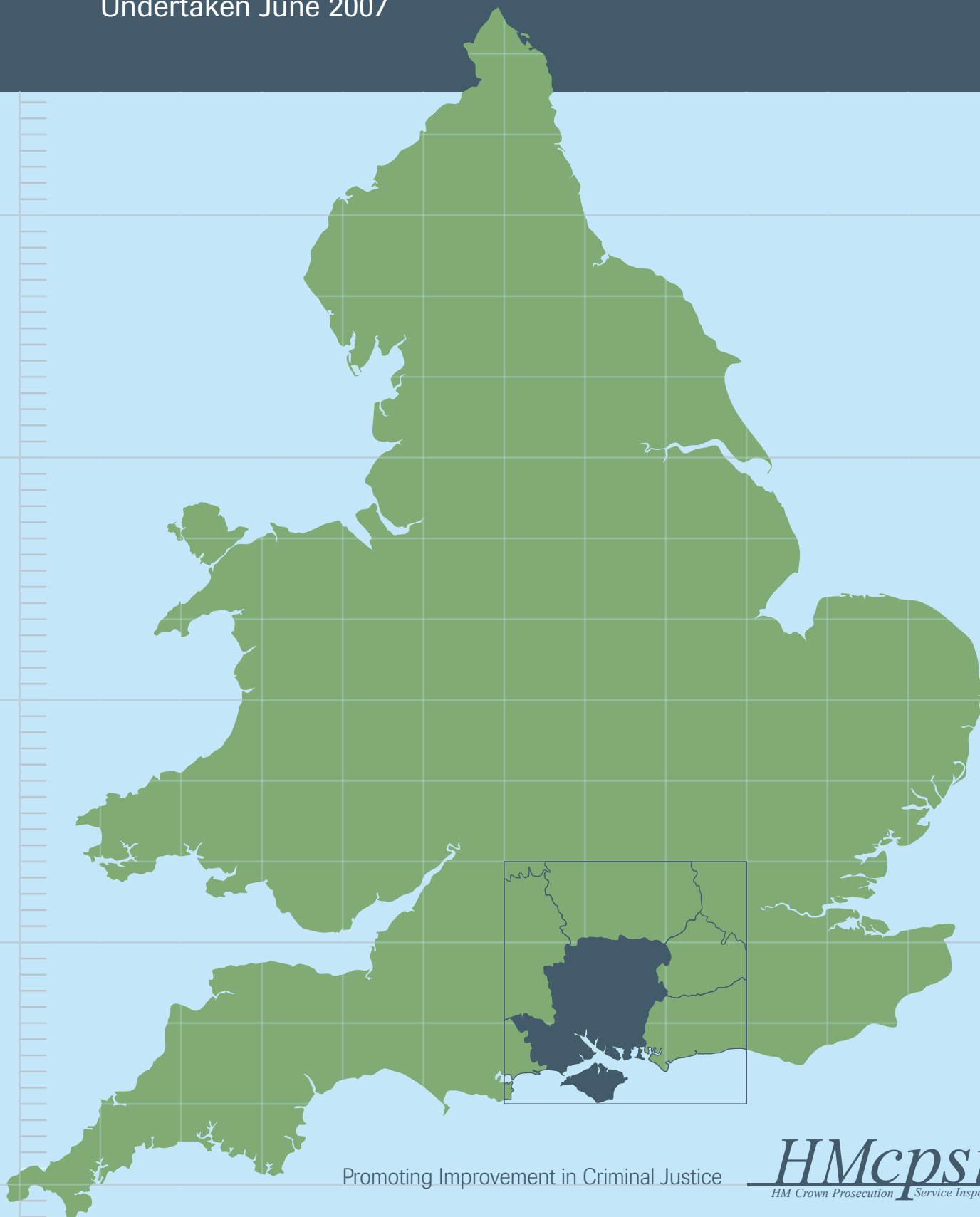


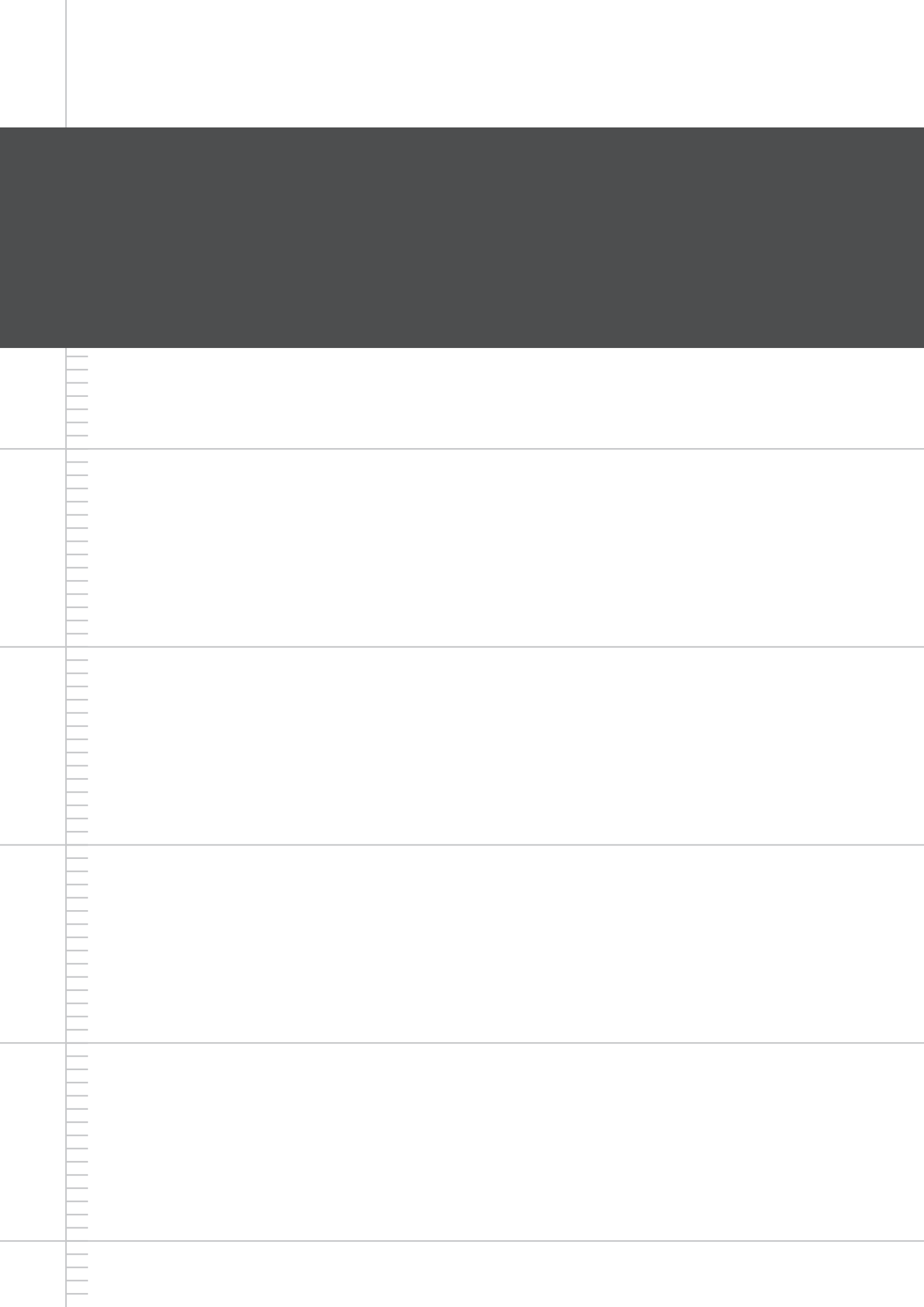
# CPS Hampshire and Isle of Wight Overall Performance Assessment

Undertaken June 2007



Promoting Improvement in Criminal Justice

*HMcp*si**  
HM Crown Prosecution Service Inspectorate



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## ABBREVIATIONS

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

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

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

This report is the outcome of Her Majesty's Crown Prosecution Service Inspectorate's (HMCPPI) overall assessment of the performance of the Crown Prosecution Service (CPS) in Hampshire and the Isle of Wight 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 Hampshire and Isle of Wight serves the area covered by the Hampshire Constabulary. It has seven offices, at Aldershot, Basingstoke, Eastleigh, Newport, Portswood, Portsmouth and Western Range. The Area Headquarters (Secretariat) is based at the Eastleigh office.

Area business in Hampshire is divided on functional lines between magistrates' courts and Crown Court work. The five criminal justice units (CJUs) handle cases dealt with in the magistrates' courts and the three trials units with cases dealt with in the Crown Court. On the Isle of Wight there is one combined unit which deals with both magistrates' courts and Crown Court cases. Units are organised within four districts: Northern, South West, South East and the Isle of Wight.

During the year 2006-07 the Area had an average of 210.5 full time equivalent staff in post, and a budget of £9,583,105. This represents an 8.7% increase in staff, and a 20.8% 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 work<sup>1</sup>

| 2004-05                             |        | 2006-07  |       |
|-------------------------------------|--------|--|-------|
| Written advice                      | 1,313  | Decisions resulting in a charge                  | 9,966 |
| Pre-charge advice (where available) | 11,194 | Decisions not resulting in a charge <sup>2</sup> | 5,828 |

| Magistrates' courts proceedings<br>(including cases previously subject to a pre-charge decision) | 2004-05       | 2006-07       | Percentage change |
|--|---------------|---------------|-------------------|
| Magistrates' courts prosecutions   | 36,497        | 27,744        | -24.8%            |
| Other proceedings  | 74            | 47            | -36.5%            |
| <b>Total Magistrates' courts proceedings</b>   | <b>36,571</b> | <b>27,494</b> | <b>-24.8%</b>     |

### Crown Court proceedings

| (including cases previously subject to a pre-charge decision) |              |              |                   |
|---|--------------|--------------|-------------------|
|   | 2004-05      | 2006-07      | Percentage change |
| Cases sent or committed to the Crown Court for determination  | 2,740        | 2,709        | -1.13%            |
| Committals for sentence <sup>3</sup>                          | 582          | 585          | +0.5%             |
| Appeals from the magistrates' courts <sup>3</sup>             | 476          | 447          | -6.1%             |
| <b>Total Crown Court proceedings</b>                          | <b>3,798</b> | <b>3,741</b> | <b>-1.5%</b>      |

In 2006-07, 56.8% of offences brought to justice were the result of convictions.

- 1 No valid comparison with 2004-05 pre-charge caseload is possible as statutory charging was only fully in place in all CPS Areas from April 2006 onwards.
- 2 Including decisions resulting in no further action, taken into considerations (TICs), cautions and other disposals.
- 3 Also included in the magistrates' courts' figures, where the substantive hearing occurred.

## **C SUMMARY OF JUDGEMENTS**

### **Contextual factors and background**

Since the last OPA in 2005, the Area has undergone a major restructure, moving from a structure based on eight units to one based on four districts. This has overcome a tendency seen in the past for units to work in 'silos', and created a more accountable and corporate management structure. The Area is now beginning to prepare for further change as the new CPS regional structure is implemented. The CCP has been appointed as Group Chair for the group comprising CPS Hampshire and the Isle of Wight, Dorset and Wiltshire Areas. Also since the last OPA, the Area has completed its roll out of witness care units (WCUs) and implemented statutory charging.

The Area has experienced a major fall in its magistrates' courts caseload. Whilst Area prosecutors are providing more pre-charge advice, the overall number of proceedings fell by a quarter between 2004-05 and 2006-07 (Crown Court proceedings have remained relatively stable). Over the same period, the Area has benefited from a significant increase in its budget that has enabled it to increase staffing levels and implement its advocacy strategy resulting in increased in-house advocacy coverage both in the magistrates' courts and Crown Courts.

Hampshire and the Isle of Wight narrowly missed its offences brought to justice (OBTJ) target for 2006-07, although the proportion brought to justice through convictions is above the national average. There is a low level of sanction detections in the Area (one of the lowest rates in the country).

### **Summary**

There is strong leadership in the Area and a clear vision and direction have been established. Internal communication is generally good and relationships with criminal justice agencies, in the main, positive and constructive. Equality and diversity issues are well integrated within Area plans although there is scope for more specific action plans to meet workforce representation targets.

Through its Business Development Unit, the Area has a dedicated change management capacity which provides effective co-ordination and project management of major change projects. Nationally driven projects such as statutory charging and No Witness No Justice (NWNJ) have been implemented successfully, albeit there is scope for further improvement in benefits realisation. There is a strong commitment to staff training and development in support of Area objectives and change initiatives.

Statutory charging is now well embedded across the Area and improvements continue to be made to the operation of the scheme as the prosecution team performance management (PTPM) system develops. Whilst the performance trend is one of improvement across all key indicators, in 2006-07 the Area only met two of the six national targets. There is scope for further improvement in this respect. The Area should also consider how it can increase the proportion of advice provided on a face-to-face basis.

Case review is generally satisfactory and case preparation timely. Good efforts are made to ensure cases are progressed at the earliest opportunity. In the magistrates' courts, the discontinuance, successful outcome and ineffective trial rates continue to improve and are all better than national averages. The Area does, however, have a very high vacated trial rate. The Crown Court conviction rate is improving, but still worse than the national average, as are the rates of judge directed and jury acquittals. Greater analysis of unsuccessful cases is needed as a basis for performance improvement. The Crown Court ineffective trial rate has improved and is better than the national average. The rate of discharged committals is also better than the national average, but significant for a non-metropolitan area and all such cases should be reported to senior managers, as should wasted costs orders which are also significant. The Area continues to perform well in relation to persistent young offenders (PYOs), and the Proceeds of Crime Act targets were met in 2006-07.



The Area works effectively with the police to ensure cases are generally ready to proceed at the first hearing. Case progression at court varies across the Area with some evidence of a lack of preparation and proactivity in the largest urban magistrates' courts that needs to be addressed. Nevertheless, the Area is performing better than the national average in relation to average number of adjournments per case and, with the exception of adult initial guilty pleas, in the timeliness of adult and youth cases.

Prosecutors with appropriate expertise, training and experience generally handle sensitive cases, supported by relevant champions and specialists. The Area's Special Casework Unit handles particularly sensitive cases. Successful outcomes in hate crime cases are better than the national average. Specialist domestic abuse courts have been established and plans are well advanced for a hate crime scrutiny panel to review the handling of hate crimes.

The Area has been proactive in ensuring all lawyers and caseworkers have received updated training on disclosure, with advanced training offered to some lawyers. The Area has a good working relationship with the local judiciary and as a result is able to take a robust approach to defence requests for disclosure. The disclosure champion has provided guidance and training to colleagues and the police.

The Area has a comprehensive custody time limit (CTL) system that incorporates national guidance and some elements of good practice. Following a failure in 2005-06, the Area champion has refreshed training and systems and reviewed these accordingly. Our reality check of CTL files was generally satisfactory.

NWNJ issues are firmly on the Area's agenda and there is a strong commitment to providing a good service to victims and witnesses from the senior management team. WCUs appear to be working to a good standard with staff training and awareness-raising events a particular strength. There is still scope for improvement in the direct communication with victims (DCV) scheme. Additionally, the reluctance of witnesses to give evidence is adversely affecting the ineffective and cracked trial rates.

The commitment of all staff to improving confidence in the criminal justice system and engaging meaningfully with the community is clearly evident. The Area is widening its community engagement remit and capturing feedback and developing its evaluation systems. It now needs to ensure that its community engagement activities evolve into a more participative process that informs service delivery.

A growing performance culture is apparent across the Area with a clear focus on performance improvement at all levels, underpinned by good quality performance reports that continue to evolve. CPS managers play an active role in a range of joint performance groups. Compliance with the casework quality assurance (CQA) scheme has improved and there is some formal monitoring of advocacy skills in court although this should be extended to cover all lawyers.

The Area's non ring-fenced administration budget is generally very well managed but more needs to be done to ensure prosecution costs are managed effectively. Staff deployment is closely monitored and the Area demonstrates a strong commitment to its advocacy strategy. The proportion of magistrates' courts covered by designated caseworkers is improving and fees savings generated by Higher Court Advocates (HCAs) in 2006-07 exceeded target by a wide margin, as advocates take on more challenging work.

### **Direction of travel**

The trend is very much one of improvement. Performance in six aspects has improved since our last OPA, with a stable level of performance in the remainder.

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

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

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

## D DEFINING ASPECTS

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

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

- Pre-charge advice and decisions are provided at five main charging centres: Portsmouth, Southampton, Basingstoke, Aldershot and Newport. The level of staffing at charging centres has been increased since migration to statutory charging. This was to meet demand, and especially to give priority to custody cases, with extra lawyer resources provided at Portsmouth and Newport. Following a joint CPS and police review of charging in June 2006, arrangements were put in place to ensure there is lunchtime cover at each centre. Also in response to the review, the pool of duty prosecutors (DPs) has been expanded to include criminal justice unit lawyers, which provides greater potential for 'cradle to grave' allocation in appropriate cases.
- More recently, advice has been provided one day a week at Lyndhurst in an attempt to provide more coverage of rural locations.
- The Area does not formally monitor the level of face-to-face coverage but it is not high. Data indicates the level at 36.5% and a significant number of consultations are provided by telephone (16.8%) with 33.9% written and 12.6% undefined. The Area should monitor this aspect and take action to increase the level of face-to-face coverage which is a central principle of the scheme.
- The charging review found that the difference between charging decisions and early advice was recognised and that early advice and consultation was taking place in major crime. The latter is underpinned by a joint protocol due to be launched shortly. Procedures are in place to ensure that all relevant cases receive pre-charge advice and there is a good level of training in support of this. Joint training covers the need to refer cases to duty prosecutors in accordance with the Director's guidance and plans are well advanced to deliver proactive prosecutor programme training to approximately 460 police staff starting in June 2007.
- The level of inappropriate requests for advice is generally falling. Prosecution support teams (PSTs), are now in place across the Area, the last of which as of three months ago. These act as gate-keeping units, part of their role being to screen cases. Some are operating more effectively than others, demonstrated in the varied no further action (NFA) rates across the Area. There is a conflict resolution procedure in place for cases where there is disagreement between police and lawyers, but there has been little necessity to activate this and no cases have been elevated beyond district level.

- To minimise the possibility of police noncompliance with CPS decisions, a standing requirement was introduced 18 months ago for the CPS MG3 to be shown to the custody sergeant prior to charge. Instances of noncompliance are now rare. The charging review last year identified some instances of poor bail practice, an issue that was raised by partners surveyed as part of this OPA. CPS managers consider that this is no longer an issue as bail periods are set on an individual basis with police and the previous standard two week bail period no longer applied.
- The use of the casework management system (CMS) for recording pre-charge decision is gradually improving. The percentage of decisions with an MG3 created on CMS in 2006-07 increased from 78% in April 2006 to 89% in March 2007. There is still scope for further improvement. A check conducted on CMS identified a large number of inactive cases sitting on the system including many where further action was required before a decision could be made and some dating back to last year. Whilst the Area believes that most of these cases will have been subsequently re-registered and dealt with and has been attempting to clear these, more work is needed to review and complete this work. The Area has worked hard to reduce the number of cases classified as 'undefined', but there are still too many such cases.
- There is regular liaison between the CPS Direct (CPSD) Area Manager and the Area charging lead. CPSD-generated MG3s are emailed to the Area and keyed into CMS. In 2006-07, 26% of these were not registered as originating from CPSD. Although this is slightly better than national performance (28%), this issue needs attention.
- Conditional cautioning was implemented in the Isle of Wight in March 2007, and plans are shortly to be draw up to roll this out across the Area, with the aim of having all units covered by December 2007. Whilst a formal review has yet to be undertaken, an early indication from partners is that arrangements are working well.

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

- The Area deployed only its most experienced lawyers when statutory charging was implemented but has since widened its duty prosecutor pool. Lawyers providing pre-charge advice are well trained and all have attended the proactive prosecutor programme which covers the Director's Guidance and relevant standards and policy guidelines.
- Training provided to lawyers emphasises the need for prosecutors to consider all appropriate issues at the pre-charge decision stage including disclosure, the Proceeds of Crime Act, and victim and witness issues. Our file sample showed that this is the case.
- Deputy district crown prosecutors (DDCPs) monitor pre-charge decision cases as part of the monthly CQA system and through the monitoring of adverse case outcomes. Dip sampling is undertaken in response to problems. For example, a recent sample of discontinued cases identified some cases where initial charges were wrong or where discontinuances was arguable. As a result, the requirement for any proposed discontinuance of a pre-charge decision case to be approved by a DDCP, at which point reasons are investigated, has been re-emphasised.

- As part of the charging review last year, 100 NFA files were examined and in only one case was the CPS decision found to be questionable. Our file sample showed appropriate charging decisions are being made. PSTs and DDCPs monitor levels of NFAs across the Area which varies significantly. Reasons for NFA are summarised in the PTPM reports and discussed at district level PTPM meetings. Overall, as PSTs have become established, the overall level of NFA cases has fallen and in 2006-07 amounted to 31.8% similar to the national average (31.9%). However, there is scope to improve the NFA rate in parts of the Area where PSTs are less developed.
- All copies of MG3s where a conditional caution is approved are quality assured by the Business Development Unit Head, who is the project manager and Area charging lead.

### 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<br>March<br>2007 | National performance<br>2006-07 | Area performance |         | National target<br>March<br>2007 | National performance<br>2006-07 | Area performance |         |
|                     |                                  |                                 | 2005-06          | 2006-07 |                                  |                                 | 2005-06          | 2006-07 |
| Discontinuance rate | 11.0%                            | 15.7%                           | 15.5%            | 14.6%   | 11.0%                            | 13.1%                           | 13.1%            | 12.3%   |
| Guilty plea rate    | 52.0%                            | 69.2%                           | 67.6%            | 69.6%   | 68.0%                            | 66.5%                           | 57.2%            | 62.8%   |
| Attrition rate      | 31.0%                            | 22.0%                           | 22.1%            | 21.0%   | 23.0%                            | 22.2%                           | 26.9%            | 24.7%   |

- Benefits realisation in each of the six key indicators has improved year on year and the Area met its own targets for benefits realisation in 2006-07. However, when performance is compared with national averages and targets, the position is more mixed, and in 2006-07 national targets were met in just two of the six key measures.
  - In the magistrates' courts the attrition and guilty plea rates were excellent and better than the national average and national target. Although the discontinuance rate was better than the national average, it was behind the national target.
  - In the Crown Court, although the discontinuance rate is better than the national average it is also behind the national target. The guilty plea and attrition rates are both behind the national averages and targets.
- The prosecution rate in 2006-07, at 63.1%, was better than the national average (58.3%) and the conviction rate in both the magistrates' courts and Crown Court improved year on year with a combined conviction rate of 78.2%, similar to the national average (78.0%).
- Charging benefits realisation data is included within the Area's monthly performance report. The data pack produced by the CPS for the PTPM meetings is comprehensive in coverage and is a very well presented report, which has recently been adopted by a neighbouring Area. Arrangements for PTPM are developing well, with some initial difficulties around representation and attendance levels now addressed. Strategic meetings are held quarterly and district level

tactical meetings held monthly. Meetings now run to a well established pattern and there is a good level of analysis and discussion with examples of good practice sharing and improvement action planning.

- There is a good level of joint analysis of the charging scheme. In 2006 the CPS and police jointly commissioned a review of the scheme. This provided a detailed analysis of the operation of the scheme and made a series of recommendations. Those actioned by the CPS have led to improvements in the level of charging resource provided.

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

## 2A Successful outcomes are increasing

| Case outcomes in the magistrates' courts | National performance<br>2006-07 | Area performance<br>2006-07 |
|--|---------------------------------|-----------------------------|
| Discontinuance and bindovers             | 10.8%                           | 9.8%                        |
| No case to answer                        | 0.2%                            | 0.2%                        |
| Dismissed after trial                    | 1.9%                            | 2.3%                        |
| Discharged committals                    | 0.2%                            | 0.1%                        |
| Warrants                                 | 2.6%                            | 1.8%                        |
| Overall conviction rate                  | 84.3%                           | 85.9%                       |

- The Area has a successful outcomes rate which is better than the national average and has improved in each of the last three years.
- The Area had 29 discharged committal cases in 2006/07 representing 0.1% of its caseload, which is better than the national average of 0.2% but significant for a non-metropolitan area. Discharged committals are reviewed by deputy district crown prosecutors (DDCPs) but not routinely discussed by district crown prosecutors (DCPs) or by the Hampshire Management Board (HMB). All discharged committal cases should be reported to DCPs and reviewed by them for trends and learning points, and for decisions to be made on reinstatement.
- As can be seen from the table above, the Area's discontinuance rate is better than the national average while the no case to answer rate is the same and the dismissed after trial rate is worse than the national average. Managers consider this to be due to the adoption of a robust and proactive approach to seeking convictions in all realistic cases. The reality check we undertook provided evidence to support this with robust but appropriate decisions being made to continue two cases which were subsequently dismissed after trial.
- Cases that have received pre-charge advice require the approval of a DDCP before a decision to discontinue is made. This requirement has recently been reiterated to all lawyers. A summary of adverse case reports is compiled by the DDCP and this is reviewed for trends which are discussed at monthly team meetings and where appropriate, individual lawyers are provided with feedback. In the north of the Area a pilot local criminal justice group is reviewing unsuccessful outcomes with a view to putting in place appropriate measures to increase successful outcomes.
- The offences brought to justice (OBTJ) figures for the Area have been the subject of some late amendments owing to information technology problems between the police and Home Office

computer systems. The final adjusted OBJ figure for 2006-07 was 38,955 which was just below the target of 39,231.

- The Area deals promptly with cases involving persistent young offenders (PYOs) and Area performance is consistently better than the 71 day target from arrest to sentence. The time taken to deal with such cases in the three months to March 2007 was 62 days compared to the national average of 70 days.
- Trends identified in adverse case reports within each unit are discussed at monthly meetings of the legal staff within the unit and good practice highlighted. At Area level, there is a monthly meeting of the Hampshire Casework Committee when policy and casework issues are discussed. Good practice and learning points arising are posted both on the computer network and on notice boards in the individual units.

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

| Trial Rates            | National performance<br>2006-07 | Area performance<br>2006-07 |
|------------------------|---------------------------------|-----------------------------|
| Effective trial rate   | 43.8%                           | 49.2%                       |
| Cracked trial rate     | 37.3%                           | 32.8%                       |
| Ineffective trial rate | 18.9%                           | 18.0%                       |
| Vacated trial rate     | 22.5%                           | 33.5%                       |

- The Area has an agreement with police regarding timeliness of delivery of files for initial hearings. Where appropriate, full files are requested promptly from the police. Case progression officers (CPOs) follow up outstanding requests and are proactive in seeking files or explanations from the police. When files are received, CPOs check the files to ensure they are in accordance with the manual of guidance and liaise with the police regarding any missing items. Problems that cannot be resolved informally with the police are raised at local effective trial management groups.
- 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. Monthly CQA checks are undertaken on a sample of files and the results of these discussed individually with lawyers. Additionally all lawyers have received the proactive prosecutor programme training. In our reality check all five magistrates' court files had been subject to appropriate and timely reviews and any outstanding requests had been followed up by caseworkers or CPOs.



- Arrangements for case progression with partners are generally effective. The Area has fewer adjournments per case than the national average and with the exception of adult guilty plea cases, timeliness performance exceeds national averages.
- The Area has yet to implement Criminal Justice: Simple Speedy Summary (CJSSS) but is planning in conjunction with HM Courts Service to introduce it in all courts across the area at the same time later this year. A gap analysis has been completed which shows the Area are already meeting most of the CJSSS recommended practices.
- The Area has dedicated youth specialists in each criminal justice unit (CJU). Youth files are clearly identifiable by the yellow file jackets used. The Local Criminal Justice Board (LCJB) Performance Officer produces monthly data packs detailing performance in respect of youth cases and these are discussed by the LCJB. There is also a multi-agency Youth Tracker Group which meets monthly to discuss the handling of youth cases.
- The Area's effective trial rate is improving and in 2006-07 was 49.2% compared to the national average of 43.84%. The ineffective trial rate is reducing and is better than the national average. In the last round of OPAs, the ineffective trial rate was 25.8% which has since been reduced to 18.0% (national average 18.9%). The cracked trial rate is 32.8% which also better than the national average (37.3%) which suggests the Area is not readily accepting guilty pleas to lesser charges on the day of trial. However, the vacated trial rate at 33.9% is well above the national average of 22.5%. This may partly be due to the robust nature of the readiness for trial hearings which defendants are required to attend and at which guilty pleas are often tendered.
- DDCPs hold monthly meetings with the courts, police and witness care units at which they consider cracked and ineffective trials. Any learning points are disseminated by DDCPs to lawyers either at monthly team meetings or directly with individual lawyers.
- The Area is making increased usage of the computerised casework management system (CMS). In April 2006, 33.7% of concluded magistrates' court trial cases had reviews of more than 100 characters. In March 2007, this had risen to 77.9%. Our reality check found that in all five files a full file review had been completed on CMS. Whilst performance in respect of finalisations within one day and recording of hearings within one day is improving, in two CJUs over 20% of finalisations and recording of hearing are completed more than six days after hearing. The Area has identified that CMS task lists are not being used as effectively as they might and work is being undertaken to address this.

|   |          |             |                     |
|---|----------|-------------|---------------------|
| <b>3 ENSURING SUCCESSFUL OUTCOMES IN THE CROWN COURTS</b> | OPA 2005 | OPA 2007    | Direction of travel |
|   | Fair     | <b>Fair</b> | <b>Stable</b>       |

**3A Successful outcomes are increasing**

| <b>Case outcomes in the Crown Court</b> | <b>National performance<br/>2006-07</b> | <b>Area performance<br/>2006-07</b> |
|---|---|-------------------------------------|
| Judge ordered acquittals                | 13.1%                                   | 12.0%                               |
| Judge directed acquittals               | 1.4%                                    | 1.8%                                |
| Acquittals after trial                  | 6.5%                                    | 9.0%                                |
| Warrants                                | 1.3%                                    | 1.3%                                |
| Overall conviction rate                 | 77.7%                                   | 75.9%                               |

- Successful outcomes have improved over the last three years from 72.6% to 75.9%, although this is still below the national average of 77.7%. Managers attribute the improvement to pre-charge advice and the use of more Higher Court Advocates.
- The rates of judge directed acquittals (JDAs), judge ordered acquittals (JOAs) and jury acquittals have fallen in each of the last three years. The JDA rate is above the national average and although the jury acquittal rate has fallen since the last OPA, from 11.7% to 9.0%, this is still significantly higher than the national average of 6.5%. Conversely, the rate of judge ordered acquittals (JOAs) is below the national average. This is partly explained by the robust and proactive approach taken by the Area in seeking to continue cases where there is a realistic prospect of conviction. JOA and JDA cases are analysed by the Area and are also discussed at listing meetings with the Crown Court. Given that the unsuccessful outcome figures remain worse than the national average, the Area should be undertaking more detailed analysis of the reasons for unsuccessful outcomes, including trial acquittals, with a view to identifying and addressing the reasons for its underperformance.
- Cases that have received pre-charge advice require the approval of a deputy district crown prosecutors (DDCP) before a decision to discontinue them is made. All discontinued cases are finalised by administration managers and any concerns are raised by them directly with the DDCP. Adverse case reports are compiled by each unit and reviewed on a monthly basis by a DDCP. Concerns and lessons learnt are dealt with either at monthly teams meetings or directly with individual lawyers.

- The Area has exceeded its Proceeds of Crime Act (POCA) targets both in numbers of orders (60 against a target of 47) and amount (£889,920 against a target of £869,310). The Area has a dedicated POCA champion who is responsible for monitoring cases and appearing where appropriate to represent the Area at enforcement hearings. Each unit keeps its own spreadsheet of cases to keep a track on the current position. An Area enforcement team for Hampshire and the Isle of Wight is currently being set up to handle enforcement of POCA orders.

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

| <b>Trial rates</b>     | <b>National performance<br/>2006-07</b> | <b>Area performance<br/>2006-07</b> |
|------------------------|---|-------------------------------------|
| Effective trial rate   | 48.2%                                   | 57.5%                               |
| Cracked trial rate     | 39.5%                                   | 31.0%                               |
| Ineffective trial rate | 12.4%                                   | 11.5%                               |

- The Area ensures timely and appropriate reviews and case preparation through monthly CQA checks undertaken on a sample of files, the results of which are discussed individually with lawyers. The timeliness of delivery of briefs to counsel is also monitored, which at 90.6% is better than the national average of 78.7%. The Area has identified in its CQA analysis that instructions to counsel often do not have a full analysis of the facts or evidence and do not provide counsel with instructions regarding the acceptability of alternative pleas. In our reality check, in none of the five files we looked at was this done.
- There are generally effective arrangements in place with criminal justice partners for case progression. The Area attends regular liaison meetings with partners and performance in Crown Court cases is one of the items discussed at these meetings. Caseworkers in trial units act as CPOs and there are weekly case progression meetings held with the Crown Court CPOs attended by administration managers who are updated by caseworkers prior to the meetings. Feedback provided from partners indicates there is a good working relationship between the Crown Courts and CPS. The Area is described as being more proactive and focused than in the past.
- Youth cases are dealt with promptly and proactively. Cases involving PYOs are expedited and treated in a similar manner to custody cases. Youth files are identifiable by their yellow jackets. The Area is currently exceeding its PYO target. The ineffective trial rate is continuing to improve, reducing from 15.4% at the time of the last OPA to 11.5% (national average 12.4%). The effective trial rate at 57.5% is much better than the national average of 48.2%, as is the cracked trial rate (31.0% compared to the national average of 39.5%). Cracked and ineffective trials rates due to the prosecution are both lower than the national averages.
- The court compiles a report on all cracked or effective trials, including comments from the Area, defence counsel and the judge as to reasons. This is analysed by managers and discussed at court user group meetings. Details of cases where trials are cracked or ineffective owing to prosecution

witness issues are provided to the relevant witness care unit for analysis. Key issues from the analysis of cracked and ineffective trials are generally disseminated to staff at team meetings.

- The Area makes good use of CMS for full file reviews, with 90.3% being recorded on it. The Area and the national targets are both 90%. This is an improvement from April 2006 when only 55.4% of cases had a full file review on CMS. In our reality check, all five files had full file reviews undertaken and recorded on CMS. Whilst performance in respect of finalisations within one day and recording of hearings within one day is improving, in two trial units over 20% of finalisations are completed more than six days after hearing. As noted in the previous section, the Area has identified that CMS task lists are not being used as effectively as they might and work is being undertaken to address this.

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

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

- The Area works effectively with the police to ensure cases are generally ready to proceed at the first hearing. Advance information is provided to defendants at the first court hearing and can be readily provided to the Probation Service. The Area has seven CPOs, at least one in each CJU. They are responsible for ensuring files are received from the police, checking the files are complete and chasing up outstanding requests. Our reality check showed examples of CPOs being proactive to ensure cases were ready for the next court hearing.
- The magistrates' courts hold readiness for trial hearings (RFTHs) approximately two weeks before the trial date. These are conducted variously in the presence of the District Judges, lay magistrates or court clerks using delegated powers. There appear to be differing expectations of these hearing between the CPS and courts with, for example, District Judges adopting a more robust approach to ensuring cases are trial ready which lawyers are not always able to respond to. The Area needs to clarify with the courts what the expectations are for such hearings and ensure these are able to be met by its lawyers.
- Feedback from judicial and HM Court Service sources indicates that some prosecutors do not prepare for the RFTHs sufficiently thoroughly. Some prosecutors are proactive in taking decisions and seeking to progress cases but others are less so. Some applications for special measures for witnesses are late. It is indicated that readiness for trial has improved, but with instances of some prosecutors being less well prepared, and of late discontinuances or acceptance of pleas to lesser charges on the day of trial.
- Committals are not always ready to proceed, and in 2006-07, 29 defendants were discharged because they were not ready. Five of these were wrongly recorded, four being positive decisions to drop the cases, and one in error. At least 13 were because the police files did not arrive on time, and five of these were subsequently re-instituted.
- In the trials units, the caseworkers deal with case progression issues. There are weekly case progression meetings with the Crown Court CPO which are attended by the trials unit B2 manager on behalf of the individual caseworkers. Feedback from partners indicates that the Area is proactive in serving papers and complying with court directions and orders.
- The quality of files and instructions to advocates are checked as part of the CQA assessments. In 90.6% of cases, instructions to counsel were delivered in a timely manner, compared to the national average of 78.7%. As identified in the previous section, our reality check of Crown Court files found that the instructions to counsel did not contain an analysis of the evidence other than referring counsel to the pre-charge advice and we did not find any examples of counsel being given advice on the acceptability of alternative pleas.

- Cases are allocated to lawyers according to their experience and ability. Effective rostering of lawyers ensures that they generally have 1½ office days per week to prepare cases for court and ensure they are able to present cases effectively. The Area employs clerks to manage the time of the HCAs and ensure they have sufficient time to prepare their cases. These clerks also liaise with listing officers and CPOs at the Crown Court. Lawyers and support staff are encouraged to anticipate defence requirements to reduce adjournments. CPOs are proactive in preparing cases so advocates have all necessary information in advance of a court hearing. Feedback from partners, however, indicates that the standard of case progression in courts is mixed with some evidence of a lack of preparation and proactivity in the larger urban courts.
- There is formal monitoring of advocates only when they first commence working for the Area. After this, monitoring is at the discretion of the deputy district crown prosecutors (DDCPs). As well as attending court regularly, DDCPs receive feedback about performance from several sources, from which training and guidance needs are identified. The Area now rarely instructs agents in the magistrates' courts. This has helped to ensure cases progress without the need for additional adjournments as lawyers are able to make decisions at court on cases. In the Crown Court, there is a similar position with the Area seeking to use HCAs wherever appropriate and lawyers preparing committal files are instructed to identify cases that are suitable to be prosecuted by HCAs.
- All staff are required to be at court in sufficient time to enable discussions with court and or defence solicitors before the court sittings commence. There are memorandums of understanding between the CPS and magistrates' courts which cover this and other aspects of business. Feedback from partners indicates that advocates do attend court promptly.
- The average number of adjournments per case recorded in the magistrates' courts and the Crown Court in 2006-07 were better than the national average. The Area monitors data compiled by HM Courts Service regarding the timeliness of cases from first hearing in the magistrates' courts. In December 2006, Area performance for timely adult trials was better than the national average with 83% taking place within the target of 143 days (national average 63%), although performance in initial guilty plea cases was worse than the national average (80% within the target of 59 days compared with 85%). In the youth court, 95% of trials took place within the target of 176 days, better than the national average of 90%, and in the case of not guilty pleas, 95% of cases were within the target of 59 days, better than the national average of 89%.
- The Area has had ten wasted costs orders in 2006/07 this is down from 18 in 2004/05. All ten orders were in the magistrates' courts. The Area believes the reduced number of wasted costs orders is partly a result of the reduction in the use of agents. Cases where wasted costs orders are made are reviewed by DDCPs. There is, however, no central record kept of wasted costs orders or overall analysis.

|  |          |             |                     |
|--|----------|-------------|---------------------|
| <b>5 SENSITIVE CASES AND HATE CRIMES</b> | OPA 2005 | OPA 2007    | Direction of travel |
|  | Good     | <b>Good</b> | <b>Stable</b>       |

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

- The Area has recognised the need for increased focus on sensitive cases and vulnerable victims and witnesses and this is reflected in its business plan for 2007-08. Sensitive cases are handled by prosecutors with the appropriate specialist skills and knowledge. The majority of lawyers and caseworkers have received training on racist and religiously aggravated crime, domestic violence and anti social behaviour orders. The Special Casework Unit, which is headed by a grade E lawyer, has a remit which includes the handling of particularly sensitive cases. The Area has worked closely with HM Courts Service to establish specialist domestic abuse courts in the Area.
- The Area has appointed champions for all categories of sensitive cases, with individual units appointing leads in most categories of sensitive cases. Cases are allocated as far as possible to specialists. The relevant Area champion or leading specialist is given responsibility for disseminating the necessary information and monitoring compliance.
- The authority of a specialist or deputy district crown prosecutor (DDCP) is required before any sensitive case can be discontinued or a plea accepted to a lesser charge. In rape cases, the opinion of a second rape specialist is required. This was introduced following a recommendation made in HMCPSI's thematic inspection on the handling of rape cases.
- The quality of casework and file reviews is monitored by CQA checks carried out each month by DDCPs with appropriate feedback being provided to individuals where necessary. CQA however only requires one file per lawyer to be monitored each month and therefore the number of sensitive or hate cases subject to CQA is likely to be small.
- The Area has a log of media interest files which is updated by lawyers flagging the files and completing a media interest form at the outset of a case, or at such time it becomes of media interest. The Area Communications Officer works closely with the police media department to help ensure effective media handling of such cases, including where appropriate the issuing of joint statements.
- Sensitive cases are flagged up on the computerised CMS and this was confirmed by our reality check. All staff are trained to identify sensitive cases on CMS and have this as an objective in their forward job plans. The Area is working with the police to ensure that sufficient information is provided by them to enable the CPS to improve the flagging of sensitive cases.
- The Area takes CPS policies and HMCPSI thematic reviews into account when devising Area practice. The relevant Area champion or leading specialist is given responsibility for disseminating the necessary information and monitoring compliance.

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

- The combined magistrates' and Crown Court successful outcomes rate has continued to improve over the last year and at 67% is better than the national average of 64%. The Area includes an analysis of hate crimes in its monthly performance report which is considered by Hampshire Management Board (HMB) as well as sharing this data with the LCJB and its confidence sub-group. This meets quarterly and examines trends and what lessons can be learned. The Area is currently setting up a hate scrutiny panel which is scheduled to meet for the first time in autumn 2007. This will include representatives of the police, community groups and the CPS with a remit to review the handling of cases and what lessons can be learned.
- The Area is represented on the Local Safeguarding Children's Board and the representative provides feedback to lawyers after each meeting.



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

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

- In our last OPA the Area was assessed as good in relation to their handling of disclosure. Our reality check found that in five out of seven files examined disclosure was handled properly. On the remaining two files, only items to be disclosed had been annotated on the unused material schedule. The remaining items had not been marked or reasons given as to why they should not be disclosed. All items on the unused material schedule should be considered and annotated with reasons provided as to the prosecutor's decision on whether it should be disclosed or not.
- The Area has a good working relationship with the local judiciary and as a result disclosure applications to the court by the defence are only considered if defence statements have been filed and the appropriate written notice given.
- Compliance with disclosure procedure is monitored as part of the monthly CQA checks carried out by deputy district crown prosecutors (DDCP). Feedback and guidance is provided by the DDCP to individual lawyers.
- Local policy is that the police should retain any sensitive material, but it should be examined in all cases by the lawyer. Non-sensitive disclosure schedules and material are kept in a separate yellow folder contained within the main file jacket. Sensitive schedules of unused material are removed from files on receipt and stored in a secure location. A reality check found several instances where the unused material schedules were not in the disclosure folder, but there was evidence of the schedule having been sent to the defence and or counsel. Copies of the annotated unused non-sensitive material schedules should be retained within the disclosure folder.
- The head of the Special Casework Unit acts as the Area disclosure champion providing training, advice and guidance to colleagues both within the Area and in neighbouring CPS Areas, including regular updates on disclosure issues. Close contact is maintained with the police disclosure representative and training is provided for police officers and staff as well as police representatives attending CPS disclosure training events. Training is also provided to the Navy and RAF legal services.
- The disclosure champion is a member of the national joint police/CPS Disclosure Group which seeks to improve the handling of disclosure at a national level. The Area champion assisted in the preparation on the CPS-ACPO Disclosure Manual.
- The Area is proactive in providing training and updates to all lawyers and caseworkers. Advanced training has been provided to some lawyers and a further course is planned for July 2007.
- The Area continues to seek to improve its handling of disclosure issues and recently invited the CPS Policy Lead to visit the Area to discuss how performance can be improved. The percentage of ineffective trials due to prosecution disclosure problems is 1.72% which is better than the national average of 1.88%.

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

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

- The Area has an up to date documented system for managing custody time limit (CTL) cases that complies with national guidelines and incorporates some of the best practice highlighted by HMCPIS. This guide is readily available to staff.
- There was one CTL failure in 2005-06, in October 2005, although this failure was not detected until May 2006. This resulted in the Area champion conducting an audit of systems, refresher training, and a follow-up review in November 2006. All staff receive CTL awareness training during induction and more detailed training is given to administrative staff in CJUs (including police). There were no failures in 2006-07.
- The Area has an agreed written protocol with Crown Court centres that provides for joint monitoring of CTL expiry dates. Despite efforts being made by the CPS, a similar protocol with magistrates' courts has not been realised. This is no longer considered to be a priority by the Area.
- The accuracy of CTL entries are checked by managers on each team or those with delegated authority. A spot check of random files is made on a weekly basis and notified to the central coordinator. Senior managers assure themselves as part of monthly CQA checks that CTL entries are sound. With five CJUs, a CTL assurance certificate should be completed weekly to confirm that all checks have been carried out and action taken on appropriate CTL files.
- Managers and staff use CMS to track cases that involve CTLs. The task management facility on CMS is utilised to ensure appropriate reviews and applications, where necessary, are completed in time.
- A selection of six magistrates' courts and Crown Court CTL files were reviewed as part of our on-site reality check. In all files examined CTL review and expiry dates were calculated correctly and were displayed clearly on the front of the file with a red stamp. There was evidence on the files that CTL calculations had been double checked and initialled. The clarity of endorsements on the files was generally of an acceptable standard but could be improved. Our check also revealed on one file that a CTL marker had not been crossed through despite one of the defendants having been granted bail.

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

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

- The Area has invested significantly in the service of victims and witnesses since the last OPA when it received a 'fair' rating.
- Compliance with the Victims' Code and the DCV scheme is monitored through monthly CQA checks conducted on a sample of files. The Area's performance in respect of the timeliness of DCV is mid-table compared with other Areas. Timeliness has improved since June 2005 (50%) to November 2006 (72.6%) and mirrors improvement in CPS performance nationally.
- The Area utilises DCV coordinators who ensure compliance on all finalised cases and are making use of better DCV management afforded by upgrades introduced on CMS. A DCV audit was conducted on the Area by HMCPSI in January 2007 that highlighted several weaknesses with the scheme. The Area should assure itself that these recommendations are now fully embedded into systems.
- In our examination of relevant files our reality check revealed that where witness requirements were identified they were addressed appropriately in all cases. Meetings between WCUs and the courts address witness needs prior to trial and CPOs are tasked to ensure special measures are applied where appropriate. Vulnerable victims are identified by police and their needs assessed within WCUs. A stamp is used on the front of the file cover to identify vulnerable victims or witnesses. Prosecutors are also trained to identify victim and witness needs at the pre-charge stage.
- The Area has six fully trained WCUs that are responsible for the timely and accurate warning of witnesses. Good communication links exist between WCUs and other relevant parts of the criminal justice system, such as with CPOs, police, Witness Support and courts. Whilst the timeliness and accuracy of witness warnings are monitored by WCU managers through dip sampling, the ineffective and cracked trial rates in the magistrates' courts due to witness issues is still high. In the Crown Courts, the Area's performance is a little better but overall the results do not yet mirror the effort and progress made by the Area. The Area provided little explanation for its poor performance in this regard and are only now beginning to analyse the reasons for ineffective and cracked trials due to witness issues. A full analysis of the reasons for poor performance needs to be conducted and an action plan implemented to improve performance in this key aspect.
- All prosecutors have been supplied with a copy of the Prosecutor's Pledge and have undertaken proactive prosecutor programme training. Advocacy monitoring is also conducted to ensure victim and witness needs are addressed at court. Criminal justice partners report that CPS lawyers generally have a positive impact on victim and witnesses' experience in court and that they are treated in a courteous and professional manner.

- The Area has introduced specialist domestic abuse courts and multi-agency protocols are in place to improve the quality of service provided to victims of domestic violence. Such measures have contributed to improvements in the conviction rate for this type of offence.
- The Area is one of two Areas piloting a victim advocacy scheme where, in unlawful killing cases, the family of victims have a voice in court after the conviction of the accused. Family members, if they choose to do so, may address the court personally to express how their loss has affected them. If they feel unable to represent themselves personally the CPS advocate will read their statement to the court. Evaluation of the effectiveness and cost of the scheme are yet to be made.
- Initially, victims and witnesses needs' are identified by police but are again assessed during the pre-charge advice stage by trained lawyers and also within the WCU where witness care officers undertake a needs assessment. Identified needs are communicated to the CPO or lawyer handling the cases who is tasked to ensure that Special Measures are applied for where appropriate. The front of the file is highlighted with a vulnerable victim stamp in appropriate cases. Victims and witnesses needs' are reviewed at the trial readiness hearing to ensure that needs of witnesses are being addressed and appropriate measures being put in place. The needs of domestic violence victims are specifically addressed through a multi-agency protocol and specialist courts referred to above.

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

- The multi-agency No Witness No Justice project (NWNJ) resulted in the Area implementing an Area action plan following a sign-over review in August 2006. The review indicated that the Area at that stage had achieved only four of the fourteen minimum requirements. The Area's action plan to address areas of weakness has been devolved into four separate district plans. Progress on updating these plans has been patchy and there has been no update on the overall action plan. The Area Business Plan requires that NWNJ benefits are realised by December 2007. The Area should assure itself that actions have progressed sufficiently to achieve the full benefits of the scheme.
- The Area has undertaken significant training for all staff including police in respect of victim and witness needs in pre-charge decision and non pre-charge decision cases, NWNJ awareness, effective communication training for WCU staff delivered by the Samaritans organisation, and special measures understanding. Witness care officer training includes case study exercises and input from the Witness Service and Victim Support.
- The witness and victim experience survey (WAVES) indicates that 91% of victims and witnesses are completely, very or fairly satisfied with the consideration shown before giving evidence at court and 95% felt they were treated fairly whilst giving evidence. The sample size for WAVES data is small. However the Area is now submitting a greater number of 'leads' through better use and identification of victims and witnesses. The Area expects that this will assist with more accurate analysis of victim and witness needs within the criminal justice system. In addition to WAVES data, the Area is piloting a scheme where victims and witnesses are thanked for their support and asked to provide feedback on their experience and treatment. The pilot has only recently gone 'live' and it therefore it is too early to evaluate effectiveness and cost benefit.

- NWNJ is reviewed by the LCJB's, victim and witness sub-group that has CPS representation. Decisions from this group are taken back to the WCUs and acted upon. The six WCUs have strong links with the police witness champion and the BDU Business Manager. At an operational level, joint performance is analysed at weekly meetings between the police and CPS. Meetings with other agencies also consider NWNJ issues. Current performance, good practice and lessons learned are disseminated to staff through regular meetings where victim and witness/NWNJ issues are a standing agenda item; e-mail; training and conferences.
- Although cracked and ineffective trials are reviewed by witness care managers to establish the cause of a trial not being effective, more needs to be done to analyse witness non-attendance. The business development manager (BDM) compiles secondary measure performance reports using management information system templates which are circulated on a monthly basis. These are discussed at WCU meetings and analysed jointly with the BDM and police witness champion. Learning is disseminated through the channels described in the previous paragraph.
- The Area has held NWNJ events and in January held a second annual conference with the theme 'Doing more for vulnerable witnesses'.

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

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

- The Area has a clear sense of what it wants to achieve and how it will go about this. Managers and other staff are both involved in the development of Area business plans through business planning events held early in the year, and plans are disseminated to staff.
- The 2006-07 Area Business Plan (ABP) reflected national CPS priorities and made links to national and government targets. It set out objectives with accountabilities supported by milestones and outcomes. Some of the latter could have been more specific and focused and this years' ABP is much improved with clearer and more quantifiable milestones and outcomes.
- Hampshire Management Board (HMB), the Area's senior management team, reviews Area performance against targets set out in its ABP monthly as well as reviewing overall progress in relation to major change projects. In October 2006, the Area held a mid year review for line managers, the first of its kind, which proved a valuable opportunity to reflect on and take stock of progress. The Area plans to run a similar event later this year. As the Area acknowledged, there is scope for a more regular and detailed review of progress against individual milestones and outcomes in the ABP.
- Area priorities and objectives are followed through into district business plans, which in 2006-07 were variable in format and quality. This has been addressed and plans this year all replicate the ABP providing more consistency although there is some scope for greater customisation to support greater local ownership. Unit plans then underpin district plans. The 2006 staff survey demonstrated that Area staffs generally have a good understanding of what is expected of them and how this relates to Area objectives and those of the CPS as a whole with most scores in this section of the survey well above the CPS average.
- There is good evidence of joint planning with criminal justice partners. The CCP has been chair of the Hampshire and the Isle of Wight Criminal Justice Board (HCJB) since May 2007 and the CPS is represented on all key HCJB subgroups. CPS managers currently hold the CJS leads for charging, conditional cautioning and race issues. Police and court managers attended both the CPS business planning events and mid-year review.

#### **9B A coherent and coordinated change management strategy exists**

- There is evidence that nationally driven joint change projects have been successfully implemented within the Area. Statutory charging was implemented in April 2006 and is now well embedded across the Area, albeit with scope for further improvement, particularly in benefits realisation. The roll-out of WCUs which started in 2004 was completed by the end of 2005 and the Area signed off by the national project team in August 2006. At this time the Area overall met four of the 16 requirements minimum standards and WCUs have since been working towards meeting the

remaining requirements. Conditional cautioning has been piloted in the Isle of Wight and plans are shortly to be drawn up for rolling this out across the Area with a view to all districts being covered by December 2007, ahead of the national target timescale. CJS-wide plans for implementing Criminal Justice; Simple Speedy Summary Justice (CJSSS) in Hampshire and the Isle of Wight have yet to be developed, although the gap analysis, which initiates the process, has been conducted. This showed most of the CJSSS principles to be in place.

- In terms of CPS nationally driven change, the Area demonstrates a strong commitment to taking forward its advocacy strategy which is progressing very well. Internally, a major change project has been the restructuring from a CPS structure based on eight units to four districts. The new structure was implemented in January 2006 and, whilst the Area has not formally reviewed the new structure, senior managers are satisfied that it is operating effectively and has met the objectives set out for it.
- The Area has a Business Development Unit (BDU), staffed by a senior lawyer and a business manager, whose remit is to oversee and project manage major legal change projects. This arrangement works well for the Area in providing dedicated change management capacity and in doing so ensuring greater consistency and effective coordination and management of change projects.
- In all key change projects, there is clear evidence of systematic links between change projects and staff training. For example, the BDU Head has been instrumental in arranging and delivering joint training in support of statutory charging and conditional cautioning to CPS and police staff.
- Major change projects are generally subject to formal review, both locally as well as by national project teams, and improvements are made as a result. A good example of this is the jointly commissioned review of charging in June 2006. Recommendations arising from this directed to the CPS have since been addressed.
- There were weaknesses in the Area's risk register for 2006-07 that are in the main addressed in the register for 2007-08, although there is still scope for further refinement. Individual risk logs are maintained for major legal change projects until the implementation phase is complete. Although these are reviewed, there is limited evidence of regular and systematic review of the Area's risk register.

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

- The Area demonstrates a clear commitment to training and developing its staff. A comprehensive training and development plan which supports the ABP is drawn up annually and monitored by the Area's Training Committee. The Area is largely self sufficient in terms of training and develops and delivers a high proportion of its training in-house. Apart from being more cost effective this provides for greater flexibility in delivery.
- There is a good level of training provision for both legal and administrative staff including a good focus on leadership and management training. The results of the 2006 staff survey and the Area's Investors in People reassessment report indicate that staff are generally satisfied with training opportunities available to them. The caseworker staff group tended to be less satisfied overall and this should be investigated.

- Equality and diversity is addressed with the Area induction programme and all new staff are required to undertake the Prosecution College's equality and diversity module. Equality and diversity issues are also addressed in relevant training programmes such as training for WCU staff. There has been no dedicated equality and diversity training for existing staff for some time and the Area should consider if there are any Area-wide needs in this respect. The Area takes steps to ensure, as far as practicable, that there is equality of access to training. This is aided by a high level of in-house provision that results in more locally based courses and greater flexibility regarding delivery times.
- Induction plans have been developed for the various staff groups and a quarterly Area induction is run for new staff. The Regional Learning and Development Officer's report for January 2007 confirmed that all relevant staff had attended induction. It also gave green ratings for other aspects of training assessed. Mandatory training including that for designated caseworkers, the proactive prosecutor programme, disclosure, domestic violence and Invest performance management training for managers is up to date with further courses for new staff scheduled on an ongoing basis.
- Training and development courses and activities are evaluated by participants and copies of collated evaluations with a summary evaluation provided to HMB. Evaluations examined indicated that training is generally rated by participants as effective. Systems for recording both training activities and the costs of training were found to be sound.



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

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

- Following a slight over-spend in its non ring-fenced administration budget in 2005-06 of less than half a percent, the Area under-spent by 1.8% of its budget in 2006-07. This was primarily due to the Area allowing for a higher salary increase than was the case.
- Managers are clearly accountable for achieving value for money. This is demonstrated primarily in more effective use and deployment of staff, but also in good efforts to control general administrative expenses, the budget for which has remained relatively static in recent years.
- The Area's non ring-fenced administration budget is generally very well managed. The budget is profiled and expenditure, both actual and committed, properly accounted for and monitored at Area and district level. The latter has been aided by providing finance staff in each of the three mainland districts<sup>6</sup> with direct access to the national Financial Accounting and Recording Management System and a good level of training to support this. There is appropriate delegation of the budget and monthly finance updates are provided to Hampshire Management Board (HMB).
- Prosecution costs have not been managed as effectively as they might with large overspends in 2005-06 (123%) and 2006-07 (112%). In 2006-07, following a mid-year review that forecast a year-end outturn within budget, the Area discovered a number of large cases had not been properly accounted for and a significant backlog of fees. These issues have since been addressed and the fees backlog cleared but they had a major impact on the 2006-07 out-turn. There are now appropriate systems in place for managing and monitoring high cost cases and new systems have been put in place to ensure fees notes are submitted and paid promptly. Performance in respect of timeliness of Graduated Fees Scheme (GFS) payments is improving but there is still scope for further improvement. The Area should consider ensuring greater focus on prosecution costs performance in the monthly finance reports provided to the HMB.
- The only additional funding received during the year was to backfill for a senior member of staff engaged on national project work and to meet the expenses of the CCP and lawyer staff engaged in national CPS World Cup work. Funds allocated were used appropriately.

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

- The Area completed a major restructuring in January 2006 that involved moving from a structure based on eight units to one based on four districts. This has provided a better and clearer management structure with more appropriate spans of control. Within this structure, workloads and the distribution of staff between teams are considered at regular meetings between the ABM and Heads of Secretariat, HR and Finance and Performance. Decisions on any movement or temporary transfer of resources between units are aided by a staffing resources tool, developed in

<sup>6</sup> This has not proved technically possible in the Isle of Wight.

mid-2006, which compares staff resources against daily deployment commitments for lawyers and caseworkers. Additionally, there was a full review of administrative workloads and resources in March 2006 and more recently, in January 2007, a review of lawyer and caseworker resources. Both exercises resulted in some reallocation of resources.

- There are clear expectations set for lawyers and designated caseworkers (DCWs), with these staff expected to cover seven sessions (three and a half days) in court or charging centres weekly. District rotas are monitored by the CCP and ABM.
- The Area has worked effectively with HMCS to increase the number of DCW courts across the Area. DCW numbers have risen from the original five in 2005-6 to 11.2 FTE currently. As new DCWs were recruited and trained in 2006-07, performance improved to a high of 18.1% of magistrates' court sessions in the final quarter, with overall performance for the year at 12.6%, just ahead of the Area's target (12.2%). The Area now has sufficient DCWs in place to meet its challenging target for 2007-08 (20.0%). Performance is monitored weekly and results to date are encouraging.
- The Area has made significant efforts to improve the level of in-house coverage of magistrates' courts sessions with very good results. In-house coverage increased from 82.5% in 2004-05 to 90.2% in 2005-06 and to 96.2% in 2006-07.
- The Area continues to demonstrate a strong commitment to its advocacy strategy in relation to the development and deployment of HCAs. The number of sessions covered and level of savings has increased significantly year-on-year since 2004. In 2006-07, the Area exceeded its targeted savings by a very wide margin achieving total saving of £476,831, representing 167.3% of target and 14% (target 12%) of total GFS costs. This has been achieved by nearly doubling the numbers of HCAs since April 2005, from 18 to 32, including eight full-time trial advocates of which three were recruited direct from the Bar and private practice. The Area has also been active in developing its HCAs to take on more challenging work and the number of trials covered is increasing steadily including more recently some trials listed for six days or more. There are comprehensive systems in place to monitor HCA work including the work load and savings net of salary and other employment costs of broken down by individual HCA.
- Sickness levels are showing an increasing trend as is the proportion of long term absence. In 2006-07, on average 8.4 days were lost per employee (national average 8.5 and target 7.5). The Area is working closely with its Regional HR Partner to address this and will need to continue to do so.
- The Area demonstrates a positive approach to flexible working with around 50% of staff benefiting from flexible working arrangements. Requests are considered against business needs and any changes agreed to working patterns are granted for a limited time to ensure they are reviewed. In this way the Area ensures flexible working does not conflict with business needs, for example lawyers working compressed hours are still expected to meet the target of seven court sessions weekly.

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

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

- A growing performance management culture is evident across the Area. Performance is considered monthly by Hampshire Management Board (HMB) and addressed in district level team meetings. A good level of performance information is disseminated to staff via team meetings, newsletters and staff notice boards in readily understandable and accessible format.
- The level of discussion and recording of improvement actions at district level varies and whilst there are some good examples of comparisons and sharing of good practice with other districts, there is scope for further development in this respect. A recently established Area Performance Forum, comprising Area and district performance personnel, has got off to a good start in addressing this issue with some good examples of good practice sharing and improvement planning in its first two meetings.
- The Area has produced a monthly performance report for some years. The current report has been in place since the new district structure was introduced, its format and content having evolved since then. The report is comprehensive in coverage and breaks down performance by district. It is very well presented with a summary of key issues and a performance dashboard summarising performance at the front of the report before the detailed performance tables. The narrative provided to support the data is developing.
- The national dashboard is used to compare Area performance with that of others. Where Area performance is rated amber or red, contact is made with good performing Areas to seek good practice that the Area can adopt. For example the concept of a hate crime scrutiny panel currently being put in place has been adopted from one Area contacted.
- The Area is working hard to improve the quality of its data. A series of weekly and monthly reports generated by the Performance Manager are checked for accuracy at district level. Specific checks of cases recorded as guilty pleas and guilty verdicts are conducted in one unit where there had been a problem in the past. Progress is being made in improving the quality of Prosecution Team Performance Management (PTPM) data, especially in respect of 'undefined' and 'no further action' cases. There is, though, scope for further improvement.
- Managers are clearly accountable for the performance of their units and there is evidence that managers at all levels have taken action to improve performance. This includes improvements to underlying operational systems, such as fees payment systems, in support of improved performance. Quarterly district performance reports, reviewing performance against key performance indicators (similar in format to the national quarterly performance reports) are produced by districts which provide the basis for quarterly meetings between the CCP, ABM and the individual district crown prosecutors and business managers.

- Area and district targets are translated into personal objectives and quarterly review meetings held with staff. The 2006 staff survey showed a higher proportion of staff than nationally had had an appraisal review and had a personal development plan. The Area confirmed that all appraisal reviews for 2006-07 were completed by the end of May. This year all managers have attended Invest performance management training and the new system is in the process of being implemented.

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

- CPS managers play an active role in a range of joint performance groups with partners. These include groups that fall under the umbrella of the LCJB, such as the Operational Management Group, and others such as regular meetings with courts to address cracked and ineffective trials performance and PTPM meetings at both Area and district level. The CPS has also been invited to join the police Performance Gold Group, a strategic forum which addresses police performance.
- A number of joint improvement strategies are being progressed and there are examples of where these have led to improvement. For example a focus on 'undefined' cases at PTPM meetings has led to work to reduce the number of cases recorded as such; the implementation of joint witness care improvement plans is assisting units work towards better compliance with minimum standards and reviews of cracked and ineffective trials with courts is serving to improve the proportion of effective trials in the Area. This is very much ongoing work and there is still scope for further improvement in each of these aspects.
- Relevant performance information is exchanged with partners. There was some concern from partners surveyed about the availability and accuracy of witness information provided and the general need for more timely notification of vacated trials. The current lack of linkages between CPS and police IT systems remains a key issue for the Area to resolve. Linkages would enable more timely information in respect of victims and witnesses and reduce duplication of data entry. This issue is being pursued with headquarters and a meeting to agree on the action plan scheduled.

#### **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**

- Levels of compliance with the CQA system are monitored as part of the Area's performance monitoring system. Overall compliance improved in 2006-07 and in the final quarter was 96.1%. A good proportion of CQA monitoring forms reviewed noted feedback points which are raised directly with individuals. There is no evidence of any discussion of the outcomes and any trends emerging from CQA at HMB or divisional meetings.
- The advocacy skills of new lawyers and lawyers at the through grading stage are formally assessed and the results of this fed back to individuals. The monitoring of other lawyers tends to be on an informal basis. Feedback from partners indicated that the standard of advocacy of lawyers at all levels, including cross-examination skills, is mixed. The Area should consider a formal system for taking the views of partners into account and introducing a formal monitoring system to cover all its lawyers. This was an issue that was raised in our last OPA.

|                      |          |                  |                     |
|----------------------|----------|------------------|---------------------|
| <b>12 LEADERSHIP</b> | OPA 2005 | OPA 2007         | Direction of travel |
|                      | Good     | <b>Excellent</b> | <b>Improved</b>     |

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

- Senior managers are very clear as to the Area's vision and direction, which are clear and focused and reflect those of the CPS nationally. These are usefully summarised in an information leaflet, a copy of which is provided to each member of staff.
- Managers understand their responsibilities for implementing decisions made by Hampshire Management Board (HMB) and work together well in delivering Area objectives and priorities. This is encouraged by all levels of managers being involved in business planning and review and supported by the Area having developed a customised practical leadership programme in association with the Royal Naval School of Leadership and Management which is mandatory for all managers to attend.
- A key objective of the restructuring of the Area from eight units to four districts was to break down the tendency for units to work in 'silos', commented on in the last OPA, and encourage a corporate approach. This objective has largely been met with districts taking a greater Area perspective, seen for instance in the more willing sharing of staff resources between districts.
- Senior managers ensure they are available to staff, and the CCP and ABM make regular visits to districts and units to talk to staff and answer questions. In the 2006 staff survey, the Area scored well above the national average in relation to how good a job the CPS does in keeping staff informed of matters affecting them.
- Good efforts continue to ensure a regular dialogue with staff. The new district structure is facilitating better communication with regular district management meetings held. The regularity of team meetings and attendance of these varies with work commitments and managers should consider reviewing the quality of meeting notes and recording of action points so they more succinctly communicate key points covered to those unable to attend. The 2006 staff survey showed that the Area performs better than the average in relation to holding regular team meetings (63% compared with 59%) and the effectiveness of these (63% compared to 55%).
- Relationships with most criminal justice agencies are positive and constructive particularly at the highest level where there are regular meetings between senior managers and their counterparts in other agencies. There are though some tensions at operational level, exacerbated by agencies working to budgetary constraints that the Area should be mindful of. A local criminal justice group in the North district, mirroring that of the Area LCJB, is currently being piloted and although not yet formally evaluated appears to be working well in developing constructive working relationships between partners at district level, and may be rolled out to other districts.
- CPS managers are proactive in working with criminal justice partners. The CCP is currently chair of the LCJB, and other senior managers hold Area leads for witnesses and victims and race issues. Through its Business Development Unit, the CPS provides the lead for charging and

conditional cautioning, and also a good level of joint training for the police which was positively commented on.

- A positive aspect of the Area is its willingness to learn from and share its successes with other Areas. Good examples of this were found.

**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**

- Efforts are made to recognise good performance of staff including thanks to specific individuals in meeting minutes and newsletters, use of the discretionary bonus scheme and a prosecution team awards presentation day organised in partnership with the police. Whilst the proportion of staff who consider the CPS to value its staff was above the national average, in the 2006 staff survey, the proportion who considered there was an effective system of recognising people who perform well was below average.
- There are systems in place to ensure that the CPS dignity at work policy is applied and examples of where senior managers have challenged and taken action over inappropriate behaviour were evidenced. The proportion of staff in the 2006 staff survey who considered they were treated with fairness and respect was slightly worse than the national average (62% compared with 63%) and whilst managers consider this is possibly due to the Area taking a stronger stance on poor performance, it should keep this aspect under review. Whilst there have been no substantiated complaints by staff about their treatment by managers, the Area is currently dealing with one complaint made under the Equality and Diversity Complaints Procedure in close liaison with its CPS regional HR partner.
- Equality and diversity issues are well integrated within the Area's planning documentation, with the CPS Director for Equality and Diversity participating in the Area's business planning day in early 2007. Milestones and outcomes in the 2007-08 Area Business Plan are generally more clearly articulated than in the previous year. The ABM acts as the Area's champion for equality issues and has been instrumental in establishing a new equality and diversity framework within the Area to reflect the Area's district-based structure. This comprises an Area-wide Staff and Public Confidence Committee (SPCC) supported by district based SPCCs. Although early days, the new arrangements appears to be working well in ensuring that an appropriate level of priority is given to equality and diversity issues.
- The composition of staff broadly reflects that of the local community. Women are better represented in the organization as a whole (69.8%). Their representation at senior levels has been broadly proportionate until the recent temporary promotion of two senior female lawyers to acting CCP posts in other Areas altered the balance. Whilst the proportion of black and minority ethnic (BME) staff employed is above that of the working population of the Area as a whole (6.7% compared with 4.2%), BME staff are less well represented at more senior levels. There is generally a low level of staff employed who have declared disabilities. Whilst the Area has set out BME staffing targets in its Race Equality Scheme, there is scope for the Area to highlight the specific actions it intends to take to work towards these.

|   |          |             |                     |
|---|----------|-------------|---------------------|
| <b>13 SECURING COMMUNITY CONFIDENCE</b> | OPA 2005 | OPA 2007    | Direction of travel |
|   | Good     | <b>Good</b> | <b>Stable</b>       |

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

- The commitment of senior managers to engaging with the community and improving confidence in the criminal justice system is clearly evident. The Area Business Plan (ABP) sets out aspects for improvement and how goals will be achieved. Community engagement objectives have been set for all staff in their performance development review plans for 2007-08. The Area has established a Staff and Public Confidence Committee that drives its community confidence agenda. A budget has also been allocated for community engagement events.
- A separate community engagement strategy is linked to the ABP and community events are captured in a community engagement log. This log sets out the type of event attended and what feedback from the event was received. The Area is in the early stages of attempting to learn and evaluate the effectiveness of its engagement policy.
- Community engagement activity has included a wide range of groups, and events, involving Area staff of all grades. A leaflet entitled 'Engaging with our communities', aims to demonstrate to staff and stakeholders the importance of community engagement as core business. The Area is developing a hate crime scrutiny panel that aims to discuss cases and learn from them. An independent facilitator will be used to coordinate these meetings.
- The Area collates information on local demographics from various sources. The Area maintains a contacts directory and the WCUs are also developing a directory of local community groups through their involvement with other agencies and voluntary groups. The Area is working towards making contact with groups that are at greatest risk of being excluded and of being discriminated against. The mechanism for doing so is not yet sophisticated or systematic. However, there is evidence of engagement with less obvious groups to gain their confidence and raise awareness. It is encouraging that some of these 'leads' into the community have come from junior members of staff.
- Events that the Area undertakes are circulated to the media through established communication lines. The Area has a designated Communications Officer and Communications Strategy that includes developing a positive relationship with the media and gives staff guidance on how to engage with the media.
- The Area recognises that it needs to develop its community engagement activity and ensure that its efforts evolve from information giving to one where consultation and participation lead to changes in service delivery.
- The level of public confidence in the effectiveness of criminal justice agencies in bringing offenders to justice in Hampshire and the Isle of Wight has fallen since our last OPA (49.0% to 42.3%) but is near the national average.

## ANNEX A: PERFORMANCE DATA

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

|                     | Magistrates' courts cases        |                                 |                  |         | Crown Court cases                |                                 |                  |         |
|---------------------|----------------------------------|---------------------------------|------------------|---------|----------------------------------|---------------------------------|------------------|---------|
|                     | National target<br>March<br>2007 | National performance<br>2006-07 | Area performance |         | National target<br>March<br>2007 | National performance<br>2006-07 | Area performance |         |
|                     |                                  |                                 | 2005-06          | 2006-07 |                                  |                                 | 2005-06          | 2006-07 |
| Discontinuance rate | 11.0%                            | 15.7%                           | 15.5%            | 14.6%   | 11.0%                            | 13.1%                           | 13.1%            | 12.3%   |
| Guilty plea rate    | 52.0%                            | 69.2%                           | 67.6%            | 69.6%   | 68.0%                            | 66.5%                           | 57.2%            | 62.8%   |
| Attrition rate      | 31.0%                            | 22.0%                           | 22.1%            | 21.0%   | 23.0%                            | 22.2%                           | 26.9%            | 24.7%   |

|   | National performance<br>2006-07 | Area performance<br>2006-07 |
|---|---------------------------------|-----------------------------|
| Charged pre-charge decision cases resulting in a conviction | 78.0%                           | 78.2%                       |

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

|   | National performance<br>2006-07 | Area performance<br>2006-07 |
|---|---------------------------------|-----------------------------|
| Successful outcomes (convictions) as a percentage of completed magistrates' courts' cases | 84.3%                           | 85.9%                       |

| Trial rates            | National performance<br>2006-07 | Area performance<br>2006-07 |
|------------------------|---------------------------------|-----------------------------|
| Effective trial rate   | 43.8%                           | 49.2%                       |
| Cracked trial rate     | 37.3%                           | 32.8%                       |
| Ineffective trial rate | 18.9%                           | 18.0%                       |
| Vacated trial rate     | 22.5%                           | 33.5%                       |



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

| <b>National target</b> | <b>National performance 2006</b> | <b>Area performance 2006</b> |
|------------------------|----------------------------------|------------------------------|
| 71 days                | 72 days                          | 59 days                      |

*Offences Brought to Justice*

|                                       | <b>CJS area target<br/>2006-07</b> | <b>CJS area performance<br/>2006-07</b> |
|---------------------------------------|------------------------------------|---|
| Number of offences brought to justice | 39,231                             | 38,955                                  |

| <b>Percentage make up of Offences Brought to Justice</b> | <b>National 2006-07<sup>7</sup></b> | <b>Criminal justice area<br/>2006-07</b> |
|--|-------------------------------------|--|
| Offences taken into consideration (TICs)                 | 8.9%                                | 4.6%                                     |
| Penalty notices for Disorder (PNDs)                      | 10.3%                               | 10.1%                                    |
| Formal warnings  | 5.8%                                | 3.8%                                     |
| Cautions   | 26.5%                               | 24.6%                                    |
| Convictions  | 48.8%                               | 56.8%                                    |

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

|  | <b>National performance<br/>2006-07</b> | <b>Area performance<br/>2006-07</b> |
|--|---|-------------------------------------|
| Successful outcomes (convictions) as a percentage of completed Crown Court cases | 77.7%                                   | 75.9%                               |

| <b>Trial rates</b>     | <b>National performance<br/>2006-07</b> | <b>Area performance<br/>2006-07</b> |
|------------------------|---|-------------------------------------|
| Effective trial rate   | 48.2%                                   | 57.5%                               |
| Cracked trial rate     | 39.5%                                   | 31.0%                               |
| Ineffective trial rate | 12.4%                                   | 11.5%                               |

7 Final figures awaited

| <b>Proceeds of Crime Act orders</b> | <b>Area Target<br/>2006-07</b> | <b>Area Performance<br/>2006-07</b> |
|-------------------------------------|--------------------------------|-------------------------------------|
| Value                               | £869,310                       | £889,920                            |
| Number                              | 47                             | 60                                  |

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

|  | <b>2005-06</b> | <b>2006-07</b> |
|--|----------------|----------------|
| Non ring-fenced administration costs budget outturn performance (end of year ranges) | 100.0%         | 98.2%          |

| <b>Staff deployment</b>                               | <b>National target<br/>2006-07</b> | <b>National performance<br/>2006-07</b> | <b>Area performance<br/>2006-07</b> |
|---|------------------------------------|---|-------------------------------------|
| DCW deployment (as % of Magistrates' courts sessions) | 17.2%                              | 14.7%                                   | 12.6%                               |
| HCA savings against Area target To be calculated      | 100%                               | 138.4%                                  | 167.3%                              |
| Sickness absence (per employee per year) 7.5 days     |                                    | 8.5 days                                | 8.4 days                            |

### **Aspect 13: Securing Community Confidence**

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

| <b>CJS area baseline 2002-03</b> | <b>2004-05 (last OPA)</b> | <b>Performance in 2006-07</b> |
|----------------------------------|---------------------------|-------------------------------|
| 42.0%                            | 49.0%                     | 42.3% (Dec 06)                |

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

### **Police**

Hampshire Constabulary

### **HM Courts Service**

The Crown Court centres sitting at Southampton, Portsmouth, Winchester and the Isle of Wight  
Hampshire and Isle of Wight magistrates' courts

### **Victim Support**

Hampshire and Isle of Wight Victim Support



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