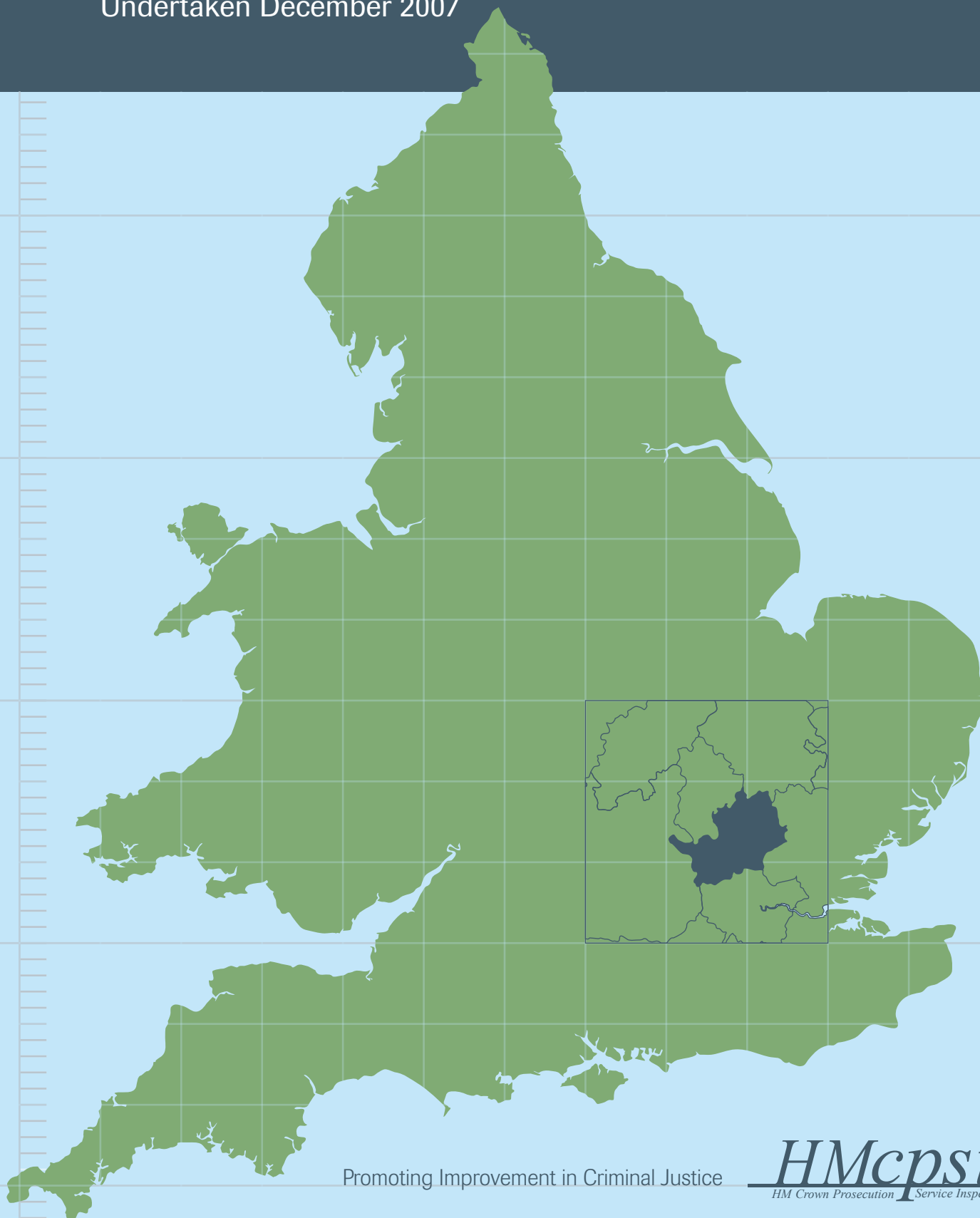


CPS Hertfordshire

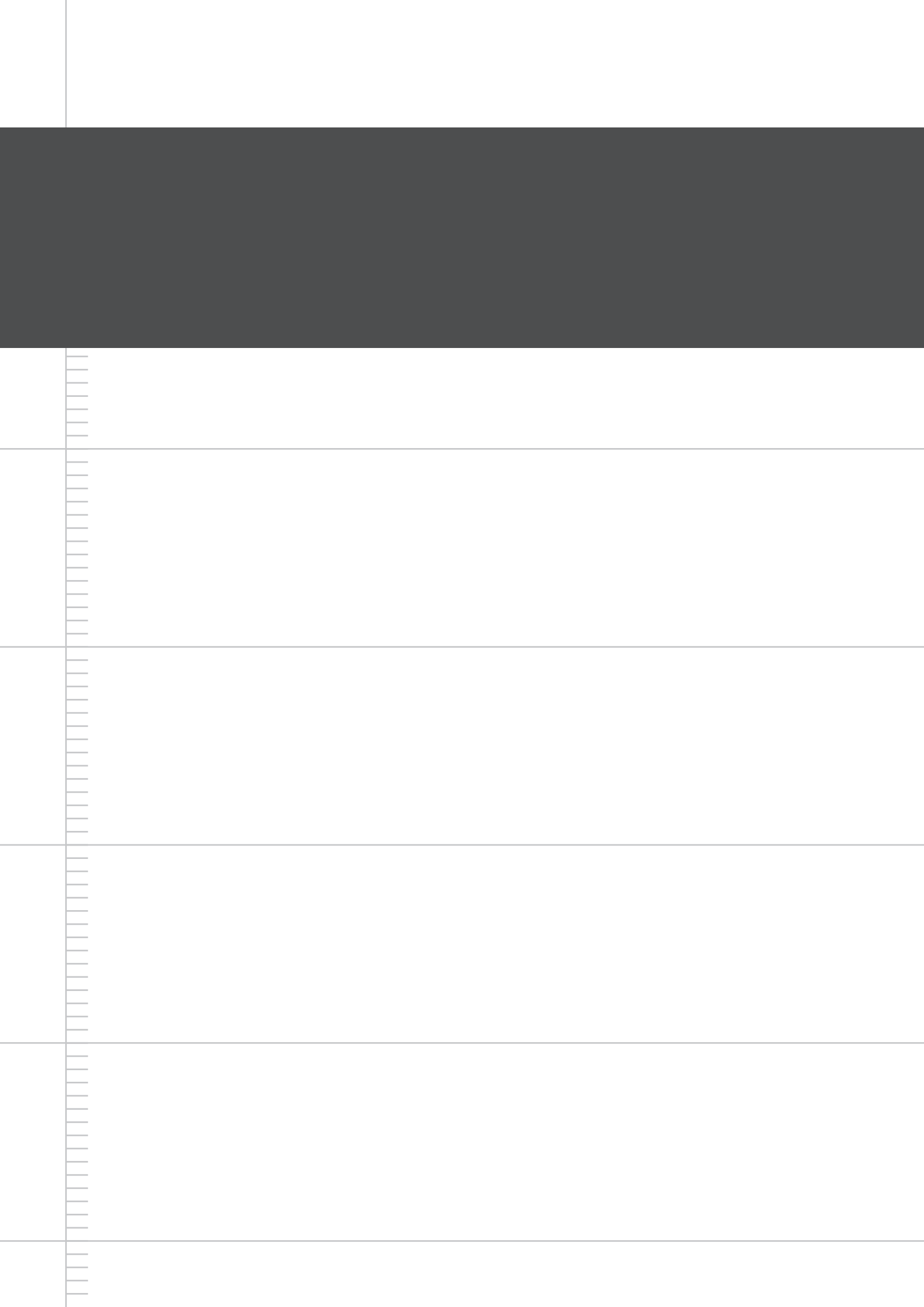
Overall Performance Assessment

Undertaken December 2007



Promoting Improvement in Criminal Justice

HMcpssi
HM Crown Prosecution Service Inspectorate



CPS Hertfordshire

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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 (HMCPsi) overall assessment of the performance of the Crown Prosecution Service (CPS) in Hertfordshire and represents a further assessment against which improvement from the previous baseline assessment in 2004-05 can be measured.

Assessments

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

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

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

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

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

Direction of travel grade

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

Improved reflects a significant improvement in the performance;

Stable denotes no significant change in performance;

Declined where there has been a significant decline in performance.

B AREA DESCRIPTION AND CASELOAD

CPS Hertfordshire serves the area covered by the Hertfordshire Police. It has three offices, at Hertford, St Albans, and Watford. The Area Headquarters (Secretariat) is based at the St Albans office.

Area business is divided on functional lines between magistrates' courts and Crown Court work. There are three Criminal Justice Units; CJU Central; CJU East; and CJU West which handles cases dealt with in the magistrates' courts. The Crown Court Unit (CCU) handles cases dealt with in the Crown Court.

During the year 2006-07 the Area had an average of 107.7 full time equivalent staff in post, and a budget of £4,928,691. This represents a 6.8% increase in staff, and a 21.1% increase in budget since 2004-05, the period covered by the Area's last overall performance assessment.

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

Pre-charge work¹

2004-05		2006-07	
Written advice	588	Decisions resulting in a charge	5,171
Pre-charge advice (where available)	4,253	Decisions not resulting in a charge ²	2,980

Magistrates' courts proceedings (including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Magistrates' courts prosecutions	17,989	17,500	-2.7%
Other proceedings	28	58	+107.1%
Total magistrates' courts proceedings	18,017	17,558	-2.5%

Crown Court proceedings

(including cases previously subject to a pre-charge decision)			
Cases sent or committed to the Crown Court for determination	1,201	1,303	+8.5%
Committals for sentence ³	203	232	+14.3%
Appeals from the magistrates' courts ³	163	256	+57.1%
Total Crown Court proceedings	1,567	1,791	+14.3%

In 2006-07, 40.3% 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

There have been some changes in the Senior Management Team since the last Overall Performance Assessment (OPA) at unit head and performance officer roles. There has been limited courtroom capacity in Hertfordshire for a prolonged period which has contributed to a backlog of cases in the system. Actions designed to reduce the backlog, including multiple listing of trials and transfer of Crown Court cases to London, have led to additional work for the witness care units. The Crown Court caseload increased in 2006-07, although some of this may be as a result of reducing backlogs.

An Area Effectiveness Inspection (AEI) was carried out in February 2007 and the findings have been used to inform this OPA.

Summary

There are a few weaknesses that impact on a number of aspects of work in Hertfordshire.

- Pre-charge decision making is not delivering the desired outcomes and the results are the worst in the country. This has a knock on impact to the rate of unsuccessful outcomes, particularly in the Crown Court, which are also weak in Hertfordshire.
- Whilst the Area has access to improved levels of performance data, there is a need to improve the analysis of information to identify the root cause of weak performance and therefore the most appropriate remedial actions.
- Relationships with other agencies, particularly HM Courts Service, need to be strengthened with greater collaboration and effectiveness in joint working.
- Resolution of these issues could pave the way to improved ratings in a number of aspects. Where the Area managers have afforded a high priority to identified weaknesses, this has usually led to improvements.

The quality of case preparation and progression is mixed. Statutory charging (the national scheme under which the CPS has assumed responsibility for the initial decision whether to charge in all except minor and straightforward cases; this had previously been a matter for the police) is not delivering the expected benefits in the Area and performance has declined since the last OPA. Premature decisions to charge have contributed to a high level of attrition, discontinuance and discharged committals, with significantly worse outcomes in Crown Court cases than magistrates' court cases, and overall performance is poor. An action plan has recently been developed with the police to improve performance. The way in which cases are reviewed post charge is variable and overall case outcomes mirror those relating to cases that have been the subject of pre charge decisions. The overall conviction rate in the magistrates' courts was just below the national average in 2006-07; this represents an improvement since the last OPA and the first two quarters of 2007-08 show the improvement is continuing. However, outcomes in the Crown Court have deteriorated and are significantly below the national average; there has been further fall in performance in the overall conviction rate the lowest in the country as at the end of the second quarter of 2007-08. During 2006-07 case progression officers were in place in the Crown Court Unit (CCU) and one Criminal Justice Unit. Although there are agreed systems for case progression, directions are not always complied with on time and there is some case drift.

Unsuccessful outcomes and the reasons for cracked and ineffective trials are monitored, and the quality of casework is assessed through the casework quality assurance scheme (CQA). However the quality of analysis is variable and there is little consideration of trends over time to identify the underlying causes of poor performance, for example to link Crown Court outcomes to charging decisions. The arrangements for prosecution team performance management (PTPM) meetings as a means of monitoring performance jointly with the police has not been consistent across the Area. This, coupled with infrequent team meetings during 2006-07, means that lessons learnt were not always communicated to staff in order to drive up performance. Both types of meetings are now being reinvigorated.

The Area has worked hard to improve performance in respect of handling unused material since the last OPA when it was rated as poor. Lawyers' decisions are now clearly endorsed on schedules and documents are separately filed and easily located in the CCU. However, disclosure record sheets are rarely completed in the CJUs.

The Area has demonstrated a high level of commitment to improving the service to victims and witnesses. Significant progress has been made in compliance with the volume and timeliness targets of letters sent to victims, but further work is required to improve the quality of the letters. The witness care units have worked hard to minimise the risks to witness attendance as a consequence of the delay in setting trial dates. Although sensitive cases are not always handled by specialists at the pre-charge decision stage, and victim and witness issues are not always identified, once they are committed to the Crown Court they are generally handled well. The Area's combined hate crimes unsuccessful outcomes have improved although they remain below national average performance.

The senior management team continues to develop and generally adopt a corporate and cohesive approach. Communication was not fully effective in 2006-07 and relationships with other agencies need to be strengthened.

The Area has adopted the national vision and values and Area priorities and objectives are set out in the Area Business Plan which is aligned to national targets. During 2006-07 some aspects such as advocacy and victims and witnesses were given greater priority than others. There was mixed success in relation to the implementation of joint projects with criminal justice agencies. Some initiatives such as No Witness No Justice and the introduction of witness care units have been taken forward on a joint basis and now form part of 'business as usual'. There has also been joint planning for the Criminal Justice: Simple, Speedy, Summary (CJSSS) initiative and conditional cautioning.

The Area's custody time limit (CTL) systems are generally sound, but the processes and checks have not been followed consistently and robustly. This contributed to a CTL failure in 2007-08, which was the first for three years.

The outcomes in respect of managing resources are good. The non-ring fenced administration costs and prosecution costs spend were both within budget in 2006-07. The financial controls of committed and forecast expenditure can be strengthened. There is scope to reduce expenditure on agents and to improve the savings per session made by HCAs. However, the Area has driven forward its advocacy strategy and its deployment of designated caseworkers and higher court advocates (HCAs) has been good. HCAs are conducting an increasing number of sensitive and high profile cases to trial.

Performance in relation to the Public Service Agreements is variable. The Area failed to meet the timeliness target of 71 days from arrest to sentence for persistent young offenders in 2006. There has been a significant improvement in 2007. The level of ineffective trials is still higher than desirable, although a significant number of these cases are attributable to court problems. A joined up approach to improving results is required. The Area has performed well in respect of targets for offences brought to justice, and confidence in the effectiveness of the criminal justice system in bringing offenders to justice remains above national performance. The level of community engagement was limited in 2006-07 as managers attempted to deal with changing priorities.

Direction of travel

The last OPA assessed CPS Hertfordshire as fair. In this inspection two aspects have improved, six remained stable and five have declined (Delivering Change improved significantly within the same band). The Area has demonstrated in the work undertaken to improve the handling of unused material that where performance has been assessed as poor it has the capacity to improve. Resolving the current weaknesses in pre-charge decision making would have significant consequential benefits.

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

OVERALL ASSESSMENT		FAIR	
Critical aspects	Assessment level		
	OPA 2005	OPA 2007	Direction of travel
Pre-charge decision-making	Fair	Poor	Declined
Ensuring successful outcomes in the magistrates’ courts	Poor	Fair	Improved
Ensuring successful outcomes in the Crown Court	Fair	Poor	Declined
The service to victims and witnesses	Good	Good	Stable
Leadership	Good	Fair	Declined
Overall critical assessment level		Poor	
Progressing cases at court	Good	Fair	Declined
Sensitive cases and hate crime	Good	Fair	Declined
Disclosure	Poor	Fair	Improved
Custody time limits	Fair	Fair	Stable
Delivering change	Fair	Fair	Improved ⁴
Managing resources	Good	Good	Stable
Managing performance to improve	Fair	Fair	Stable
Securing community confidence	Fair	Fair	Stable
OVERALL ASSESSMENT	Fair	FAIR	

⁴ Although the assessment of this aspect had remained unchanged, there has been a significant improvement within the range of performance covered by the rating

D DEFINING ASPECTS

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

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

- The Area rolled out statutory charging in November 2005 and Duty Prosecutors (DPs) provide face to face advice between 9am to 5pm, Monday to Friday at Hoddesden, St Albans, Stevenage and Watford Police Stations. Lunchtimes are staggered between the charging centres to ensure cover. Some telephone advice is also provided to Hatfield and Hemel Hempstead police officers who are unable to travel to the charging centres.
- Various approaches have been taken towards the operation of an appointment system for the provision of pre charge advice and the Area is yet to identify the best model. Currently there is a 45 minute appointment system between 9am to 12 noon with a queuing in the afternoon at St Albans; an appointment system at Hoddesden and Stevenage for bail to return cases, with queuing in the afternoon (which has been introduced since the AEI) and a 45 minute appointment system at Watford. In all charging centres the appointments diary is now managed by the police. During 2006-07 68.4% of decisions were made face to face, compared to national performance of 63.5%.
- Charging centres are covered by Criminal Justice Unit (CJU) lawyers, although the Area has recently introduced a rotation policy and two Crown Court Unit (CCU) lawyers are now undertaking regular charging centre duties. The Area has a system of referral to the CCU which is at the discretion of the DP. Serious and complex cases where the defendant is on bail or cases which are likely to take more than 45 minutes will usually be referred to the CCU where they will be dealt with by specialists. The Area has recently developed a service level agreement for the provision of an out of hours service for high profile or sensitive cases.
- Hertfordshire Police have appointed case directors for all charging centres who act as gatekeepers to ensure that only appropriate cases are submitted to the DP for a charging decision. During 2006-07 there were vacancies in case director posts and changes in police personnel which resulted in a significant number of cases being referred to DPs that were inappropriate. The Area does not monitor the number of these to assess the extent of the problem but monthly dip sampling by CJU West for quality assurance purposes carried in September and October 2007 showed that in five out of ten cases referred to the DP, the decision to take no further action (NFA) could have been made by the police.
- Cases which have been charged by the police in breach of the Director's Guidance are identified by designated caseworkers (DCWs) or prosecutors prior to the first hearing and are brought to the attention of Unit Heads and referred to police managers. Despite this there have been continuing instances of the police charging without referral to a DP. As a result one Unit introduced a practice

of withdrawing these cases at court on the first date of hearing with a view to re-charging them once they have authorised by a DP, and we saw examples of letters sent from other units where the same practice appeared to have been adopted. However, if the case satisfies the full code test this is not in the interests of justice, victims and witnesses, and does not promote the prosecution team ethos. Some other effective feedback to officers to resolve this is necessary.

- There is an established procedure to allow police to appeal against the decision of a DP, with escalation to Chief Crown Prosecutor (CCP) level if necessary. There have been very few appeals with most disagreements being resolved informally. Due to the low numbers the Area does not keep a log of appeals.
- The case directors are responsible for monitoring bail to return cases. However, the police have raised concerns that the appointment system is creating a backlog of cases. At the time of the AEI cases with action plans were not always being actively tracked and second appointments for bail to return cases were not always being booked in advance. A check of inactive cases on CMS showed there were approximately 260 cases requiring further action, of which only 20 had bail to return dates logged on the system.
- All DPs are expected to record their MG3s (record of consultation) on the Case Management System (CMS). In 2006-07, 93.9% of pre-charge decisions were recorded on CMS against a target of 90.0% and in 86.8% of cases an MG3 was properly recorded. Reality checks carried out confirmed that in all cases the MG3 was properly recorded, as was the ethnicity and gender of the suspect when provided. The low number of cases with undefined outcomes (2.8% compared to 10.1% nationally) confirms that appropriate use is being made of the system.
- There is a positive relationship between the Area and CPS Direct which includes liaison with Hertfordshire police.
- Conditional cautioning was introduced in Central CJU in June 2007, with a target to roll out in the rest of the Area by March 2008. At the time of the assessment in December 2007 there had been seven conditional cautions.

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

- All DPs have attended the Proactive Prosecutor Programme (PPP) training and managers have attended the Proactive Prosecutor Manager's training. Two Unit Heads have contributed to the national PPP training programme. Policy bulletins and national guidance are distributed by the CCP.
- The post implementation review of charging in Hertfordshire was positive. However, our AEI noted the quality of decision making to be variable and in some cases the authority to charge was given at a premature stage. This can result in adjournments at court for key evidence to be obtained and ultimately lead to discontinuance or to a committal being discharged. The reality check of files undertaken in this inspection showed little improvement with four out of ten cases that should not have been charged on the available evidence. Prosecutors generally consider the confiscation and restraint of assets and other ancillary orders in relevant cases, although witnesses requiring special measures are not always identified at the charging stage.

- The quality of pre-charge decision making and operation of the scheme is monitored through the monthly casework quality assurance scheme (CQA), analysis of adverse outcome reports and by Unit Heads conducting charging centre duties themselves. Other than this, at the time of the AEI there was not a uniform system for monitoring the quality of pre charge decisions or action plans. The Area has now introduced a specific form to monitor pre-charge decisions and CJU Heads now assess two decisions per lawyer per month, which include an no further action (NFA) decision. This is informal and not recordable and the robustness of this monitoring is questionable in light of the performance data for the Area and our reality checks. At the time of this assessment the Area was in the process of implementing new quality assurance checks which would formalise monitoring.
- Unit Heads monitor the percentages of cases which result in NFA through Prosecution Team Performance Management (PTPM) reports to ensure the numbers remain within acceptable limits. The NFA rate for 2006-07 was 29.8% compared to a national figure of 31.9%.

1c The Area is able to demonstrate the benefits of their involvement in pre-charge decision-making

	Magistrates' courts cases				Crown Court cases			
	National target March 2007	National performance 2006-07	Area performance		National target March 2007	National performance 2006-07	Area performance	
			2005-06	2006-07			2005-06	2006-07
Discontinuance rate	11.0%	15.7%	17.6%	17.9%	11.0%	13.1%	17.8%	16.0%
Guilty plea rate	52.0%	69.2%	60.8%	59.2%	68.0%	66.5%	53.6%	62.8%
Attrition rate	31.0%	22.0%	28.8%	27.7%	23.0%	22.2%	32.7%	27.0%

- The Area is not fully realising the benefits of charging and overall performance is poor. The Area has met two of the six national targets in respect of the guilty plea rate and attrition rate in the magistrates' courts although performance is still worse than those achieved nationally. Crown Court outcomes are all substantially worse than national averages. The overall conviction rate is 72.4% compared to the national average of 78.0%, and is the lowest rate in the country.
- The effectiveness of Prosecution Team Performance Management (PTPM) meetings was variable across the Area in 2006-07, and in particular there was no involvement of the CCU in the meetings to deal with Crown Court outcomes. PTPM meetings are now held on a monthly basis. Good quality PTPM reports are produced for all Units and the police by the Area Performance Officer and these contain helpful annotations highlighting areas for discussion at the meetings.
- The Area considers that premature decisions to charge by duty prosecutors, coupled with court backlogs, are contributing to the poor outcomes. As a result further training has been delivered to duty prosecutors to supplement the PPP training course. This is yet to yield the anticipated improvements in outcomes. Joint analysis of the scheme takes place at a strategic level at the Hertfordshire Criminal Justice Board (HCJB). Concerns were raised at the Board in September 2007 that charging outcomes in Hertfordshire were amongst the worst in the country. As a result a joint prosecution team action plan has been drawn up that is in the process of being implemented.

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

2A Successful outcomes are increasing

Case outcomes in the magistrates' courts	National performance 2006-07	Area performance 2006-07
Discontinuance and bindovers	10.8%	10.4%
No case to answer	0.2%	0.6%
Dismissed after trial	1.9%	3.3%
Discharged committals	0.2%	0.4%
Warrants	2.6%	2.0%
Overall conviction rate	84.3%	83.3%

- The proportion of successful outcomes has improved from 80.9% in 2005/06 to 83.3% in 2006/07 but the performance is still below the national average of 84.3%. However, outcomes have improved in the first two quarters of 2007-08. The rates for all categories of unsuccessful outcomes, set out in the table above, are worse than national averages apart from the discontinuance rate. In particular the number of cases dismissed at the end of the prosecution evidence is treble the national rate and acquittals after trial are significantly above the national rate.
- The rate of discharged committals has historically given cause for concern. In 2004-05 there were 176 discharged committals which represented 1.0% of the Area's caseload. In 2005-06 this rose to 181 discharged committals (which represented 0.9% of caseload). At the time of our AEI the Area had taken steps to improve committal preparation which included introducing a specific committal tracking system. This has led to an improvement in performance and overall in 2006-07, 69 committals were discharged representing 0.4% of caseload and 4.3% of cases committed or sent to the Crown Court.
- The Area has a policy that cases that have received pre-charge advice require the approval of a unit head before a decision to discontinue is made. There has been an improvement in the discontinuance rate from 13.0% in 2004-05 to 10.4% and it is now marginally better than the national figure. The reality check of files showed that discontinuance was timely in five out of ten cases but there was no note on CMS of consultation with the police in any of the cases.
- All unit heads review cases with unsuccessful outcomes on a monthly basis and the reasons for outcomes are recorded on a spreadsheet which is jointly completed by the police and CPS. The spreadsheets contain brief reasons for the outcome, including in some cases comment on the quality of the pre-charge decision. Although these have the potential to be a useful tool for

analysing trends little use appears to be made of them to learn lessons. Joint analysis of outcomes with criminal justice partners takes place at the local delivery group meetings but minutes of these meetings indicate that discussions tend to be in general terms rather than identifying particular issues in order to drive up performance. They also tend to focus on the targets of the Hertfordshire Criminal Justice Board (CJB). Prosecution team performance management meetings are used to discuss more detailed issues, although these were not fully effective in 2006-07.

- The target for offences brought to justice (OBTJ) is shared with other criminal justice agencies and the ability of the CPS to influence it is limited because the target includes offences dealt with by non-prosecution disposals. The CPS contributes by keeping discontinuances and unsuccessful outcomes low. The OBTJ target for 2006-07 was exceeded but only 40.3% of offences brought to justice were the result of convictions, compared with national performance of 48.8%.
- The Area failed to meet the timeliness target for dealing with persistent young offenders (PYO) during 2006 with performance consistently worse, at an average of 84 days, than the 71 day target from arrest to sentence. This also represented a significant deterioration in performance from the time of the last OPA when performance was good. As a result the Hertfordshire CJB was required to account for performance to the Attorney General and a joint delivery plan was drawn up. This has led to a significant improvement in performance and the latest data shows that target has been met between January and August 2007. However, the three month rolling average from July to September 2007 was 74 days.
- Lessons learned are disseminated to staff at team meetings but during 2006-07 the frequency and effectiveness of these meetings varied from unit to unit. Where there are specific issues relating to individuals these are dealt with on a one to one basis.

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

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	43.5%
Cracked trial rate	37.3%	33.4%
Ineffective trial rate	18.9%	23.1%
Vacated trial rate	22.5%	29.4%

- The Area has had concerns over the late receipt and quality of some police files, but these have tended to be dealt with on a case by case basis with individual officers within the file preparation units, as the Area does not have any formal system of monitoring to ensure that all files received from the police are in accordance with the Manual of Guidance.

- The Area monitors the timely review and preparation of casework through the casework quality assurance (CQA) process and through less formal examination of unsuccessful outcome cases. Our reality check of CQA forms indicated that not all unit heads approach the task with a consistent level of robustness.
- Checks of five magistrates' court cases confirmed that cases are generally properly reviewed and endorsed.
- All the CJUs have systems in place to undertake trial readiness checks prior to trial. During 2006-07 CJU West was the only one with a full time case progression officer, but these have now been appointed for the Central CJU and East CJU. These two CJUs have a dedicated case progression lawyer who undertakes trial readiness checks and completes any outstanding work in preparation for the pre-trial review.
- There has been effective joint agency planning for the court led implementation of the Criminal Justice: Simple, Speedy, Summary (CJSSS) initiative which was rolled out in Central CJU in September 2007 and is due to roll out in the other two Units by the end of 2007. It is still too early to assess progress.
- All units have appointed youth specialists and youth remand courts are prosecuted by them to ensure that progress is made and decisions can be made in court. The Area's rate of youth cases with timely initial guilty pleas in March 2007 was 93.0% compared to 88.0% nationally, and for timely trials was 91% compared with the national average of 89.0%.
- The effective trial rate is in line with national performance. The proportion of ineffective trials at 23.1% is worse than the national average of 18.9% and the Criminal Justice Area has not met its target of 21.0%. However, the percentage of these attributable to the prosecution was much lower than the national average (25.9% compared to 35.5%) with the main reason for ineffective trials being a lack of court time. The proportion of cracked trials has improved since the last OPA and is better than the national average: 33.4% compared with 37.1%. At the time of the AEI some trials were taking up to five months to be listed for trial; reality checks in this inspection showed some improvement with some cases now being listed within more a reasonable timeframe.
- The number of cases vacated before trial has increased since the last OPA and performance is now higher than the national average. The main reason is the CPS discontinuing the case prior to trial (35.6% compared to national performance of 30.0%).
- Joint analysis of cracked and ineffective trials takes place at the monthly local criminal justice delivery groups. Since March 2007 a consistent approach has been adopted across the Area to recording the data on cracked and ineffective trials in a spreadsheet for each CJU. Any lessons learned are disseminated to staff through team meetings.
- The use of CMS to record key events is improving. As at April 2006 19.2% had a review recorded on CMS, but this had risen to 91.4% by March 2007. The recording of finalisations and hearing outcomes has remained relatively consistent throughout the year and is amongst the best in the country.

3 ENSURING SUCCESSFUL OUTCOMES IN THE CROWN COURT	OPA 2005	OPA 2007	Direction of travel
	Fair	Poor	Declined

3A Successful outcomes are increasing

Case outcomes in the Crown Court	National performance 2006-07	Area performance 2006-07
Judge ordered acquittals	13.1%	17.0%
Judge directed acquittals	1.4%	1.1%
Acquittals after trial	6.5%	8.2%
Warrants	1.3%	1.6%
Overall conviction rate	77.7%	72.1%

- The overall conviction rate has fallen from 73.0% in 2005-06 to 72.1% in 2006-07, and performance is significantly below the national average. Performance in the first quarter of 2007-08 improved to 73.4% but then declined again to 69.0% in the second quarter and it is now the worst in the country. The rates of judge ordered acquittals (JOA) and acquittals after trial are well above (worse than) national performance, although the rate of judge directed acquittals is below (better than) national performance.
- As in the magistrates' courts, the cases cannot be discontinued without the authority of a unit head. Where pleas are offered or it is intended to offer no evidence at court, counsel is expected to consult with the relevant unit head or another experienced lawyer. The Area also operates a duty lawyer scheme whereby a prosecutor in the office is rostered on a daily basis to undertake urgent work and to be a point of contact for the Crown Court. We noted in our AEI that this was not working well.
- Adverse outcome forms are completed by the reviewing lawyer for all unsuccessful outcomes and a report is produced by the case progression team. At the time of the AEI the Crown Court Unit (CCU) Head was only reviewing judge directed acquittals and those cases identified by the case progression team as meriting consideration. This has now been extended to include all unsuccessful outcomes. The Area attributes the high JOA and jury acquittal rate to witness issues caused by the historic backlog of cases in the Crown Court, which means there is a long interval before trial. However, no detailed analysis of trends over time has been undertaken by the Area to confirm this. Although performance was consistently amongst the worst in the country during 2006-07 the Area has not found an effective way of identifying solutions.
- Adverse outcome forms are sent to the police and the Hertfordshire Criminal Justice Board (CJB) performance report is discussed at the Crown Court local delivery group, which is also attended

by the Resident Judge. Feedback is provided to individuals on failed cases on a one to one basis but despite the poor outcomes, general learning points are not discussed in team meetings.

- During 2006-07 the Area obtained 40 confiscation orders against a target of 32; the combined value of the orders was £508,739 against a target of £1,048,776. The Area has dedicated Proceeds of Crime Act (POCA) champions, one of whom is an HCA and is therefore able to make applications where appropriate. Monitoring of targets and enforcement takes place through the Hertfordshire CJB.

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

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	50.4%
Cracked trial rate	39.5%	34.7%
Ineffective trial rate	12.4%	14.9%

- Crown Court cases are allocated to lawyers and caseworkers when the papers are received from the police. Timeliness of receipt of papers from the police is monitored using a spreadsheet with target dates and standard memos are regularly generated to chase papers even before they are due from the police. Where papers have not been received the approach is sometimes to send a proposed notice of discontinuance to the police. This approach does not encourage the prosecution team ethos. The quality of casework preparation is monitored by the CCU Head through the CQA process and review of unsuccessful outcomes. Our reality check of CQA forms showed that robust analysis is undertaken in individual cases but issues have not been drawn together to identify weaknesses and raise performance across the Area
- The CCU has a dedicated case progression team in place, who are responsible for ensuring compliance with court directions and trial readiness. They attend all plea and case management hearings to record directions made. These are then transferred to a spreadsheet and monitored through an electronic diary. Fortnightly case progression meetings take place with the court to discuss forthcoming trials to ensure trial readiness. Although systems are in place for case progression our reality check showed some case drift, with cases sometimes not reviewed until very close to the committal date, and thereafter directions not always being complied with on time.
- All youth cases are allocated to specialist youth prosecutors. Youth cases and those involving Persistent Young Offenders (PYOs) are discussed at the Crown Court local delivery group meetings with the police and courts.
- The effective trial rate of 50.4% is better than national performance of 48.2%. There has been an improvement in the ineffective trial rate from 17.2% in 2004-05 to 14.9% but this is still worse than national performance of 12.4%. Ineffective trials due to the prosecution are better than national performance: 23.5% compared to 37.9%; this reflects a higher than usual proportion attributable to Crown Court capacity. The cracked trial rate has deteriorated since the last OPA but at 34.7% it is better than the national average of 39.5%.

- Performance on cracked and ineffective trials and individual cases are discussed at the Crown Court local delivery group but lessons learned on cracked and ineffective trials are not always disseminated to staff.
- The use of CMS to record key events is improving. As at April 2006 only 41.9% of Crown Court case had a review recorded on CMS, but this had risen to 86.2% by March 2007. The target of 90% was achieved in just one month.

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

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

- Advance information is available for the first date of hearing for cases in the magistrates' courts and cases are generally ready to proceed to plea. Where cases were adjourned in our reality check this was usually at the defence request, although we noted in our court observations carried out as part of the AEI, that a lack of instructions to designated caseworkers (DCWs) being endorsed on MG3s led to some cases being adjourned for this to take place.
- Papers for magistrates' court cases are provided to prosecution advocates by lunchtime the day before the court hearing. However, late changes by the courts to the rota and the addition of 'extra' cases can hamper effective preparation. There is a listing protocol in existence but lack of court time and trial blitzes have led to variations in practice.
- Selection of prosecution advocates is based on their level of experience and sensitive cases in the Crown Court, such as rapes, are allocated to specialist lawyers and counsel. Cases are allocated to counsel and Higher Court Advocates (HCAs) by the caseworkers, taking into account the recommendations of the reviewing lawyer in the case. The Area has a dedicated team of full time HCAs who are instructed in the same way as counsel and who are covering an increasing number of sensitive and high profile cases in the Crown Court. The Area uses a small pool of regular agents in the magistrates' courts who are familiar with local practice.
- The Area monitors the quality and timeliness of instructions to counsel through the CQA process. Our reality check of files and CQA forms confirmed that the standard of case analysis in the instructions is not always as detailed as it should be and not all address the issue of acceptability of pleas. During 2006-07 instructions to counsel were timely in 41.5% of cases which is poor compared to national performance of 78.7%. In our AEI, less than half the cases examined contained a detailed case analysis or instructions on acceptability of pleas.
- Advocates are expected to attend court one hour before proceedings start for appropriate liaison with court staff, police, witnesses and defence solicitors. The Area relies on feedback from legal advisers to monitor attendance times.
- The Area uses CQA and analysis of cracked and ineffective trials to ensure that prosecution advocates are proactive in progressing cases at each hearing. There is, however, little indication that this is used to improve performance. Feedback received from criminal justice partners at the time of the AEI about progressing cases in the magistrates' courts was mixed. Our reality check of files in this inspection noted that there was still considerable 'case drift' in some cases with multiple hearings being listed.
- There have been long intervals between charge and trial in both the magistrates' courts and Crown Court in Hertfordshire primarily due to lack of court space. This has led to a backlog of work in both courts, with trials being double and treble listed in the magistrates' courts on the

basis that not all will be ready to proceed and an inevitable movement of cases from one court room to another to fit trials in wherever possible. Attempts have been made, with limited success, to address this problem with 'trial blitzes' in the magistrates' courts and Crown Court cases have been transferred out of the Area to the Central Criminal Court, with use also being made of Cheshunt Magistrates Court and a courtroom at St Albans' Magistrates Court for Crown Court sittings.

- The introduction of CJSSS has meant that longer term solutions are necessary. The Area has received funding to hold Saturday courts for traffic cases, in order to free up court time during the week to assist with clearing the trial backlogs. Joint planning for CJSSS has meant that a more constructive dialogue has now opened up between the CPS and HM Courts Service with regular meetings now taking place to discuss listing issues. There are positive early indications that the backlogs are now decreasing.
- The Area does not formally measure the number of adjournments and the time taken for cases from first hearing to trial although the Ministry of Justice Time Interval Survey data is discussed at Hertfordshire Criminal Justice Board (CJB) meetings. This data does not reflect the impact of the backlogs on performance as perceived by the Area, and is in contrast to files examined as part of the AEI. During 2006-07 83.0% of adult guilty plea cases were concluded within the target compared to national performance of 85.0%, and the timeliness of adult trials was 60.0% compared to 66.0% nationally. Timeliness for youth guilty pleas and trials was better than national performance.
- There were four orders for wasted costs in 2006-07 amounting to £667.94.

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

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

- Pre-charge advice and decisions is provided by Criminal Justice Unit (CJU) lawyers and although there is a general understanding when cases where the defendant is on bail should be submitted to the Crown Court Unit (CCU), this does not always happen and some of the more complex cases that are being dealt with by CJU lawyers should be referred to the CCU. Threshold test cases will invariably be dealt with by CJU lawyers who may not be specialists. In our reality check of four child abuse cases all were advised upon by CJU lawyers and in two cases the charges were incorrect and were subsequently amended once the cases were reviewed by a specialist CCU prosecutor.
- Once a case has been set down for committal or sent to the Crown Court it is allocated by the CCU Head to ensure it is handled by a prosecutor and caseworker with the correct level of experience. Our reality check confirmed this to be the case and we noted one particularly well prepared child abuse case. The Area aspires to be in a position where all prosecutors are able to deal with the full range of sensitive cases, however, until CJU prosecutors are able to build up experience in dealing with such cases from cradle to grave it is unclear how this will be achieved. HCAs are being used increasingly to prosecute high profile and sensitive cases to trial.
- The Area has appointed specialists and champions for all categories of hate crime and sensitive cases across the Units. They are able to provide feedback, mentoring and advice. However, during 2006-07 not all champions had objectives linked to their specialism in their performance and development review plan (PDR) which meant there was a lack of clarity as to what was expected of them in their role. The domestic violence champion has delivered a programme of in house training to staff and the police, and a Unit Head attended a workshop on homophobic crime.
- High profile cases or those with media interest, for example cases linked to incidents at the film studios in Hertfordshire, are notified to the Area Secretariat to monitor progress and they are allocated or transferred out of the Area as appropriate. The Area responds positively to issues of local concern, for example in tackling the problem of thieves ('purse dippers') targeting the elderly.
- Staff are aware of the importance of flagging sensitive cases on CMS, and regular checks are carried out by managers to ensure compliance. Reality checks revealed all cases were flagged appropriately.
- The Area takes action to ensure that practice is consistent with policy and review recommendations. The Area Business Plan (ABP) contains an objective to implement a rape performance improvement plan to progress the national recommendations in the joint thematic

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

inspection of handling rape cases “Without Consent”⁶. All other policy updates and HMCPSI thematic reports are forwarded to the relevant specialist for further action in the same manner.

- Hate crime cases where there is a reduction in charge or agreed basis of plea should be approved where possible by the Unit Head, or where the Unit Head is unavailable, by another experienced prosecutor.
- At the time of the AEI the Area had set up its own hate crime scrutiny panel which was intended to be a pre-cursor to the introduction of panels in all CPS Areas. The panel comprised senior managers and a police representative and examined three unsuccessful domestic violence cases per unit per month. Following an improvement in the successful outcome rate in domestic violence cases a decision was made not to continue with the panel meetings. It is now anticipated that a joint panel will be established with CPS Bedfordshire as part of the new CPS Group structure.
- The proportion of unsuccessful outcomes in sensitive cases has improved from 43.4% in 2005-06 to 35.4% in 2006-07. This is better than the Area target of 41.0% but worse than national performance of 32.8%. The main reason for the improvement in performance was the reduction in domestic violence unsuccessful outcomes over the same period. Data in respect of all categories of hate crime is included in the monthly performance reports and considered at the Area Management Team (AMT) meetings but apart from rape cases where the champion reviews all finalised rape cases, the Area does not have a specific system for analysing sensitive case outcomes.
- Unit Heads monitor performance through CQA analysis, reviews of adverse outcomes and discontinued cases. The rape champion attends quarterly meetings with the police where analysis of performance data takes place. Although team meetings provide the opportunity to discuss case outcomes to learn lessons this rarely takes place.
- The 2006-07 ABP contained an action to respond to the recommendations in the CPS policy on prosecuting criminal cases involving children and young people as victims and witnesses, but the Plan was not updated to indicate that it was achieved. The 2007-08 Plan does not contain a similar objective. There has been some limited contact with the Local Safeguarding Children Board.

6 HMCPSI/HMICPSI Inspection Thematic Report on the joint review of the investigation and prosecution of rape offences, published 31 January 2007.

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

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

- Disclosure was marked as poor during the last OPA and was therefore subject to further assessment during an Area Effectiveness Inspection (AEI) in early 2007. This showed that significant progress had been made, particularly in Crown Court cases. The table below illustrates the improvement made.

	Area performance in last inspection March 2005	Overall findings for all CPS Areas 2002 – 05 programme	Overall findings in the 2005–07 AEI programme	Area performance in AEI inspection
Initial (or primary) disclosure dealt with properly in magistrates' courts cases	62.5%	71.6%	64.8%	78.1%
Continuing (or secondary) disclosure dealt with properly in magistrates' courts cases	No assessment	59.5%	59.4%	50.0% (1 out of 2 cases)
Initial (or primary) disclosure dealt with properly in Crown Court cases	50.0%	79.9%	78.1%	77.6%
Continuing (or secondary) disclosure dealt with properly in Crown Court cases	37.5%	59.6%	79.6%	86.0%
Disclosure of sensitive material dealt with properly in magistrates' courts cases	No assessment	56.8%	70.8%	50.0% (1 out of 2 cases)
Disclosure of sensitive material dealt with properly in Crown Court cases	No assessment	73.9%	69.2%	47.1% (8 out of 17 cases)

- Reality checks during this OPA confirmed that the improvement has been maintained. Prosecutors are complying with the provisions of the Criminal Procedure and Investigation Act (CPIA) 1996 (and its code of practice), the Attorney General's Guidelines and the expert witness protocol in the majority of cases.

- There was compliance with the duties of initial disclosure in eight out of ten magistrates' and Crown Court cases, and with continuing disclosure in three out of five Crown Court cases; there were no magistrates' court cases where a defence statement had been served. The Area has a policy whereby the disclosure record sheet (DRS) is not required to be completed in routine cases in the magistrates' courts. This is contrary to the Disclosure Manual which states that a DRS should be completed in all cases. The DRS was not completed in any magistrates' court case in our sample which included one relatively complicated youth robbery case.
- The Area is working with the judiciary to ensure compliance with the Crown Court Protocol on handling unused material and all prosecutors and caseworkers have been provided with a copy of the Protocol as part of the ongoing disclosure training programme within the Area. At the time of the AEI it was noted that there was the local practice of defence solicitors and counsel requesting items of disclosure from the prosecution and then listing the case for mention without going through the statutory procedures set out in the CPIA. The Court have now agreed that where this happens they will notify the CPS Case Progression Officer and allow the CPS 48 hours to resolve any issues after which the defence will be expected to list the case for a formal hearing.
- However, in one case in our file sample there were two failures by the prosecution to deal with an order for service of items of unused material which led to an order by the judge on the third occasion to disclose all the items at Court without the reviewing lawyer having examined them.
- The Area monitors the handling of unused material through its own specific quality assurance form for disclosure monitoring which is carried out monthly in addition to formal casework quality assurance (CQA). The CQA returns confirm that a robust approach is taken to the analysis. The self-assessed performance has improved by approximately 7.0% during the year, partly assisted by the new checks.
- The Area uses yellow folders for keeping disclosure separate on the file in Crown Court cases. The DRS is stapled to the front of the folder and was properly completed in all cases in our sample. Separate folders for unused material documentation are not used in cases in the magistrates courts, with material sometimes kept in envelopes at the back of the file and sometimes in the body of the main file.
- All sensitive material schedules and any sensitive unused material are stored appropriately and securely when required. There were no cases in our sample where there was sensitive material. Our findings in the AEI indicated that there was scope for improvement in the handling of cases involving sensitive material. There is a protocol in place for the disclosure of third party material for cases dealt with at the Crown Court sitting at St Albans and Luton.
- The Area has appointed a disclosure champion who has delivered extensive training and guidance and mentoring to colleagues when required across the Area.
- Training has been delivered to all prosecutors and caseworkers on the disclosure provisions of the Criminal Justice Act 2003 and the CPS/ACPO (Association of Chief Police Officers) disclosure manual and all new prosecutors and caseworkers are required to complete the e-learning module through the Prosecution College. Advanced Disclosure training has been delivered to some prosecutors, and revision training is currently being provided.

- Joint training has been delivered to a large number of Hertfordshire Police officers which was well received.
- The Area has worked hard to improve disclosure performance since the last OPA when the handling of unused material was assessed as poor. The Area Business Plan contains an objective to improve the handling of unused material and considerable time has been invested in training staff and monitoring performance. The reality checks above confirm there has been a significant improvement. The percentage of ineffective trials due to prosecution disclosure problems is 1.0% which is better than the national average of 1.9%.

7 CUSTODY TIME LIMITS	OPA 2005	OPA 2007	Direction of travel
	Fair	Fair	Stable

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

- During 2006-07 the Area revised its guidance on the management of custody time limits (CTLs), and distributed the updated documents to staff in each of the units. The CTL system complies for the most part with national guidance and best practice. The documents focus on processes and responsibilities and not on the legal aspects of CTLs. Legal issues are included as part of the Area CTL training module and most relevant staff undertook additional training in February 2007. In light of the comparatively high level of staff movement, care needs to be taken to ensure that new staff are given the necessary training in a timely manner.
- The Area has two CTL champions who have been involved in the necessary revisions to Area guidance and the provision of further training which were identified as weaknesses at the time of the last OPA; progress has been made in both aspects.
- The Area attaches significant importance to CTL compliance and controls are in place to minimise the risk of any failures; there were no failures reported in 2005-06 or 2006-07. There was one failure in 2007-08 which was reported to CPS Headquarters appropriately. A thorough review of the case was undertaken and lessons learned were shared with staff.
- The Area has not been successful in negotiating a protocol with the courts over the joint management of CTLs, although work is undertaken with the Crown Court to try and facilitate the setting of trials within time limits. The CPS and the courts are clearly concerned that the shortage of court space and subsequent backlogs in listing trials adds to the risk associated with the need to seek extensions to CTL time limits in a significant number of cases. Progress is being made in reducing the backlog which should improve the situation.
- There are regular and systematic checks of CTL files by managers. All files with a CTL are checked (and signed) by managers from the point that the case is registered. Controls have been strengthened in 2007-08 and monthly dip sampling is included as part of the Area's new Quality Assurance Framework. We saw evidence of issues being identified in the checks that were fed back to individuals. It was less clear whether any trends were identified and disseminated. However, the findings of our reality check of a small number of files indicates that the checks are not identifying all issues.
- The files seen during our reality checks indicated that there are still some administrative issues over the management of CTLs. Issues identified included: hearings not recorded on the case management system (CMS); files being monitored that were no longer subject to CTLs; unclear file endorsements; and one case that was incorrectly marked as a CTL file in CMS. All requests for extensions to custody periods were handled properly and all bar one of the calculations of time limits were correct (the one error was quickly detected and corrected by management checks). The front of the paper file was correctly endorsed with the appropriate limits and review dates in all five relevant cases.

- Area staff use a dual system of manual diary and CMS task list checks to monitor CTLs. There is scope to make such checks more robust as they had not identified some of the shortcomings on the files seen in our reality checks.

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

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

- The Area has worked hard to ensure compliance with the Victim's Code and the direct communication with victims scheme (DCV) (where the CPS writes to victims to explain its decision in cases where the charges have been discontinued or significantly altered) and performance has shown sustained improvement.
- The Area has a proxy target, set by CPS Headquarters, which is based on a prediction of the number of DCV letters that the Area would need to send if all required letters were sent. Performance against the proxy target improved throughout 2006-07 and continued to do so in 2007-08. In most months the Area achieves more than 100.0% of its target. Whilst the findings of the HMCPSI DCV Audit⁷ indicated that the proxy targets nationally tended to be unreliable, and changes to targets were contributing to improved outcomes, we were satisfied that there has been a genuine improvement in performance in Hertfordshire, primarily as a result of improved systems and monitoring.
- In 2006-07, 89.0% of letters which were actually sent were within the five day target compared to 73.0% nationally. Performance has continued to improve in 2007-08 and in the second quarter, 99.1% of letters sent were within target, placing the Area as the best performing nationally.
- The Area has undertaken two dip sampling exercises in relation to the quality of letters to victims, which highlighted some common themes. We examined a number of letters and the quality does need to improve, although some are already good. A more structured approach to management checks of the quality of letters to victims may be beneficial in the short term, until such times as the quality is consistently high. We found a few instances when the requirement to send a letter, had not been followed, even though there had been some contact with the victim, or the victim might have moved address.
- Although training has been provided reality checks indicate that the needs of victims and witnesses are still not always considered by duty prosecutors at the pre-charge stage, including the early identification of special measures. There were three sensitive cases in our file sample where victim and witness needs had not been considered at PCD, and a further case where the trial was ineffective due to the failure by the reviewing lawyer to make a timely application for special measures.
- The Area has four witness care units (WCUs) based within each of the CPS units, and staffed by a combination of CPS and police staff. The No Witness No Justice (NWNJ) review in May 2006 commented that the WCUs were working well. Our reality check confirmed that witnesses are warned promptly once a trial date is set, needs assessments are carried out, and appropriate contact is maintained to keep witnesses informed of the progress of their cases. The biggest risk

⁷ Direct Communication with Victims: An audit of CPS Performance in Relation to Keeping Victims Informed, published 27 September 2007

to witness care is the backlog of cases in the magistrates' courts and Crown Court, which means witness care officers often have to warn and de-warn witnesses for trials that do not proceed because too many cases have been listed. As a result witness attendance rates have been erratic over the course of 2006-07.

- All prosecutors have been given a copy of the Prosecutors Pledge and laminated copies have been displayed in all charging centres and CPS offices in the courts. Training has been provided to staff at Area training days. Formal monitoring takes place as part of advocacy monitoring or otherwise compliance is assumed to be adequate in the absence of complaints from other court users or victims and witnesses.
- We have commented under aspect 1 that we consider it to be inappropriate to drop a case involving a victim merely because it was not the subject of a pre-charge decision by a crown prosecutor, when this can be rectified by a prompt review and the non referral taken up with the police through a senior officer. This does not support the needs of victims and letters referring the victim to the police officer in the case are equally inappropriate.

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

- Management of victim and witness issues in the Area is good. The NWNJ sign over review by the national team in May 2006 was extremely positive and assessed that the WCUs in Hertfordshire were fully meeting 12 of the 16 measures in the 14 minimum requirements and partially meeting the other 4 measures. As a result no action plan was required. The Area is now satisfied that all the minimum requirements are being met. Systems are in place for the compliance with the Victims' Code of Practice and the first two quarters of 2007-08 show compliance at 82.4% and 100.0% respectively.
- The Area has received nominations for national and local awards relating to the services provided to victims and witnesses. Positive publicity has also been achieved at local and national level.
- The Area Business Manager is the Area Champion for Victims and Witnesses and chairs the multi agency victim and witness strategy group which is a sub group of the Hertfordshire CJB. The group usually meets quarterly and undertakes joint analysis of NWNJ primary and secondary measures. The Hertfordshire CJB has developed its own innovative accreditation scheme for staff aimed at raising the standard of witness care. This includes a programme of specialist training with short placements at The John Lewis Partnership store to develop customer care skills.
- In the magistrates' court, the proportion of trials which are ineffective due to witness issues has improved from the 3.9% Area baseline to 3.0% in 2006-07, against the national average of 3.2%. Conversely, performance has declined for cracked trials due to witness issues. In 2006-07 the proportion of these hearings stood at 5.4% against the national average of 5.3%, and the Area baseline of 4.6%.
- In the Crown Court, the proportion of trials which are ineffective due to witness issues has improved from the 4.4% Area baseline figure to 2.2% in 2006-07, which is marginally better than the national average of 2.3%. The rate of cracked trials due to witness issues has also improved from the baseline of 3.6% to 2.4% in 2006-07, which is better than the national average of 2.2%.

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

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

- The Area Business Plan (ABP) is aligned to the key performance targets of the CPS nationally. Whilst the commitment to progress against all targets is admirable we consider that greater priority could have been given to some aspects. In reality, the advocacy strategy and victim and witness care issues received most attention in 2006-07 with preparation for the CJSSS initiative taking on increasing significance in 2007. These were rightly given a high importance, whereas improving the operation of charging centres and improving the level of successful outcomes would have benefited from greater focus and more effective actions to deliver improvements. The plan included actions to support delivery of objectives; in some cases these were good, in others they could have been improved.
- The ABP establishes responsibility for delivery of objectives and includes relevant milestones and targets. Links are also evident to the Public Service Agreement targets.
- Reviews of progress against the ABP objectives are conducted by the Area Business Manager on a quarterly basis. The updated plan is shared with managers for comment and made available to staff on the Area's shared drive. There was evidence of some changes to the plan as a result of reviews.
- The Area made a conscious decision not to have unit plans in 2006-07 and they relied on a single Area wide plan to drive activity. It was anticipated that this would lead to a corporate approach to issues with consistency between the units. It is unclear whether a separate plan for the Crown Court Unit might have led to increased focus on issues specific to their unit. There are links in the high level plan to learning and development activity, to potential personal objectives and to risks. Unit heads developed team objectives with the intention that these could be linked to individuals through the appraisal process. This led to objectives being too generic with less use of specific personal goals than desirable.
- Joint planning with partners took place on a number of issues, some of which were successful, others less so. Planning for the NWNJ initiative was successful and in 2007-08 some positive work has been undertaken in preparing to implement the CJSSS initiative and conditional cautioning.
- In an effort to improve the confiscation of proceeds of crime, a dedicated resource was made available to the police for two days a week; this has subsequently been withdrawn following a review of the effectiveness of the scheme that showed that only limited use was being made of the facility.
- Whilst efforts were made to improve the throughput of cases through the available courts, this led to limited improvements in 2006-07 (this was in line with Area expectations). Some progress has been made in 2007-08 although whether the criminal justice agencies are yet providing good value for the additional funding to clear backlogs is questionable.

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

- As stated elsewhere in this report significant attention was given to implementing the NWNJ initiative in the Area and generally this has led to more positive results. This work will have helped to counter the negative impact of delays in setting trials in Hertfordshire. The Area has also done well in implementing its advocacy strategy for DCWs and HCAs, although reduced agent coverage and better savings from HCAs can still be achieved. It is too soon to judge if CJSSS and conditional cautioning will deliver the expected benefits. The ongoing management of the statutory charging scheme has been weak and the project has yet to deliver the anticipated benefits in Hertfordshire.
- Project initiation documents and templates are used for most national joint initiatives to manage the implementation process. Most of the major initiatives feature within the ABP which adds an additional layer of control to monitoring progress. There is evidence of some discussion on projects at AMT meetings.
- There are links between initiatives and learning and development activity and for the most part staff are trained prior to implementation. In some instances, the potential impact of implementing one project on other initiatives or aspects of work has been considered and features in the risk register; however, not all impacts were identified.
- There was some form of review of most initiatives in 2006-07, although the nature of review varied considerably. Where there has been an ongoing formal assessment process, as in the NWNJ initiative, then progress tends to be better; this tended to be joint projects. The Area performance management system was used to monitor other initiatives and outcomes; in some cases this was successful, but in others, limited progress was made.
- A risk register is maintained at Area level, in addition to risks that form an integral part of some major project plans. In 2006-07 the risk assessments were not applied to each countermeasure but were pitched at a higher level and some of the overall ratings were a little generous. As with a number of CPS Areas to whom risk management is a comparatively new concept, improvements are being made as managers become more familiar with the process. It was encouraging to see that further risks were added to the register during the course of 2006-07 as new issues became apparent. Risks are regularly reviewed and changes are sometimes made as a result of the reviews.

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

- High level links between business plans and training are established and are used in drawing up the Area Learning & Development (L&D) Plan. There was less evidence of individuals' needs, as identified in performance and development reviews (PDRs), being used to inform the plan (some PDRs were still outstanding in September 2007). The Investor in People assessment was generally positive about training activity in the Area and our findings indicate that training is afforded the appropriate level of importance.

- Whilst equality and diversity does not feature as a specific topic in the L&D plan, there are courses available that have links to diversity issues – for example hate crime and community engagement activity. Staff are expected to complete the on-line e-module course for diversity as part of induction. This is not evidenced in the training records seen, although we consider that this is an issue of recording, rather than the courses not being done. It is written into plans that flexible working practices and any disability should not be a bar to access to training.
- Most mandatory training has taken place for most prosecutors. There are still a few prosecutors who have yet to take the follow up proactive prosecutor training and the domestic violence courses were still ongoing at the time of this assessment. Improvements to the induction process are evident since the last OPA. The Area has not always found it easy to secure places on national courses and they have sometimes been able to 'piggy back' off other Areas' arrangements for local training.
- Some progress has been made in terms of the evaluation of training although there is still scope for improvement. Most evaluation is at a personal level through monitoring of cases and performance outcomes. The Area has introduced, in conjunction with the Hertfordshire CJB, an accreditation system for staff in the witness care units; this enables assessment of the effectiveness of training on victim and witness care.

10 MANAGING RESOURCES	OPA 2005	OPA 2007	Direction of travel
	Good	Good	Stable

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

- The Area had a very small overspend (0.1%) on its allocated non-ring fenced administrative costs (NRFAC) budget in 2005-06. In 2006-07 the Area operated within its budget with an outturn of 99.7% of its allocation, having received additional funding to cover increased caseload throughput. After a challenging start to 2007-08, additional funding has been received that improves the financial position substantially, and the Area is now forecasting an outturn within budget. Backlogs of finalisations, which impact on budget allocations, have been reduced.
- The Area has appropriate controls in place for purchasing supplies and services. In the co-located units the police provide all supplies. The Area has sought to deliver value for money through improved deployment of in house resources to court. Good progress has been made with increasing use of DCWs and HCAs, although the level of agents used to prosecute cases in the magistrates' courts is still high at 28.8% of court sessions covered.
- The budget is controlled by the secretariat, although unit managers are expected to contribute through appropriate controls on agent usage. Payroll is managed by the use of nationally provided spreadsheets and is generally satisfactory. There is a process for forecasting future expenditure although we consider that it would benefit from a more formal and precise approach.
- Prosecution costs are controlled well in CPS Hertfordshire. Work has been undertaken to ensure timely receipt of fee notes from chambers, and payments are usually processed promptly by Area staff. Performance in respect of the timely payment of graduated fees to counsel has been consistently better than the national average and is amongst the best in the country. The Area under spent by 3.7% against its prosecution costs budget despite having returned £100,000 to CPS Headquarters late in the financial year. The primary reason for the underspend was the lower than anticipated increase in throughput of work following the transfer of some cases to the Central Criminal Court in London.
- In 2006-07 the Area received additional funds of £113,000 to take account of increases to caseload and to cover for some temporary long term absence. There is limited evidence that this contributed to improved performance, although this was in reality 'replacement' funding as opposed to truly additional resources. Specific funding for the NWNJ initiative was used to provide staff who have contributed to improving services for victims and witnesses.
- We were a little concerned that funding provided by the Office for Criminal Justice Reform as part of the CJSSS initiative was not delivering the anticipated benefits. Significantly fewer than anticipated extra courts have been held due to staff shortages in HM Courts Service. Some extra courts have been held and the CPS have used some of the money to bring forward trial preparation work. If the additional courts do not happen then the extra money will have had limited benefit in reducing the backlogs for the CJSSS project. So far, the Area has used £70,000 of the additional £170,000 funding granted.

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

- The Area monitors its structures and staffing levels on a regular basis with regular reviews of unit staffing levels on a quarterly basis. The reviews are also used to inform budget decisions. Planned activity to rotate staff between the Crown Court Unit and the CJUs did not happen in 2006-07 but has started in 2007-08. This should help to overcome perceptions expressed at the time of our AEI that there was an imbalance of experience levels between the units. Some staff are used as a shared resource between units. The Area finds it difficult to recruit and retain staff, which has contributed to the high level of agent usage. Inspectors considered that the staffing models in place in 2006-07 could have been made 'smarter'.
- Deployment targets were set for lawyers and DCWs with an expectation that everyone would complete the equivalent of seven half day sessions each available week (for lawyers this includes coverage of charging centres). Adjustments were made from time to time to divert resources to preparation, or to increase deployment temporarily to cope with short term absences. Agent usage in 2006-07 at 28.8% of sessions was much higher than desirable, and higher than the national average of 19.6%; this remains an issue in 2007-08.
- DCW numbers varied throughout the year, with an annual average of seven staff in post. The Area has made good progress with DCW deployment and in 2006-07 they covered 17.6% of sessions in the magistrates' courts. This was an improvement on the previous year (13.7%) and is better than both the national average and target. There was scope for improvement, as DCWs were not fully deployed at court in 2006-07 and the total of 1,368 sessions was short of the target level for the number of staff employed: this equates to less than 5 sessions per DCW per available week (the release of a DCW for the Law Scholarship scheme will have affected the figures a little). Further progress has been made in 2007-08 and in the first half of the year the Area achieved 21.1% of sessions. Adjustments to court sittings to take account of CJSSS implementation and the installation of the new court IT system (LIBRA) are likely to jeopardise attainment of the stretching target of 25.0%. The provision of Saturday DCW courts will help reduce the potential impact of the revised sittings, and is a positive example of inter-agency co-operation. It also shows the commitment of DCWs.
- The Area was a Pathfinder site for expanding the use of HCAs in the Crown Court. The Area has a cadre of 4.8 full time HCAs, who concentrate on advocacy in the Crown Court, supported by a number of other qualified staff who undertake some sessions. There has been continuous growth in the number and complexity of cases covered and as a result the Area comfortably exceeded (by 21.1%) its target for counsel fee savings in 2006-07. HCAs covered trials for approximately 150 defendants. The 'value' of sessions undertaken (average counsel fees saved) was at the lower end of the scale and needs to be improved. There is a better infrastructure to support the HCAs now and further improvements are being made in 2007-08. The Area is heavily reliant on additional income from HCA savings to balance its budget in 2007-08.
- The Area has had comparatively low sickness absence rates over a sustained period. The average number of days lost to sick absence in 2006-07 was 7.1 which was better than the national performance and target. Whilst these are clearly encouraging figures, the trend shows gradual increases over time.
- The Area is supportive of flexible working practices provided they are consistent with the needs of the business. There is a little less variety in working patterns in CPS Hertfordshire than seen in many Areas.

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

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

- The Area has improved the format of its performance pack which is now aligned to the national performance framework and easy to understand. Performance is a standing item at Area Management Team (AMT) meetings and therefore managers are aware of aspects of performance that need improving. A follow-up meeting to AMT looks at some performance outcomes in more detail, but such meetings were rarely documented in 2006-07. There was limited indication of detailed discussion on performance at team meetings in 2006-07. The Area has recently developed a quality assurance framework that details the type, frequency and responsibility for a wide range of monitoring systems; this is a positive development.
- Performance information is available at unit level across a wide range of measures. There was awareness of the variation in outcomes between units, but limited indication of a proper understanding of the reasons behind the variation, or of any resultant sharing of good practice. In 2007-08, the performance pack also makes reference to comparative performance against CPS Bedfordshire and CPS Thames Valley (members of the same CPS Group), and also to the best and worst performers nationally.
- Managers have had variable success in translating knowledge of performance data into improved outcomes. On the positive side, improvements have been made in compliance with the casework quality assurance (CQA) scheme, the use of CMS, and the volume and timeliness of letters issued under the DCV scheme. Progress is mainly attributable to persistent cajoling of staff and increased levels of monitoring. On the other hand, limited progress was made in 2006-07 in respect of realising the expected benefits of the charging initiative, or in improving the level of successful outcomes in the Crown Court. It should also be borne in mind that whilst compliance with volume and timeliness targets for DCV and CQA has occurred, there are still weaknesses and inconsistencies in the quality of the letters and assessments respectively.
- Unit Heads are responsible for the performance of their units and are expected to deliver improvements where necessary. To some extent they are reliant on data provided to them by the performance officer or the Area Business Manager, who hold the licenses for the Management Information System used to extract performance data from CMS. The absence of a performance officer for parts of 2006-07 meant that relevant data was occasionally not available in a timely manner. Inspectors are concerned at the limited capacity for the provision of performance data in CPS Hertfordshire, which constitutes a risk to the Area in 2007-08 as the performance officer was due to leave at the time of this assessment. Despite our concerns over future capacity to deliver management information, we were satisfied that the Area has made some effective use of MIS in producing local reports to support performance management activity.

- There is a need to develop the analysis of performance data and the use of performance management techniques to deliver effective remedial actions to known aspects of weakness. More work needs to be done to ensure that managers understand the underlying causes of poor performance outcomes.
- Systems are in place to assure the quality of data in CMS. Reports are circulated to units to enable them to validate information before the data 'freeze' date (11th of the following month). Monitoring the quality of data will be reinforced by the new quality assurance framework implemented recently.
- There was some evidence in 2006-07 of use of the appraisal system to monitor and improve personal performance, although more could have been done through more targeted specific objectives. Some progress has been made in 2007-08.

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

- Area managers participate in inter-agency performance groups, although the overall effectiveness of some of the groups was variable in 2006-07. Prosecution team performance management (PTPM) meetings did not develop as anticipated, and it was not until 2007 that the meetings began to meet regularly with access to the relevant data. Unit heads attend Local Delivery Group meetings and take the lead in some issues. The ABM has the lead on the victim and witness strategy group.
- There is now a regular interchange of performance data between the criminal justice system agencies, although this did not always happen in 2006-07. The CPS provides the data for PTPM meetings and also shares information on adverse outcomes with the police; information is also provided to the Hertfordshire CJB performance officer. The courts provide information on cracked and ineffective trials data to the CPS.
- Evidence of joint strategies to improve outcomes is mixed. Some good inter-agency work was undertaken to improve the Area's performance in the handling of cases involving persistent young offenders. Whilst annual results for 2006 were still weak, improvements were made in the latter stages of the year and continue into 2007-08, and the Area consistently meets the 71 day target now. Positive work was also undertaken in establishing and maintaining the witness care units.
- The outcomes in respect of cases subject to pre-charge decisions have been weak over a sustained period, and efforts to improve the situation were inadequate in 2006-07. Following the post implementation review of July 2006 a further review has taken place in late 2007, although it is too soon to judge if this will lead to improved outcomes.
- Whilst recognising the challenges related to the shortage of courtrooms in Hertfordshire, only limited progress was made in 2006-07 in reducing backlogs and the timeliness of progressing cases. Better progress has been made in 2007-08 although more remains to be done. The introduction of CJSSS should also help if implemented effectively. The relationships between the courts and the CPS in 2006-07 were not conducive to effective joint improvement strategies; CPS managers are optimistic that improvements in relationships can be made in 2007-08.

11c Internal systems for ensuring the quality of casework and its prosecution at court are robust and founded on reliable and accurate monitoring and analysis

- The Area made a concerted effort to improve its compliance with the national casework quality assurance (CQA) scheme in 2006-07. After a first quarter performance of 72.0% significant improvement was made and the Area achieved its target volume of assessments in each subsequent quarter (100.0%, 113.0% and 112.0%).
- The quality of analysis on the forms was variable. Some clearly demonstrated a thorough evaluation of the file with positive and negative points being identified; others were noticeably less robust. Forms from the Crown Court Unit were of a higher quality, although this has not contributed to an improvement in casework results. Overall, the self assessed results indicate performance levels ranging between 90.0% and 93.0% which is just below national average in three of the four key categories with the fourth (victim & witness standard) just above. These would appear to be generally realistic assessments. In an attempt to understand and improve its performance on disclosure, the Area has developed a template of additional issues to be assessed during CQA checks; this is commendable and has contributed to improvements in this aspect of work.
- A number of the forms seen indicate an intention to feedback information to the lawyers and/or administrative staff concerned on issues identified in the checks. There was limited evidence of discussion at AMT meetings on the findings or trends of CQA analysis, although volumes are monitored as part of the performance reviews. The most common 'weakness' on forms examined in our reality checks related to information not being recorded properly on CMS rather than identifying issues that could contribute to improved casework outcomes.
- Since the last OPA, some progress has been made in introducing advocacy monitoring systems. The Area intends that all advocates should be monitored at least once a year, but priority is given to assessing newer and less experienced prosecutors. We examined a number of completed forms as part of our reality checks and there was evidence of assessors identifying salient points for feedback purposes. The Quality Assurance framework introduced recently outlines the frequency of monitoring based on experience levels. Formal monitoring by unit heads is supplemented by feedback from other regular court users.

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

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

- The Area has adopted the national vision and values which form the basis of local strategy and priorities. The 2006 Staff Survey and the Investor in People (IiP) assessment indicate that staff were aware of the national vision.
- Area plans and strategies are generally aligned to national priorities. Progress is monitored through the performance reporting mechanisms that are discussed at the monthly Area Management Team (AMT) meetings. As managers at all grades attend the AMT they are aware of Area priorities and their responsibilities for ensuring delivery. Whilst there was understanding of where further attention was required, this did not always translate into improvements – see Aspect 11 for further details. Area managers have traditionally contributed to national strategies through participation in committees and particularly through provision of training on a national basis; such activity was curtailed for some managers, as local issues took priority.
- At the time of the Area Effectiveness Inspection in February 2007, there were some tensions between CCU and CJU staff. This tended to be as a result of lack of understanding of each others issues. Plans to rotate staff did not come to fruition in 2006-07, but have since been implemented, and this should assist in the flow of information. For the most part we were satisfied that managers behave in a corporate manner and take an Area perspective on issues. Although there have been some good examples of the Area's willingness to contribute to national strategies, for example, through the provision of training, there have also been instances where the Area could have worked more effectively with CPS Headquarters and other stakeholders. An evaluation of leadership skills conducted by Area managers in early 2007-08 recognises that further improvements can be made.
- Communication presents challenges in multi-site Areas and some shortcomings were apparent in 2006-07. There was inconsistency in the frequency and effectiveness of team meetings in 2006-07. This was reflected in the findings of the staff survey, where results in respect of communication were slightly worse than national averages. Improvements are evident in 2007-08, although more remains to be done. Staff in the CJUs had limited contact with their colleagues or senior managers in 2006-07. The annual training day is the main opportunity for most staff to get together, as there are no cross unit groups/committees in which staff could participate. The introduction of an Area newsletter in 2007-08 could assist in enabling key corporate messages to be cascaded.
- Senior managers have limited contact with staff, particularly those in administrative roles, in the units. At the Area training day the CCP outlines Area priorities, although the timing of this meeting (November in 2007-08) for this purpose is not helpful. Meetings are occasionally held outside St Albans to give some opportunity for interaction with a wider range of staff. The CCP attends court at which time he can communicate with prosecutors. The ABM held meetings with staff over the proposal for Saturday courts for DCWs. Senior managers have an objective to raise their profile with further visits to the CJUs.

- Whilst on a day-to-day basis there are some positive working relationships with other criminal justice agencies, overall there is a need to develop more effective partnership arrangements. There were indications of a blame culture and a need for a more constructive and collaborative approach to problem solving. This is particularly apparent in relationships with court personnel and we had recommended in the AEI report that the CCP, ABM and Unit Heads needed to engage fully with HM Courts Service to address long standing issues in the courts in Hertfordshire. The Area has done some positive work in evaluating leadership in the Area. As part of this assessment, conducted in early 2007-08, they recognised the need for improvements in inter-agency relationships.
- Notwithstanding the issues raised above, Area managers are involved in a number of inter-agency fora designed to implement initiatives or improve performance (see aspect 11). Unit heads participate in, and chair some, sub-groups of the Hertfordshire CJB. The ABM chaired the Victims and Witnesses group that successfully implemented the NWNJ initiative. One of the Unit Heads has contributed to the implementation of CJSSS.
- Area managers have not always demonstrated a willingness to learn through experience and do not always react well to feedback. However, there are some examples where improvements have been made as a result of reviews, for example the DCV scheme. Dual case progression systems have been run in the Crown Court Unit to establish the benefits of each. There are signs of increased interaction with other CPS Areas to identify and share any good practices.

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

- The results from staff surveys (including the 2007 Pulse Survey) are not particularly strong in respect of acknowledgement of good performance and the provision of constructive feedback. However, inspectors saw evidence in a number of documents of positive attempts by managers to recognise achievements. This ranged from acknowledgement at individual and team level in minutes of meetings, through to nominations for local and national awards. Articles on positive achievements in the Area have been featured in CPS News.
- Area managers recognise the importance of ensuring that staff treat each other with respect. Remedial action has been taken for the isolated incidents where the dignity at work ethos has not been sustained. The liP assessment findings were positive, citing a 'friendly, open and co-operative atmosphere' in the units; we noted good levels of morale among staff in our AEI report. At the time of the 2006 Staff Survey the Area scored just below the national average in respect of dignity at work issues; however, in the recent Pulse Survey results had improved and were now better than the national picture (based on smaller sample). The Area has an objective in the 2007-08 business plan to develop a CPS Hertfordshire Valued Behaviours framework. One formal complaint was made in 2006-07 and was being investigated through the appropriate channels.
- Equality and diversity related objectives and actions are integrated into the ABP and the Learning and Development Plan. Issues covered include equitable access to training, workforce representation, community engagement and improving outcomes in cases involving hate crime. There is scope for further 'mainstreaming' but there is a solid foundation on which to build. Plans to develop a local single Race Equality Scheme have been overtaken by the CPS restructuring, and this will now be carried forward on a regional basis.

- The Area work force was comprised of almost 75.0% females and approximately 18.0% of staff were from black and minority ethnic groups in 2006-07. These are both significantly higher than the make up of the local working population. The Area has a workforce development plan which for the most part is looking to maintain the status quo. The Area plans were the subject of some criticism from CPS Headquarters in 2006.
- The ABM and the Learning and Development (L&D) manager take the lead on equality and diversity issues within the Area. There are no specific CPS groups that focus on equality issues as the Area has attempted to devolve this responsibility to operational level, for example, by ensuring that training and recruitment activity take account of equality issues in all their work. The L&D manager participates in the Hertfordshire CJB Confidence sub-group and the ABM attends the Race Equality group.
- At the time of the AEI some concerns were expressed by CJU staff over the role of the HCAs, although this was based mainly on a lack of understanding of their responsibilities and importance in terms of budget compliance. Managers will need to ensure that the cadre of full time HCAs do not become detached to the point of appearing effectively outside the organisation. It is also important that all staff can benefit from the level of experience of these lawyers. The CCP and ABM have objectives to ensure that they visit CJUs more frequently to minimise the risk that staff in those units feel isolated from contact with senior managers.
- Staff have been reminded of Area policies on use of IT generally and the internet in particular. A small number of minor cases of inappropriate use have been detected and dealt with by managers.

13 SECURING COMMUNITY CONFIDENCE	OPA 2005	OPA 2007	Direction of travel
	Fair	Fair	Stable

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

- Since the last OPA the Area has drafted a community engagement strategy, which is based closely on the national template and therefore a little generic. Area staff found it difficult to make significant progress in 2006-07 as other commitments and priorities took precedence. Plans to recruit a dedicated Community Engagement Officer were put on hold due to budgetary constraints.
- Community engagement featured in the 2006-07 Area Business Plan. Most of the actions were consistent with an Area in the early stages of development and the reviews of the plans indicated that progress was limited. Some items were carried over to the 2007-08 plan and better progress has been made in the current year, although more remains to be done.
- Whilst the importance of community engagement is recognised in the Area, staff found it difficult to devote much time to the issue and as such the range of pro-active engagement was limited. The Area recognises the need to broaden the range of engagement activity undertaken. A number of the activities listed in the 2006-07 community engagement log were internal meetings with criminal justice partners, although it is accepted if such meetings lead to improved outcomes they may have a beneficial effect on community confidence. There has been limited work with black and minority ethnic groups, although meetings with the Jewish community and attendance at the multi-cultural Kaleidoscope Festival have taken place in 2007-08. The Race Equality Council in Watford, with whom Area managers were developing a relationship, no longer exists due to funding difficulties. Some positive engagement on knife crime has taken place recently with a local secondary school and the Area offers placements to work experience students on a regular basis.
- The Area has access to demographic data through the Hertfordshire County Council, although they were unsure as to when it was last updated. Plans to update CPS lists of community groups have been amended in favour of utilising existing lists available through County Council web-sites.
- The community strategy document includes a list of typical groups at risk of exclusion and discrimination, but does not expand on where efforts should be targeted in Hertfordshire. Some positive work has been undertaken in conjunction with the courts to tackle the problem of 'purse dipping' which is usually targeted at elderly citizens. The Area is working with CPS Bedfordshire on the development of a joint Hate Crime Scrutiny Panel that will focus on engagement with community groups on hate crimes. This is a national initiative and CPS Headquarters requires it to be established by April 2008.
- In common with a number of CPS Areas in the early stages of development of community engagement activity, there is as yet limited evidence of improvements as a direct result of the liaison work. The work on knife crime and 'purse dipping' should have a positive impact.

- There is no measure of confidence specific to the CPS. The British Crime Survey figures show that confidence in the ability of the criminal justice agencies in Hertfordshire to bring offenders to justice stood at 45.0% at the end of 2006-07. This is better than the national average (43.0%) and similar to the figure recorded at the time of the last OPA.
- The Area continues to develop its relationship with the media and there has been some effective liaison on specific cases. Senior members of staff have taken part in TV and radio interviews on individual cases and occasionally on more general issues. Higher court advocates from the Area are participating in the filming of a TV documentary.

ANNEXES

A PERFORMANCE DATA

Aspect 1: Pre-charge decision-making

	Magistrates' courts cases				Crown Court cases			
	National target March 2007	National performance 2006-07	Area performance		National target March 2007	National performance 2006-07	Area performance	
			2005-06	2006-07			2005-06	2006-07
Discontinuance rate	11.0%	15.7%	17.6%	17.9%	11.0%	13.1%	17.8%	16.0%
Guilty plea rate	52.0%	69.2%	60.8%	59.2%	68.0%	66.5%	53.6%	62.8%
Attrition rate	31.0%	22.0%	28.8%	27.7%	23.0%	22.2%	32.7%	27.0%

	National performance 2006-07	Area performance 2006-07
Charged pre-charge decision cases resulting in a conviction	78.0%	72.4%

Aspect 2: Ensuring successful outcomes in the magistrates' courts

	National performance 2006-07	Area performance 2006-07
Successful outcomes (convictions) as a percentage of completed magistrates' courts cases	84.3%	83.3%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	43.5%
Cracked trial rate	37.3%	33.4%
Ineffective trial rate	18.9%	23.1%
Vacated trial rate	22.5%	29.4%

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

National target	National performance 2006	Area performance 2006
71 days	72 days	84 days

Offences Brought to Justice

	CJS area target 2006-07	CJS area performance 2006-07
Number of offences brought to justice	19,982	26,844

Percentage make up of Offences Brought to Justice	National 2006-07	Criminal justice area 2006-07
Offences taken into consideration (TICs)	8.5%	9.0%
Penalty notices for disorder (PNDs)	10.3%	17.7%
Formal warnings	5.8%	5.2%
Cautions	26.5%	27.8%
Convictions	48.8%	40.3%

Aspect 3: Ensuring successful outcomes in the Crown Court

	National performance 2006-07	Area performance 2006-07
Successful outcomes (convictions) as a percentage of completed Crown Court cases	77.7%	72.1%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	50.4%
Cracked trial rate	39.5%	34.7%
Ineffective trial rate	12.4%	14.9%

Proceeds of Crime Act orders	Area target 2006-07	Area performance 2006-07
Value	£1,048,776	£508,739
Number	32	40

Aspect 10: Managing resources

	2005-06	2006-07
Non ring-fenced administration costs budget outturn	100.1%	99.7%

Staff deployment	National target 2006-07	National performance 2006-07	Area performance 2006-07
DCW deployment (as % of magistrates' courts sessions)	17.2%	14.7%	17.6%
HCA savings against Area target	100%	138.4%	121.1%
Sickness absence (per employee per year)	7.5 days	8.5 days	7.1 days

Aspect 13: Securing community confidence

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

CJS area baseline 2002-03	2004-05 (last OPA)	Performance in 2006-07
45.7%	45.0%	45.0%

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

We relied upon our consultations with representatives and organisations during the Area effectiveness inspection.

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

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

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