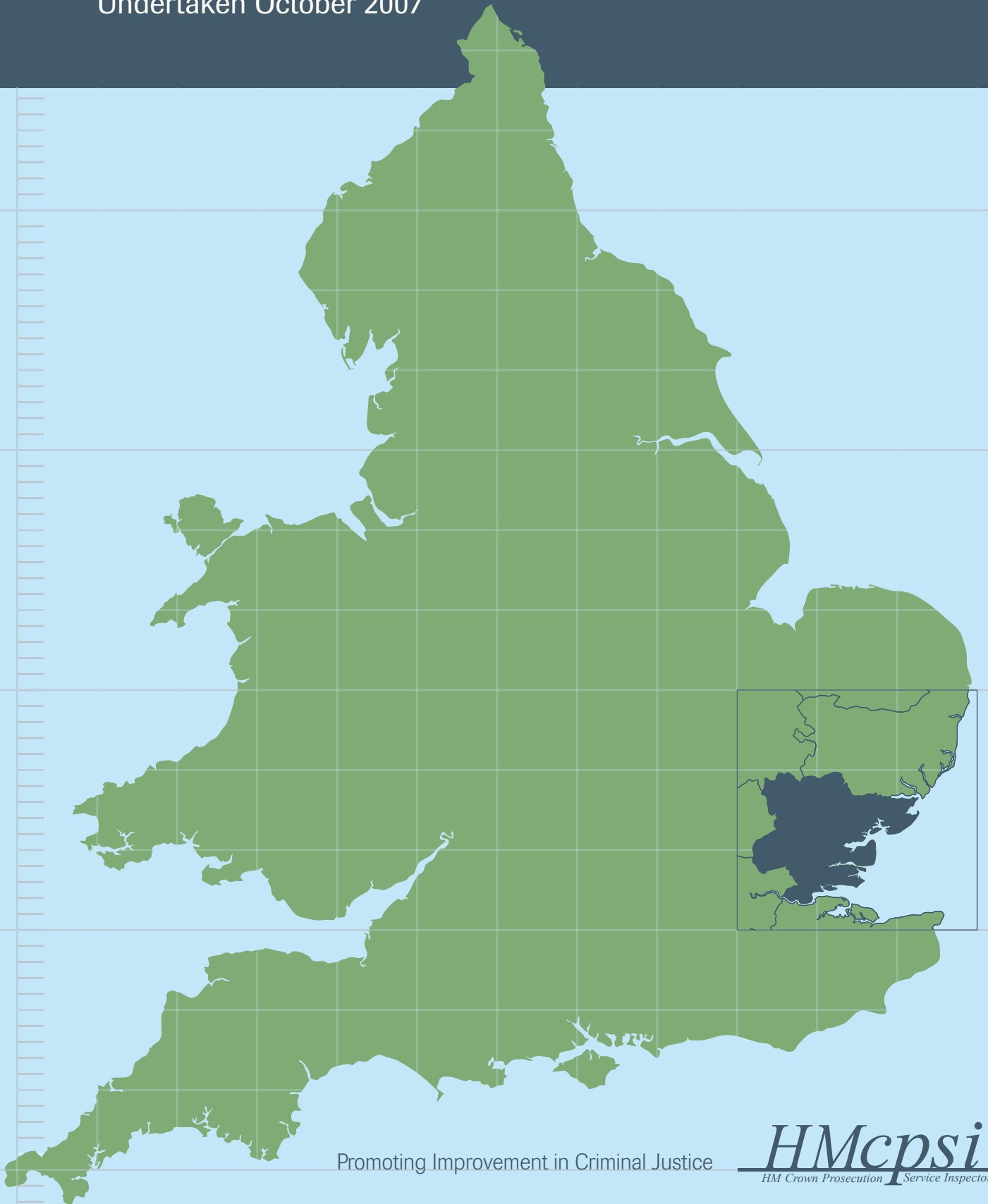


CPS Essex

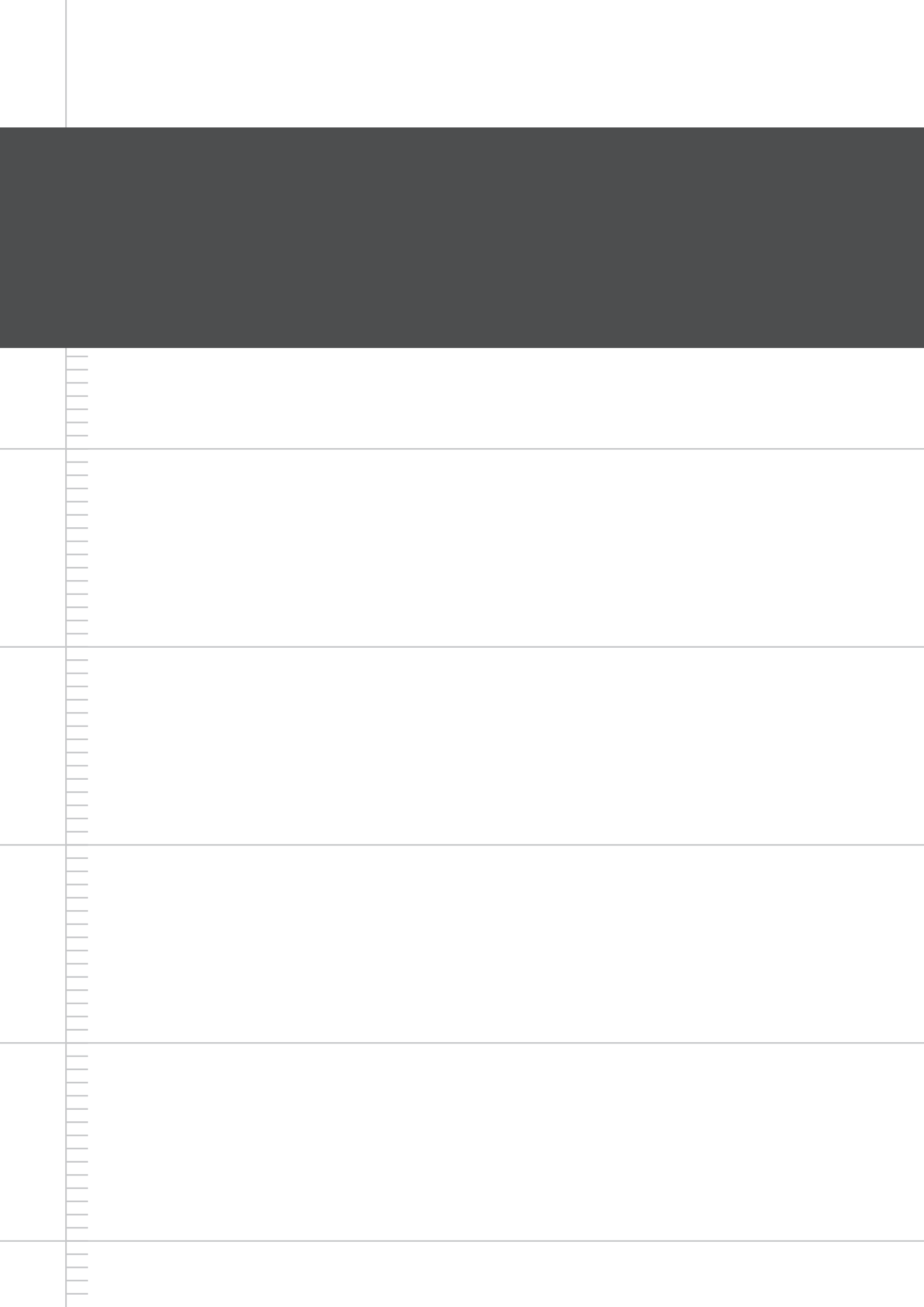
Overall Performance Assessment

Undertaken October 2007



Promoting Improvement in Criminal Justice

*HMcp*si**
HM Crown Prosecution Service Inspectorate



CPS Essex

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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		

CONTENTS

A	Introduction to the overall performance assessment process	2
B	Area description and caseload	3
C	Summary of judgements	4
D	Defining aspects	8
1	Pre-charge decision-making: management and realising the benefits.....	8
2	Ensuring successful outcomes in the magistrates' courts.....	12
3	Ensuring successful outcomes in the Crown Court	16
4	Progressing cases at court.....	19
5	Sensitive cases and hate crimes	21
6	Disclosure	23
7	Custody time limits	25
8	The service to victims and witnesses	26
9	Delivering change	28
10	Managing resources	31
11	Managing performance to improve.....	34
12	Leadership.....	37
13	Securing community confidence.....	40
 Annexes		
A	Performance data	42
B	Criminal justice agencies and organisations who assisted with this overall performance assessment	45

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 Essex 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 Essex serves the area covered by Essex Police. It has one office, at Chelmsford where the Area Headquarters (Secretariat) is based.

Area business is divided on geographical lines between four teams, namely, North East, North West, South East and South West Essex. Each team deals with all the magistrates' courts and Crown Court work within its district, except serious or complex casework which is handled by the complex casework lawyer.

During the year 2006-07 the Area had an average of 128.5 full time equivalent staff in post, and a budget of £6,695,292. This represents a 12.4% reduction in staff, and an 18% increase in budget since 2004-05, the period covered by the Area's last overall performance assessment.

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

Pre-charge work¹

2004-05		2006-07	
Written advice	10,293	Decisions resulting in a charge	5,851
Pre-charge advice (where available)	1,733	Decisions not resulting in a charge ²	7,312

Magistrates' courts proceedings (including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Magistrates' courts prosecutions	24,599	22,948	-7.7%
Other proceedings	149	27	-82%
Total magistrates' courts proceedings	24,748	22,965	-7.2%

Crown Court proceedings

(including cases previously subject to a pre-charge decision)			
Cases sent or committed to the Crown Court for determination	2,124	2,122	0.0%
Committals for sentence ³	563	781	+39%
Appeals from the magistrates' courts ³	519	469	-9.6%
Total Crown Court proceedings	3,206	3,372	+5.2%

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

Essex CPS is a medium-sized Area with a varied caseload which reflects a mix of urban and rural issues, with some organised crime and a number of recent high profile cases.

The physical location of many staff has recently changed in that all teams dealing with magistrates' courts work which were previously co-located with police moved back to County House in Chelmsford between April and July 2007. Simultaneously, the Area has taken back the administrative duties relating to magistrates' court preparation, while Essex Police have taken back the file building and administrative duties relating to Crown Court preparation; in particular typing.

The Area was rated as "poor" in the last Overall Performance Assessment (OPA) which was published in November 2005. A new Chief Crown Prosecutor (CCP) was appointed in September 2005, and in January 2007 HMCPSI conducted an Area Effectiveness Inspection (AEI) of CPS Essex. This involved internal and external input, and the examination of 153 files, most of which were finalised in the autumn of 2006. The report contained nine recommendations, 21 aspects for improvement, nine strengths and one aspect of good practice. There was a further change of CCP in August 2007.

Summary

Since the last OPA, the Area's approach has been to concentrate on a number of key issues so that it can deal with them in a more effective way. A greater degree of internal corporacy has been engendered, and the Area's standing with partner agencies has improved as a result. More focused leadership, and good working relationships with Essex Police and HM Courts Service have allowed the Area to manage the relocation and centralisation of its teams in the late spring and early summer of 2007. Whilst there was a significant decline in certain aspects of case management during this period including the use of CMS⁴, problems with Crown Court case preparation, and payments of counsels' fees, early indications are that casework outcomes (convictions) have actually improved.

In 2006-07, 85.2% of all magistrates courts cases ended in conviction against 84.3% nationally. In the Crown Court, 75% of cases ended in conviction against 77.7% nationally. The Essex Criminal Justice Board (ECJB) Area was 23% ahead of target in relation to offences brought to justice. Forty-two asset seizure orders were secured with a value of £835,000, against a target of 58 orders worth £626,000.

However, there are underlying problems with casework preparation and management. In magistrates' court cases there is limited case ownership. This, combined with competing priorities for lawyers and caseworkers, inevitably slows the progress of cases. Our file examination revealed that cases are not always reviewed properly, or at all, which means that cases which should have been discontinued are sometimes discharged at committal. Also, the proportion of cases that end in the magistrates finding no case to answer (NCTA) at the end of the prosecution case is nearly 50% worse than national performance. This lack of timely review and case preparation also contributes to an ineffective trial rate which stands at 21.4% against 18.9% nationally.

The same problems are evident in the management of Crown Court cases, where the proportion of cases that end in judge ordered acquittal was 14.8% against 13.1% nationally in 2006-07. Full case ownership is not in place, and the result is that review and case progression are hampered, even in

4 COMPASS CMS is the CPS electronic case management system.

relation to sensitive cases. Special measures, bad character evidence and other ancillary applications which could help avoid an unsuccessful outcome are sometimes left until the last minute or overlooked. The same is true in relation to the drafting of instructions to counsel. The Crown Court ineffective trial rate stood at 11.5% in 2006-07 against 12.4% nationally, and this is largely due to the weekly trial readiness assessment meetings.

The Area works hard to monitor youth cases, and the average time from arrest to disposal in cases involving persistent young offenders (PYOs) was well ahead of the 71 days national target, at 60 days in 2006-07. This has subsequently improved to 59 days in the rolling quarter to July 2007, against 65 days nationally.

The fact that successful outcomes are improving overall in the light of some of the case management problems referred to above implies that the statutory charging scheme (under which the CPS has taken over the responsibility from police of deciding whether or not to charge suspected offenders in the more serious and contested cases) is adding value. The Area initially found it difficult to make shadow charging⁵ work effectively, but recent progress has been made so that the pre-charge decision (PCD) conviction rate stood at 77.8% in 2006-07, compared to 78.0% nationally. The magistrates' court guilty plea and attrition rates were both better than nationally in 2006-07, and the discontinuance rates in the magistrates' and Crown Court have improved in the first quarter of 2007-08. Conditional cautioning has been implemented and is moving towards Area-wide roll-out in February 2008.

The Area's compliance with its duties of disclosure of unused material to the defence is still variable. Too little care is taken in reviewing and endorsing schedules of unused material and reviewing defence statements. The Area has significantly improved its custody time limit system, which is now monitored effectively. Both of these aspects are currently under review.

The case management problems have not precluded progress on a range of other issues relating to the management and operation of the Area. The Area has shown commitment to improve performance in relation to victims and witnesses, and performance is improving in relation to the No Witness No Justice (NWNJ) initiative as a result of effective joint performance management and commitment. Criminal Justice: Simple, Speedy, Summary (CJSSS) has also been successfully implemented, and is due to be fully rolled-out in January 2008. Community engagement actions are now more closely linked to business issues. Public confidence in the effectiveness of criminal justice agencies in Essex to bring offenders to justice was measured at 40.2% in the British Crime Survey compared to 42.3% nationally.

There are effective systems in place to monitor budgets, and the administrative costs budget is maintaining a recent trend of underspend. At the time of the AEI the Area had significant short-falls in numbers of lawyers and caseworkers. This had severely undermined the Area's ability to improve its case preparation systems and introduce meaningful case ownership. It was also preventing significant reduction in its frequent agent usage in the magistrates' courts. The Area has recruited effectively recently, although the net gain in lawyers and caseworkers has been off-set to a degree by the ongoing problem with high sickness levels.

The Area has taken significant steps to improve its performance management arrangements. The analysis of outcome performance has improved as the volume of data available to District Crown Prosecutors (DCPs) has increased. The quarterly performance reviews conducted by CCP and ABM in relation to each team were identified as good practice in the AEI. The Area has also improved the

5 The shadow charging scheme allowed duty prosecutors to provide pre-charge advice to police on a temporary (non-statutory) basis. This was replaced by statutory charging.

means by which it can take a snapshot of its work in progress. The casework quality assurance checks carried out by DCPs on live files have become more robust, as have adverse outcome reports. However, the trending of these reports needs to be systematised to maximise their value.

The Area has demonstrated some effective change management systems in planning and executing the recent restructure with a degree of success. In particular, joint planning took place with the police to ensure that systems and training were set up to support the new structure and keep day-to-day business effective during the transition. Whilst it is too early to assess the level of benefits realisation, a post-implementation review will be required soon.

Direction of travel

Performance has improved overall, and particularly in relation to pre-charge decision making, custody time limits, delivering change, managing resources and securing community confidence. There has been a decline in relation to magistrates' courts casework, to some degree because this is now more closely linked to case outcomes. Other aspects have remained stable but the Area now has the necessary leadership, change and performance management systems in place to improve further. Although it has yet to be evaluated, the relatively successful implementation of the recent restructure is evidence of this. In the light of our findings, the Area's overall performance is **FAIR**.

OVERALL ASSESSMENT	FAIR
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Critical aspects	Assessment level		
	OPA 2005	OPA 2007	Direction of travel
Pre-charge decision-making	Poor	Fair	Improved
Ensuring successful outcomes in the magistrates' courts	Good	Fair	Declined
Ensuring successful outcomes in the Crown Court	Fair	Fair	Stable
The service to victims and witnesses	Good	Good	Stable
Leadership	Fair	Fair	Improved⁵
Overall critical assessment level		Fair	
Progressing cases at court	Fair	Fair	Stable
Sensitive cases and hate crime	Fair	Fair	Stable
Disclosure	Fair	Fair	Stable
Custody time limits	Poor	Fair	Improved
Delivering change	Fair	Good	Improved
Managing resources	Poor	Fair	Improved
Managing performance to improve	Fair	Fair	Improved⁵
Securing community confidence	Poor	Fair	Improved
OVERALL ASSESSMENT	POOR	FAIR	

6 Although the assessment for the aspect remains unchanged there has been significant improvement within the range of performance covered by the band.

D DEFINING ASPECTS

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

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

- The detailed practical arrangements for duty prosecutor coverage are set out in the charging protocol which has been agreed between the Area and the Essex Constabulary. These include the deployment of six duty prosecutors (DP) from 9am to 5pm on weekdays. Whilst the charging centres at Harlow and Southend are fully covered from Monday to Friday, the six other charging centres at Chelmsford, Colchester, Grays, Basildon, Braintree and Clacton are covered by the four remaining DPs according to an agreed rota. Between 1 April and 31 August 2007, 82.7% of pre-charge decision cases were conducted face-to-face, which is better than the 71.8% national average.
- The protocol defines the gate-keeping role of the Investigation Support Unit (ISU) staff who operate the 45 minute appointment system, and ensure that pre-charge consultation takes place on all relevant files. A new system has been devised to ensure that further advice is obtained from the original duty prosecutor, when practicable. The Area Standard dictates that designated case workers (DCWs) and prosecutors identify cases charged in breach of the Director's Guidance, and that any such cases are immediately reviewed against the Code for Crown Prosecutors.
- The charging protocol also includes basic arrangements for early advice on complex and serious cases, although such cases are not defined in detail. The police mainly comply with the terms of the protocol so that early advice is given when appropriate. This allows lawyers to take appropriate time and care in dealing with difficult cases. It also allows the Area to plan for intensive police operations and ensure that coverage remains sufficient, without placing undue pressure on DPs.
- The Area Effectiveness Inspection (AEI) identified that inappropriate requests for pre-charge advice are sometimes made. In a study conducted in the South East team by its District Crown Prosecutor (DCP) in April-May 2007, it was found that 23% of cases were wrongly referred for pre-charge decision (PCD) when the decision should have been made by police. The Area Standard (March 2007) now requires that such approaches are endorsed on a log kept at each charging station so that they can be raised at local prosecution team meetings. Police managers then feed learning points back to the ISU gate-keepers and investigating officers as appropriate.
- The charging protocol sets out the system for resolving disagreement between the police and the DP. All cases involving advice to take no further action (NFA) are referred to the officer commanding the ISU who identifies possible errors and raises them with the DCP. Very few decisions are formally disputed in this way.

- The charging protocol also addresses bail management in detail, and requires police managers to ensure that investigations are timely. The ongoing case reports are jointly examined and historic data is regularly cleansed. Any issues are referred to the joint County Prosecution Team for resolution. As a result, the volume of cases in the PCD system is now stable at an acceptable level.
- Our reality checks showed that in all seven relevant cases the MG3 was properly completed according to the template set out in the Area Standard, including the suspect's ethnicity and gender. In 77.8% (seven out of nine) of relevant cases, including two CPS Direct (CPSD) cases, the MG3 was recorded on CMS. The central data confirms that the Area recorded 97.1% of its PCD consultations in 2006-07, while 92.7% had MG3s created on CMS.
- In 69% of cases dealt with by CPSD, the MG3 was properly entered on the electronic case management system (CMS) by the Area. The Area charging coordinator has a good relationship with CPSD and outstanding issues are dealt with at quarterly meetings.
- Conditional cautioning has been implemented in one BCU, where 12 have been administered by the end of September 2007. Joint training has ensured that police and DPs are aware of the correct procedures, and full roll-out is due in January 2008.

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

- All DPs are required to have completed the Proactive Prosecutor Programme (PPP) training. Most DPs have also completed the PPP follow-on course. The Area also distributes monthly bulletins to all prosecutors, detailing changes in law and procedure, as well as tips on good practice.
- The last AEI identified that the quality of charging advice was variable, in that 94.5% of pre-charge decisions were compliant with the Code for Crown Prosecutors⁷ evidential test. All were compliant with the Code public interest test and the selection of charges was generally good. In a review of charging decisions in the South East team (April–May 2007) the Area identified a compliance rate of only 85%. Conversely, our reality checks from a (very limited) sample of ten files showed all nine pre-charge decisions to be compliant with both tests. This might indicate an improving trend although further analysis is required to be done by the Area.
- Some ancillary matters, such as victim and witness requirements, are generally considered at PCD stage. However, the confiscation of assets and disclosure are rarely addressed. Our reality checks also showed a lack of post-charge action plans and this might be a cause of the relatively high rate of discharged committals.
- The quality of charging advice is measured by DCPs who dip sample about 5% of MG3s monthly, although the files are not usually examined. This system was rolled-out in September 2007 according to the methodology applied in the analysis which took place in the South East team in April–May 2007. Charging advice is also analysed jointly in a proportion of unsuccessful outcomes, and NFA decisions are quality assured by DCPs who check the MG3s in all domestic violence cases although, again, the files are not usually examined. Therefore, it is not clear how effective this quality assurance is.

7 The decision on whether to charge must be made in accordance with the Code for Crown Prosecutors test, which provides a two stage process: (1) whether there is sufficient evidence to provide a realistic prospect of conviction (the evidential test); and (2) whether a prosecution is in the public interest (the public interest test).

- All NFA cases are referred to the officer commanding the ISU who identifies possible errors and raises them with the DCP. Conditional cautions are monitored by the charging coordinator who has close links to the police charging lead.
- The combined conviction rate in PCD cases in the magistrates' courts and Crown Court was 77.8% in 2006-07, against 78% nationally.

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%	21.0%	15.1%	11.0%	13.1%	16.0%	14.8%
Guilty plea rate	52.0%	69.2%	65.5%	70.9%	68.0%	66.5%	55.9%	66.9%
Attrition rate	31.0%	22.0%	27.8%	21.7%	23.0%	22.2%	32.0%	24.2%

- Performance has improved in all six benefits realisation indicators since 2005-06, although the national target has been met in only two, namely, magistrates' courts guilty plea and attrition rates. The Area performed better than the national averages in relation to magistrates' courts guilty plea and attrition rates, and the Crown Court guilty plea rate. Of those indicators where performance is worse than national, all were improving to the fourth quarter of 2006-07 except Crown Court attrition which is stable.
- The Area is acutely aware of its performance against the benefits realisation targets. The Area performance officer produces a detailed monthly prosecution team performance management (PTPM) pack. DCPs are required to analyse all unsuccessful outcomes and they consider detailed PTPM data with police managers at joint monthly meetings. This data is addressed again at the internal quarterly performance reviews conducted by CCP and ABM, and it also features at the County Prosecution Team meetings.
- The NFA rate is also analysed by charging centre, and monitored jointly at local and County Prosecution Team meeting level. This allows gate-keeping issues to be addressed locally and Area-wide. The Area NFA rate has improved from 33% in 2006, to 29% in June 2007. However, the rate in Southend remains much higher than elsewhere, and room for improvement therefore remains.
- Local prosecution team meetings jointly consider the monthly PTPM data provided in the pack. This includes caseload volume, benefits realisation, unsuccessful outcomes and throughput by charging station. The effectiveness of the joint PTPM arrangements is illustrated by the Area's ability to reduce DP coverage in March 2007 while maintaining the appropriate service level, and without prejudicing the prosecution team ethos. Having based the change on sound analysis, a post implementation review in August 2007 found the new system to be working well.

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

2A Successful outcomes are increasing

Case outcomes in the magistrates' courts	National performance 2006-07	Area performance 2006-07
Discontinuance and bindovers	10.8%	9.1%
No case to answer	0.2%	0.3%
Dismissed after trial	1.9%	1.7%
Discharged committals	0.2%	0.3%
Warrants	2.6%	3.4%
Overall conviction rate	84.3%	85.2%

- The proportion of cases that ended in a successful outcome has increased steadily since 2004-05, and it has remained ahead of national performance in each year since then. In 2006-07, it stood at 85.2% which is within the "good" range of performance.
- The proportion of cases that end in dismissal after trial has worsened since 2004-05 although it remains better than national performance. Over the same period, the proportion of cases that ended in dismissal as no case to answer has remained stable while national performance has improved. Both types of outcome have improved substantially in the first quarter of 2007-08.
- The Area had 72 committals discharged in 2006-07 because the prosecution was not ready and the court refused an adjournment or no application was made in anticipation of refusal. Overall, discharged committals accounted for 3.1% of committals and sent cases compared with 2.5% nationally, and this proportion increased further into the first quarter of 2007-08. The review of discontinuance conducted by HMCPSI in 2006-07 found that in two out of four discharged committals the cases should have been discontinued in advance of the hearing, and this trend is confirmed by the Area's adverse outcome reports.
- The proportion of cases that are discontinued has improved marginally since 2004-05. All pre-charge decision (PCD) discontinuances are authorised by the relevant District Crown Prosecutor (DCP), who runs a monthly finalisation check. The HMCPSI review of discontinuance conducted in 2006-07 found the decisions to discontinue to be sound in 25 out of 26 magistrates' courts cases.
- The headline unsuccessful outcome rates are considered at all levels, both internally and jointly. Some progress has been made subsequently, especially in relation to discontinuance. The analysis of individual cases has also improved, although its quality is still variable. For example, the adverse outcome reporting forms have been updated, although the design could be improved

further. The level of analysis has improved but also remains variable. Whilst some reports identify the cause of the outcome robustly, others fail to do so. Some forms show the identification of legal errors, but there is no clear audit trail to confirm that this happens in every case.

- Where lessons are learned from the redesigned adverse outcome reporting system, they need to be fed back alongside the headline outcomes data which is already disseminated at team meetings, and via other means. Updates on law and practice are already circulated monthly by email newsletter.
- In 2006-07 the Essex Criminal Justice Board (ECJB) converted 30.7% of recorded offences into offences brought to justice (OBTJ). This exceeded its OBTJ target of 25.6%. Convictions amounted to 44.2% of OBTJ in 2006-07 against 48.8% nationally, and cautions accounted for 33% against 26.5% nationally. Successful outcomes and discontinuance rates were both ahead of national performance.
- The average timeliness of cases involving PYOs stood at 60 days from arrest to disposal in 2006. The rolling quarter to July 2007 shows slight improvement at 59 days, which is well ahead of 65 days nationally, and the 71 days national target.

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%	46.4%
Cracked trial rate	37.3%	32.2%
Ineffective trial rate	18.9%	21.4%
Vacated trial rate	22.5%	14.4%

- Police files are booked in by administrative staff when they arrive, but they are not checked against the manual of guidance. File quality issues are currently subject to joint consideration following restructure within the police and the Area. DCPs have been asked to make local arrangements in the interim.
- The AEI identified that file reviews often lacked detail, and that they were timely in only 71.9% of cases. A lack of resources and case ownership were found to be the main reasons. The Area subsequently embedded the Proactive Prosecutor Programme (PPP) ethos into the Area Standard (March 2007), along with the minimum requirements for review and file endorsement. However, our reality checks showed that only two out of five magistrates' courts cases had timely and properly recorded reviews. Although it was appropriate to proceed in all five cases, the lack of proper review and endorsement adversely affected the preparation of two of the cases for trial.
- Our reality checks also identified one case where a threshold test charging decision was not followed up by a full Code test review⁸. This issue was raised in the AEI, but the Area has taken no action to deal with this problem.

⁸ Under certain specified circumstances, the DP can advise the police to charge a suspect even if there is only a "reasonable suspicion" that he committed the offence. This is the threshold test. However, a threshold test charge must be reviewed as soon as practicable (usually when the evidence is available), in accordance with the full code test.

- The senior management team has noted that the roles of caseworkers and lawyers are not consistent across the Area, and that expectations in relation to each role need to be clarified. This will assist attempts to improve internal case progression.
- Case-progression officers are designated within each team and they have responsibility for liaising with partner agencies. The south east team is currently piloting formal weekly trial readiness assessment meetings⁹ (TRAMs) which will be trialled across the Area when CJSSS is fully rolled-out. Throughout the Area the courts monitor trial readiness and list cases when concerns arise.
- CJSSS was implemented in the north-east and south-west of the county in August 2007, and full roll-out is expected in November. The scheme is working well although initial performance data is still awaited.
- The Area monitors youth cases closely, both internally, and at the youth justice action group, which is a sub-group of the ECJB. Youth cases are discussed at local prosecution team meetings, and in direct communication between the CPS charging lead and police counterparts. There is a computerised tracker of all youth cases. Each team has a youth specialist whose role is prescribed in the Area Standard, and youth court cases are always prosecuted by an in-house lawyer. In 2006-07, 91% of guilty pleas were entered timeously against 85% nationally. All youth trials met timeliness target against 90% nationally.
- Overall, the proportions of effective, ineffective, cracked, and vacated trials due to the prosecution have remained relatively stable since 2005-06, although the proportion of vacated trials has worsened.
- More recent figures (to July 2007) show a slight improvement in the rates of effective and ineffective trials, while cracked trials have worsened slightly. The Area receives detailed data on cracked, ineffective and vacated trials which is considered internally at all levels. This is supplemented by a data pack produced for the case management action group (an ECJB sub-group) which is chaired by the CPS. Ad hoc meetings are also called to decide on actions to deal with specific issues.
- Senior management have identified lessons to be learnt in relation to trial preparation problems referred to above, and some of these have cascaded down via team meetings. DCPs feed back local data concerning cracked and ineffective trials.
- CMS usage is monitored by district administrative managers, and details are included in the senior management team data pack. The ABM allocated actions for reversing the decline in performance which followed the restructure in April 2007. However, in 2006-07, full file reviews were carried out using CMS in only 48.3% of magistrates' courts cases, against 62.6% nationally. Whilst 58.0% of hearings were finalised within five days against 55.2% nationally, only 53.0% of cases were finalised within one day against 65.9% nationally. The late finalisation of outcomes has been due to police retention of the single file for a period of time immediately after the hearing at Colchester. Elsewhere, CPS administrative staff receive the files after court and this practice has now been implemented at Colchester, and the issue has therefore been resolved.

9 TRAMs are held weekly to deal with Crown Court case progression.

3 ENSURING SUCCESSFUL OUTCOMES IN THE CROWN COURT	OPA 2005	OPA 2007	Direction of travel
	Fair	Fair	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%	14.8%
Judge directed acquittals	1.4%	1.7%
Acquittals after trial	6.5%	7.0%
Warrants	1.3%	1.5%
Overall conviction rate	77.7%	75.0%

- Successful outcomes have improved steadily since 2004-05, although they were still below national average in 2006-07. Latest figures show that 78.9% of cases finalised in the first quarter of 2007-08 had a successful outcome, with three out of four teams achieving 80% or better.
- The proportions of cases that end in judge ordered acquittal (JOA), judge directed acquittal (JDA), and jury acquittal have all improved steadily towards the national average since 2004-05, although they are all still less satisfactory than the national average. Our reality checks showed that in one out of three cases that ended in acquittal, the unsuccessful outcome might have been avoided by more effective case progression and management.
- All PCD¹⁰ discontinuances are authorised by the District Crown Prosecutor (DCP) when practicable, and adverse outcome reports indicate that the decision to discontinue is generally taken properly. This is confirmed by the review of discontinuance conducted by HMCPSI in 2006-07 which found that the decision to drop proceedings was correct in 15 out of 16 Crown Court cases.
- All unsuccessful outcomes are now subject to the redesigned adverse outcome reporting system, although this still lacks consistent robustness. Whilst only JOAs were previously analysed by DCPs for learning points, JDAs are now subject to the same scheme. District Business Managers (DBMs) are responsible for collating and trending adverse outcome reports which are considered internally at quarterly review, and jointly at local prosecution team meetings, along with comprehensive headline data. The area plans to consider trends at Operational Management Team (OMT) level, and to feed back learning points individually and via team meetings under the new scheme. Some joint analysis is being done, but the police are about to conduct their own review of discontinuance, discharges and cracked trials where no evidence was offered.

¹⁰ Cases that have been subject to pre-charge decisions

- The increased data made available to DCPs has allowed them to disseminate performance and learning points at a local level. Since the Area was relocated centrally, there has been the opportunity to hold whole team meetings. Also, DCPs now sit with their teams which allows informal transmission of information on a day to day basis.
- The Area secured 42 asset seizure orders against a target of 58 in 2006-07, with a value of £834,594 against a target of £625,914. In an effort to increase the number of orders, the Area has highlighted the importance of investigating officers completing financial investigation forms at PCD stage. Also, a caseworker has been designated to review the resources required to sufficiently improve Area systems in relation to asset seizure. The Area has no documented policy or procedures relating to the enforcement of confiscation orders.

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%	50.1%
Cracked trial rate	39.5%	38.4%
Ineffective trial rate	12.4%	11.5%

- District business managers have responsibility for allocating Crown Court cases within the teams. However, the lack of full case ownership, (which is partly due to a lack of lawyers and caseworkers), prevents the effective distribution of all files. This was noted in the AEI, and has yet to be addressed. There is a subsequent negative impact on the quality and timeliness of review, and this is confirmed by our reality checks. One out of five Crown Court trial files had no documented review. Of the remaining four, two suffered case preparation problems related to insufficient review. (A list of cases in which full case ownership will be applied has since been approved and implemented on each team). A lack of expertise has also been identified, with the lawyers in one team urgently requesting training on indictment building to take the pressure off caseworkers. Training is also awaited on how to draft a brief to counsel.
- The Area has done some work to improve the quality and appropriateness of file endorsements, which was raised as an issue in the AEI. However, our reality checks revealed that the quality of endorsement is still variable, and that inappropriate remarks are made occasionally.
- The Area hosts effective trial readiness assessment meetings (TRAM) which are attended by HM Courts Service and the police. The tracker spreadsheet is updated weekly so that individual case progression problems can be identified, and the case listed for mention if necessary. CPS case progression officers are the allocated caseworkers whose duties are prescribed in the Area Standard. There are still problems with police files arriving late, which delays the preparation of sent cases and committals, and compliance with court directions. In one of our reality check files, a direction was repeatedly breached, and in another an application out of time to adduce evidence of the defendant's bad character was refused because it was very late.

- The youth justice action team (Essex Criminal Justice Board sub-group) monitors youth cases in the Crown Court, of which there were only six in July 2007. Analysis of individual cases is done jointly when delay occurs.
- The effective and ineffective trial rates have improved since 2004-05 so that they were both better than national performance in 2006-07. Over the same period, the proportion of cracked trials due to the prosecution, and cracked trials overall, both worsened. Over the four months to July 2007, the ineffective trial rate has continued to improve and the cracked trial rate has continued to worsen.
- Cracked and ineffective trial rates are addressed at operational management and senior management team level, and discussion is based on the very detailed data provided by HMCS. At local level, district business managers examine cases that involve cracked or ineffective trials which are caused by the prosecution. Explanations are passed back to partner agencies via the local TRAM meeting. However, little progress has been made to halt the increase in cracked trials.
- Higher Court Advocates (HCAs) meet regularly to exchange the benefit of court experience in relation to case progression. Cracked and ineffective data is also mentioned at team meetings, although there is no documentary evidence that specific lessons are fed back to lawyers and caseworkers, or that systems are adjusted accordingly.
- Our reality checks revealed that CMS is used for core case preparation tasks. In 2006-07, 80.6% of Crown Court files had a file review completed on CMS, against the 90% national target. This has improved to 92.6% in September 2007. The Area is working towards implementation of the PROGRESS¹¹ interface which will allow joint case progression to be conducted on CMS.

11 An interface between the CPS, police and HMCS computer systems will allow case progression deadlines and actions to be posted on all three simultaneously.

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

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

- Reality checks showed that advance information was served before the first hearing in four out of five magistrates' courts cases, and that a plea is usually entered at the first hearing. The average number of magistrates' courts adjournments is slightly better than nationally, although these are not specifically measured by the Area. CJSSS has been implemented in two out of four districts, and systems are in place to ensure that it is effective, although the Area is awaiting joint performance data on this.
- In the Crown Court, some preliminary hearings (in sent cases) are delayed for want of an indictment. The average number of Crown Court adjournments is around the national average. The Area does not regard this as problematic.
- The Area has sufficient systems to ensure delivery of files to agents three days in advance of trials in the magistrates' courts, although there is concern over original files being sent in the DX¹². The Area is in the process of realigning the court coverage rotas for in-house lawyers, although the business case for this seems unclear beyond an increase in notional flexibility. However, the Area is concerned to ensure that sufficient time is allowed for preparation by advocates, whose duties are set out in the Area Standard.
- Timely instructions to counsel are delivered in 89.7% of cases against 78.7% nationally. However, reality checks showed that in only one case in five were the instructions to counsel sufficient in providing a proper analysis and instructions on alternative pleas. Some are little more than unedited back-sheets. This issue was highlighted in a recommendation in the AEI and the Area has now implemented a study to recommend actions for improvement. Given that the drafting of instructions to counsel is a basic legal skill, the allocation of resources might prove to be the main issue.
- The Area actively and robustly assesses the quality of in-house and agent advocates against the national advocacy standards. This assists the district business managers in allocating work to advocates of the right quality and experience. New in-house advocates are allocated a mentor and District Crown Prosecutors (DCPs) stay in frequent contact with preferred sets of chambers so that any problems can be addressed immediately. The CCP and secretariat manager also hold six monthly meetings with the heads of preferred sets. HCAs run their own meetings to share the benefits of individual experience in the Crown Court.
- The Area Standard sets out requirements in relation to timely arrival at court, and robustness in case progression. For example, the prosecution advocate is required to ask the defence for the issue in the case following entry of a not guilty plea. The pro-forma advocacy assessment form does not specifically address timeliness although in most cases additional comments deal with this. The courts feed back instances of noncompliance which are dealt with by the appropriate CPS line manager.

12 The document exchange system is a private mail service used by some establishments and organisations in the justice system.

- Late receipt of witnesses' dates to avoid has been an issue, and the courts have occasionally fixed trial dates without giving the prosecutor time to collect them from the fax machine.
- Local protocols have been agreed with the magistrates' courts to ensure that the prosecution is not prejudiced by late transfer of cases between court rooms. DCPs maintain a dialogue with local courts so that difficulties can be addressed immediately. The CCP also has regular meetings with the resident judge to ensure that he is aware of changes to the Area advocacy strategy. The CJS Area coordinates its strategy on these issues through the case management action team.
- Three wasted costs orders were made against the Area in 2006-07, and one has been made subsequently. The issues range from unwarned witnesses, to internal and joint case progression problems, some of which have been noted in our reality checks.

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

5A The Area identifies and manages sensitive cases (including hate crime¹³) effectively

- Apart from serious and complex cases which are supervised by the complex casework lawyer, all cases (including those which come within the definition of “sensitive”) are technically subject to allocation by the District Business Managers (DBMs). Rape, fatal road traffic, and hate crime cases are generally allocated to a specialist when the case goes to the Crown Court. However, variable levels of case ownership present a substantial risk to case preparation generally, and to sensitive cases in particular.
- The Area has appointed effective champions in certain aspects of sensitive casework. The Area rape coordinator works with police to ensure progress against the Area plan, and he monitors the allocation of rape cases. He is also conducting an analysis of unsuccessful outcomes.
- The race/religious/disability champion has done similar, very robust, work in relation to racially aggravated cases. This culminated in a report which identified, amongst other problems, insufficient endorsement of review decisions. The Area also has central funding for an ASBO champion, and there are specialists in sexual offences, homophobic crime, and domestic violence, all of whom have delivered training recently.
- However, not all of these roles are recognised or described in the Area Standard which means that there is no specific job description, and no dedicated time is allocated for the work. The AEI noted that only the rape and ASBO coordinators are well known to the Area lawyers. Combined with a lack of case ownership, this significantly reduces the prospect that any given sensitive case will receive input from the appropriate specialist.
- Training has been delivered in many aspects of sensitive work, and this has been important for the operation of the specialist domestic violence court and the youth court. However, the full development of expertise among reviewing lawyers and caseworkers is only a long term objective at present.
- The Area has a joint protocol with the police on the handling of media interest in high profile cases. This promotes the need for joint strategy to be developed early on in the case, and there are subsequent benefits to case preparation.
- The proportions of cases that are flagged as falling within one of the sensitive categories are consistent with the national pattern, although only 2.9% of overall caseload was flagged as such in 2006-07, against 3.9% nationally. The Area dip samples monthly to check that cases are properly flagged on CMS and this revealed 100% compliance in relation to rape. The seven sensitive cases that formed part of our reality check were all properly flagged as such. Flagging is important because it identifies at the outset the need for a case to receive a special degree of care and attention.

¹³ 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).

- There are no formal arrangements for the monitoring or analysing the outcomes of sensitive cases, save that DCPs print off a list of all unsuccessful outcomes at the end of each month and conduct a dip sample for the purpose of the casework quality assurance scheme. However, the recent race analysis report (referred to above, in the third paragraph of this section) highlighted inaccurate file endorsement as a problem, which reduces the chances that such cases are actually finalised as unsuccessful outcomes, and that they will therefore appear in the monthly print-out.
- In 2006-07, the proportion of unsuccessful outcomes in sensitive cases overall was improving (33.5%), but worse than national performance (32.8%) and the national target (32.0%). Performance has subsequently improved to 29% in the first quarter of 2007-08. The proportions of unsuccessful outcomes in domestic violence, race/religious aggravated offences, and homophobic crime have also improved and are better than national performance. For example, unsuccessful outcomes in domestic violence have improved from 45.2% in 2005-06, to 36.1% in 2006-07 against 34.8% nationally. They have further improved to 27.8% in the second quarter of 2007-08. It is thought that the specialist domestic violence court has had a significant impact since its inception in April 2007.
- The CCP has made a commitment to child protection by joining the Essex Safeguarding Children Board. National and local policy on children issues have been circulated within the Area. DCPs also attend their local hate crime panel meetings.

6 DISCLOSURE	OPA 2005	OPA 2007	Direction of travel
	Fair	Fair	Stable

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

- This aspect of performance was the subject of a recommendation in the Area Effectiveness Inspection (AEI). Whilst there has been some recent improvement, the Area still cannot demonstrate consistent compliance with its disclosure duties. Our reality checks, which included a sample of ten trial files, confirmed a variable level of performance. Whilst 100% (five out of five) of Crown Court cases showed initial disclosure to have been dealt with correctly, only 60% (three out of five) of magistrates' courts cases were compliant. Nonetheless, the proportion of ineffective trials caused by inadequate disclosure by the prosecution was slightly better than national performance in 2006-07. Continuing disclosure was dealt with properly in 100% (three out of three) of relevant magistrates' courts cases, whilst only 60% (three out of five) of relevant Crown Court cases demonstrated compliance.
- Two main themes emerge. First, noncompliance with initial disclosure rules in the magistrates' courts is largely due to inaccurate (and imprecise) endorsement of the schedule of nonsensitive unused material. On one occasion this caused an ineffective trial in a domestic violence case. Secondly, in the Crown Court, the defence statement is not always considered by the lawyer or the disclosure officer.
- Our reality checks also showed that strict compliance with the terms of the Disclosure Manual is often lacking. For example, schedules and unused material are rarely kept entirely separate on the main file. Different forms of disclosure record sheet are used, and they are properly completed in only 40% of cases. This leaves no reliable audit trail given that CMS is not always used to generate disclosure related correspondence.
- Inter-agency compliance with the Crown Court protocol on the handling of unused material has improved recently, and the Area has actively engaged with the senior judiciary on this issue. Imminent advanced disclosure training will further encourage Higher Court Advocates (HCAs) to take a robust stance in relation to the protocol, and the Area has raised the issue with heads of chambers at the six-monthly liaison meetings.
- The Area ensures that all sensitive material is retained by the police, but sensitive schedules are kept securely within each unit. A Public Interest Immunity (PII) Log has been instituted recently, and it currently awaits its first entry. The Area Standard prescribes the duties of the PII champion, who is also the complex casework lawyer. Our reality checks showed that sensitive material was properly dealt with in all three relevant cases.
- In response to the findings of the AEI report, the Area recently appointed a dedicated disclosure champion for an initial three month term. She has carried out an internal survey of 65 files, and reported to each district crown prosecutor (DCP) on the performance of their individual units. The champion is generally responsible for developing and carrying out the action plan which has arisen from the survey findings, and she reports to the SMT through the complex casework lawyer who supervises her.

- The action plan is intended to improve disclosure performance across the Area. It includes a review (and standardisation) of systems, and a re-training programme to cover all aspects of disclosure practice. Training has been given to administrative staff and designated caseworkers (DCWs), as well as lawyers. It is also intended that further joint training will be provided to police, although the quality of unused material schedules is currently adequate.
- DCPs have been made responsible for reporting to CCP and ABM on disclosure performance at the quarterly reviews. The reports are largely based on their monthly casework quality assurance (CQA) checks, which have become more robust since the first quarter of 2006-07 when 96% compliance with the disclosure regime was reported, against 92% nationally. In the first quarter of 2007-08, the compliance level was reported at 81% against 90% nationally, which is a more realistic level.

7 CUSTODY TIME LIMITS	OPA 2005	OPA 2007	Direction of travel
	Poor	Fair	Improved

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

- The Area was criticised in the 2005 OPA for its outdated custody time limits (CTL) system. Since then, the Area champion has drafted a sound, documented, CTL system which complies with national guidance. It was last updated in October 2006 following an internal post-implementation review.
- District crown prosecutors (DCPs) are responsible for monitoring the operation of the Area system within the teams. This includes supervision of the monitoring logs and ensuring that all relevant staff are properly trained. The importance of complying with the Area system is often raised by them at team meetings.
- The operation of the new Area system is monitored by the Area champion who is also a DCP. She occasionally dip samples the manuscript CTL logs completed in the teams to ensure that they are compliant with the system, and that they are properly checked by DCPs. Any noncompliance with the Area system is identified and addressed.
- A CTL failure was identified as part of the 2005 OPA, but there have been none since. Twenty-two custody files were examined as part of the area effectiveness inspection (AEI) in January 2007. Whilst two files were not fully compliant with the Area system in that expiry dates had been wrongly calculated, the actual expiry dates were later in time so this would not have led to a failure in either case. Of the two custody cases which formed part of our ten reality check trial files, one showed two noncompliances, namely, that the expiry date was not entered in the relevant diary, and time spent on remand was not calculated when the defendant was released on bail. The other file was fully compliant.
- The Area has signed protocols with the magistrates' and Crown Courts which dictate that expiry dates are agreed in court at the first remand. They are also reviewed at the trial readiness assessment meetings (TRAM) at the Crown Court. Any failure to comply with the protocol is reported to the relevant DCP, and the matter is then raised with the court at an appropriate level. Designated caseworkers (DCWs) and lawyers are frequently reminded to carry ready reckoners with them, and to ensure that court endorsements are clear. The Area does not require that files are endorsed to show that expiry dates have been agreed in court, because this forms part of the protocol.
- The Area monitors the CTL system by running a report on CMS. However, our reality checks showed that overdue tasks and expiry dates were present on CMS in relation to CTL cases in all four teams.

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, 75% of the letters which were sent were within the five day target compared to 73% nationally. The Area has a proxy target, set by CPS Headquarters, which is based on a prediction of the number of DCV letters that the Area would need to send if all required letters were sent. The proxy target for the Area has been successively reduced from 156 letters per month in 2005-06 to 109 letters. The Area is equal to the national average in respect of the proxy compliance rate at 75% (rolling average to March 2007). The quality of the letters seen was variable in the Area Effectiveness Inspection (AEI).
- All lawyers have been trained concerning their obligations under the Victim's Code and this need has been reinforced through recent CJSSS training and guidance. Prosecutors are now more aware of the need to make an informed decision at the pre-charge decision (PCD) stage concerning the use of special measures and other requirements the victim or witness may have. After the PCD stage the Witness Care Units (WCU) maintain a regular dialogue with witnesses regarding court appearances. Our reality check of files revealed that special measures applications were of inconsistent quality and timeliness. This included one case involving a child witness. There appeared to be no systematic mechanism, through case progression, to identify new and continuing needs of victims and witnesses that may require a special measures application.
- The WCUs are also the point of contact for victims and witnesses to be kept informed of progress. The units are reliant on timely provision of information to meet victim and witness obligations, which includes the prompt warning of witnesses. In CPS Essex there are now three WCUs in Chelmsford, Colchester and Southend (Rayleigh). Crown Court support is provided by one WCU for the whole of the county, which is based at the Chelmsford office. The AEI noted the quality and timeliness of support provided to witnesses to be good in the main, although external sources indicated that performance is not consistent throughout the county.
- Trial readiness assessment meetings (TRAM) are held weekly with the Crown Court which is attended by the witness care manager to ensure that any ongoing witness difficulties are also addressed. Case progression officers undertake a similar role in respect of magistrates' court trials and liaise with the WCUs to ensure trial readiness.
- All prosecutors have been supplied with a copy of the Prosecutor's Pledge and have completed the Proactive Prosecutor Programme (PPP). The expected behaviour of crown prosecutors is also contained in an Area Standards document. The Area advocacy monitoring policy is that District Crown Prosecutors (DCPs) monitor in-house prosecutors at least once annually, and provide feedback to individuals. DCPs attend court, when available, to assess advocates' performance

and their interaction with witnesses first hand; as well as receiving feedback from the Witness Service. DCPs are also undertaking advocacy monitoring of agents. The proactivity of prosecutor's work in relation to the service given to victims and witnesses is also monitored through examination of MG3s and through the case quality assurance scheme.

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

- In September 2006, the national No Witness No Justice scheme (NWNJ) which is designed to provide support and information to victims and witnesses, was signed over to the Area and the Essex Criminal Justice Board. At that stage the Area had fully met nine out of the fourteen minimum standards, with four partially met. Since then, the Area has made significant joint progress with the police against the sign-over action plan which was last reviewed in October 2007. Progress is also monitored by the joint Victim and Witness Action Team (VWAT). The Area is confident that all minimum standards are now being met, although the position will be confirmed by the formal review of performance which is due to be received from police (under the terms of the service level agreement) in December 2007.
- Performance with regard to NWNJ and compliance with the Victims Code is assessed on an inter-agency basis at the Victim and Witness Action Team (VWAT), which reports to the Essex Criminal Justice Board (ECJB). There is a VWAT multi-agency protocol, which sets out the agreed responsibilities for each agency. All agencies are required to provide an update to VWAT in relation to the outcomes of the monitoring undertaken which is completed on a quarterly basis. The Witness and Victim Experience Survey (WAVES), undertaken in August 2006, shows of those people that came into contact with Essex criminal justice agencies, 80% were satisfied with the way they were treated. The survey also found that only 44% of victims had been offered the opportunity to provide a Victim's Personal Statement. The issue has been raised through VWAT with the police who have formed a small team to reinforce the value of these statements.
- Performance data in relation to cracked and ineffective trials is analysed in relation to both Crown Court and magistrates' court cases by the Case Management Action Team (CMAT), which reports to the ECJB and is chaired by CPS. This highlights any trials where there were witness issues and these are reviewed by DCPs and the police to ascertain if failures to attend could have been anticipated and whether any further action can be taken as a result, although lessons are not widely disseminated at team level. The ineffective trial rate in the magistrates' courts due to witness issues is 2.4%, compared with 3.2% nationally. In the Crown Court the ineffective trial rate due to witness issues is 2.1%, compared with 2.3% nationally. The cracked trial rate in the magistrates' court and Crown Court due to witness issues are also both better than the national average.

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

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

- The Area has a clear sense of what needs to be achieved. Planning processes are well defined and provide clearly focused strategic themes and quantified objectives. The Area's priorities for 2006-07 were aligned to the national CPS and Public Service Agreement objectives and targets, and where relevant to nationally-led initiatives and local needs. The Area Business Plan (ABP) for 2007-08 builds on this and clearly articulates how the Area intends to drive and improve its delivery. Separate plans in regard to Higher Court Advocates and designated caseworkers complement the ABP.
- There are clear responsibilities for the delivery of actions within the ABP with relevant milestones and outcomes. These are reviewed quarterly with the ABP itself. Each District Crown Prosecutor (DCP) is required to produce Team Business Plans (TBP) linked to the ABP which set out specific improvement measures within the Team. These enable contribution to the overall performance of the Area in respect of the achievement of Area targets and actions. Each TBP is linked to individual DCP personal objectives. The appraisal system has been developed into an effective tool for linking organisational and team objectives with individual objectives.
- Joint planning with criminal justice partners is successfully embedded and includes all major initiatives such as: NWNJ; Conditional Cautioning; CJSSS; as well as locally agreed change projects such as the Prosecution Process Review and the interface between CMS and the police computerised custody system conducted jointly with Essex Police. The Area, with its partners, has an inclusive approach to planning with CPS Essex contributing to the drafting and implementation of the Essex Criminal Justice Board (ECJB) delivery plan. The CPS is represented on all local criminal justice board sub-groups and leads on two. In addition the Area participates in a range of other inter-agency groups.

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

- Systematic arrangements for implementing change are in place at both local and multi-agency level. The Area has an appointed project manager to manage or oversee new initiatives. She is able to utilise resources, sanctioned through SMT, as and when required to participate in the change process and local implementation groups. Monitoring and review is made through the project manager to the SMT at regular intervals. This system creates better management of project interdependencies, with links between projects made clearly. Training needed to deliver change is made more comprehensively through these systematic arrangements. At ECJB level, arrangements are in place to allocate new initiatives; however the CCP appears to have an imbalance of senior responsible officer (SRO) roles. Shared multi-agency projects and initiatives are monitored and reviewed at the relevant Essex CJB action team and overseen by the Board. Good examples of successful implementation leading to better performance and efficiency were verified, internally and on a multi-agency level.

- Nationally driven change has been implemented effectively within the Area, with evidence of review and improvements made. Regular performance meetings with the police support the continued delivery of statutory charging and NWNJ. Work has also been undertaken with police in respect of phased introduction of conditional cautioning, who have been responsible for the day-to-day management of the Project. The CCP is the SRO for the conditional cautioning project on behalf of ECJB. The Area are also engaged with the implementation of CJSSS within Essex and is represented on the multi-agency Local Implementation Team (LIT), that reports to the ECJB.
- Internal change within CPS Essex has also been largely successful. The Area managers considered that its existing structures, which shared resources and workloads with police, were no longer conducive to the evolving prosecutorial role and other changes the CPS were introducing. The Area approached the need for change sensitively with the police which led to the formation of a joint Prosecution Team Process Review. This team reviewed the organisational design for delivery of criminal justice within the Area in order to seek a more optimal approach, which led to a considered restructure of the Area that culminated in the collocation of CPS staff into one geographical location, at Chelmsford. It is too early to evaluate any impact on outcome performance, although there was a significant downturn in CMS performance, timeliness of graduated fee payments, and Crown Court case preparation throughout the restructure. New systems and processes were also managed well between the police and CPS in order to support the new structure and keep day to day business effective during the transition. It is too early to conduct any evaluation as to whether any of the anticipated benefits from the change have been achieved.
- The Area has sought to improve its approach to risk management by seeking advice from Headquarters on how to link risk analysis with business planning to ensure a more effective risk management strategy is in place. For 2007-08 the Area has prioritised those risks which may adversely affect operations and these are pertinent to the delivery of Area business. These plans are regularly reviewed and appropriate action taken where required. In addition, certain projects have their own more detailed risk register.

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

- Area training is overseen by the Area Learning and Development Delivery Group which is chaired by the Area Business Manager and overseen by the Operational Management Team (OMT). The Area Training and Development Plan draws on Headquarters initiatives, the Business Plan and staff appraisals to identify training needs. For 2006-07 there was a priority on delivering the Proactive Prosecutor Programme (PPP) and 'Invest' performance management courses.
- The Area was successful in gaining Investors in People re-accreditation in June 2006. However, the report highlighted that staff considered learning and development activities were difficult to access or were delayed. In some cases this was because of national CPS delivery but in other cases due to pressure of work which curtailed opportunity. The report also found that wider opportunities for the development of administrative staff were needed. These findings are broadly reflective of the national staff survey findings for the Area that found all the following to be below the national average: opportunities for learning and development to do the job effectively; opportunities for personal development and growth; performance improving as a result of developing skills; line managers actively supporting learning and development; line managers providing regular advice and encouragement; and effective induction systems.

- Relevant diversity issues are included in the planning of training. The Area ensures equality of access to training by opening training opportunities to all relevant staff and by ensuring that the individual needs of staff attending training courses are met. Training activity is collated onto a computerised system so that the required equalities monitoring can take place.
- Key mandatory training has taken place in 2006-07 and for the year to date; examples include PPP, domestic violence training and disclosure training. The Area Effectiveness Inspection found the Area's induction training to be good, although staff perceptions highlighted in the staff survey differ considerably. Induction training is included in the learning and development plan which includes initial induction delivered by the Area HR manager, thereafter line managers ensure new staff are inducted into the team. More recently, lawyers are being provided with an in-house, three-day induction course.
- Training evaluation is not systematic. However, examples were found of improving performance as a direct consequence of training, including: enhancing the quality of the graduated fees scheme paperwork from caseworkers to improve timeliness of payments; domestic violence training that lead to a reduction in unsuccessful outcomes; and training during the restructure that lead to an easier transition of functions.

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 2006-07 the Area under-spent its non ring-fenced administration budget by 3.75%, representing the second lowest spend nationally. Spend on the non ring-fenced administration budget for the 2005-06 period was also under-spent by 2.26%, representing the third lowest spend nationally.
- The Area has sought to achieve value for money primarily through more effective staff deployment and more efficient administration. The Area makes use of national contracts for supplies, and the Government Procurement Card whenever possible. In addition the Area has utilised police couriers for the transport of files which has reduced courier costs. The Area Business Plan (ABP) for 2007-08 also implicitly reflects objectives aimed at achieving value for money.
- There are effective systems in place to monitor and account for budget spend and the budget is discussed as a standing agenda item at the monthly Operational Management Team (OMT) meetings. Teams have devolved responsibility for the management and control of their budgets, including salaries, running costs, and prosecution costs. Monthly budget reports and a Unit and Area summary analysis spreadsheet are circulated to all budget holders, other SMT members and District Business Managers (DBMs). These budget reports cover both the prosecution costs and the staffing and administrative staffing budgets.
- Prosecution costs in 2006-07 were under-spent by 7%; the 2005-06 outturn position was under-spent by 10%. Prosecution costs are monitored by the Area Business Manager (ABM) who also monitors the monthly return of very high cost cases through systems implemented by the Area Secretariat.
- Timeliness of fees payment under the graduated fee scheme (GFS) was the worst nationally in March 2007, when only 26% of fees paid related to cases finalised in the previous two months (national average 50%) and only 67% related to cases finalised in the previous four months (national average 88%). These figures represent a significant decline in performance since December 2006, The Area has recognised this weak performance and reviewed the end-to-end processes and provided staff training. Refresher training on GFS has since been delivered.
- The Area has received various additional funding centrally and this has been ring-fenced for specific expenditure such as refurbishment of offices consequent to restructure. In addition the Area has secured funding under CJSSS to run weekend courts and to employ additional agents to allow CPS prosecutors to undertake trial case reviews as part of the multi-agency approach on reducing trial delay in preparation for the CJSSS changes. The Area has used all allocations of NWNJ monies to fund staff deployed on witness care. In 2007-08 the Area has allocated £104,000 from its running costs in addition to the £184,000 ring-fenced from central funds (and delivered as part of the Area's non baseline funding) for the provision of witness care services.

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

- Workloads and the distribution of staff between teams are continuously monitored and reviewed by senior managers. In general, the Area and its teams are balanced through the Activity Based Costing (ABC) 'should take' formula, replicated for each team with discretionary allowances according to branch or unit circumstances. Staffing distribution levels are discussed regularly at the OMT meetings and have been considered as part of the Prosecution Team Process Review project. However, the Area Effectiveness Inspection (AEI) indicated that the numbers and balance of lawyers and caseworkers across the Area was not fully appropriate, as reflected in tensions among staff regarding caseloads, very low court coverage, and variable standards of case preparation. The Area has actively recruited since then, with a degree of success, but further work needs to be done.
- Through the Area Standards policy, clear expectations for designated caseworkers (DCWs) and lawyers have been set; 60% of their time is to be used in court sessions. In 2006-07, only 48% of the deployable DCWs' time was spent in court. Each District Crown Prosecutor (DCP) is responsible for the rostering of staff within their unit to meet their Court, charging and casework obligations. The Area is trialling a combined prosecutor rota for the south-west and south-east teams and will evaluate its effectiveness before deciding whether to extend the system to the rest of the Area.
- Whilst performance varies across the teams, overall, the Area has not achieved its target for DCW sessions (as a percentage of total sessions). Although DCW usage increased from 7.3% in 2005-06 to 9.8% in 2006-07, it fell significantly short of the 15% target and was the third poorest performer nationally. The Area accepts that it has performed poorly in this respect and has made significant progress with HM Courts Service that has resulted in increased DCW deployment recently. The Area has been set a challenging overall target of 17% for DCW usage for 2007-08. Quarter 1 performance figures for 2007-08 indicate that, whilst the Area has improved significantly against the national picture, it remains below trajectory point for DCW usage. The Area has allocated additional funding to double the number of DCWs and now has 9.2 full time equivalent posts. There were delays in the central provision of training for DCWs during 2006-07; all have now been trained so that the 17% target is realistic.
- For 2006-07, agent usage in the magistrates' courts was 46%. This does not compare well with the CPS national agent usage of 19.6%. In two teams, agent usage was significantly higher. This performance reflects the lack of lawyers and DCWs during this period as well as short and long term sickness absences. This situation has led to some deskilling of lawyers due to lack of trial advocacy. Current performance (Quarter 1 data) indicates that only a slight progress has been made to reduce agent usage; 42.7% against a target of 20% and that this target cannot now be met for the 2007-08 period. The Area recognise these problems and have implemented a strategy to reduce sickness and consistently held recruitment campaigns to attract lawyers. However, the Area has been robust in its recruitment processes and will only employ lawyers that have the correct skills and display values and behaviours expected of the service. The Area is also developing three members of staff through the legal trainee scheme to help with future succession planning. Despite poor performance in relation to agent usage, the Area consider that they will only need a further three lawyers to reduce agent usage to 20%.

- The Area exceeded its target in 2006-07 for savings resulting from the use of HCAs and, although the level of savings was below the national average, the counsel fee savings per session was the highest nationally. In 2006-07 HCAs covered a total of 301 sessions; most were plea and case management hearings (PCMH) with very little trial work being completed. The Quarter 1 performance for 2007-08 shows that HCA performance is significantly below the national average and below target. However the Area has recently appointed two Crown Advocates which will improve its coverage of trials. The Area has conducted capacity analysis concerning HCA usage and consider that they are likely to achieve their HCA target of £320,000 savings by the end of the year. This will be achieved through better targeting of saving, particularly in respect of more complex trial work and the mentoring by crown advocates of less experienced HCAs to conduct more trials than previously.
- The average sickness absence for 2006-07 was 11.8 days (to December 2006) which was worse than the national average of 8.5 days and significantly worse than the Area's target of just 7 days. The AEI made an Aspect for Improvement note in relation to the Area's handling of sickness absence procedures and these have been overhauled for 2007-08 as part of the Area Business Plan. The Area has a disproportionately high percentage of long term sick absence cases. Recently the Area has managed to resolve three of these cases; the Area consider this will significantly reduce the level of sickness on the Area.
- The Area demonstrates a positive but cautious approach to flexible working with requests considered against business needs. Applications for flexible working are considered by the line manager in the first instance. In order to maintain a corporate approach to these issues, particular cases may then be discussed with the ABM.

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

- Relevant performance information is available to all District Crown Prosecutors (DCP) who are responsible for their own team performance. The Area has governance arrangements in place to manage and improve performance: it has an established performance management strategy; extended the Headquarters quarterly performance reporting system into the four teams; and the assessment criteria is revised and agreed each year by the Strategic Management Team (SMT). In preparation for the quarterly reviews on each DCP's self assessed performance, the CCP and ABM scrutinise progress with them at the review meeting; these are conducted with each team separately. Area performance is also considered more thoroughly at the Operational Management Team (OMT) meetings each month and on an exception basis at the monthly SMT meeting.
- A monthly performance report is produced which includes a dashboard that summarises team and Area performance against each priority. This is included in the fortnightly Area snapshot news summary sent to all staff. Performance information incorporates a comprehensive range of data including casework decisions and results, sickness absence, advocacy, and compliance with the Victim's Code. Performance is measured and analysed at team and Area level. Area performance is also benchmarked against CPS Areas of a similar size and against the average national performance on a quarterly basis. No commentary or analysis is attached to the performance report although senior managers receive the report in good time and are aware of issues that will need further analysis or explanation at the SMT, OMT or quarterly meetings. Supplementary emails accompany these reports highlighting particular issues in order that managers can effectively prepare for these meetings.
- The Area continues to develop its data assurance mechanisms: managers have provided a stronger focus on improving data accuracy by dip sampling; raising staff awareness; and introducing basic systems to ensure data entry is correct. Finalisations are quality assured through examination of a monthly spreadsheet and team managers are held responsible for ensuring relevant CMS data is checked against the file and corrected if necessary. More recently, the Area has implemented the Headquarters dip sampling system. This entails the Area Performance Officer (APO) nominating a list of files for each District Business Manager (DBM) to quality assure. These results are returned to the APO who conducts trend analysis for discussion or action at the OMT meeting. Ad hoc data quality assurance is also initiated for specified proceedings or where there are performance issues.
- There is a clear expectation that DCPs, DBMs and managers at all levels will take action to correct and improve performance against targets or objectives. The performance framework allocates responsibilities to managers for achieving targets and operational effectiveness. Examples were found and it was evident, 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 into each team plan; and in turn to individual performance appraisals so that staff are clear about what is expected to improve performance of their team and of the Area overall. This is helping to improve individual performance.

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

- Area managers work extensively with criminal justice partners and in particular the police, to improve performance. All senior managers and some other grades of staff actively participate in the work of the Essex Criminal Justice Board (ECJB), five local prosecution teams and other inter-agency groups.
- The Area is committed to an 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. There is effective cross-agency sharing of information, with the CPS providing prosecution team performance, adverse case information, proceeds of crime and hate crime data for discussion at partner meetings. The APO receives the ECJB performance data pack and cross-checks relevant data against the Area Performance Pack. The APO also provides relevant information to the ECJB.
- Inter-agency working has led to jointly owned strategies aimed at driving up performance and bringing more efficient working between criminal justice partners. Examples were seen of how joint working and sharing of performance data has led to improved results, protocols or greater efficiencies, including: better identification of POCA cases; the handling of fatal road traffic cases; sharing of adverse outcome information; handling of media and complaints; handling of discontinuance in pre-charge decision cases; establishment of a domestic violence court; better performance in respect of ineffective trials in the Crown Court; and successfully interfacing CMS with police computer systems.

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 casework quality assurance (CQA) system has improved each quarter during 2006-07 from a baseline of 63% to 101%. The average compliance for the year was 77.7% compared to a national average of 83.7%. Performance for the first quarter of 2007-08 indicates a compliance rate of 84% which is below the national average. Compliance is measured and monitored at team and Area level and forms part of monthly and quarterly performance reviews.
- The Area Effectiveness Inspection (AEI) found that the application of the CQA system for 2006-07 had been inconsistent and whilst there has been some improvement with lawyers receiving feedback, DCPs considered the system to be ineffective, as case ownership was not well developed. There was little trend analysis emanating from CQA and meaningful discussion within teams and at the SMT was limited. The Area has since tasked DCPs with analysing one file per prosecutor and DCW on a monthly basis. The DCPs have also held a meeting to agree standards of consistency for the assessment of CQA questions. The Area is now more robust in recording the numbers of staff absences to Headquarters regularly in order that the percentage return rate is reflective of the staff available to the Area in the relevant period.

- The Area's own assessment of its casework quality standards in 2006-07 showed it to be performing slightly above the national average in relation to review decisions, disclosure standards, and victims and witness standards, whilst the file examination for the AEI (and our reality checks) revealed a lower level of actual compliance. The assessment of performance in case preparation was slightly more robust, but this also indicated a level of performance far better than that revealed by our reality checks. However, since March 2007, the robustness of the Area's CQA system has improved significantly, especially in relation to disclosure performance.
- The Area has implemented a system of advocacy monitoring which involves periodic assessment of in-house advocates, agents, and counsel, against the national advocacy criteria. Advocates are to be rated on their approach to case progression as well as other aspects of performance. Assessment and feedback is robust, although systems for identifying trends and disseminating lessons learned need to be developed. This monitoring has recently been extended to include external agents acting on behalf of the CPS, to ensure standards are being met.
- Issues concerning casework standards are brought to the attention of the relevant prosecutor, and if there are specific themes emerging, these will be discussed at team meetings. Comments from all CQA forms are collated monthly by the Area Secretariat and made available to all DCPs. Periodically, the SMT considers trend analysis at meetings.

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

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

- In 2005 the Area was rated as poor in our Overall Performance Assessment (OPA). In response, the CCP embarked on a comprehensive programme of change and improvement. This was reflected in the Business Plan for 2006-07, which was framed around the OPA criteria. The plan and other Area strategies set out a clear vision which has been communicated to staff by managers. The objectives for 2007-08 build upon the 2006-07 plan and include activities that underpin delivery of those objectives; these are comprehensively set out in the Area Business Plan (ABP). The ABP is complemented by an Area Governance document that sets out the vision and values and how the Area is governed in order to achieve the objectives in the ABP. In addition the Area have a published Standards policy that sets out expectations of behaviour and work ethic.
- Managers understand their responsibilities for implementing decisions made by the Strategic Management Team (SMT) as well as delivering Area objectives and other criminal justice priorities. In June 2006 a two day leadership event was held for all senior managers that has strengthened a corporate approach at senior manager level. The re-structure of the Area, which has brought teams into one geographical location, has further strengthened a corporate and team approach. Management responsibilities are also highlighted through a developing performance framework.
- Senior managers generally make themselves available to staff, with the Chief Crown Prosecutor (CCP) and the Area Business Manager (ABM) making regular visits to teams to meet with staff and promote the Area objectives and discuss strategic and operational issues. The national 'Your Voice' Staff Survey (March 2006) indicated that the dialogue between managers and staff was generally less effective than nationally, and that this had a negative impact on staff morale. Only 52% believed they had regular meetings (against 59% nationally), and only 44% believed they had effective meetings (against 55% nationally). Progress has been made subsequently, and this is characterised by a more direct method of management which has been made possible by the centralisation of all teams in Chelmsford. However, team meetings are still not held with appropriate frequency, and they are not always effective in engaging staff.
- The Area also conducted its own in-house staff survey in May 2006, entitled the CPS Essex Staff Experience Survey, which generally showed much better results than the national 'Your Voice' staff survey. The Area managers consider that by bringing staff together through restructuring, holding more regular team meetings, recruiting a communications manager, and generally having a more corporate approach to managing the Area, that the March 2008 staff survey will show much better results. However, there is a history of delays in recruitment of lawyers and caseworkers, and the achievement of a correct balance of staff and workloads between units, was an issue at the time of the AEI.

- Senior managers have considerable responsibility for leading or participating in a wide variety of criminal justice initiatives and other inter-agency groups. CPS Essex is represented on all Essex Criminal Justice Board (ECJB) multi-agency action teams which are responsible for the delivery of shared targets including Public Service Agreement targets. The CCP also acts as senior responsible officer for a number of initiatives. Relationships with most partners are positive and constructive at both the strategic and operational level. Senior managers are well regarded by partners, who acknowledge the Area's determination to improve performance.
- Whilst a mechanism exists for allocating the involvement of senior managers in criminal justice initiatives (both internally within CPS Essex and at Essex CJB level), the balance of workload between senior managers needs to be reviewed.
- The Area is now more focussed on learning through reviewing success and failure. Examples were found of senior managers isolating aspects of poor performance and implementing systems or changing behaviour in order to affect a more positive outcome. Better performance management systems and a developing performance culture among managers are also helping to identify such opportunities.

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 does not have a formal reward or recognition policy, although it has used the special bonus scheme to reward staff from time to time.
- The CCP has actively promoted a dignity at work ethic, and senior managers within the Area are expected to act as role models for their teams, demonstrating behaviour which is consistent with Area aims and values. These issues were covered at an Area Leadership Event in 2006, which was informed by the in-house staff survey. Themes from this event and the survey were embodied into the publication of the Area Standards document which exemplifies the behaviour and values that are expected in the working environment.
- Levels of staff sickness and turnover have been linked to the low morale levels which were indicated in the Staff Survey (2006). This revealed that 57% of staff believed they were treated with dignity and respect against 63% nationally. The Area recognised that ineffective management systems (including unreliable lines of communication) were a contributory factor, and this led to the production of a valued behaviours document, and provision of a governance structure which now holds managers clearly to account. Following the restructure, team managers are now located with their teams, and this should allow more effective communication along with implementation of the new policies. In turn, this should lead to more effective management and improved morale.
- The CCP acts as the Area's equality and diversity champion. The Area does not have a systematic mechanism, such as an equalities committee, to 'equality proof' new or existing policies but endeavours to ensure that equality issues are explicitly integrated into its plans, strategies and initiatives.

- The Area is working towards a more representative workforce, with various actions implemented through the Workforce Representation action plan and the Race Equality Scheme action plan. The Area has been successful in increasing the proportion of prosecutors from minority ethnic communities and representation is now above the local benchmark. The Area recognises that further progress needs to be made concerning representation amongst administrative staff and targets have been set.
- No substantiated complaints have been made by staff about their treatment by managers. One complaint has been made, of a racial nature, which is disputed by the Area. Other complaints have been handled in accordance with the grievance procedure. Examples were given of how managers have tackled inappropriate behaviour and that they have responded in a proportionate manner. The staff survey results indicated that more needed to be done to tackle poor behaviour and performance.

13 SECURING COMMUNITY CONFIDENCE	OPA 2005	OPA 2007	Direction of travel
	Poor	Fair	Improved

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

- Senior managers understand the increasing need to improve community confidence and become more accountable to the public, particularly as the prosecutorial role develops. In 2006-07, senior managers endorsed the development of a separate community engagement strategy as well as agreeing to dedicate further resources to community engagement development. Community engagement activities are overseen by the Area Business Manager (ABM) and coordinated, including recording and follow-up, by the newly created role of Communications and Community Engagement Officer based in the Area Secretariat. The range and volume of activity varies between teams with engagement between established groups working well. Senior managers each have a personal objective concerning engaging their staff in a team community event.
- The Area Business Plan (ABP) reflects the Area's strategic commitment to improving community engagement. It contains clear actions, timescales and responsibilities as well as developing links to other aspects of the plan involving race, homophobic, and domestic violence casework. The ABP is supplemented by a more detailed community engagement strategy and through individual team plans. Objectives from the community engagement plans are then linked with personal objectives to appropriate individuals. In addition the Area has developed and published local actions supporting the CPS Race Equality Scheme for 2005/08. The Area has not developed these plans in isolation but with other partners and through its membership of the Essex Criminal Justice Board (ECJB): this has enabled a joined up approach and the avoidance of duplication.
- The Area's appointment of a dedicated communications and community engagement officer has enabled the agenda to be taken forward more proactively than in the past. This officer coordinates, through the ABM, community engagement activity for key members of staff who are responsible for their delivery. Area Managers recognise that it would be beneficial to widen the number of staff who participate in community engagement activity and the development of staff awareness of community engagement is one of the strands in the Learning and Development Plan that is being taken forward.
- The Area's engagement activity, in the main, is reactive in nature but does focus on the core business of the CPS and includes a broad range of audiences. The Area has endeavoured to become more proactive by initiating an awareness campaign for the gay community and have been working with the Race Equality Council in order to provide a witness advocacy scheme for black and minority ethnic (BME) witnesses.
- The Area is able to access current demographic trends through the ECJB and the local authority. The Essex Race Equality Council are currently producing a comprehensive database for all community organisations through which criminal justice agencies will have access.

- The Area aims to engage with groups that are at most risk of exclusion or discrimination, particularly those likely to be a target of a hate crime. CPS representatives attend Hate Crime Panels along with other agencies that have been established in various communities. The Area is also introducing Hate Crime Scrutiny Panels in a considered way. Whilst the Hate Crime panels examine hate crime in a more generic way, the scrutiny panels are more case specific; however there may need to be a rationalisation of both groups as the agenda evolves.
- In addition to the proactive engagement outlined above, the Area are also targeting groups to help with its focus on anti-social behaviour, and have assisted domestic violence groups with the introduction of a specialist domestic violence court, that has been operational since April 2007.
- The Area recognises that building confidence and engagement activity with communities is a slow and considered process. In common with many other Areas, service changes and improvements resulting from such engagement has been developing slowly. However, engagement with the lesbian and gay community has led to a more structured way of dealing with homophobic casework. In addition the development of domestic violence protocols with other agencies have been as a direct consequence of engagement and consultation.
- There is no measure of public confidence specific to the CPS, but the CPS contributes to the public's confidence in the criminal justice system through undertaking its prosecution functions effectively, and by engaging with the public directly and through the media. Public confidence in the ability of the criminal justice agencies within Essex to bring offenders to justice, as measured by the British Crime Survey, has improved from the baseline figure of 37% taken in 2002-03 to 40.2% in December 2006 but remains below the national average of 42.3%. The Witness and Victim Experience Survey (WAVES) shows, of those people that come into contact with Essex criminal justice agencies, that 80% are satisfied with the way they were treated.
- 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 Area's communication officer is the single point of contact and coordinator in relation to the local media, assisting CPS nationally with any national press enquiries and maintains the Area media contact log. The Area has arrangements in place with the police press office in respect of media interest cases. In common with other areas, CPS Essex await guidance from the formation of a 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%	21.0%	15.1%	11.0%	13.1%	16.0%	14.8%
Guilty plea rate	52.0%	69.2%	65.5%	70.9%	68.0%	66.5%	55.9%	66.9%
Attrition rate	31.0%	22.0%	27.8%	21.7%	23.0%	22.2%	32.0%	24.2%

	National performance 2006-07	Area performance 2006-07
Charged pre-charge decision cases resulting in a conviction	78.0%	77.4%

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%	85.2%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	46.4%
Cracked trial rate	37.3%	32.2%
Ineffective trial rate	18.9%	21.4%
Vacated trial rate	22.5%	14.4%

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

National target	National performance 2006	Area performance 2006
71 days	72 days	60 days

Offences Brought to Justice

	CJS area target 2006-07	CJS area performance 2006-07
Number of offences brought to justice	32,553 (25.6% of total crimes reported)	39,105 (30.7% of total crimes reported)

Percentage make up of Offences Brought to Justice	National 2006-07	Criminal justice area 2006-07
Offences taken into consideration (TICs)	8.5%	11.4%
Penalty notices for disorder (PNDs)	10.3%	9.2%
Formal warnings	5.8%	1.8%
Cautions	26.5%	33.4%
Convictions	48.8%	44.2%

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%	75.0%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	50.1%
Cracked trial rate	39.5%	38.4%
Ineffective trial rate	12.4%	11.5%

Proceeds of Crime Act orders	Area target 2006-07	Area performance 2006-07
Value	£625,914	£834,594
Number	58	42

Aspect 10: Managing resources

	2005-06	2006-07
Non ring-fenced administration costs budget outturn	97.74%	96.25%

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%	9.7%
HCA savings against Area target	100%	138.4%	114.7%
Sickness absence (per employee per year)	7.5 days	8.5 days	11.8 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
37%	40%	40.2%

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

Because of the Area Effectiveness Inspection earlier in the year, where views of many criminal justice agencies were taken into account, we did not repeat this exercise for the current OPA process.

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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