

CPS Hampshire & the Isle of Wight

---

Overall Performance Assessment

Undertaken November 2005

March 2006

Promoting Improvement in Criminal Justice

## CONTENTS

	<b>PAGE</b>
A. INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS	2
B. AREA DESCRIPTION AND CASELOAD	3
C. SUMMARY OF JUDGMENTS	4
D. DEFINING ASPECTS	8
1. Pre-charge decision-making	8
2. Managing magistrates' courts cases	11
3. Managing Crown Court Cases	14
4. Ensuring successful outcomes	16
5. Handling sensitive cases and hate crimes	19
6. Custody time limits	21
7. Disclosure	23
8. The service to victims and witnesses	25
9. Presenting and progressing cases at court	27
10. Delivering change	29
11. Managing resources	32
12. Managing performance to improve	35
13. Leadership	39
14. Securing community confidence	41
ANNEX A PERFORMANCE DATA	43

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

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

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

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

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

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

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

## B. AREA DESCRIPTION AND CASELOAD

CPS Hampshire and Isle of Wight serves the area covered by the Hampshire Constabulary. It has seven offices, at Aldershot, Basingstoke, Eastleigh, Newport, Portswood, Portsmouth and Weston Range. The Area Headquarters (Secretariat) is based at the Eastleigh office.

Area business in 2004-05 was divided on functional lines between magistrates' courts and Crown Court work. The criminal justice units (CJUs) handled cases dealt with in the magistrates' courts. The trials units (TUs) handled cases dealt with in the Crown Court. At the time of our visit, the Area was in the process of restructuring to establish four combined district based units each containing distinct teams responsible for Crown Court and magistrates' courts work.

During the year 2004-05, the average Area number of staff in post was 193.7 full time equivalents.

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

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	11,194	21.8	20.9
Advice	1,313	2.6	5.1
Summary offences	24,464	47.5	46.9
Either way and indictable only	14,383	28	26.7
Other proceedings	74	0.1	0.4
<b>TOTAL</b>	<b>51,428</b>	<b>100%</b>	<b>100%</b>

## **C. SUMMARY OF JUDGMENTS**

A full inspection of CPS Hampshire and Isle of Wight was conducted in March 2004 (report published in July 2004). A follow-up progress inspection conducted in February 2005 found that the Area had made progress against the recommendations and aspects for improvement. Particularly good progress had been made in relation to summary trial review, although it had been limited in relation to the handling of Direct Communication with Victims (DCV) letters, the quality of review at committal and in developing advocacy monitoring. The Area is in the process of restructuring to district based combined units.

Generally, performance improvements have been achieved since the last inspection and follow-up, despite the resource demands associated with maintaining full coverage charging, increasing advocacy commitments and the constant requirement to implement change. Although outcomes for 2004-05 were disappointing in terms of realising the benefits from pre-charge decision-making, there is an improving trend and performance is now closer to national levels.

A clear vision and direction for the Area have been established. Communications by managers to staff are generally satisfactory, although they might benefit from being delivered with greater sensitivity on occasions. There is also active collaborative development of the local criminal justice system with partner agencies and a strong commitment by managers towards equality and diversity.

The Area has improved its capacity to implement change following the formation of a dedicated Business Development Unit (BDU) and has been at the fore of the non-priority CPS Areas. Change is reviewed regularly with resultant improvement action in some projects. Risk management continues to improve and training is managed effectively. However, significant joint working with criminal justice partners has not always led to consistently good outcomes in the desired timeframe.

The Area seeks to achieve value for money and has operated within budget for non-ring fenced running costs in each of the last two financial years. Managers are rigorously pursuing the CPS vision of increasing in-house advocacy. Agent usage has reduced considerably and the use of Higher Courts Advocates (HCAs) has increased. The proportion of court sessions covered by designated caseworkers (DCWs) could be increased. The management of prosecution costs also needs to be developed.

Review is generally satisfactory and case preparation timely. Ineffective trial rates are reducing in the magistrates' courts and Crown Court as a result of better case progression. The timeliness of youth cases has been consistently good. However, the Area had a high number of wasted costs orders in 2004-05 and the relatively favourable position on trial effectiveness may not be entirely representative, since an above average proportion of trials are vacated in advance. The guilty plea rate, conviction and acquittal after trial rates in the Crown Court are not as good as the national averages. Use of the case management system (CMS) is increasing. The Area did not meet its target for Proceeds of Crime Act (POCA) confiscation orders in 2004-05.

The Area has consistently performed better than the national average in respect of successful outcomes, although there has been a decline in the last two years against a national trend of improvement. Unsuccessful outcomes are analysed with feedback given to individuals, although that analysis is not always sufficiently robust. The local criminal justice agencies have comfortably exceeded the target for Offences Brought to Justice (OBTJ).

Appropriate prosecutors handle sensitive cases. The Area has considerable expertise at its disposal with champions and specialists, and a Special Casework Unit to deal with particularly sensitive casework. Authorisation by a specialist or Unit Head is required before a sensitive case can be discontinued or significantly reduced in seriousness.

The Area has a written system for handling custody time limits (CTL) that incorporates the national guidance and elements of good practice, although aspects are not applied consistently. There were no reported CTL failures in 2004-05. Systems have been reviewed and refresher training has been delivered.

Compliance with the disclosure regime was sound at the time of the last inspection and significantly better than the national performance. A reality check has confirmed that this is being maintained. Further training has been delivered since then and the Area has been pro-active in seeking to make further progress. Prosecutors' performance is assessed and the disclosure champion provides valuable guidance to colleagues and the police.

The Area is committed to providing a good service for victims and witnesses and to implementing the NWNJ initiative. It is anticipated that all six Witness Care Units (WCUs) will be operational by the end of 2005. There have been some difficulties, however, and the Portsmouth WCU has experienced problems. Compliance with the DCV scheme also continues to be a concern.

There has been gradual improvement in the performance management regime, and the recent beneficial introduction of a quarterly unit based reporting system. The regime has been used to improve some aspects of work but there remain some long-standing issues. Area managers are actively involved in joint performance improvement activity with other agencies, although this has not always delivered in a timely way. The use of the case management system (CMS) and associated Management Information System (MIS) has improved, but needs further development.

Hampshire and Isle of Wight was the first non-priority Area to migrate to the statutory charging scheme in April 2005, and pre-charge advice is provided at five locations. The experienced lawyers deployed are encouraged to be robust, both in their decision-making and as to the quality of information upon which they base their advice. Evaluation processes were insufficiently robust in 2004-05 to isolate the causes for the Area's failure to meet key performance targets. More recent reviews have clarified inhibiting factors, which are now being addressed and outcomes for 2005-06 are closer to national levels.

The Area has improved the training for CPS prosecutors to support its overall vision to increase the level of in-house advocacy. It needs to introduce more systematic monitoring to ensure that high standards are maintained.

Managers and staff remained committed to engaging with the local community and improving public confidence. They have a solid foundation on which to become more focussed with a view to maximising the effectiveness of the engagement programme.

In the light of our findings, we have assessed the Area's overall performance as **GOOD**.

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

<b>OVERALL ASSESSMENT</b>	<b>3 - GOOD</b>
---------------------------	-----------------



## D. DEFINING ASPECTS

### 1. PRE-CHARGE DECISION-MAKING

### 2 - FAIR

*Hampshire and Isle of Wight was the first non-priority Area to migrate to the statutory charging scheme in April 2005 and pre-charge advice is currently provided at five charging centres. The CPS has sought to improve police filtering so that only appropriate cases are advised upon, but that is not yet in place in the majority of charging centres and this, along with other factors, has limited the realisation of the anticipated benefits of the scheme. Recording has improved and is generally accurate with better use of the case management system (CMS). Lawyers deployed are experienced and encouraged to be robust. Performance is monitored regularly (internally and with the police) and managers take up issues as necessary. Evaluation and analysis of the effectiveness of the scheme was insufficiently robust in 2004-05 to identify the reasons for the failure to meet key targets. Obstacles are now being addressed, with outcomes for the current financial year moving closer to national performance levels.*

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

- Σ Timely pre-charge advice and decisions are provided at five charging centres situated at Portsmouth, Southampton, Basingstoke, Aldershot and Newport (locations agreed with the police). The pool of lawyers available to cover the Area's charging commitments will increase as a result of the restructuring to establish combined units, and there are proposals to pilot the deployment of duty prosecutors to smaller outlying police stations.
- Σ Procedures have been established to ensure that all relevant cases receive pre-charge advice. Deviation by the police from CPS advice is referred back and considered at a senior level. The CPS has strongly encouraged the police to establish effective filtering procedures at all charging centres, to ensure that only appropriate cases are referred and that adequate information is available for advising prosecutors to consider. Work continues towards achieving that aim. Comparative performance data, showing lower no further action (NFA) rates at centres where police gatekeepers are operating, has been used to illustrate the benefits.
- Σ Area recording and counting systems have improved, and the use of the CMS for the recording of advice and decisions is embedded. Guidance has been provided to the police and to CPS staff (including the circulation of precedents) to improve the quality and enforce the proper use of the Manual of Guidance MG3 forms.
- Σ The Area liaises effectively with CPS Direct. Weekly reports indicate the volume of referrals and a copy of each CPS Direct advice is provided to the relevant unit so that it can be ensured that it is recorded on CMS.

*Aspects for improvement*

- Σ Factors that were identified as having contributed to the disappointing performance in 2004-05 included: duty prosecutors authorising charges conditional upon the police obtaining further evidence and the police charging without that evidence, so that the case was then too weak to continue ('conditional charging'); inadequate monitoring of cases in which the police had been required to undertake further work; too many cases in which the advice was not delivered face-to-face; and not enough sharing of data with the police to assist in improving performance. The Area is now addressing the reasons why it has not realised the anticipated benefits, and the National Implementation Team (who visited the Area recently) were impressed with the level of progress made since the implementation of statutory charging in April 2005. Some issues persist, however, for example the absence of police supervision at the majority of charging centres to assure the quality of the information upon which pre-charge advice is based.

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

- Σ Area lawyers are generally of sufficient experience and expertise to deal with pre-charge advice cases, and there is widespread understanding of the local and national scheme and all relevant guidance. Comprehensive training has been provided and prosecutors are encouraged to be robust, in their decision-making and with regard to the quality of information upon which they base their advice. It was decided to deploy only experienced lawyers from the Trials Unit for a significant period to assure the quality. The Area champion, who is responsible for co-ordinating the scheme, has been selected to advise on charging at a national level.
- Σ The Area has monitoring systems in place to assure the quality and timeliness of advice and decisions provided. Unit Heads monitor the quality of decision-making and the Area Business Development Unit (BDU) considers monthly performance data broken-down by unit. The head of the BDU also undertakes a dip sampling exercise referring any issues or non-compliance to the relevant Unit Heads.
- Σ The CPS and police consider NFA rates, which have been found to vary between charging centres and are lower where effective police gatekeeping is in place to filter out evidentially weak or ill-prepared cases (in which the police should have made the decision). The establishment of Area wide supervision should address this variation and reduce the overall rate.

*Aspects for improvement*

- Σ Joint consideration of the proportion of cases where CPS advise against proceedings is improving, but has focused at a high level on the reasons for variations between the charging centres and would benefit from greater analysis of the reasons that no action was advised. This would enable any trends and areas for improvement in case investigation and preparation to be identified and addressed.

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

- Σ Roll-out of the statutory charging scheme was robust and the Area met or exceeded all milestones agreed with the Charging Programme Office. Hampshire and Isle of Wight was the first non-priority CPS Area to migrate to the statutory charging scheme (on 18 April 2005). The aim was to begin reaping the benefits of the new arrangements at the earliest appropriate opportunity.
- Σ The Area regularly analyses its performance against the charging benefits measurement criteria and is well aware of its failure to meet some key targets. It has identified and addressed contributory factors. The Charging Project Team (including CPS and police project managers) have conducted regular reviews, interviewing staff and analysing performance data. There have also been individual assessments of charging centres. The Area Steering Group has taken their findings forward implementing appropriate remedial action. The latest action plan includes: proposals to ensure all pre-charge advice is face-to-face; establish better police supervision; improve the quality of MG3s; share data more effectively with the police and monitor more closely cases in which further action is needed. Realisation of benefit indicators show a clear improving trend and recent outcomes are significantly better than for 2004-05.

*Aspects for improvement*

- Σ Expected benefits have not been as might have been anticipated for an Area that established full shadow charging coverage in April 2004 and implemented statutory charging in April 2005. In the magistrates' courts, the discontinuance rate for 2004 - 2005 (22.8%) was well above the national rate (16.3%), the guilty plea rate was 60.9% (compared to 68.8% nationally), although the attrition rate was slightly better than the national comparator (29.8% against 31%). In the Crown Court, the discontinuance rate (18.6%) was also above the national rate (14.6%), the guilty plea rate was only 51.8% (compared to 66.7%) and the attrition rate 35.5% against 23.8%. More recent figures are better and suggest that the positive action taken is producing results closer to national performance levels.

## 2. MANAGING MAGISTRATES' COURT CASES

## 2 - FAIR

*Magistrates' courts cases are generally reviewed and prepared promptly, and prosecutors are pro-active in attempting to ensure that cases are able to proceed at each court hearing. Ineffective trial rates in the magistrates' courts are reducing as a result of better liaison with criminal justice partners and between Case Progression Officers (CPOs). The timeliness of youth cases in Hampshire and Isle of Wight is good and better than the national performance. However, the Area had a high number of wasted costs orders made against it in the magistrates' courts in 2004-05 and the relatively favourable ineffective trial rate may be masked to some extent by an above-average rate of vacated trials. A reality check examination of a small number of cases also revealed examples of missed opportunities for the CPS to add greater value when preparing for trial.*

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

- Σ Magistrates' courts cases are routinely reviewed and prepared promptly, with follow-up work undertaken where necessary, and most cases are ready to proceed at each court hearing. Unit Heads monitor the quality of review and case preparation under the Casework Quality Assurance scheme (CQA). The Area has taken action to ensure that, wherever possible, police files are received in sufficient time for proper review and preparation. Advocates are encouraged to anticipate defence information requirements in order to reduce the proportion of cases that have to be adjourned and to strongly oppose any unjustified requests. A reality check of five magistrates' courts trials confirmed the generally satisfactory standard of case handling, although there was some inconsistency in the recording of a decision-making audit trail and instances where prosecutors might have sought further evidence likely to increase the prospects of conviction or clarify the issues.
- Σ Timeliness data indicates that the criminal justice system (CJS) Area has exceeded the national average for achieving timely adult trials (71% against 66%), youth initial guilty pleas (92% against 87%) and youth trials (99% against 87%). However, timeliness for adult guilty pleas (77% against 83%) and adult committals (75% against 89%) are below national levels.
- Σ The Area had 56 discharged committals in 2004-05, which represented 0.2% of its completed cases in the magistrates' courts and, although the number needs to be worked down, was better than the national average (0.3%), as was the proportion of cases in which the service of the papers on the defence before committal was timely (84.7% against 79.4%).
- Σ There is liaison with criminal justice partners, and regular case progression meetings, with performance improving as a result. The Area has six CPOs providing paralegal support to lawyers, managing summary trial preparation

and liaising with defence representatives and the courts. They have maintained regular contact with the Witness Care Units (WCUs), as they have become established, to ensure that they can consider up-to-date information about any potential witness issues. Ineffective trial rates in the magistrates' courts are reducing.

- Σ The timeliness of youth cases is improving. The persistent young offenders (PYO) target is being met, is better than the national performance and is improving. For the year ending 2004-05, the average period from arrest to sentence in Hampshire and Isle of Wight was 59 days compared to 67 days nationally.

*Aspects for improvement*

- Σ The Area had 18 wasted costs orders made against it in the magistrates' courts during 2004-05, which puts it amongst the worst performing Areas in the country in this regard.

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

- Σ The ineffective trial rate (25.8%) is reducing and the Area has met its target (26%), although it has not yet reached the national average (24.8%). More recent data confirms that the ineffective trial rate is continuing to improve (19.2% in August 2005). However, the relatively low rate of ineffective trials may be attributable to some extent to an above average rate of trials that are vacated (i.e. taken out of the list, which usually has the benefit of avoiding witness attendance and means that the court time can be used for other cases); this occurred in 26.7% of all magistrates' courts trials in the Area in 2004-05 compared to 16.3% nationally. Combining the ineffective and vacated trial rates gives a Hampshire and Isle of Wight total of 52.5% against 41.1% nationally.
- Σ The cracked trial rate is also improving and was better than the national average in 2004-05 (34.6% compared to 37.1%).
- Σ There is formal analysis of cracked and ineffective trials, and appropriate action is taken where the prosecution has been at fault. There has been significant progress in this respect since the time of the last inspection. The proportion of ineffective trials for which the prosecution was at fault in 2004-05 (7.2%) was not quite as good as the national average (6.8%).
- Σ Work has been undertaken with criminal justice partners, action has been taken and communicated, and performance is improving as a result. A more rigorous trial readiness process has been established and liaison between CPOs from the different agencies has improved preparation for trial. The Area receives information regularly from most magistrates' courts centres

about the effectiveness of trial hearings. Meetings are held between unit managers and the courts at local level to analyse the data and determine how to address the reasons.

*Aspects for improvement*

- Σ We have already mentioned the above average rate of vacated trials, a good proportion of which will, no doubt, have occurred as a result of a proactive and timely decision avoiding the wasted resources of an ineffective trial. However, there is also evidence of some late decision-making, in that in 31.4% of vacated trials in December 2004 the case was discontinued.

**2C: The Area demonstrates that CMS contributes to the effective management of cases**

- Σ The Case Management System (CMS) is routinely used to record key events in cases, and monitor outstanding tasks and chase them up where appropriate. Usage is monitored and appropriate action has been taken to improve it. All staff required to use CMS have its proper use as a performance appraisal objective and appropriate training is delivered before data input is allowed. Super users assigned to each unit provide valuable advice and practical guidance. Monthly usage figures are circulated and any issues arising addressed.
- Σ The Area's rates for usage of CMS for full file reviews and for effective log-ins have improved and were close to the national averages in 2004-05; for full file reviews this was 25.4% compared to a national rate of 27.1% and for effective log-ins 82.5% against 80.8%.

**3. MANAGING CROWN COURT CASES**

**2 - FAIR**

*Crown Court cases are generally prepared promptly and most cases are ready to proceed. Improvements have been achieved since the time of the last inspection, when the timeliness of review and service of committal papers was relatively weak. A reality check examination of a small sample of cases suggests that lawyers and caseworkers are now more pro-active and work well together after committal. However, the guilty plea rate, conviction and acquittal after trial rates in the Crown Court are still not as good as the comparative national averages. The quality of instructions to counsel has improved and their delivery is almost always timely, although there has been a recent dip in performance. Better case progression and analysis of the causes by the criminal justice agencies is reducing the proportion of ineffective trials. The rate and proportion attributable to the prosecution are better than national comparators. The Area did not meet its target for Proceeds of Crime Act (POCA) confiscation orders in 2004-05 but performance is now improving. Use of the case management system (CMS) for building indictments is better than seen nationally.*

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

- Σ Performance has improved since the time of the last inspection. Crown Court cases are generally reviewed and prepared promptly, with follow up work undertaken where necessary. The involvement of caseworkers in Crown Court preparation is increasing gradually and most cases are ready to proceed at each court hearing. A reality check of five Crown Court trials indicates that lawyers and caseworkers have become more pro-active and work together effectively in seeking to improve cases after committal.
- Σ Instructions to counsel generally include an analysis of the issues and acceptability of pleas and are usually delivered promptly. Although identified as a weakness at the time of the last inspection, the quality of instructions was good in the five trials examined and their delivery to counsel was timely in 93.3% of cases in 2004-05 compared to 85% nationally. Instructions are monitored under the Casework Quality Assurance scheme (CQA) and Higher Court Advocates (HCAs) provide valuable feedback.
- Σ There is regular liaison with criminal justice partners and regular case progression meetings, which has resulted in improvements in performance. The Effective Trial Management Programme (ETMP) is being rolled out across the Area and the responsibilities of Case Progression Officers (CPO) are clearly defined. Weekly meetings are held with the Crown Court CPO to discuss pending cases and they are listed for mention if there are outstanding issues that need to be resolved.
- Σ The position as regards persistent young offenders (PYO) is covered in Aspect 2. Performance has been generally good and within target.

### Aspects for improvement

- Σ The Area's success rate in the Crown Court is not as good as the CPS performance nationally. The guilty plea rate (66.3% compared to 73.1%) and the conviction rate (72.6% compared to 75.8%) are not as good as the national averages. The Area also has a higher than average rate of acquittals after Crown Court trial. This has fallen, however, from 16.5% in the 12 months to December 2004 (compared to the national average of 9.8%) to 11.7% (compared to 7.5%) in the period since then.
- Σ The Area is monitoring POCA cases but did not meet its target for confiscation orders in 2004-05 (28 orders were obtained realising a sum of £240,270). The profile of POCA has been increased amongst CPS staff and the police. The Police Financial Investigation Unit (FIU) is now working more effectively and there has been successful joint training.

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

- Σ The ineffective trial rate is reducing and the Area met its own and the national target (17% and 18.4% respectively). In 2004-05, it was 15.4%, which was slightly better than the national performance (15.8%). The proportion of ineffective trials caused by the prosecution was also better than the national rate (5.8% against 6.6%). Improved communication following the introduction of the Witness Care Units (WCU) has resulted in a fall in the proportion of cases that cannot proceed because a prosecution witness is absent. The cracked trial rate (31.1% against 39.2%) was also better than the national comparator but the proportion caused by the prosecution (16% against 15.3%) was not quite as good.
- Σ There is formal analysis of cracked and ineffective trials and appropriate action is taken where the prosecution has been at fault. The latest outcomes are reported in monthly performance reports considered by the Operational Management Group of the Local Criminal Justice Board (LCJB). Action to address the causes is agreed and data is circulated between the agencies. Information is disseminated to CPS staff at team meetings and weekly briefings.

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

- Σ The position as regards use of CMS and the Management Information System (MIS) is covered in Aspect 2. General CMS usage has improved and is now close to national levels and MIS use for analysis is being developed. In the Crown Court context, CMS was used for building indictments in 82.5% of cases compared to 80.8% nationally.



**4. ENSURING SUCCESSFUL OUTCOMES**

**3 - GOOD**

*Unsuccessful cases, particularly those subject to pre-charge advice, are analysed by managers with feedback given to individuals; some cases would have benefited from more robust analysis. The criminal justice agencies in Hampshire and Isle of Wight have performed well in comfortably exceeding the target for Offences Brought to Justice (OBTJ). The Area has consistently performed better than the national average in respect of successful outcomes. This was continued in 2004-05 with a combined successful outcome rate of 82.6% against a national achievement of 80.4%. Whilst this is a creditable performance, it represents a decline against the results for the previous two years at a time when the national trend is for improvement ; it also fell short of the Area target.*

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

- Σ There is assessment of the quality of review and case handling through the Casework Quality Assurance scheme although this needs to be used more consistently across all units. Domestic violence and pre-charge advice cases can only be discontinued with the approval of a Unit Head.
- Σ Adverse outcome reports are completed for most types of unsuccessful outcomes and give an indication of the reason for acquittal. Feedback is usually provided to individuals if learning points are identified. All unsuccessful cases that have been the subject of pre-charge advice are examined.
- Σ Unsuccessful cases are discussed with the police at joint performance meetings. The local implementation teams for the pre-charge advice scheme are now being provided with some high level data on outcomes.
- Σ The Area performance in respect of unsuccessful outcomes is better than the national average. The overall Area rate was 17.4% against a national target of 21%, and performance of 19.6%. Outcomes were more positive in the magistrates' courts, mainly due to a traditionally high jury acquittal rate in the Crown Court.

OUTCOME	AREA FIGURE	NATIONAL AVERAGE
<b>Magistrates' courts</b>		
Discontinuance & bindovers	11.7%	12.5%
No case to answer	0.2%	0.3%
Dismissed after trial	2.4%	1.5%
Discharged committals	0.2%	0.3%
Overall conviction rate	83.3%	80.8%
<b>Crown Court</b>		
Judge ordered acquittals	13%	14.2%
Judge directed acquittals	3%	2.0%
Acquittals after trial	10%	6.3%
Overall conviction rate	72.6%	75.8%

- Σ The target for OBTJ is a shared one set by reference to the criminal justice area. The ability of the CPS to influence this particular target is limited because it includes offences dealt with by non-prosecution disposals. The criminal justice agencies in Hampshire and Isle of Wight have comfortably achieved their target, with a 22.8% increase over their baseline figure against a target of 11%. The success in meeting the target is attributable primarily to increases in the number of fixed penalty notices, cautions and formal warnings issued by the police.

#### *Aspects for improvement*

- Σ Some unsuccessful cases could have been analysed more robustly to identify the relevant learning points. This finding is consistent with observations made in the Inspectorate Report published in July 2004.

- Σ Whilst the level of unsuccessful outcomes (17.4%) was better than the national average in most relevant categories, the Area did not achieve its overall target of 15%. The rates in 2004-05 were worse than in the previous two years, at a time when national performance is improving. The Area rates for the previous two years were 15.1% and 16.4%. In this same time frame the differential between the Area and national figures has narrowed from 7.1% down to 2.2%, although they are still better.
- Σ Whilst the overall conviction rate is satisfactory, the conviction rate for cases subject to pre-charge advice was significantly worse than the national average in 2004-05.
- Σ The level of discharged committals, although better than the national average, still represents 56 cases in 2004-05 which should have proceeded to the Crown Court but which did not do so because the prosecution was not ready. The position has improved, however, with only nine discharged committals in the first six months of 2005-06

<b>5. HANDLING SENSITIVE CASES AND HATE CRIMES</b>	<b>3 - GOOD</b>
--	-----------------

*Prosecutors with appropriate expertise, training and experience generally handle sensitive cases. The Area has appointed champions and specialists, and has also established a Special Casework Unit whose remit includes handling particularly sensitive casework. Sensitive cases are flagged up on the case management system (CMS) and Area champions monitor performance and ensure consistency. The Area undertakes an analysis of hate crime outcomes, and requires authorisation by a specialist or Unit Head before discontinuing a sensitive case or accepting a charge reduction. The Area takes CPS policies and HMCPSI thematic reviews into account with the relevant specialist advising staff and monitoring compliance.*

**5A: The Area identifies and manages sensitive cases effectively**

- Σ Sensitive cases (all cases involving domestic violence, homophobic, racist and religious crime, child abuse or child witness cases, rape, fatal road traffic offences, issues of local concern, street crime, anti-social behaviour orders (ASBOs) and high profile or media interest cases) are generally handled by prosecutors with the appropriate specialist skills and knowledge. The majority of lawyers and caseworkers have received training on racist and religiously aggravated crime, domestic violence and ASBOs.
- Σ The Area has appointed and compiled a list of champions and specialists for sensitive cases. As far as possible, such cases are directed to those individuals and other prosecutors are able to readily consult them where necessary. The Area's Special Casework Unit handles particularly serious and sensitive casework as well as providing guidance on complex legal issues. Its role also includes conducting quality control exercises in respect of specific case categories and managing the work of the Hampshire Casework Committee.
- Σ Sensitive cases are flagged up on CMS. All staff are trained on identifying sensitive cases on CMS and have that as an objective in their forward job plans. Cases with a racial element are monitored and a monthly racial incident data return (RID) is sent to Headquarters.
- Σ Performance in sensitive cases is monitored. The Area champions oversee practice and compliance with CPS policy to ensure consistency between units. Unit Heads assess their review and handling using the Casework Quality Assurance scheme (CQA) with appropriate feedback being provided to individuals where necessary. The authority of a specialist or Unit Head is required before any sensitive case is discontinued or a guilty plea to a lesser charge accepted.

- Σ The Area takes CPS policies and HMCPSI thematic reviews into account when devising Area practice. The relevant Area champion or leading specialist is given responsibility for disseminating the necessary information and monitoring compliance.
- Σ The Area's performance in avoiding unsuccessful outcomes in hate crime cases has been better than the national average. It is an additional element in the monthly unit performance reporting regime, although the level of staff understanding and awareness varies.

**6. CUSTODY TIME LIMITS**
**2 - FAIR**

*The Area has a written system for handling custody time limits (CTLs) that incorporates the national guidance and elements of good practice, although our on site checks highlighted aspects that were not being consistently applied. There are regular management checks. There were no reported CTL failures in 2004-05. However, following a failure in September 2005, the Area is currently reviewing its systems and rolling out a refresher training programme. The Area has an agreed written protocol with the Crown Court centres but has been unable to secure one with the magistrate's courts. Our file examination showed generally satisfactory practice although some issues were apparent.*

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

- Σ The Area has a documented system for managing CTLs that complies with national guidance and generally sets out CPS Best Practice.
- Σ There were no reported CTL failures in 2004-2005. However, one was reported in early September 2005. This prompted the CTL Area Champion to undertake assurance checks and a programme of refresher training on CTLs throughout the Area.
- Σ The Area provides staff with training on CTLs during induction, training days and team meetings. Throughout the reporting period, the Area delivered CTL training to members of staff at lawyer, caseworker and administrator levels.
- Σ The Area has agreed a protocol with the Crown Court centres. This allows prosecutors to agree the expiry date in court and there is joint monitoring. The Unit Business Manager (UBM) attends weekly meetings with the Crown Court Listing Officer to ensure all CTL dates are kept under review. To date, a similar agreement has not been reached with the magistrates' courts.
- Σ There are regular checks by management focusing on CTL calculations. Senior managers have adopted the recommendations of the HMCPSI thematic review in that all CTLs are now checked by UBMs. All files where a calculation of CTL dates is made are checked on a weekly basis by the UBMs, ensuring that the CTLs recorded on the relevant file and in a central diary, as well as on the case management system (CMS), are accurate. Task lists on CMS are monitored daily by UBMs and systems officers, and any issues involving CTLs are reported to the Unit Heads.

- Σ Analysis of files while on site indicated generally satisfactory practice. Timely applications for CTL extensions were made and outcomes noted. Review and expiry dates were correctly calculated, displayed on the front of files and noted in CTL diaries and on CMS. However, checks undertaken on action dates were not systematically updated in CTL diaries. In general, endorsements were of an acceptable standard but there is room for improvement.

*Aspects for improvement*

- Σ The Area will wish to ensure that the CTL guidance is being followed through effective management checks. For example, our reality check revealed that when a defendant was granted bail, lawyers had not crossed through the CTL nor marked the number of days spent in custody on the file. Also, where an indictment had been preferred with an additional count, a new CTL had not been instigated for that charge nor clearly endorsed on the file jacket. One of the files examined did not have a chronology provided with the application to extend the CTL, which consequently received judicial criticism.
- Σ On site file examination did not show any evidence of lawyers being involved in calculating expiry dates and endorsing files accordingly as set out in the Good Practice Guide and Essential Actions Document. Administrative staff are responsible for making these calculations when the file returns from court. Lawyers should be more pro-active in court, using the Ready Reckoner and endorsing the file with the calculation, which should then be double checked in the office.

**7. DISCLOSURE**
**3 - GOOD**

*Performance at the time of the last inspection was sound, with compliance significantly better than that recorded for the CPS nationally. A reality check for the purposes of this assessment confirmed that this level of performance is being maintained. Updating additional training has been delivered and the Area has been pro-active in seeking to improve performance further. Prosecutors' performance is assessed regularly under the Casework Quality Assurance scheme (CQA), followed by developmental feedback as necessary. The Disclosure Champion has provided valuable guidance to colleagues and the police.*

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

- Σ Performance at the time of the last inspection (March 2004) was good, with compliance well above that recorded by the Inspectorate for the CPS nationally. Primary disclosure was handled properly in 91.2% of magistrates' courts cases compared to 71.6% nationally and in 82.4% of Crown Court cases compared to 79.9%. Secondary disclosure in the Crown Court was handled properly in 78.1% of cases compared to 59.4% nationally. Overall, there was full compliance with the disclosure regime in 82.4% of cases compared to a national performance of 70.3%. A reality check of files examined 10 magistrates' courts and Crown Court trials and indicated that compliance remains generally sound.
- Σ Additional training has been provided since the last inspection, on the revised Joint Operational Instructions (JOPI) and changes to the disclosure regime brought about by the Criminal Justice Act 2003. Further training is planned for recent recruits.
- Σ Prosecutors' performance in relation to disclosure is assessed under CQA and Unit Heads have provided developmental feedback to individuals arising from their findings.
- Σ The head of the Special Casework Unit acts as the Area Disclosure Champion providing training, advice and guidance to colleagues. He also liaises with the police and other criminal justice system agencies about disclosure issues. Close contact is maintained with the police equivalent and police representatives attend CPS training sessions.
- Σ Sensitive material is stored securely. Sensitive unused material and schedules are removed from files on receipt and stored in a secure location.



- Σ Despite achieving a relatively good level of performance at the time of the last inspection, the Area has remained pro-active and regular updates are provided to staff on changes. The Special Casework Unit has worked particularly closely with the police on improving the quality of the descriptions of items in disclosure schedules so that prosecutors are able to take properly informed decisions. The Hampshire Casework Committee also keeps disclosure issues under review.

**8. THE SERVICE TO VICTIMS AND WITNESSES**
**2 - FAIR**

*Area managers are committed to providing a good service for victims and witnesses. Significant efforts have been made to implement six Witness Care Units (WCUs) to deliver the national No Witness No Justice (NWNJ) initiative. It is anticipated that the units will all be open by the end of December 2005. Despite the good intentions of the Area, there have been some difficulties in delivering a consistently high level of service. The Portsmouth WCU has experienced problems that required significant remedial action, and compliance with the Direct Communication with Victims (DCV) scheme has been weak over a sustained period.*

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

- Σ The Area includes the service to victims and witnesses among its top priorities. A significant amount of effort has gone into planning WCUs throughout the two counties and work was ongoing at the time of this assessment in implementing the NWNJ initiative.
- Σ The Area enjoys positive relationships with the Witness Service and Victim Support. The Chief Crown Prosecutor chairs the Victims and Witnesses sub-committee of the Local Criminal Justice Board (LCJB).
- Σ Most key staff have received training on Speaking Up for Justice (SUFJ) with a focus on special measures to protect vulnerable victims and witnesses. A recent analysis of training needs identified that some staff would welcome refresher training and as a result this is now planned.
- Σ CPS advocates are expected to take a pro-active approach to supporting victims and witnesses at court, and positive examples of this were provided.
- Σ Area managers monitor cracked and ineffective trials and the findings are discussed in inter-agency meetings. The percentage of ineffective trials in the magistrates' courts due to civilian witnesses not turning up was marginally worse than the national average in 2004-05 (4.8% against national 4.5%). In the Crown Court, the Area figures were slightly better than national averages (3.2% against 3.7%). The results for 2005-06 have varied month by month, but overall show a small improvement.
- Σ NWNJ is being implemented in accordance with the delivery plan with most of the deadlines being met within the relevant period. The Area has three WCUs already operating with plans to open another three by the end of December 2005. Some work has been undertaken to look at the lessons that can be learnt from the Area's experience in Portsmouth (the first WCU, opened in 2004)

### *Aspects for improvement*

- Σ Area systems to ensure compliance with the DCV scheme are not effective. Letters are not being sent in all appropriate cases and where they are sent timeliness has been weak. Senior managers have been aware of the problem for some time, but so far only limited progress has been made in improving performance. An audit of DCV cases was being planned at the time of this assessment. The content of the majority of letters was satisfactory, although some included too much legal jargon. A spot check of cases on the case management system indicated that too many cases were not being highlighted with the relevant 'identifiable victim' flag.
  
- Σ Success in relation to appropriate and timely special measures applications has been mixed, particularly with regard to timeliness. Police compliance with the provision of additional information on victims' needs has been inconsistent, and was not always challenged by CPS staff. Efforts are now being made by the charging duty prosecutors to monitor that the relevant forms (particularly MG11s) are being completed appropriately. The Case Progression Officers are also now taking a more active role in monitoring applications.
  
- Σ There have been some difficulties at the Portsmouth WCU in fully achieving the NWNJ minimum standards and therefore in delivering the expected benefits. The unit was formed in April 2004 and then 'upgraded' to a NWNJ unit in December 2004. Difficulties in staffing the unit, coupled with some absence, contributed to service issues for a period. Witness warning was among those processes affected. An evaluation by the National Review Team conducted in March 2005 concluded that whilst progress was being made, some significant weaknesses needed to be resolved urgently; only three of the 14 standards were being fully met. A plan with more than 50 remedial action points has been drawn up and worked on. The unit was being formally evaluated against the minimum standards at the time of this assessment.

## 9. PRESENTING AND PROGRESSING CASES AT COURT 2 - FAIR

*The Area is working productively with other agencies to improve case progression in court. Papers are generally provided promptly to suitably trained and experienced advocates. The Area has improved the training that is available to CPS prosecutors and considerably increased the level of in-house advocacy coverage. It now needs to support that positive action with more systematic monitoring procedures to ensure that it maintains a high quality service. Agreements are in place between the CPS and courts designed to achieve suitable listing arrangements and prevent inappropriate transfer of cases. These in practice are generally observed. Prosecutors are encouraged to ensure that court endorsements are clear and concise in order to assist their colleagues when files are returned to the office.*

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

- Σ The Area participates actively with criminal justice system partners in the Effective Trial Management Programme (ETMP) to improve case progression at court. Meetings are held between Unit Heads and the courts to analyse timeliness data and address obstacles. Case Progression Officers (CPO) liaise with the police, courts and defence representatives, and are pro-active in their management of the preparation of cases for trial.
- Σ Papers are provided to advocates promptly and selection is generally undertaken with full consideration of experience, expertise and qualifications. Advocates are expected to attend court 30 minutes in advance of the sitting to liaise with defence solicitors, court staff, witnesses and the police, and this is monitored by managers.
- Σ Performance in relation to delivery of briefs to counsel was better than the national average of 85%, with the Area achieving 93.3% in 2004-05 (although there has been a recent dip in performance).
- Σ Suitably trained prosecutors cover most specialist courts and complex cases are only allocated to prosecutors with sufficient experience. All new lawyers attend an advocacy practice course and then the advanced advocacy training within 12 months. Existing lawyers receive refresher training.
- Σ The Area is seeking to reduce its reliance upon agents and counsel. It has, nevertheless, produced local instruction packs for agents and provides two-week placements for new junior members of the Bar. All counsel are required to undertake CPS familiarisation and minimum training in legal aspects (such as POCA) before receiving instructions.

- Σ Agreements are in place between the CPS and courts regarding listing and transfer of cases. They limit the maximum number of sessions, and the agreement of both prosecutors is required before cases are transferred from one courtroom to another. Although there have been exceptions, these agreements are generally observed in practice. The CPS Higher Court Advocate (HCA) Listing Clerk also maintains regular contact with the Crown Court Listing Officer.
- Σ Senior managers attend court regularly, observing the quality of advocacy and prosecutors' interaction with witnesses and other court users. Feedback is delivered when necessary. Complaints about prosecutors have been rare, but are fully investigated and action is taken if appropriate.
- Σ Prosecutors have objectives in their forward job plans to ensure that court endorsements are clear and concise. Administrative staff are required to check court endorsements and report to the Unit Head or unit business manager where they do not meet the expected standard. The Unit Heads also monitor the quality of court endorsements as part of the Casework Quality Assurance scheme (CQA).

*Aspects for improvement*

- Σ Advocacy monitoring has been generally informal. As well as attending court regularly, Area managers receive feedback about performance from several sources, from which training and guidance needs are identified. The Area is pursuing actively the CPS national aim of increasing the proportion of in-house advocacy. It is currently achieving in excess of 90% coverage in the magistrates' courts and has also significantly developed its HCA deployment in the Crown Court. Assuring high quality advocacy by CPS prosecutors is therefore particularly important and the Area would benefit from introducing a more systematic advocacy monitoring programme.

**10. DELIVERING CHANGE**
**3 - GOOD**

*The Area has made considerable improvement in its capacity to plan and implement change. Work on local, national and inter-agency projects is now managed and co-ordinated better following the formation of a dedicated Business Development Unit (BDU). The Area has been at the forefront of the non-priority Areas in implementing national initiatives and projects. Significant effort goes into joint working with criminal justice partners, although this has not always led to consistently good outcomes in the desired timeframe. Change is reviewed regularly and improvements have been made as a result in some projects. Risk management continues to improve. Training is generally well managed and evaluation is effective.*

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

- Σ The Area has a clear sense of what it wants to achieve and the message has been disseminated to staff at all levels. The key priorities are statutory charging, increased in-house advocacy, Witness Care Units (WCUs) and budget compliance.
- Σ The Area Business Plan (ABP) sets out the responsibilities, milestones and some targets to enable delivery of key objectives. There are good links to the national CPS and government targets in the 2005-06 plans, although the focus on some outcomes could be sharper.
- Σ There are links between the ABP and other planning documents such as training, equality and diversity, and unit plans. Examination of a small number of staff forward job plans indicated linkage to individual objectives.
- Σ Progress against key objectives in plans is monitored by the Hampshire Management Board (HMB), the BDU and the Performance and Best Practice Committee. The recording of the outcome of reviews is inconsistent; in some cases it is clear what needs to be done as a result of the review, in others less so.
- Σ There is a significant amount of joint planning with other criminal justice agencies. The Local Criminal Justice Board (LCJB) holds an annual joint planning event in which the CPS participates, and there are also CPS representatives on all key LCJB sub-groups. The local BDU has been heavily involved in planning with partners for the implementation of statutory charging, the Effective Trial Management Programme (ETMP), and the No Witness No Justice (NWNJ) scheme.

*Aspects for improvement*

- Σ The unit plans are different in terms of format, content and quality. The Area should seek to improve the standard of some of the plans in line with that of the better ones.

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

- Σ In April 2006, Hampshire and Isle of Wight was the first non-priority CPS Area to implement statutory charging. They opened a WCU in Portsmouth in 2004 and two further units in Southampton in the summer of 2005. The Area is optimistic that the remaining three sites will be opened on schedule by the end of the year. In a similar timeframe the Area has successfully implemented the Higher Court Advocate 'pathfinder' initiative and carried out two major reviews of its structure. Clearly, this could not be achieved without a significant amount of hard work.
- Σ The ability to focus on a number of major initiatives at the same time was facilitated by the formation of a dedicated team to manage change. The BDU was set up in April 2004 and has since taken the lead on most change initiatives. The BDU is able to provide valuable support to the units on an ongoing basis.
- Σ The Area's approach to risk is consistent with the CPS national risk management strategy. In addition to the Area risk register, a separate risk log is maintained and reviewed for each of the major initiatives.
- Σ The major initiatives have been the subject of local reviews in addition to those conducted by national implementation teams. The reviews normally generate an action plan for issues where it is identified that remedial action is required. Our inspections in 2004 and the follow-up in 2005 highlighted the need to improve the review process. Some progress has been made and the systems continue to develop.

*Aspects for improvement*

- Σ The Area made a conscious decision that the priority was to meet target dates for implementation of initiatives, and accepted that this brought some risks. For example, the achievement of the benefits realisation of pre-charge advice was subsidiary to meeting the implementation target date. Having achieved their initial goals, the Area now needs to ensure that outstanding issues are resolved and quickly lead to improved results.

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

- Σ Training and development are given a high priority in Hampshire and Isle of Wight and previous inspections have highlighted these as strengths of the Area. Comprehensive training plans are drawn up and managed by the Area Training Committee (ATC). The Area has a dedicated Staff Development Officer who works closely with individuals on personal development. Induction and training on the case management system are the aspects where further progress can be made.
- Σ The plans include a good mix of training for legal and administrative staff. The importance of training is evidenced by discussions at the HMB, particularly in respect of the heavy demands for legal training in light of changes to legislation. The Area offers a good range of 'non-standard' development opportunities such as National Vocational Qualifications (NVQs).
- Σ Diversity is covered in the training plans. In addition to national and on-line e-learning materials, the Area was instrumental in commissioning a diversity play that was seen by a large number of CPS and other CJS agency staff in 2004-05. In keeping with its overall stance on diversity, steps are taken to ensure that there is equality of access. There have been occasions where pressure of work has meant that not everyone has been able to attend their preferred course.
- Σ Most of the mandatory training has taken place. The Area had concerns over training in respect of the Criminal Justice Act 2003, and made concerted efforts to deliver the training to lawyers in the first quarter of 2005-06; caseworker training was less evident. The Learning and Development Manager's report indicates that good progress continues to be made, with most training categories rated as green on the assessment.
- Σ The Area has good systems in place to review the effectiveness of its training. Individual courses are assessed by delegates and the ATC carries out an annual review against the training plan. The Area maintains good records of the training undertaken and also monitors the costs involved.



**11. MANAGING RESOURCES**

**3 - GOOD**

*The Area attaches great importance to budget compliance and has recorded an underspend in each of the last two financial years. Performance in respect of prosecution costs has been less positive with backlogs and delays in the payment of counsel fees, particularly in Winchester. Managers are rigorously pursuing the CPS vision in respect of increased in house advocacy in both magistrates' and the Crown Court. Deployment of agents has reduced considerably and the use of Higher Court Advocates (HCAs) has increased significantly. There is scope to improve the percentage of courts covered by designated caseworkers (DCWs).*

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

- Σ There is clear evidence that the Area has taken steps to achieve value for money, both in terms of deployment of staff and in the effective use of general administrative expenses. There is a clearly stated expectation in the Area that any additional funding the Area receives must be used to deliver performance improvements.
- Σ Regular financial information is considered by management. Finance is a standing item at most management meetings and managers recognise the importance of remaining within budget. The Area has a Financial Business Plan and the finance staff from the secretariat have introduced regular meetings with unit staff with budget responsibility. Additional funding is appropriately ring fenced and accounted for.
- Σ The Area's outturn for non-ring fenced running costs has been within budget for the last two years. In 2003-04, some miscalculations contributed to a bigger than anticipated underspend of 1.9%. Financial controls have been developed further since then. In 2004-05 the Area was 0.4% under its allocated budget. A minor adjustment to the latest system should ensure that the Area is able to fully appreciate its financial position and make accurate forecasts.

*Aspects for improvement*

- Σ The effective management of prosecution costs has been a long standing problem in parts of the Area. The systems in Winchester were not rigorous and enabled backlogs to exist. Some remedial actions have been taken that have led to improvements, although some issues persist. At Area level, the timeliness of payments under the graduated fees scheme was not good in 2004, but has improved in some quarters in 2005. The Area had overspent by 7.4% in respect of prosecution costs in 2004-05, rather less than the national average.

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

- Σ Our inspection in 2004 highlighted the need to improve the systems by which staff are allocated to units. Progress has been made and resource planning is now much improved. The Area regularly reviews its staffing positions as evidenced by the re-structures carried out in each of the past two years. The distribution of staff between the units is also considered by the Area Business Manager, the Business Development Unit and the Human Resources Manager. Examples were provided of a number of transfers or loans and reductions of staff in the various teams. Data in respect of staff deployment and distribution has improved since mid 2004.
- Σ Average sick absence is reasonably low at 8.1 days per member of staff over the year 2004, compared to the national average of 8.7 days. Systems are being developed to improve the local tracking of absence. Data on sickness is included in the units' quarterly performance reports.
- Σ The Area has consistently demonstrated a positive approach to flexible working practices, while accepting the requirement to ensure that the needs of the business are not overlooked.
- Σ There is active management of the use of agents to prosecute in the magistrates' courts. Significant efforts have been made to increase the in-house coverage of courts across the two counties. At the beginning of 2004-05 approximately 30% of courts were covered by agents, but this had reduced to under 8% for the last quarter of the year (annual figure was 17.5% which is significantly better than the national average). The improvement has been maintained for the first half of 2005-06. There are clear expectations with regard to coverage of courts (7 sessions per lawyer) and at charging centres.
- Σ The Area has made a strong commitment to the deployment of HCAs. They are one of two Areas who, since the summer of 2004, have participated in a 'pathfinder' project on improving the level and quality of in-house advocacy in the Crown Court. A team of three HCAs was established in Portsmouth and dedicated most of their time to establishing an improved CPS presence in court. The number of sessions has consistently grown and the type of cases covered has expanded to include some trials. During 2004-05 the Area (including the pathfinder team) covered 413 sessions with an average counsel fee saving of £219 per session. For the final quarter the figures were 198 sessions with an average saving of £268. The Area has expanded its cadre of HCAs to a full time equivalent of 22.4 staff. The good progress has continued into 2005-06, and during the first six months the Area has covered 517 sessions with a total counsel fee saving of £114,402. Whilst this is generally very positive, there is opportunity to improve the level of savings per session, as they are currently below the national average.

- Σ Deployment of designated caseworkers (DCWs) was a little better than the national average in 2004-05. The Area has five DCWs who covered a total of 1142 half day sessions between them; this equates to 8.8% of the total magistrates' courts coverage (national average 8.3%). Managers are aware that there is scope to improve coverage in some parts of the Area, and are involved in discussions with the court over listing patterns. Performance for the first half of 2005-06 lags behind national levels.

**12. MANAGING PERFORMANCE TO IMPROVE**
**2 - FAIR**

*The Area is gradually improving its performance management regime. Senior managers have introduced a quarterly unit based reporting system that is beginning to be of assistance. Data in respect of deployment has been improved. Whilst there is evidence of the performance system being used to improve some aspects of work, there are also some issues that have been long-standing problems. Area managers are actively involved in joint-agency performance activity, although this has not always delivered the desired improvement in results in a timely way. There was significant inaccurate recording of performance indicators in one of the units. The use of the case management system (CMS) and associated Management Information System (MIS) has improved, but needs further development.*

**12A: Managers are held accountable for performance**

- Σ There is a growing acceptance of the need for effective performance management. Systems have been reviewed and are now more closely aligned to the national quarterly reporting framework. Performance is discussed by senior managers and also in team meetings, albeit the level of discussion varies. Staff deployment has been a key focus of the Area over the past 18 months and performance data in this respect has been improved.
- Σ Managers are held accountable for the performance of their units. One of the aims of the revised structure is to bring greater focus onto delivery of improved performance at unit or district level. Work has been undertaken to clarify the role of the Performance and Best Practice Committee (PBPC).
- Σ There is evidence of some review of processes and systems that has led to improvements. A problem over data in respect of Higher Court Advocate usage was identified and rectified.
- Σ There are a variety of ways in which staff can be involved in improvement activity. In addition to Area-wide formal activity under the umbrella of the PBPC, there are unit based groups who have worked on local key issues. The relocation of the Southampton Trial Unit, and the existence of a process group in a criminal justice unit are examples of positive involvement. Staff are encouraged to make suggestions for improvements.
- Σ There is evidence of the appraisal system being used to address personal performance issues.

*Aspects for improvement*

- Σ The performance systems in place have not led to timely, effective, remedial actions in some aspects of work where performance was known to require improvement. While some change has happened more recently, issues such as Direct Communication with Victims (DCV), the administration of prosecution costs, use of the Casework Quality Assurance (CQA) scheme, and use of CMS have been long-standing challenges in the Area.
- Σ More can be done to make the quarterly performance report process more effective. There was a lack of clarity in some units as to what was expected of them in respect of some of the measures. The quality of data and analysis has been variable, and opportunities to share knowledge and good practice have been missed. There is limited evidence of comparison of data across units

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

- Σ Area managers are involved in a number of inter-agency groups, most of which will include discussion on performance. Cracked and ineffective trials are analysed jointly with court staff. The CPS is represented on all the key subgroups of the Local Criminal Justice Board (LCJB). There are regular joint performance meetings with the police.
- Σ Some data on unsuccessful outcomes, particularly those cases that were the subject of pre-charge advice, is shared with the police. Some data is also provided to the Operational Management Group of the LCJB.
- Σ The local Business Development Unit takes a leading role in liaising with other agencies on driving forward national initiatives. Action plans have been drawn up following reviews of progress.
- Σ There is good cooperation between the agencies in tackling the key government and LCJB targets. Performance in respect of public confidence, Offences Brought To Justice and persistent young offenders is good.

*Aspects for improvement*

- Σ Despite the efforts of the agencies to improve performance, some issues have taken longer than desirable to progress. The efficiency of some co-located units, performance in the Portsmouth WCU and benefits realisation from pre-charge advice are examples.

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

- Σ Systems have been put in place to ensure the accuracy of finalisations in respect of adverse case categories. Data from CMS is reconciled with written reports from units.
- Σ Performance data is shared with staff in a variety of ways. Team meetings, the staff newsletter and notice boards are the primary mechanisms in place. Some data is also available on the local shared drive. Units have only limited access to each other's performance data; we consider that this should be developed further to encourage identification of good practice.
- Σ The Area has recently developed a new monthly performance pack that is an improvement on previous versions. It has a traffic light system that highlights aspects where performance is good or in need of improvement.
- Σ Some basic comparison of performance against other CPS Areas is undertaken on receipt of the Headquarters quarterly performance booklet. The Area tends to use South Wales and West Yorkshire as the most appropriate benchmarks.

*Aspects for improvement*

- Σ The use of CMS and associated MIS as reporting tools was weak in 2004-05. There has been some improvement more recently, but there is still a need to strengthen significantly the ability of staff to extract relevant performance data from the systems. The limited use of performance data will have inhibited the effectiveness of some of the inter-agency joint performance activity.
- Σ There was some inaccurate recording of cases in the performance indicators in 2004-05. Cases that should have been recorded as 'guilty pleas' had been recorded as 'guilty verdicts'. We have seen evidence of some remedial actions but we remain concerned that there are still errors in one of the units. Our inspection in February 2005 also identified the inclusion of specified offences in the performance indicators contrary to CPS accounting procedures.

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

- Σ The Area has used its Special Casework Unit to conduct some targeted quality assurance checks on specific topics, although none have been conducted as yet in 2005-06. This is in addition to the use of the national Casework Quality Assurance (CQA) scheme.

- Σ Feedback is provided to individuals on issues identified as part of the quality assurance work. We have seen a small number of examples of wider issues being noted in unit quarterly reports.

*Aspects for improvement*

- Σ Some units have not been completing the requisite number of checks under the CQA scheme. This has been recognised recently and the numbers are beginning to improve.

**13. LEADERSHIP**
**3 - GOOD**

*Area managers are very clear about the vision and direction of the CPS in Hampshire and Isle of Wight. Communications are for the most part fine, albeit occasionally the tone should be more sensitive. The Area is seeking to build on corporacy by restructuring into districts that will reduce the unit based focus that has sometimes prevailed. CPS managers are playing an active role with partner agencies in developing the criminal justice system in the area. The Area has continued to demonstrate a strong commitment to equality and diversity.*

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

- Σ The vision and values of the Area are clear, focused and stated and have been disseminated to staff. They are readily apparent from the Area Business Plan.
- Σ Managers understand their role in implementing corporate decisions. There are a number of examples of this in respect of staff deployment. Whilst we saw no evidence of non-corporate behaviour, the units have tended to operate in isolation of one another and, as a consequence, opportunities to share good ideas and practices have been missed.
- Σ Staff have access to senior managers. The Chief Crown Prosecutor (CCP) and Area Business Manager (ABM) have held road shows during times of significant change such as the restructure. The quarterly unit or district performance reviews are held in the unit's premises and provide additional opportunities for staff to talk directly with senior managers.
- Σ The Area has a Communication Strategy that outlines the key actions and values that should underpin effective communication. Team meetings are held in each of the units albeit the frequency has been variable. Considerable efforts are made to communicate with staff and the results in the 2004 staff survey were 5% above the national average.
- Σ Relationships with other criminal justice agencies are constructive for the most part. There have been issues in the co-located units which were discussed at an inter-agency forum in December 2004. Some progress has been made as a result. A police restructure was taking place, and CPS managers will need to ensure that they establish cooperative relationships with the new management team.



- Σ CPS managers are involved in taking forward initiatives with criminal justice partners. The CCP is vice chair of the LCJB and chair of the Victims and Witnesses sub-group. The ABM chairs the multi-agency Race Issues Group. Unit Heads have been pro-active in working with the courts on reducing cracked and ineffective trials. The Business Development Unit is heavily involved in the implementation of new initiatives.

*Aspects for improvement*

- Σ More can be done to ensure that units or districts take on an Area perspective and that they are not focused purely on the needs of their own team. One of the goals of the recent restructure will be to break down the 'silo' approach to work.

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

- Σ Managers and staff are involved in outward looking activity, within both the criminal justice agency environment and the community.
- Σ Efforts have been made to improve the recognition of good performance by individuals or teams. Letters of recognition have been sent by the CCP and the ABM. Team minutes also evidence acknowledgement of good performance.
- Σ The Area's commitment to equality and diversity is tangible. The Area has an Equality and Diversity Committee that meets on a quarterly basis. The group takes the lead on internal diversity issues and is driving the Area's community engagement programme.
- Σ The Area has drafted its own Race Equality Scheme document and this outlines how diversity issues have been integrated into business plans. It has participated in a Home Office pilot for a Race Assessment tool. The results in the 2004 staff survey on 'Dignity at Work' issues were 7% better than the national score.
- Σ There are appropriate systems in place for handling any complaints received with regard to treatment by colleagues or managers.
- Σ The make up of staff is reflective of the local population.

*Aspects for improvement*

- Σ Care needs to be taken to ensure that communication generally, and negative feedback in particular, is handled in a sensitive manner. Examples were noted during our visit that did not sit comfortably with the 'Dignity at Work' philosophy, or indeed, the values laid out in the Area's own Communication Strategy.

**14. SECURING COMMUNITY CONFIDENCE**
**3 - GOOD**

*Despite the amount of change occurring in the Area, managers and staff have been able to maintain their commitment to a programme of engagement designed to improve public confidence. They have a solid foundation on which to develop further their existing activity. Focus and targeting will be the keys to making the programme as effective as possible. The level of public confidence in Hampshire and Isle of Wight (as measured by the British Crime Survey) is among the best of the 42 criminal justice areas.*

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

- Σ The commitment of managers is clear and evidence exists of wider engagement activity with the community. This includes contact with special interest groups, the local media, other criminal justice agencies, educational establishments and the general wider community. Work is conducted on behalf of the CPS on some occasions and under the umbrella of the Local Criminal Justice Board (LCJB) on others.
- Σ There is a Community Engagement Strategy that forms an integral part of the Area Business Plan. Most of the unit plans have actions or objectives designed to improve public confidence.
- Σ During 2004-05, the Area had a Communications Manager who was heavily involved in the community engagement activity. Following recent staff moves, the Equality and Diversity Committee, chaired by a senior manager, has assumed the lead in progressing the programme. The committee has representatives from a cross section of roles and includes representatives from each of the districts.
- Σ The Area has information on the local demographics of the two counties, and details are included in their local Race Equality Scheme document. Work continues to identify any gaps in the groups covered by the community engagement activities. The Area has involved the units in drawing up the database of useful community contacts.
- Σ A wide range of staff are involved in community engagement work, aimed at improving public confidence. It is seen as core work, as evidenced by the business plans. Whilst the range of groups met so far is extensive, the Area recognises that targeting of general community groups can be strengthened. A database of local contacts has been developed via the Equality and Diversity Committee. The Area has strong links with the Race for Justice Project which is chaired by the Area Business Manager.

- Σ The level of public confidence in the criminal justice agencies in Hampshire and Isle of Wight in bringing offenders to justice is at 49%. This represents a significant improvement on the baseline figure of 42% and is in the upper quartile of national performance.

*Aspects for improvement*

- Σ The Area recognises that there is more to be done in terms of measuring the success of community engagement, and that, as yet, there is limited evidence of improvements being implemented as a direct result of consultation.
- Σ The Area, along with the LCJB, has yet to find an effective way of liaising with the 14 Crime and Disorder Partnerships across Hampshire and Isle of Wight, although plans are in hand to meet with Community Safety Officers.

**ANNEX A**

**PERFORMANCE DATA**

**ASPECT 1: PRE-CHARGE DECISION-MAKING**

MAGISTRATES' COURTS CASES								
Discontinuance rate			Guilty plea rate			Attrition rate		
National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05
11%	16.3%	22.8%	52%	68.8%	60.9%	31%	22.7%	29.8%
CROWN COURT CASES								
Discontinuance rate			Guilty plea rate			Attrition rate		
National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05
11%	14.6%	18.6%	68%	66.7%	51.8%	23%	23.8%	35.5%

**ASPECT 2: MANAGING MAGISTRATES' COURTS CASES**

INEFFECTIVE TRIAL RATE			OVERALL PERSISTENT YOUNG OFFENDERS PERFORMANCE (ARREST TO SENTENCE)		
National Target	National Performance 2004-05	Area Performance 2004-05	National Target	National Performance (3-month rolling average Feb 05)	Area Performance (3-month rolling average Feb 05)
24.5%	24.8%	25.8%	71 days	67 days	59 days

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

	Initial Guilty Plea Target 59 days		Trials Target 143 days		Committals Target 176 days	
	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)
National	83%	6,152	66%	2,698	89%	992
Area	77%	220	71%	101	75%	4

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

	Initial Guilty Plea Target 59 days		Trials Target 176 days		Committals Target 101 days	
	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)
National	87%	5,185	87%	3,309	91%	190
Area	92%	199	99%	105	NA	0

**ASPECT 3: MANAGING CROWN COURT CASES**

INEFFECTIVE TRIAL RATE		
National Target	National Performance 2004-05	Area Performance 2004-05
18.4%	15.8%	15.4%

**ASPECT 4: ENSURING SUCCESSFUL OUTCOMES**

UNSUCCESSFUL OUTCOMES (AS A PERCENTAGE OF COMPLETED MAGISTRATES' COURTS AND CROWN COURT CASES)		
National Target	National Performance 2004-05	Area Performance 2004-05
21%	19.6%	17.4%

OFFENDERS BROUGHT TO JUSTICE		
	CJS Area Target 2004-05	CJS Area Performance 2004-05
Against 2001-02 baseline	11%	22.6%
Number	34,577	38,202

**ASPECT 7: DISCLOSURE**

DISCLOSURE HANDLED PROPERLY IN MAGISTRATES' AND CROWN COURT CASES PERFORMANCE IN THE LAST INSPECTION CYCLE		
	National Performance	Area Performance
Primary test in magistrates' courts	71.6%	91.2%
Primary test in Crown Court	79.9%	82.4%
Secondary test in Crown Court	59.4%	78.1%
Overall average	70.3%	83.9%

**ASPECT 11: MANAGING RESOURCES**

<b>NON RING-FENCED ADMINISTRATION COSTS BUDGET OUTTURN PERFORMANCE (END OF YEAR RANGES)</b>	
2003-04	2004-05
98.1%	99.6%

<b>DCW DEPLOYMENT (AS % OF MAGISTRATES' COURTS SESSIONS)</b>			<b>HCA SAVINGS (PER SESSION)</b>		<b>SICKNESS ABSENCE (PER EMPLOYEE PER YEAR)</b>		
National Target 2005-06	National Performance 2004-05	Area Performance	National Performance 2004	Area Performance 2004	National Target	National Performance 2004	Area Performance 2004
11.6%	8.3%	8.8%	£224	£268	8 days	8.7 days	8.1 days

**ASPECT 14: SECURING COMMUNITY CONFIDENCE**

<b>PUBLIC CONFIDENCE IN EFFECTIVENESS OF CRIMINAL JUSTICE AGENCIES IN BRINGING OFFENDERS TO JUSTICE (BRITISH CRIME SURVEY)</b>	
CJS Area Baseline 2002-03	Most Recent CJS Area Figures In 2004-05
42%	49%



#### LONDON OFFICE

26/28 Old Queen Street, London, SW1P 9HP

Tel: (020) 7210 1197, Fax: (020) 7210 1195

#### YORK OFFICE

United House, Piccadilly, York, North Yorkshire, YO1 9PQ

Tel: 01904 54 5490, Fax: 01904 54 5492

[www.hmcp.si.gov.uk](http://www.hmcp.si.gov.uk)

If you would like a copy of this report in large type, braille, or in another language, please contact us at:

Email: [Office@hmcp.si.gov.uk](mailto:Office@hmcp.si.gov.uk)