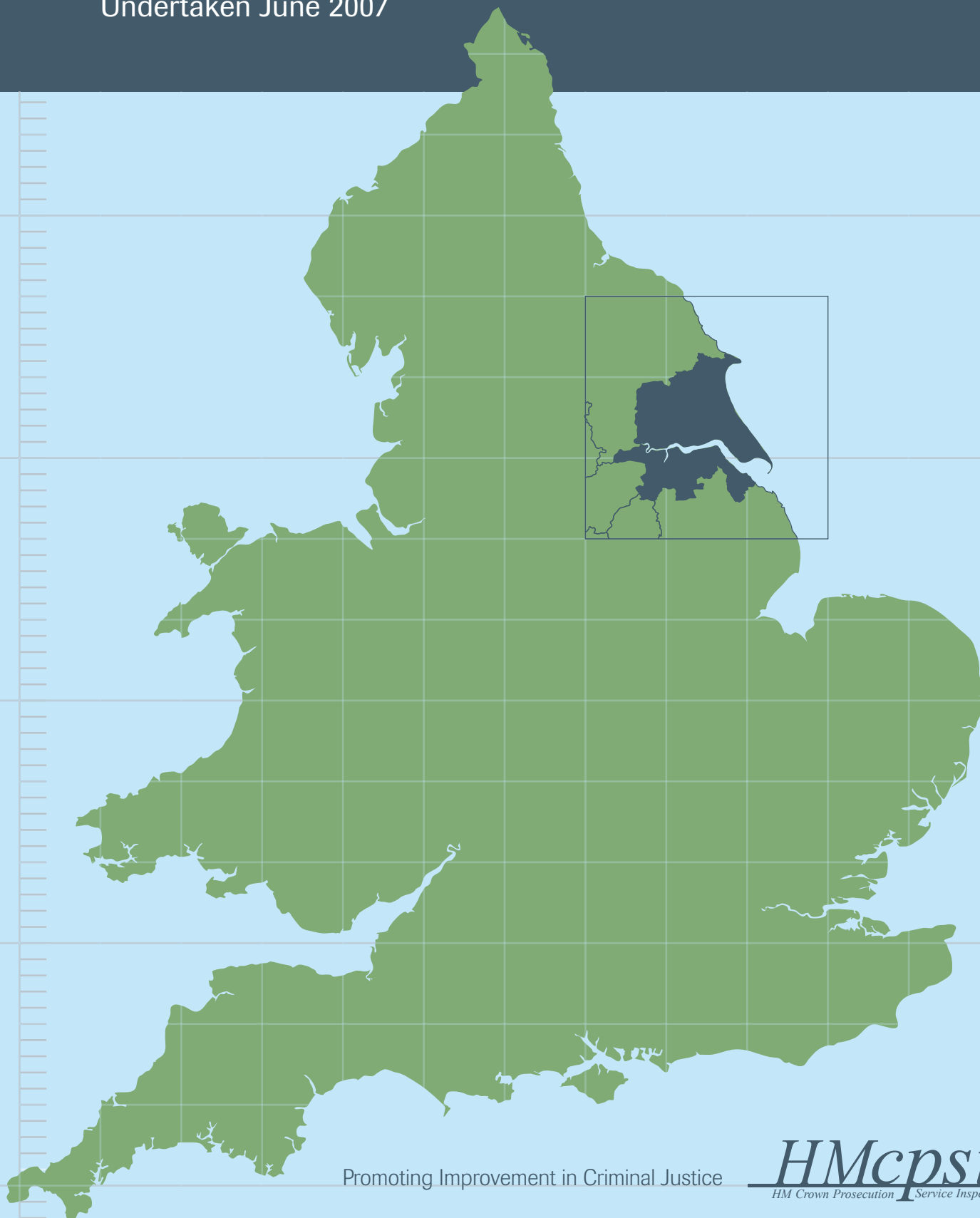


CPS Humberside Overall Performance Assessment

Undertaken June 2007



Promoting Improvement in Criminal Justice

*HMcp*si**
HM Crown Prosecution Service Inspectorate



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ABBREVIATIONS

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

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

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A INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS

This report is the outcome of Her Majesty's Crown Prosecution Service Inspectorate's (HMCPSI) overall assessment of the performance of the Crown Prosecution Service (CPS) in Humberside 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 Humberside serves the area covered by the Humberside Police. It has three offices, one at Hull, where the Hull and East Riding Criminal Justice Unit (CJU) and the Hull Trials Unit (TU) are based, another at Grimsby where there is a combined CJU/TU and a third at Scunthorpe which is a combined unit co-located with police staff. The Area Headquarters (Secretariat) is based at the Hull office.

During the year 2006-07 the Area had an average of 110.9 full time equivalent staff in post, and a budget of £5,066,911. This represents an 11% increase in staff, and a 26.6% increase in budget since 2004-05, the period covered by the Area's last OPA.

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

Pre-charge work¹

2004-05		2006-07	
Written advice	1,631	Decisions resulting in a charge	5,697
Pre-charge advice (where available)	8,016	Decisions not resulting in a charge ²	2,715

Magistrates' courts proceedings (including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Magistrates' courts prosecutions	20,585	14,887	-27.7%
Other proceedings	143	19	-86.7%
Total magistrates' courts proceedings	2,0728	14,906	-28.1%

Crown Court proceedings

(including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Cases sent or committed to the Crown Court for determination	1,697	1,647	-2.9%
Committals for sentence ³	711	630	-11.4%
Appeals from the magistrates' courts ³	84	178	+111.9%
Total Crown Court proceedings	2,492	2,455	-1.5%

In 2006-07 45.4 % of offences brought to justice (OBTJ) 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

The region of Humberside has undergone a challenging time in that it has received general adverse publicity that is likely to have affected public confidence. The CPS in Humberside has benefited from stability in its management team. As they were at the forefront in implementing national initiatives, those aspects of work have had time to mature and results are generally very positive.

Summary

Overall, CPS Humberside continues to perform strongly and casework outcomes in many categories are among the best in the CPS. Four individual aspects are rated as 'Excellent', eight are 'Good' and one is 'Fair' – this is a commendable achievement.

Pre-charge decision making continues to progress well and Area performance against benefits realisation targets is excellent. There are regular performance meetings between CPS Humberside and the police and these are becoming increasingly effective. There is still some work to do in clearing outstanding cases in Hull and issues persist with regard to police unique reference numbers.

Area performance in respect of successful outcomes in the magistrates' court is very good and improving, as is the level of ineffective trials. Performance against other Public Service Agreement targets is less good; performance against the persistent young offender (PYO) target for the number of days from arrest to disposal has deteriorated and could be at risk in the future, and the Area just achieved its target for offences brought to justice (OBTJ) in the final month of the year. The Area was aware of the need to improve the preparation of committals, but limited progress was made in 2006-07.

In the Crown Court the figures in respect of successful outcomes and ineffective trials are excellent. The Area has improved its performance in respect of proceeds of crime cases and comfortably exceeded its target. As with the magistrates' courts work there are robust systems for monitoring adverse cases and they are learning from experience. Whilst not fully within the control of CPS Humberside, reduction in the incidence of cracked trials is desirable. The preparation of instructions to counsel and committal papers needs improving.

There are formal case progression functions and regular discussions between the agencies on individual cases. Despite this, there is room for improvement, as there are still too many ineffective hearings including pre-trial reviews and committal hearings.

Performance with regard to sensitive cases is excellent, and particularly so in respect of domestic violence offences. Area champions are proactive and effective for CPS staff and external stakeholders. CPS Humberside were very responsive to the Inspectorate's thematic reviews and have recently appointed a dedicated manager to carry forward issues with regard to the handling of rape cases.

Although the Area undertakes a significant amount of monitoring of custody time limits (CTLs), there are still some weaknesses. The Area has had two failures in the qualifying period, and our reality checks showed other shortcomings, albeit most of these had been detected by the Area's quality control checks. Training is required to ensure that more complicated cases with multiple offences and jurisdictions are handled appropriately.

Good progress has been made in the provision of services to victims and witnesses. Performance in respect of the direct communication with victims (DCV) scheme has improved considerably since the last OPA, and the Area has monitored and improved compliance with the Victims' Code generally. The Area meets, at least partially, all the minimum standards of the No Witness No Justice (NWNJ) initiative. Ongoing joint work to improve the identification of individual witnesses' needs at the outset of the case needs to be driven forward.

CPS Humberside has sound processes for planning and implementing change. The Senior Management Group (SMG) monitors progress and ensures that the Area has a proactive approach with criminal justice partners to any new initiatives. Planning is advanced with regard to implementing conditional cautioning, Simple, Speedy, Summary justice initiative (CJSSS) and a local Community Justice project. Planning and training for a restructure of administrative staff in Hull could have been managed better.

The management of non-ring fenced running costs is good, but more work needs to be done with regard to prosecution costs. The Area has improved dramatically the deployment of higher court advocates (HCAs) and exceeded (by a factor of three) the Area target for resultant counsel fee savings. They have also made great progress in sending designated caseworkers (DCWs) to court – they covered 19.6% of sessions which was third highest in the country. We had some concerns as to whether the Area took full advantage of the opportunities this improvement in deployment offered.

There is a strong performance culture within the CPS in Humberside, and managers have access to comprehensive data packs. Data is used to drive up performance at individual, team and Area level. Joint performance with partner agencies is generally good and developing.

There is strong leadership in the Area and priorities are identified and understood by staff. Managers have responded to staff survey findings and have strengthened communication and recognition of good performance. Whilst liaison and co-operation between criminal justice agencies is generally good, there is scope for improvement in relationships with some courts. Equality and diversity has been integrated into Area and unit plans.

Progress continues to be made in engaging with the community. Joint work with the Criminal Justice Board Diversity Panel is focused on engaging with specific minority groups. Significant progress has been made in raising the profile of CPS Humberside with the media. Despite the efforts of the Area and the positive performance outcomes, public confidence in the ability of the criminal justice system in Humberside to bring offenders to justice is the lowest in the country (32.5%).

Direction of travel

There is a slightly mixed picture in that three aspects have declined (albeit two of those are still Good) and four have improved. We are aware of remedial actions already underway to address some of the issues in aspects that show some decline. Of those that have been rated as stable (all Good), the majority have made some improvement.

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

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

D DEFINING ASPECTS

1	PRE-CHARGE DECISION-MAKING: MANAGEMENT AND REALISING THE BENEFITS	OPA 2005	OPA 2007	Direction of travel
		Excellent	Excellent	Stable

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

- The Area provides cover at four charging centres on a 9am to 5pm basis five days a week. Another charging centre is covered once a week with additional support available by telephone and fax. There are periodic reviews to ensure that cover remains appropriate and some changes have been made as a result. Lawyers are usually rostered for half day sessions at charging so that there is no break in the service provided over lunchtime.
- There is a gatekeeping function carried out by police evidence review officers who quality assure the files and check that only appropriate cases are sent through to the duty prosecutors. The management of bail is also part of their function, and is also discussed regularly at police/CPS liaison meetings.
- Appeals against charging decisions and inappropriate requests for advice, are subject to established and recognised procedures and systems, although both are rare. Liaison with the police is at meetings held monthly between each police Basic Command Unit (BCU) and the Unit Head (UH) for that borough. Isolated incidents, such as where a case could not be taken because the lawyer was not available until 5pm, have been addressed as they arose. Where more general matters have been raised, for example on serious assaults or assaults on NHS staff, action such as guidance to duty prosecutors has then resulted.
- An out-of-hours service is available from senior managers for the most serious cases and there are specialist charging clinics for sexual offences. A protocol is in place for serious casework, most of which comes straight from the police specialist teams to the Complex Casework Unit.
- The records of charging decisions, made usually in an electronic format, are called MG3s. They should accurately record the evidence seen, relevant issues and the advice, and the ethnicity and gender of the suspect. Our reality check showed that the latter were properly recorded in 14 out of 20 MG3s we looked at on the Case Management System (CMS). There was also a tendency not to record all the evidence examined. Otherwise, the MG3s were properly completed by the duty prosecutors. The rate of usage of CMS for charging decisions is very good (95.6% against a target of 90%) and those with MG3s is also good (86.9%) but ought to be higher, given that it is Area policy that charging advice cannot be given without an MG3 with a URN from the police.
- Outstanding charge cases have not been cleared systematically, which hampers the effective management of ongoing cases and bail periods. The difficulty is partly due to different “unique” reference numbers (URNs) being issued by the police at different stages for the same case,

particularly in Hull. Each BCU and UH have set up processes to clear the cases, but checks on CMS show that there is still work to be done, particularly in Hull.

- The URN problem also contributes to the level of cases recorded as 'undefined' in the CMS system. This is currently twice as high as the national average and will have an adverse impact on some of the management reports and data on statutory charging. Whilst internal procedures can reduce the incidence of 'undefined' outcomes, the long term goal must be to work with the police to resolve the problem at the outset.
- The relationship with CPS Direct (CPSD) is established and effective, and feedback is given where necessary. CPSD data is shared and the CPSD representative for the Area attends some BCU-UH meetings.
- Conditional cautioning has been operational in two divisions since December 2006, and has been closely monitored since. Lower than anticipated levels of uptake (9 cases from December to March) have led to some joint work between CPS Humberside and the police to verify that all appropriate cases are being identified. Conditional cautioning is routinely discussed at BCU meetings, Local Criminal Justice Board (LCJB) and the senior managers' meetings.

1B The Area ensures that pre-charge advice and decisions are in accordance with the Director's guidance, the Code, charging standards and policy guidelines

- The Area trains duty prosecutors on a range of topics, including fraud, Anti Social Behaviour Orders (ASBO), and provides guidance where issues become apparent from liaison with the police or the Area's monitoring. CPS Humberside considers that its training on proceeds of crime (POCA) from the point of charge has contributed to the good performance on the POCA targets, discussed in Aspect 3A below.
- The Area's assurance check takes the form of UHs monitoring MG3s, quality assuring one file per prosecutor per month, and checking all adverse case outcomes. The monitoring includes any cases on which the decision is to take no further action or offer a conditional caution. There is also a newly-established casework forum for practitioners to discuss legal developments and any difficult areas of casework.
- In one case of the ten examined on site, we disagreed with the decision to charge and proceed to trial; that case resulted in a judicial ruling that the offence was not made out. In the other nine files seen, the decision-making was sound, and in a further 10 discontinued cases where we examined the MG3s on CMS, the judgements appeared soundly based on the information available.
- Reality checks found that policy was applied appropriately (3 domestic violence cases) and ancillary orders identified (2 cases) where applicable.

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%	9.7%	9.7%	11.0%	13.1%	10.2%	7.3%
Guilty plea rate	52.0%	69.2%	80.7%	82.3%	68.0%	66.5%	76.9%	80.9%
Attrition rate	31.0%	22.0%	13.5%	11.8%	23.0%	22.2%	17.3%	13.3%

- The benefits of charging are being realised. There were concerns about the rate of Crown Court discontinuances, but efforts to address this have met with success, and the Area now rates as 'Excellent' on this and four other of the six measures (discontinuance, guilty plea and attrition in magistrates' courts and the Crown Court). The one remaining measure, the Crown Court guilty plea rate, is assessed as good. In each, the Area is outperforming national targets and averages. The combined successful outcome rate from charging cases is 87.9%, which is better than target (87%) and much better than the national rate (78%).
- The Area analyses performance data, including that on benefits realised, no further action cases, and failed cases, both internally and with the police, using the data from the Prosecution Team Performance Management (PTPM) initiative and that from the Area's own analysis. Each unit has quarterly performance reviews with the Chief Crown Prosecutor (CCP) and Area Business Manager (ABM) at which performance on charging is discussed. The BCU meetings cover performance, including cases with no further action, and the LCJB meetings also look at sanction detection rates. There was also a one-off meeting between the police and CPS Humberside in March 2007, attended by, amongst others, the Chief Constable and CCP, at which a number of issues were aired and actions agreed.
- Results from monitoring, progress on conditional cautioning, and any key messages for staff on charging practice are delivered through team meetings or formal guidance, and through the staff performance pack. Witness issues when making pre-charge decisions as a result of analysis show a high number of unsuccessful cases where witnesses failed to continue to support a prosecution.

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

2A Successful outcomes are increasing

Case outcomes in the magistrates' courts	National performance 2006-07	Area performance 2006-07
Discontinuance and bindovers	10.8%	7.5%
No case to answer	0.2%	0.2%
Dismissed after trial	1.9%	1.1%
Discharged committals	0.2%	0.1%
Warrants	2.6%	1.6%
Overall conviction rate	84.3%	89.5%

- The overall conviction rate for magistrates' courts cases (89.5%) is better than the national average (84.3%) and has improved each year since 2004-05. The rates for different types of unsuccessful outcome, set out in the table above, are better than nationally in all but one category, (cases resulting in no case to answer) where performance matches the national level. Discharged committals as a percentage of committals heard (0.1%) is noticeably better than national average.
- Any case that has received pre-charge advice cannot be discontinued without the approval of a UH. Managers also monitor all adverse cases, and prepare a report which is included in the performance information considered by SMG each month. The adverse outcomes are also discussed at the monthly meetings of UHs with each of the four police BCUs. UHs are held to account for adverse cases at their quarterly reviews with the CCP. The BCU meetings also look at discontinuance rates and attrition. They have identified aspects of work where issues may be emerging, and guidance has then been issued to lawyers, for example, in charging motor vehicle crime where the case depends on forensic evidence.
- The adverse case report for the SMG does not pull out trends or themes, or consistently identify whether the Areas' or police action could have prevented the result. A different version of the same report for the police contains more information about lessons that could be learned, but there is scope for improving the analysis for internal use. This applies equally to Crown Court cases.
- Humberside Criminal Justice Area has met its target for OBTJs; a possible shortfall was identified early in the year, and efforts to address it resulted in improved performance and the target was eventually exceeded by 2.2%. A significant factor in the final outcome was the high proportion of fixed penalty notices issued by the police. The percentage of convictions (45.4%) within the total OBTJs is at about the same level as the national average, and CPS Humberside contributes by minimising attrition.

- Performance in respect of the timeliness of handling cases involving PYOs is variable. For the calendar year 2006 the Area figure was 67 days. Whilst this is within the target of 71 days from arrest to disposal it represents a significant deterioration from the 2005 figure of 55 days. The Area has endeavoured, with partner agencies, to identify the possible factors affecting performance, and where improvements can be made; these include better identification of PYO cases at the outset, the impact of summoning youths, and timely sentencing. A number of actions have been set out by the Humberside Criminal Justice Board's sub-group for performance delivery, and the group also sought advice from the Office of Criminal Justice Reform. This is particularly important as recent figures suggest that the time taken from arrest to charge has been underestimated in the past and true performance may be worse than shown. The target is at risk for 2007-08.
- Staff are kept up-to-date with the latest performance data and other information on case management via emails, newsbrief, team meetings, and a monthly staff performance report. Where issues are identified relating to a specific member of staff, they will be addressed on an individual basis. The Area has also recently instituted a Casework Forum for legal staff to consider emerging issues in the law and any trends in the Area's casework and to feed back any lessons that can be learned. The Forum has met once and circulated a bulletin with the key issues raised.

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%	42.7%
Cracked trial rate	37.3%	42.6%
Ineffective trial rate	18.9%	14.7%
Vacated trial rate	22.5%	18.6%

- The standard of police files is monitored by the Case Progression Officer (CPO) initially, and assesses timeliness and quality; lawyers can then add comments about missing evidence, and the final data will reflect the additional comments. Performance on magistrates' court files has improved and most are now satisfactory.
- The standard of decision-making is monitored by the UH checking adverse cases and charging advices, and by the Casework Quality Assurance scheme (CQA), which dip-samples one file per lawyer and DCW per month. Our reality check shows a high standard of decisions, and no instances in magistrates' courts cases where the Area could have done more to avoid an adverse outcome.
- The recording of decisions, however, is in need of attention. In our file check, one of the five files had a full review recorded on CMS, and two cases had typed reviews on the file itself but these had not been copied over to CMS. In one case, the review referred to the need for more evidence before a decision could be made but there was no further review when it was received, and one review was simply copied from the charging decision with no indication that the full file had been reconsidered.

- The Effective Trial Management Programme (ETMP) and case progression meetings with the police, court and witness care are embedded, and have shown benefits, and there is a dedicated case progression meeting for youth cases, attended by the youth offending team as well as the court, police and CPS. However, some issues recur, and whilst planning for CJSSS appears to be on track, more work will be needed to ensure that the Area is ready for the challenges it presents in terms of the number of hearings and readiness on the part of the prosecution team. This is particularly true with regard to the preparation of committals (primarily in Hull). This has been a known problem for some time but this is one of the few aspects where remedial action is not yet effective.
- The main benefits of case progression to date have been better timeliness and the ineffective trial rate. Timeliness for adult and guilty pleas has improved across the year, and adult and youth rates are better than nationally, although the rate for youth trials is worse. The ineffective trial rate has fallen from the previous year, and is now, at 14.7%, significantly better than target (18%) and the national average (18.9%).
- Vacated trials make up 18.6% of all trials, compared to 22.5% nationally. This and the ineffective trial rate are better, but the overall effective trial rate is worse than nationally because of the high rate of cracked trials; 42.6% compared to 37.3% nationally. Detailed data is available on the reasons for cracked, ineffective and vacated trials, and in all cases, the prosecution is responsible for a smaller proportion than nationally. The data is analysed and the outcomes fed back to staff in team meetings and the staff performance report, but there is less evidence of a joined-up approach to significant contributors like late guilty pleas.
- Reality checks on CMS show a significant number of tasks outstanding past their due and escalated dates, including full file reviews, recording hearing outcomes, and finalising cases. The usage rates of CMS for these three tasks are 84.8%, 41.3% and 25.4% respectively. Operational managers hold regular meetings to discuss CMS usage, units have targets, and performance is assessed at the quarterly reviews for all units. However, the reports available to the managers still show significant backlogs in tasks, so that it appears that the work is still outstanding, even if, as the Area says, the job itself has been done but the task was not marked as completed.

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

3A Successful outcomes are increasing

Case outcomes in the Crown Court	National performance 2006-07	Area performance 2006-07
Judge ordered acquittals	13.1%	7.0%
Judge directed acquittals	1.4%	1.3%
Acquittals after trial	6.5%	4.0%
Warrants	1.3%	0.3 %
Overall conviction rate	77.7%	87.4%

- The rate of unsuccessful outcomes is 12.6%, which is markedly better than the national average of 22.3%. The trend since 2005-06 is one of improvement, and in each of the categories, the Area has outperformed the national rate.
- Crown Court cases are subject to checks of charging decisions prior to dropping cases, and analysis is carried out after cases fail. In addition, HCAs who are not the reviewing lawyer in a case should consult that lawyer before reducing or dropping a charge. Adverse case outcomes are discussed at meetings with the police in each borough, and also addressed in Area and unit reports, SMG meetings and in unit quarterly performance reviews.
- The Area comfortably exceeded both targets for orders under the POCA. There were 51 orders (with a target of 32) with a total value of nearly £968,000 against a target of just over £729,000. The Area is alive to the need to enforce these orders, and the Humberside Criminal Justice Board's Performance Delivery sub-group has been looking at actions to increase the sums recovered. There have been discussions with HM Court Service's regional enforcement team and the Area is pressing lawyers to consider restraint applications so as to ensure that the funds are already made available to meet a subsequent order.
- Lessons for staff are fed back either to individuals where appropriate, or to groups of staff at team meetings and in the staff performance report, which is circulated each month. The recent introduction of a Casework Forum is discussed in Aspect 2A.

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	48.1%	30.1%
Cracked trial rate	39.5%	63.3%
Ineffective trial rate	12.4%	6.6%

- Reality checks indicated that three of the five Crown Court files had a timely and satisfactory review recorded on CMS at the committal or sending stage. One case had an initial review on CMS which said merely that the review was on the file (it was not) and no further reviews were recorded, although the analysis of the evidence in the brief was of a good standard. The final case had a review which indicated that the lawyer was undecided. Notwithstanding that, the case was allowed to proceed without further review and ended as an unsuccessful outcome. (case also referred to in Aspect 1).
- The role of the caseworkers is evolving and the Area plans to re-focus attention on committal preparation. Currently, HCAs are receiving briefs and notes to counsel in the same way that an external advocate would, save in committals for sentence, and often have caseworker support in court. The Area will need to look at whether this is the most effective use of caseworker resources during its review of the role.
- The timeliness of cases overall is good, with the data for days from offence to completion and first listing to completion for indictable only cases both better than the national average. However, there have been concerns over the timeliness of committal and brief preparation, prompting the review of the caseworker role. Instructions to counsel were timely in only 73.1% of cases, which is worse than the national average. The Area has already identified that the quality of instructions needs work.
- The Area has produced process maps for Crown Court sent cases, and for cases in all courts for pre-trial or case management hearings. These are clear and a useful aid for new or inexperienced staff. Staff are kept informed of practice, developments and performance issues generally through team meetings and the staff performance report.
- There are regular case progression meetings between the agencies. CPOs monitor the police file quality, and in Hull there is a police CPO collocated with the CPS. Notwithstanding these meetings there are still occasions when cases are delayed or require additional hearings to resolve issues such as non-compliance with directions and late disclosure, particularly in Hull.
- Youth cases are subject to a dedicated case progression meeting, at which PYOs are also monitored, although there are few of these in the Crown Court. Individual cases are discussed where necessary and sensible proposals made to shorten the time taken.
- The rates for effective, ineffective and cracked trials show a similar picture in the Crown Court to

that in the magistrates' court. Discussions take place at LCJB meetings on potential problems and opportunities. The ineffective trial rate is excellent (6.6%), but the cracked trial rate is poor (63.3%), and is dragging down the overall effective trial rate to 30.1%, which is markedly worse than the national average. The highest reason for ineffective trials was that the defence were not ready, that the case was not reached, or that the defendant was absent. Prosecution reasons make up a larger proportion of ineffective trials than the national average; but since the overall number of ineffective trials is so small, this represents very few cases. The primary cause for cracked trials is late guilty pleas and there is clearly scope for the Area to work with its partners to reduce this.

- The use of CMS for full file reviews is slightly above the target of 90%, but a reality check on task lists suggests that, as with magistrates' court cases, there is scope to improve the updating of specific tasks.

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

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

- Reality checks on CMS and on the files themselves show a high number of hearings and repeated pre-trial reviews before a trial date is set, which may contribute to the very low rate of ineffective trials. The average number of adjournments is worse than nationally for magistrates' court cases and for committals. Whilst some of the adjournments are requested by the defence or needed for court reasons, there is clearly still room for improvement on the part of the prosecution team.
- There is regular advocacy monitoring to ensure that advocates are professional and have prepared adequately for their cases.
- The Area views in-house cover of courts as essential to ensuring effective case progression and has reduced the level of agent usage in the magistrates courts when compared to 2005-06. The increased use of DCWs has led to some disruption in the flow of cases at court when lawyer assistance is required, although this may decrease as they gain further experience. The Area will wish to assure themselves that only cases appropriate for DCWs are listed in their courts.
- The court listing policy, which has been agreed by the Area, aims to ensure effective case progression. There is no strategic lead for the policy within the Area, but the case progression meetings attended by the court, police, witness care units (WCU), and CPS Humberside endeavour to monitor compliance with it and with the Criminal Procedure Rules. The lawyers have a specific objective regarding contributing to effective case progression at each hearing, and this is checked during advocacy monitoring.
- The listing policy sets out agreed timescales for cases, and the forthcoming CJSSS initiative will necessitate fewer and more effective hearings before the trial is reached. The implementation team is looking at measures to address this, and one of the UHs has done some work looking at the number of effective pre-trial reviews. However, more remains to be done, with partner agencies, to assess the issue and to rectify it.
- Details of witness availability, especially of officers, were not always available at court when trial dates were to be set. This has been overcome by the court listing officers being given access to the online duty rosters for all officers.
- Advocates are tasked to be at court in good time to liaise with other court users, and arrival times are set out in the listing policy. Where incidents of lateness have occurred, they have been addressed appropriately. In preparation for CJSSS, in Scunthorpe Magistrates' Court, all parties are now required to be in the courtroom at 9.15 to deal with any administrative issues, so that when court starts at 10.00, it is effective immediately.

- Systems are in place to ensure that the advocates chosen for cases or courts are of sufficient experience, and agents are usually selected from a pool of advocates used regularly, so that they are familiar with the Area's practices and policies. In addition, there is an agents pack with standing instructions and guidance on relevant matters, such as file endorsements, CTLs and DCV. Instructions to counsel in the Crown Court leave scope for improvement on timeliness and quality.
- There was one wasted costs order, to the value of £1,500, made against the Area in 2006-07. It arose from a failure to disclose an expert's report which was not to be relied upon by the prosecution, leading to an ineffective trial.

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

5A The Area identifies and manages sensitive cases (including hate crime⁴) effectively

- At the charging stage, sensitive cases where bail is suitable can be diverted to a specialist lawyer. Bail cases that cannot be reviewed within a single charging centre session, such as those with child witness videos, will be taken away for fuller consideration.
- There are specific charging clinics for sexual offences, and separate case progression meetings are held for sexual offences and for domestic violence allegations to ensure that these cases receive appropriate handling.
- UHs review all failed cases, and check standards of decisions and case-handling using the CQA scheme and monitoring of charging advice. The results of these checks are discussed in senior management meetings and shared with the police. There are logs kept of racially and religiously aggravated offences, and homophobic crime, which are checked regularly.
- CPS policy on sensitive cases is circulated to staff, disseminated in team meetings, and where appropriate, training delivered. The Area has an action plan for homophobic offences, and a Rape Delivery Action Plan, which incorporates the findings of the Inspectorate’s thematic review of rape cases. The report on police complaints cases has also been reviewed, the Area’s progress against the recommendations assessed, and the key findings incorporated into an action plan.
- Champions and specialist lawyers are appointed for the different categories of sensitive cases, including hate crime targeting disability, and animal rights extremism. They and UHs are the primary sources of guidance for lawyers dealing with such cases, particularly at the charging stage, although the complex casework unit also receives requests for advice. Champions and co-ordinators attend regular meetings with groups such as Women’s Aid and the Multi-Agency Public Protection Arrangements project (MAPPa).
- Fatal road traffic incidents have been identified as a matter of public concern so are subject to specific procedures agreed between the police and Area. These include police timeliness targets to avoid missing any summary time limit, and the cases being routed to the CCP in the first instance. Subsequently, they are dealt with by UHs. Other public or media interest cases are flagged and reported on to the Area Communications Manager and CCP, and are routinely discussed at SMG meetings.
- Dip-sampling is done to check that sensitive cases are flagged on the CMS. This shows that flags are usually set appropriately but that there remains an issue with the flagging of cases involving an identified victim. Our reality check on CMS showed a similar picture, with a total of

⁴ 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).

11 flags out of 47 being missed, of which 6 (over half) were victim flags. We deal with victim issues in Aspect 8. Two of the other flags were missing at registration but were picked up later in the life of the case.

- All unsuccessful outcomes are required to be notified to the UHs, who review the cases and prepare reports for the monthly Area performance pack. These include any sensitive cases. Domestic violence cases are monitored by the specialists handling them, and hate crime is monitored monthly and reported on to the SMG. No hate crime charge can be dropped or reduced without UH approval.
- The Area no longer uses the standard racial incident monitoring form, although hate crime analysis is still being done. Performance on racially and religiously aggravated offences is better than nationally, but has fallen off slightly since last year and was erratic in 2006-07. However, national performance data shows that the Area has an excellent rate for successful outcomes overall in hate crime, with 80.8% of all hate crime cases leading to a successful outcome, compared to 67.2% nationally. It is also an improvement on performance in 2005-06.
- Safeguarding children is a specialism that receives significant attention from the Area. There are strong links with the Safeguarding Children Board and the Young Witness Service (YWS), and meetings with the latter are attended by WCU managers. The unit head in Scunthorpe attends the South Bank YWS meetings. On the North Bank of the Area, the meetings are attended by the head of the complex casework unit who leads on safeguarding children, and monitors Area compliance with policy in this important aspect of work. A specialist lawyer has been appointed for cases involving the death of a child in a familial setting. There is an objective related to cases involving children in the 2007-08 Area Business Plan (ABP).

6 DISCLOSURE	OPA 2005	OPA 2007	Direction of travel
	Excellent	Good	Declined

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

- Generally, compliance with the disclosure regime is good, but leaves room for further improvement. Concerns emerged from external project work involving some of the Area's files. As a result, an audit was conducted in April 2007 on a total of 75 files. The audit showed compliance with initial disclosure running at 95% and continuing disclosure in the magistrates' courts and Crown Court at 85% and 78% respectively. Our reality check (on 10 files) showed the rates as 80% for initial disclosure in all cases and 50% (2 out of 4 cases) for Crown Court continuing disclosure, with no magistrates' court files including a need for continuing disclosure. The Area's audit and our reality check identified similar issues including inadequate recording of decisions or of the reason for decisions, and making more disclosure than was necessary. In only one instance in the audit, and one in the reality check, was there a failure to make appropriate disclosure or to serve the defence with the required notice of a disclosure decision. The audit and check both demonstrated the lack of consistent use of the disclosure record sheet and the separate folder system, especially for items of correspondence relating to disclosure. It was also clear that more could be done to challenge the standard of police schedules or defence case statements.
- The files in the reality check would have been dealt with during the same timeframe as the sample used for the Area's audit, so any improvements as a result of that audit would not have been apparent at the time of our assessment. The issues identified in the audit were promulgated to staff in team meetings and via email.
- There have been a number of other measures since the last OPA to improve performance, primarily training on the foundation course in spring 2006 and a refresher course in March 2007, with advanced training beginning in late spring 2007. Other steps include a specific objective for lawyers, guidance on unused material held by the Forensic Science Service, and a draft protocol for third party material. WCU staff have also received information about their role in the disclosure regime.
- The Disclosure champion has been closely involved in training, and has provided advice and guidance to colleagues and the police. He was tasked with the audit in April and has now been re-designated as a Projects Manager, and will be carrying out targeted pieces of work on sexual offences and disclosure.
- The Area has had discussions with the Crown Court regarding the disclosure protocol, and Counsel are instructed to ensure compliance with the protocol in all cases, and to resist any requests for inappropriate disclosure. Any concerns that arise are also raised in case progression meetings. The failure of the defence to serve a compliant defence case statement is an issue that is raised repeatedly at case progression meetings.

- Sensitive material schedules are kept on the disclosure folder and all lawyers and caseworkers have been trained in handling such material. More confidential material is generally delivered to a UH by the police. The material itself is stored securely and the CMS will be updated to show its receipt; this then generates a task for the lawyer to consider the material. Any public interest immunity applications have to be referred to a UH for prior approval, and are logged.
- The Area has provided disclosure training to the police and more is planned. The police are regularly invited to join the Area's training of its staff, and the disclosure champion has also advised the police and had input into internal police matters, such as a practice direction on covert surveillance, or guidance on covert intelligence sources, so as to ensure that they reflect good practice on disclosure.

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

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

- The Area has developed local desk top instructions to supplement the access to national guidance that all CPS staff have. The local guidance does not cover all key aspects of national guidance and would benefit from review (or withdrawal if national guidance is to be used).
- The Area has appointed a CTL champion who has assisted with some coaching to individual members of staff and plays a significant role in the Area's quality control regime for CTLs. Each unit also has a CTL monitor who has lead responsibility for updating the paper and electronic files with CTL information.
- The Area had a failure in July 2005 and remedial action was taken that resulted in a more robust monitoring programme. Reality checks revealed another failure in late 2006-07 that had not been identified by the Area, despite the file having been subjected to checks at multiple stages. This was a 'technical' failure as the defendant was properly in custody on other matters.
- Senior managers require regular assurance on CTL compliance. There is a rigorous monitoring scheme that requires 100% of relevant files to be checked after each hearing. There is also a programme of formal audits conducted by the Area performance officer and the CTL champion. UHs are also required to give an assurance to the CCP during quarterly unit performance reviews.
- Despite the significant effort expended on monitoring, there are still issues around accurate management of CTLs. Reality checks indicated that weaknesses persist, although the majority of errors had been detected at some stage by the quality checks. Issues identified included: incorrect information in CMS; initial hearing missed so CTL originally miscalculated (rectified); variance between court and CPS Humberside's understanding of expiry date; and, most noticeably the failure to relate CTLs to individual offences where relevant (an aspect not covered in local guidance). Monitoring arrangements are not yet fully effective in identifying all the appropriate issues. The Area's own audits revealed similar findings particularly in the first half of the year.
- Training is provided to prosecutors and DCWs as part of induction. Any training for administrative staff tends to be one-to-one desk side coaching. There was no formal CTL training in 2006-07 although there are plans for some work in the 2007-08 plan. There is an urgent need for refresher training in respect of cases with multiple offences and particularly those with a mixture of summary and either-way or indictable offences.
- The Area has an agreement with local courts whereby prosecutors should agree time limits with court staff at relevant hearings. Feedback from court representatives, the findings of the Area's own audits and evidence from our file reading indicate that this does not always occur.

- The Area monitors task lists and uses reports within CMS to assist in checking on files where expiry is imminent, although this relies on information within the system being up to date and accurate, which is not always the case.

8 THE SERVICE TO VICTIMS AND WITNESSES	OPA 2005	OPA 2007	Direction of travel
	Fair	Excellent	Improved

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

- DCV performance is good. The timeliness of letters was better than the national average in 2005-06 and has improved since; the Area now has the second best performance in the country with 94% of its DCV letters sent within 5 days, compared to the national average of 73%. Measures assessing the Area against the proxy target for the number of letters sent also show performance that is better than nationally and improving. The Area has produced a process map for DCV cases, which is clear and helpful but would have been enhanced by the addition of the relevant timeliness targets.
- A reality check on individual cases on CMS was carried out to assess the timeliness and quality of communications. Whilst there was one example found of conflicting information being given to the victim and to the witness about the outcome of a case, overall, there is routinely a full record of contact between the WCUs and victims and witnesses. Victims and witnesses are being kept updated in a timely manner with information on the progress of their case. In particular, compliance with the short deadlines set for vulnerable and intimidated victims and witnesses is commendable.
- Witnesses' individual needs and contact details should be established by the police at the outset of a case and recorded on the back of the statement form (MG11) but this has not always happened. This has been raised with the police, and lawyers in the charging centres have been instructed not to give pre-charge advice unless the appropriate information is provided. WCU managers also monitor the MG11s and report back to the police. The police have also taken steps to address the problem, and performance has improved.
- Witness needs are also identified using initial and full needs assessments by WCU staff. There was a teething problem with over-reliance on letters to carry out these assessments, rather than using the witnesses' chosen method of contact, but additional staff enabled this to be overcome. WCU staff have been trained on the range of special measures available for witnesses. Special measures appear to be timely; they are checked in pre-trial readiness monitoring in Units, and considered in case progression meetings.
- The Waves data from surveys of witness satisfaction showed that victims felt that the impact of the offence was not being properly put before the court. A victim impact statement is taken by the police when the offence is initially reported, but the impact may not be felt then as fully, so the WCU now return to the victim to ask if they would like to update their impact statement later in the process. The Waves data indicates improvement across a range of questions where the work of the CPS and WCU would impact, and witness focus groups conducted in the Area have resulted in positive feedback. The percentage of witnesses waiting less than an hour at magistrates' courts or two hours at the Crown Court has improved a great deal across the year, and has gone from worse than the national average to markedly better. However, the average witness waiting time has worsened across the year, and work is still needed, with criminal justice partners, to ensure that witnesses wait as little as possible.

- Lawyers have been briefed on the requirements of the Prosecutors' Pledge, and have an objective regarding the standard of victim and witness care at court. Adherence to the standards set is assessed in advocacy monitoring conducted by UHs.
- Feedback on witness care at court is sought from other agencies by the Area, and our checks with external organisations showed that there was general satisfaction with the treatment of victims and witnesses, and the Area's approach to this.

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

- The Area has two WCUs, one on each side of the River Humber, which are staffed by CPS and police personnel and jointly managed. The CCP is the senior responsible officer for NWNJ and the related action plan, and regular meetings of the NWNJ steering group are held. These meetings include the WCUs, police, Victim Support, and a member of the diversity panel. The Criminal Case Management Group and the Prosecution Team Delivery Board also discuss performance on NWNJ, and WCU performance and ineffective trial data are monitored by the Area's SMG. The Waves data is assessed by all these groups.
- Issues arising on NWNJ or on the performance of the WCUs are fed back to staff through Unit meetings and relevant data is included in the staff performance report, circulated monthly. The Area meets, at least partially, all the minimum standards of the NWNJ initiative. The provision of six additional staff funded by the police will have helped improve performance.
- The Area has satisfied the requirements on primary and secondary measures. The Area has an excellent rate for ineffective trials overall, although the proportion of those due to witness issues is slightly higher than nationally (but improving). The proportion of cracked trials due to witness issues in the magistrates' courts and Crown Court are both better than the national average. Witness attendance rate has risen slightly since last year. Unsuccessful outcomes on cases with traditionally high witness attrition rates, such as domestic violence, have been falling, and are at an extremely low level compared to the national average.

9 DELIVERING CHANGE	OPA 2005	OPA 2007	Direction of travel
	Good	Good	Stable

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

- The Area priorities for 2006-07 were aligned to the national objectives with a strong emphasis on developing its advocacy strategy. Work began in the latter half of the year in planning for new initiatives – CJSSS, conditional cautioning and Community Justice, all of which should be rolled out in 2007-08. There are good systems in place to ensure that staff are aware of the key issues and priorities.
- ABPs are sound and include milestones and targets as well as establishing lead responsibility for delivery of high level objectives. In a few instances better links between the impact of actions and outcomes could be made (there is a tendency for measures to be limited to national/Area targets). The ABP is supported by more detailed unit plans that are aligned to the high level Area objectives. There is some variance in the quality of unit plans.
- The Area plan is reviewed at regular intervals at SMG meetings. There is less evidence of formal reviews of unit plans, although topics included in the plan are incorporated into general discussions at team meetings. There is scope to improve the record keeping of progress made and any remedial actions that emerge as a result of reviews.
- There is good evidence of joint planning with other agencies on new initiatives (local and national). Even when CPS Humberside are not the lead agency for a particular subject they take a proactive approach to planning the initiative – for example CJSSS where a lot of preparatory work has been undertaken. There is good co-operation in the ongoing management of statutory charging. The Area is involved in the planning for the new Community Justice centre in the Riverside area of Hull.

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

- Initiatives are generally planned and implemented well within the Area. Statutory charging and NWNJ are both delivering the anticipated benefits. Conditional cautioning has been implemented, but the uptake has not been particularly high so far. On local issues the Area has made changes to its structures in 2006-07. Whilst for the most part the changes have been effective, the planning for the joint administrative unit in Hull could have been a little better.
- Progress on change initiatives is monitored by the SMG. Project leads are required to give updates at the monthly meetings – this is a standing agenda item. This provides an effective process of reviewing change. Additionally, multi-agency projects are subject to ongoing review, and in the case of statutory charging a formal review is planned. A number of managers have been provided with project management training. Senior managers have given presentations to staff in all units on some of the new initiatives for 2007-08. The findings of the staff survey indicate significantly higher than average rates of satisfaction with the management of change.

- In some cases links between projects have been recognised and documented – for example the possible impact of the joint administrative team on the HCA unit. In others, it is clear that links have been made, albeit they may not be documented. Links between initiatives and training plans and individual objectives are usually well established.
- The Area maintains a risk register that is subject to review by the SMG. The risks are generally consistent with issues identified by the managers although CTLS should have been formally recognised as a risk. Some risks could also be more clearly defined. Some of the larger projects, particularly those involving multiple agencies, have their own risk registers.

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

- Training activity is marshalled by the training committee that produces an annual training plan. Whilst training is not directly linked to objectives within the ABP (they are linked to Public Service Agreement targets), there is alignment between the two and to the stated priorities of the Area. Appropriate arrangements are in place to ensure equality of access to training.
- Some good work has been done in terms of diversity training. In addition to standard national e-learning, workshops have been provided to raise awareness on specific subjects – for example, issues affecting transgender and Muslim women groups.
- Whilst a training needs matrix was drawn up for the new joint administrative unit in Hull that has operated since February, some of the training has yet to be delivered.
- Key mandatory training has been delivered in almost all cases. The Area used ‘funding’ created by high HCA usage to accelerate some aspects of training including the proactive prosecutor programme and domestic violence packages. In March the training committee undertook a review of induction to ensure that it remains fit for purpose.
- The Area has a balanced approach to evaluating training including a formal annual report that outlines key issues of the previous year. The CQA and charging monitoring schemes assess whether training has been effective in driving compliance to specific CPS policies. Additionally, some courses require formal evaluation forms to be completed which are later analysed. Casework outcomes are also used as a proxy measure for the effectiveness of training.

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

- CPS Humberside has operated within its non-ring-fenced running costs (NRFRC) budget for each of the last two financial years (99.8% and 99.7%). Financial controls are good and the Area has appropriate systems for managing committed expenditure. They have a good understanding of their NRFRC budget.
- Area managers were aware that they would have a considerable surplus in their NRFRC budget from an early stage and discussions took place at SMG meetings as to what they should do. They eventually opted not to return money to the centre and used the additional money on casual staff, additional agents and training. Whether they have optimised the opportunities created is questionable, although they have 'reinvested' some of the savings in further increases to HCA deployment.
- The minutes of management meetings make reference to the need to consider value for money and there is evidence of assessment of some local suppliers to support this approach. The Area has significantly improved its deployment of HCAs and DCWs and has done so with value in mind. A sensible approach has been taken to combining training topics to minimise the impact of lawyer abstraction.
- CPS Humberside has a dedicated finance manager who has day-to-day operational responsibility for controlling and reporting on the budget. Area managers will need to assure themselves that adequate back up exists to cover absence of the finance manager.
- Payments under the graduated fees scheme (GFS) have been erratic in the past but are improving. Performance against the 4 month target is now good and consistently above the national average. The Area is keen to improve timeliness against the one month target where performance is still less consistent. Whilst prosecution costs are never easy to project the Area overspent its budget by 14.6%. Even had the Area received the full allocation requested at mid year review it would have still missed the target by some way. The Area attributes this to higher than normal complex cases. More can be done to monitor live cases and the impact of HCA deployment to improve understanding of likely future expenditure and budgets.
- In some instances links can be seen between additional funding and performance improvements for example NWNJ. In others such as conditional cautioning and the excess NRFRC funding, causal links are less obvious. There is no clear link between the additional budget and improved performance – for example committal preparation. However, overall performance outcomes continue to improve and are among the best in the CPS.

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

- CPS Humberside has reviewed its structures over time to ensure that they are still fit for purpose. During 2006-07 they have consolidated the position of the complex casework team, formed a separate HCA unit with a growing complement of lawyers and formed a joint administrative unit in Hull. There have been examples of redeployment of lawyers to address potential imbalance of work between units, and there has been some rotation of UHs. There has been growth in the number of DCWs and HCAs to support the Area's advocacy strategy. Overall staffing levels have increased by more than 10% since the last OPA whereas the caseload in the magistrates' court has reduced by almost 28%. Volumes of pre-charge decisions and Crown Court casework have remained stable.
- The Area set a target to conduct 80% of magistrates' courts sessions in house in 2006-07 (increased to 90% for current year). They achieved 83% albeit the level of coverage varied throughout the year, ranging from 91.2% in the first quarter to 76.8% in the fourth quarter. The Area received additional NRFRC funding throughout the year due to increased HCA deployment and used a significant amount of the money on agents. Individual lawyer coverage of magistrates' court sessions is lower in Humberside than most other CPS Areas, particularly in the latter half of the year.
- Deployment of DCWs to court has improved significantly and in 2006-07 the Area covered 19.6% of magistrates' courts sessions. A capacity analysis of possible coverage was undertaken and used to shape recruitment strategy. By the end of 2006-07 the Area had 9 DCWs (7.5 FTE) with a further person due to be trained in early 2007-08. Coverage grew throughout the year and was particularly strong during Jan - Mar 2007 when they covered more than 25% of sessions.
- The target for 2007-08 (25%) is not overly ambitious as it is lower than they achieved in the 4th quarter in 2006-07 when some of the staff were still developing their skills. If each full time equivalent DCW were to be fully deployed (six sessions for 80% of their time) the Area could cover almost 39% of current session levels with the anticipated staff complement. The capacity analysis indicated that there was scope for almost 50% of sessions to be suitable for DCWs. When coupled with the falling caseload, implementation of the CJSSS initiative in 2007-08, and HCA deployment the Area needs to develop an integrated staffing and deployment strategy.
- Growth within the HCA cadre throughout 2006-07 has facilitated a very successful year in terms of HCA deployment. CPS Humberside now has nine deployable HCAs and plans to train a further four. Six work in a dedicated unit and the other three retain other responsibilities and are therefore deployed less frequently. Lawyers in the dedicated unit cover some charging sessions and undertake a small amount of advocacy in the magistrates' courts. HCAs have covered a good mix of hearing types including more than 100 trials, although a high number of these trials crack on the day. The Area exceeded its targets, making counsel fee savings of £261,570 (three times the target) and covering 503 sessions.

- Sickness absence within the Area has improved. Managers have received further training on managing attendance and appropriate records are maintained. Overall the average absence of six days per person per year is within the national target of 7.5 days, due mainly to a reduction in long term absence. The figures in Grimsby (9.9 days) were significantly higher. The Area is supportive of flexible working practices and has a sensible approach to balancing the needs of individuals with those of the organisation. The 2006 staff survey indicates that satisfaction with 'work-life balance' issues is generally a little higher than the national average.

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

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

- There is a strong performance management culture within CPS Humberside. Managers have access to a significant amount of performance data, much of which is available at unit level. Discussion on performance features regularly in management and team meetings.
- A comprehensive performance pack is produced that pulls together data that is available from a variety of sources. Managers analyse the raw information and use it to produce a staff performance report that is less complex and easier to digest. At the top level the Area uses a traffic light system (red, amber, green) to risk assess progress towards targets. The Area has recently conducted a review of its performance pack and revisions were being worked on at the time of this assessment.
- Managers will want to keep the level of monitoring under review to ensure that it is proportionate to the risk involved and gives the right focus to the few aspects where improvements can be made. Whilst overall the Area is doing an excellent job in managing performance we consider that some economies could be achieved.
- Performance results for CPS Humberside are consistently good across a wide range of issues, particularly in aspects where they have full control over the measure. Not only do they achieve their targets but in some aspects their performance is the best in the country for example successful outcomes in domestic violence cases and some charging benefits realisation outcomes.
- Whilst the Area has a dedicated performance manager, the role is primarily as a facilitator, and it is clear that UHs are held accountable for the performance of their team. Each unit attends a quarterly performance review with the CCP, ABM and the Area Performance Officer (APO).
- It is clear that managers are expected to take corrective action where performance needs improving, although it is not always clear what has actually been, or needs to be done. However, in almost all cases where a weakness has been identified, outcomes have been improved over time; the main exception being committal preparation (see Aspect 2). During the last OPA, compliance with the DCV scheme was weak, but is now among the best in the country, this is an example where remedial actions have made a positive impact.
- There are a number of examples where the individual objectives of staff in the appraisal process are supportive of attainment of Area targets. Some of the quality assurance checks drill down to individual level and examples were seen whereby specific lawyers were required to improve performance in respect of the quality of DCV letters and the quality of briefs to counsel.

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

- Managers are actively involved in multi-agency meetings at which joint performance is discussed and managed. There are regular meetings with police BCU managers at which statutory charging, unsuccessful case outcomes, the quality and timeliness of police files and OBTJ are the main themes for discussion. Performance data is made available by the Area for these meetings. The effectiveness of the meetings has been a little variable, although more recent meetings show improvement. The management of outstanding pre charge decision cases can be improved in Hull.
- There are four LCJBs, each of which is attended by a UH. These involve a wide range of agencies and performance is a standing agenda item. Discussions are led by the performance officer of the Humberside Criminal Justice Board which is helpful in ensuring a consistent message is communicated on Area-wide issues. As with the police BCU meetings, there is some variability as to the effectiveness of the discussions, but performance is always discussed.
- There has been liaison with the courts to try to ensure that listing arrangements are mutually beneficial. There has been a significant reduction in sessions in the magistrates' courts in 2006-07 and good joint working has ensured that DCW friendly courts are available.

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

- Area managers conduct a variety of compliance checks, including robust usage of the national CQA scheme that has been sustained throughout the year. Findings of the CQA scheme are discussed at SMG meetings. DCV letters, MG3s for pre-charge decisions and CTLs are all subject to additional monitoring. All units have conducted some advocacy monitoring, and there are plans in place to strengthen the assessment of HCAs as they are used more frequently.
- There is evidence within SMG meetings, team meetings and unit quarterly performance reviews that feedback on strong or weak performance is given on Area, team and individual level.

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

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

- CPS Humberside has adopted the national vision and values of the CPS and these are incorporated into the Area and unit business plans. There is clear direction as to the priorities of the CPS in Humberside and for the most part there are appropriate objectives to support delivery of Area strategy.
- Managers are held accountable for implementing agreed strategies within their units. At SMG meetings managers agree the key corporate messages that need to be cascaded to staff. This is monitored for compliance and helps to develop consistency and corporacy in the Area.
- Senior managers are visible to staff and there are open and transparent communication channels. The CCP and the ABM have conducted lunchtime meetings with staff at all levels within all the units. Senior managers have been active in preparing units for the likely implications of new initiatives, particularly conditional cautioning and CJSSS. Plans have been developed following both the 2004 and 2006 Staff Surveys to address any perceived shortcomings in communication.
- The importance of effective communication is clearly understood by staff in CPS Humberside. Team meetings are a regular feature and there is good alignment to the issues raised at SMG meetings. Some meetings would benefit from improved recording of actions arising out of discussions. There are also regular Whitley Council and Area Sounding Board meetings, although the effectiveness of the latter is questioned by some staff.
- Feedback from the 2006 survey suggests that there is scope to develop the confidence of staff in managers. Most questions related to local line management were scored slightly lower in Humberside than across the CPS as a whole.
- On the whole, there is clear evidence that the Area is actively engaged with its partner agencies in the criminal justice system. For the most part it is apparent that relationships are open and constructive although there is variation throughout the Area, confirmed by feedback from external stakeholders. There are still occasional tensions as agencies have to cope with conflicting priorities. There is scope to improve relationships with the Courts Service.
- All UHs are involved in divisional Criminal Justice Board meetings, and CPS Humberside chair one of the four groups. The CCP leads the Criminal Case Management Group and the ABM attends the Performance Development Group. This is not an exhaustive list as the Area are represented in most inter agency groups. In some meetings/fora there is clear evidence that the CPS representative is pro-active and effective, in others it is less clear.
- The Area champions are making an effective contribution, particularly in relation to anti social behaviour and domestic violence cases.

- In keeping with the performance culture within the Area, managers have demonstrated willingness to learn through experience. Examples were seen at multiple levels ranging from individual cases to learning from early stages of phased roll-out for significant initiatives.

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

- Evidence of recognising good performance was seen in a variety of documents including minutes of meetings, quarterly performance reviews and the staff newsbrief. On the broader front there is formal recognition through a 'colleague of the month' award and an annual Oscar awards process. Previous staff surveys have suggested that staff had felt that this was an area where CPS Humberside could do better and managers have made a positive response to the feedback.
- Assurance has been sought through the Area Sounding Board and the Equality and Diversity committee that staff treat each other with respect. It was identified that there were some tensions between administrative staff and others in one unit and an action plan to improve the situation has been put into place. The importance of dignity at work was emphasised as one of the key messages from a recent SMG meeting. The ABM leads on equality issues.
- There has been one equality and diversity based complaint against a member of CPS staff (raised by police). This has been the subject of an appropriate independent assessment which had not been finalised at the time of our visit.
- Equality and diversity are integrated into business plans at Area and unit level. There are general objectives on internal equality including issues such as workforce representation; there are also objectives for specific strands of work such as hate crime and community engagement that have a diversity element. The Area has an equality and diversity committee that meets on a bi-monthly basis.
- The Area has tackled isolated incidents of minor abuse of the IT systems and internet. Reminders have been issued to staff as to what is appropriate.
- The workforce of CPS Humberside is representative of the local population in terms of female staff and those from Black and Minority Ethnic (BME) groups (3.1% against 2.42%). The Area has a workforce development plan that aims to increase BME representation and encourage further applications from people with a disability. The plan also aims to encourage a higher rate of self-declaration by staff.

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

13A The Area is working pro-actively to secure the confidence of the community

- There is clear evidence of the commitment of managers to community engagement and improving the confidence of the community in CPS Humberside. The Area has a community engagement strategy.
- Objectives are evident in both Area and unit business plans and community engagement is a standing agenda item in unit team meetings. The regular newsbrief to staff always includes a feature on community engagement activity. Work has been undertaken with the Equality and Diversity Unit from CPS HQ to try to identify opportunities to improve engagement activity. CPS Humberside is currently rated amber/green by the headquarters' assessment scheme but has set a target to achieve green status in 2007-08.
- Community engagement activity is diverse and involves a wide number of staff. There were over 200 'engagements' recorded in 2006-07, some of which were targeted at improving the profile of the CPS, others were of a consultative nature and the rest involved participation in events (often with other agencies). Through the Humberside Criminal Justice Board, the Area benefits from access to a Diversity Panel and has commissioned them to assist in some work focused on engagement with BME and lesbian, gay, bisexual and transvestite (LGBT) groups.
- The Area has worked in conjunction with Hull University and the Diversity Panel in obtaining information on the demographics of Humberside. There are no large conurbations where significant numbers from specific groups are centred, making targeted approaches more challenging.
- The Area has tended to focus its efforts on BME and LGBT groups together with an emphasis on organisations assisting victims of domestic violence, as it considers these to be generally at higher risk of discrimination. They have a proactive approach to seeking engagement with these groups. They have also reacted positively to issues raised by communities where anti social behaviour has become a problem.
- Whilst it is not always possible to establish direct causal links between engagement activity and improvements in services or outcomes, Area performance in respect of cases involving domestic violence and anti social behaviour is excellent.
- A considerable amount of work has been undertaken in engaging with the media both as a single agency and jointly with the police. A considerable amount of coverage of CPS Humberside has been evident in newspapers, on the radio and on television. In his role as deputy chair, the CCP also engages with the media on behalf of the Humberside Criminal Justice Board on some matters.
- Whilst progress has been made in 2006-07 the Area still faces a considerable challenge in gaining the confidence of the community. A recently conducted survey suggests there is still a need to drive up awareness of the work of the CPS Humberside.

- Despite the increased emphasis on community engagement and the positive performance of the CPS in Humberside, the level of community confidence is the lowest in the country. The level of public confidence in the ability of the criminal justice system in Humberside to bring offenders to justice has been in the low thirties over a sustained period and stood at 32.5% at the time of the assessment. This compares to the national figure of 42.3%. The Area has suffered from adverse publicity generally (not necessarily even related to the criminal justice system) and this may well have had some impact on public perceptions.

ANNEX 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 2005-06 2006-07		National target March 2007	National performance 2006-07	Area performance 2005-06 2006-07	
Discontinuance rate	11.0%	15.7%	9.7%	8.5%	11.0%	13.1%	10.2%	7.3%
Guilty plea rate	52.0%	69.2%	80.7%	82.3%	68.0%	66.5%	76.9%	80.9%
Attrition rate	31.0%	22.0%	13.5%	11.8%	23.0%	22.2%	17.3%	13.3%

	National Performance 2006-07	Area Performance 2006-07
Charged pre-charge decision cases resulting in a conviction	77.9%	87.9%

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' court cases	84.3%	89.5%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	42.7%
Cracked trial rate	37.3%	42.6%
Ineffective trial rate	18.9%	14.7%
Vacated trial rate	22.5%	18.6%

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

National Target	National Performance 2006	Area Performance 2006
71 days	72 days	67 days

Offences Brought to Justice

	CJS Area Target 2006-07	CJS Area Performance 2006-07
Number of offences brought to justice	27029	27663

Percentage make up of Offences Brought to Justice	National 2006-07 ⁵	Criminal Justice Area 2006-07
Offences taken into consideration (TICs)	8.5%	8.6%
Penalty notices for Disorder (PNDs)	10.3%	19.0%
Formal warnings	5.8%	2.0%
Cautions	26.5%	25.0%
Convictions	48.8%	45.4%

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%	87.4%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.1%	30.1%
Cracked trial rate	39.5%	63.3%
Ineffective trial rate	12.4%	6.6%

5 Final figures awaited.

Proceeds of Crime Act orders	Area Target 2006-07	Area Performance 2006-07
Value	£729,188	£967,987
Number	32	51

Aspect 10: Managing Resources

	2005-06	2006-07
Non ring-fenced administration costs budget outturn performance (end of year ranges)	99.9%	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%	19.6%
HCA savings against Area target	100%	138.4%	307.8%
Sickness absence (per employee per year)	7.5 days	8.5 days	6 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
30%	32%	32.5%

ANNEX 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.

Police

Humberside Police

HM Courts Service

Humberside HM Courts Service

Victim Support

Victim Support Humber

Community Groups

Hull Women's Aid

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.

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