

CPS Essex

Overall Performance Assessment

Undertaken November 2005

March 2006

Promoting Improvement in Criminal Justice

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A. INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS

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

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

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

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

The table at page 7 shows the Area performance in each category.

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

B. AREA DESCRIPTION AND CASELOAD

CPS Essex serves the area covered by the Essex Police. It has staff at five locations, Southend, Laindon, Colchester, Harlow, and Chelmsford, where the Area Headquarters (Secretariat) is also located.

For the period covered by this report, Area business was divided on functional lines between magistrates' courts and Crown Court work. There were four Criminal Justice Units, co-located in police stations, which handled cases dealt with in the magistrates' courts, and a single Unit which handled cases dealt with in the Crown Court. From April 2005, the Area reorganised along geographical lines and now has four District Teams sited in police stations. Crown Court cases are handled at the Chelmsford office, with each team receiving work from its counterpart at the police station.

During the year 2004-2005, the average Area number of staff in post was 144.4 full time equivalents.

Details of the Area's caseload in the year 2004-05 are as follows:

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	1,733	4.4	20.9
Advice	10,293	25.8	5.1
Summary offences	17,221	43.2	46.9
Either way and indictable only	10,430	26.2	26.7
Other proceedings	149	0.4	0.4
TOTAL	39,826	100%	100%

Note: The data on pre-charge advice to police and other advice cases was inaccurately recorded during 2004-05, and therefore cannot be regarded as reliable.

C. SUMMARY OF JUDGMENTS

The Area was inspected fully in May 2003 and the report made a number of recommendations regarding the Area's performance. The follow-up inspection in June 2004 found that some preliminary steps had been taken, but that progress had been slow. This assessment in November 2005 found that during 2004-05 a number of the key aspects of concern raised during the inspection and follow-up remained, but that progress has been made in some aspects.

The Area has made a number of changes recently. The Area structure has shifted from a functional basis to a geographic basis. The Area currently has a temporary Chief Crown Prosecutor.

The Essex criminal justice agencies brought 27,134 offences to justice in 2004-05, almost 3,000 more than the target for the year, and 25% above the 2001-02 baseline figure. The target for offences brought to justice (OBTJ) is a shared one set by reference to the criminal justice area. The ability of the CPS to influence this particular target is limited because it includes offences dealt with by non-prosecution disposals. The CPS contribution comes through managing cases to keep discontinuance and unsuccessful outcomes low, to which CPS Essex has contributed well in some respects, although the criminal justice area has a significantly higher rate for fixed penalty notices than nationally and a worse than national conviction rate.

Performance in respect of persistent young offenders was consistently good. For the three month rolling average to February 2005, the Area achieved a performance of 58 days from arrest to sentence against the national target of 71 days.

The ineffective trial rate in the magistrates' courts was 21.1%, which bettered both the national target (24.5%) and national performance (24.8%), but performance in the Crown Court, 22.3%, was worse than both (18.4% and 15.8% respectively).

Public confidence in the effectiveness of criminal justice agencies in Essex in bringing offenders to justice, as measured by the British Crime Survey, rose from 37% to 40% during 2004 but remains lower than the national average.

Arrangements for the provision of pre-charge advice have operated on a non-statutory basis since 2002, in preparation for the CPS assuming statutory responsibility for the decision to charge in the more serious categories of case. The Area migrated to the statutory scheme in December 2005, shortly after the overall performance assessment. Issues with the recording of pre-charge advice cases have now been resolved, but render last year's data unreliable. The data suggests that performance on the expected benefits realisation was erratic in 2004-05, with rates for guilty pleas and attrition in the Crown Court bettering national averages, but with other performance not as good as the national average. Compliance with the scheme has been a persistent difficulty, which liaison with police initially failed to remedy, but which was later addressed following the introduction of a joint project board and joint project managers.

Magistrates' courts cases are generally reviewed and prepared promptly, and case progression is in place. Timeliness is good for adult and youth cases, and there is close monitoring of these aspects. In the Crown Court, there were significant difficulties with casework in 2004-05, especially case progression, the timeliness of committals, and the quality of briefs to counsel. All these issues were the subject of recommendations in the inspection report in 2003. Progress had not been comprehensive during 2004-05, but work done since is starting to show improvements. More remains to be done to ensure that the Casework Quality Assurance scheme is robust and the results used effectively. In the management of both magistrates' courts and Crown Court cases, use of the computerised case management system, while improving markedly, was at a very low rate for the year 2004-05 as a whole. There is much more to do to ensure that the system is used fully to manage cases.

The conviction rate in the magistrates' courts is high and the discontinuance rate is relatively low, which is good. Overall, the combined percentage of unsuccessful outcomes in both the magistrates' courts and the Crown Court was better than the average national performance, at 17.6% as against a national target of 21% and national performance of 19.6%. Unsuccessful outcomes in the Crown Court alone, however, were worse than the national averages and the overall conviction rate in the Crown Court was 71.7% which was worse than the national performance of 75.8%. Not all categories of sensitive cases and hate crimes are handled by specialist prosecutors, and there is limited analysis of hate crime outcomes.

The Area's handling of cases where a custody time limit applies needs to be overhauled. The written system has not been updated appropriately and, in any event, is not being adhered to in practice. A reality check revealed a failure of which the Area was previously unaware, and other examples of poor practice.

In the inspection of 2003, the compliance with the prosecution's duties of disclosure was found to be satisfactory, and the handling of secondary disclosure in one part of the county was noted to be a strength, but this has not been extended across the Area. Liaison with the police to address performance issues needs to be strengthened, and the Area has work to do to reduce the number of trials which are ineffective due to disclosure issues.

The service provided to victims and witnesses is good; Witness Care Units are established and these, in conjunction with the introduction of the Effective Trial Management Programme and trial readiness meetings, are having an impact on reducing the proportion of ineffective trials due to witness problems in the magistrates' courts. Direct communication with victims, under which the CPS explains in writing to the victim why a case has been dropped or reduced in seriousness, has shown mixed results. The timeliness of letters in magistrates' courts cases is good, but has been less consistent in the Crown Court, and monitoring needs to become more structured to ensure that all cases are captured.

The Area usually ensures that advocates at court are selected for their expertise. The Area uses a high proportion of counsel agents, particularly for trials. There is no systematic monitoring of prosecution advocates.

During 2004-05, the Area did not make good use of its designated caseworkers, had a higher than average reliance on agents, and overspent its non-ring fenced budget by 10%. The Area needs to address urgently an imbalance between the number of administrative staff and the number of prosecutors. The usage of Higher Court Advocates was good, and steps have been taken to deploy staff more efficiently.

Change in the Area, which has been considerable, has been managed successfully in most instances, although shadow charging operated to different protocols in different parts of the Area and effectiveness was not continuously reviewed. More work remains to ensure that the change programme, particularly internally, maintains momentum and incorporates risk management more thoroughly. The performance management regime to support this has improved, and performance information is accessible and considered at the right level. Governance and leadership arrangements have been heavily revised as a result of issues identified in the inspection report in 2003, and a corporate approach by senior managers is developing. More work needs to be done to take responsibility for equality and diversity at a senior level.

Community engagement activity has yet to be marshalled, and plans on how to best develop the work and use Area resources effectively have still to be drawn up.

In the light of these findings, the Area's Overall Performance Assessment is **POOR**.

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

OVERALL ASSESSMENT	1 - POOR

D. DEFINING ASPECTS

1. PRE-CHARGE DECISION-MAKING

1 - POOR

The Area introduced pre-charge advice in 2002, but there remained fundamental flaws, and the Area had much to do to ensure statutory roll-out in December 2005. The Area now provides timely advice at all relevant charging centres, using suitable and experienced lawyers, and monitors the quality of that advice. There were significant problems in 2004-05 including the accurate recording of pre-charge advice cases, and with police compliance. There remains work to be done to ensure that the correct cases go through the scheme and are properly recorded. Systematic assessment of benefits realisations has been hampered by the poor recording rendering management information potentially inaccurate; the picture presented is a mix of good and poor results.

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

- Timely pre-charge advice is now provided at all relevant Area charging centres. When pre-charge advice began as a pilot in Essex in 2002, the CPS worked with the police to assess workloads and available resources. A shadow charging scheme was instituted between 9am and 5pm at six sites. This has since been expanded to eight sites, covering ten police divisions. One division feeds into another charging centre, and two other divisions share a charging centre.
- There is a system in place to resolve disputes between duty prosecutors and the police, with such cases being referred to the District Crown Prosecutor (DCP) and police Crime Manager.
- Migration to the statutory scheme was being implemented at the time of this assessment. (The Area moved to the statutory scheme in December 2005). Recently introduced arrangements mirror for the most part the statutory scheme.

Aspects for improvement

- The Area introduced pre-charge advice to police at an early stage, but significant problems were slow to be addressed. Lack of police unique reference numbers (URNs), and the inadequate use of the computerised case management system (CMS) hampered the recording and counting of pre-charge advice cases. The use of CMS for recording of advice is not widespread. The data for 2004-05 shows a significantly lower proportion of pre-charge advice cases than would be expected, together with a significantly higher than average number of old-style advice cases, and this hampers the ability to monitor cases and to assess accurately the benefits being realised. The Area has done some work, in conjunction with the police,

to ensure that cases are correctly recorded and that the data is more accurate, but a reality check on CMS also showed that four out of the ten cases had no MG3 (the document for recording advice given) on the system.

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

- The Area ensures that all lawyers providing advice and decisions have a full understanding of the operation of the Area scheme, and all local and national guidance, and are of sufficient expertise and experience. The lawyers were originally selected from amongst the most experienced in the Area, and steps have since been taken to ensure that other lawyers gain experience of Crown Court work to fit them for charging. Guidance and updates to the scheme are circulated and communicated via Area newsletters, team meetings, and a charging conference to discuss and disseminate developments. A casework bulletin has recently been introduced.
- The Area has monitoring systems in place to assure the quality and timeliness of advice and decisions provided. The Area has moved on significantly from the position in early 2004-05 when the monitoring was inadequate. DCPs now monitor pre-charge advice cases as part of their Casework Quality Assurance (CQA) and adverse case outcomes analysis. However, the robustness of CQA in Essex is limited.

Aspects for improvement

- For most of 2004-05, there were recurrent problems with compliance with the shadow charging scheme. These included cases not going through the scheme when they should, advice not being followed, and inappropriate cases being referred to charging lawyers. Such steps as were taken by the CPS to address these issues, including liaison with police, proved ineffective for much of the year. The Area has recently instituted a system of reporting by lawyers when they find such cases. Police have introduced Investigative Support Units to provide support and guidance to officers and to assure the quality of information provided to charging lawyers. A recent review found these measures to have been effective.
- In cases where the police wish to proceed, but no further action (NFA) is advised, the police crime manager sees the case, but until recently there was no system for senior CPS managers to check the appropriateness of such decisions. The evidence from recent reviews of the scheme, carried out by the national Charging Team, indicates that conditional charging advice was being given by lawyers in one part of the Area, which was inappropriate and represented a training need, although the practice did not routinely occur elsewhere.

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

- There is regular liaison with the police on the implementation and operation of the scheme, but this has not always been effective, and has led to improvements only recently. Cases subject to pre-charge advice that subsequently fail are analysed jointly with police.

Aspects for improvement

- The analysis of data and performance information needs to be used more positively to identify trends and to improve performance.
- Inadequate recording of pre-charge advice data means that figures for 2004-05 cannot be relied upon as giving a true indication of whether the expected benefits of pre-charge decision-making were being realised. The Area recorded only 1,733 cases of pre-charge advice to the police (4.4%) of its caseload, and 10,293 cases of traditional advice (25.8%). These figures are significantly out of step with those nationally (see page 5), and the Area's approach meant that it, unlike the majority of other CPS Areas, was unable to assess whether the benefits of pre-charge decision-making were being realised.
- Data as recorded for Quarter 4 2004-05 shows mixed performance in relation to the key measures of benefits realisation. In magistrates' courts cases, discontinuance, guilty plea and attrition rates are all worse than national performance. In Crown Court cases, the discontinuance rate was the same as national levels, and the guilty plea and the attrition rate represented better than national average performance.

2. MANAGING MAGISTRATES' COURT CASES
3 - GOOD

Review and preparation for court are satisfactory. Discontinuance is low and outcomes are good. Case progression is effective, and the management of cracked and ineffective trial rates is joined-up in approach, and showing good results. Timeliness is good for adult and youth cases, including for persistent young offenders (PYOs), and there is close monitoring of these aspects. More work remains to be done on ensuring consistent recording of actions agreed with the police, and the Area has some way to go to make proper use of the computerised case management systems.

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

- Magistrates' courts cases are routinely reviewed and prepared promptly, with follow-up work undertaken where necessary, and most cases are ready to proceed at each court hearing. Systems are in place to facilitate adequate review for the first hearing. Lawyers' objectives include requirements regarding endorsements, and following the proper procedure for discontinuing cases where necessary.
- There is liaison with criminal justice partners, and regular case progression meetings take place. The implementation of effective trial management has been incremental across the Area, and there are now case progression officers (CPOs) in each of the Districts. CPOs have a clear job description, and their role includes regular liaison with other case progression staff in partner agencies.
- The Area has good rates, compared to national performance, for timeliness in relation to adult trials (73% of cases within target as compared to the national average of 66%) and the same rate as nationally for initial guilty pleas for adults (83%).
- The percentage of cases where service of committal papers on the defence has been timely (98.6%) is better than nationally (79.4%) and discontinuances in the magistrates' courts are low and timely. Where cases are dropped, those dropped at the third or subsequent hearing account for 38.4%, compared to 54.9% nationally.
- The timeliness of all youth cases is improving. The target of dealing with PYOs from arrest to sentence within 71 days is being met, and at 58 days for the three months to February 2005, was better than the national performance. Timeliness for youth cases is 93% for both initial guilty pleas (nationally 87%) and trials (nationally 87%). The Area participates in the joint-agency Youth Joint Action Group, which regularly discusses youth timeliness and PYO data.

Aspects for improvement

- Liaison with the police at local level has been of a more informal nature and the meetings have not been minuted, which does not assist the Area in checking that actions have been agreed and actioned.
- In spite of generally good case management there were a significant number of committals that were discharged because they are not ready to proceed. Action by the Area had reduced the rate of these from 26 in the first quarter of 2004-05 to one in the last quarter.
- The Area had two wasted costs orders made against it in 2004-05, totalling £3,539.

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

- The performance for 2004-05 for ineffective trials was 21.1% as against a national target of 24.5% and national performance of 24.8%. The percentage of cases where trials are ineffective for prosecution reasons (4.1%) is better than the national rate (6.8%). Cracked trial rates for prosecution fault were also better than nationally (12.6% as against 15.3%). CPOs are central to the process of ensuring effectiveness, and they are supported by the Witness Care Unit staff and managers' commitment.
- There is formal analysis of all cracked and ineffective trials and appropriate action is taken where the prosecution has been at fault. Reports are prepared monthly, and all cracked and ineffective trials analysed by the District Crown Prosecutors. Team meetings are utilised to disseminate lessons or information on performance, although these meetings have not been as regular as they might have been.
- Work has been undertaken with criminal justice partners. There is regular discussion and analysis of the data at the Essex Criminal Justice Board, and its sub group, the Case Management Action Team.

2C: The Area demonstrates that the case management system (CMS) contributes to the effective management of cases

- Managers are creating their own reports on CMS and the Management Information System (MIS) and some Area templates have been added to the system. The Area Performance Officer has distributed records of usage of CMS.

Aspects for improvement

- Staff are not routinely using CMS to record key events in cases, and there is limited evidence of its use being monitored, or of action being taken to improve usage. There is little monitoring of outstanding tasks. The Area has struggled to gain efficiency and reduce the duplication of work that was envisaged from the organisational structure, under which some administrative tasks are carried out by police staff.
- The overall usage rate for CMS was low (44%) compared to national performance (69%) and effective logins were also much lower than nationally. The rate for full file review in 2004-05 was 11.1% as compared to a national rate of 27.1%, although the Area had been working to address this, and the rate at the end of the year was significantly better than at the beginning. However, a reality check of ten racially aggravated offences showed that in eight of those cases, the initial review recorded on CMS consisted solely of a reference to the paper file.

3. MANAGING CROWN COURT CASES

2 - FAIR

The Area had significant difficulties with Crown Court casework in 2004-05, notably with case progression, and ensuring that trials were effective. The restructuring of the Area was geared partly towards addressing these issues, and there have been improvements since. Ineffective trial rates were significantly worse than nationally, although they have improved greatly in 2005-06. Asset recovery was poor and needs greater focus in conjunction with police. The use of the computerised case management system (CMS) was very limited, but increased during the year.

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

- There is now good liaison with criminal justice partners, and regular case progression meetings have resulted in improvements in performance, although this has come too late to impact significantly on the outcomes for 2004-05. The Area holds regular meetings with other partners in weekly trial readiness assessment meetings (TRAM)
- The Area introduced the Effective Trial Management Programme (ETMP) during the latter part of 2004-05. Originally, a case progression team within the Trials Unit monitored directions and orders, and ensured timely compliance and trial readiness. With the advent of the new organisational structure, Crown Court caseworkers act as case progression officers for the cases allocated to them, and compliance with judges' orders and directions is monitored by District Crown Prosecutors.
- There have been no wasted costs orders made against the CPS in the Crown Court.

Aspects for improvement

- Efforts are being made to review and prepare Crown Court cases promptly, and to undertake follow-up work when necessary, but for much of the year, cases were being adjourned due to the prosecution not being ready, particularly committed cases. The Area restructuring at the end of 2004-05 was partly geared towards addressing the quality and timeliness of Crown Court casework.
- Not all instructions to counsel include an analysis of the issues and acceptability of pleas, nor are they always delivered to counsel promptly. The timeliness of brief delivery is not as good as the national average (78% compared to 85%) and issues have been identified in the past with the lack of case summaries or sufficient information on pleas.

- The Area is monitoring Proceeds of Crime Act cases, but did not meet its target for 2004-05 of 36 confiscation orders. The Area reached 18 orders with a value of £145,270.
- The Area recorded 100% on the timeliness of youth committals, as against a national performance of 91%. Youth cases in the Crown Court are dealt with in a timely manner. The Area has few such cases, but monitors them closely, and they are also discussed in the weekly TRAM meetings.

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

- The cracked trial rate for 2004-05 was better than national performance (31.9% compared to 39.2%) and those cracking for prosecution reasons were lower than nationally (14.7% compared to 15.3%).
- Work has been undertaken with criminal justice partners to address ineffective trial rates, and performance is improving as a result. Improvements achieved in the final quarter of 2004-05 have been sustained in 2005-06. Reasons for cracked and ineffective trials are agreed by the judge, defence and prosecution, and subsequently analysed and actioned by the CPS. The joint-agency TRAM meetings, the Essex Criminal Justice Board, and its sub-group, the Case Management Action Team, all consider cracked and ineffective trial data and discuss remedial action needed.

Aspects for improvement

- Essex's performance on ineffective trials for 2004-05 was 22.3% which was worse than the local target (20%), the national target (18.4%) and national performance (15.8%). The rate for cases which were ineffective due to the prosecution was 12.5%, which was also noticeably worse than nationally (6.6%). The Area was carrying out analysis of cracked and ineffective trials, but the degree of focus needed came too late to impact on the overall data for 2004-05. The performance in the final quarter of 2004-05 showed significant improvement. During the course of 2005-06 ineffective trial rates in the Crown Court have reduced to an average of around 13.6%.

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

- Managers are creating their own reports on CMS and the Management Information System (MIS) and some Area templates have been added to the system. The Area Performance Officer has distributed records of usage of CMS.

Aspects for improvement

- The rate for drafting indictments using CMS was 30.3% as compared to a national rate of 81.5%. Usage, although poor overall, showed a marked improvement across the year. The rate for indictments in April 2004 was 6%, and this rose to 54% in March 2005; performance continues to improve and has met the Area's 90% target. There remains more work to do to ensure that the Area maximises the usage and utility of CMS.

4. ENSURING SUCCESSFUL OUTCOMES**2 - FAIR**

The Area's overall conviction rate in the magistrates' courts is better than national performance. The discontinuance rate is significantly lower (better) than nationally. The picture for the Crown Court is less impressive, with rates worse in each category of unsuccessful outcome than nationally, and performance slipping between 2003-04 and 2004-05. Work is being done to address this, but there remains much to be done with the police to address performance in Crown Court cases, and to identify trends or reasons for poor results. The Area, with criminal justice partners in Essex, met the target for the number of Offences Brought to Justice (OBTJ), and achieved an increase of 25% over the 2001-02 baseline figures.

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

- The Area has met its target in relation to the overall percentage of unsuccessful outcomes, with a combined percentage for all courts of 17.6% as against a national target of 21% and national performance of 19.6%.
- In the magistrates' courts the overall conviction rate was good and performance improved across the year. The rate for discontinuance is better than nationally. The breakdown of different types of unsuccessful outcomes is shown in the following table.

OUTCOME	AREA FIGURE	NATIONAL AVERAGE
Magistrates' courts		
Discontinuance & bindovers	9.4%	12.5%
No case to answer	0.4%	0.3%
Dismissed after trial	1.7%	1.5%
Discharged committals	0.3%	0.3%
Overall conviction rate	83.4%	80.8%
Crown Court		
Judge ordered acquittals	16.4%	14.2%
Judge directed acquittals	2.4%	2.0%
Acquittals after trial	9.5%	6.3%
Overall conviction rate	71.7%	75.8%

- There is some assessment of the quality of review and case handling of both magistrates' courts and Crown Court cases. Adverse outcome forms are completed for individual cases. Reports are prepared by District Crown Prosecutors which are then circulated to senior managers, and where issues are identified they are disseminated to staff. There is some evidence of action taken with the police, and more recently, the liaison with the police has incorporated data from the Prosecution Team Performance Management suite of reports. However, the work done did not yield results in most aspects of the Area's unsuccessful outcomes for 2004-05.
- The criminal justice area's target for OBTJ has been met. In 2004-05, the criminal justice area's target was 24,314, and 27,134 offences were brought to justice (an increase of 25% over the 2001-02 baseline). The target for OBTJ is a shared one set by reference to the criminal justice area. The ability of the CPS to influence this particular target is limited because it includes offences dealt with by non-prosecution disposals. The CPS's contribution comes through managing cases to keep discontinuance and unsuccessful outcomes low, to which CPS Essex has successfully contributed. Essex's performance on OBTJ, and on sanction detections, improved over the year, and has continued to improve into 2005-06.

The criminal justice area has a significantly higher rate for fixed penalty notices than nationally (6 % in September 2004 compared to 1% nationally) and the conviction rate within OBTJ was slightly worse than the national rate (64% in September 2004 as compared to 67% nationally).

- The proportion of the Area's committals which were discharged in 2004-05, because the prosecution was not ready, was nearly 2% but reduced substantially towards the end of the year. The Area must sustain that improvement to reduce the figure further.

Aspects for improvement

- Unsuccessful outcomes in the Crown Court are worse than performance nationally, and there is no clear trend of improvement. Performance has been erratic during 2004-05 and the overall conviction rate in the Crown Court is worse than in the preceding year. In the magistrates' courts, acquittals after trial and cases dismissed no case to answer are a little worse than nationally.
- There is no systematic process to identify any apparent underlying trends. The Area's Complex Casework Lawyer, since the end of the year, has begun to analyse adverse cases for any lessons to be learned, and reports back to senior managers. These cases are at present limited to those which the Area has identified as requiring a letter to the victim under the Direct Communication with Victims initiative (that is cases where charges have been dropped or substantially altered).

5. HANDLING SENSITIVE CASES AND HATE CRIMES

2 - FAIR

Review and case handling in some categories of sensitive cases are assessed, and policy and thematic reports are reviewed when devising Area practice. However, the handling of hate crimes needs to be more assured and more work remains to be done to assess lessons learned from case outcomes. Not all sensitive cases are being flagged on the case management system (CMS). This can result in cases not being allocated to specialists and Champions

5A: The Area identifies and manages sensitive cases effectively

- The review and handling of some categories of sensitive cases is formally assessed and appropriate action taken where necessary. All hate crime cases are required to be referred to the District Crown Prosecutor (DCP) when it is proposed to discontinue the case or reduce the charge so as to remove the aggravating feature. Fatal road traffic incidents are reviewed by DCPs, and their decisions are then checked by the Complex Casework Lawyer or the Chief Crown Prosecutor. Any rape cases must be reviewed by a specialist, and any decision to discontinue is checked by another rape specialist.
- The Area endeavours to take CPS policies and HM CPSI thematic reviews into account when devising Area practice. The Area reviewed the Joint Report on Domestic Violence Cases, introduced the new CPS policy in November, and is to deliver training on the revised policy to staff in January 2006.
- Data for 2005-06 suggests the Area is meeting its target to reduce the percentage of hate crimes which have an unsuccessful outcome.

Aspects for improvement

- Sensitive cases are not always flagged up on CMS. A reality check showed that, of ten racially aggravated assault cases, four were missing a flag for the racial aggravation, and four were missing a flag for an identified victim.
- The Area is not able to show that all sensitive cases are handled by prosecutors with the appropriate specialist skills and knowledge. Aside from the specific instances cited above, some sensitive casework is not allocated to specialist lawyers.
- The Area has appointed some Champions and specialists for sensitive cases, but there is only limited evidence of any resulting dissemination, guidance or mentoring. The Area has yet to establish and disseminate the roles and responsibilities for specialists and Champions with regard to sensitive casework.

- The Area does not undertake a systematic analysis of hate crimes in which a reduction or change of charge, or an agreed basis for plea, reduces or removes the 'hate element' from the offence. The racist incident monitoring sheets are collated by the Area Performance Officer, but until recently there was no process for ensuring that racist incident monitoring forms were completed in all relevant cases, and there is no systematic analysis of the data produced. The Area's performance management regime includes information on the percentages of hate crimes that have an unsuccessful outcome, but this is not broken down into sub-categories to allow analysis of outcomes in respect of different types of hate crime.
- Domestic violence monitoring forms are completed, but these are kept within each district and not necessarily shared county-wide or with the Domestic Violence Coordinator. There are no specialist domestic violence courts in Essex.

6. CUSTODY TIME LIMITS

1 - POOR

The Area has a written system for handling custody time limits (CTLs), but the system has not been updated since 2000. Systems in place for management checks are clearly not effective since it is apparent from the examination of files on site, and from checks on the case management system (CMS), that the practice in the Area falls well short of appropriate standards in a number of respects. There were no reported CTL failures in 2004-05, but the reality check of five files revealed a failure which occurred this year of which the Area was previously unaware, and three other examples of defective practice.

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

- There were no reported CTL failures in 2004-05.
- The Area has spoken to local courts to gain their involvement in the accurate calculation of CTLs, and in monitoring the expiry dates, and has drafted protocols for the magistrates' courts and Crown Court, with which it is seeking agreement.

Aspects for improvement

- There is limited evidence that the Area has taken steps to improve the CTL system or its functioning, or to ensure that understanding is thorough and implementation consistent. The written system has not been updated since 2000, and understanding of the system does not appear to be widespread or properly applied. The aspect for improvement and continuing risks indicated in the inspection and follow-up reports had not been addressed sufficiently.
- A reality check indicated an inconsistent approach and poor practice. In four out of five files examined on site, clear defects in practice were evident. In particular, a CTL failure had occurred (that is, the expiry date had been missed) due to a misunderstanding about the application of CTLs in a case where a youth was remanded into the care of a local authority. This had not been noticed or addressed by the Area. Another file showed an incorrect record of the CTL expiry dates for two defendants, and no attempt had been made to account for the periods each was on bail; another contained conflicting information about the date on which custody had commenced. One case was shown on CMS as a CTL case, with an expiry date imminent, although the defendant had never been in custody.

- While some staff had been trained in both the Area system and relevant law, there remains a need to ensure all staff, including police administrative staff who carry out some functions, are trained as a matter of urgency.
- There is little evidence that senior managers are involved in the effective functioning of the Area CTL system. District Crown Prosecutors are tasked to check all CTL file front sheets. However, the system is not operating effectively, as the CTL failure and the other errors had not been identified during any of the checking systems currently employed.
- There is no evidence that the task lists on the CMS are being monitored systematically or effectively.

7. DISCLOSURE

2 - FAIR

Disclosure performance was found to be good on the last inspection, with work being done to improve further. Most prosecutors and caseworkers have been trained on the latest legislation and guidance. Performance is monitored. However, our check of files revealed a deterioration in performance. Sensitive material is stored securely, and a protocol agreed for third party material with the local authority. There is a Disclosure Champion, with specialist lawyers to support that function. The Area has still some work to do to address concerns with the police regarding disclosure, and to analyse and tackle the higher rate of ineffective trials in the Crown Court due to disclosure issues.

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

- The performance at the last inspection in May 2003 was found to be good, with an overall compliance rate of 77.2% as against a national rate of 70.3%. The Area has taken some steps to embed the good practice found on secondary disclosure in one part of the county during the last inspection, but there is still some work to be done to ensure that practices are entirely consistent across the Area.
- Prosecutors’ performance in relation to disclosure is formally assessed, but not robustly. The District Crown Prosecutors monitor compliance via the Casework Quality Assurance scheme, and the Area is taking steps to address some inconsistencies in performance in relation to aspects of disclosure across the county.
- Most prosecutors and caseworkers have received training on the disclosure provisions of the Criminal Justice Act 2003 and the CPS/Association of Chief Police Officers Disclosure Manual, and further sessions are planned for those who have yet to receive the training.
- Area systems ensure that all sensitive material schedules and unused sensitive material are stored securely. Sensitive material is retained by the police with the file being cross-referenced.
- A protocol is in place between the Area, the police, and the local authority for the handling of third party material in child abuse cases.
- The Area Disclosure Champion is about to re-assess the subject. The Area has three specialist lawyers for disclosure issues, who are available to provide guidance and mentoring.

- Most of the files examined had the correspondence filed together and the unused material and schedules kept separately in accordance with the Area system.

Aspects for improvement

- In the Crown Court, disclosure issues are the cause of 1.4% of ineffective trials compared to 0.4% nationally, and the Area has yet to take steps to assess or reduce this rate.
- Some work has been undertaken with the police, including training of police disclosure officers, but this has not been systematic and the Area is not able to show significant improvement in performance. There have been issues with the police operation of the disclosure regime which the Area has attempted to address, but with only partial success. A reality check of five files on site indicated that there were two cases where very late disclosure by police had led to unsuccessful outcomes. In one of those instances, the inconvenience to witnesses and the waste of court time could have been averted by CPS action. It did not appear that the significant issues were raised with the police. The Area's work to improve the quality and detail on schedules, however, appears from the reality check to have led to improvements.
- Only one of the five files examined had a disclosure record sheet which had been properly completed.

8. THE SERVICE TO VICTIMS AND WITNESSES

3 - GOOD

Witness Care Units (WCUs) have been implemented well, and witness warning is effective and timely. The Area has worked with other agencies to reduce witness issues leading to ineffective trials, and this is showing good results in the magistrates' courts. Direct communication with victims (DCV) when a charge is dropped or substantially reduced is timely in magistrates' courts cases, but less so in Crown Court cases. Not all relevant cases are included. Special Measures applications are not always made in good time. A recent witness survey found higher rates of witness satisfaction in Essex than nationally, in a number of respects.

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

- Witness warning procedures are generally effective and pre-trial checks are usually carried out. Dip-sampling by the Area in February 2005 showed rates of 90% to 93% across three of the units for witnesses warned within four days, with one unit reaching 100%, and this had risen to three units at 100% and one at 95% by June 2005. The WCUs chase up witnesses for responses where none have been forthcoming within two weeks. Witness attendance rates were at 90% by April 2005, and progress has been made since.
- The Area piloted the No Witness, No Justice (NWNJ) initiative, set up WCUs by April 2004, and has worked hard to link it in with the implementation of other related initiatives, such as the Effective Trial Management Programme.
- The DCV initiative was implemented in 2002, and the Operational Management Team has done some work of late to reinvigorate it. The Area sent 69% of the letters that would have been expected as determined under the CPS Headquarters proxy measure, which is better than the national performance of 56.3%. Some weaknesses in compliance and monitoring are discussed below.
- There is a thorough Area and joint analysis of all cracked and ineffective trials that are attributable to witness problems, with positive action being taken as a result. The incidence of trials being ineffective in the magistrates' courts because of witness issues is better than the national rate (2.5% as against 4.5%) as is the rate of cases cracking because a witness is absent or has withdrawn (2.2% compared to 4.9%). There is work still to be done in the Crown Court on this aspect.

- Liaison with the Witness Service and Victim Support occurs on a regular basis. There is timely supply of witness details to the Witness Service, and the Area ensures that all prosecution advocates and CPS staff at court undertake their responsibilities in respect of victims and witnesses. A recent witness survey shows a higher than national level of satisfaction with how well they were kept informed of case progress (66% as against 57% nationally), and with how they were dealt with before and at court (93% and 90% compared to 81% and 78% respectively).

Aspects for improvement

- Compliance with the DCV scheme is not consistent throughout the Area and monitoring systems are not embedded. The compliance with timeliness has been consistently good in magistrates' courts cases (with all the units reaching their target of 70% of letters sent within five days) but has been erratic in Crown Court cases during 2004-05 (29% in the first quarter and 32% in the third). The Area has recently taken steps to align the WCU teams differently in an attempt to improve performance. Whilst performance against the proxy measure is better than nationally, a reality check showed that of six cases where there ought to have been a DCV letter, only three were completed. In two of those six cases, the computerised case management system was not flagged to show an identified victim.
- Witness waiting times improved in the year 2004-05, but remained worse than nationally in the Crown Court. In the magistrates' courts, waiting times were 96 minutes in June 2004 (nationally 86 minutes) and 67 minutes in November 2004 (88 minutes nationally). The corresponding waiting times for witnesses in the Crown Court were 190 minutes (nationally this was 145 minutes) and 169 minutes (151 minutes nationally).
- There is evidence that Special Measures applications are not generally made at the earliest opportunity. The Area has some work to do to address local concerns about the use of special measures, and the need to make timely applications.

9. PRESENTING AND PROGRESSING CASES AT COURT 2 - FAIR

The selection of prosecution advocates for courts is usually undertaken with full consideration of their experience, and specialist courts are usually covered by suitably trained prosecutors. The Area uses agents for the majority of trials. The performance of in-house prosecutors and agents is not monitored regularly, although action is taken if adverse reports are received. The Area is negotiating with chambers to make the use of counsel agents in the magistrates' courts more effective.

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

- The selection of prosecution advocates for all courts is usually undertaken with full consideration of their experience, expertise and qualifications. Court rotas are normally prepared sufficiently in advance to ensure that lawyers and agents have their files in good time.
- Specialists are used to prosecute youth trials and cases involving anti social behaviour in the magistrates' courts, and the Area tries to use specialist prosecutors to conduct other specialist trials if possible, in particular cases involving domestic violence.
- Specialist lawyers oversee the conduct of sensitive cases in Crown Court. The performance of counsel in the Crown Court is reported on by CPS case-workers, and more formal arrangements have been put in place recently to ensure regular discussion with chambers about the performance of counsel.
- A listing protocol is in place with the magistrates' courts to ensure that cases are not transferred from one to court to another without the advocate having time to prepare, and the Area has identified inappropriate transfers where necessary.
- Timeliness of progress of cases in the magistrates' courts and youth courts were generally better than the national averages.
- In the Crown Court, the Area is among those agencies leading the initiative to improve case progression through regular trial readiness and action meetings held with criminal justice partners to ensure cases are ready to proceed.
- An examination of files on site indicated that court endorsements were generally satisfactory.

Aspects for improvement

- Apart from youth, and other exceptional cases, lawyer shortages have meant that the Area has had to rely regularly on agents to prosecute courts, particularly trials. In the first quarter of 2004-05 58.6% of court sessions were covered by agents. While this reduced to 37.7% by the last quarter, agent usage for the year stood at 50.2%, against a national average of 26.9% . The Area is currently negotiating with chambers to enable barristers to be used more flexibly across the Area, and to improve their induction to the work of the Area and CPS policy.
- The performance of agents and in-house prosecutors in the magistrates' courts and Higher Court Advocates in the Crown Court is not regularly monitored. Performance may be monitored on an ad hoc basis if District Crown Prosecutors are attending court themselves. The Area relies on feedback from court or Witness Service staff to report concerns, but has taken action to address poor performance when it has been raised.
- Each district team provides written instructions to agents. These are awaiting review to ensure a consistent approach across the Area. There is no systematic dissemination of information or updates to agents.

10. DELIVERING CHANGE

2 - FAIR

The Area has managed a substantial amount of change in recent years, having volunteered to be a pilot site for several key criminal justice initiatives. Some change has been successfully implemented including the establishment of Witness Care Units (WCUs) and the Effective Trial Management Programme (ETMP), but not the shadow charging scheme. Recent arrangements for the introduction of statutory pre-charge decision-making are more robust. The need for internal change has been approached well and for the most part systematically managed. The Area needs to ensure that change management arrangements are embedded in the Area's working practices so that momentum can be maintained. All managers need to be familiar with managing risk.

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

- The Area is developing a clearer sense of purpose. Its Business Plan for 2004-05 set out clear objectives, with responsibilities and milestones for their achievement. The Area has improved its approach, and the 2005-06 plan also establishes appropriate targets. The Business Plan has been used to set staff objectives, which were determined collaboratively by the Strategic Management Team (SMT) to ensure consistency, and that staff understood the Area's priorities. Progress against the Business Plan is reviewed.
- The Area has had some success in planning with criminal justice partners. It established co-location with the police across the county at an early stage. The Area has acted as a pilot site for some key initiatives, including pre-charge decision-making, ETMP and No Witness No Justice (NWNJ). This has involved considerable work.
- Some initiatives have been successful, in particular the establishment of WCUs under the NWNJ programme, and effective trial management is leading to improved results. There is continued pro-active planning jointly with CJS partners to improve trial readiness and effectiveness, and to implement statutory charging.

Aspects for improvement

- Success has been more limited in other respects. The shadow charging scheme (the Area was a pilot site from 2002) did not operate properly, and operated to different protocols in different parts of the Area. It also suffered from a lack of maintenance. As a result the Area gained limited benefit from being a pilot site and has had considerable work to do to ensure that both the CPS and police were ready for the implementation of pre-charge decision-making on a statutory basis in December 2005.

- Co-location with the police and the division of administrative arrangements between the two agencies has resulted in some staff imbalances which are currently being addressed.

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

- The Area undertook a substantial programme of internal change in 2004, which included changes in approaches to governance, leadership and management, as well as changes to organisational structures. Change projects with criminal justice partners and internally have for the most part been managed systematically.
- Internal change, and change managed jointly with criminal justice partners, has been reviewed. In 2004 the Area undertook a joint review with the police of the achievements of the WCUs. As a result a decision was taken to divide one WCU on geographical lines to provide a better service. Workload, staffing levels, and some processes that have been put in place as result of the structural reorganisation, have also been considered and changes made as a result.
- A Risk Register is in place as part of the Area's planning process. Relevant risks have been identified and there is some evidence that risk has been reviewed. Action has been taken to address financial risks through vacancy management, and rationalising the use of agents.

Aspects for improvement

- The Area change programme has been extensive, but it will need to continue. The Area has a number of aspects of work and organisational issues that remain to be addressed. It would benefit from identifying and managing aspects where improvement is needed as change projects, with specific arrangements for review, to ensure that relevant links are made between them, and to ensure that the momentum of bringing about change is maintained.
- Not all senior managers are familiar with how best to manage risk. Risk management would benefit from being more regular and systematic.

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

- Area Training Plans for 2004-05 and 2005-06 were comprehensive, linked to the Business Plan and covered the needs of staff across a range of grades. Most key mandatory training has been delivered.

- The Regional Learning and Development Manager's Report indicated that in the first part of 2005-06 satisfactory percentages of staff received training and induction. The Area monitors the progress of individual prosecutors through the national prosecutor induction process.
- Most training can be delivered locally to allow staff to attend training within their normal working pattern, and thus ensure training is accessible by all.

Aspects for improvement

- Dates by which training should take place are not clearly identified in Training Plans. Delivery dates are necessary to ensure that training is delivered, and undertaken by staff at the right time to meet the business need.
- The Area does not evaluate training on a centralised basis to assess whether or not it is effective, although managers and job holders are expected to evaluate training within the appraisal and personal development cycle.

11. MANAGING RESOURCES
1 - POOR

The Area's management of resources was weak in 2004-05. Sickness levels were high, designated caseworker (DCW) deployment was low, and the Area had higher than average reliance on agents. The Area overspent its non-ring fenced budget by 10% in 2004-05 after staying within budget in 2003-04. There remains an imbalance in the numbers of administrative staff and prosecutors employed by the Area, which needs urgent attention. Steps have been taken to restructure the Area and deploy staff more efficiently, and to improve Higher Court Advocate (HCA) usage and in-house magistrates' courts coverage.

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

- The Area does not yet have a formal value for money policy in place but has taken steps to improve the value for money it receives. Copying costs have been renegotiated and reduced; the costs of courier services are currently being reviewed.
- Staff and prosecution costs budgets are devolved to District Crown Prosecutors (DCPs) who receive timely and easily understandable information on the budgetary position. They are held accountable for District expenditure, which forms part of the regular quarterly performance reviews held between the DCP, Chief Crown Prosecutor and Area Business Manager (ABM). Prosecution costs and committed expenditure are properly accounted for.
- The Area has received additional funding for the Effective Trial Management Programme (ETMP), and the No Witness No Justice (NWNJ) initiative, in which it has worked closely with Essex Police. Funding has been used appropriately; the proportion of ineffective trials has decreased and witness attendance at court has increased.
- The level of funding received by the Area has risen following improvements in the accurate recording of caseload data.

Aspects for improvement

- Despite controls, Area spend against its non-ring fenced budget in 2004-05 was 110%, which for the purposes of this assessment represents poor performance. In 2003-04, Area spend stood at 98.8%. The Area is on course to remain within budget in 2005-06.
- Poor performance in 2004-05 was, in part, due to a reduction in the funding for ETMP, compared with funding in 2003-04, which the Area had not anticipated, and to which expenditure had already been committed.

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

- During 2004-05 the Area restructured into four districts designed to increase flexibility to deliver statutory pre-charge decision-making and to improve the way casework is handled. Staff were redistributed between teams. Since then staffing levels have been reviewed again based on current workload and further changes have been made. Work is currently being undertaken to balance lawyer skills and HCAs evenly across the teams. Caseload data is reported regularly as part of the Area's performance management arrangements, to inform decision-making.
- The Area achieved savings amounting to £304 per session from HCA usage in the final quarter of 2004-05 which represents good performance. A strategy is in place to increase HCA usage in 2005-06; by September 2005 the Area had covered 55% of its annual target sessions and achieved 41% of its anticipated savings.
- A quarter of the Area's total staff, (including 26% of the Area's prosecutors) has some form of flexible working arrangements –compressed hours, term-time or part-time working. Requests are handled through DCPs and the ABM, and some recent requests have been modified to meet the business need. In planning resources, the Area should ensure that flexible working meets the business need and does not exacerbate the shortage in full-time equivalent lawyer numbers.

Aspects for improvement

- The Area has a number of aspects to address to ensure its deployment of staff is efficient. Currently the number of administrative staff in proportion to the number of legal staff is high compared with other CPS Areas. This may in part be due to the arrangements the Area has with the police for the coverage of administrative functions (administrative tasks in relation to magistrates' courts cases are mainly carried out by police administrative staff; administrative tasks in respect of Crown Court cases are undertaken by CPS administrative staff) The implementation of these arrangements with the police could have been expected to lead to a reduction in the number of administrative staff needed. Administrative staffing levels are urgently in need of review. Senior managers are shortly to begin discussions with the police.
- Conversely, prosecutor numbers in 2004-05 were low for the Area's caseload, a situation which is affecting the Area's ability to ensure some aspects of case handling are carried out properly, and to cover courts with in-house advocates. Senior managers have been successful in negotiating some reduction in the number and scheduling of magistrates' courts sessions for 2006-07, which will assist lawyer deployment, and additional prosecutors have been recruited.

- Formal expectations for lawyer deployment in court and charging centres have not yet been set, although DCPs believe that full-time lawyers undertake around eight sessions a week. Individual lawyer sessions and district lawyer usage are not reported or considered as part of the Area's performance information.
- Agent usage was high at the start of 2004-05 with agents covering 50% of all court sessions in the magistrates' courts compared to 26.9% nationally. Agent usage was reduced during the course of the year to 37.7% in the last quarter. Agent usage and expenditure on agents is being regularly monitored and controlled in 2005-06. Senior managers have recently taken steps to rationalise the use of counsel agents through negotiations with chambers.
- DCWs make full use of their powers. During the course of 2004-05 the Area had between 3 and 5.6 DCWs in post who undertook a total of 484 sessions, 5.7% of all magistrates' courts sessions, which for the purposes of this assessment represents poor performance. DCW usage remained at the same level in the first quarter of 2005-06. The Area has negotiated some changes to court scheduling to allow for greater DCW usage in 2006-07, although it has not yet managed to recruit further DCWs.
- In 2004-05 sickness levels stood at an average of 10.2 days per member of staff, an increase on 2003-04 levels, and which is assessed as poor performance. While no specific targets have been set for sickness reduction, objectives for managing sick absence are set out in the 2005-06 Business Plan, and sickness levels are regularly monitored. Some instances of long term sickness are being addressed.

12. MANAGING PERFORMANCE TO IMPROVE

2 - FAIR

The Area is improving its approach to performance management. Comprehensive performance information is provided regularly and in an easily understood format to senior managers, and considered at the right level. The accountability of District Crown Prosecutors (DCPs) for performance is reinforced through quarterly performance meetings. Performance information is received from and shared with criminal justice partners. The Casework Quality Assurance scheme(CQA), although undertaken, needs to be more robust, and the results analysed and used effectively to manage performance.

12A: Managers are held accountable for performance

- District managers are held accountable for performance, not only as members of the Operational Management Team (OMT) and Strategic Management Team (SMT), but also through quarterly performance meetings with the Chief Crown Prosecutor (CCP) and Area Business Manager (ABM).
- There is timely and regular consideration of performance by senior managers. Relevant performance information across a range of aspects of work, and performance against targets, is collated both for the area as a whole and for each district, and considered at OMT meetings, with relevant performance also considered by the SMT.
- As part of the Area’s change programme, responsibilities for operational effectiveness, and performance management and monitoring, have been formalised in the job descriptions of DCPs, and business and administrative managers, introduced to support restructuring and the creation of district teams.
- There is some evidence of action to improve internal processes and to address some long standing difficulties. In particular, the handling of Crown Court cases has been reviewed, and staff have been involved in a range of improvement activity.

Aspects for improvement

- The Area has recognised that there is further work to do in developing standard systems and to ensure compliance with changes that have already been made. There is scope for the OMT to develop its role and take forward this work.

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

- The Area is showing an increasing commitment to managing performance jointly with criminal justice partners, and performance is improving as result.
- Action has been taken to address operational difficulties that were adversely affecting the ability to meet ineffective trial targets. Ineffective trial rates in the Crown Court continue to reduce. Effective systems were developed in 2004-05 with the police to reduce the number of discharged committals and numbers reduced significantly during the year.
- There is a formal structure for addressing performance with the police, the effectiveness of which has been assisted by the change in Area structure to four teams. The CPS and police County Prosecution Team (CPT) was established in October 2004 (a revision of the earlier County Joint Management Team) with an increased emphasis on joint performance management. District Performance Teams are in the process of being revised into Local Prosecution Teams to take forward the prosecution team performance management arrangements, and ensure the effectiveness of statutory pre-charge decision-making. The Area has worked within the CPT to address police file quality through regular monitoring and analysis of police file quality.
- The Essex criminal justice agencies were successful in meeting targets for the number of Offences Brought to Justice (OBTJ), and the Area contributed through low rates of both discontinuance, and unsuccessful outcomes in the magistrates' courts. The asset recovery target was not met, and the increase in public confidence was not as great as that achieved nationally. The time taken to deal with persistent young offenders at 58 days from arrest to sentence was very good performance.

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

- Performance information is provided to managers in a timely way and in an easily understood format. In 2004 the Area took steps to correct shortcomings and inaccuracies in its recording of data, which has now improved. Monthly checks are undertaken to ensure accuracy. The Management Information System (MIS) is fully used.
- Performance information is made available to staff and may be raised in team meetings. Key aspects of performance are highlighted in the Area newsletter.
- Relevant performance information is shared by criminal justice partners.

Aspects for improvement

- Performance outcomes are not routinely compared with the outcomes of other CPS Areas, although some aspects of operational activity have been benchmarked, in particular the operation of the Effective Trial Management Programme and more recently, the approach to statutory charging.

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

- The Area operated the national CQA scheme throughout 2004-05. The Area has recently considered the findings of HMCP*SI*'s thematic review into the operation of CQA, and has agreed the action that needs to be taken to ensure that the scheme operates effectively.

Aspects for improvement

- Although the CQA scheme has operated, the work of each prosecutor and designated caseworker has not always been sampled as often as required, and compliance stood at 67%. Data, and an assessment of completed forms, suggest that analysis has not always been robust. There has been no regular analysis of the outcomes of the CQA scheme at SMT level, and it is not clear that it has yet been used to improve performance.
- Although operation of the CQA scheme forms part of the quarterly performance review process between DCPs and the CCP and ABM, CQA has yet to form a meaningful part of the Area's regular performance management regime.

13. LEADERSHIP
2 - FAIR

The Area took significant steps to improve governance and leadership in 2004, and revised formal arrangements for management are now in place. These are helping senior managers to develop a corporate approach to managing the Area's work. New governance arrangements have also helped to ensure the fair treatment of staff. Equality and diversity issues are not yet marshalled by a senior officer or fully captured within the Area.

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

- Senior managers worked with a consultant to improve the approach to leadership and management of the Area, following concerns which arose out of the HMCPsi inspection in 2003.
- As a result, during 2004 senior managers adopted new governance arrangements; established the Area's vision and values; and developed an Operational Management Team (OMT) and a Strategic Management Team (SMT), with clear terms of reference, to oversee the day to day management of the Area and its strategic approach. The corporacy and accountability of senior managers was reinforced by organisational restructuring into four District Teams. Responsibilities of managers, at both the senior and middle level, were made clear in revised job descriptions. The Area's approach to the management of human resources has been articulated in a written 'people strategy' which has recently been presented to staff.
- Senior managers have made themselves available to staff at key points in the business year. Changes to Area structure were supported by a number of staff working groups, and senior managers conducted road shows for staff to present the new arrangements.
- Senior staff have worked pro-actively with criminal justice partners, and all senior managers are represented on, or chair, key inter-agency groups, including the Case Management Action Team which oversees the implementation of the Criminal Case Management Programme.

Aspects for improvement

- The change in organisational structure had helped the Area to make significant progress but the corporacy of the Area was not yet complete.

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

- Senior staff show an outward looking approach and are involved in national CPS activity.
- Following a recognition that managers needed to change their approach, the Area's 'People Strategy' sets out what staff can expect from their managers, and the Area has adopted a new annual leave policy to ensure that leave requests are dealt with fairly, and that the business need is met.
- National CPS Dignity at Work principles have been adopted, although the last Staff Survey indicated that 49% of Essex staff, compared to 55% nationally were content with the way Dignity at Work was promoted. There is evidence that a complaint under the equality and diversity complaints procedure was dealt with properly. Managers have challenged poor behaviour, and reminded staff of their responsibilities.
- The Staff Survey indicated that 41% of Essex staff were satisfied with the way communication was handled. This was, slightly lower than the national average of 43%. As part of improvements to governance arrangements, best practice for meetings had been formulated and had recently been presented to staff.
- The Area has rewarded staff through the special bonus scheme where appropriate.
- The percentage of staff from black and minority ethnic backgrounds is, at 3.5%, close to the proportion of working adults within these groups in the population of Essex as a whole (3.9%).

Aspects for improvement

- Equality and diversity issues are not marshalled by a senior officer and, although the Area has an Equality and Diversity Committee, it has not met for sometime.
- How best to recognise and reward staff was considered as part of the change programme, but there was no staff consensus and a strategy has yet to be developed.

14. SECURING COMMUNITY CONFIDENCE
1 - POOR

The Area has found it difficult to focus on securing the confidence of the community in a pro-active way, in part because of the attention it has needed to give to improving operational and performance issues. Some worthwhile outreach activity has taken place but it has largely been a result of individual activity rather than part of a co-ordinated approach by the Area. Community engagement activity has yet to be marshalled by a senior officer and plans on how best to develop the work and use Area resources effectively have still to be drawn up. The confidence of the community, in 2004-05, in the effectiveness of the Essex criminal justice agencies in bringing offenders to justice increased to 40% from the 2002-03 baseline of 37%. The increase, and the overall confidence level, is less than the national average.

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

- Senior managers see their work to ensure the establishment of Witness Care Units throughout Essex, and to improve the way cases progress through the courts, as important steps in securing the confidence of the community.
- Significant work has been undertaken to explain and publicise CPS policies in relation to anti-social behaviour and domestic violence, and links have been established with women's refuges. The Area believes that its domestic violence strategy, developed with other criminal justice partners, has had some effect in securing convictions which would not otherwise have been achieved, although this has not been quantified.
- CPS representatives also participate in racial incident and hate crime prevention groups with other agencies.
- The Area takes part in joint criminal justice activity including 'Inside Justice' week, to show the public how the criminal justice system works. Some work has also been undertaken with schools. Black and minority ethnic staff from across the criminal justice agencies have participated in a forum to examine how best to engage staff in community confidence activity.
- Other community engagement has mainly taken place through the Essex Criminal Justice Board. The Board has developed links with the Essex Racial Equality Council which has established a network of consultees who will be used to assist with the identification of improvements needed in the operation of the criminal justice system.

Aspects for improvement

- The commitment of senior managers to securing community confidence has been only partial, and has been affected by staffing and other pressures in the Area.
- Community confidence activity is not yet marshalled by a named officer, and the Area has not yet decided where or how best to focus its activity, or ensure that it engages with those at most risk of exclusion and discrimination. Although information on demographics and community groups was gathered in the past, up to date information, to which the Area will eventually have access, is being compiled by the Essex Racial Equality Council.
- Senior managers have recognised the shortcomings in the Area's approach and objectives have been set in the Business Plan for 2005-06 to develop a strategy for community engagement which ensures the best use of resources, although key milestones to take this forward have not been met.
- The confidence of the public in the effectiveness of the Essex criminal justice system in bringing people to justice rose from 37% to 40%, as measured by the British Crime Survey in 2004. The average increase nationally was 4%, and the confidence level is below the national average level of 43%.

ANNEX A

PERFORMANCE DATA

ASPECT 1: PRE-CHARGE DECISION-MAKING

MAGISTRATES' COURTS CASES								
Discontinuance rate			Guilty plea rate			Attrition rate		
National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05
11%	16.3%	23.7%	52%	68.8%	65.3%	31%	22.7%	26.0%
CROWN COURT CASES								
Discontinuance rate			Guilty plea rate			Attrition rate		
National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05
11%	14.6%	14.8%	68%	66%	77.8%	23%	23.8%	18.5%

ASPECT 2: MANAGING MAGISTRATES' COURTS CASES

INEFFECTIVE TRIAL RATE			OVERALL PERSISTENT YOUNG OFFENDERS PERFORMANCE (ARREST TO SENTENCE)		
National Target	National Performance 2004-05	Area Performance 2004-05	National Target	National Performance (3-month rolling average Feb 05)	Area Performance (3-month rolling average Feb 05)
24.5%	24.8%	21.1%	71 days	67 days	58 days

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

	Initial Guilty Plea Target 59 days		Trials Target 143 days		Committals Target 176 days	
	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)
National	83%	6,152	66%	2,698	89%	992
Area	83%	126	73%	66	92%	24

**TIME INTERVALS/TARGETS FOR CRIMINAL PROCEEDING IN YOUTH COURTS
 CHARGED AND SUMMONED CASES ONLY (MARCH 2005)**

	Initial Guilty Plea Target 59 days		Trials Target 176 days		Committals Target 101 days	
	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)
National	87%	5,185	87%	3,309	91%	190
Area	93%	135	96%	76	100%	4

ASPECT 3: MANAGING CROWN COURT CASES

INEFFECTIVE TRIAL RATE		
National Target	National Performance 2004-05	Area Performance 2004-05
18.5%	15.8%	22.3%

ASPECT 4: ENSURING SUCCESSFUL OUTCOMES

UNSUCCESSFUL OUTCOMES (AS A PERCENTAGE OF COMPLETED MAGISTRATES' COURTS AND CROWN COURT CASES)		
National Target	National Performance 2004-05	Area Performance 2004-05
21%	19.6%	17.6%

OFFENCES BROUGHT TO JUSTICE		
	CJS Area Target 2004-05	CJS Area Performance 2004-05
Against 2001-02 baseline	+12%	+25%
Number	24,314	27,134

ASPECT 7: DISCLOSURE

DISCLOSURE HANDLED PROPERLY IN MAGISTRATES' AND CROWN COURT CASES PERFORMANCE IN THE LAST INSPECTION CYCLE		
	National Performance	Area Performance
Primary test in magistrates' courts	71.6%	81.8%
Primary test in Crown Court	79.9%	76.0%
Secondary test in Crown Court	59.4%	73.7%
Overall average	70.3%	77.2%

ASPECT 11: MANAGING RESOURCES

NON RING-FENCED ADMINISTRATION COSTS BUDGET OUTTURN PERFORMANCE (END OF YEAR RANGES)	
2003-04	2004-05
98.8%	110%

DCW DEPLOYMENT (AS % OF MAGISTRATES' COURTS SESSIONS)			HCA SAVINGS (PER SESSION)		SICKNESS ABSENCE (PER EMPLOYEE PER YEAR)		
National Target 2005-06	National Performance 2004-05	Area Performance	National Performance 2004	Area Performance 2004	National Target	National Performance 2004	Area Performance 2004
11.6%	8.3%	5.7%	£224	£304	8 days	8.7 days	10.2 days

ASPECT 14: SECURING COMMUNITY CONFIDENCE

PUBLIC CONFIDENCE IN EFFECTIVENESS OF CRIMINAL JUSTICE AGENCIES IN BRINGING OFFENDERS TO JUSTICE (BRITISH CRIME SURVEY)	
CJS Area Baseline 2002-03	Most Recent CJS Area Figures In 2004-05
37%	40%

NOTES

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