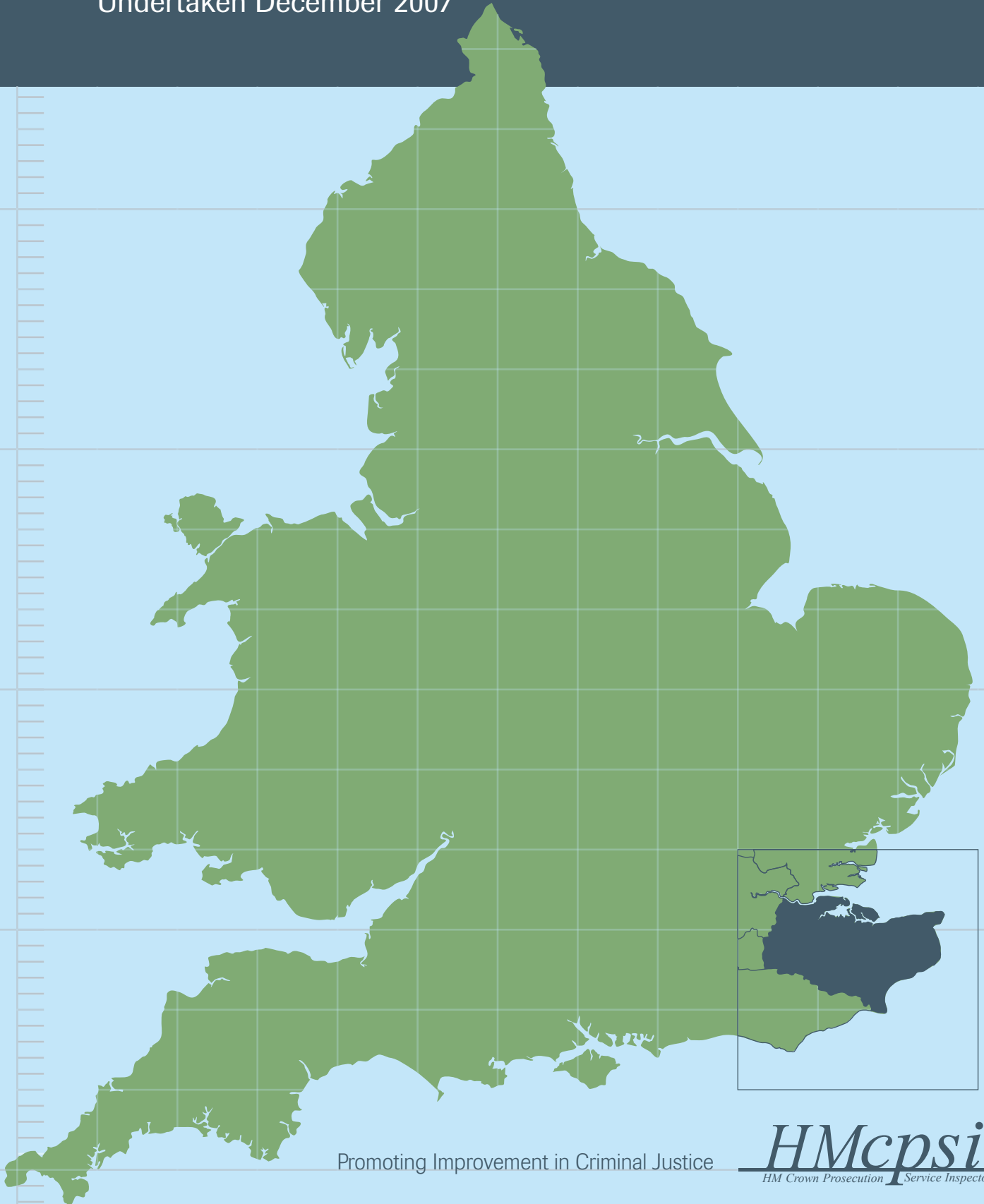


CPS Kent

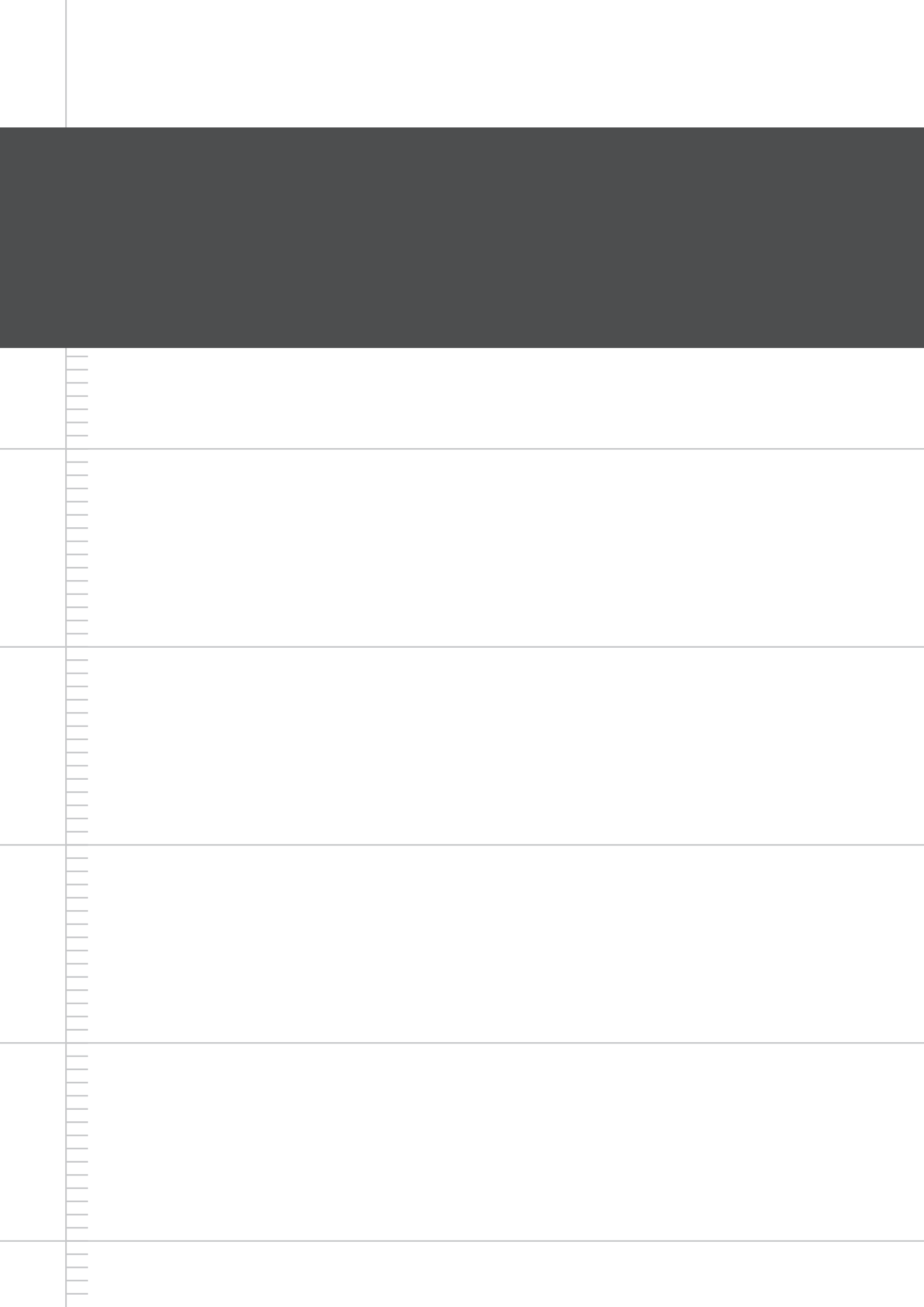
Overall Performance Assessment

Undertaken December 2007



Promoting Improvement in Criminal Justice

HMcp*si*
HM Crown Prosecution Service Inspectorate



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ABBREVIATIONS

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

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

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A INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS

This report is the outcome of Her Majesty's Crown Prosecution Service Inspectorate's (HMCPPI) overall assessment of the performance of the Crown Prosecution Service (CPS) in Kent and represents a further assessment against which improvement from the previous baseline assessment in 2004-05 can be measured.

Assessments

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

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

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

The table at page 8 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 Kent serves the area covered by Kent Police. It has two offices on CPS premises, at Maidstone and Canterbury, and five offices co-located with the police in police stations at Canterbury, Folkestone, Gravesend, Maidstone and Medway. The Area Headquarters (Secretariat) is based at the Maidstone CPS office.

Area business is divided on geographical lines in units co-located with the police which each handle magistrates' courts and Crown Court work and discrete teams of caseworkers and administrators dealing only with Crown Court work. There is also a Complex Casework Unit, which handles the Area's more complex and international crime and a team of Higher Court Advocates (HCAs), who act exclusively as advocates in the Crown Court. The prosecutors in the Canterbury, Folkestone, Gravesend, Maidstone and Medway Criminal Justice Units (CJUs) deal with both magistrates' courts and Crown Court work, while the administrators deal mainly with magistrates' courts cases. The Crown Court Unit (CCU) handles Crown Court work only. It is comprised of two teams, based in Canterbury and Maidstone and is staffed exclusively by caseworkers and administrators. The Area is planning to move to a fully combined unit structure, which will mean lawyers, caseworkers and administrators working together in the three locations.

During the year 2006-07 the Area had an average of 151.6 full time equivalent staff in post and a budget of £7,663,168. This represents a 6.7% increase in staff, and a 14.4% increase in budget since 2004-05, the period covered by the Area's last overall performance assessment.

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

Pre-charge work¹

2004-05		2006-07	
Written advice	440	Decisions resulting in a charge	8,447
Pre-charge advice (where available)	12,056	Decisions not resulting in a charge ²	4,129

Magistrates' courts proceedings	2004-05	2006-07	Percentage change
<i>(including cases previously subject to a pre-charge decision)</i>			
Magistrates' courts prosecutions	34,925	26,433	- 24.3%
Other proceedings	137	16	- 88.3%
Total magistrates' courts proceedings	35,062	26,449	- 24.6%

Crown Court proceedings	2004-05	2006-07	Percentage change
<i>(including cases previously subject to a pre-charge decision)</i>			
Cases sent or committed to the Crown Court for determination	1,916	2,028	+ 5.9%
Committals for sentence ³	441	458	+ 3.9%
Appeals from the magistrates' courts ³	288	325	+ 12.9%
Total Crown Court proceedings	2,645	2,811	+ 6.28%

In 2006-07, 41.9% of offences brought to justice were the result of convictions.

1 No valid comparison with 2004-05 pre-charge caseload is possible as statutory charging was only fully in place in all CPS Areas from April 2006 onwards.

2 Including decisions resulting in no further action, taken into considerations (TICs), cautions and other disposals.

3 Also included in the magistrates' courts figures, where the substantive hearing occurred.

C SUMMARY OF JUDGEMENTS

Contextual factors and background

The Area has been through a period of uncertainty since the last overall performance assessment (OPA) and there have been changes in the senior management team. One of the two Assistant Chief Crown Prosecutors (ACCP) left on secondment in May 2006 and when her replacement took up post the remaining ACCP became responsible for the main operational work throughout the Area (about 80% of staff and caseload) while the new ACCP was responsible for all complex casework and the Higher Court Advocates (HCA) cadre pending a restructure of the Area. Uncertainties over the national restructuring and difficulties in relation to accommodation meant that this situation has continued and was only being resolved at the time of the inspection. The work of a key manager, who was absent for six months at the start of 2006-07, was handled by one member of existing staff. There was also a change of Chief Crown Prosecutor (CCP), with the long term post holder leaving in July 2007 and the new CCP taking up post in August.

Summary

The implementation of statutory charging⁴ has not been fully successful and there is scope for further improvement, particularly in the consistency of police supervisors (who check the quality of police file submissions before they are passed to the CPS) and the effective use of resources. Lawyers do not always address all appropriate issues when making charging decisions and there are instances of decisions being made when the duty prosecutor has not seen all the key evidence, although as part of a plan to reduce the discontinuance rate this is being addressed. Successful outcomes have improved in both the magistrates' courts and the Crown Court and overall outcomes in the magistrates' courts and for hate crime cases were excellent in 2006-07. The quality of decision-making in the magistrates' courts and Crown Court is generally good but decisions are not always properly recorded. Sensitive cases and hate crimes are handled well, with designated champions and specialists being responsible for them. Although outcomes were excellent in 2006-07 there is still a need to monitor and analyse the outcomes in all sensitive cases and for lessons learnt to be disseminated.

The Kent Criminal Justice Board has exceeded its joint target for offences brought to justice, although the proportion of convictions within the offences brought to justice was below the national average (41.9% compared with 48.8% nationally).

Despite the appointment of dedicated case progression officers, there are weaknesses in case progression, with cases generally taking longer to progress through the courts than the national average. More trials are effective (i.e. proceed on the date fixed) in both the magistrates' courts and the Crown Court than nationally, although the ineffective trial rate is worse than the national average. There is a high proportion of ineffective trials attributable to lack of court availability and there are delays between the entering of a not guilty plea and cases being listed for trial. Managers have been working with the courts to address this, and continue to do so. The Area's performance in dealing swiftly with persistent young offenders (PYOs) was poor in 2006-07, being 82 days overall from arrest to sentence against the Government's target of 71 days. It has since improved significantly, with the rolling three months to July 2007 being 64 days overall.

⁴ A national scheme under which the CPS has assumed responsibility for the initial decision whether to charge in all except some minor and straightforward cases. This was previously a matter for the police.

The implementation of the No Witness No Justice initiative to improve the care and support of victims and witnesses has not been fully effective so Kent does not benefit from dedicated Witness Care Units either within the police service or the CPS. Although there is partial compliance with most of the initiative's minimum requirements, little progress has been made by either in taking forward the action plan produced to address weaknesses.

The Area's performance in relation to its duties of disclosure of unused material to the defence is similar to that found at the time of the last OPA. There has been no face to face training of prosecutors and caseworkers since 2005, although there were plans for a series of seminars early in 2008. There is also no specific monitoring of compliance with the disclosure provisions and the casework quality assurance (CQA) findings checks do not accord with the reality checks made during the inspection. The Area has worked closely with the police through its rolling programme of visits to basic command units (BCUs), which are used to monitor and improve police compliance with the disclosure provisions and the standard of unused material produced by the police is good.

The Area's custody time limit (CTL) system largely complies with national guidelines and was updated in 2006, but it does not include clear guidance on monitoring of magistrates' courts cases. There had been no CTL failures since at least April 2005 to the time of the inspection.

The Area's compliance with the Direct Communication with Victims scheme (under which the CPS writes to victims explaining why a charge has been dropped or substantially altered) has been poor, although there has now been a significant improvement in the flagging of cases where there is a victim. The timeliness of those letters that have been written has been good.

Area managers have a clear sense of purpose, which is set out in its business plans and the Area's objectives and priorities are incorporated in individual performance development review documents. Some meetings, both between managers and in teams or units, were held irregularly and lost their impetus during 2006-07 but there have been recent improvements to the structure and they are all now scheduled 12 months in advance. Managers have planned key initiatives well although they have not always achieved delivery of the expected benefits.

The Area produces a comprehensive matrix showing performance against key targets in all units, which is accompanied by a monthly narrative summary and discussed at the senior management team and team meetings. Although the District Crown Prosecutors (DCPs) are responsible for performance in their own units, the present structure makes it difficult to establish clear accountabilities. Very recent changes to the Area governance have sought to address this issue but it is too early to ascertain their effectiveness. Unsuccessful outcomes monitoring has not been systematically undertaken by all DCPs, and the limited inclusion of case by case analysis has reduced its effectiveness and the capacity to learn lessons, as has the less than robust approach taken in CQA analysis.

The Area overspent its administrative costs budget in both 2005-06 and 2006-07 and also overspent its prosecution costs. However, the non ring-fenced budget is generally well managed, with managers being clearly accountable for achieving value for money. Sickness absence levels have risen since 2004, with the proportion attributable to long term absence also increasing commensurately. Historically the Area has had a low level of deployment of in-house advocates in the magistrates' courts: it increased only slightly during 2006-07 and was far short of the national average. Designated caseworker (non-

lawyers trained and authorised to conduct certain categories of proceedings in the Crown Court) usage has improved and, although below the Area target, was above the national average. The deployment of HCAs has increased significantly year on year since 2004 and the Area has a discrete team of HCAs who are starting to handle more complex work.

Senior managers show a clear commitment to community engagement and they have identified and worked with groups at particular risk of exclusion. Confidence in the criminal justice system in bringing offenders to justice has fallen since the last OPA and in December 2006 was below the national average: 37.5% compared with 42.3%. Work has been undertaken by the Local Criminal Justice Board (LCJB) to examine the reasons for the fall but the recommendations made have not been specifically reflected in the LCJB's business plan for 2007-08.

Direction of travel

Since the last OPA, performance has improved in one aspect, remained stable in eight and declined in four. The reorganisation of the Area to fully combined units, with caseworkers and administrators co-located with lawyers, and the appointment of a third level E manager should provide the Area with a sound base to enable it to progress. It is too soon to assess the effectiveness of the measures the new CCP is putting in place, but senior managers show a clear commitment and determination to improve the Area's performance.

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

OVERALL ASSESSMENT	FAIR
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Critical aspects	Assessment level		
	OPA 2005	OPA 2007	Direction of travel
Pre-charge decision-making	Fair	Fair	Stable
Ensuring successful outcomes in the magistrates' courts	Good	Good	Stable
Ensuring successful outcomes in the Crown Court	Good	Good	Stable
The service to victims and witnesses	Fair	Fair	Stable
Leadership	Good	Fair	Declined
Overall critical assessment level	Fair		
Progressing cases at court	Fair	Fair	Stable
Sensitive cases and hate crime	Good	Good	Declined
Disclosure	Fair	Fair	Stable
Custody time limits	Fair	Fair	Improved⁵
Delivering change	Good	Fair	Declined
Managing resources	Fair	Fair	Stable
Managing performance to improve	Fair	Fair	Stable
Securing community confidence	Excellent	Good	Declined
OVERALL ASSESSMENT	FAIR	FAIR	

⁵ Although the score remains the same the Area had no CTLs failures since at least April 2005 to the time of the inspection.

D DEFINING ASPECTS

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

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

- The Area has committed to the police to provide 38 duty prosecutor (DP) days per week at the nine charging centres. Provision is five days a week at six centres (Canterbury, Folkestone, Gravesend, Maidstone, Medway, and Thanet), three days a week at Tonbridge, two to three days a week at Sittingbourne and two days a week at Ashford. In all cases advice is provided between 9am and 5pm. In those centres which do not operate five days a week a telephone service is provided on the other days. All senior lawyers are included on the rota.
- Despite the high level of availability of DPs, in 2006-07 only 35.3% of advices were given face to face (national average 63.5%), with 36.8% being written (national average 19.6%). There was, however, a high proportion (26.2%) where the record does not show what form the consultation took (undefined) and this may distort the figures.
- There is an appointments system at each charging centre which, following the recent charging review, is now managed by the police gatekeepers but its operation is patchy. In the year to March 2007 the average number of consultations per day across the Area was only 41.8, or 5.5 per lawyer per day. Despite this low throughput, in September 2007 backlogs and waiting times for appointments of two to four weeks were reported. It is not clear why this should be and it indicates inefficient use of resources which should be addressed by the Area. The target now set in the new service delivery protocol with the police is a minimum of seven consultations per day.
- Although the Arrest, Investigation and Charge sub-group (AIC) of the Kent Criminal Justice Board (KCJB) agreed that there should be a police gatekeeper system at each charging centre the system is not operated consistently across the Area.
- There is an arrangement for complex or serious cases (defined for these purposes as any where it is expected to require more than an hour to provide advice) to be dealt with outside the DP system. Such cases are referred by the DP to the District Crown Prosecutor (DCP) for allocation to a lawyer in the office.
- In some cases the police have charged a defendant when the case should have been referred to the DP for decision. Commonly this has occurred following a change to the Director's Guidance. Where this happens the cases are usually identified by a designated caseworker or lawyer at first hearing and the lawyer reviews them and makes a charging decision. The matter is referred by the DCP to the police but there is no analysis or data to indicate the frequency of occurrence.

- There is an agreed system for escalation in cases where there is a disagreement between the police and the DP, but this is rarely invoked.
- There is little proactive management of cases which have been the subject of pre-charge advice to ensure that bail is managed, defendants are charged as required and actions requested are carried out. Although the case management system (CMS) provides the facility to monitor action dates on cases, this has not been routinely used.
- Charging decisions are routinely recorded on CMS using the electronic MG3. In 2006-07 97.2% of decisions were recorded in this way, although 19.3% were undefined, that is the outcome of the charging consultation was not properly recorded on CMS because of an inputting error by the lawyer. This distorts the data on charging outcomes and should be addressed by the Area.
- Charging advice outside office hours is provided by CPS Direct (CPSD), with whom the Area has a good working relationship through the Area charging project manager, a DCP. The CPSD liaison manager is invited to meetings of the AIC group and is engaging in joint work with the Area and the police to analyse disposal rates.
- Conditional cautioning was implemented in Folkestone in April 2007 and in Canterbury in July. Up to the end of October 2007 43 conditional cautions had been issued.

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

- The charging project manager is responsible for forwarding any necessary legal guidance or policy documents to lawyers. These are usually passed on to the DCPs in their original format without any refinement or local context, in order for them to be disseminated within the teams. All lawyers giving charging advice have attended the full proactive prosecutor training.
- DCPs dip sample MG3 forms to assess the quality of decision-making. Recently an exercise has been conducted whereby all MG3s for a month have been checked by managers as part of the discontinuance action plan. Feedback is given to lawyers where necessary. Our reality checks have shown that lawyers do not always give full consideration to victim and witness issues such as the likelihood of their attendance at court or the need for special measures. Other legal issues such as bad character evidence are not always addressed. Our checks also found some cases where the DP had authorised charge without sight or availability of key evidence.
- In 2006-07 30.1% of pre-charge decisions (PCDs) were NFAs, against a national average of 31.9%, but there were wide variations across the Area. The ratio of charge to NFA decisions should be at least 2:1, but in more than one of the police BCUs has been as low as 1.4:1. DCPs have discussed the high level of NFA cases with counterparts in the police at their performance meetings. Analysis indicates that evidential difficulties were the main reasons for these decisions, suggesting that the gatekeeper role was not effective. The gatekeeper system should ensure that cases are examined by a police officer, prior to being passed to a DP, so that only appropriate cases are referred. Kent Police have not operated a consistent system across the county.

- The police have done some analysis at local level to identify the failings in case preparation which has caused the high number of NFA cases, but have not been successful in achieving improvement.

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%	16.5%	14.8%	11.0%	13.1%	10.7%	9.8%
Guilty plea rate	52.0%	69.2%	70.1%	71.0%	68.0%	66.5%	58.9%	60.9%
Attrition rate	31.0%	22.0%	22.0%	20.9%	23.0%	22.2%	22.8%	21.0%

- During 2006-07 the discontinuance rate rose steadily in the magistrates' courts from 13.3% in the first quarter to 16.6% in the final quarter of the year and in the Crown Court from 6.47% to 12.3% by the end of the year. The Area has put in place an action plan to improve these rates by December 2007 and by October 2007 the rate had dropped to 11.2% in the magistrates' courts and 11.1% in the Crown Court.
- The combined conviction rate for PCD cases in 2006-07 was 79.1%, better than the national average of 78.0%.
- Data on discontinuance rates, guilty pleas and attrition is included in the performance pack provided to the senior management team (SMT) and to managers each month and is discussed at management and team meetings.
- Prosecution team performance management (PTPM) meetings are held with the police in each unit but until recently there has been no standard approach to them and their effectiveness has been variable. Some discuss a wide range of operational issues rather than concentrating on analysis of data and agreeing improvement action. They have not all been held regularly and some have not been minuted. Analysis of NFA cases has been undertaken by the police but there has been no mechanism for this to be done in conjunction with CPS managers or other staff. There is no joint analysis at a strategic level, although it is understood that this is about to be introduced.
- The operation of charging is formally overseen by the AIC sub-group of the LCJB, at which the Area is represented by the charging project manager, but there was no strategic review of the operation of the scheme during the period covered by this report. The operation of the scheme was not routinely discussed by SMT and it was not included on the Area's list of current projects. A joint review of charging was instigated by chief officers in September 2007 and has resulted in proposed changes to the scheme: these are set out in a new service delivery protocol.

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

2A Successful outcomes are increasing

Case outcomes in the magistrates' courts	National performance 2006-07	Area performance 2006-07
Discontinuance and bindovers	10.8%	8.9%
No case to answer	0.2%	0.3%
Dismissed after trial	1.9%	2.0%
Discharged committals	0.2%	0.1%
Warrants	2.6%	1.6%
Overall conviction rate	84.3%	87.2%

- The Area's overall successful outcomes rate in the magistrates' courts was excellent in 2006-07: 87.2% compared to the national average of 84.3%. The rate has increased over the last two years and has been consistently above the national average. Its rate has continued to be above the national average in the first two quarters of 2007-08. Reality checks show that the quality of decision-making is sound, but that decisions to proceed to summary trial are not always properly recorded.
- The rate of committals discharged because they were not ready is below the national average and numbers have been decreasing (there were 29 in 2006-07). The Area does not monitor the numbers of cases or the reasons for them, but they believe that the majority are as a result of late delivery of papers by the police. Some are, however, caused because of difficulties in relation to file movements because of the current organisational structure. The merits of reinstatement are considered in each case but managers do not know how many cases are reinstated. There is a need for effective monitoring in order to establish the reasons for the discharges so that appropriate action can be taken to address the causes and managers can satisfy themselves that cases are reinstated if appropriate.
- The no case to answer rate is above the national average, but the numbers have declined over the last two years. The acquittal rate has increased but is similar to the national average.
- The Area's discontinuance rate in the magistrates' courts is lower than the national average and has improved over the last two years. The District Crown Prosecutors (DCPs) have to authorise all proposed discontinuance cases, although not those that are dropped at court. The police also have to be consulted.

- The DCPs are provided with data on unsuccessful outcomes through the PTPM pack and the accompanying reports. There has been some discussion of data at PTPM and local performance meetings, but there has been limited analysis of individual cases. Steps have recently been taken to make the meetings more effective.
- The Kent criminal justice area met its target for offences brought to justice in 2006-07, with 37,539 offences against a target of 31,456. The target is a shared one with criminal justice partners, with the CPS contribution coming through managing to keep unsuccessful outcomes low. The proportion of convictions at 41.9% was below the national average of 48.8% but the proportion of cases where the defendant was cautioned was higher than the national average (33.3% compared to 26.6%). The proportion of cautions has recently been discussed at the Kent Criminal Justice Board (KCJB) and a greater emphasis will be put on considering whether a conditional caution would be a more appropriate disposal.
- The Area's performance against the timeliness target of 71 days from arrest to sentence for persistent young offenders (PYOs) has declined since the last OPA and in 2006-07 it was 82 days overall.
- The KCJB has taken action to improve performance and, at CPS Kent's suggestion, the findings of the Office for Criminal Justice Reform (OCJR) performance action team were disseminated and discussed at a workshop. Interagency meetings to discuss PYO cases are now more focussed and a PYO interagency protocol has been operative since 1 April 2007. Coloured laminate copies of the target times for PYOs have been circulated to staff, as well as to the courts and the Probation Service. The failure to meet the timeliness target has led to a KCJB representative having to attend meetings with the Attorney General in July 2006 and the Solicitor General in April 2007. Performance has improved in 2007-08, with the rolling three months to July 2007 being 64 days overall.
- Any lessons learnt should be discussed at unit team meetings, but there has been limited analysis of data or individual cases on a unit basis. Until recently the meetings have been ad hoc and not always minuted, but they are now diarised for 12 months and minutes are produced and put on the Area shared drive.

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%	46.4%
Cracked trial rate	37.3%	32.0%
Ineffective trial rate	18.9%	21.6%
Vacated trial rate	22.5%	22.0%

- The Area has produced a standard for the filing of papers and has negotiated with the police the submission of files in the same order. The late receipt of police files has been a long standing issue across the Area and consideration is being given to reintroducing a joint timeliness monitoring system.
- As far as possible, cases are allocated to the lawyer who provided pre-charge advice, thereby reducing the time required for review and case preparation. The Area uses a summary trial preparation form which sets out all the steps which have to be completed in cases where a not guilty plea has been entered. The need for full and accurate endorsement on files is discussed at unit meetings and managers monitor the standard through their casework quality assurance checks.
- Each unit has a dedicated case progression officer (CPO) who is responsible for progressing cases. They monitor the receipt of full files from the police and chase up outstanding files. Certificates of readiness are not being completed on time and the courts have to list a significant number of cases in order to deal with the question of whether a case is ready for trial, when the completion of a certificate would have prevented the need for a hearing.
- The Area has been working with the courts and the police to deliver the Criminal Justice: Simple, Speedy, Summary (CJSSS) initiative. It is being gradually rolled out across the Area, having being introduced at Canterbury Magistrates' Court in August 2007. Work is ongoing to reduce the backlog of trials and there are plans for some evening court sessions at Maidstone Magistrates' Court in the New Year.
- Youth cases are kept in distinctive file jackets to aid identification and fast-tracking and the initials PYO are endorsed on appropriate cases. Youth specialists are responsible for handling youth cases, both in the office and at court. The Area's rate of youth cases with timely initial guilty pleas in March 2007 was 87% compared to 88% nationally and for timely trials was 85% compared with the national average of 89%.
- The overall effective trial rate in 2006-07 was better than the national average: 46.4% compared with 43.8%. The cracked trial rate was also better than the national rate. However, the ineffective trial rate was 21.6%, which was worse than the national average of 18.9%. The percentage of these attributable to the prosecution was much lower than nationally (25.6% compared with 35.5%), whereas the proportion of those attributable to lack of court availability was high: 6.0% compared with the national average of 2.7%.
- The vacated trial rate is similar to the national average: 22.0% compared to 22.5% nationally.
- The magistrates' courts provide a breakdown of figures for cracked and ineffective trials and the reasons for them. The DCPs discuss the data at local performance meetings but the minutes of the meetings suggest that although data is discussed there is no case by case analysis in order to see if there are any lessons to be learnt.
- Any lessons learnt should be discussed at unit team meetings, but until recently the meetings have been ad hoc and not always minuted. The meetings are now diarised for 12 months, minutes are produced and put on the Area shared drive.

- The Area is making better use of the case management system (CMS) to record key events. As at April 2006 only 30.5% of magistrates' courts cases had a review recorded on CMS, but this had risen to 62.5% by March 2007. The Area recorded finalisations and hearing outcomes promptly in 2006-07 in 75.0% and 69.1% of cases respectively, with performance in March 2007 being 83.4% and 84.8%. Reality checks show that use is not being made of the task functions on CMS, with a large number of outstanding and escalated tasks for magistrates' courts cases.

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%	10.1%
Judge directed acquittals	1.4%	2.0%
Acquittals after trial	6.5%	7.9%
Warrants	1.3%	1.4%
Overall conviction rate	77.7%	78.6%

- The Area's overall successful outcomes rate in the Crown Court was good in 2006-07: 78.6% compared with the national average of 77.7%. This is an improvement on performance at the time of the last OPA and in 2005-06, when it was lower than the national average, and the rate has continued to improve in the first two quarters of 2007-08. Reality checks show that the quality of decision-making is sound, but that decisions to proceed to send or commit a case to the Crown Court are not always properly recorded.
- The level of judge ordered acquittals is lower (better) than the national average and has decreased over the last two years. The rate of judge directed acquittals is higher (less satisfactory) than the national average. It has improved since 2005-06 (when it was 3.6%). The rate of acquittals after trial has increased since 2004-05 when it was 6.1%. These outcomes were in the context of a modest increase in Crown Court caseload (committals for trial increased by 5.9%).
- As with magistrates' courts cases, all proposed discontinuances have to be authorised by a District Crown Prosecutor (DCP) and the police have to be consulted. The advocate has to discuss with the reviewing lawyer (or a DCP in the lawyer's absence) any proposal to drop a case at court.
- Reports are prepared by the reviewing lawyer and caseworker at court in all unsuccessful Crown Court cases. The Crown Court team leader considers these and prepares a spreadsheet on which he summarises the results and his analysis; this is sent to the DCPs for their comments and discussion with individual lawyers. The system has not allowed for consistent inclusion in the spreadsheet of the DCPs' comments, and the Unit Head has recently amended it to ensure more systematic recording and thereby more opportunity for lessons to be learnt. As with magistrates' courts cases, there has been some discussion of data at prosecution team performance and local performance meetings, but this has not included case by case analysis. Steps have recently been taken to make the meetings more effective.

- The Area did not achieve its Proceeds of Crime Act (POCA) target of 87 confiscation orders: it achieved 72 orders. The combined value of the orders was £4,089,640, which was well above its target of £1,892,135. The volume target was affected by the need for the police financial investigation officers to dedicate their time to one exceptionally large robbery case. Current figures suggest that if the Area continues to progress at its current rate it is likely to achieve both targets for 2007-08.
- The Area has a designated enforcement lawyer who is responsible for conducting POCA hearings in court. She has circulated guidance to staff and has liaised with the courts to ensure that orders are enforced. The Area has been conducting a pilot in West Kent whereby the MG form, which places a shared duty on the police and the CPS to identify POCA cases, is completed in all acquisitive crime cases. It has postponed its plan to roll this out to the rest of Kent pending its review of the statutory charging arrangements.
- Any lessons learnt should be discussed at Crown Court Unit (CCU) meetings, as well as criminal justice unit team meetings, but there has been limited analysis of data or individual cases on a unit basis. Trends are discussed at CCU meetings and action taken where necessary. For example, a working party has been set up to resolve the methods of working between the police, CPS and Local Authority following the identification of issues in relation to late decisions in child abuse cases following the obtaining of material from the Local Authority.

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

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	53.8%
Cracked trial rate	39.5%	30.0%
Ineffective trial rate	12.4%	16.2%

- As far as possible, cases are allocated to the lawyer who provided pre-charge advice, thereby reducing the time required for review and case preparation. A Crown Court preparation form is completed for all steps throughout the life of a case which, if properly completed, should ensure that all tasks are undertaken in a timely way. In all cases where a Higher Court Advocate (HCA) is to appear in court, the HCA completes a form which serves as an aide memoir, as well as to feedback to the reviewing lawyer and allocated caseworker any outstanding issues that need to be addressed in order to ensure that the case is ready for its next hearing.
- Designated case progression officers (CPOs) have been appointed at each of the Crown Court team's locations, although working patterns mean that some case progression tasks fall to one of the caseworker managers and individual caseworkers (who are often absent from the office in court). The Area is not always providing certificates of readiness (which indicate whether or not a case is ready for trial) to the courts and cases have to be listed for mention in circumstances where there is no real need for a hearing.

- The Area has taken steps to address the findings of the Office for Criminal Justice Reform (OCJR) performance action team that Crown Court persistent young offender (PYO) cases were not being actively managed. One CPO is tasked with monitoring cases in both Crown Courts, and youth cases are now kept in distinctive file jackets to aid identification and fast-tracking, and the initials PYO are endorsed in appropriate cases. As far as possible, HCAs prosecute all PYO cases in court, and they have been provided with coloured laminate copies of the target times for PYOs. The target times are also included in instructions to counsel in relevant cases. The Crown Court is now allocating provisional trial dates for PYO cases at the preliminary hearing, and considers the possibility of transferring cases to the nearest alternative court if the trial cannot be listed within the agreed timescales.
- The effective and cracked trials rates in 2006-07 were better than the national average. The overall ineffective trials rate, however, was 16.2%, which is higher than the national average of 12.4%, although the proportion that was due to the prosecution was lower than the national average. There was a higher proportion than nationally of ineffective trials due to lack of an available court room.
- The Crown Court compiles a monthly report of ineffective trials which the Crown Court team leader considers and then circulates with a report highlighting any issues. He has also monitored and analysed cracked trials and taken action to address identified trends. For example, cases where a plea is likely to be offered are now identified at an early stage, checks are made to ensure that the instructions to counsel include comment on the acceptability of pleas and cases are listed in an administrative court prior to being listed for trial.
- Lessons to be learnt are discussed at team meetings, such as the need to consider the possibility of making applications to have a witness's statement read if the witness fails to attend court for trial. This has also been raised with counsel.
- The Area is making use of CMS to record key events. In 2006-07 83.1% of Crown Court cases had a review recorded on CMS, with performance in the last five months of the year being in excess of this. Reality checks show that use is not being made consistently of the task functions on CMS: there are a significant number of outstanding and escalated tasks for cases in Maidstone Crown Court, but better use is made of the functions for cases in Canterbury Crown Court.

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

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

- Advance information is served by or at the first date of hearing in the magistrates' courts. Reality checks showed that cases are not always ready for pre-trial reviews (PTRs).
- In the Crown Court efforts are made to ensure that cases progress at court by ensuring that indictments and records of police interviews are recorded electronically on the case management system, thereby enabling swift amendments to be made at court if necessary. Reality checks showed that cases are ready to proceed at the plea and case management hearing, although there have been difficulties with prosecutors not being in possession of witnesses' dates to avoid. The Area has agreed a protocol on court orders with the Crown Court, which sets out responsibilities and timescales. Within the office, the Area has devised a coloured court order form for urgent orders in order to ensure that the file is given priority.
- There is no data for the timeliness of delivery of instructions to counsel. The quality of instructions is variable. Reality checks showed that in two out of four cases the instructions did not include an adequate case summary which dealt with all the issues. The Higher Court Advocates (HCAs) are required to complete a memorandum in each case they are instructed on. This is used as an aide memoir, or to assist another advocate if there is any change.
- Agents in the magistrates' courts are provided with an instructions pack and are advised of new initiatives and policy directives. Formal instructions are not routinely required in magistrates' courts cases, but they were not properly provided in the one case where they were required.
- Counsel are selected to appear in the Crown Court from a list of approved counsel, which is kept on the internal shared IT system. There is a specialist list of counsel for use in complex and sensitive cases and, in accordance with CPS national policy, counsel now have to be accredited in order to prosecute in cases involving allegations of rape. The Crown Court team leader decides which cases are suitable for HCAs. In the magistrates' courts, the DCPs undertake the management and deployment of prosecutors, with the assistance of the magistrates' courts business managers. Youth specialists are allocated the responsibility of prosecuting youth cases.
- The service level agreement between the magistrates' courts and CPS Kent sets out the agreed liaison arrangements and includes minimum standards for the time of arrival at court. Similarly, the instructions to agents include the setting of timescales for prompt arrival at court. There was no suggestion from the other criminal justice agencies that these arrangements were not working satisfactorily.

- Area managers consider that a key part of a prosecutor's role is to actively manage cases in and out of court. They measure performance through the CQA scheme, ad hoc observations at court and reports from other court users. The HCA memorandum, in addition to acting as an aide memoir for the HCA, is also designed to advise the reviewing lawyer of any outstanding issues that need to be addressed in order to ensure that the case is ready for its next hearing. Counsel have been advised of the need to dispense with unnecessary mentions and to be trial ready, and have been updated with the move towards the CJSSS initiative.
- Reality checks showed that in some magistrates' courts cases there were multiple hearings where, on the face of the papers, there was no need for an adjournment. Whilst these were not always because the prosecution were not ready, the files did not show that prosecutors were objecting to unnecessary adjournments.
- Business management meetings between Area managers and the courts include discussion about court lists, scheduling of cases and the transfer of trials between courts. There are, however, delays in both the magistrates' courts and the Crown Court between the entering of a not guilty plea and the case being listed for trial. In April 2007, the delay in the magistrates' courts from fixing the trial date to the trial itself varied from between three to five months depending on the court centre. The magistrates' courts have been listing two or three trials in one court room in order to progress cases, but this has led to trials being ineffective because there has been no time to hear the case. The Area has had meetings with the courts and it has been long recognised that a listing protocol for the magistrates' courts was necessary. However it has only recently been agreed that there will be a strategic meeting in January to review the listing pattern for 2008.
- In the Crown Court some cases have appeared in the warned list up to six times before the trial has been heard, partly due to unavailability of judges leading to fewer courts sitting in Maidstone Crown Court. The issues have been discussed at interagency meetings and the courts have agreed to fix trial dates for cases that have appeared in a warned list three or four times.
- The Area does not collate data in relation to the number of adjournments and overall time taken for cases from the first hearing to effective trial hearing, except for cases involving persistent young offenders. Timeliness is discussed to some extent at local performance meetings and court user group meetings but the minutes of the meetings do not show that effective action is taken to improve performance.
- The proportion of adjournments in the magistrates' courts is similar to the national average. The Area's rate of timely initial guilty pleas for adults in March 2007 was better than the national average, with 87% taking place within 59 days compared with 85% nationally, with a similar performance for youths (91% compared with 89% nationally). The rate of timely adult trials was poor in March 2007: 37% took place within 143 days compared with 66% nationally, although this was a slightly improved performance than that in December 2006. Pressure on listing in the courts meant that to a large extent this was outside the control of CPS Kent. The picture for timely youth trials was better, although it was still below the national average: 85% were timely compared to the national average of 89%. Overall timeliness in the magistrates' courts in March 2007 was lower than the national average for both adults (77% compared to 81% nationally) and youths (85% compared with the national average of 88%).

- In the Crown Court the proportion of adjournments per case is slightly lower than the national average. This has to be viewed in the context of the high incidence of cases appearing in the warned list on numerous occasions. The average time for completion of indictable cases, which involve more serious allegations, is higher than the national average: in December 2006 the average time per case was 61 days compared with 52 days nationally.
- There were no wasted costs orders in either the magistrates' courts or the Crown Court in 2006-07.

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

5A The Area identifies and manages sensitive cases (including hate crime⁶) effectively

- The Area has taken steps to ensure that sensitive cases are flagged on the case management system (CMS) and reality checks show that cases are generally being appropriately flagged. The internal homophobic review identified that not all cases were being appropriately flagged and the District Crown Prosecutors (DCPs) have been tasked with taking action to improve performance. This is intended to ensure that those dealing with the case are aware of the need for careful handling.
- The Area's review levels guidelines ensure that prosecutors of sufficient experience handle sensitive cases. The guidelines set out the experience needed to handle sensitive cases, as well as setting levels of decision-making in relation to advising no further action or terminating the case. Local protocols, such as that for hate crime and domestic violence cases, provide guidance on how to handle cases and these are supplemented by training. A briefing note has been provided on the Fraud Act 2006 and some lawyers have received updates on the Sexual Offences Act 2003. The Area is currently in the process of providing intensive training on domestic violence offences, and plans to provide training on child abuse offences once the CPS national training brief has been finalised.
- The Area has a list of champions and specialists who have been appointed for all categories of sensitive cases and the list has been circulated to all staff. All Areas in the CPS have designated individuals as champions for particular types of sensitive cases and their role is to act as a focal point for receipt and dissemination of information and to provide guidance to staff. Specialists are lawyers who have sufficient expertise and experience in particular types of sensitive cases and who are responsible for handling those cases. The Area champions provide guidance and updates and some have undertaken reviews of finalised cases (see below). Champions do not have objectives relating to their specialisms in their forward job plans.
- There is one specialist domestic violence court and there are plans to introduce others across the Area. The DCPs attend the local domestic violence fora and team specialists also attend meetings. There is a problem with low level crime in parts of the Area and the specialist prosecutor has worked closely with the police and the Local Authority and provides updates and training to staff.
- The Area ensures that cases that are high profile or of local concern are handled properly through its review levels guidelines. The guidelines set out whether there is any need to notify the DCP, Assistant Chief Crown Prosecutor (ACCP) or CCP about a case, when sensitive cases reports are completed and copied to the communications manager.

⁶ 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).

- The former CCP chaired the CPS Disability Hate Crime Steering group which oversaw the development of the CPS policy on disability hate crimes. The Area has completed an action plan to implement the recommendations of the HMCPSI report on the investigation and prosecution of rape offences⁷, and it is reviewed regularly with the police. The domestic violence protocol is in line with CPS policy and HMCPSI reviews.
- The hate crime protocol requires prosecutors to refer to DCPs any proposal to reduce or change the charge in hate crime cases, or before the removal or reduction of the hate crime element in an aggravated offence. Any failure to refer such a case to a DCP is picked up through the unsuccessful outcomes monitoring and casework quality assurance checks. There is, however, no specific analysis of cases where such a change is made.
- The combined magistrates' courts and Crown Court hate crimes unsuccessful outcomes are reducing and the rate for 2006-07 was excellent: 28.8% compared to the national average of 32.8%. Performance was not so good in the first two quarters of 2007-08, with a significant dip in performance in the first quarter. This decline is, in the main, attributable to unsuccessful domestic violence cases. Monthly performance reports break down hate crime cases separately against national targets and show how the Area (and each unit) is performing on a monthly and quarterly basis.
- The Area does not systematically undertake an analysis of the outcomes in sensitive cases, although some monitoring and analysis is carried out. Sensitive cases are included in the unsuccessful outcomes monitoring undertaken by the DCPs, although this has not been systematically undertaken in all units. The Area also undertakes a biannual racially and religiously aggravated case audit, looking at a selection of cases (both successful and unsuccessful) and reports on its findings and conclusions. The January 2007 audit, however, related only to eight cases. The homophobic and transgender crime champion has carried out a review and produced an action plan. He also produces a spreadsheet of successful racially and religiously aggravated cases handled by his unit. Following the recent dip in performance in relation to domestic violence cases, the champion is undertaking an intensive review of unsuccessful outcomes and has incorporated her findings so far in the ongoing training being delivered across the Area. A recurring theme in the reviews and analysis (and in the MG3 checks and overall unsuccessful outcomes monitoring) has been the issue of victims and witnesses not being willing to continue with the prosecution. Despite identifying the issue, it is only since the start of 2007-08 that action has been taken to try and address this.
- Child abuse cases are handled by the champion and specialists. DCPs sit on the Kent Local Children Safeguarding Board and the Medway Unitary Safeguarding Board. Initially they attended all the meetings, but now they attend when necessary and receive the minutes of all meetings.

⁷ HMIC/HMCPSI Inspection Thematic Report on the joint review of the investigation and prosecution of rape offences, published 31 January 2007

6 DISCLOSURE	OPA 2005	OPA 2007	Direction of travel
	Fair	Fair	Stable

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

- It was difficult to assess compliance with the provisions of the Criminal Procedure and Investigations Act 1996 and the Attorney General's guidelines on disclosure in our reality checks as the recording of disclosure actions was poor. In only two out of nine cases examined was the disclosure record sheet properly completed.
- In the magistrates' courts, initial disclosure was properly dealt with in two out of five cases, while in the Crown Court it was handled properly in two out of four cases. Continuing disclosure was handled properly in both relevant magistrates' courts cases, but in only one out of three Crown Court cases. None of the files examined contained sensitive material.
- Most of the shortcomings identified related to process and did not result in any failure to disclose unused material or impede the progress of the case. We have taken that into account in our assessment although we would emphasise that thorough compliance with the procedures is the best way to avoid failures.
- The percentage of trials that were ineffective in the magistrates' courts in 2006-07 due to disclosure issues was better than the national average (1.1% compared with 1.9%) but it was worse in the Crown Court (3.2% compared with 2.2%).
- The Area considers the handling of unused material through its consideration of unsuccessful outcomes. Managers also assess performance through the casework quality assurance (CQA) scheme. In the last quarter of 2006-07 the CQA assessment showed that 96.9% of files examined met the quality standard for disclosure, which is more generous than our reality checks would suggest is appropriate. There is no specific monitoring of CPS disclosure performance.
- The Area has circulated the Crown Court protocol on the handling of unused material to all lawyers and caseworkers and has discussed it at the Heads of Chambers meeting. The Assistant Chief Crown Prosecutor (ACCP) has also sent it to the resident judges. The protocol is not always being complied with, for example the defence are not always providing a timely adequate defence case statement and so staff are now asking for cases to be listed for mention if the defence do not serve a defence case statement within timescales.
- The Area file organisation standard requires that unused material and schedules are kept in a coloured folder in the file with the disclosure record sheet stapled to the inside front cover. Our reality checks did not provide us with assurance that the standard is complied with, although some files in the sample may have been edited for storage purposes and their order and contents may have been changed. The Area needs to ensure that all relevant papers are kept when files are being prepared for storage and that items such as the disclosure record sheet are not removed or destroyed.

- There are appropriate facilities for the storage of sensitive material and, where necessary, the relevant schedules and documentation are kept separate from the main file and stored securely.
- The ACCP Complex Casework has been designated as the Area disclosure champion, and he is assisted by five Area specialists. They are available to provide ad hoc advice to lawyers as and when required, but the specialists have not undertaken any formal work in relation to disclosure. The champion will be discussing disclosure at the seminars to be held in 2008 (see below).
- Training has been delivered to all prosecutors and caseworkers on the disclosure provisions of the Criminal Justice Act 2003 and the CPS/ACPO (Association of Chief Police Officers) Disclosure Manual. The disclosure champion and one other lawyer have undertaken advanced disclosure training. In view of the amount of complex and international casework that the Area handles, it is surprising that more lawyers have not undertaken the advanced training. Staff have been made aware of the Prosecution College e-learning foundation course on disclosure, but there has been extremely limited take-up: training records for 2006-07 show that only one lawyer had signed up for it. There has been no face to face training on disclosure since 2005. The Area considers that any issues there are with disclosure relate to prosecutors' approach to the regime, rather than a lack of knowledge about the regime itself. The disclosure champion is, therefore, planning to hold seminars in the New Year during the course of unit meetings.
- There has been no formal training with the police on disclosure since the last OPA. However, the Area is involved in a rolling programme of visits to each police basic command unit once a year, when a joint CPS and police team examine full files and report on performance. Disclosure issues are examined as part of the process and action plans produced where necessary. Reality checks show that the quality of unused material schedules produced by the police is of a high standard.
- Area prosecutors' overall confidence in the disclosure regime has improved since the last inspection: the CPS survey showed a nine point increase compared with a one point increase nationally. The Area has also agreed two protocols with the police and the Local Authorities (LAs). One ensures that unused material held by the LAs is shared with the police and CPS at an early stage and is disclosed where appropriate, without the need for a court hearing. The other deals with information sharing in family or care proceedings.

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

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

- During 2006-07, the Area had a documented system for managing custody time limit (CTL) cases that was readily available to staff. It largely complied with national guidelines but did not include clear guidance on routine checks on calculations or systemic monitoring for all CTL cases handled in the magistrates' courts. The guidance only provided for management checks and assurance in instances where a defendant was being remanded in custody following a period of bail, or where CTLs required an extension.
- Area guidance was last reviewed and updated in 2006 by the Area CTL champion, who also provided CTL training to Area caseworkers and administrative staff during 2006-07 and since.
- There had been no CTL failures in the Area since at least April 2005 to the time of the inspection. Our reality checks on six files showed that files had been appropriately stamped and accurate CTL expiry dates endorsed.
- All three Crown Court cases examined had endorsements on the stamp showing that a management check on the accuracy of the calculation had taken place, but the magistrates' courts cases did not. Unlike Crown Court cases, management checks on magistrates' courts cases were not systematic and there was no guidance on the regularity or quantity of management checks to be undertaken.
- Monthly unit performance reports include an item on CTLs, although with no failures in the Area there were no entries against this field in any of the reports seen.
- The use of CMS task lists for CTL monitoring and management is erratic; our CMS checks showed that records of hearing outcomes did not always include changes in the CTL status, or were delayed. This meant that managers were unable to place reliance on CMS for CTL management. The need to improve CMS usage for CTL management has been highlighted in Area risk registers for 2005-06 and 2006-07, although action to address this is limited to reminders to staff, which have had limited effect.
- There are no written protocols with Area court centres on joint monitoring of CTLs although the Area had some informal arrangements with the two Crown Court centres.

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

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

- In April 2007, the Area assessed itself as meeting all the requirements for the CPS under the Victims' Code, with the exception of notifying victims of decisions to drop or amend charges within the specified timescales and explaining reasons for delay to victims.
- Victim status is flagged on CMS by administrative staff, when the case is registered on the system. An HMCPSI audit of Direct Communication with Victims (DCV)⁸ showed that in 38% of cases dealt with between April and December 2006, victim status was not flagged on either the paper file or CMS. However, in our later sample 77% of such cases were correctly flagged on CMS, indicating a significant improvement in this important area.
- Under the Victims' Code, the victim must be informed of any decision not to charge a defendant. If the case has been the subject of pre-charge advice and there has not been face to face discussion with the police, then the CPS must tell the victim within five days of the decision or, in the case of vulnerable or intimidated victims, within one day of the decision. In Kent there is a high proportion of written advice, which would require the lawyer to inform the victim, but if there has been any contact with the police during the decision-making process communication becomes the police responsibility. The prosecutor should make a note of this on the MG3 form to advise the police of this, but this procedure was introduced only in June 2007.
- Data in relation to Victims' Code obligations was not kept during 2006-07, but up to October 2007 four letters had been sent, all within the time limit, to vulnerable or intimidated victims, informing them of the decision not to charge. Letters had been sent to 129 other victims, of which 81% met the timeliness target.
- Under the DCV scheme, if a case which has been charged is dropped, or the charges amended, a letter must be sent to the victim by the lawyer explaining the reason for the decision. Compliance with this is poor and in the quarter ending March 2007 only 46.7% of the expected number of letters were written, against a proxy target of 94 letters per month. However, where letters were written, timeliness was good, with 87% of letters being sent within the target of 5 days from the decision being made, against a national average of 73%.
- Lawyers or caseworkers should identify the need for a DCV letter to be written, but there is no administrative system in place to act as a double check to monitor the letters required. In Crown Court cases, because caseworkers are not co-located with lawyers there may be delay in the file reaching the relevant lawyer so that a letter can be written. A tracker system monitors those that have been sent, but not those that are outstanding.
- The quality of the letters seen in our reality checks was good.

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

- The Area has supplied a checklist to all duty prosecutors setting out a series of questions to be asked to assist in assessing the likelihood of a witness attending court. This is predicated on the basis of face to face advice. However, a large proportion of pre-charge decisions in Kent are given in writing without direct contact with the officer and our reality checks revealed instances where due consideration had not been given to the needs of victims and witnesses at the outset.
- The need for special measures is not always identified at an early stage, either by the police or by charging or reviewing lawyers. Applications are sometimes made late and the courts have not always been willing to grant applications in these circumstances. There is no effective system to ensure that the Area or the Witness Care Unit (WCU) is always informed of the outcome of applications, although negotiations have taken place about the use of secure e-mail for this.
- Training has been provided for caseworkers and case progression officers to increase awareness of the requirements of No Witness No Justice (NWNJ). They, in conjunction with the police witness care officers based in the criminal justice units (CJUs), are responsible for keeping witnesses informed about progress in their case, but the absence of dedicated WCUs in the Area means that there is no standard system for doing this.
- There are target dates for information to be supplied to the police criminal justice units for witness warning. The Area say these have been met, but there is no data available to confirm this.
- Applying the Prosecutor's Pledge is included in lawyer objectives, but there is no structured monitoring of compliance either with the Pledge or with general requirements for care of victims and witnesses. The Area relies on feedback from other agencies, in particular Victim Support who provide copies of their own surveys of victim and witness satisfaction. The Area has drawn the attention of external advocates to the Pledge. Feedback from partners suggests that the support given by some prosecutors and caseworkers is very good.

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

- Neither CPS Kent nor the Police service maintain dedicated WCUs and that aspect of NWNJ has largely been abandoned. Although initially CPS witness care officers were attached to five of the nine units set up, the police did not assign full time staff to the process and witness care was added on to existing case administration duties within their CJUs. This proved unsatisfactory because CPS staff were drawn in to police work and gradually they have been withdrawn from the units. Witness care is now provided by the police CJUs and by CPS caseworkers, administrative staff and case progression officers, as an addition to their normal duties and NWNJ funding has been used to support this. There is one CPS witness care officer remaining, at the Gravesend CJU.
- As witness care is added on to other duties for both CPS Kent and police staff, there is a likelihood that the service provided will not be at the level possible when it is provided by dedicated staff because of other competing priorities and it will therefore be much more difficult to achieve the aims of NWNJ.
- Despite this, the final handover review of NWNJ in the Area in September 2006 reported that Kent had been successful in providing an enhanced level of service to victims and witnesses. Major

achievements highlighted by the review included: “a strong commitment to providing an enhanced service to victims and witnesses; multiagency processes that facilitate the provision of information to victims and witnesses; and an effective working relationship with the Witness Service”.

- The review also highlighted a number of high-level issues that needed to be addressed, specifically: the fact that witness care is a CJU function; training and personal development is not focused on the witness care role; inconsistent processes across the area result in differing levels of service; and no ongoing management of risk in domestic violence cases.
- In the review, CPS Kent and the police service were assessed as partially meeting most of the minimum requirements of NWNJ. The provision of information to witnesses at key stages was mostly complied with. However, the single point of contact principle was not consistent throughout the process and initial needs assessments were not routinely made by the police. Full needs assessments were carried out four weeks before the trial date, although this may not give sufficient time for a special measures application to be made if a need is identified at this stage. Only one requirement was fully met, which was to inform witnesses of the outcome of the case where a guilty plea was entered, or the case was dropped, at the first hearing.
- An action plan was produced but little progress has been made in taking it forward and the decision not to continue with dedicated WCUs has made the position less satisfactory. There has been no recent internal assessment of performance against the minimum requirements.
- The Area does not use the witness management system (WMS), a system linked to CMS and which has been provided nationally for WCUs. The police use their own case tracking system, which is not a national standard and a spreadsheet tracker system to record progress and to provide data. Some data is supplied to the LCJB performance officer but is not disseminated.
- The Victim and Witness sub-group of the LCJB is chaired by one of the ACCPs and has a priority to review and strengthen arrangements for the support of victims and witnesses. Monthly performance management meetings set up by this group have had variable effectiveness because of problems with non-attendance of key personnel from other agencies.
- Despite the lack of dedicated WCUs, the Area has met most of the targets for primary measures for witness care. In the year ending March 2007 the Area had improved performance on all its targets relating to cracked and ineffective trials due to witness issues and cracked trials due to guilty pleas. Witness attendance rates have fallen to 83% in November 2006, albeit from a very high baseline of 90.4%. The national average for Areas using the tracker, rather than WMS, to measure this is 88%.
- There is no data on the secondary measures.
- The Victim and Witness sub-group took responsibility for NWNJ in February 2007. Its priority is to strengthen the support provided for victims and witnesses, but it does not necessarily seek to do this through the creation of dedicated WCUs. The Area intends to set up a new project with the police, to review witness care in the county and to ensure that its obligations under the Witness Charter and Victims' Code are met.
- The Area has actively sought to raise awareness amongst staff of the requirements of NWNJ and ran a training course in March 2007 for caseworkers and case progression officers.

9 DELIVERING CHANGE	OPA 2005	OPA 2007	Direction of travel
	Good	Fair	Declined

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

- The quality of Area planning is good and there is a clear sense of what it wants to achieve and how it will go about this. Area business plans (ABP) are clear and include appropriate objectives, including all 15 national objectives and further local priorities. Responsibilities are allocated to senior managers. The ABP is also produced in a summary format for easy comprehension and this is disseminated to staff. Annual Area training days also serve to brief staff on progress against Area objectives.
- The senior management team (SMT) consists of the CCP, ABM, Assistant Chief Crown Prosecutors (ACCPs) and a representative Unit Head. Its monthly meetings occasionally include an item on Review of the ABP and forward planning although examples of minutes seen show that review is largely limited to performance against national and Area numerical targets. Reviews against non-quantitative measures and outcomes are not formalised, taking place mainly in unminuted Area Managers Group (AMG) meetings. AMG meetings, which should be held quarterly, are attended by all Area managers from B1 up to the CCP.
- The ABP is supported by further detailed planning for key priorities such as training and development, as well as project planning. There were no unit plans in 2006-07 or 2007-08 although individual performance development review (PDR) documents for staff on each team were designed to incorporate five identical team priorities, in addition to up to six other personal objectives all linked to the relevant ABP, and providing greater consistency and local ownership. The Area's 2006 Investor in People (IiP) post recognition report identifies a key strength in the ability of Area staff to recognise links between personal and Area objectives. The 2006 staff survey, however, demonstrated that Area staff generally have a slightly less than average understanding of what is expected of them and how this relates to Area objectives and those of the CPS as a whole, with most scores in this section at or below the CPS average.
- Area managers participate in joint planning at LCJB level. During 2006-07 the Area CCP was deputy chair of the Kent Criminal Justice Board (KCJB) and the CPS is represented on all key subgroups. Planning for the delivery of joint initiatives has not always delivered expected benefits. Area risk logs have identified key interagency issues affecting the effectiveness of initiatives such as NWNJ and the Effective Trial Management Programme (ETMP).

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

- Statutory charging was implemented in May 2004 but there is scope for further improvement, particularly in the consistency of gatekeeping and the effective use of resources. The Area is also implementing appointment systems and rationalising coverage arrangements to ensure the effective deployment of its resources. ETMP and the NWNJ initiative have had limited success across the Area, the former with variable effectiveness. The joint working envisaged by the latter

is not effectively in place. Conditional cautioning has been rolled out at two locations and is progressing across the Area. CJS wide plans for implementing Criminal Justice: Simple Speedy Summary (CJSSS) have been jointly developed and implemented under the management of the LCJB at two locations during 2007-08. There is a multiagency local implementation team (LIT) and there are also regular project reports to Area managers but it is too soon to ascertain how successful the implementation of this has been.

- Internally, the key project undertaken during 2006-07 was the relocation of one team to a newly completed co-located site at Medway police station. This is part of a wider Area restructuring exercise which should eventually result in the Area rationalising its team structure from five to three, with a combined caseload of magistrates' courts and Crown Court cases. There is evidence of early engagement with the police, although the lack of clarity about financial implications for CPS Kent has resulted in delay. Summary project reporting systems used early in 2006-07 have improved significantly; in January 2007, the Area introduced delivery assurance reports (DARs) compiled by the Area's temporary Change Manager from feedback received from individual project managers. DARs provide Area managers with a sound basis for control and evaluation of projects. Key SMT managers, the change manager and project managers form the Area's steering group which meets monthly to discuss Area change projects and the change manager routinely attends SMT meetings. The communication of project highlights to staff in newsletters is a regular feature.
- The Area's training plans for 2007-08 have taken account of training needs required for the effective roll out of CJSSS and conditional cautioning. Cross grade joint workshops with the police have also been held to map processes towards interfacing CPS, police and court IT systems.
- The internal review of major change projects are generally informal as are records of improvements made as a result. There are signs that this is changing with a recently instituted joint review of statutory charging systems across the Area. There has also been an early review of the effectiveness of conditional cautioning at one site during 2007-08.
- The Area has clearly identified risks to Area business in its risk logs for 2006-07 and 2007-08. Local issues and other project related risks are also identified. Whilst the risks were largely unchanged over the period, the risks have been systematically reviewed during the course of the year. Project planning incorporates risks identified and these are reviewed at steering group meetings. The monthly DARs also serve to routinely highlight the status of risks and the effectiveness of associated countermeasures.

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

- The Area demonstrates a clear commitment to training and developing its staff. A September 2006 post recognition review of the Area's Investor in People (IiP) status is largely positive of training and development arrangements. A comprehensive training and development plan which supports the ABP is drawn up annually and monitored by the Area's Training Co-ordinator, who has introduced formal training updates to SMT in 2007-08. The Area aims to deliver a high proportion of its training in-house, for cost effectiveness and greater flexibility in delivery. The Area has identified the need to emphasise role development over training in 2007-08 to ensure that staff have the relevant skills.

- Area training plans included a range of direct equality and diversity training opportunities and training logs confirm their occurrence. There are also a number of other training opportunities which incorporated equality and diversity issues such as staff management and recruitment and selection courses. The Area takes steps to ensure, as far as practicable, that there is equality of access to training. This is aided by the high level of in-house provision which means that courses are more locally based, with greater flexibility in delivery times.
- There is a good level of training provision for both legal and administrative staff including a good focus on management training. The results of the 2006 staff survey indicate that staff satisfaction with training opportunities available to them is higher than average and improving. There are similar findings identified in the 2006 IIP post recognition report.
- Training logs for 2006-07 and 2007-08 are maintained up to date and generally include details of the cost of training. This, in addition to more recent training updates to SMT, allows managers to ensure that planned training and inductions are delivered to schedule. The Regional Learning and Development Officer's reports for January and April 2007 confirmed that all relevant staff had attended induction.
- The need for individual training is identified by managers through the performance development and review system and collated to form the basis of Area plans for training in the ensuing year. There is, however, limited evidence of systematic evaluation of the effectiveness of training and development by the Area. Training and development courses and activities are evaluated by participants and a summary evaluation provided.

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

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

- In 2005-06 the Area overspent its non ring-fenced administration costs (NRFAC) budget by 1.5%. In 2006-07 the Area overspend was approximately £72,000, amounting to less than 1.0% of its NRFAC budget. The latter overspend was mainly due to the Area not adequately profiling the late 2006 pay award into its budget in line with the expected 1.0% advised by CPS Headquarters, and the clawback of approximately £16,000 of unearned HCA funding in the last quarter of the year.
- Area wide initiatives aimed at delivering on value for money objectives included the installation of improved IT links at court to ensure more effective use of staff time. Managers have objectives that clearly hold them accountable for achieving value for money. This is a key team objective that is reinforced in individual performance and development review (PDR) documents for managers, but is demonstrated primarily in more effective use and deployment of staff. Otherwise there are limited opportunities for individual managers to achieve value for money objectives as there is little delegation of financial authority to units and teams.
- The Area's non ring-fenced administration budget is generally well managed. The budget is profiled, properly accounted for and monitored at Area level. The centralised management of Area finances emphasises some risks to the Area regarding the limited availability of financial management skills. Previous attempts at providing a summary financial report were discontinued, and reliance placed on detailed monthly management reports (MMRs) which are not effective for monitoring committed expenditure and accruals. There are also verbal updates on headline performance in senior management team (SMT) meetings. Summary financial reports were reintroduced in late 2007.
- Prosecution costs have not been managed as effectively as they might be, with a small overspend in 2005-06 (102.0%) but a significantly larger overspend in 2006-07 (109.7%). In November 2006, following a mid year review and bidding exercise resulting in additional prosecution funds being allocated, the Area forecast a year end underspend outturn. This position was reversed within a month, with an unexpectedly large sum of fees that had not been properly accounted appearing on Area accounts. It is not clear that Area managers have effected any changes since then to ensure that appropriate systems exist for managing and monitoring prosecution costs across the board, although those for monitoring high cost cases appear effective. The Area did not bid for additional funding to reduce its overspend during the last quarter of 2006-07.
- The accuracy of Graduated Fees Scheme (GFS) data entry is subject to some dip sampling. Timeliness of GFS payments against the four month measure is generally better than average, and is improving against the one month measure, albeit with scope for further improvement.

- The Area received additional funding during 2006-07, including awards made towards national initiatives such as implementation of conditional cautioning (£25,000), as well as towards meeting targets for HCA savings and for POCA confiscations. The award of £115,000 for NWNJ was largely deployed towards additional administrative and casework costs incurred by the Area in the absence of effective jointly managed Witness Care Units. There is evidence that the Area appropriately accounted for the expenditure on other national initiatives. POCA performance (in value) improved by 262% over 2005-06.

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

- The restructuring exercise in 2005-06 resulted in the Area having five teams of lawyers with combined Crown Court and magistrates' courts caseloads located across the Area. Salary budgets (and staff) have been allocated to the units based primarily on caseload and case weight and the sharing or movement of resources between units is informed by a weekly Area wide rota of court and charging centre commitments. In June 2007, the Area introduced formal quarterly staff resource reports for consideration by SMT.
- The Area set out to achieve 70% in-house coverage during 2006-07. This target, which falls well short of the annual average deployment, was based on the Area's trend of low in-house coverage in previous years. In order to meet this target, lawyers were required to complete a total of six sessions a week in courts and charging centres during 2006-07, with two days a week spent in case preparation in the office. Unit heads also had a target to attend a maximum of three courts or charging centres a month. The Area exceeded its in-house deployment target in each of the two latter quarters of 2006-07.
- There is a central deployment record against which individual and team targets are monitored on a quarterly basis. In-house deployment increased from 63.1% in 2005-06 to 66.1% during 2006-07, although this still fell far short of the national average of 80.4% and is one of the poorest performances nationally. In 2007-08 lawyers have been set increased deployment expectations of eight sessions (i.e. four days) in courts and charging centres. This is more in line with national practice. The recent charging review and service level agreement have led to the rationalisation of charging centre deployment and should enable the Area to deploy lawyers more effectively in 2007-08.
- Designated caseworkers (DCWs) were expected to achieve six court sessions a week. Following the recruitment of additional DCWs during the year, the Area had 9.5 full time equivalent (FTE) DCWs during 2006-07. Our analysis indicates that they were, on average, deployed in court for three-quarters of their court sessions target (or 2.3 days a week). The Area attributes this shortfall to having completed recruitment whilst still negotiating arrangements for more effective listing with local courts. The Area deployed DCWs in 15.4% of all magistrates' courts sessions during 2006-07, thereby failing to achieve the annual target of 20.0% DCW deployment. This was, however, a 3.0% improvement on the previous year and is above the average level of deployment nationally (14.7%).
- The Area advocacy strategy demonstrates a strong commitment to the CPS vision in relation to the development and deployment of HCAs. The number of sessions covered and level of savings has increased significantly year on year since 2004. Since 2006 the Area has had a team of six in-house lawyers working solely as HCAs, served by a co-ordinator. In 2006-07, the Area strove to

increase HCA deployment by requiring other qualified HCAs to attend at least four plea and case management hearings (PCMH) sessions a year in the Crown Court. The permanent HCAs were also expected to develop from undertaking PCMHs and non-contested work, to undertaking appeals and sentencing hearings.

- The Area exceeded its targeted savings by 11.9% and achieved 6.4% (target 8%) of total GFS costs in 2006-07. In 2005-06 CPS Kent's HCAs undertook trials relating to four defendants as leader or junior. This increased to 12 in 2006-07 but there is much room for improvement in this regard. The 2007-08 HCA Strategy includes good analysis underpinning the Area's aim to further develop other HCAs who occasionally attend Crown Court hearings and to increase the levels of deployment through four month secondments to the HCA team. An audit undertaken by CPS Headquarters in February 2007 was complimentary of the effectiveness of Area recording and monitoring systems.
- Sickness levels show an increasing trend since 2004, with each member of staff having on average 8.7 days of sickness absence (national average 7.5) against a national target of seven days. The proportion of sickness absence attributable to long term absence has also increased commensurately.
- The Area operates the flexible working scheme in accordance with national guidelines, taking account of Area business needs. There is a business based approach to flexible working, with just fewer than 25% of staff working part-time or compressed hours. Requests are considered against business needs. In December 2006, the Area introduced curbs on indefinite arrangements for working non-standard hours, with reviews after six months. The 2007-08 ABP includes an objective to manage non-standard (for example, part-time or compressed hours) working patterns to ensure operational effectiveness is not compromised.

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

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

- A comprehensive matrix showing performance against key targets in all units is provided to all managers. Where targets have been set, the report shows a red/amber/green rating against the data. The Area performance manager also prepares a monthly narrative commentary. Performance is considered at SMT meetings and the Assistant Chief Crown Prosecutor (ACCP) also discusses it with District Crown Prosecutors (DCPs), who in turn report to team meetings and agree actions.
- Monthly reports are prepared for each unit, which set out their performance against the key targets and DCPs are required to comment and indicate what actions are to be taken.
- The Area produces a narrative summary of the quarterly performance report from CPS Headquarters comparing Area and national performance, with comment and explanation, which is provided to all staff.
- There is no system for checking by administrative managers of data entry into CMS, other than a monthly check for anomalies by the Area performance manager. Attention has been drawn in some team meetings to inaccuracy of the entering of finalisation codes and in our reality checks three out of ten cases had the wrong discontinuance codes entered. It has been acknowledged that more robust checks are necessary and staff are required to seek management approval before entering certain codes. The new plan to reduce discontinuance requires DCPs to sign off all unsuccessful outcomes to ensure correct recording.
- The Unit Heads are responsible for performance in their own units, although the present structure, which separates physically, and for line management purposes, caseworkers from lawyers working on the same cases, makes it difficult to establish clear accountabilities. This is being addressed in the restructuring currently planned, which will create three combined units, with Unit Heads clearly leading on all aspects of performance within their units and with external partners.
- Targets for team performance are included within forward job plans and progress is discussed at mid year reviews and at the end of the reporting year.

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

- Senior managers attend a wide range of groups within the criminal justice system. Some focus on performance, whilst others are purely operational. Each unit links to local performance groups, under the auspices of the LCJB. Membership includes the courts and the police, although some groups have not been as effective as they might be because of intermittent nonattendance by other agencies. Generally, however, the minutes indicate that these groups are tackling a range of performance issues and are agreeing actions for improvement.

- PTPM meetings with the police at BCU level consider performance in relation to statutory charging and other joint issues, such as the timeliness and quality of police files. DCPs attend court user groups at the magistrates' courts and Crown Court. Some are largely administrative meetings, whilst others receive reports on performance and consider actions being taken.
- The LCJB has sub-groups on a range of projects and its Action Group, comprising the Chairs of all the sub-groups and other senior managers, receives the monthly performance pack produced by the Board's performance officer. Reports on performance at this level are generally for information, as the local groups are expected to decide on locally focused improvement action.
- The Area supplies PTPM data to the police and other information is shared within the various LCJB sub-groups.
- Area managers participate twice a year in a joint quality assurance exercise on police files. This has been useful in identifying areas for improvement, such as in relation to disclosure and bad character evidence. The Area is considering reintroducing a formal process of measuring the timeliness and quality of police files.

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

- The return rate for casework quality assurance (CQA) forms throughout 2006-07 has averaged 87.8% of the target figure of one per lawyer and DCW per month, which is better than the national average, but below the target of 100%. DCPs also review a sample of MG3 forms and use these, in conjunction with CQA and unsuccessful outcome reports, to assess performance.
- In April 2006, in response to the HMCPSI report on CQA⁹, the Area agreed an action plan to improve the way it uses the system. Some of the actions, but not all, have been implemented.
- In 2006-07 the consolidated results of the CQA analysis implied a good or improving performance. The standard of Code decisions was 97.0%, better than the national average in the last three quarters, whilst case preparation was worse than the national average for the first three quarters of the year, improving to 94.6% in the final quarter. Disclosure, although better than the national average in two quarters of the year, was poorer in the others. The assessment that 96.9% met the standard was more generous than our reality checks would suggest is appropriate. Similarly, the assessment of victim and witness standards which were scored as better than the national average throughout the year, including 100% in both the second and third quarters, does not accord with what we found in our reality checks, particularly in relation to the early assessment of victim and witness needs. This suggests a less than robust approach is being undertaken in this analysis.
- Feedback is given to individuals on the results of assessments and, if any issues of concern arise on a case, the DCP discusses it with them. The CQA findings are not reported to or discussed at SMT, although the return rate is included in the monthly performance pack. The SMT considers that the small sample required for the CQA analysis is insufficient to provide meaningful trend information.

9 A Review of the Crown Prosecution Service Casework Quality Assurance Scheme, published August 2005.

- Routine advocacy monitoring is confined to new lawyers. Otherwise managers rely on feedback from caseworkers or from other agencies, including the Witness Service. If adverse feedback is received, a lawyer will observe the person concerned and, in the case of counsel, the matter would be reported to Chambers. HCAs are subject to informal monitoring by the ACCP with responsibility for the HCA team and feedback is received from the judiciary.

12 LEADERSHIP	OPA 2005	OPA 2007	Direction of travel
	Fair	Fair	Stable

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

- The senior management team (SMT) set out a clear vision for the Area in 2006-07 which reflected that of the CPS nationally. This is documented in the Area Business Plan (ABP) which sets out the objectives for the year, incorporating the Director's vision and values. A summarised copy is given to all staff members. Area managers arranged road shows aimed at disseminating and promoting this; the road shows, each attended by at least one Assistant Chief Crown Prosecutor (ACCP), also served to obtain valuable feedback which accorded with findings from the 2006 staff survey.
- The SMT consisted of the CCP, two ACCPs, and the ABM. Monthly SMT meetings were held in 2006-07 and included at least one representative of the level D Unit Heads (District Crown Prosecutors (DCPs)), as well as the Change Manager. They were rotated between Canterbury and Maidstone to facilitate senior management contact with staff. There were no SMT meetings between January and April 2007.
- A system of publishing key SMT messages within five days of meetings had limited success. Similarly meetings between the ACCP in charge of the operational teams and the DCPs were irregular, with only one held during 2006-07. Since May 2006, one of the ACCPs has managed approximately 80% of the Area's staff and caseload and the meetings appear to have lost priority as a result. The Area Management Group (AMG), which included all Area managers from the CCP to casework and administrative managers, had no clear remit although there is some evidence of forward business planning being discussed at the twice yearly meetings. Its meetings were not minuted, making it difficult to assess the extent of their effectiveness. There have been more recent improvements to the meeting structure during the second quarter of 2007-08, with all team meetings now scheduled 12 months in advance to dovetail with SMT meetings, so that key messages are consistently cascaded in a timely manner. Since August 2007 SMT membership has been expanded to include all six DCPs.
- Quarterly newsletters sent to all staff highlighted Area priorities and activities. Project management controls often included the need for communications with staff on progress and outstanding issues through regular formal channels. The regularity and quality of team meetings during 2006-07 was patchy. There was no consistent trend of ensuring that key management messages were disseminated to all staff. The results of the 2006 staff survey show that Area staff were less satisfied than their colleagues nationally with the regularity (50% compared to 59% nationally) and effectiveness (51% compared to 55% nationally) of team meetings.
- Area training days are held annually, with all staff encouraged to attend subject to existing business commitments. Training days are usually scheduled during court recesses. Staff are also provided with summaries of quarterly resources and performance reports which benchmark Area performance against national averages for the 15 key indicators.

- Senior managers have considerable responsibility for leading or participating in a wide variety of criminal justice initiatives and other interagency groups. There is a comprehensive meeting structure between these groups at local level. At senior levels, the CCP was deputy chair of the Local Criminal Justice Board until April 2007. There are occasional joint management board meetings between senior CPS and police managers, although these appear to have become less relevant as prosecution team performance management (PTPM) meetings have become more effective recently.
- Other criminal justice agencies consider that the Area's senior managers promoted an open and constructive approach to partnership working, and that joint relationships were positive and constructive. However, good relationships at a high level were not always seen to be replicated at an operational level and there was some evidence of progress being hindered as a result.
- There were some good examples of the Area's positive approach and willingness to learn from its challenges, although this was not a consistent practice. The January 2007 review of Area structure took account of previous experiences. There were other examples of learning from the success of other Areas, such as through the recent adoption of rotations for qualified HCAs onto a dedicated HCA team.

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

- In the 2006 staff survey, 49% of staff considered that they felt a sense of personal accomplishment in their roles, below the national average of 58%. There are similar findings in the 2006 liP post recognition report. Senior managers have since taken action to address this issue and greater effort is now made to ensure good performance by staff is acknowledged through various channels, ranging from personal e-mails to staff bulletins. There is also renewed focus on performance incentives, usually small cash bonuses to staff on the recommendation of their line managers.
- The Area's vision is supported by values about working practices that include staff and managers treating each other with respect. In the 2006 staff survey, 56% of respondents considered they were treated with respect, below the national average of 63%. There were a number of instances where managers have needed to tackle inappropriate behaviour robustly and quickly.
- In the 2006 staff survey, 60% of respondents considered the CPS to be an inclusive employer, below the national average of 66%. There have, however been no reported complaints by staff about their treatment by managers and no complaints reported concerning prejudice in the workplace or a lack of inclusivity.
- The national Single Equality Scheme has been adopted by the Area in 2007-08. A range of equality and diversity considerations are incorporated within the ABP and there is also a separate Workforce Diversity Representation (WDR) plan which shows good consideration and use of local demographics, although it is not formally monitored. The Area employed 7.2% black and minority ethnic (BME) staff compared with a county wide population of working age of 4.3%. The level of female staff, at 67.7%, is higher than the local benchmark, and the proportion of people with disabilities, at 2.3%, is lower than within the local population and the CPS average

(4.2%). Staffing, therefore, generally reflects the local community served, save for a few exceptions (for example, people with disabilities and specific ethnic groups) which the WDR plan aims to address. However, the recommendations by the Equality and Diversity Unit in 2006 of providing opportunities for progression through temporary promotion and deputising do not appear to have been formally addressed or implemented.

- The previous CCP held the lead role of equality and diversity champion until her departure in July 2007. The role had thereafter devolved to the ABM and the Area Communications manager.

13 SECURING COMMUNITY CONFIDENCE	OPA 2005	OPA 2007	Direction of travel
	Excellent	Good	Declined

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

- Senior managers are committed to engaging with the community as a means of raising awareness of the role of, and services provided by, the CPS. They pay particular attention to informing minority communities about the CPS.
- The Area Business Plan includes objectives under the broad heading of community confidence, and these are supported by a set of key actions with responsibility assigned to individuals. In 2006-07 the desired outcomes were expressed in general terms, but for 2007-08 they are more specific, with some measurable targets included and focus on black and minority ethnic (BME) communities and domestic violence work. A report on engagement activity is given by the Communications Manager to SMT meetings.
- All staff have reference to community engagement in their personal objectives. For many staff, engagement occurs through their core duties and is with individuals who are already in contact with the criminal justice system (CJS). For example, a receptionist would be expected to contribute in the way calls from members of the public were dealt with. Whilst commendable, this does not extend the range of people with whom staff have contact, nor does it assist the Area in learning more about its communities. For other staff, objectives are more wide ranging, although participation in external events mainly falls to managers, but others have attended court open days and careers fairs.
- Much of the direct contact with communities is by attendance at established community liaison groups set up by the police, such as the Lesbian, Gay, Bisexual and Transgender Group (LGBT) and the Minority Ethnic Consultation Group. The Area's anti social behaviour prosecutor has worked with the Dover Community Safety Partnership and other local groups to raise awareness, and there is regular contact with domestic violence groups, in particular in relation to the establishment of a specialist domestic violence court.
- The Area has data on its demographics, which is supplied to District Crown Prosecutors (DCPs) and there is an awareness of potentially excluded groups. A list of voluntary organisations, provided by the Council for Voluntary Services, is used to obtain names and addresses for possible contact. The local Racial Equality Council has also provided contact names.
- The Area has identified groups at particular risk of exclusion, including the Irish traveller community and recent immigrants and asylum seekers, of whom there are many because of Kent's geographical location. Guidance has been prepared by a Unit Head to assist lawyers in dealing with cases involving travellers.
- BME groups are also identified as being at risk of exclusion and representatives attend meetings of the police community consultative groups as a means of raising awareness about the CJS, with the aim of increasing reporting rates and providing reassurance to communities about the

way they will be treated by the CJS. A proactive approach has been adopted with MAARA (the Medway Action against Racial Attacks group) and the Area has been involved in helping the group in work with schools and in producing a guide to victims of crime.

- In accordance with national policy, the Area is planning to set up a hate crime scrutiny panel which will focus initially on domestic violence cases and input is expected from a wide range of groups, including those representing victims.
- Evaluation of community engagement is limited mainly to the feedback obtained from groups at meetings attended by CPS staff, and the comments of the members of staff attending the meeting as to its effectiveness. Whilst the Area community engagement log has a column for an evaluation rating, it is rarely completed.
- Some operational changes have been made as a result of community engagement activity. For example, a joint protocol on the handling of 'cruising' cases was agreed with the police following discussion at a police LGBT liaison group meeting. The Samaritans have assisted the Area in a rolling programme of training in communication for staff dealing with victims and witnesses. However, the concept of learning from the community, rather than simply providing them with information, has not yet been fully embedded.
- British Crime Survey data shows that in December 2006 37.5% of the local population had confidence in the CJS against 42.3% nationally. Confidence had fallen during the year from 39.6% in June 2006. The LCJB commissioned consultants to examine the reasons for this and the work identified a link with the travelling community and east European immigrants, who are seen as being responsible for much of the low crime in the Area. Recommendations were made, but have not been specifically reflected in the LCJB's Business Plan for 2007-08.
- The Area is proactive in its relationships with the media. The CCP holds media briefings every two months, which are used to update the local press on new policies as well as individual cases. The Area Communications Manager liaises with the police press officers across the county and there are protocols agreed for press and publicity on high profile cases on a case by case basis.

ANNEXES

A PERFORMANCE DATA

Aspect 1: Pre-charge decision-making

	Magistrates' courts cases				Crown Court cases			
	National target March 2007	National performance 2006-07	Area performance		National target March 2007	National performance 2006-07	Area performance	
			2005-06	2006-07			2005-06	2006-07
Discontinuance rate	11.0%	15.7%	16.5%	14.8%	11.0%	13.1%	10.7%	9.8%
Guilty plea rate	52.0%	69.2%	70.1%	70.9%	68.0%	66.5%	58.9%	60.9%
Attrition rate	31.0%	22.0%	22.0%	20.9%	23.0%	22.2%	22.8%	20.0%

	National performance 2006-07	Area performance 2006-07
Charged pre-charge decision cases resulting in a conviction	78.0%	79.1%

Aspect 2: Ensuring successful outcomes in the magistrates' courts

	National performance 2006-07	Area performance 2006-07
Successful outcomes (convictions) as a percentage of completed magistrates' courts cases	84.3%	87.2%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	46.4%
Cracked trial rate	37.3%	32.0%
Ineffective trial rate	18.9%	21.6%
Vacated trial rate	22.5%	22.1%

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

National target	National performance 2006	Area performance 2006
71 days	72 days	82 days

Offences Brought to Justice

	CJS area target 2006-07	CJS area performance 2006-07
Number of offences brought to justice	31,456	37,539

Percentage make up of Offences Brought to Justice	National 2006-07	Criminal justice area 2006-07
Offences taken into consideration (TICs)	8.5%	9.5%
Penalty notices for disorder (PNDs)	10.3%	13.6%
Formal warnings	5.8%	1.8%
Cautions	26.5%	33.3%
Convictions	48.8%	41.9%

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%	78.6%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	53.8%
Cracked trial rate	39.5%	30.0%
Ineffective trial rate	12.4%	16.2%

Proceeds of Crime Act orders	Area target 2006-07	Area performance 2006-07
Value	£1,892,135	£4,089,640
Number	87	72

Aspect 10: Managing resources

	2005-06	2006-07
Non ring-fenced administration costs budget outturn	101.5%	100.9%

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%	15.4%
HCA savings against Area target	100%	138.4%	111.9%
Sickness absence (per employee per year)	7.5 days	8.5 days	8.7 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
40.0%	46.0%	37.5%

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

Police

Kent Police

HM Courts Service

Maidstone Crown Court

North Kent magistrates' courts

Victim Support

Victim Support - Kent

Community Groups

Medway Racial Equality Council

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

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

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